

1 TOWN OF KIAWAH ISLAND
2 BOARD OF ZONING APPEALS
3 MEETING OF APRIL 20, 2015

4 APPLICANT: Tyler Smyth, Architect

5 PROPERTY OWNERS: MaryJo and Frederick Armbrust

6 PROPERTY LOCATION: 246 Saltgrass Court
7

8 TMS#: 207-04-00-061

9 ZONING DISTRICT: Residential (R-1)
10 Zoning District

11 LOT SIZE: 11,684.7 square feet
12 Total lot area (0.27 acres)

13
14 DATE: APRIL 20, 2015

15 TIME: 4:00 PM
16

17 LOCATION: TOWN OF KIAWAH ISLAND
18 JOHNS ISLAND, SOUTH CAROLINA

19 REPORTED BY: Anne Bouley Meyer, RPR
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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

BEN FARABEE

MICHAEL CLAWSON

CHARLES LARSEN

TOM BURKE

RANDY GILMORE

JACK BRADEN

ALSO PRESENT:

DENNIS RHOAD

JENNIFER WERKING

1 MR. LARSEN: I will call the meeting to
2 order and welcome everyone here. And I will start
3 with reading the protocol of the BZA.

4 I would like to call to order the
5 April 20th, 2015, meeting of the Town of Kiawah
6 Island Board of Zoning Appeals. The Board members
7 who will hear your case today are Tom Burke, Mike
8 Clawson, Randy Gilmore, Jack Braden, Ben Farabee
9 and myself, Charles Larsen.

10 The staff members present are Jenny Werking
11 and Dennis Rhoad, attorney for the BZA. A case
12 ruling from this or any BZA meeting are available
13 for Town review and inspection during normal
14 business hours at town hall.

15 At this time I would like to explain to
16 the public 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 jurisdiction over three types of cases: Appeals,
21 variances and special exceptions.

22 Appeals are heard regarding
23 administrative actions or decisions by the zoning
24 administrator or 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 specific
3 standards as contained in the South Carolina
4 Government Planning Enabling Act of 1994 and the
5 Town of Kiawah Island zoning ordinance.

6 The third are special exceptions.
7 These allow the board to permit uses if certain
8 conditions as contained in the zoning ordinance are
9 met. A simple majority vote of the quorum present
10 is required to grant a variance or to overturn the
11 decision of the zoning administrator in an appeal
12 or to grant a special exception.

13 Because today's hearing is a public
14 fact-finding meeting, we are in compliance with the
15 Freedom of Information Act from South Carolina code
16 6-39-7. Fifteen days prior to this hearing an
17 announcement was printed in the Post and Courier, a
18 sign was posted on or near the designated property,
19 and a notice was mailed to the applicant or
20 representative, and to residents within 300 feet of
21 the application, and to parties of interest.

22 Persons, organizations and the news
23 media that have requested declarations of our
24 meetings have also been notified. The Freedom of
25 Information Act does not require notification to

1 anyone other than the applicant and parties of
2 interest.

3 Our purpose today is so that the
4 interested parties can be heard in order to assist
5 the Board in gathering evidence pertinent to each
6 case. If the members of the BZA feel the need for
7 further information to clarify a case, the Board
8 has the authority to subpoena witnesses.

9 In addition to your testimony, our
10 Board has been presented written information
11 submitted by the staff, by the applicant or their
12 agent for each case. This information is now
13 considered to be evidence and is entered into the
14 permanent record of this body. It is assumed that
15 it is complete, true and accurate.

16 Also, we have been presented data
17 assembled by the staff for the purpose of
18 clarifying the location and the effect on the
19 surrounding property. Our Board is empowered to
20 approve, approve with conditions, or to deny the
21 request. We are also authorized to defer a case
22 should there be a need for additional information.

23 If an applicant's request is approved
24 for special exception, variance, or an appeal of a
25 decision by the zoning administrator, they must go

1 to the Town of Kiawah Island to apply for permits.

2 Variances and special exceptions
3 granted by the BZA are valid for 12 months after
4 this meeting; however, if an applicant's request is
5 disapproved and they wish to appeal the decision of
6 this Board concerning their case, appeals must be
7 addressed to the circuit court.

8 South Carolina code 6-29-820 states
9 that the appeal must be filed by the applicant
10 within 30 days after the decision of the Board is
11 mailed to them. Failure to file an appeal within
12 the time limits deprives the Court of the
13 jurisdiction to hear the matter.

14 Because this is a quasi-judicial body,
15 everything said in this meeting must be complete,
16 true and accurate. All the information provided to
17 the BZA is considered evidence, and this Board may
18 certify contempt of circuit court if false
19 statements are made either in writing or oral.

20 Because of this, each person who wishes
21 to address the Board today will be sworn in. In
22 order to expedite the procedure, those wishing to
23 speak will stand as a group. Mr. Rhoad will
24 administer the oath.

25 (Mr. Rhoad administers the oath to all

1 persons standing.)

2 MR. LARSEN: Thank you.

3 I shall now call case BZAV-1-15-20205,
4 246 Saltgrass Court. Staff will present facts
5 pertinent to the case. I will then call the
6 applicant to address the case.

7 The applicant shall stand, state their
8 name and current address for the record before
9 presenting testimony. I will then ask for those
10 speaking either in support or against the case, and
11 they will follow the same procedure for identifying
12 themselves, and are limited to two minutes each.

13 The applicant will then have two
14 minutes for rebuttal.

15 Thank you.

16 MS. WERKING: I have a quick
17 announcement about the second case on the agenda
18 tonight, and that's case BZAV-3-15-20704, 593
19 Piping Plover Lane. Last Tuesday Town Council
20 adopted a new ordinance with some setback
21 exemptions. I'm going to pass that out to you now.

22 Basically if you turn to page 3, the
23 second case -- the request was very minor to begin
24 with.

25 MR. LARSEN: This is the Piping Plover

1 Lane?

2 MS. WERKING: Right. We're talking
3 about the second case.

4 MR. LARSEN: Aren't we doing Saltgrass
5 first?

6 MS. WERKING: That's the first case
7 you're going to hear. But the second case, the
8 reason I'm bringing it up first is because they no
9 longer need a variance because of the ordinance
10 that was passed on Tuesday. So they don't need to
11 be heard today.

12 MR. LARSEN: Piping Plover Lane does
13 not have to be here.

14 MS. WERKING: Right. Because they fall
15 under this exemption now with the side steps. The
16 side steps are going to be less than a foot from
17 the encroachment and the rear encroachment was
18 2.37 feet.

