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KIAWAH ISLAND BZA MEETING

TOWN OF KIAWAH ISLAND
BOARD OF ZONING APPEALS
MAY 15, 2017

CASE # BZA-04-17-00185
APPLICANT: Paul Freeman, Freeman Landscape
Architecture
PROPERTY OWNER: Kimberly Zupko Smith and David
Scott Smith
PROPERTY LOCATION: 114 Pleasant Valley Drive
TMS #: 264-10-00-012
ZONING DISTRICT: R-1 Residential

CASE # BZA-04-17-00187
APPLICANT: Michael E. Karamus, Architect
PROPERTY OWNER: Mary Erickson
PROPERTY LOCATION: 148 Broomsedge Lane
TMS #: 207-03-00-041
ZONING DISTRICT: Residential (R-2-0) Overlay
Zoning District

DATE: May 15, 2017

TIME: 4:00 p.m.

LOCATION: KIAWAH ISLAND TOWN HALL
KIAWAH ISLAND, SOUTH CAROLINA

REPORTED BY: RUTH L. MOTT, RPR, CRR
CLARK & ASSOCIATES, INC.
P.O. Box 73129
Charleston, SC 29415
843-762-6294
WWW.CLARK-ASSOCIATES.COM

1 A P P E A R A N C E S

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3 BOARD OF ZONING APPEALS MEMBERS (PRESENT):

4 RANDY GILMORE, CHAIRMAN
5 MICHAEL CLAWSON
6 SCOTT PARKER
7 RON HACKER
8 WENDY KULICK
9 CHARLES LARSEN
10 BEN FARABEE

11

COUNSEL PRESENT (BY TELEPHONE):

12

DWAYNE GREEN

13

14 STAFF MEMBERS PRESENT:

15 JOHN TAYLOR
16 BARBARA LOONEY, KIARB

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1 CHAIRMAN GILMORE: Like to call to
2 order the May 15, 2017, meeting of the Town of
3 Kiawah Island Board of Zoning Appeals. The board
4 members who will hear your cases are Charles
5 Larsen, Mike Clawson, Scott Parker, Ron Hacker,
6 Wendy Kulick, Ben Farabee, and myself, Randy
7 Gilmore. The staff that is present today is John
8 Taylor. He's going to make the presentations to
9 us. Mr. Green is our attorney, the attorney for
10 the BZA. He is on the telephone.

11 Our case rulings from this and any BZA
12 meeting are available for public review and
13 inspection during normal business hours at the town
14 hall.

15 At this time I would like to simply
16 explain the workings of the BZA. The Board of
17 Zoning Appeals is a quasi-judicial body established
18 to interpret and grant relief from the zoning
19 ordinance. The Board of Zoning Appeals has
20 jurisdictions over three types of cases: Appeals,
21 variances, and special exceptions.

22 Appeals are heard regarding
23 administrative actions and decisions by the zoning
24 administrator and staff. Variances may be granted
25 when strict application of the zoning ordinance

1 would cause an unnecessary hardship.

2 This board's actions must be based on
3 specific standards as contained in the South
4 Carolina Local Government Planning Establishment
5 Act of 1994 and the Town of Kiawah Island Zoning
6 Ordinance. Special exceptions allow the board to
7 permit use if certain conditions as contained in
8 the zoning ordinance are met.

9 A simple majority vote of the quorum
10 present is required to grant a variance or to
11 overturn a decision of the zoning administrator in
12 an appeal or to grant a special exception.

13 Today's hearing is a public
14 quasi-fact-finding meeting. We are in compliance
15 with the Federal Freedom of Information Act and
16 South Carolina Code 6-29-870. 15 days prior to
17 this hearing an announcement was printed in the
18 Post and Courier, a sign was posted on or near the
19 designated property, and a notice was mailed to the
20 applicant or representative, to residents within
21 300 feet of the application, and to parties of
22 interest. Persons, organizations, and news media
23 that requested declarations of our meeting have
24 also been notified.

25 Because this is a quasi-judicial body,

1 everything said in this meeting must be complete,
2 true, and accurate. All of the information
3 provided to the BZA is considered evidence, and
4 this board may certify contempt of Circuit Court if
5 a false statement or statements are made, either in
6 writing or orally. Because of this, each person
7 who wishes to address the board today will be sworn
8 in. In order to expedite this process, those
9 wishing to speak, please stand as a group. Mr.
10 Green will administer the oath.

11 They are all standing, sir.

12 (Multiple people sworn.)

13 CHAIRMAN GILMORE: I shall now call
14 case BZA-04-17-00185 at 114 Pleasant Valley Drive.
15 John, would you please present the facts of this
16 case.

17 MR. TAYLOR: Thank you. The
18 applicant/property owners, Kimberly Zupko Smith and
19 David Scott Smith, are represented by Paul Freeman
20 of Freeman Landscape Architecture, in requesting a
21 variance for the reduction of required 30 feet rear
22 yard setback for approximately 272 square feet
23 encroachment for a proposed rear pool and deck at
24 the subject property, 114 Pleasant Valley Drive,
25 Kiawah Island, South Carolina, TMS No.

1 264-10-00-012.

2 The subject property is located in the
3 R-1 Residential Zoning District within the
4 Developed Lands of Kiawah Island. The lot is
5 approximately 18,138 square feet in size. Per
6 Charleston County records, the existing residence
7 was constructed in 1986. The adjacent properties
8 to the east and west are located in the R-1
9 Residential Zoning District. The adjacent property
10 to the south is located within the Parks and
11 Recreations Zoning District under the Resort
12 Overlay District. The subject property is under
13 the purview of the Kiawah Island Architectural
14 Review Board.

15 The Town of Kiawah Island Land Use
16 Planning and Zoning Ordinance requires a 25 feet
17 front yard setback, a 15 feet side setback, and a
18 30 feet rear yard setback with an allowed maximum
19 lot coverage of 33 percent for the subject
20 property. The existing structure is legally
21 nonconforming because of the current rear yard
22 setback encroachment. The existing lot coverage
23 for the subject property is 27.7 percent.

24 The ordinance defines setback as a
25 required minimum distance from the lot line or

1 street right-of-way or OCRM critical line that
2 establishes an area within which a structure shall
3 be erected. The ordinance defines rear setback as
4 a setback measured from the rear lot line.

5 The applicant's letter of intent
6 explains, quote, "We recently purchased our home at
7 114 Pleasant Valley Drive on Kiawah. It is our
8 desire to further improve this property by the
9 addition of a swimming pool," end quote.

