

# Notice of Appeal - Form 1

## Board of Zoning Appeals

Date Filed: 3.11.22 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

### Instructions

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance** or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS** [indicate one]:

- from action of a zoning official as stated on attached Form 2
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Paul and Erin Finnen

Address: 2910 Jasper Blvd

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

Interest: \_\_\_\_\_ Owner(s): X Adjacent Owner(s); Other: \_\_\_\_\_

OWNER(S) [if other than Applicant(s)]: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

[Use reverse side if more space is needed.]

### PROPERTY ADDRESS:

Lot 234-X Block \_\_\_\_\_ Subdivision book 0897 pg. 374

Tax Map No. 529-07-00-081 Plat Book J-50 Page 7

Lot Dimensions: 104 x 210 Area: 21,998

Zoning District: \_\_\_\_\_ Zoning Map Page: \_\_\_\_\_

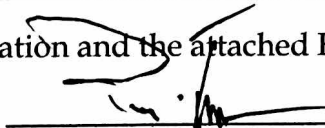
**DESIGNATION OF AGENT** [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 3/11/22

  
\_\_\_\_\_  
Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

Date: 3/11/22

  
\_\_\_\_\_  
Applicant signature(s)

**Variance Application - Form 3**  
**Board of Zoning Appeals**

Date Filed: 3/11/22 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the board of zoning appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the zoning ordinance:

21.23.F(1)

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: single family home  
with reduced rc-2 setback

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the zoning ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by state law and the ordinance are met by the following facts.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: see attached

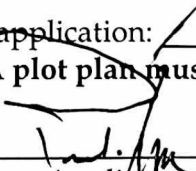
b. These conditions do not generally apply to other property in the vicinity as shown by: see attached

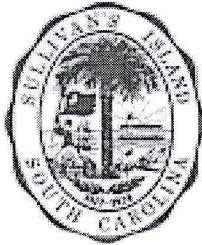
c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: see attached

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: see attached

3. The following documents are submitted in support of this application: \_\_\_\_\_  
[A plot plan must be submitted.]

Date: 3/11/22

  
Applicant signature

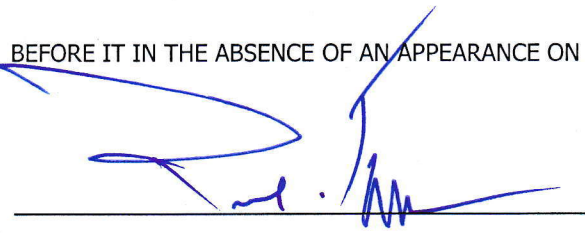


## BOARD OF ZONING APPEALS

IN ACCORDANCE WITH **ZONING ORDINANCE SECTION 21-175,**

I Paul Finnen HAVE SUBMITTED A COMPLETED BOARD OF ZONING APPEALS APPLICATION, FOR THE MEETING DATE OF July 14, 2022, WHICH WILL BE HELD AT SULLIVAN'S ISLAND TOWN HALL LOCATED AT **2056 MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.**

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE RECORD BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.



APPLICANT SIGNATURE

6/2/22

DATE

## **Insert to Variance Application**

2.a. The application of the 30' RC-2 setback requirement as applied to the Property is inappropriate due to the following extraordinary and exceptional conditions: (1) the Property is bounded by highland owned and/or controlled by the Town of Sullivans Island, adjacent to the marsh. The purpose of a setback line, generally, is to create a buffer between buildings or the public right-of way and new construction. Here, a significant buffer already exists between the proposed home and the marsh, in the form of the intermediary parcel, which will not be developed for as long as it is owned and/or controlled by the Town. (2) The setback line, if technically applied to the Property, ignores the significant amount of open space and non-developable property between the proposed residential building and the marsh. (3) If the Applicant held record title to the highland between its platted lot line and the marsh (represented by the OCRM critical line), its allowable build line would be more than 30' closer to the marsh. (4) Other justifications for setbacks, such as privacy, safety, and uniformity, are not present here. The setback variance requested is adjacent to the highland buffer, so the building would be no closer to its neighbors on the sides. Safety would be enhanced by waiving the setback requirement, as the variance would move the residence further away from the public right-of-way. Furthermore, there is no uniform setback line on Jasper Blvd. (5) To allow for Applicant's reasonable use and enjoyment of the Property, and the implementation of plans suitable for the dimensions of the Property and its surrounding areas, the setback requirement should be lifted.

b. Property owners in the vicinity have built far closer to the OCRM critical line than the build line requested by Applicant in this variance application, as shown in the accompanying graphical presentation. For example, 2902 Jasper, 332 Izlar, and 2926 Jasper contain homes built in very close proximity to the marsh. Some of these property owners have confirmed title to the buffer areas claimed by the Town. For example, Applicant is aware of record deeds transferring the Town's interest in these buffer areas to other property owners in the vicinity along Jasper Blvd. The Town has also granted other owners in the vicinity access rights and easements. A summary of the accommodations and rights granted by the Town to property owners is attached to this application, along with a photographic aerial overlay of lot configurations in the vicinity.

c. The 30' RC-2 setback line called for in the ordinance would effectively prohibit and unreasonably restrict the utilization by enforcing a fictional setback next to an existing significant buffer area owned and/or controlled by the Town. Other properties in the vicinity are not similarly restricted. As a result, the conditions pertaining to the property create hardships due to view and breeze restrictions which can be alleviated through a modest variance.

d. The proposed construction of the new residence is consistent with the adjacent and neighboring properties, some of which contain residences far closer to the marsh. Many adjacent properties enjoy docks to nearby creeks. The Town has established a long precedent of granting variances to owners under similar circumstances, and even with weaker cases than the one presented here. Town records memorializing this precedent are enclosed herewith. Neighbors have expressed their support for Applicant's reasonable and conservative plans for their home. No harm will come from the proposed plans, which are in keeping with the character of the neighborhood and the Island, generally.