19 MR. LARSEN: When did we learn this?

20 MS. WERKING: Friday. It passed
21 Tuesday but I found out on Friday.

22 MR. LARSEN: We couldn't have been told
23 when it was --

24 MS. WERKING: Well, I mean, it's
25 already been advertised. Everything has been done

1 for this case, so.

2 MR. RHOAD: The bottom line is under
3 the current town law this applicant no longer needs
4 variance under our law.

5 MR. LARSEN: My only comment is why
6 weren't we told?

7 MS. WERKING: To be honest, I had no
8 idea when they were going to have -- the hearing
9 had been moved, but I didn't know the last was for
10 April 14th, so that's that.

11 MR. GILMORE: Whenever we finish this
12 first case, you or the attorney can explain to us
13 exactly what was changed. Okay?

14 MS. WERKING: Sure. And for the first
15 case I did have one mistake so it's in red. I just
16 recopied it.

17 MR. GILMORE: So no one needs to stay
18 here for the second case if they don't want to be
19 here.

20 MR. RHOAD: I think that's the reason
21 she announced it --

22 MS. WERKING: So if they want to leave,
23 they don't have to stay.

24 MR. RHOAD: I guess there's no one
25 here.

1 MR. KARAMUS: I'm here. I will hang
2 out.

3 MR. LARSEN: I hope you are not
4 disappointed.

5 MR. KARAMUS: Yes. Immensely.

6 MS. WERKING: This is BZAV-1-15-20205.
7 The applicant, Tyler Smyth, is representing the
8 property owners, MaryJo and Frederick Armbrust --

9 MR. FARABEE: Can you speak up, please?

10 MS. WERKING: Can you hear me okay?
11 Okay. -- in requesting a variance for the
12 reduction of the required 30-foot rear yard marsh
13 setback for approximately 114 square feet
14 encroachment of a proposed covered porch at 246
15 Saltgrass Court. That's TMS number 207-04-00-061.

16 The subject property and surrounding
17 properties to the south, east and west are located
18 in the R-1 Residential Zoning District within the
19 Developed Lands of Kiawah Island. To the north,
20 the subject property is bordered by a critical line
21 under the jurisdiction of the South Carolina
22 Department of Health and Environmental Control,
23 DHEC, Ocean and Coastal Resource Management, OCRM.

24 The Town of Kiawah Island Land Use
25 Planning and Zoning Ordinance requires a 25-foot

1 front yard setback, Saltgrass Court, 15-foot side
2 yard setback, adjacent lots, and a 30-foot rear
3 yard setback, marsh, with an allowed maximum lot
4 coverage of 40 percent.

5 The subject property is currently
6 11,684.7 square feet, or 0.27 acres, 10,886.2
7 square feet of highland, or 0.25 acres, and 798.5
8 square feet marsh, 0.02 acres, in size. The
9 proposed lot coverage is 39.38 percent.

10 The vacant subject property is located
11 at end of the cul-de-sac with existing single
12 family structures on both sides. The applicant's
13 letter of intent explains, in quotes, we are
14 proposing a new residence at 246 Saltgrass Court at
15 Kiawah Island, and we are requesting that the Board
16 of Zoning Appeals would allow portions of the
17 footprint of the house to extend over the OCRM
18 critical line setback at the rear of the property
19 by about 6 feet 11 and one-fourth inch.

20 There would be no conditioned area
21 proposed to extend over the setback. The covered
22 porch area proposed to extend over the setback is
23 approximately 114.23 square feet. The open patio
24 area proposed to extend over the setback would be a
25 landscape feature bound by a retaining wall of less

1 than 36 inches in height relative to the adjacent
2 grade.

3 And this wasn't part of the variance
4 request because this particular applicant knew that
5 this ordinance may pass in time for this meeting.
6 And so I just put a note in here that notes that
7 ordinance 2015-04 adopted April 14th, 2015, applies
8 and therefore a variance is not required for the
9 open patio area and retaining wall.

10 The Kiawah Island Architectural Review
11 Board approved the setback variance on March 18,
12 2015. The Kiawah Island Architectural Review
13 letter states, in quotes, the variance for this
14 screen porch to encroach the rear setback is
15 approved due to the critical line movement which
16 negatively impacted your property, end quote.

17 A site visit was conducted on February
18 4, 2015, at which time the following determinations
19 were made regarding the Approval Criteria for
20 Variances as stated in Chapter 12 of the Town of
21 Kiawah Island Land Use Planning and Zoning
22 Ordinance, Article II, Division 5,
23 Section 12-163.(4).

24 Staff's findings: The BZA may grant a
25 variance only if exceptional circumstances exist,

1 and where practical difficulty or an unnecessary
2 hardship is so substantial, serious and compelling
3 that relaxation of the general restrictions ought
4 to be granted. No variances shall be granted
5 unless the applicant shall show and the BZA shall
6 find that: Section 12-164(A) [sic] there are
7 extraordinary and exceptional conditions pertaining
8 to the particular piece of property.

9 Staff's response: There may be
10 extraordinary and exceptional conditions pertaining
11 to the 10,886 square foot property. The
12 applicant's letter of intent explains and the site
13 plan shows that the critical line has encroached
14 into the property creating the situation.

15 The applicant's letter of intent
16 states, in quotes, in part due to the location of
17 the neighboring residences on the adjacent
18 properties, we believe that there are exceptional
19 conditions pertaining to this property, end quote.

20 In addition, the applicant's letter of
21 intent states, quote, we are aware that if the OCRM
22 setback results in a loss of 25 percent or more of
23 the buildable area, then the OCRM setback does not
24 apply. For this property the OCRM setback on this
25 property would result in the loss of 17 percent of

1 the buildable area. While this does not reach the
2 25 percent threshold it is more than two-thirds of
3 the way to being such an encumbrance that it would
4 be waived. With the additional restrictions, we
5 feel that this point is important to consider, end
6 quote.

7 Criteria B: These conditions do not
8 generally apply to other property in the vicinity.

9 Staff's response: These conditions may
10 not generally apply to other properties in the
11 vicinity. Critical lines are dynamic and change
12 over time. These impacts vary and are site
13 specific. In addition, the adjacent lots are
14 bigger in area at approximately 17,798 [sic] square
15 feet and 13,814 square feet, and are already
16 developed.

17 The applicant's letter of intent
18 states, in quotes, the two neighboring houses are
19 located closer to the marsh than our proposed
20 footprint, and significantly closer than the 30
21 foot OCRM critical line would permit.

