



TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585

6/8/2022 – 3:30 PM

PRESENT: Harold Wyatt, Heide Johnson, Matt Ellis, Peter Fawcett, Byron York

ABSENT: None

STAFF PRESENT: Daniel O’Hara (Town Clerk), Woody Durant (Attorney), Kristal Infinger (Georgetown County Zoning Administrator), Steven Elliot (Georgetown County Building Official) and LaShawna Armstrong (Acting Secretary).

I. DETERMINATION OF A QUORUM – AGENDA

Temporary Chairman Harold Wyatt called the meeting to order at 3:30.

II. ELECTION OF OFFICERS

A. CHAIRMAN

- Harold Wyatt asked for motion to appoint a new chairman, **Matt Ellis motioned to appoint Harold Wyatt as Chairman, Heide Johnson Seconded, all voted in favor.**

B. VICE-CHAIRMAN

- Harold Wyatt asked for a motion appoint a Vice-Chairman, **Matt Ellis motioned to appoint Heide Johnson as Vice-Chairman, all voted in favor.**

III. APPROVAL OF MINUTES

A. 12-03-21 MINUTES

- Harold Wyatt asked if there were any additions or corrections to be made to the previous meeting minutes. **Chairman Wyatt approved the minutes.**

IV. NEW BUSINESS

A. A request from Thomas Baez for a variance to Article 5-4: Provisions for flood hazard reduction, Section 5-4.1 (I): General Standards. This request located at 614 Doyle Avenue in Pawleys Island. Tax Map Number 42-0174-101-00-00. VAR-3-22-30287

- Chairman Wyatt asked Kristal Infinger to present the request to the board. Kristal Infinger stated that the applicant is asking a variance in the allowed base flood elevation for a newly constructed home in an AE flood zone. Kristal continued to say that the South Carolina Residential Code requires the lowest horizontal structural member to constructed one (1) foot above the base flood elevation. FEMA requires the finished floor elevation to meet or exceed the base flood elevation. **The newly constructed home exceeds the Residential Code and FEMA elevation requirements.** The Town of Pawleys Island ordinance requires the construction in an AE flood zone to conform to the requirements of construction in a VE flood zone. The ordinance also states that all new construction and substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member, excluding pylons and columns and located no lower than

the lower than the design flood elevation level. Kristal Infinger stated that Section 5-4.1 (M) *(All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S): 1.Substantial improvement to existing structures located in the AE flood zones and in which the lowest floor is at or above the design flood elevation level, shall not be required to comply with the lowest supporting member elevation cited above. Contradicts Section 5-4.1 (I) (New construction or substantial improvement of any residential building shall have the lowest floor elevated to or above the design flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 5-4.1(K);)* The contradiction is 5-4.1(I) refers to the lowest floor elevated while 5-4.1(M) refers to the lowest supporting horizontal member. **The newly constructed home does not currently meet the requirements of Section 5-4.1(M).** The Town requires the lowest horizontal structural member to be constructed three (3) feet above the base flood elevation. The newly constructed home has an elevation of 16.6 feet, the Town requires a minimum of 17 feet. Three elevation certificates are required for the construction. One to start construction, one during construction and then one at the end before occupancy can be established. The preconstruction and during construction both qualify FEMA and Town requirements. But the final elevation certificate showed that the elevation was lower than the Town's requirements. The surrounding houses are all in compliance with the Town's requirements and the newly constructed house would have to be renovated to meet compliance. **Creating a variance of flood regulations could affect the CRS rating of the Town of Pawleys Island effecting the reduction of premiums that residents currently receive. Town and County Staff agree that this is a unique situation and agree to issue a temporary CO to allow legal occupancy of the home pending the results of the variance hearing.** Peter Fawcett and Hedio Johnson asked a series of questions for clarification regarding the FEMA regulations. This led to a discussion to distinguish the difference between the construction requirements in an AE and VE flood zone. Steven Elliot gave a technical answer to the questions regarding CRS, FEMA regulations, the process of elevation checks and explanation of how the error occurred. After the questions were answered regarding the FEMA requirements Chairman Wyatt asked if there was a direct conflict between sections 5-4.1(I) and (M). Both ordinances state that for new construction and substantial improvement when they both require different heights for the elevation of the building. Byron York asked whether if a variance was granted what would happen to residents' flood insurance plans. Steven stated that he was unsure of how the various agencies might handle the situation. Mayor Brian Henry,

mention that he spoke with a contact for advice from FEMA. The FEMA representative stated that they were unsure of what would happen. But gave a suggestion to send the packet to FEMA and have them review to determine whether there will be a negative impact. Mayor Henry stated that if a decision was made by FEMA that would have a negative impact on property owners there would be time for the town to prevent it from happening and appeal. Steven proceeded to explain various ways to help increase the CRS rating also that the variance in one house might not have a large affect. He stated that upon research he found that most houses on the island are below the town standard. These we all constructed under different requirements that have been grandfathered into their height and therefore do not affect the score. Steven stated that he doubts that one variance in this case would not affect the CRS score as well. He also discovered that Town Hall did not meet the ordinance. Woody Durant ask if the County would extend the CO depending on the results from the board if there was a differ to wait to hear more information. Steven said yes. Thomas Baez's builder stated that there seems to be some confusion in the ordinances that has created a disconnect between the county and the town. He continued to explain that the Mr. Baez has been extremely patience and that the house is not violating FEMA guidelines. He wanted to note that the Town Hall is not in compliance with the ordinance of the town. Chairman Wyatt then clarified with Steven about the AE and VE and their connection to the ordinances. Steven said the town wanted all homes to conform to the VE requirements which relates to 5-4.1 (M) in which the home does not meet the standard. Steven said that the home is still in compliance with the FEMA regulations. Chairman Wyatt asked if anyone had other questions regarding the topic. **Chairman Wyatt asked for a motion to move into executive session. Matt Ellis started a motion to move into executive session. Peter Fawcett seconded the motion. All approved.**

Chairman Wyatt asked for a motion to step out off executive session. Matt Ellis started a motion to step out of executive session, Peter Fawcett seconded the motion. All approved. Chairman Wyatt asked for a motion to approve or disapprove of the variance to the ordinance. Peter Fawcett motioned to grant the variance as requested. Heide Johnson seconded. Peter Fawcett stated that if the board is to issue a variance to the code, then the town will require a letter from the surveyor expressing that it was not intentional to construct a building under the requirements. Another request to be included is for the town to settle the issue of the verbiage of 5-4.1(I) and (M). Due to it being a contradiction and confusing to the reader. **Chairman Wyatt stated that approval of the motion to allow the variance on the following grounds: The required action needed to fix the elevation of the building would create an unnecessary hardship. If granted the variance would not lead to harm to public good or impair the purpose and intent of zoning regulations for the comprehensive plan provided.** Chairman Wyatt asked for any other discussion. No replies. Chairman called it to a vote to approve the variance in the ordinance. **All voted in favor.**

V. OTHER BUSINESS

A. Discussion- Future Meeting Dates

- Kristal expressed the need to establish reoccurring dates for meetings. She stated that a quarterly meeting would be sufficient to the number of applications and requests the town gets. Wednesdays was established as the meeting day every three (3) months.

VI. ADJOURNMENT

- A. Chairman Wyatt Adjourned the meeting at 4:36pm



APPROVED

7-13-22

DATE



ATTEST

7-13-22

DATE

All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S):1. Substantial improvement to existing structures located in the AE flood zones and in which the lowest floor is at or above the design flood elevation level, shall not be required to comply with the lowest supporting member elevation cited above.
