



TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
9-16-2025 – 3:30 pm

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

ABSENT: None

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

ADDITIONAL PRESENT: John Barton (Applicant for 107 Shell), Lina Marcantoni (Architect for 107 Shell and 574 Myrtle), Jodi Tamsberg (Applicant for 574 Myrtle), Greg Weathers (Town Attorney), Betsy Altman (Neighbor of 107 Shell)

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. 107 Shell Road

A public comment regarding the variance request at 107 Shell Road was presented by Betsy Altman, who owns a neighboring property. Mrs. Altman expressed support for the variance request and proposed elevator addition, indicating that she believes the request creates no additional hardship for the nearby properties.

Multiple written comments were submitted regarding the two variance requests at 107 Shell Road and 574 Myrtle Avenue. These comments submitted before the meeting were distributed to each board member and are attached to these meeting minutes.

4. APPROVAL OF 2-3-2025 ZBA Minutes

A. Chair Boettcher-Patterson requested a motion to approve or amend the February 3, 2025 minutes. Jerry Lieberman made a motion to approve the minutes as presented. James Blaszczyk seconded. All voted in favor.

5. NEW BUSINESS

A. VAR2025-00002: 107 Shell Road (Tax Map Number: 42-0159-020-00-00)

Mr. Newquist introduced the variance request for 107 Shell Road, noting that the applicant wishes to add an elevator to the existing structure. He explained that the addition would require relief from the setback requirements outlined in *Article 3- District Boundaries 3-5.7, Setback Exceptions for Certain Structures*, and the impervious surface requirements outlined in *Article 3- District Boundaries 3-5.8*,

Lot Area Coverage and FAR limits. Mr. Newquist elaborated that the property is very small, which has caused several nonconformities in terms of setbacks and impervious surface coverage. The structure was built in 1950, predating the Town's Unified Development Code. Mr. Newquist introduced John Barton, the applicant and property owner of 107 Shell Road.

Mr. Barton further explained how the size of the lot severely limits options for an elevator addition, with the proposed location of the elevator being the only feasible location on the property. He added that the necessity for an elevator on the structure is due to his wife's ailments, which create hardship for using the steps up to the front door. He noted that the structure is elevated due to flood height requirements, so to enter the home, one has to walk up 19 total steps. Mr. Barton further elaborated that an elevator addition is not a luxury for his wife but rather a necessity. He also explained that due to the impervious surface coverage nonconformity, he plans on replacing his impervious concrete driveway with permeable material if the variance is approved, as the elevator will add an additional 62 sq. ft. of impervious coverage. Byron York raised a question on if the property experiences flooding from King Tides, to which Mr. Barton confirmed that the tide typically does not reach his property. Mr. Blaszczyk asked Mr. Barton if he is a permanent resident, to which Mr. Barton confirmed that he and his wife are permanently living in the residence.

Mr. Newquist presented his staff report for the variance, prefacing that Mr. Barton thoroughly explained the details of the addition. He expanded that due to the lot being just over 2,400 sq. ft. and the existing legal nonconformities on the lot, the proposed location for the elevator is the only logical location. Mr. Newquist detailed the Town's ordinance in regards to setback exceptions for elevators, noting that the ordinance allows up to 5 feet of setback relief for elevators, but no language in the ordinance gives the same exception to elevator landings. He added that he anticipates an influx of elevator inquiries in the next few years, citing an aging population and increasing heights of homes as primary reasons. Mrs. Boettcher-Patterson added that she believes the architect designed the landing as small as possible to accommodate the elevator, minimizing the impact to the property.

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. Blaszczyk made a motion to exit executive session. Mr. Lieberman seconded. All voted in favor.

Upon exiting executive session, Mrs. Boettcher Patterson noted that the board seeks to temporarily defer the official motion on the variance request for 107 Shell Road until after item 5B (574 Myrtle variance request). **Mrs. Boettcher-Patterson requested a motion to defer the decision on 107 Shell Road to after item 5B. Mr. Lieberman motioned to defer the decision. Mr. Blaszczyk seconded the motion. All voted in favor.**

B. VAR2025-00003 574 Myrtle Avenue (Tax Map Number: 42-0174-079-00-00)

Mr. Newquist introduced the variance application for 574 Myrtle Avenue, in which the owner of the property, Jodi Tamsberg, proposes to add an elevator and porch extension to the north side yard of the property. This variance would grant relief of the porch extension from the setback requirements outlined in *Article 3- District Boundaries, Section 3-2.2(E) Minimum Required Yards*. Mr. Newquist introduced Mr. Tamsberg for him to further explain his variance request.

Mr. Tamsberg explained that an option exists for the elevator to be added to the structure without the need for a variance. This would be achieved by orienting the elevator directly into the home rather than extending the porch to accommodate the elevator landing. However, he indicated that extending the front porch out to accommodate the elevator landing helps the elevator seamlessly integrate into the aesthetic of the property. The architect for the project, Ms. Marcantoni, provided two renderings that displayed the two options for the elevator addition. Mr. Tamsberg noted that he and his wife require an elevator at this point, as his wife's knee problems make it difficult to climb the stairs to reach the front door.

