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TOWN OF KIAWAH ISLAND
BOARD OF ZONING APPEALS MEETING
JUNE 15, 2015

DATE: JUNE 15, 2015
TIME: 4 P.M.
LOCATION: KIAWAH ISLAND TOWN HALL
KIAWAH ISLAND, SOUTH CAROLINA

REPORTED BY: RONDA K. BLANTON, RPR
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A P P E A R A N C E S

Board of Zoning Appeals Members:

- Charles Larsen
- Ron Hacker
- Thomas Burke
- Randy Gilmore
- Jack Braden

Counsel:

Sally Rhoad

Staff Members:

- Jenny Werking
- Joel Evans

1 P R O C E E D I N G S

2 MR. LARSEN: I will then call the
3 meeting to order and begin by briefing the public
4 on the procedures of the BZA. There will be a
5 test on this afterwards.

6 The Board members who will hear your
7 case today are Ron Hacker, Tom Burke hopefully,
8 Mike Clawson maybe, Randy Gilmore, Jack Braden,
9 and myself, Charles Larsen. Staff members are
10 Joel Evans and Jenny Werking. And Ms. Rhoad is
11 our attorney for the BZA.

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

16 At this time I would like to explain to
17 the public the workings of the BZA.

18 The Board of Zoning Appeals is a quasi-
19 judicial body established to interpret and grant
20 relief from the zoning ordinances. The Board of
21 Zoning Appeals has jurisdiction over three types
22 of cases: Appeals, Variances, and Special
23 Exceptions.

24 Appeals are heard regarding the
25 administrative action or decisions by the Zoning

1 Administrator or Staff.

2 Variances may be granted when strict
3 application of the Zoning Ordinance would cause
4 an unnecessary hardship. The Board's actions
5 must be based on specific standards as contained
6 in the South Carolina Local Government Planning
7 Enabling Act of 1994 and the Town of Kiawah
8 Island Zoning Ordinance.

9 Then Special Exceptions is the third,
10 which allow the Board to permit uses if certain
11 conditions as contained in the zoning ordinances
12 are met.

13 A simple majority vote of the quorum
14 present is required to grant a variance or to
15 overturn the decision of the Zoning Administrator
16 in an appeal or to grant a Special Exception.

17 Because today's hearing is a public
18 fact-finding meeting, we are in compliance with
19 the Freedom of Information Act and South Carolina
20 Code 6-29-70. 15 days prior to this hearing, an
21 announcement was printed in the Post & Courier, a
22 sign was posted on or near the designated
23 property, and a notice was mailed to the
24 applicant or representative, to residents within
25 300 feet of the application, and to parties of

1 interest.

2 Persons, organizations, and the news
3 media that have requested declaration of our
4 meeting have also been notified. The Freedom of
5 Information Act does not require notification of
6 anyone other than the applicant and parties of
7 interest.

8 Our purpose today is for interested
9 parties to be heard in order to assist the Board
10 in gathering evidence pertinent to each case. If
11 the members of the BZA feel a need for further
12 information to clarify a case, the Board has
13 authority to subpoena witnesses.

14 In addition to your testimony, our Board
15 has been presented written information submitted
16 to the Staff by the applicant or their agent for
17 each case. This information is now considered to
18 be evidence and is entered into the permanent
19 record of this body.

20 It is assumed that it is complete, true,
21 and accurate. Also we have been presented data
22 assembled by the Staff for the purpose of
23 clarifying the location and the effect on
24 surrounding property. Our Board is empowered to
25 approve, approve with conditions, or deny your

1 request. We are also authorized to defer a case
2 should there be a need to obtain additional
3 information.

4 If an applicant's request is approved
5 for a Special Exception, a Variance, or an appeal
6 by the Zoning Administrator, they must go to the
7 Town of Kiawah Island to apply for permits.
8 Variances and Special Exceptions granted by the
9 BZA are valid for 12 months after this meeting.

