



BOARD OF ZONING APPEALS

Regular Meeting

Minutes

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Thursday, 13 July 2017

6:00 PM

Council Chambers

This meeting's notice was published in the Post and Courier newspaper.

I. Call to Order

This meeting was called to order by Commissioner Wolf at 6:00 PM.

II. Roll Call

In attendance were Commissioners Heyward, Pinckney, Wolf, Planner/Zoning Administrator Holton and Clerk-Treasurer White. Commissioner Richardson was absent.

III. Invocation/Pledge of Allegiance

Invocation was given by Commissioner Heyward; followed by the Pledge of Allegiance.

IV. Adoption of Agenda

Commissioner Heyward made the motion to adopt the agenda as prepared; Commissioner Wolf seconded and all voted in favor.

V. Public Comments

None

VI. Minutes:

Commissioner Heyward made the motion to adopt the June 15, 2017 minutes as prepared; Commissioner Wolf seconded and all voted in favor.

VII. Old Business:

None

VIII. New Business:

Request for Variance to install a lap pool in the buffer and setback from the OCRM critical line area at TMS #248-04-00-079, 5188 Timber Race Course: Planner/Zoning Administrator Holton explained that the applicant, James W. Shondel Trust is seeking approval for a Variance to build a lap pool in the rear yard OCRM critical line setback and buffer. The specific request is to drop further from 35-feet to 25-feet. He stated that the footprint of the home, with the desired lap pool and deck are shown to encroach into the rear yard buffer and setback and suggested that a smaller pool may be built to be in conformance. Mr. Holton stated there is no hardship, and recommended that the request be denied. Attorney Mary Shahid, representing the applicant, mentioned that there were a couple arguments that she needed to make; one, that it is presumed that a variance is needed, and the other is that there is a basis for the Board of Zoning Appeals and the Zoning Administrator to recognize that a variance is not required because Stono Ferry Plantation is a Planned

Development. With that being said, she stated that there was some flexibility between the approving municipality and the developer. She noted upon her review of the Covenants and Restrictions, it included reference to a Master Plan and the ARB guidelines indicate that the ARB criteria is more stringent than that of the Town of Hollywood's criteria. She said that the applicant relied on this information in concluding that the applicable setback was 25-feet. She asked the Board to consider all factors when making a decision. Evan Brandon, landscape architect, said that his company has been working with the applicant. The pool was designed from guidelines and regulations that dictates the size and shape and the standard lap pool needs to be 75-feet long. Commissioner Heyward asked if a smaller pool would work. He said that a smaller pool would not allow the applicant to gain enough momentum, turn and have stride. Commissioner Wolf asked if the option of a current pool had been looked at. Mr. Brandon said that they have looked at this option but it does not give the applicant the ability to turn and come back (the effect that he is looking for). Commissioner Wolf stated that a pool is an amenity and the Board needs to remain very consistent in how variances are reviewed, approved or denied. She asked if the pools that were shown in the illustrations were dated and mentioned that some were established before the Ordinance was adopted in 2014 and that those are irrelevant. The OCRM lines are in place to protect the waterways, property values and the integrity for everyone. There is no hardship and she believes that there is another way the applicant could have a pool within the current setbacks. Commissioner Wolf made the motion to deny; Commissioner Heyward seconded and all voted to deny.

IX. Adjournment

The meeting was adjourned at 6:25 PM.

**Prepared by:
Tynetta White
Clerk-Treasurer**