Mr. Higdon presented the staff report for the variance request at 574 Myrtle Avenue. He explained that the elevator and porch extension would extend just under 4 ½ ft into the 11 ft. 5 in. north sideyard setback. Mr. Higdon clarified that the elevator would be allowable to extend this distance into the setback per *Article 3- District Boundaries 3-5.7, Setback Exceptions for Certain Structures*, but the porch extension would require a variance to extend any distance into the setback. Moving on, he noted that the house was built in 2001, prior to the inception of the Town's Unified Development Code. The structure complies with all setback requirements, but sits less than a foot from the north and south side yard setback lines. He detailed the dimensions of the proposed addition, stating that the addition would add 81 sq. ft. to the footprint of the structure, with 71 sq. ft. of the addition extending past the setback line. Lastly, he explained that with the structure being situated within a foot of both side yard setback lines, any elevator addition would extend into the setback area. Mr. Higdon stated that although an option exists to move forward without a variance, the proposed porch extension prevents the elevator from impacting the aesthetic of the property.

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. Lieberman made a motion to exit executive session. Mr. Blaszczyk seconded. All voted in favor.

Upon exiting executive session, Mrs. Boettcher-Patterson noted that no decisions were made in Executive Session. She then refocused the discussion to the variance at 107 Shell Road. She noted that there is an urgent medical justification for approving the variance to allow for the elevator addition. She also commended the architect for her design of the elevator.

ITEM 5A (VAR2025-00002 – 107 Shell Road):

Mrs. Boettcher-Patterson requested a motion to approve, deny, or defer the variance for 107 Shell Road. Mr. Lieberman made a motion to approve the variance based on the medical necessity for the elevator, with a condition that the impervious driveway be removed at a minimum the same footprint dimensions of the proposed elevator. Mr. Blaszczyk seconded. No further discussion. All voted in favor.

ITEM 5B (VAR2025-00003 – 574 Myrtle Avenue):

Mrs. Boettcher-Patterson commended the architect for the design of the elevator and porch addition at 574 Myrtle Ave. However, she explained that the variance is only for aesthetic purposes as an option exists to add the elevator without the need for a variance.

Mrs. Boettcher-Patterson requested a motion to approve, deny, or defer the variance for 574 Myrtle Avenue. Mr. Fawcett made a motion to deny the variance as presented. Mr. Lieberman 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

11/5/20

DATE

11-5-20



Daniel Newquist <dnewquist@townofpi.com>

Barton Board of Appeals

Betsy Altman <betsy@pawleysislandrealty.com>
To: Town of Pawleys Island <info@townofpi.com>

Fri, Aug 29, 2025 at 4:57 AM

Good morning Dan-

I received the notice to property owners regarding the Zoning Board of Appeals for the Barton's.

I have no objection to the Barton's application for a variance for their property. I feel this is needed for the owner to access their property for health reasons and I feel the Board should grant this variance. Let me know if you have any questions. I hope to be at the meeting.

Thank you

Betsy

Betsy W. Altman

Owner/Broker

Pawleys Island Realty Company, LLC

"A Low Country Tradition"

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Pawleys Island Realty

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2025 PIR Vacation Brochure



Daniel Newquist <dnewquist@townofpi.com>

107 Shell, Board of Appeals

Rosemary Hunter <rosemaryshunter@gmail.com>
To: Daniel Newquist <dnewquist@townofpi.com>

Mon, Sep 15, 2025 at 6:56 AM

To: Zoning Board of Appeals
Date: 9/14/2025
From: Rosemary Hunter, MD
105 Shell Rd
Subject: 107 Shell Rd appeal
VAR2025-00002: 107 Shell Rd (Tax Map Number: 42-0159-020-00-00)

For 44 years our family has owned the house adjacent to the Bartons' property on the ocean side.

The Bartons are good neighbors and I support their request to add an elevator to their house due to disability. I have always supported modification for disabilities, and am even more acutely aware of the need to remodel for disability since I was recently diagnosed with ALS. Fortunately for me, I put in an elevator years ago.

This is the second variance request of the Bartons on the East side of their property adjacent to me. Some years ago they were granted a setback variance by Georgetown County, to build the current stairs which moved them, I think, to the 7 foot setback reflected in the current plans. As I recall, side yard setbacks were 10' at the time, which I think is my current setback from their property line. They are now asking only for an additional 18 inches. So, if granted, total Eastern variances to this noncomplying structure, on my property line, would be 4 1/2 feet.

I have future plans to remodel the main floor bathroom adjacent to my West property line, which is the focus of this appeal. I need to enlarge it so it will meet my disability needs. I ask the board to consider whether the two variances the Bartons have requested would have any influence should I also need to seek a variance on this same property line. If so, that would be my only opposition to their request. If granting this variance affects my future ability to acquire a variance, I think a fairer resolution would be to negotiate an easement or land purchase privately between us, rather than a variance.

Considering that a year ago we had four feet of water under our houses in this area of the island, I think the permeability argument is moot. I would not favor a resolution requiring the Bartons to replace their concrete driveway with a permeable one.

I plan to attend this meeting remotely to discuss this issue.

Thanks for your consideration.

I plan to attend this meeting remotely to discuss this issue.

Thanks for your consideration.

[Quoted text hidden]

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Rosemary Hunter, MD
rosemaryshunter@gmail.com

I am totally fine with the proposed elevator at the Tamsberg residence at 574 Myrtle Avenue in Pawleys Island

Kathi Cabbage
572 Myrtle Ave