



TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
2-3-2025 – 3:30 pm

PRESENT: Jerry Lieberman, Eileen Boettcher-Patterson, James Blaszczyk, Byron York (Virtual), Peter Fawcett (Virtual)

ABSENT: None

STAFF PRESENT: Corey Higdon (Town Clerk), Daniel Newquist (Town Administrator).

ADDITIONAL PRESENT: Kirkman Finlay (Applicant for 480 Myrtle), Hunter Kennedy (Architect for 480 Myrtle), Dan Stacy (Attorney for 480 Myrtle & 630 Pritchard), Lee Hewitt (Real Estate Agent for 480 Myrtle), Michael Walker (Architect Advisor), Greg Weathers (Town Attorney), Edwin Free and Cynthia Zweber-Free (Applicants for 630 Pritchard), Betsy Smith (Resident)

1. CALL TO ORDER

A. Mrs. Eileen Boettcher-Patterson called the meeting to order at 3:30 pm.

2. DETERMINATION OF A QUORUM – AGENDA

A. Mrs. Boettcher-Patterson confirmed that there is a quorum.

3. PUBLIC COMMENTS

A. 480 Myrtle Avenue

A public comment regarding the variance request at 480 Myrtle Avenue was presented by Betsy Smith over Zoom. Ms. Smith expressed concern over a potential influx of variances if the variance for the proposed subdivision at 480 Myrtle is approved.

Multiple written comments were submitted regarding the variance request at 480 Myrtle Avenue. The comments submitted before the meeting were distributed to each board member and are attached to these meeting minutes.

4. APPROVAL OF 8-21-2024 ZBA Minutes

A. Chair Boettcher-Patterson requested a motion to approve or amend the December 16, 2024 minutes. Jerry Lieberman made a motion to approve the minutes as presented with an amendment to include all attendees in the “additional present” portion. James Blaszczyk seconded. All voted in favor.

5. NEW BUSINESS

A. VAR2024-00007: 480 Myrtle Avenue (Tax Map Number: 42-0172-031-00-00)

Mr. Newquist reintroduced the variance for 480 Myrtle, which was deferred in the previous Zoning Board of Appeals meeting on December 16, 2024. He noted that additional documents were provided by the applicant for the variance, as requested by the Zoning Board. The applicant proposes to subdivide the property

into three lots. The variance, as proposed, seeks relief from Article 3- District Boundaries, Section 3-2.2(E) Minimum Required Yards for the newly created northern and middle lots.

Mr. Newquist updated the Board that the applicant provided a site plan for the proposed subdivision, including the new addition to the existing structure on the lot and the proposed dimensions of the subdivided lots. He elaborated that the subdivision would entail three lots with equal frontage on Myrtle Avenue, at 63.2 feet of frontage. He noted that the existing structure would encroach on the northern lot. In the updated site plan, the encroachment on the northern lot would extend 28 feet and 3 inches into the lot and contains 802 square feet of the existing structure. Mr. Newquist added that the side yard setbacks on the newly created lots would be 10.6 feet. He clarified that the existing structure would not encroach on the southern setback line with the variance. Ms. Boettcher-Patterson questioned how far the existing structure is situated from the southern property line in the proposed subdivision, to which Mr. Newquist noted that the structure sits 16.6 feet from the proposed property line. He explained that the two nonconformities created by the subdivision are the setbacks between the northern and middle lot and the encroachment of the existing structure over the proposed property line.

Dan Stacy, the attorney for the applicants at 480 Myrtle, provided comment on the variance and opened the Board to any questions regarding the subdivision. He explained that the applicant and property owner, Mr. Finlay, is on board with historic preservation on the island and hopes to preserve the existing historic structure with this variance. Mr. Blaszczyk asked how any future projects on the northern lot would be affected by the existing encroachment, to which Mrs. Boettcher-Patterson clarified that the Board discussed including conditions on any future projects on the lot if the variance is granted. Mr. Lieberman questioned if a façade agreement was possible for the property as the Board hopes to preserve the aesthetic of the historic structure, to which Mr. Stacy stated that the applicant is open to a possible agreement. Lee Hewitt, the real estate agent for the applicant, added that considering the amount of money the property owner plans to invest in the property, there are no plans to tear the existing structure down. Mr. York asked if the property owner seeks to add a structure to the northern lot with the existing structure encroaching on the lot, to which Mr. Stacy stated that there are no immediate plans for a new structure, but there is room on the

property if the owner does decide to add a new structure. Mr. Finlay clarified that in the previous meeting, the Board discussed that if any structure was added to the northern lot, there would be a condition to allow the structure to be a max of 2,000 square feet, as well as an agreement to not demolish the existing structure for 10 years, barring any natural event damaging the structure. He noted that he is in agreeance with the proposed condition. Mr. York questioned if there is any precedent in the Town of a variance being granted that draws a property line over an existing structure, to which Mr. Stacy stated that he does not know of any prior examples and that this is a unique scenario.

Mrs. Boettcher-Patterson requested a motion to enter executive session. Mr. Lieberman made a motion to enter executive session. Mr. Blaszczyk seconded. All voted in favor.

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

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.

Mrs. Boettcher-Patterson requested a motion to exit executive session. Mr. Fawcett made a motion to exit executive session. Mr. Lieberman seconded. All voted in favor.

