



TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
7-13-2022 – 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), and LaShawna Armstrong (Acting Secretary).

1. DETERMINATION OF A QUORUM – AGENDA

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

2. APPROVAL OF MINUTES

A. 06-08-22 MINUTES

I. Chairman Wyatt approved the minutes with no additions or changes.

3. NEW BUSINESS

A. A request from Evelyn Welborn Lineberger for a variance to Article 3-2.2: Low-Density Residential District (R-1), Section (E): Minimum Required Yards. This request involves the new construction of a single-family dwelling. The residential lot is currently vacant. The property is located at 607 Myrtle Avenue in Pawleys Island. Tax Map Number 42-0174-048-00-00. VAR2022-00022.

I. Chairman Wyatt asked Kristal Infinger to present the request to the board. Kristal stated that the applicant has requested a variance to the front setback requirement and the salt water critical line setback to construct a single-family dwelling. The property was purchased by the applicant in 2016. The current lot is vacant, and the previous home was demolished before 2010. The property is zoned R-1 (Low-Density Residential), which requires a 20-foot front setback and a 10-foot setback from the salt marsh critical line established by OCRM. The lot backs up to an unconstructed area for an extension of Scarborough Avenue which is marshland. A letter from the previous Town Administrator in 2016 stated that the lot was buildable. The applicant is requesting a variance lowering the lot front setback to 10 feet and the rear setback to the salt marsh critical line setback to 0 feet. The current setbacks limit the buildable area of the lot to 50%, per the applicant and the size of the proposed home is underdetermined at this time. But it will have to meet all the requirements of the building and design code enforced by the Town. Kristal stated the following points regarding the lot for the board to consider: There are extraordinary and exceptional conditions pertaining

to the piece of property. Citing an oddly shaped lot and the OCRM survey showed that the marsh had migrated forward on the lot. The conditions of this parcel do not generally apply to the surrounding parcels. Citing other lots surrounding the parcel contains more buildable space. The application of the ordinance would effectively prohibit or unreasonably restrict the use of this parcel. Citing the enforcement of the front and salt marsh critical line setback limits the buildable area by 50%. The authorization of this variance request would not be a substantial detriment to the adjacent property owners or the public good. Citing that the front variance is minimal and the variance to the salt marsh would not encroach on the critical area. Chairman Wyatt asked if the applicant would be able to build all the way to the unconstructed line of Scarborough Ave. Kristal Infinger stated that the critical line would prohibit the construction up to Scarborough Ave. Noting that the critical line has since moved forward since the letter came from Ryan Fabbri in 2016. After a brief clarification of the variance request Chairman Wyatt asked if there was anyone who would like to speak on behalf of the applicant. Jamie Beard the realtor representing the applicant in the sale of the property stated that he has been involved in the process more recently. Jaime stated that when he spoke to OCRM they stated that they had no issue with the construction going up to the critical line. Stating that the home would be on pilings and would not impede the marsh habitat. Jamie mentioned that if granted, the variances requested would not be a disturbance to a neighbor as the lot is surrounded by marsh. Stating that the new critical line has placed an undue hardship on the lot and potential new home. Jamie finished by adding that the front variance would be required for just one corner of the home. The board asked Jamie several questions regarding the request. Jamie went into a further explanation of the unusual circumstances of the lot and the surrounding parcels. The board had no decision or votes from the discussion with Jamie. Byron York questioned Jamie regarding his role in the representation of the owner and ask about the potential purchaser of the property. Jamie stated that the property has been under contract during this waiting period and that the result of the variance would have an impact on the sale of the property. Brian Darr the prospective buyer spoke to the board regarding the buildable area of the lot. Brian stated that with the current constraints he would not be able to build an acceptable house to the Town's standards. Byron asked whether the

Town had granted variances on the front and salt marsh critical line setback in the past. Kristal stated that the Town had granted variances on the front setback but in her three years working with the Town she stated that she had not experienced a variance for the salt marsh critical line. Brian explained to the board that he is wanting to build a home for his family and that his home would not be larger than 3,000 square feet. Matt Ellis asked if the variance was given, and if would they be able to petition OCRM on the critical line survey. The applicant party stated that they were unsure if they would be able petition it. Harold Wyatt asked for a motion to step into the executive session to confer with legal counsel. Heide Johnson started the motion; Peter Fawcett seconded the motion to move into executive session.

II. **Executive Session - S.C. Code 1976, 30-4-70(a)(2)**

- a. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.
 - i. Harold Wyatt requested a motion to step out of the executive session. Heide Johnson made the motion to step out of the executive session. Peter Fawcett seconded the motion. All voted in favor.
 - ii. Chairman Wyatt asked if the applicant would like to share or provide any comments on the matter. Brian Darr the prospective purchaser of the property asked to clarify the variance that Ryan Fabbri had mentioned in the original letter in 2016. Daniel O'Hara stated that the variance Ryan had mentioned in the letter was to the unconstructed Scarborough Ave, not the critical line. Kristal Infinger stated that she never had evidence of that variance or that it was ever granted to the owner of the lot. Harold Wyatt requested a motion to approve or disapprove the variance or defer for more information. Byron York requested to defer the decision for more information. Peter Fawcett seconded the motion to differ. All voted in favor. Kristal

Infinger asked for the board to elaborate on the information they would like to receive. Byron York stated the first request was they would like to see an appeal to OCRM on the critical line. The second request of the board was that they should provide a drawing or schematic of the house on the lot without any variances granted and the size of the home with a variance granted.

4. OTHER BUSINESS

5. ADJOURNMENT


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



APPROVED

10-27-22

DATE



ATTEST

10-27-22

DATE