22 We believe that 245 Saltgrass to the
23 west may have conditioned space positioned over the
24 30-foot OCRM critical line setback, and a retaining
25 wall and deck on this property encroaches within

1 several feet of the OCRM critical line itself.

2 The location of these structures
3 negatively impacts the potential views from any
4 house adhering fully to the OCRM setback at this
5 location. Therefore, we believe that this
6 restriction does not apply -- does not normally
7 apply to other property in the vicinity, end quote.

8 Criteria C: Because of these
9 conditions, the application of the ordinance to the
10 particular piece of property would effectively
11 prohibit or unreasonably restrict the utilization
12 of the property.

13 Staff's response: The application of
14 this ordinance to 246 Saltgrass Court may
15 unreasonably restrict the utilization of the
16 property. The applicant's letter of intent
17 contends, in quotes, we believe that the
18 application of the 30-foot setback in this instance
19 unreasonably restricts the utilization of the
20 property, end quote.

21 D: The authorization of the variance
22 will not be of substantial detriment to adjacent
23 property or to the public good, and the character
24 of the zoning district will not be harmed by the
25 granting of the variance.

1 Staff's response: Authorization of
2 this variance may not be of substantial detriment
3 to the adjacent properties, and the character of
4 the zoning district may not be harmed by granting
5 this variance.

6 The applicant's letter of intent
7 contends, in quotes, in order to design any
8 structure that best conforms to the design
9 standards encouraged on Kiawah, we feel that a
10 proposed residence should be placed on the site in
11 a way that complements rather than competes with
12 the landscape.

13 In an effort to do this and reduce the
14 visual impact of the house, grading the site in a
15 way that positions the house within the landscape
16 to decrease the visual impact of the residence. To
17 raise the grade at the most forward part of the
18 house, which is most evident from the street, and
19 to allow the lowest impact rainwater run-off
20 management, will require a retaining wall at the
21 front of the property.

22 Without moving a portion of the
23 proposed structure back beyond the setback, the
24 setting of the structure within the landscape would
25 not be effective. Granting a variance will allow

1 the entire structure, except retaining walls, to be
2 within the front and side setbacks in a way that
3 best situates the home within its natural setting,
4 end quote.

5 Criteria E: The Board of Zoning
6 Appeals shall not grant a variance the effect of
7 which would be to allow the establishment of a use
8 not otherwise permitted in a zoning district, to
9 extend physically a nonconforming use of land, or
10 to change the zoning district boundaries show on
11 the official zoning map.

12 Staff's response: Granting of this
13 variance would not allow the establishment of a use
14 not otherwise permitted in this zoning district,
15 extend physically a nonconforming use of land, or
16 change the zoning district boundaries.

17 Criteria F: The fact that the property
18 may be utilized more profitably should a variance
19 be granted, may not be considered grounds for a
20 variance.

21 Staff's response: The BZA may not
22 consider profitability when considering this
23 variance request.

24 Criteria G: The need for the variance
25 shall not be the result of the applicant's own

1 actions.

2 Staff's response: The need for the
3 variance may not be the result of the applicant's
4 own actions. The critical line has moved into the
5 property creating this setback issue and reducing
6 the building area.

7 Criteria H: Granting the variance will
8 not be contrary to the public or neighborhood
9 interest, nor will adversely affect other property
10 in the vicinity, nor interfere with the harmony,
11 spirit, intent and purpose of these regulations.

12 Staff's response: Granting of this
13 variance may not be contrary to the public or
14 neighborhood interest, may not adversely affect
15 other property in the vicinity, nor interfere with
16 the harmony, spirit, intent and purpose of these
17 regulations.

18 The March 18, 2015, Kiawah Island ARB
19 variance approval letter states, in quotes, The
20 variance for the screen porch to encroach the rear
21 setback is approved due to critical line movement
22 which negatively impacted your property, end quote.

23 Criteria I: Granting of the variance
24 does not substantially conflict with the
25 Comprehensive Plan or the purposes of this

1 ordinance.

2 Staff's response: Granting of this
3 variance may not substantially conflict with the
4 Comprehensive Plan or the purposes of this
5 ordinance. The applicant's letter of intent
6 contends, in quotes, we can find no way that the
7 variance would substantially conflict with the
8 Comprehensive Plan, and would in fact allow the
9 house to be complementary to the neighboring
10 houses.

11 The proposed footprint will still keep
12 the house behind the neighboring house relative to
13 the marsh, and we believe it will not adversely
14 affect other properties or their views. We propose
15 to mitigate the potential impacts of rainwater
16 runoff from the residence by directing nearly all
17 of the water towards landscape features at the
18 sides and front of the property.

19 A rain garden with moisture tolerant
20 plant material would be established prominently in
21 the southeast quadrant of the property to promote
22 absorption and filtration of runoff. The natural
23 topography of the property with a ridge running
24 east to west below the proposed structure is
25 well-suited for this strategy of rainwater runoff

1 management, end quote.

2 The Board of Zoning Appeals' Actions:
3 The Board of Zoning Appeals may approve, approve
4 with conditions or deny case BZAV-1-15-20205,
5 variance for the reduction of the required 30-foot
6 rear yard marsh setback for approximately 114
7 square feet encroachment of a proposed covered
8 porch at 246 Saltgrass Court based on the BZA's
9 findings of fact, unless additional information is
10 deemed necessary to make an informed decision.

11 Any questions?

12 MR. LARSEN: I have a question on the
13 ordinance.

14 MS. WERKING: Okay.

15 MR. LARSEN: Where it says -- I'm
16 reading in red here -- a variance is not required
17 for the open patio area or retaining wall.

18 If I read this correctly, they weren't
19 asking for that in the first place.

20 MS. WERKING: Right. But he put that
21 in his letter of intent, so I just wanted to
22 explain that's why they're not requesting it. It's
23 this area right here.

24 MR. LARSEN: Which was also over. Why
25 weren't they requesting a variance for that?

1 MS. WERKING: I think he was just
2 hoping that the ordinance would pass before the
3 meeting and -- or, I don't know, he'd have to
4 redesign if it didn't pass, or come back.

5 MR. FARABEE: What about the other
6 retaining wall further out? Who approves that?

7 MR. LARSEN: You mean the one in the
8 front or the back?

9 MR. FARABEE: The one further out in
10 the marsh.

11 MR. LARSEN: No. Over here. The
12 square, the rectangle. Is that what you mean?

13 MR. FARABEE: It's the squiggly line,
14 10-foot line. It's this one right here. Who
15 approves that? That extends beyond the 10-foot
16 line.

