

Board of Zoning Appeals
Minutes
June 10, 2008

I. Call to order

Chairman Guy Taylor called the regular meeting of the Board of Zoning Appeals to order on June 10, 2008 at 5:30PM in the Building Department Conference Room, 1301 Palm Boulevard. Other members present were Suzanne Galloway, Arnold Karig, Mike Layman and Tom Miller also the zoning administrator, Douglas Kerr, was present. Mr. Kerr explained that the meeting was advertised in the paper and the agendas for the meeting posted at City Hall in compliance with the Freedom of Information Act.

II. Approval of Minutes

The next item on the agenda was the review of the minutes of the May 14, 2008 meeting. Mr. Karig made a motion to approve the minutes as written and Mr. Layman seconded the motion. The vote was unanimous in favor of the motion.

III. Variances and Special Exception

Isle of Palms Methodist Church, #12- 21st Avenue

Mr. Kerr explained that the United Methodist Church is proposing to expand their facilities at 21st Avenue by constructing a new fellowship hall with education areas. He explained that the property is in the SR1 zoning district (single-family residential), which allows church facilities as a Special Exception granted by the Board of Zoning Appeals. Additionally, the proposed expansion would exceed the maximum lot coverage requirements and allowable floor area requirements and therefore, the applicant is requesting two variances and a special exception.

Mr. Kerr stated that the first variance is from the maximum enclosed living area limit of 7,000 square feet. The request is to allow a new fellowship hall of 17,856 square feet of enclosed floor area. He added that the second variance is from the maximum lot coverage limit of 7,000 square feet. The applicant is requesting a variance to allow a new fellowship hall with a footprint of 8,928 square feet. All driving and parking surfaces will be of previous materials and therefore will not be calculated into the lot coverage.

Mr. Kerr explained that the applicant has indicated that the property is unique because it is the only property available to the existing church site and that an unnecessary hardship will result if the standards of the ordinance are met, because the church will be prevented from further growth. The applicant claims that the authorization of the variance will not be of substantial detriment to adjacent properties because buffers would be installed according to the

buffer ordinance, the church has been in place for many years and the additions will be in keeping with the present architectural character of the church.

Mr. Kerr added that the plans are still conceptual in nature and have not been through a thorough zoning compliance review and therefore the shape and configuration of the development could change. He explained that the new construction, if authorized, would have to be configured in a way to preserve any oak trees larger than 16 inches in diameter, which he did not believe had been done. He explained that if the designers came across other requirements that they can not comply with, they could come back to the Board to request additional variances.

The group generally discussed the size of the existing trees and Mr. Taylor explained that this was not before the Board at this time.

Mr. Layman explained that the site plan showed dotted property lines and he asked if this property was configured as one large lot or three separate lots. Mr. Kerr explained that it was his understanding that the lot lines had been abandoned and that if it is discovered that they have not yet been abandoned, the owner would be required to abandon the lines to comply with the zoning setbacks and the building code requirements for fire separation at property lines.

Ms. Tedesco, the applicant, added that on the survey she has the property lines are labeled "to be abandoned", but it was not clear if that had been recorded. The Board generally discussed the ramifications of the property lines being in place and Mr. Kerr added that the lines would have to be removed either way in order to eventually be issued building permits. He added that when this request was initially made, he and the applicant looked at the possibility of subdividing the property and developing just one smaller lot, but they found that either way the property was configured, the same two variances would be required.

Ms. Tedesco explained that as she understood the codes, they were intended to apply to residential development and because this was a church, which is allowed by Special Exception, it would not comply with residential standards.

The Board asked the applicant to explain the connecting structure. Ms. Tedesco explained that this was an open walkway with a stairwell and a steeple. It would not be included in the enclosed living area, but it would be counted in the lot coverage.

Mr. Taylor asked if the request was approved as presented, but then the design needed to change to comply with other requirement of the zoning code, if the

applicant would need to come back to the Board. Mr. Kerr answered that it was not his intention to require the applicant to return as long as the buildings are in the same general area and the mass does not exceed what the Board had approved.

After general discussion on the first variance request, Mr. Layman made a motion that was amended to be:

to approve the variance requested by the Board of Trustees of the First United Methodist Church on behalf of the South Carolina Conference of the United Methodist church to allow an increase to the existing enclosed living area of up to 18,000 square feet to permit construction of a new fellowship hall and education building as generally presented in the application on the grounds that: the property is unique in that it is the only property available to the church; that denial of the variance would create a hardship because the church will be prevented from natural growth; that the authorization of the variance will not be of detriment to the adjacent properties because the development will be done according to all other zoning requirements including the buffer ordinance; provided, however, that this approval is contingent on the abandonment of the existing common property lines separating Lots 41 from 42 and Lot 42 from 101.

The amendments were seconded and incorporated into the motion and then the original motion was seconded. The vote was unanimous in favor of the motion.

Mr. Layman made the following motion on the second variance request:

to approve the variance requested by the Board of Trustees of the First United Methodist Church on behalf of the South Carolina Conference of the United Methodist church to allow an increase to the existing lot coverage of up to 9,400 square feet to permit construction of a new fellowship hall, education building and associated connecting structure as generally presented in the application on the grounds that the property is unique in that it is the only property available to the church; that denial of the variance would create a hardship because the church will be prevented from natural growth; that the authorization of the variance will not be of detriment to the adjacent properties because the development will be done according to all other zoning requirements including the buffer ordinance; provided, however, that this approval is contingent on the abandonment of the existing common property lines separating Lots 41 from 42 and Lot 42 from 101.

The motion was seconded and the vote was unanimous in favor of the motion.

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Mr. Layman made a final motion to approve the Special Exception for the expansion of the church as generally shown in the application based on the fact that the request meets the zoning ordinance criteria for a Special Exception. The motion was seconded and the vote was unanimous in favor of the motion.

IV. Adjournment

With no other business, the meeting was adjourned at 6:45pm.