10 Quote, "The house has existing deck and
11 stairs that have been grandfathered but that
12 encroach into the 30 foot rear setback. We wish to
13 add a pool to this area, using the existing
14 footprint. We will also be removing deck to the
15 right side of the property that currently lies
16 outside the rear setback, thereby minimizing
17 overall total setback encroachment," end quote.

18 The proposed plans include removing
19 approximately 77 square feet of existing rear deck
20 that encroaches the rear setback. The total
21 existing encroachment is approximately 349 square
22 feet, which is to be reduced to approximately 272
23 square feet. The plan reduces the amount of
24 encroachment into the rear setback from
25 approximately 13.75 feet to approximately 12.6

1 feet. The total lot coverage of the proposed plan
2 is 29 percent.

3 The applicant has submitted to the
4 Kiawah Island Architectural Review Board regarding
5 the variance request for the improvements at the
6 subject property. On March 17th, 2017, the Kiawah
7 Island Architectural Review Board has granted
8 approval for the request, stating, quote, "The
9 variance for the pool to be located over the rear
10 setback line as shown on the proposed site plan is
11 approved. This approval is granted due to the pool
12 cavity being located within the existing deck
13 location, the proposed reduction of existing
14 setback encroachments, and the impact to neighbors
15 that would occur if the pool were to be located
16 within the available buildable areas to the side of
17 the home. Given the minimum functionality of the
18 proposed plan, the ARB approves of an additional
19 foot of decking between the rear doors and the pool
20 for greater functionality," end quote.

21 A site visit was conducted on April 18,
22 2017, at which time the following determinations
23 were made regarding the approval criteria, as
24 stated in Chapter 12 of the Town of Kiawah Island
25 Land Use Planning and Zoning Ordinance, Article II,

1 Division 5, Section 12-163.(4), staff findings:
2 The BZA may grant a variance only if exceptional
3 circumstances exist and where practical difficulty
4 or unnecessary hardship is so substantial, serious,
5 and compelling that relaxation of the general
6 restrictions ought to be granted. No variance
7 shall be granted unless the applicant shall show
8 and the BZA shall find that, Section 12-163.(4)a:
9 There are extraordinary and exceptional conditions
10 pertaining to the particular piece of property.

11 Staff response: There may be
12 extraordinary and exceptional conditions pertaining
13 to the property due to the legal nonconforming
14 status of the existing structure that encroaches
15 into the required setback. The existing structure
16 was established in 1986 per Charleston County
17 records. In addition, the applicant's letter of
18 intent states, quote, "The house has existing deck
19 and stairs that have been grandfathered but that
20 encroach into the 30 foot rear setback," end quote.

21 Section 12-163.(4)b: These conditions
22 do not generally apply to other property in the
23 vicinity.

24 Staff response: These conditions are
25 unique to the subject property and may not

1 generally apply to other properties in the
2 vicinity. The subject property is located in the
3 R-1 Residential Zoning District. The adjacent
4 property to the south is located in the Parks and
5 Recreation Zoning District under the Resort Overlay
6 Zoning District. Existing structures in the
7 vicinity may or may not have similar encroachments
8 based on the setback standards.

9 Section 12-163.(4)c: Because of these
10 conditions the application of this ordinance to the
11 particular piece of property would effectively
12 prohibit or unreasonably restrict the utilization
13 of the property.

14 Staff response: The application of
15 this ordinance to the subject property would
16 prohibit the ability to construct the requested
17 rear deck and pool as both the existing structure
18 and proposed modifications are located within the
19 required 30 foot rear setback; however, it does not
20 unreasonably restrict utilization of the property.
21 Per the applicant's letter of intent, quote,
22 "Previously the rules concerning the setback
23 applied to the main structure of the house only,
24 not to decking or stairs. The rules have since
25 been changed such that existing decking and stairs

1 would no longer be allowed," end quote.

2 Section 12-163.(4)d: The authorization
3 of a variance will not be of substantial detriment
4 to adjacent property or to the public good and the
5 character of the zoning district would not be
6 harmed by the granting of the variance.

7 Staff response: The authorization of
8 this variance may not be of substantial detriment
9 to the adjacent properties or the public good.
10 With an existing rear lot setback encroachment the
11 proposed modifications reduce the overall
12 encroachment distance or increase the distance
13 between the rear lot line and the proposed rear
14 deck and pool. The proposed modifications increase
15 the total lot coverage from approximately 27.7
16 percent to 29 percent, still falling under the
17 allowed maximum lot coverage of 33 percent for the
18 subject property. Per the applicant's letter of
19 intent, quote, "This variance would result in the
20 reduction of existing setback encroachment, as well
21 as a reduction in the length of the furthest
22 encroachment. The proposed location of the pool at
23 the rear of the home is the best location to not
24 have adverse effects of neighboring properties.
25 The current 30 foot rear setback and the 15 foot

1 side setback limit the pool's location. If the
2 pool were to be located within the available
3 buildable area to the side of the home, the
4 neighbors would be impacted due to the proximity of
5 the two properties on that side. Putting the pool
6 within the existing encroachment will at least
7 impact only sight and neighbors -- with the least
8 impact on sight and neighbors."

9 Section 12-163.(4)e, the Board of
10 Zoning Appeals shall not grant a variance the
11 effect of which would be to allow the establishment
12 of a use not otherwise permitted in a zoning
13 district, to extend physically a nonconforming use
14 of land, or to change the zoning district
15 boundaries shown on the official zoning map.

16 Staff response: Granting of this
17 variance would not allow the establishment of a use
18 not otherwise permitted in the zoning district,
19 extend physically a nonconforming use of land, or
20 change the zoning district boundaries.

21 Section 12.163.(4)f: The fact that the
22 property may be utilized more profitably should a
23 variance be granted may not be considered grounds
24 for a variance.

25 Staff response: The BZA may not

1 consider profitability when considering this
2 variance request.

3 Section 12-163.(4)g: The need for the
4 variance shall not be the result of the applicant's
5 own actions.

6 Staff response: The need for the
7 variance may be the result of the applicant's own
8 actions. Since the existing residence is a
9 nonconforming structure, the existing structure
10 could be maintained without the need for a
11 variance. However, per the applicant's letter of
12 intent, quote, "We recently purchased our home at
13 114 Pleasant Valley Drive on Kiawah. It is our
14 desire to further improve this property by the
15 addition of a swimming pool," end quote.

