



TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
8-21-2024 – 4:30 pm

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

ABSENT: None

STAFF PRESENT: Corey Higdon (Town Clerk), Daniel Newquist (Town Administrator), Greg Weathers (Town Attorney)

Additional Present: Dan Stacy (attorney for applicant)

1. CALL TO ORDER

A. Mr. Dan Newquist called the meeting to order at 4:30 pm.

2. DETERMINATION OF A QUORUM – AGENDA

A. Mr. Newquist confirmed that there is a quorum.

3. ELECTION OF CHAIR/VICE-CHAIR

A. The Zoning Board of Appeals began by announcing the appointment of Mr. James Blaszczyk to the board to fill the vacant position.

B. Mr. Newquist opened the discussion to the Zoning Board of Appeals to elect a new chair and vice-chair for the board. Mrs. Eileen Boettcher-Patterson expressed interest in the vacant chair position. Mr. Peter Fawcett expressed interest in the vice-chair position.

C. **Mr. Newquist requested a motion to elect Mrs. Boettcher-Patterson as chair and Mr. Fawcett as vice-chair. Mr. Jerry Lieberman made a motion to elect Mrs. Boettcher-Patterson and Mr. Fawcett as chair and vice-chair. Mr. Byron York seconded the motion. All voted in favor. None opposed.**

4. PUBLIC COMMENTS

A. 254 Pearce Street

The first and only in-person inquiry was Mary Boyd who introduced herself as a nearby property owner at 262 Atlantic Avenue. Mrs. Boyd elaborated that herself and several other nearby property owners have similar concerns regarding the proposed variance for 254 Pearce Street. She raised concerns regarding increased traffic due to construction vehicles, the effects to the adjacent beach access to the property, and setback concerns for neighboring properties with the proposed reduction in the rear setback with the re-orientation of the property. She also noted that the property has frontage on Pearce Street, allowing for the current orientation of the property rather than the proposed changes with the variance.

Mrs. Boyd noted that she, along with other nearby property owners, would like to see proposed plans for additions and modifications to the home at 254 Pearce if the variance is approved.

Four written comments were submitted regarding the variance request at 254 Pearce Street. These comments submitted before the meeting were read verbally by Daniel Newquist for three minutes each and are attached to these meeting minutes.

5. APPROVAL OF 4-25-2024 ZBA Minutes

- A. Chair Eileen Boettcher-Patterson requested a motion to approve or amend the April 25, 2024 minutes. Jerry Lieberman made a motion to approve the minutes as presented. Peter Fawcett seconded. All voted in favor.

6. NEW BUSINESS

- A. VAR2024-00005: 254 Pearce St. (Tax Map Number: 42-0163-126-00-00)

Mr. Newquist provided background on this request. He noted that he has met with both the property owner, Mr. Mitchell, and the property's contractor, Mr. Dawson regarding this request. He continued to state that Mr. Mitchell and Mr. Dawson are present at the meeting to elaborate on any proposed plans if a variance is approved. Mr. Newquist added that the applicants intend to propose an addition to the beach-facing side of the house. This proposal could not be administratively approved, leading to the variance request. The applicants requested a variance to the requirements of Article 3-2.2 (E) Minimum Required Yards. The applicant proposed to establish the western side of the lot as the front yard which is in keeping with the structure/lot configuration of the surrounding properties. He continued to state that if the board decides to deny this specific variance request in regards to Article 3-2.2 (E) Minimum Required Yards, there are other avenues that the applicants and the board can take to allow for the proposed addition to be approved.

Mr. Newquist acknowledged the applicant's attorney, Dan Stacy, who then presented comments regarding the applicant's situation and proposals. Mr. Stacy provided background on the lot's history, explaining that 254 Pearce Street used to be a part of one large lot containing several parcels. The frontage of this large lot was on Atlantic Avenue, meaning that at one point 254 Pearce Street had frontage on Atlantic Avenue. He continued to elaborate that in January of 2023, the Town approved a plat for the new property owner's acquisition of the property that still had 254 Pearce Street labeled with setbacks that reflected the lot still having frontage on Atlantic Avenue. However, the lot officially has setbacks

that reflect the lot fronting Pearce Street. Mr. Stacy acknowledged that this lot has unique configurations, much like many of the lots in the Town of Pawleys Island. He also noted that 254 Pearce Street is one of only two properties with frontage on Pearce Street. He closed his statements by acknowledging that the lot's frontage on Pearce Street creates difficulties in effectively building or adding to the home.