17 MR. LARSEN: That's the one they're
18 requesting.

19 MR. FARABEE: No. There's another one,
20 the one that's closer in right at the patio that's
21 36, I think. If it's going to be 24-inch height, I
22 was wondering --

23 MR. SMYTH: All of these walls are now
24 allowed in terms of the ordinance that was just
25 passed last week. The walls that are less than

1 three feet above the height of the grade are now
2 allowed. That was one of the main items that
3 changed with this new ordinance.

4 MR. FARABEE: So you can go out how
5 far?

6 MR. SMYTH: You can't come within ten
7 feet of the property line itself or the OCRM
8 critical line, whichever is farthest in.

9 MR. LARSEN: Are you talking about just
10 the retaining wall or the deck?

11 MR. SMYTH: Those are just -- it's
12 defined as a patio feature, more of a landscape
13 feature than a part of the house.

14 MR. FARABEE: I'm talking about
15 something different.

16 MR. SMYTH: This is -- I put that in
17 the letter because we knew that this ordinance
18 might be new to you and you might have not
19 understood it. You might have looked at that
20 portion of the landscape, which is beyond the
21 30-foot setback, and I just wanted it to be clear
22 that that's now allowed under the ordinance.

23 And what we're really dealing with at
24 this Board of Zoning Appeals application is only
25 the screen porch. So there would be no questions

1 about them.

2 MR. LARSEN: We're saying the retaining
3 wall is okay.

4 MR. FARABEE: Both of them.

5 MR. LARSEN: Both of the retaining
6 walls.

7 MR. SMYTH: Yes, sir.

8 MR. LARSEN: What about the deck? We
9 are approving that, isn't that what we're approving
10 today?

11 MS. WERKING: The screened-in porch
12 requires -- needs a variance. The 114 square feet,
13 it needs a variance. Anything covered. Like if
14 they have an existing deck that was over, and they
15 wanted to put screen, a cover over it, then they
16 need a variance.

17 MR. LARSEN: Okay. Are there anymore
18 questions for the County?

19 MR. FARABEE: When was the critical
20 line last moved?

21 MR. RHOAD: Wasn't it within the two
22 years when they redrew it, Jenny?

23 MS. WERKING: Yeah. This survey was
24 done August 2014. They signed off -- OCRM signed
25 off on it July 2014.

1 MR. LARSEN: And did you mean the one
2 before that?

3 MR. FARABEE: When it was last moved.

4 MS. WERKING: 1993.

5 MR. FARABEE: When was the property
6 bought?

7 MR. SMYTH: It was bought last year, I
8 believe.

9 MR. LARSEN: Any more questions for the
10 County?

11 If you'd like to go ahead and present
12 for the applicants, please.

13 MR. SMYTH: Sure. My name is Tyler
14 Smyth. I live at 386 Ashley Avenue. I'm not sure
15 the best way to approach this. Would you like to
16 ask questions that I might answer? Or shall I
17 restate the --

18 MR. GILMORE: I have got some
19 questions.

20 MR. FARABEE: I have got some questions
21 too.

22 MR. LARSEN: So if you are not going to
23 make a presentation we will ask questions; is that
24 it?

25 MR. SMYTH: I can try. One of the main

1 things that we're trying to do here is to build a
2 fairly modestly-sized house on a modestly-sized
3 lot.

4 The lot is less than one-quarter of an
5 acre. The house is going to be 3,000 square feet
6 heated, with a screened porch and a front porch and
7 some other landscape features in the back.

8 The two houses that flank 246
9 Saltgrass, 245 and 247, are older houses that were
10 built farther back by a good bit than we would be
11 allowed to now. Certainly 245 -- they're also
12 larger lots, one being about 30 percent larger and
13 one being about 6,000 square feet larger which is a
14 fair bit more than the 10,886 we have to work with.

15 So what we would like is to instead of
16 having the cone of view be this, to maybe just
17 widen it a bit and so we would like to move the
18 house a little bit farther back and really only the
19 screen porch being over the OCRM setback line of 30
20 feet.

21 We'd like to build the house into the
22 landscape such that it does not appear to be a
23 two-and-a-half-story house. What we have is a
24 parking level, a main living level, and then a half
25 level under the roof.

1 So what we'd like to do is to have the
2 portion of the house which is closest to the
3 street, most evident from the street, and the part
4 that you notice when you first enter be built as
5 though over a tall crawl space rather than a full
6 drive under the garage.

7 To do that, we would like to have a
8 retaining wall in the front which would serve to
9 raise the grade immediately adjacent to the house,
10 and that would reserve a portion of the lot in the
11 front for a rain garden that would serve to collect
12 most of the rainwater that's coming off the house.

13 We're going to have gutters all the way
14 around the house. And they will be plumbed and
15 channeled to this, to the sides and the front
16 corner of the lot. We will also have a pipe going
17 under the driveway here to receive water from this
18 side.

19 So we think that the spirit of the
20 ordinance is to try to reduce the effect of the
21 house being built close to the marsh by having
22 water running into the marsh in a way that it
23 didn't before.

24 We'd like to think that with the house
25 and with the landscaping that we're planning, it

1 would both meet and exceed the spirit of the
2 ordinance by actually keeping most of the rainwater
3 on the site, then it will slowly move out to the
4 marsh. And we're trying to do this on a smaller
5 lot with a fairly modestly-sized house.

6 And so on the portion of the screen
7 porch we would like to push over the rear setback,
8 it's less than 7 feet, it's about 114 square feet.
9 And with the layout of the house and the way that
10 we would like to furnish this, we felt like it
11 would really help to be able to push the house back
12 so that the heated walls, so that we had no heated
13 square footage over the setback, but the way that
14 the house lays out and is in -- is actually
15 designed, it works better to have the screen porch
16 pushed back a little bit farther.

17 And as you can see here, it's still
18 well back from the adjacent house from this side,
19 and it's roughly even, if not back, from the heated
20 square foot area on this side.

21 We have talked with both of the
22 neighbors and were trying to explain to them, and
23 we think that they are okay with it. So -- you
24 know, as evidenced by their not being here tonight.
25 I don't know if they have written any letters.

1 I guess now I will try to answer
2 questions. I don't know if that answers any of
3 yours.

4 MR. LARSEN: Any questions, Mr.
5 Gilmore?

6 MR. GILMORE: Can you give us a month
7 last year when the house was purchased? Was it
8 purchased in the last 12 months, the last 15
9 months, the last 18 months, the last 24 months, the
10 lot?

