



BOARD OF ZONING APPEALS

Regular Meeting

Minutes

6278 Hwy 162 / PO Box 519
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Thursday, 11, August 2016

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 Heyward at 6:03 PM.

II. Roll Call

In attendance were Commissioners Heyward, Pinckney, Planner/Zoning Administrator Holton and Clerk-Treasurer White. Commissioners Richardson and Wolf were 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. Planner/Zoning Administrator Holton seconded the motion and all voted in favor.

V. Public Comments

None

VI. Minutes:

Commissioner Pinckney made the motion of accepting the minutes of the meeting held on April 14, 2016. Planner/Zoning Administrator Holton seconded the motion and all voted in favor.

VII. Old Business:

None

VIII. New Business:

Request for Variance to construct a pool in the setback from the OCRM critical area at TMS #244-00-00-235, 4259 Jacobs Point Court. Frederick Lentz, applicant, stated that he would like permission to install an inground pool, but would have to go into the critical line setback. The area where the pool would go is a wide area which has fencing on one side and the house on the other. There is a marsh front plot and a small crabbing dock that goes out to the first gutter. He has lived there about a year and a half. His family enjoys wading in the area with their dogs but last summer he went out to the gutter during high tide and noticed alligators in there. He spoke with neighbors and was told that there is a serious alligator problem throughout the neighborhood. There is at least one 7 foot alligator that has been noted as sunning in neighbors' yards. A neighbor recently spotted a 4 foot alligator in her garage and was able to get it out without serious incident. With knowledge of this, they no longer swim there, but wish to install a 20x25 foot pool. There is plenty of room in the yard but he would have to cross that critical line in order to do it.

Commissioner Heyward asked if a strict interpretation of the zoning creates an unnecessary hardship, are there extraordinary and exceptional circumstances pertaining to this particular piece of property, do these same conditions exist for other properties in the area or is this property special. Planner/Zoning Administrator Holton responded by saying that there may be properties that have a similar situation where an owner wanted to build beyond the buffer but not into the Stormwater setback so it was a variance requirement for another property. Commissioner Heyward asked if conditions effectively or unreasonably restrict the use of the property and will the variance be a substantial detriment to the adjacent property or to the public good and the character of the area harmed by the granting of the variance. Planner/Zoning Administrator Holton said that the Town has an ordinance that states that when the buffer and setbacks from the OCRM critical line is 50ft, it is within the powers of staff to reduce that to 35ft. That is where the applicant is right now. He made the recommendation to deny the variance to build within the current buffer/setback from the OCRM critical area. Commissioner Heyward made the motion to deny the request; Commissioner Pinckney seconded and all voted to deny.

IX. Adjournment

The meeting was adjourned at 6:15 PM.

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