16 Section 12-163.(4)h: Granting the
17 variance will not be contrary to the public or
18 neighborhood interest nor will not adversely affect
19 other property in the vicinity, nor interfere with
20 the harmony, spirit, intent and purpose of these
21 regulations.

22 Staff response: Granting of this
23 variance may not be contrary to the public or
24 neighborhood interest, may not adversely affect
25 other property in the vicinity, nor interfere with

1 the harmony, spirit, intent and purpose of these
2 regulations. On March 17th, 2017, the Kiawah
3 Island Architectural Review Board granted approval
4 stating, quote, "The variance for the pool to be
5 located over the rear setback line as shown on the
6 proposed site plan is approved. This approval is
7 granted due to the pool cavity being located within
8 the existing deck location, the proposed reduction
9 of the existing setback encroachment, and the
10 impact to neighbors that would occur if the pool
11 were to be located within the available buildable
12 area to the side of the home," end quote. Per the
13 applicant's letter of intent, quote, "Granting of
14 this variance will not be contrary to the public or
15 neighborhood interest as it reduces the current
16 deck and stair encroachment and keeps the impact to
17 the neighbors to a minimum. We will add additional
18 planting to increase the existing buffer and
19 provide screening of the pool from the golf course
20 and neighboring properties.

21 Section 12.163.(4)i: Granting of this
22 variance does not substantially conflict with the
23 Comprehensive Plan or the purpose of this
24 ordinance.

25 Staff response: Granting of the

1 variance may not substantially conflict with the
2 Comprehensive Plan or the purposes of the ordinance
3 because the request does not exceed the allowed
4 maximum lot coverage of 33 percent. Existing lot
5 coverage is 27.7 percent. The applicant proposes
6 to increase the lot coverage to 29 percent and
7 decrease the total distance from the rear property
8 line.

9 The Board of Zoning Appeals action:
10 The Board of Zoning Appeals may approve, approve
11 with conditions, or deny Case BZA-04-17-00185 at
12 the subject property of 114 Pleasant Valley Drive
13 based on the BZA's findings of fact unless
14 additional information is deemed necessary to make
15 an informed decision. Thank you.

16 CHAIRMAN GILMORE: Questions for Mr.
17 Taylor?

18 MS. KULICK: John, other than the
19 neighbor at 110 Pleasant Valley, you didn't get any
20 feedback from any other neighbors?

21 MR. TAYLOR: No, just that one that you
22 are correct, which is 110.

23 MR. FARABEE: Was there a BZA letter
24 that wasn't included in the packet?

25 MR. TAYLOR: No.

1 MR. FARABEE: There was a BZA letter.

2 MR. TAYLOR: A BZA letter?

3 MR. FARABEE: Yes.

4 CHAIRMAN GILMORE: ARB.

5 MR. FARABEE: I'm sorry, ARB letter.

6 Was there an ARB letter in the packet?

7 MR. TAYLOR: Yes, there is.

8 CHAIRMAN GILMORE: It's on the back of
9 their application.

10 MR. PARKER: It's on the back of this
11 form here.

12 MR. CLAWSON: I have one question. In
13 the material that you have at the beginning it says
14 the setback requirements appendix dated 7/10/2007.
15 Were there no setback requirements on a property in
16 1986? I mean, I don't know this, but was that the
17 first year that we actually had setback
18 requirements?

19 MR. TAYLOR: Well, the setback
20 requirements would have come into play when the
21 ordinance was established, which would be '94.

22 MS. KULICK: After the first
23 development agreement.

24 MR. TAYLOR: After the first
25 development agreement.

1 CHAIRMAN GILMORE: There were no
2 setback requirements prior to.

3 MR. CLAWSON: Before '94.

4 CHAIRMAN GILMORE: So anything that was
5 built prior to '94 we have -- we manufactured a lot
6 of our nonconforming stuff.

7 MR. CLAWSON: Okay.

8 MR. FARABEE: The extra foot that the
9 ARB gave them, is that included in the numbers? It
10 is?

11 MR. FREEMAN: Yes.

12 MR. FARABEE: And also, who enforces --
13 I've asked this question before and never
14 understood who does it. Who enforces the buffering
15 landscaping that goes on these areas?

16 You do. How is that enforced?

17 CHAIRMAN GILMORE: When she talks,
18 let's ask that question of her, okay, rather than
19 now. Okay.

20 MR. FARABEE: I don't care who answers.
21 Do you want to answer it?

22 MR. TAYLOR: I was going to defer you
23 to the ARB.

24 CHAIRMAN GILMORE: John can't answer,
25 so when the ARB takes it, we can ask.

1 MR. FARABEE: Okay. We'll wait.

2 MR. PARKER: Just to make sure that I'm
3 crystal clear in my mind, we could actually build
4 this pool without having to come before this board
5 because as I understand it there is a spot in the
6 buildable envelope that would not require a
7 variance, but that would significantly impact the
8 neighbors on both sides; so what you're asking to
9 do is to minimize the impact while reducing a
10 degree of nonconformance by a slight amount, and
11 that's the reason why we're here. Is that
12 substantively correct?

13 MR. TAYLOR: Correct.

14 MR. LARSEN: It would be the same sized
15 pool, you'd have to push it -- it would be awfully
16 close to the house.

17 MR. PARKER: From what I read here, it
18 actually falls within that envelope, and so they
19 would not have to come and do that.

20 MR. LARSEN: But it doesn't quite.

21 MR. FARABEE: Not quite.

22 MR. LARSEN: You see, on both corners
23 of the pool it does not fall within the envelope.

24 MR. PARKER: No, they're talking about
25 putting it on the side of the house, though, not in

1 back of the house.

2 CHAIRMAN GILMORE: There are other
3 places on the lot they could put the pool.

4 MR. HACKER: Which side of the house
5 were you considering putting the pool?

6 MR. FREEMAN: Where the screen porch
7 is, which would require that to come off.

8 MR. LARSEN: It says, "proposed pool,"
9 I thought that was on the back.

10 CHAIRMAN GILMORE: It is.

11 MR. FREEMAN: It is.

12 MR. PARKER: They wouldn't have to come
13 before us if they put the pool in somewhere else.

14 CHAIRMAN GILMORE: If they put it
15 there, yes.

16 Any other questions for Mr. Taylor?

17 Mr. Freeman?

18 MR. FREEMAN: I don't have anything to
19 add. Pretty straightforward, I think.

20 CHAIRMAN GILMORE: They may have
21 questions for you if you'll please take the mike
22 and introduce yourself, give us your company.