10 However, if an applicant request is
11 disapproved and they wish to appeal the decision
12 of this Board concerning their case, appeals must
13 be addressed to the Circuit Court.

14 South Carolina Code 6-29-820 states that
15 the appeal must be filed by the applicant within
16 30 days after the decision of the Board is mailed
17 to them. Failure to file an appeal within the
18 time limit deprives the Court of the jurisdiction
19 to hear the matter.

20 Because this is a quasi-judicial body,
21 everything said in this meeting must be complete,
22 true, and accurate. All of the information
23 provided to the BZA is considered evidence, and
24 this Board may -- can certify contempt of Circuit
25 Court if false statements are made, either in

1 writing or orally.

2 Because of this each person who wishes
3 to address the Board will be sworn in. In order
4 to expedite the procedure, those wishing to speak
5 today will please stand now as a group.
6 Ms. Rhoad will administer the oath.

7 (Witnesses are sworn.)

8 MS. RHOAD: Thank you.

9 MR. LARSEN: I shall now call Case
10 BZAV-4-15-29 -- 20904 at 12 Ocean Green Drive.
11 Staff will present facts pertinent to the case.
12 I shall then call the applicant to address the
13 case. The applicant will then stand and state
14 their name and current address for the record
15 before presenting testimony.

16 I will then ask for all those speaking
17 either in support or against the case, and they
18 shall follow the same procedure for identifying
19 themselves; and they are limited to two minutes
20 each. The applicant will also have two minutes
21 for rebuttal.

22 Thank you.

23 MR. EVANS: For the record, my name is
24 Joel Evans. I'm with the Charleston County
25 Planning Department. I'm actually the secretary

1 to the Charleston County's Board of Zoning
2 Appeals; but Jenny has laryngitis. So I'm
3 filling in for her today to go over the Staff
4 report.

5 The applicant and property owner, Brenda
6 Lauderback -- Lauderback. Excuse me. Is
7 requesting a Variance for the reduction of the
8 required 20-foot rear yard setback for
9 encroachment of a modified raised rear deck and
10 encroachment of rear deck steps and for the
11 reduction of the required 10-foot side yard
12 setback for encroachment of a modified raised
13 rear deck at 12 Ocean Green Drive.

14 The subject property and surrounding
15 properties to the north, south, east, and west
16 are located in the R1 Residential Zoning District
17 within the Developed Lands of Kiawah Island.

18 The Town of Kiawah Island Land Use
19 Planning and Zoning Ordinance requires a 25-foot
20 front yard setback, 10-foot side yard setbacks,
21 and a 20-foot rear yard setback with an allowed
22 maximum lot coverage of 33 percent. The subject
23 property is 12,265 square feet, and the lot
24 coverage is 30.6 percent.

25 I'm going to go over some chronology

1 'cause I think this is going to be important for
2 this case.

3 First, on September 24, 1997, a zoning
4 permit to construct the home was issued by the
5 Zoning and Planning Department; however, the
6 at-grade deck was not shown on the site plan
7 approved by the Zoning and Planning Department.

8 On July -- in July of 1998, Brenda
9 Lauderback purchased the property.

10 On February 24, 2014, the property owner
11 received approval from the Ocean Green HOA Board
12 of Directors.

13 On April 9, 2014, Kiawah Island
14 Architectural Review Board issued a building
15 permit. This was for the enclosed porches.

16 On April 10, 2014, the property owner
17 applied for a Town building permit. Note that
18 the Town did not forward this proposal to the
19 Zoning and Planning Department for zoning permit
20 plan review. Therefore, the project did not
21 receive a zoning permit.