11 MR. SMYTH: Yes, sir. I believe it was
12 purchased last year.

13 MR. GILMORE: So within the last 15, 16
14 months.

15 MR. SMYTH: Yes, sir.

16 MR. LARSEN: After or before the OCRM
17 changed?

18 MR. SMYTH: Well, the OCRM -- they had
19 the -- they had a new drawing made, and when they
20 did they found that the line had moved in. There
21 wasn't a law change, it's just that it moved in a
22 little bit.

23 MR. GILMORE: What's the square footage
24 footprint not including the patio?

25 MR. SMYTH: I believe that the first

1 floor heated footprint is about 1,800 square feet.

2 MR. GILMORE: So it's 40 percent?

3 MR. SMYTH: Yeah. If 40 percent is
4 allowed without driveways or porches or screened
5 porch, we're at about 39 percent. In there
6 somewhere, we're very close to 40.

7 MR. GILMORE: Could you design this
8 house to fill the lot so you wouldn't need the
9 variance?

10 MR. SMYTH: Yes. Surely there is a way
11 that we could have designed the house so it
12 wouldn't need a variance.

13 MR. GILMORE: I think there's something
14 else we need to clarify up front because this Board
15 has a case history, has case histories on this.
16 Where neighbors' houses sit on lots has no bearing
17 on the variance that we're looking at. Okay?

18 MR. SMYTH: Okay.

19 MR. GILMORE: Because things happened
20 at different times throughout the last 30 years.

21 MR. LARSEN: Repeat what you just said.

22 MR. GILMORE: Where a house --
23 neighbors -- the location of the neighbors' houses
24 on their lots doesn't have any bearing on the
25 variance. We're looking at the variance on this

1 lot, not based on the neighbors.

2 MR. LARSEN: But if you read some of
3 the criteria it relates to the neighbors' --

4 MR. GILMORE: I understand that. I
5 understand that. But just because someone is over
6 the line in house A, does not mean house B should
7 automatically be allowed to go over the line.

8 You may consider it, but it's not a
9 given.

10 MR. RHOAD: It could be a factor in
11 one's argument.

12 MR. GILMORE: But you could design this
13 house where you wouldn't need a variance, right?

14 MR. SMYTH: Yes, sir.

15 MR. GILMORE: That's all I have.

16 MR. CLAWSON: With this change in that
17 retaining wall issue, could you just move the house
18 forward and still have the retaining wall and have
19 the setback that you are violating on the back not
20 be an issue because you can move the house closer
21 to the road?

22 MR. SMYTH: Well, if we move the house
23 forward, we believe that the setting of the house
24 within the landscape would change in such a way
25 that we think it would weaken the house. And it

1 would also decrease the space in the front that we
2 would have for a rain garden to be able to collect
3 rainwater.

4 And therefore, you know, it would
5 probably increase the actual impact of the house on
6 the environment if we did that.

7 MR. GILMORE: You are plumbing the
8 rainwater to where, the street?

9 MR. SMYTH: We're plumbing the
10 rainwater to the rain garden which is here in the
11 front, if you look at this drawing.

12 MR. GILMORE: I see it. I've got it
13 right here.

14 MR. SMYTH: So, yeah. So we would be
15 moving the rainwater through gutters toward the
16 front of the house, toward this low spot where we
17 would have some great water-loving plants there
18 that would thrive in that more damp environment.

19 And then the water would slowly move toward
20 the marsh from there, as it always does.

21 MR. LARSEN: Any more questions?

22 MR. FARABEE: I have a follow-up on
23 Randy's question. If the variance request is not
24 approved, how would you change the design of the
25 house?

1 MR. SMYTH: I'm not sure. I can't
2 answer that question at this moment. I'd have to
3 re-study it.

4 MR. FARABEE: Have you thought about
5 it?

6 MR. SMYTH: Well, I don't know exactly
7 how it would change. I think that we would
8 probably really need to re-study this entire entry
9 area here as we approach the house. Instead of
10 having what appears to be a six-foot tall block
11 wall below the first floor, maybe it would be nine
12 feet, and the house would appear taller than we
13 would have it now, which to us would not be a
14 positive.

15 We're really trying to have a feel of
16 more of a cottage scale down, that's truly what
17 we're trying to do here. A 3,000 square foot
18 cottage, but in the scale of, you know, what we're
19 building out here on the Island, fairly modest, you
20 know, on the smaller side of things.

21 MR. FARABEE: But you have a very small
22 lot.

23 MR. SMYTH: True. Of course.

24 MR. FARABEE: And you knew that when
25 you bought it.

1 MR. SMYTH: My client did. Yes, sir.

2 MR. FARABEE: So the owners knew.

3 MR. SMYTH: Yes. And I would agree
4 with that.

5 MR. FARABEE: So you should deal with
6 it accordingly.

7 MR. SMYTH: Correct. Yes, sir. I
8 understand. But we do think even with this 3,000
9 square foot house, if you can make the house appear
10 like it's four feet shorter when your eye stands
11 back from it, we think that is better. And that's
12 just our opinion.

13 MR. LARSEN: Of the six-foot
14 encroachment, 6 foot 11 inches, if you related
15 that -- we have gone into the marsh is to encroach
16 17 percent supposedly?

17 MR. SMYTH: Correct. Yes.

18 MR. LARSEN: So 17 percent of 30 would
19 almost give you that six feet in terms of why
20 they're doing it. And that is what I was trying to
21 determine, whether or not the people that bought
22 the house knew that they were going to have an
23 issue in terms of where they wanted to place the
24 house.

25 MR. SMYTH: Well, I know that this is

1 probably not a pertinent fact to the Board because
2 the owners probably should have done -- or the
3 owner's lawyer probably should have done more
4 homework on this. But in fact when they bought it,
5 they had already -- they did not think that the
6 OCRM line was going to cause as large of a
7 footprint impact as it is.

8 But that isn't to say that that wasn't
9 an issue that they should have seen before they
10 purchased the lot. I wasn't involved at that point
11 in time. That's between them and the sellers of
12 the property.

13 MR. LARSEN: And had this ordinance --
14 maybe this is for the County -- had this ordinance
15 not passed, would that front retaining wall, would
16 we have had to approve that?

17 MR. SMYTH: The front wall being less
18 than 24 inches can come out across, and the rear
19 wall can as well. They have always allowed, please
20 help me with this, but walls that are less than 24
21 inches in height can go over the setbacks --

22 MS. LOONEY: If it's a wood wall.

23 MR. SMYTH: Oh, if it's a wood wall.

24 MS. LOONEY: The wall that they're
25 proposing would have -- y'all would have needed to

1 approve as a variance prior to that ordinance.