23 MR. FREEMAN: My name is Paul Freeman.
24 My company name is Freeman Landscape Architecture.

25 CHAIRMAN GILMORE: And its address.

1 MR. FREEMAN: It's PO Box, I cannot
2 remember it, 21041, I believe. And as we've
3 discussed, this is a pretty straightforward reuse
4 of an existing nonconforming use, and I think a
5 better use because you won't have the handrails
6 viewed from the golf course. I know aesthetics
7 really isn't part of your purview, but I think
8 it's, in general, less of an impact to the golf
9 course.

10 CHAIRMAN GILMORE: Any questions for
11 Mr. Freeman?

12 Thank you, sir.

13 Ms. ARB, would you like to take the
14 microphone and give us your name and your serial
15 number...

16 MS. LOONEY: My bank account and all
17 that too?

18 Barbara Looney from the Kiawah ARB.
19 I'm going to answer a couple of the questions
20 you've already asked. I'm going to start with the
21 site plan. If you look -- now I've lost my site
22 plan.

23 To clarify where the pool could go on
24 this site plan, there is a photo of the back of the
25 house. This photo, this is the screen porch. It

1 has a deck above it, so that structure would have
2 to be removed for the pool to go in this location,
3 in addition to the existing deck that's in front of
4 it. All that would have to be removed to go in
5 this location. The other location that it could go
6 because the town, you all, limit -- the pool can't
7 go in the front yard or forward of the house, so
8 that the pool could go here; but if you look at
9 this photo, you will see, if you kind of zoom in,
10 if the pool is right there, it's virtually in that
11 neighbor's front yard. So the ARB felt it was best
12 for everybody to keep the pool in the back. That
13 minimizes impact to neighbors on either side. And
14 considering the extent of the encroachment back
15 there, they are reducing what's back there, they're
16 actually reducing it vertically as well because
17 they're removing handrails. It's a win kind of for
18 everyone is how the ARB looks at it.

19 To clarify, prior to the town adoption
20 of the zoning ordinance and the DA agreement the
21 ARB had setbacks, and those have been in force
22 since the Kiawah Island Company established them.
23 It was just part of the unincorporated Charleston
24 County. So at that time the ARB viewed the
25 setbacks for the building differently than the

1 setbacks for a deck. Once we lost a lot of
2 vegetation in Hugo, we realized that that was a bad
3 idea, so that's a little bit of the history of
4 setbacks. That's why you all see so many decks
5 over the setback. They were built legally at that
6 time.

7 So do you all have any other questions
8 for me?

9 MR. FARABEE: Yes, my question.

10 MS. LOONEY: Oh, landscape, yes,
11 landscape, so we have a request in like this, it
12 asks for a landscape request, they need to make
13 what we call a final improvement review, which
14 Paul, being the landscape architect, will turn in a
15 planting plan, a grading plan, he'll have a layout
16 drawing that will show where the tree protection
17 is, where the Porta-Potty's going to go, all that
18 for construction, all that will be reviewed and
19 approved by our landscape coordinator. Once all of
20 that is permitted through the ARB, then they will
21 go out and do -- the contractor will go out and do
22 the work.

23 We require, prior to that landscape
24 going in, Paul will do a walkthrough of that
25 landscape with our landscape coordinator again to

1 verify that during construction, you know, a tree
2 didn't come out additionally, something didn't --
3 you know, no changes needed to be made. At that
4 point Jenn will give Paul final landscape approval,
5 landscape can be installed, and then we do a final
6 inspection to verify everything's there.

7 MR. FARABEE: So the plantings that go
8 in, though, aren't done, you know, 30 seconds after
9 the pool goes in. I'm saying this -- this is an
10 elevated pool.

11 MS. LOONEY: It's only elevated --

12 MR. FARABEE: About 4, 5 feet.

13 MR. LARSEN: More than that even.

14 MR. FARABEE: It's pretty tall off the
15 ground.

16 MS. LOONEY: So all of that landscape
17 has to be done for the ARB to close out the permit
18 for the contractor and refund the homeowner and
19 contractor their deposits.

20 MR. FARABEE: I've just seen others
21 that we've agreed this same thing to that haven't
22 been done. That's all I'm saying.

23 MS. LOONEY: If they look like they
24 haven't been done, it's probably that the ARB has
25 not closed out the permit.

1 MR. FARABEE: Several years I would
2 think it could be handled. I'll talk to you
3 afterwards.

4 MS. LOONEY: Yes, let me know
5 afterwards because they usually close out pretty
6 quickly. People want their money back.

7 MR. LARSEN: Well, on the neighbor at
8 115, which would be the one that would be able to
9 see the pool, the way this is drawn it seems like
10 the landscaping would have to go more than this is
11 showing and more to the -- I guess that's to the
12 north, towards the front of the house.

13 MS. LOONEY: I'm sorry, one more time.

14 CHAIRMAN GILMORE: This is the street
15 elevation.

16 MR. LARSEN: You're standing here, and
17 you're just looking at this house that's right
18 here.

19 CHAIRMAN GILMORE: This is not
20 landscaping. That's tree coverage.

21 MR. LARSEN: It's not much tree
22 coverage is what I'm saying.

23 CHAIRMAN GILMORE: This doesn't have a
24 landscape plan on it.

25 MS. LOONEY: The ARB requires

1 significantly more detail than he's showing here.

2 MR. LARSEN: I'm saying that a lot has
3 to be done to screen it from 115.

4 MS. LOONEY: That being this neighbor
5 on this side.

6 MR. LARSEN: No, the neighbor that's
7 right here.

8 MS. LOONEY: Yes, on this side.

9 MR. FREEMAN: There are two large holly
10 trees which are not on the survey that do a great
11 job of --

12 MR. LARSEN: Nothing is screening where
13 the pool will be now from 115.

14 MR. FREEMAN: There are two large holly
15 trees.

16 MR. LARSEN: Then you need larger ones.

17 MS. LOONEY: Can I interrupt? Sorry.
18 Irregardless of what is there now, the ARB will
19 require that be screened. And if it means that
20 everything back there is new, everything back there
21 will be new, whether it's plantings, palms,
22 whatever. We have two requirements, and Paul knows
23 these. It's not a surprise. You have to screen
24 the foundation. Whether it's a pool foundation or
25 a house foundation, whatever, have to screen the

1 foundation; and you have to screen the property
2 line. If there is added height, added areas of
3 people gathering, we particularly like to see those
4 screened. When we say screening, it is two layers
5 of evergreen buffer I think is the terminology we
6 use. Whatever's there will be supplemented. This
7 is -- this is not what Jenn would accept.

