TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
5-24-2023 – 3:30 pm

PRESENT: Harold Wyatt, Byron York (virtual), Jerry Lieberman

ABSENT: Heide Johnson, Peter Fawcett

STAFF PRESENT: Daniel O'Hara (Town Clerk), Woody Durant (Town Attorney), Daniel Newquist (Town Administrator).

Additional Present: Dan Stacy (Counsel for the Applicant at 118 Atlantic Ave.), Michael Walker (Architect for the Applicant)

1. **CALL TO ORDER**
    A. Chairman Harold Wyatt called the meeting to order at 3:30 pm.
2. **DETERMINATION OF A QUORUM – AGENDA**
    A. Chairman Wyatt confirmed that there is a quorum.
3. **APPROVAL OF 2-23-2023 ZBA Minutes**
    A. **Chairman Harold Wyatt for a motion to approve or amend. Jerry Lieberman made a motion to approve the minutes as presented. Byron York seconded. All voted in favor of approving the 2-23-2023 meeting minutes as presented.**
4. **NEW BUSINESS**
    A. VAR2023-00003: A request for a variance to Article 3-2.2: Low-Density Residential District (R-1), Section (E): Minimum Required Yard. The applicant is requesting a variance to the side yard setback requirements to build a covered walkover connecting an existing home to a proposed new residential addition on an adjacent lot owned by the same property owner. The properties are located at 118 Atlantic Avenue in Pawleys Island with the Tax Map Numbers 42-0159-041-00-00 and 41-0159-041-01-00.
        I. Public Comments
            a. Daniel Newquist acknowledged that staff had received four letters of support from adjacent property owners regarding the proposed changes. He added that they were included in the packet.
            b. Paul Groce: Mr. Groce stated that he was a nearby neighbor and in support of the project.
        II. Staff Report
            a. Daniel Newquist reviewed the application and staff report that was included in the ZBA packet. In the report, he noted that the applicant owns both adjacent lots and would be encroaching on

his property. The proposed addition would meet all FEMA and Town requirements. He also noted that the applicant is awaiting approval from the Board to move forward with the ARB process.

III. Applicant Comments

a. Dan Stacy opened by stating that the applicants Mark and Sally Hawn and Michael Walker was present and would be able to answer any technical questions regarding the structure. He continued to provide that the applicants bought their current home in mid-construction and were displeased with its current layout. The addition would serve as a bonus space for them to have a true master bedroom and entertainment space for guests. Mr. Stacy stated that this is not a novel design for the Island, citing that the Hipp house is connected by a breezeway so this request would not be setting a precedent. He continued to indicate that the applicants have discussed this with their neighbors and that none of them submitted in opposition. He emphasized that the addition and walkway will meet FEMA and Town Flood Hazard requirements. Mr. Stacy also added that if the walkway needed to be removed it could be done and the addition would be free-standing.

IV. ZBA Discussion

a. Jerry Lieberman added he was unaware of the precedent set on the Island. Dan Stacy provided clarification on the location of the home. Woody Durant asked if they were two structures on two separate lots. Dan Stacy noted that he was unsure if they were on two lots but confirmed it was two structures separated by a raised walkway. Byron York asked why the applicant does not combine the two lots to avoid requiring a setback variance. Dan Stacy stated that combining the two lots would limit them to the 4,000-square-foot requirement in the unified development code. He added that they would rather have this variance so that they can add a 2,100-square-foot addition. Byron York expressed his concerns with approving a variance that may result in the creation of a home above the allowable 4,000 square feet. Dan Stacy reiterated that they would be two separate structures connected by a breezeway and not considered as one. Byron York shared his concerns again and stated that it could open the door for a

developer to do the same thing. Mark Hawn stated that it is two structures and that he met with anyone who had a line of sight of the property. He confirmed that all the surrounding neighbors preferred the design to the alternative design options. Mr. Hawn added that at that place on the Island traffic and people incorrectly turning around before the gate causes a lot of congestion. Byron York commented that he had read the letters submitted and agreed that it seemed that all of the letters preferred the current design. He questioned if the proposed new home is expected to be higher than the existing one. Due to changes in flood ordinance requirements, Dan Stacy added that the freeboard requirements have resulted in new homes being taller than most older homes. Mr. Hawn also added that the expected addition could be turned into its freestanding structure at some point and will be designed to do so. He closed by saying that at this time it will be just connected. Harold Wyatt stated that the board is meeting because the side setback variance and the two structures are not what the ZBA granting a variance on. Dan Stacy added that the board could offer a conditional variance on which if the home would have accommodations such as a kitchen, then the variance would revoke. The Zoning Board of Appeals reiterated concerns about maintaining the two separate lots and identifying them as two separate structures. Woody Durant emphasized that the board is present to hear the variance request for the setback to allow the construction of an elevated walkway, and to his knowledge no requests have been made for the proposed addition and it could be required to change.

5. **EXECUTIVE SESSION ~** S.C. Code 1976, 30-4-70(a)(2)

   I. Chairman Wyatt read the following: 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. **Chairman Wyatt asked for a motion to go into the executive session. Jerry Lieberman motioned to go into the executive session. Byron York seconded the motion. All voted in favor.**

B. After the Executive Session, **Chairman Wyatt requested a motion to close the**

executive session and return to the regular meeting. Jerry Lieberman made a motion to close the executive session and return to the regular meeting. Byron York seconded.

6. ZBA DECISION
    A. Clarification was requested by the board on the dimensions of the walkway. Michael Walker clarified that the walkway was about 7.6 ft in width.
    B. Chairman Wyatt then called the Board to vote on VAR2023-00003 **Jerry Lieberman motioned to approve the side yard setback for a 14' x 7.6' walkway as presented. Byron York seconded the motion. Chairman Wyatt and Jerry Lieberman voted to approve. Byron York abstained.**
7. ADJOURNMENT
    A. Chairman Wyatt adjourned the meeting.

11-15-23

APPROVED **DATE**

11-15-23

ATTEST **DATE**