Upon exiting executive session, Mrs. Boettcher Patterson thanked the applicant for responding to all of the Board's requests for additional information regarding the proposed subdivision. She explained that the Board confirmed the following conditions on the variance if it is granted: **no voluntary demolition of the existing structure (Gibbes Cottage) for ten years, the subdivision with lot lines shall be recorded with the Georgetown County tax assessor prior to the building of any structures on any of the lots, any new structure on the northern lot would be restricted to 2,000 square feet or less if the existing structure is still present, and that there shall be no more additional encroachment of Gibbes Cottage into the northern lot beyond the proposed addition in the site plan.**

Mrs. Boettcher-Patterson requested a motion to approve, deny, or defer the variance with the conditions previously outlined. Mr. Lieberman made a motion

to approve the variance with the conditions outlined by the Board. Mr. Blaszczyk seconded. No further discussion. Mrs. Boettcher-Patterson, Mr. Fawcett, Mr. Lieberman, and Mr. Blaszczyk voted in favor. Mr. York opposed.

B. VAR2025-00001 630 Pritchard Street (Tax Map Number: 42-0174-025-00-00)

Mr. Newquist introduced the variance application for 630 Pritchard Street, in which the owners of the property, Edwin Free and Cynthia Zweber-Free, propose to add an addition to the front and east sides of the structure. This variance would grant relief of the existing structure from the setback requirements outlined in Article 3- District Boundaries, Section 3-2.2(E) Minimum Required Yards. Mr. Newquist added the house was built in 1970 and has legal non-conforming setbacks on the front and east sides of the property. He also added that the proposed additional would not extend further towards the front or east property lines.

Mr. Stacy, the attorney for the applicants, introduced Cynthia Zweber-Free and Edwin Free, the owners of the property. Mrs. Zweber-Free explained that her family rented the house on vacations from 2000-2006 and eventually purchased the property in 2017. She added that she had been visiting Pawleys Island for 32 years now. She explained that the house needs additional space to accommodate her growing family. Mr. Stacy elaborated that the Free family does not want to further encroach on the side yard and front yard setback. He also notified the Board that a neighbor reached out with concerns over a potential addition of a second floor to the home, which would block their view of the marsh. Mr. Stacy explained that the Free family agreed to not add a second floor to the home, but would raise the home to conform with flood elevation requirements. Michael Walker, the architect for the property owners, clarified that the house would be lifted 4-4.5 feet to meet these requirements. Mr. Free added that he is content with keeping the house one floor if the variance is granted to allow additional space to the existing floor.

Mr. Stacy explained that there is an existing HVAC unit encroachment over the east property line, which encroaches into Morrison Avenue, a paper street lot that is currently vacant. He added that this HVAC unit would be relocated and the encroachment would be removed with the proposed variance. Mr. Fawcett questioned if the neighbors are content with the variance, to which Mr. Stacy

confirmed that all neighbors were content aside from the previously stated one who had concerns over a second floor being added to the home. He reassured that an agreement was made to not add a second floor if the variance is granted.

Mr. Newquist prefaced his staff report by noting that the applicants have been in good communication with town staff prior to the application to assess options for improving their home. He noted that the existing structure was built in 1970, prior to the Unified Development Code's adoption. He explained that the nonconformities of the structure restrict the property owners from further improving their home. He explained that the side yard setbacks are 10 feet, as determined by the lots width of 60 feet. The house sits approximately 4 feet from the east side yard property line. Mr. Newquist also added that the structure does not meet the design flood elevation requirement, but the proposed project would bring the home in compliance by raising the structure. Mr. Newquist explained that there are not many options for additions on other portions of the property. Mrs. Boettcher-Patterson questioned if the proposed relocation of the staircase would be compliant with the setback requirements, to which Mr. Stacy clarified that the staircase would extend less than 5-feet into the setback, which is the allowable encroachment into the setback based on the Town's ordinances. He further explained the unique situation with the property's adjacent Morrison Avenue parcel, which is a vacant lot. Mr. Lieberman questioned if the Morrison Avenue right-of-way is owned by the Town or State, to which Mr. Weathers explained the complications of the paper road, which is in summary treated the same as an existing road owned by the state. Mr. Newquist lastly clarified that the variance would grant relief from the nonconforming side yard setback for the proposed addition, to which Mr. Lieberman further clarified that the proposed addition would not extend further into the setback, but rather add more additional square feet in the encroachment.

Mrs. Boettcher-Patterson requested a motion to enter executive session. Mr. Lieberman made a motion to enter executive session. Mr. Fawcett seconded. All voted in favor.

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

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.

Mrs. Boettcher-Patterson requested a motion to exit executive session. Mr. Lieberman made a motion to exit executive session. Mr. Blaszczyk seconded. All voted in favor.

Upon exiting executive session, Mrs. Boettcher-Patterson stated that there are no further questions or discussion regarding the variance, and she proceeded to entertain a motion.

Mrs. Boettcher-Patterson requested a motion to approve, deny, or defer the variance as presented. Mr. Lieberman made a motion to approve the variance as presented. Mr. Blaszczyk seconded. No further discussion. All voted in favor.

6. ADJOURNMENT


A. Chair Boettcher-Patterson requested a motion to adjourn the meeting. Mr. Lieberman made a motion to adjourn. Mr. York seconded. All in favor.



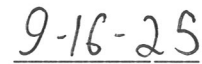
APPROVED



ATTEST



DATE



DATE