2 MR. SMYTH: Thank you.

3 MR. LARSEN: But nothing is required on
4 the front retaining wall even though it's over the
5 25 feet?

6 MS. LOONEY: For the same reason, it's
7 low enough that it qualifies.

8 MR. LARSEN: Any more questions for
9 Mr. Smyth?

10 Thank you.

11 Is there anyone that would like to
12 speak either for the applicant or against the
13 request?

14 MS. LOONEY: I'm Barbara Looney from
15 the ARB. I can answer any questions you have. I
16 would like to point out that the two houses on
17 either side when they were -- they were built
18 conforming to the setback at the time, which was
19 the setback from the property line.

20 The property line, as you can see, is
21 further out than the OCRM line. And the OCRM line
22 in that 30 years since those were built,
23 construction has pulled back.

24 So the two houses on either side were
25 built in conformance. They weren't built in

1 nonconformance.

2 MR. LARSEN: It looks like one to the
3 east still is in compliance with the current. The
4 one on the left is -- you are saying that was in
5 conformance with the then existing setback --

6 MS. LOONEY: Yeah. The houses on
7 either side were built very early in the
8 development of the island. And at the time they
9 were built in their setback, from the setback which
10 was the rear property line.

11 MR. RHOAD: And the critical line
12 was --

13 MS. LOONEY: The critical line was
14 either at the property line or further beyond.

15 MR. LARSEN: The setback was less than
16 the two when it was built too, wasn't it?

17 MS. LOONEY: Well, it wasn't that it
18 was less, at the time when these were built the
19 decks could be over a setback.

20 MR. FARABEE: Just a comment.
21 Visually, I mean standing there where you propose
22 the porch, it's clearly that the houses on the
23 right, as you are facing the marsh, are much
24 further back. And I think that visually just
25 there's no structure on the house on the left,

1 there's a retaining wall and the deck but not -- it
2 doesn't look like it's a housing structure.

3 So it looked to me, just from a visual
4 standpoint, if you stood on the point where you are
5 asking for the variance, that it would be well up
6 in front of every other building around there.

7 MR. LARSEN: In front of the one on the
8 left?

9 MR. FARABEE: In front of the
10 structure, the house, but maybe not the deck. The
11 house on the left.

12 MS. LOONEY: That was not the ARB --

13 MR. FARABEE: I'm mean I think visually
14 -- I'm sure you did a survey -- but I'm just saying
15 I look at the house on the right, and they are back
16 here.

17 MR. LARSEN: The way page A-1 is, if
18 you look left of that structure you are looking at
19 the house. And the house is farther out.

20 MR. CLAWSON: Are you looking at it
21 from the marsh or from the street?

22 MR. FARABEE: I'm looking from the
23 marsh.

24 MR. LARSEN: Isn't the house farther
25 out than that deck? The house on the left?

1 MR. CLAWSON: If you are looking --

2 MR. FARABEE: I'm just saying it didn't
3 appear further out, the house doesn't. The deck
4 does, but the house doesn't.

5 MR. BURKE: Yeah, I think it does
6 visually.

7 MR. CLAWSON: I thought it did too.

8 MR. FARABEE: But I think it's a moot
9 point.

10 MR. BURKE: Question. Does the area
11 that we are examining the variance on, does that
12 have any actual impact, environmental or visual or
13 any impact, on the building at all on the area?

14 MS. LOONEY: The -- in the opinion of
15 the ARB, with the -- and just a reminder, the ARB
16 has a landscape architect and architect on it -- it
17 was not. They passed -- they recognized the
18 critical -- the impact of the critical line, and
19 thought that this was in keeping with the intent of
20 the guidelines.

21 The ARB's purview is aesthetics though.
22 We do look at how things drain and things like
23 that, but overall it's an aesthetic perspective.

24 MR. BURKE: And you are happy with the
25 drainage provision that's built in?

1 MS. LOONEY: Yes. We do require
2 grading drawings and plants as part of the
3 landscape package. And the way they're handling it
4 has been reviewed and approved thus far.

5 Any other questions?

6 MR. LARSEN: I'm going to thank you
7 because it is helpful when someone from the ARB is
8 here, so thank you for coming.

9 MS. LOONEY: You're welcome.

10 MR. LARSEN: Any other questions for
11 Mr. Smyth or the County?

12 If not, I will close the hearing and
13 ask for a motion from the Board after which we will
14 have a discussion and vote.

15 Tom.

16 MR. BURKE: I move that we approve the
17 variance.

18 MR. LARSEN: Is there a second?

19 MR. BRADEN: Second.

20 MR. LARSEN: Jack seconds it.

21 MR. BURKE: The motion is based on the
22 presentation of the architect and the ARB, and the
23 finding of Jenny's group.

24 MR. FARABEE: Based on what?

25 MR. BURKE: My motion is based on the

1 information we got from the architect, the ARB and
2 Jenny's group as to the overall impact on the
3 property itself, on the real estate.

4 MR. LARSEN: Okay. Discussion.

5 MR. FARABEE: I think this is a classic
6 case of a house too big for the lot. I mean, it's
7 a new house. There's no reason why this house
8 can't be scaled back a little bit and put on this
9 lot.

10 The fact that the critical line moved
11 is of no importance whatsoever. I mean, the house
12 isn't under a structure yet. There has been no --
13 nothing done in order to build. I think it can be
14 redesigned and to place it without seeking a
15 variance.

16 MR. LARSEN: Any other comments?

17 Well, I would think it is significant
18 that the critical line has moved, and I think we're
19 going to be seeing more and more cases going
20 forward of a critical line that moves. To me it's
21 an issue of when the house was bought.

22 MR. BRADEN: And the lot was bought.

23 MR. LARSEN: I mean when the lot was
24 bought. Because if the critical line had moved
25 from the line before the line moved 17 percent,

1 that is an act of God, if you will.

2 MR. FARABEE: But you know the critical
3 line is going to be moving in. You are going to be
4 losing ground.

5 MR. BRADEN: It moves --

6 MR. FARABEE: Can I finish?

7 MR. BRADEN: Certainly.

8 MR. FARABEE: And so as a result of
9 that, the person who buys the lot, the onus is on
10 them to get started to move. If they're going to
11 build, build where the critical line is, not build
12 where the critical line was. And that's their
13 responsibility.

