TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
12-16-2024 – 3:30 pm

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

ABSENT: None

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

ADDITIONAL PRESENT: Kirkman Finlay, (Applicant for 480 Myrtle Avenue), Lee Hewitt (real estate agent for applicant), Hunter Kennedy (architect for the applicant), Bill Otis (Former Mayor), 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**

    Former Mayor Bill Otis presented the first in-person comment regarding the variance request at 480 Myrtle Avenue. Mr. Otis is a nearby resident and noted that 480 Myrtle Avenue, otherwise known as Gibbes Cottage, is a historic property for the Town of Pawleys Island. He referenced that Gibbes Cottage is a staple Pawleys-look home, noting that there is a picture of Gibbes Cottage in the Town's Architectural Review Board guidelines. Mr. Otis reminded the Zoning Board of a demolition permit that was applied for by the property owner of 480 Myrtle in 2023. He continued to elaborate on how the variance request is an attempt to preserve the home while allowing for the property owner's family's needs. He concluded his comment by stating that he hopes the variance can be approved to preserve Gibbes Cottage for years to come.

    A second public comment regarding the variance request at 480 Myrtle Avenue was presented by Betsy Smith over Zoom. Ms. Smith introduced herself as someone who has visited the property her whole life and highlighted the property's unique qualities and admirable Pawleys-look. She specifically referenced the property's dunes and trees as unique qualities. She stated that dividing the property into three lots raises concerns for her and is not sure how subdividing the property can fit the Pawleys-look, referencing a loss of trees as a specific concern of hers.

    One written comment was submitted regarding the variance request at 480

Myrtle Avenue. This comment submitted before the meeting was distributed to each board member and is 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 August 21, 2024 minutes. Jerry Lieberman made a motion to approve the minutes as presented. James Blaszczyk seconded. All voted in favor.**
5. **NEW BUSINESS**
   A. VAR2024-00007: 480 Myrtle Avenue (Tax Map Number: 42-0172-031-00-00)

Kirkman Finlay, the property owner of 480 Myrtle Avenue, prefaced his comments by stating that he and his family have been visiting the island for 35-40 years and had fallen in love with the property in his time visiting. He continued to state that he wants to preserve the home and property for his kids, noting that he wishes to subdivide the property for his three children to each own a lot in years to come. Mr. Finlay elaborated that his variance request is to allow the current residence to stand as is but on two separate lots with the subdivision. He noted that the subdivision is purely for planning for the future, with no immediate plans for new homes in the coming years. Lastly, Mr. Finlay introduced his real estate agent, Lee Hewitt, and architect for the property, Hunter Kennedy, and welcomed the board for questions regarding the variance.

Mrs. Boettcher-Patterson questioned the applicant about why this variance is being applied for now rather than later. Mr. Hewitt explained that it is due to the value of the lots and reiterated that a goal of Mr. Finlay is to preserve Pawleys Island. Mr. Blaszczyk asked what the exact plans are for the subdivision. Mr. Finlay clarified that he intends to extend the current Gibbes Cottage out a few feet and improve the existing structure, but for his subdivision plans he would need a variance allowing the existing Gibbes Cottage to sit between two lots. This would entail a use agreement between the lots to allow for the structure to cross the lot boundary. He continued to elaborate on his anticipated improvements to the existing Gibbes Cottage, including the use of hardie plank siding to preserve the home's historic look. Mr. Byron York referenced Mr. Otis' former comments regarding the demolition permit from 2023 and requested information on why that permit was applied for. Mr. Finlay explained that he felt discomfort after a nearby new home was constructed and wanted to have the demolition permit on hand just in case that is what he deemed to be the best option. Mr. Lieberman questioned when the house was purchased, to which Mr. Finlay confirmed that the home was purchased in 2020. Mrs. Boettcher-

Patterson expressed concerns about the trees with the addition of new structures on the lots and questioned if the applicant had completed a tree survey for the property, to which Mr. Finlay explained he had not.

Mr. York explained how the existing Gibbes Cottage straddles both the proposed northern and middle subdivisions. He questioned if there would be room to build a house on the northern lot with the limited space considering where the Gibbes Cottage would reside on the lot. The property's architect, Hunter Kennedy, elaborated on the question, stating that the northern lot would have to be a flag lot to fit a house due to setback requirements. Mr. Kennedy also noted that the house on the northern lot would have to be smaller in scale than the other three proposed lots. Mr. York also questioned if two structures can exist on two lots, with the Gibbes Cottage possibly preventing anything from being built on the northern and middle lots. Mr. Finlay explained that attorneys would have to settle an agreement to allow for the two structures on the one lot. Mr. Lieberman questioned if the applicant would be open to a façade easement, to which Mr. Finlay explained that the property is owned by a trust which prevents them from agreeing to easements according to his attorney. Architect Mr. Kennedy closed out the applicants' comments by stating that with the proposed addition to Gibbes Cottage, the total heated square feet would be under 3,000 square feet, making the house still relatively small when compared to other Pawleys homes.

Mr. Newquist presented his staff by first stating that 480 Myrtle Avenue is the largest lot on the island, covering more than 76,000 square feet. He elaborated that due to the lot's square footage and frontage of 190 linear feet on Myrtle Avenue, it meets the criteria for subdivision. A buildable lot in the Town of Pawleys Island must be at least 7,500 square feet and have 50 feet of frontage. He continued to clarify that the existing structure was built in 1939, making it one of the oldest structures in the Town. Mr. Newquist questioned the applicants about how far the proposed kitchen addition would extend out from the existing footprint, to which Mr. Kennedy confirmed would be 6 additional feet. Mr. Newquist noted that historic preservation has been a major emphasis of the Town and that if the variance is denied, the owner can still subdivide the lot as it meets all criteria.

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.

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

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

Upon exiting executive session, Mr. Lieberman proposed that the Zoning Board of Appeals defer the applicants' variance request. He noted that he would like to see the official plat of the subdivision with the proposed additions. He continued to note that if approved, the Zoning Board of Appeals would implement the following conditions on the variance: the structure on the north lot cannot exceed 2,000 square feet, the existing Gibbes Cottage cannot be demolished for at least 10 years, and that the Gibbes Cottage structure cannot exceed 4,000 square feet.

Chair Boettcher-Patterson requested a motion to defer the variance request for 480 Myrtle Avenue to a later meeting. Mr. Lieberman made a motion to defer the variance request. Mr. Fawcett seconded. All voted in favor.

6. **OTHER BUSINESS**

A. Next Meeting Date: The Board decided on February 3rd as the next meeting date.

7. **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.

Erika Boettcher-Patterson

APPROVED

9/16/2025

DATE

Corey Fawcett

ATTEST

2-3-2025

DATE