8 MR. FREEMAN: No, it's just a diagram.

9 MS. LOONEY: So what he's showing is
10 just kind of a diagram, but this landscape will be
11 coming in. Normally you all would receive that
12 landscape as part of this one perhaps.

13 CHAIRMAN GILMORE: It's not our
14 purview.

15 MR. LARSEN: It is.

16 CHAIRMAN GILMORE: No.

17 MR. HACKER: Barbara, some of this --
18 we've talked about the landscaping, and there's
19 only so much room on the existing property, and
20 part of it could really go on the neighbor's
21 property too.

22 MS. LOONEY: Over here?

23 MR. HACKER: Yes. I mean, you're
24 getting very close to the lot line.

25 MS. LOONEY: This is the lot line over

1 here right. This is plenty of room to put in two
2 layers of buffer. Now, we do not facilitate or
3 encourage someone to plant on their neighbor's
4 property. If anything, we discourage that. We
5 would facilitate planting on golf course property
6 and facilitate that with the resort to add more
7 back here, but we usually only do that in locations
8 where, let's say the cart path is right here and
9 they're going to have traffic closer than --

10 MR. FREEMAN: There's 15 feet between
11 the property line and that proposed deck. That's a
12 lot of room to plant.

13 MS. LOONEY: This is 15 feet here?

14 MR. HACKER: In other words, you've got
15 15 feet because it looks like the deck is running
16 right at the setback line.

17 MR. FREEMAN: That's the setback line,
18 and you've got an additional 15 feet back.

19 MS. LOONEY: This is the setback line,
20 this line here that you're seeing. This is the
21 property line. This is the corner of the property
22 down here that comes up, so that line beside the
23 deck is the 15 foot side setback, so this is not
24 showing you the full property boundary.

25 CHAIRMAN GILMORE: If you guys are

1 interested in seeing -- there are new planting
2 requirements. Take a look at 8 Surfsong. Deer
3 can't walk through the property now. They just put
4 the plantings in. You can't see anything when
5 you're inside the property.

6 MR. FARABEE: I've got one that I can
7 see --

8 CHAIRMAN GILMORE: I'm just saying, go
9 take a look at 8 Surfsong, and you'll see what the
10 new screening requirements are.

11 MS. LOONEY: That one was -- that
12 project came in and was granted a variance at the
13 ARB and you all granted that project a variance and
14 part of all of that was that landscape.

15 CHAIRMAN GILMORE: I know. I
16 understand. Deer can't walk across that property
17 now.

18 MR. FARABEE: Well, they haven't been
19 at it long enough. Soon the deer will be able to
20 get at it. I can't chase them out of my front
21 yard.

22 MS. LOONEY: Do you all have any other
23 questions?

24 CHAIRMAN GILMORE: Thank you.

25 Does board have any questions for

1 anyone?

2 That being said, I will close this
3 hearing.

4 MR. LARSEN: I do have some comments,
5 sorry.

6 CHAIRMAN GILMORE: Okay.

7 MR. LARSEN: And I don't know if this
8 is ARB or the architect or the owner or whomever,
9 but on both properties we saw today there are no
10 markings, and there was nothing out there. At
11 least on the next one we're going to be seeing it
12 was drawn out in five different colors so you could
13 see exactly what was what.

14 MS. LOONEY: You mean the stakeout?

15 MR. LARSEN: Yes. There was nothing on
16 either property.

17 MS. LOONEY: That's not a requirement
18 of us. I always thought that was you all's
19 requirement.

20 MR. LARSEN: I just wanted to let
21 someone know there was nothing done and the
22 pictures --

23 MR. TAYLOR: It's part of the
24 applicant's responsibility to let the Town sort of
25 put that process into play.

1 MR. LARSEN: Do we tell the applicant.

2 MR. FREEMAN: This was my first BZA
3 meeting, so I'm unaware. We were not told to.

4 MR. LARSEN: Someone at the ARB should
5 tell the applicant to put out tape or something so
6 we can see.

7 MR. TAYLOR: Was the other property
8 staked?

9 MR. PARKER: No. They both required
10 you to use your imagination.

11 MS. LOONEY: I don't mind telling an
12 applicant that's going to BZA as a courtesy, but I
13 really don't want to be responsible.

14 CHAIRMAN GILMORE: Town's responsible.

15 MR. PARKER: I don't have any
16 compunction about walking out there with my tape
17 measure, though, I'll just tell you that, because
18 that's what I did for this property.

19 MR. LARSEN: But you weren't there to
20 help me.

21 MR. PARKER: I know.

22 CHAIRMAN GILMORE: All right. Any
23 further comments?

24 All right. This hearing is closed. I
25 ask the board for a motion.

1 MR. GREEN: I'll move that there are
2 exceptional circumstances for -- moving for
3 approval. There are exceptional circumstances, the
4 age of the property, the dates prior to the
5 establishment of the setback requirements, and the
6 practical difficulty that there would be in moving
7 that pool to a location on that property that would
8 have more serious problems with neighbors than with
9 where it's proposed in this proposal.

10 MR. PARKER: I second.

11 CHAIRMAN GILMORE: Discussion?

12 No discussion?

13 Call the question, all in favor of the
14 motion say aye, please.

15 (All respond.)

16 CHAIRMAN GILMORE: Those opposed?

17 (No response.)

18 CHAIRMAN GILMORE: Unanimous. Thank
19 you.

20 All right. At this time I'd like to
21 begin our discussion of our second request for the
22 day. John, do you want to start that for us?

23 MR. TAYLOR: Case No. BZA-04-17-00187,
24 the applicant, Michael E. Karamus, is representing
25 the property owner, Mary Erickson, in requesting a

1 variance for the reduction of the required 30 feet
2 rear yard setback for approximately 178 square feet
3 encroachment for a proposed reconfiguration of rear
4 deck and stairs at the subject property, 148
5 Broomsedge Lane, Kiawah Island, TMS No.
6 207-03-00-041.

7 The subject property is located in the
8 R-2-0 Residential Overlay District within the
9 Developed Lands of Kiawah Island. The lot is
10 approximately 7,501.8 square feet in size. Per
11 Charleston County records, the existing residence
12 was constructed in 1989. Properties to the south
13 of the subject property are also located in the
14 R-2-0 Residential Overlay Zoning District. The
15 adjacent property to the east is located in the R-1
16 Residential Zoning District and is currently
17 vacant. The adjacent property to the north is
18 located within the Parks and Recreation Zoning
19 District under the Resort Overlay District. An
20 existing 10 foot access easement runs the extent of
21 the western diagonal boundary of the subject
22 property. The subject property is under the
23 purview of the Kiawah Island Architectural Review
24 Board.