22 On July 23, 2014, a Town building permit
23 was issued. This was for the enclosed porches
24 and the deck.

25 On August 20, 2014, the Kiawah Island

1 ARB approved a Variance to enclose the existing
2 screen porch; and this was because at the time
3 that the ARB originally saw the -- the plans --

4 MR. LARSEN: Wait a minute. You're
5 adding this? This is your comments?

6 MR. EVANS: I'm adding this comment to
7 the August 20.

8 MR. LARSEN: Okay.

9 MR. EVANS: This comment is to the
10 August 20 that the ARB approved a Variance to
11 enclose existing screened porch. This is the
12 rear porch, and the ARB up until this point did
13 not realize that the rear porch of the building
14 did not meet the setback line. So when it was
15 brought to their attention, they visited the
16 site; and so that's when they realized that --
17 that the -- the screened porch on the rear they
18 were enclosing did not meet.

19 MR. LARSEN: And that was for the steps
20 rather than the porch itself?

21 MR. EVANS: That was just for the porch.

22 MR. LARSEN: Okay.

23 MR. EVANS: Yes. August through
24 September of 2014, the Kiawah Island ARB
25 contacted Zoning and Planning Staff to ask if

1 this project was reviewed for a zoning permit.
2 Zoning and Planning Staff contacted the Town's
3 Building Department and found out that the
4 building official determined it was not a change
5 of footprint; therefore, the Town did not forward
6 the plans for zoning permit plan review.

7 September 15, 2014, zoning and planning
8 Staff conducted a site visit with the Kiawah
9 Island ARB.

10 November 5, 2014, the Kiawah Island ARB
11 approved a Variance for the front setback stairs
12 encroachment at their meeting on November 5 of
13 that same year; and this approved a Variance for
14 the rear deck modification and rear steps.

15 The Kiawah Island ARB letter dated
16 November 14, 2014, regarding the rear deck
17 modification states, quote, although modification
18 to the rear deck was noted in the floor plan
19 submitted, the revised stairs were not reflected
20 on the site plan, nor was the rear deck
21 modification listed as part of this scope of
22 work. And so the rear deck modification and
23 resulting stair encroachment was not evaluated
24 prior to the -- to permit issue. As these
25 modifications are detrimental to the

1 neighborhood, the ARB does not approve setback
2 Variance or height increase to the deck.

3 Please remove the new stairs and return
4 the deck to the existing elevation and footprint
5 at your earliest convenience but no later than
6 January 1, 2015, end quote.

7 On December 2, 2014, the property
8 owner's attorney sent a letter to the Kiawah
9 Island ARB.

10 On April 1, 2015, the property owner's
11 attorney recommended she seek a Variance from the
12 Town's BZA.

13 On April 14, 2015, the Town of Kiawah
14 Island Town Council approved Ordinance 2015-04;
15 therefore, a Variance is not required for the
16 front steps. That's for the 5-foot encroachment
17 into the front setback.

18 The zoning permit was not issued -- this
19 is a Staff summary.

20 A zoning permit was not issued for the
21 at-grade deck; therefore, this is a nonconforming
22 deck. The existing survey dated March 18, 2014,
23 was submitted by -- to the Kiawah Island ARB
24 and -- and Town Building Department as the
25 proposed site plan; however, it did not reflect

1 any of the proposed changes.

2 The Town Building Department did not
3 forward the plans to the Zoning and Planning
4 Department for zoning permit review; therefore,
5 there is not an approved zoning permit for the
6 modified raised rear deck.

7 As shown on the as-built survey
8 September 3, 2014, the September 3, 2014, survey
9 after improvements and on the overlaid drawing,
10 the deck has been reconfigured, raised 4 feet in
11 height, and steps were added.

12 See the attached for further information
13 regarding this request.

14 Site visits were conducted on
15 September 15, 2014, and on May 13, 2015, at which
16 time the following determinations were made
17 regarding the approved -- Approval Criteria for
18 Variances. As stated in Chapter 12 of the Town
19 of Kiawah Island Land Use Planning and Zoning
20 Ordinance, Article II, Division 5, Section
21 12-163.(4).

