

Board of Zoning Appeals
Minutes
March 1, 2016

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on March 1, 2016 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Pete Doherty, Arnold Karig and Jay Leigh; also Secretary Douglas Kerr was present. Carolyn Holscher and Glen Thornburg were absent.

Mr. Kerr acknowledged that the meeting had been advertised in compliance with State law and the properties had been posted.

II. Nomination and election of Chairman and Vice Chairman

Mr. Leigh made a motion to delay this agenda item until the next meeting to allow for the full group to be present. Mr. Doherty seconded the motion and the vote was unanimous in favor of the motion.

II. Approval of minutes

The next item on the agenda was the review of the minutes of the February 2, 2016 meeting. Mr. Doherty made a motion to approve the minutes and Mr. Leigh seconded the motion. The vote was unanimous in favor of the motion.

III. Variance

Mr. Karig explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony; therefore, any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

625 Carolina Boulevard

Mr. Kerr explained that the applicant was requesting three variances to allow the construction of a new home. The first variance request is to allow the house to project 8'4" into the 20' front yard setback to allow the house to be 11'8" from the front property line. The second variance request is to allow the house to project 2'9" into the 10' side setback to allow the house to be 7'3" from the side property line. The third variance request is to allow the roof of the house to project 3' above the 40' height limit to allow the house to be 43' above the road elevation.

Mr. Kerr explained that in regards to the request for a variance from the height requirement, the applicant claims that the property is exceptional because the topography of the lot is below the natural rise in topography in the middle of the island and a neighbor has built to their maximum height within the view corridor of the subject property. Additionally, many of the

homes in the surrounding area have natural offsets to their neighbors across the street giving corridor views of the ocean and marsh. The applicant claims that because of these conditions, the subject property has drastically reduced views of the ocean and marsh. The applicant claims that the authorization of the variance would not be detrimental to the character of the district because the area of the projection is only 200 square feet and future homes could be designed to not focus on this limited area.

Mr. Kerr stated that in regards to the front and side yard setback requests, the applicant claims that the property is exceptional because it is trapezoidal in shape with one end of the allowable building envelope being only 22' wide. The applicant has stated that the other lots on the street are less affected by the curve in the road and their front and rear property lines are generally parallel to one another. The applicant claims that the owner will suffer an unnecessary hardship because the curve in the front property will require the construction of a difficult to build and expensive faceting of the main façade and the width of the interior will be limited to a size that would not allow for an open living plan, which is what the owner is trying to achieve.

The applicant, Mr. Joel Wenzel, explained that he was the applicant for the owner of the property and that the owner had a growing family of five. He explained that a design that complied with the ordinance would result in rooms that were undersized and this situation was very unusual. He stated that the roadway adjacent to this property has a severe curve that results in the buildable depth of the house being reduced when compared to the neighboring houses. He stated that the variances being requested would allow the front of the house to align with the neighbors instead of being stepped in to follow the curve in the road.

Mr. Doherty asked what size house could be built on the property. Mr. Wenzel answered 2,900 square feet without the variance, but they are proposing a 3,200 square foot home, which requires the variance. Mr. Doherty asked if the request could be reduced by simply straightening out the line between the two property corners and eliminating the convex curve. The applicant answered that it could, but this would still require a variance. Mr. Doherty asked if there was any precedent for a request such as this. Mr. Kerr answered that the Board had not granted such a variance in the past 15 or 20 years and he did not know what had been granted prior to that period.

The owner, Mr. Patel, explained that this house would be for his family and it would not be a rental house or a second home, it would be his family's home.

Mr. Karig stated that in order for a variance to be granted, the application has to meet all four of the criteria in the code and he could see that it met at least two, if not three, of the criteria but he did not believe the request satisfied the requirement of prohibiting the use or unreasonably restricting the use of the property based on the fact that a home can still be built

on the property. He therefore did not see any way that the Board could legally grant the variance.

Mr. Leigh stated that he believed that the lot is very unusual and unique and that before a decision is made he would like to have the full Board present.

Mr. Karig stated that he believed that the application still would not meet the criteria of the code as the owners will be able to construct a reasonable house.

Mr. Leigh made a motion to continue the case until the next meeting to provide the other members with the chance to hear the case. Mr. Doherty seconded the motion. Mr. Kerr stated that he knew that the applicant was pressed for time and they may not want to wait another month. The applicant stated that they would be willing to wait an additional month. The vote was two in favor and one against the motion, Mr. Karig, so the case was continued until the next month.

V. Adjournment

With no other business, the meeting was adjourned at 5:50 PM.