25 The Town of Kiawah Island Land Use

1 Planning and Zoning Ordinance requires a 20 feet
2 front yard setback, 3 feet side setback, 7 feet
3 side setback, and 30 feet rear yard setback with an
4 allowed maximum lot coverage of 50 percent for the
5 subject property. The existing structure is
6 legally nonconforming with the current rear yard
7 setback encroachment. The existing lot coverage
8 for the subject property is 43.1 percent.

9 The ordinance defines setback as a
10 required minimum distance from the lot line or
11 street right-of-way or OCRM critical line that
12 establishes an area within which the structure
13 shall be erected. The ordinance defines rear
14 setback as a setback measured from the rear lot
15 line.

16 The applicant's letter of intent
17 explains, "We would like to add an area of new
18 decking and a new rear access stair. We will also
19 be removing a nonconforming deck, stair area, and
20 walkway from the property. The issue is the fact
21 that under the current setbacks the proposed deck
22 and stair reconfiguration is over the current rear
23 yard setback."

24 The proposed plans will remove
25 approximately 159.6 square feet of the existing

1 rear deck and walkway and replace approximately 20
2 square feet of the existing stair and add
3 approximately 158 square feet of new deck and
4 stair. The total proposed lot coverage is 43.6
5 percent.

6 The applicant has submitted to the
7 Kiawah Island Architectural Review Board regarding
8 the variance request for the deck improvements at
9 the subject property. On December 15, 2016, the
10 Kiawah Island Architectural Review Board has
11 granted conditional approval for the variance
12 request, stating, quote, "The variance to locate
13 the new deck addition along the rear of the house,
14 within the rear setback, is approved, given the
15 unusual lot configuration and the existing house
16 location, with the following conditions: The
17 existing stone walkway to the golf course cart path
18 at the rear of the home and the path to the asphalt
19 trail from the front stairs should be removed as
20 part of this improvement. The existing rear stairs
21 should be removed from the rear setback area. The
22 new proposed stairs, while located within the
23 setback, must be further from the property line and
24 in a smaller footprint than the existing stairs.
25 Please note in the site plan the areas and depths

1 of the areas within the setback to be removed and
2 those to be added. Additional landscape plantings
3 should be provided between the new deck/stair and
4 the property line to provide buffer to the cart
5 path," end quote.

6 A site visit was conducted on April
7 18th, 2017, at which time the following
8 determinations were made regarding the approval
9 criteria for variances as stated in Chapter 12 of
10 the Town of Kiawah Island's Land Use Planning and
11 Zoning Ordinance, Article II, Division 5, Section
12 12-163.(4), staff findings: The BZA may grant a
13 variance only if exceptional circumstances exist,
14 and where practical difficulty or unnecessary
15 hardship is so substantial, serious, and compelling
16 that relaxation of the general restrictions ought
17 to be granted. No variance shall be granted unless
18 the applicant shall show and the BZA shall find
19 that, criteria one, Section 12-163.(4)a: There are
20 extraordinary and exceptional conditions pertaining
21 to the particular piece of property.

22 Staff response: There may be
23 extraordinary and exceptional conditions pertaining
24 to the property due to the irregular triangular
25 shape of the lot, the required setbacks, and the

1 legal nonconformance status of the existing
2 structure that encroaches into the required
3 setback. The existing structure was established in
4 1989 per Charleston County records. In addition,
5 the applicant's letter of intent states, quote,
6 "When these homes were originally built a long time
7 ago, they were built prior to the enforcement of
8 the setbacks. There was no regard to any setbacks
9 during planning and construction. Virtually no
10 lots are alike. They each have their own nuances,"
11 end quote.

12 Section 12-163.(4)b: These conditions
13 do not generally apply to other property in the
14 vicinity.

15 Staff response: These conditions are
16 unique to the subject property and may not
17 generally apply to other properties in the
18 vicinity. The subject property is located in the
19 R-2-0 residential overlay district. The adjacent
20 property to the east is located in the R-1
21 Residential Zoning District, and the adjacent
22 property to the rear is located in the Parks and
23 Recreation Zoning District under the Resort Overlay
24 Zoning District. The subject property's triangular
25 lot shape is approximately 171.8 feet in length

1 along the western diagonal lot line, approximately
2 109.1 feet in width at the rear lot line, and
3 approximately 134.6 feet along the east lot line.
4 Existing structures in the vicinity may or may not
5 have similar encroachments based on current
6 setbacks standards. There is an existing 10 feet
7 easement that runs from the entrance driveway to
8 the rear of the property along the western diagonal
9 lot line. Per the applicant's letter of intent,
10 quote, "This home is unique in that it has been
11 constructed behind a couple of large trees on a
12 triangular shaped lots. They are not technically
13 grand trees but are substantial nonetheless. By
14 working around these trees the home was set back
15 further on the lot. There are not any homes in the
16 area with a similar type of construction," end
17 quote.

18 Section 12-163.(4)c: Because of these
19 conditions, the application of this ordinance to
20 the particular piece of property would effectively
21 prohibit or unreasonably restrict the utilization
22 of the property.

23 Staff response: The application of
24 this ordinance to the subject property would
25 prohibit the construction of the requested rear

1 deck and stair modification as both the existing
2 structure and proposed modifications are located
3 within the required 30 feet rear setback; however,
4 it does not unreasonably restrict the utilization
5 of the property. Per the applicant's letter of
6 intent, quote, "The application of the zoning
7 ordinance in these existing conditions would result
8 in the inability to reconfigure the deck and
9 stairs. There is no space, given the current
10 setbacks, to allow for a deck and stair
11 reconfiguration," end quote.

12 Section 12-163.(4)d: The authorization
13 of a variance will not be of substantial detriment
14 to adjacent property or to the public good, and the
15 character of the zoning district will not be harmed
16 by the granting of the variance.

17 Staff response: The authorization of
18 this variance may not be of substantial detriment
19 to the adjacent properties or the public good.
20 With an existing rear lot setback encroachment, the
21 proposed modifications are adjacent to the Cougar
22 Point Golf Course, including a golf cart path and
23 mature vegetation. The proposed modifications
24 increase the total lot coverage by approximately 32
25 square feet, still falling under the allowed

1 maximum lot coverage of 50 percent for the subject
2 property. Per the applicant's letter of intent,
3 quote, "Since the encroachment is the rear yard
4 only, which abuts an existing golf hole, the
5 neighboring properties would not be affected by the
6 granting of the variance. The rear of the proposed
7 and existing decks of this alteration will be
8 screened with a natural vegetation buffer to be
9 approved by the Kiawah Island Architectural Review
10 Board as part of their variance approval.