Mr. Dawson, the contractor for 254 Pearce Street, presented several details regarding the proposed addition for the property. Mr. Dawson stated that the property owner would like to add a porch addition to the home, and in doing so they would like to minimize the effects to the neighbors' views of the ocean. With the variance, the property owner would extend the front porch out 12-feet towards the ocean. He explained that without the variance, the porch addition would extend out 20-feet, although more narrow, towards the ocean as the current setbacks allow, further altering the neighbors' views of the ocean more than the addition with the variance would. He closed his statements by elaborating on how the property is currently non-compliant without the variance, lowering its property value.

The property owner, Mr. Mitchell, elaborated on the details of how the setbacks will look with and without the variance. With the variance, the front yard will face Atlantic Avenue, the rear yard will face the ocean, and the side yards will face Pearce Street and 266B Atlantic Avenue. All of the setback requirements are met with this orientation, with the house sitting 13.1-feet off the property line on the side yard facing 266B Atlantic. However, without the variance, the front yard would face Pearce Street, the rear yard will face 266B Atlantic, and the side yards will face the ocean and Atlantic Avenue. This configuration creates a nonconformity with the rear yard setback. Mr. Mitchell noted that this nonconformity limits his ability to improve his home due to the Town's 50% substantial improvement regulations.

Mr. York acknowledged that there are several cases on the island of two houses fronting Atlantic Avenue with one on the street side and one on the ocean side. He used neighboring 266 A, B, and C as an example of this occurrence. Mr. York used this example to state that the address does not seem to be an issue in this variance request. Mr. Fawcett added to this statement that he believes the issue presented by the nearby property owners is the fear of the unknown, as the

property owners are unsure of what this variance request would entail in terms of additions to the property. Mr. York questioned how far towards the ocean the property owners could build, to which Mr. Stacy confirmed was to the OCRM critical line. Mr. Fawcett asked if the contractor and property owner have created plans for the proposed addition, to which Mr. Dawson stated that they do not as they are awaiting the decision from the ZBA before creating official plans. Mr. Mitchell added that he is unsure of the exact additions he desires for the house at this time, but his main concern is making sure the house is in full compliance with the Town's ordinances. Mr. Stacy added to the desire for the property owner to be in compliance with the Town's ordinances by elaborating that many properties on the island face challenges with maintaining and improving their homes due to nonconformities, specifically referencing homes with nonconformities due to the zoning code being established later than the date of the home's construction. Mr. Lieberman added concerns over the noise and traffic produced by these additions to the property. Mr. Stacy noted that even without the variance, they could still build the addition. Lastly, Mr. Lieberman questioned why the neighboring property owners were not approached and if there is a deadline for this decision. The property owner stated that in hindsight he wishes he clarified details of the variance with nearby property owners and that he has no set deadline for the variance request. To close the discussion, Mr. Stacy requested to the board for this variance to be deferred at the request of the applicant to get additional information and plans for the concerned neighbors.

B. 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.

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

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

Upon exiting executive session, Mr. Newquist stated that the applicant wishes to withdraw the current variance application. Mr. Lieberman requested additional sketches from the applicant when they meet again with the Zoning Board of

Appeals.

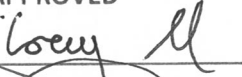
Chair Boettcher-Patterson requested a motion to defer the variance request for 254 Pearce Street to a later meeting. Mr. Lieberman made a motion to defer the variance request. Mr. Fawcett seconded. All voted in favor.

7. ADJOURNMENT

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



APPROVED



ATTEST

9/16/25

DATE

8-21-24

DATE