14 I don't think you can say, well, the
15 critical line was out there. I mean, the critical
16 line used to be 20 feet further out toward the
17 marsh than what it is now. I'm just saying you
18 cannot go back in history and say where the
19 critical line used to be and as a result of this
20 that they should take that into consideration.

21 I agree with you where there's
22 structure standing where we have points at existing
23 houses and critical line issues, et cetera. But I
24 do not with regard to new buildings where not even
25 a stick has been put in the ground.

1 MR. LARSEN: Well, go ahead, Mike.

2 MR. BRADEN: This is the part that I
3 read is in the second. If this critical line had
4 moved 25 percent, we wouldn't even be talking about
5 this.

6 MS. WERKING: We would be able to
7 reduce the setback.

8 MR. BRADEN: So what they're asking
9 for, had it moved rather than 17 percent it had
10 moved 25, it would be okay?

11 MS. WERKING: Right.

12 MR. RHOAD: We had an ordinance. We
13 had to come up with some percentage.

14 MR. FARABEE: So if you accept this,
15 you're in essence saying, we're going to make
16 17 percent okay and not the 25. We're going to
17 approve 17 and screw the 25. That's what you're
18 saying if you accept this.

19 MR. LARSEN: It's just the opposite.
20 If it's 25 we wouldn't be here.

21 MR. FARABEE: I'm saying there is an
22 ordinance that says this. Okay?

23 MR. RHOAD: If it's 25 percent, they
24 wouldn't need a variance.

25 MR. LARSEN: To me it shows how moot

1 the ordinance is because if they wait a few years
2 maybe they wouldn't have had to get a variance.

3 MR. RHOAD: And the Town has, just for
4 the record, the Town was grappling -- I'm not
5 choosing sides or anything -- but the Town is
6 grappling, Jenny can tell you, with this critical
7 line issue more times than I want to remember.
8 Because you've got a house on the marsh, and that
9 critical line -- at one time they drew the setback
10 lines along the beach.

11 When they first came out with their
12 first draft, this is -- there were lots rendered
13 unbuildable. And they reviewed it and all. I used
14 to --

15 MR. LARSEN: Which is why the
16 25 percent.

17 MR. RHOAD: This is on the front. The
18 reason that the 25 percent ordinance provision was
19 passed is because the Town, in conjunction with the
20 Planning Department, recognized that the critical
21 line is so dynamic, and it recognizes that if
22 you've got smaller lots adjacent to the critical
23 line which you measure a setback, at some point you
24 are going to have a situation where the lot is
25 rendered unbuildable.

1 And I guess it was the Planning
2 Department, then this group that recommended the
3 25 percent. In other words, that that is such a
4 significant impact that you can grant relief. I
5 don't know what it is you can encroach into it.

6 I think his is only 17 percent. I
7 understand Ben's point. But the if it was
8 25 percent, your point is right. They wouldn't be
9 up here.

10 So if you don't mind, the ordinance is
11 not ludicrous because it's the Town's ordinance,
12 but it is the best attempt to deal with a difficult
13 situation.

14 MR. LARSEN: It's ironic in this case
15 that we happen to be here.

16 Okay. And the other comment that I
17 wanted to make is that if you are standing here,
18 like I was standing out by the cedar, there's a
19 cedar between the properties right here. And it's
20 that cedar that has kept -- protected the line in
21 front of this guy's house, or in front of this area
22 right here.

23 But the other encroachment that affects
24 where they're trying to build, when you stand
25 there, that house on here does stick out a good bit

1 farther than that deck. And I don't -- he is --
2 the one -- the lot we're looking at today is not
3 going to encroach nearly as far as the other.

4 And, Randy, I know you say it doesn't
5 matter, but.

6 MR. GILMORE: The ones that already
7 encroach don't matter. But if you go by six months
8 ago we, at this table, decided it was precedent.
9 So whether it is or not doesn't make a difference
10 to me.

11 MR. LARSEN: Any other comments?

12 Then I will call the discussion over
13 and time to vote. Call the question.

14 All in favor of granting the variance,
15 or approving the motion which would grant the
16 variance please signify by saying aye.

17 (Mr. Burke, Mr. Larsen, Mr. Clawson,
18 Mr. Braden respond aye.)

19 MR. LARSEN: Opposed?

20 (Mr. Gilmore, Mr. Farabee respond nay.)

21 MR. LARSEN: So it passed 4 to 2.

22 And do you have the reason in terms of
23 what was the reason for the motion, so we are good
24 on that. So I will -- before we adjourn, did you
25 want to ask about the other case?

1 MR. GILMORE: I don't care if we
2 adjourn this meeting.

3 MR. LARSEN: I will adjourn this
4 meeting and then we will ask about the ordinance.

5 (The meeting was concluded at
6 4:53 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA
3 COUNTY OF CHARLESTON

4 I, Anne Bouley Meyer, Registered
5 Professional Reporter and Notary Public for the
6 State of South Carolina at Large, do hereby certify
7 that the witnesses in the foregoing meeting were
8 duly sworn to testify to the truth, the whole truth
9 and nothing but the truth in the within-entitled
10 cause; that said meeting was taken at the time and
11 location therein stated; that the testimony of the
12 witnesses and all the comments made at the time of
13 the presentation were recorded stenographically by
14 me and were thereafter transcribed by
15 computer-aided transcription; and that the
16 foregoing is a full, complete and true record of
17 the testimony of the witnesses and of all the
18 comments made at the time of the presentation.

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

15 Witness my hand, I have hereunto
16 affixed my official seal on 27th day of April,
17 2015, at Charleston, Charleston County, South
18 Carolina.

19 Anne Bouley Meyer
20 NCRA
21 REGISTERED PROFESSIONAL REPORTER
22 My Commission expires
23 February 5, 2023

24
25

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LOT (21)	natural (2)	order (6)	plumbing (2)
lots (7)	nay (1)	ordinance (32)	PM (1)
low (2)	NCRA (1)	organizations (1)	point (8)
lowest (1)	near (1)	ought (1)	points (1)
ludicrous (1)	nearly (2)	overall (2)	porch (14)
< M >	necessary (1)	overturn (1)	porches (1)
mailed (2)	need (13)	OWNERS (4)	portion (5)
main (3)	needed (1)	owner's (1)	portions (1)
majority (1)	needs (4)	< P >	positioned (1)
Management (3)	negatively (3)	P.O (1)	positions (1)
map (1)	neighborhood (2)	package (1)	positive (1)
March (2)	neighboring (4)	page (2)	Post (1)
marsh (17)	neighbors (6)	parking (1)	posted (1)
MaryJo (2)	neither (1)	part (7)	potential (2)
material (1)	new (7)	particular (3)	practical (1)
matter (3)	news (1)	parties (3)	precedent (1)
maximum (1)	nine (1)	party (1)	PRESENT (6)
mean (11)	nonconformance (1)	pass (4)	presentation (4)
measure (1)	nonconforming (2)		presented (2)
media (1)	normal (1)		presenting (1)
			printed (1)

prior (2)
 probably (5)
 procedure (2)
 Professional (2)
 profitability (1)
 profitably (1)
 prohibit (1)
 prominently (1)
 promote (1)
 properties (6)
 PROPERTY (42)
 propose (2)
 proposed (11)
 proposing (2)
 protected (1)
 protocol (1)
 provided (1)
 provision (2)
 public (6)
 pulled (1)
 purchased (4)
 purpose (4)
 purposes (2)
 purview (1)
 push (2)
 pushed (1)
 put (6)