11 Section 12-163.(4)e: The Board of
12 Zoning Appeals shall not grant a variance the
13 effect of which would be to allow the establishment
14 of a use not otherwise permitted in a zoning
15 district, to extend physically a nonconforming use
16 of land, or to change the zoning district
17 boundaries shown on the official zoning map.

18 Staff response: Granting of the
19 variance would not allow the establishment of a use
20 not otherwise permitted in this zoning district,
21 extend physically a nonconforming use of land, or
22 change the zoning district boundaries.

23 Section 12-163.(4)f: The fact that the
24 property may be utilized more profitably should a
25 variance be granted may not be considered grounds

1 for a variance.

2 Staff response: The BZA may not
3 consider profitability when considering this
4 variance request. Per the applicant's letter of
5 intent, quote, "The granting of the variance would
6 not result in any additional profitable utilization
7 of the property. It would allow for a better use
8 of the property owner by the new owner."

9 Section 12-163.(4)g: The need for the
10 variance shall not be the result of the applicant's
11 own actions.

12 Staff response: The need for the
13 variance may be the result of the applicant's own
14 actions. Since the existing residence is a
15 nonconforming structure, the existing structure
16 could be maintained without the need for a
17 variance. However, per the applicant's letter of
18 intent, quote, "There's been no work done by the
19 current owner that has resulted in the need for the
20 requested variance. The structure is as it was
21 constructed originally. In fact, the owner is
22 planning on removing some nonconforming parts of
23 the structure that are closer to the golf course
24 than our proposed construction. This will help
25 offset the variance request in a more direct manner

1 with regards to additional landscape bufferings
2 which will be required by the ARB to neighboring
3 property owners," end quote.

4 Section 12-163.(4)h: Granting the
5 variance would not be contrary to the public or
6 neighborhood interests, nor will it adversely
7 affect other property in the vicinity, nor
8 interfere with the harmony, spirit, intent and
9 purpose of these regulations.

10 Staff response: Granting of this
11 variance may not be contrary to the public or
12 neighborhood interest, may not adversely affect
13 other properties in the vicinity, nor interfere
14 with the harmony, spirit, intent, and purpose of
15 these regulations. On December 15, 2016, the
16 Kiawah Island Architectural Review Board granted
17 conditional approval for the variance request,
18 quote, "to locate the new deck addition along the
19 rear of the house within the rear setback, given
20 the unusual lot configuration and existing house
21 location," end quote. Per the applicant's letter
22 of intent, quote, "The granting of the variance
23 would enhance the neighboring properties as the
24 addition of a better landscape buffer between the
25 golf hole and the reconfigured deck. Also, the

1 most extensive area of existing deck encroachment
2 is to be removed as a part of this work which will
3 help minimize the impact that our new deck and
4 stairs will have on the golf hole and neighboring
5 homes," end quote.

6 Section 12-163.(4)i: Granting of the
7 variance does not substantially conflict with the
8 Comprehensive Plan or the purposes of this
9 ordinance.

10 Staff response: Granting of the
11 variance may not substantially conflict with the
12 Comprehensive Plan or the purposes of the
13 ordinance. The applicant's proposed plans do not
14 impact the maximum lot coverage allowance as the
15 change in total lot coverage falls under the
16 allowed maximum lot coverage for the subject
17 property. The proposed plan reduces the rear
18 setback encroachment and increases the total
19 distance from the rear property line from
20 approximately 7.8 feet to 14.4 feet. Per the
21 applicant's letter of intent, quote, "This variance
22 would not create conflict with the plan or
23 ordinance for the area. We are simply trying to
24 enhance the property for the good of the owner and
25 the neighborhood but are constrained by the fact

1 that when this structure was built current setbacks
2 were not in place and/or adhered to by the original
3 contractor," end quote.

4 Board of Zoning Appeals action: The
5 BZA may approve, approve with conditions, or deny
6 Case No. BZA-04-17-00187, a variance request for
7 the reduction of the required 30 feet rear yard
8 setback for approximately 178 square feet
9 encroachment for a proposed reconfiguration of rear
10 deck and stairs at the subject property, 148
11 Broomsedge Lane, TMS 207-03-00-041, based on the
12 BZA's findings of fact, unless additional
13 information is deemed necessary to make an informed
14 decision.

15 CHAIRMAN GILMORE: Does the board have
16 any questions for Mr. Taylor?

17 MS. KULICK: Nothing from the neighbors
18 and nothing from the resort.

19 MR. TAYLOR: No, ma'am.

20 CHAIRMAN GILMORE: Any further
21 questions?

22 Thank you.

23 Mr. Karamus, would you like to address
24 the board?

25 MR. KARAMUS: Yes, sir. Michael

1 Karamus, architect, PO Box 22026, Charleston,
2 29413.

3 Basically what we're looking to do is
4 take off the stairs that stick out off the back of
5 the house, create a little bit more deck in line
6 with the existing deck, and run stairs down
7 adjacent, next to the house, which are screened by
8 the patio wall on the right-hand side. So,
9 basically, from either side we're cutting the deck
10 back, and that's what would be seen from either
11 neighbor. And the stairs get pulled back even
12 further closer to the house. That's what we're
13 looking to do.

14 MR. FARABEE: At the foot of the
15 stairway is there anything planned like presently
16 exists at the walkway from --

17 MR. KARAMUS: No, it will just probably
18 be pine straw.

19 MR. FARABEE: Okay.

20 MR. KARAMUS: And, yes, the walkway
21 that's on the property and off the property out to
22 the cart path, yes, that's all coming off.

23 CHAIRMAN GILMORE: Any further
24 questions?

25 MR. HACKER: Just a curiosity, is this

1 part of another -- part of a renovation inside the
2 house that's going with this?

3 MR. KARAMUS: Well, there's going to be
4 an addition on the front, but that's going to be
5 within the setbacks, but we haven't started that
6 yet.

7 MR. LARSEN: And are you held to 50
8 percent when you do that, just out of curiosity.

9 MR. KARAMUS: Yes. Basically what
10 we're going to do is cover the driveway so there's
11 going to be very little net increase in lot
12 coverage, if any.

