



# BOARD OF ZONING APPEALS

Regular Meeting

## Minutes

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Thursday, 9 September 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, Richardson, Wolf, Planner/Zoning Administrator Holton and Clerk-Treasurer White.

### **III. Invocation/Pledge of Allegiance**

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

### **IV. Adoption of Agenda**

Commissioner Heyward asked for a motion to adopt the agenda with the deletion of item #3. Commissioner Richardson made the motion to adopt the agenda with the deletion; Commissioner Pinckney seconded 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 August 11, 2016. Commissioner Heyward seconded and all voted in favor.

### **VII. Old Business:**

None

### **VIII. New Business:**

*Request for Variance to construct steps in the side yard building setback at TMS #244-00-00-233, 6094 Jacobs Point Blvd.* Jodi Crosby, the applicant, stated that this lot has been before the Board on two (2) separate occasions. She is requesting a 3 feet relief of the west side yard setback for stairs to encroach. The stairs would be too close to a 27 inch Live Oak tree at the rear of the house. Commissioner Pinckney asked Ms. Crosby where the porch is located on the property. Ms. Crosby explained that porch is located on the backside of the property and showed her where the 27 inch Live Oak tree sits. The steps would come off of the side of the porch. Commissioner Wolf asked Ms. Crosby if there is a house adjacent to the property. Ms. Crosby said that she believes that there is construction going on right now. Commissioner Wolf asked if the owners of the adjacent lot were notified. Ms. Crosby said that she has not notified anyone and asked if the Town sends notices to the surrounding property owners. Commissioner Richardson also asked whose responsibility it is to notify the residents. Planner/Zoning Administrator Holton answered that there have been times where the owners have notified their

neighbors and the Town has also notified owners as well. In this case, the Town has not sent out any notices to property owners. Ms. Crosby stated that the owners live out of state and doubted that they had notified anyone. Commissioner Richardson asked Ms. Crosby how close the steps would be to the marsh. She answered that it would be within the rear setback. Commissioner Wolf asked if the stairs in the original design of the house came down from the porch parallel to the marsh. Ms. Crosby answered that it did and that it was done this way so that it would stay within the rear setback line. She said that the house was designed specifically to preserve the Live Oak trees and asked that the Commissioners consider this request. Commissioner Wolf asked how much of the house was finished. Ms. Crosby said that the foundation is complete and the framing is currently being worked on. Commissioner Wolf made the motion to approve the request; Commissioner Richardson seconded.

*Request for Variance to build 7 ½ feet past (into) the setback/buffer from the OCRM critical area at TMS #242-00-00-058, 4488 Carriage House Lane.* The applicant, Thomas Finucan, was not present for this case but stated with his application that he wished to preserve the Oak trees on the property. The Commissioners discussed the case with Planner/Zoning Administrator Holton. Commissioner Wolf questioned whether the garage could be pre-engineered or redesigned. Commissioner Richardson stated that she was unsure about the property being on wetland. Commissioner Pinckney suggested that this information be verified before approving this request. Planner/Zoning Administrator Holton explained that the front of the property is almost 2 feet higher than the back and has more elevation to it. Commissioner Richardson asked if the Commission could be provided information on whether the property is on wetland before a decision is made. Planning/Zoning Administrator Holton said that it does not matter whether the property is on wetland. Commissioner Wolf stated that there is really nowhere else to build without interfering with the driveway or the trees. If they pushed it south, it would block the front of the house. Commissioner Wolf made the motion to approve the request; Commissioner Pinckney seconded.

## **IX. Adjournment**

The meeting was adjourned at 6:29 PM.

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