< Q >

quadrant (1)
 qualifies (1)
 quasi-judicial (2)
 question (5)
 questions (15)
 quick (1)
 quorum (1)
 quote (9)
 quotes (8)

< R >

R-1 (2)
 rain (4)
 rainwater (9)
 raise (2)
 RANDY (3)
 Randy's (1)
 reach (1)
 read (3)
 reading (2)

real (1)
 really (5)
 rear (10)
 reason (7)
 rebuttal (1)
 receive (1)
 recognized (2)
 recognizes (1)
 recommended (1)
 recopied (1)
 record (4)
 recorded (1)
 rectangle (1)
 red (2)
 redesign (1)
 redesigned (1)
 redrew (1)
 reduce (3)
 reducing (1)
 reduction (2)
 regard (1)
 regarding (2)
 Registered (2)
 regulations (2)
 related (2)
 relates (1)
 relative (2)
 relaxation (1)
 relief (2)
 remember (1)
 reminder (1)
 rendered (2)
 Repeat (1)
 REPORTED (1)
 REPORTER (3)
 representative (1)
 representing (1)
 request (8)
 requested (1)
 requesting (5)
 require (3)
 required (6)
 requires (2)
 reserve (1)
 residence (4)
 residences (1)
 Residential (2)
 residents (1)
 Resource (1)

respond (2)
 response (9)
 responsibility (1)
 restate (1)
 restrict (2)
 restriction (1)
 restrictions (2)
 restricts (1)
 re-study (2)
 result (5)
 results (1)
 retaining (16)
 review (3)
 reviewed (2)
 RHOAD (14)
 ridge (1)
 Right (14)
 road (1)
 roof (1)
 roughly (1)
 RPR (1)
 ruling (1)
 running (2)
 runoff (3)
 run-off (1)

< S >

Saltgrass (10)
 saying (9)
 says (2)
 SC (1)
 scale (2)
 scaled (1)
 screen (7)
 screened (2)
 screened-in (1)
 screw (1)
 seal (1)
 second (8)
 seconds (1)
 Section (2)
 see (3)
 seeing (1)
 seeking (1)
 seen (1)
 sellers (1)
 serious (1)
 serve (2)
 setback (36)

setbacks (2)
 setting (3)
 shorter (1)
 show (2)
 shows (2)
 sic (2)
 side (11)
 sides (4)
 sign (1)
 signed (2)
 significant (2)
 significantly (1)
 signify (1)
 simple (1)
 single (1)
 sir (6)
 sit (1)
 site (6)
 situates (1)
 situation (3)
 six (2)
 six-foot (2)
 SIZE (2)
 slowly (2)
 small (1)
 smaller (3)
 Smyth (35)
 SOUTH (9)
 southeast (1)
 space (3)
 speak (3)
 speaking (1)
 special (5)
 specific (2)
 spirit (4)
 spot (1)
 square (21)
 squiggly (1)
 staff (5)
 Staff's (10)
 stand (3)
 standards (2)
 standing (5)
 standpoint (1)
 stands (1)
 start (1)
 started (1)
 state (3)
 stated (2)

statements (1)
 states (6)
 stay (2)
 stenographically (1)
 steps (2)
 stick (2)
 stood (1)
 strategy (1)
 street (5)
 strict (1)
 structure (11)
 structures (2)
 subject (4)
 submitted (1)
 subpoena (1)
 substantial (3)
 substantially (3)
 support (1)
 supposedly (1)
 Sure (5)
 Surely (1)
 surrounding (2)
 survey (2)
 sworn (2)

< T >

table (1)
 take (1)
 taken (1)
 talked (1)
 talking (4)
 tall (2)
 taller (1)
 tell (1)
 ten (1)
 terms (4)
 testify (1)
 testimony (4)
 Thank (6)
 thereof (1)
 things (5)
 think (22)
 third (1)
 thought (3)
 three (2)
 threshold (1)
 thrive (1)
 TIME (15)
 times (2)

TMS (2)
 today (6)
 today's (1)
 told (2)
 tolerant (1)
 TOM (3)
 tonight (2)
 topography (1)
 Total (1)
 TOWN (15)
 Town's (1)
 transcribed (1)
 transcription (1)
 true (4)
 truly (1)
 truth (3)
 try (3)
 trying (7)
 Tuesday (3)
 turn (1)
 two (8)
 two-and-a-half-story (1)
 two-thirds (1)
 Tyler (3)
 types (1)

< U >

unbuildable (2)
 understand (4)
 understood (1)
 unnecessary (2)
 unreasonably (3)
 Use (6)
 uses (1)
 utilization (3)
 utilized (1)

< V >

vacant (1)
 valid (1)
 variance (51)
 variances (5)
 vary (1)
 vicinity (5)
 view (1)
 views (2)
 violating (1)
 visit (1)

visual (4)
 Visually (4)
 vote (3)

< W >

wait (1)
 waived (1)
 wall (20)
 walls (6)
 want (4)
 wanted (5)
 water (4)
 water-loving (1)
 way (14)
 weaken (1)
 week (1)
 welcome (2)
 Well (12)
 well-suited (1)
 We're (20)
 WERKING (21)

west (3)
 whatsoever (1)
 whichever (1)
 widen (1)
 wish (1)
 wishes (1)
 wishing (1)
 within-entitled (1)
 Witness (1)
 witnesses (4)
 wondering (1)
 wood (2)
 words (1)
 work (1)
 workings (1)
 works (1)
 writing (1)
 written (2)
 WWW.CLARK-ASSOCIATES.COM (1)

< Y >

y'all (1)
 yard (5)
 Yeah (5)
 year (3)
 years (4)

< Z >

ZONING (28)