13 MR. LARSEN: You didn't do 149 also.

14 MR. KARAMUS: Yes, I did.

15 MR. LARSEN: I think that turned out
16 great.

17 MR. KARAMUS: Yes, it did. Thank you.
18 And actually this current neighbor was the most
19 vocal at that meeting.

20 MR. LARSEN: And you can't see it from
21 his house.

22 MR. KARAMUS: No.

23 MR. LARSEN: Okay.

24 CHAIRMAN GILMORE: But that got you
25 this job.

1 MR. KARAMUS: Yes.

2 CHAIRMAN GILMORE: Thank you, Mr.
3 Karamus.

4 MR. LARSEN: Have they kissed and made
5 up?

6 MR. KARAMUS: Yes, they have, actually.

7 MR. LARSEN: Thank you.

8 CHAIRMAN GILMORE: Thank you Barbara.

9 MS. LOONEY: Barbara Looney, Kiawah
10 ARB.

11 You did notice correctly. I had been
12 in contact with Mary during --

13 That's 149, right, next door is 149?

14 MR. KARAMUS: Yes.

15 MS. LOONEY: During the review and BZA,
16 you might recall, the two neighbors came in. Mrs.
17 Erickson was one of those two neighbors. She was
18 very concerned. We were in contact during the
19 initial permitting portion. Last fall she
20 contacted me again saying how much she liked it and
21 now she wanted to do work on her house. And so I
22 went out to meet with her, and one of the first
23 things I noticed is there were some what we call
24 nonconforming things on her house. Both at the
25 front entry stair and the back stair there's paved

1 paths. At the front her front entry connects to
2 the bike path, and at the back it's, as you all
3 saw, the stone to the golf course. When you all
4 went to visit, the golf course was under some
5 renovations. When I went to visit, I surprised a
6 foursome up there on the T boxes. So we definitely
7 think anything we could do to pull the built back
8 from that property line and give the golf course a
9 little bit more buffer and also put in some
10 landscape. There was also a light -- she had put a
11 light on the tree. The tree's not even on her
12 property, so that's going to come off. But it's a
13 chance to do some improvement on the property. The
14 deck extension, if I remember correctly, it's --
15 the deck extends in front of the living room --
16 there's a room there --

17 MR. KARAMUS: A dinette, yes.

18 MS. LOONEY: -- with windows that looks
19 out to the golf course, so she's extending past
20 that, and then the stair's going to go down, so we
21 look forward to it. Hope you all do too. Any
22 other questions?

23 CHAIRMAN GILMORE: No. Thank you.

24 Members have any comments before we
25 close this?

1 Okay. With that being said, this
2 hearing is closed, and I'll ask the board for a
3 recommendation, please.

4 MR. LARSEN: I'll move that the
5 variance be granted because the size and shape of
6 this lot is truly unusual.

7 MS. KULICK: Second that.

8 MR. HACKER: Second.

9 CHAIRMAN GILMORE: Any comments?

10 No comments. Call the question. Those
11 in favor say aye.

12 (All respond.)

13 CHAIRMAN GILMORE: Opposed?

14 (No response.)

15 CHAIRMAN GILMORE: Approved. Thank
16 you.

17 (Hearing concluded at 4:54 p.m.)

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CERTIFICATE OF REPORTER

I, Ruth L. Mott, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina, do hereby certify that the witnesses in the foregoing hearing were duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause; that said matter was taken at the time and location therein stated; that the testimony of the witnesses and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription, and that the foregoing is a full, complete and true record of the testimony of the witnesses and of all objections made at the time of the examination.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on May 31, 2017 at Charleston, Charleston County, South Carolina.

Ruth L. Mott,
Registered Professional Reporter
Certified Realtime Reporter
My Commission expires
February 23, 2025

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< M >	needed (1)	owners (1)	PO (2)
ma'am (1)	neighbor (6)	owners, (1)	point (2)
mailed (1)	neighborhood (6)	< P >	pool (33)
main (1)	neighboring (6)	p.m (2)	pool, (3)
maintained (2)	neighbors (13)	P.O (1)	pool's (1)
majority (1)	neighbor's (3)	packet (2)	porch (2)
manner (1)	neither (1)	palms (1)	Porta-Potty's (1)
manufactured (1)	net (1)	PARKER (11)	portion (1)
map (2)	never (1)	Parks (4)	Post (1)
March (2)	new (13)	part (11)	posted (1)
markings (1)	news (1)	particular (4)	practical (3)
Mary (3)	nonconformance (2)	particularly (1)	PRESENT (6)
material (1)	nonconforming (14)	parties (1)	presentations (1)
matter (1)	normal (1)	parts (1)	presently (1)
mature (1)	Normally (1)	party (1)	Pretty (4)
maximum (7)	north (2)	path (6)	Previously (1)
mean (3)	Notary (1)	path, (1)	printed (1)
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measure (1)	notice (2)	patio (1)	probably (2)
measured (2)	noticed (1)	Paul (7)	problems (1)
media (1)	notified (1)	paved (1)	process (2)
meet (1)	nuances, (1)	pending (1)	Professional (2)
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MEMBERS (4)	numbers (1)	percent (14)	profitable (1)
met (1)	< O >	permit (3)	profitably (2)
Michael (4)	oath (1)	permitted (5)	prohibit (4)
microphone (1)	objections (2)	permitting (1)	project (2)
Mike (2)	occur (2)	person (1)	properties (13)
mind (2)	OCRM (2)	Persons (1)	PROPERTY (93)
minimize (2)	official (3)	pertaining (4)	property's (1)
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modification (1)	Once (2)	piece (4)	protection (1)
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money (1)	opposed (2)	place (1)	provided (2)
motion (2)	orally (1)	places (1)	proximity (1)
MOTT (3)	order (2)	plan (18)	public (12)
move (2)	ordinance (24)	planned (1)	pull (1)
moving (2)	organizations (1)	Planning (7)	pulled (1)
Multiple (1)	original (1)	plans (3)	purchased (2)
< N >	originally (2)	plant (2)	purpose (5)
name (3)	ought (2)	planting (4)	purposes (3)
natural (1)	outside (1)	plantings (4)	purview (4)
near (1)	overall (2)	play (2)	push (1)
	Overlay (8)	Pleasant (7)	put (9)
			Putting (3)

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 Registered (2)
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 Smith (4)
 Soon (1)
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 stenographically (1)
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 straightforward (2)
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 Surfsong (2)
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take (5)
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 tall (1)
 tape (2)
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 transcribed (1)
 transcription (1)
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 truly (1)
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wait (1)
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 Witness (1)
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