22 Staff findings: The BZA may grant a
23 variance only if exceptional circumstances exist
24 and where practical difficulty or unnecessary
25 hardship is so substantial, serious, and

1 compelling that relaxation of the general
2 restrictions ought to be granted. No Variance
3 shall be granted unless the applicant shall show
4 and the BZA shall find that:

5 Criteria A: There are extraordinary and
6 exceptional conditions pertaining to the
7 particular piece of property.

8 Staff's response: There are no
9 extraordinary and exceptional conditions
10 pertaining to the subject property; however, the
11 applicant's Letter of Intent contends, quote,
12 subject property is a flag-shaped lot that only
13 represents 3 of the 17 lots as shown on the plat
14 of Ocean Green Phase II by Southeastern
15 Surveying, Inc., dated September 6, 1995, end
16 quote.

17 Criteria B: These conditions do not
18 generally apply to other property in the
19 vicinity.

20 Staff's response: These conditions
21 generally apply to other properties in the
22 vicinity; however, the applicant's Letter of
23 Intent contends, quote, the flag layout only
24 applies to the -- to the two adjacent lots in
25 Ocean Green.

1 Criteria C: Because of these
2 conditions, the application of this Ordinance to
3 the particular piece of property would
4 effectively prohibit or unreasonably restrict the
5 utilization of the property.

6 Staff's response: The application of
7 the -- this Ordinance to 12 Ocean Green Drive
8 does not unreasonably restrict the utilization of
9 the property.

10 Criteria D: The authorization of a
11 Variance will not be of substantial detriment to
12 adjacent property or to the public good, and the
13 character of the Zoning District will not be
14 harmed by the granting of the Variance.

15 Staff's response: The authorization of
16 this Variance may be of substantial detriment to
17 the adjacent properties and the character of the
18 Zoning District may be harmed by granting this
19 Variance because the deck has been reconfigured,
20 raised 4 feet in height, and steps were added.
21 In addition, there is not a zoning permit for the
22 at-grade deck or the reconfigured deck.

23 Criteria E: The Board of Zoning Appeals
24 shall not grant a Variance the effect of which
25 would be to allow the establishment of a use not

1 otherwise permitted in a Zoning District, to
2 extend physically a nonconforming use of land, or
3 to change the Zoning District boundaries shown on
4 the official zoning map.

5 Staff's response: Granting of this
6 Variance would not allow the establishment of a
7 use not otherwise permitted in this Zoning
8 District, extend physically a nonconforming use
9 of the land, or change the Zoning District
10 boundaries.

11 Criteria F: The fact that property may
12 be utilized more profitably should a Variance be
13 granted may not be considered grounds for a
14 Variance.

15 Staff's Response: The BZA may not
16 consider profitability when considering this
17 Variance request.

18 Criteria G: The need for the Variance
19 shall not be the result of the applicant's own
20 actions.

21 Staff's response: The need for the
22 Variance may be the result of the applicant's own
23 actions. There is no zoning permit for the rear
24 deck, and an inaccurate site plan was submitted
25 for Kiawah Island ARB and Building Department

1 plan review.

2 Criteria H: Granting the Variance will
3 not be contrary to the public or neighborhood
4 interests nor will not adversely affect other
5 property in the vicinity, nor interfere with the
6 harmony, spirit, intent, and purpose of these
7 regulations.

8 Staff's response: Granting of this
9 Variance may be contrary to the public or
10 neighborhood interests, may adversely affect
11 other property in the vicinity, and interfere
12 with the harmony, spirit, intent, and purpose of
13 these regulations.

14 And last, Criteria I: Granting of the
15 Variance does not substantially conflict with the
16 Comprehensive Plan or the purposes of this
17 Ordinance.

18 Staff's response: Granting of this
19 Variance may conflict with the Comprehensive Plan
20 and the purpose of this Ordinance.

21 Board of Zoning Appeals may approve,
22 approve with conditions, or deny Case
23 BZAV-4-15-20904, Variance for the reduction of
24 the required 20-foot rear yard setback for the
25 encroachment of a modified raised rear deck and

1 encroachment of rear deck steps, and for the
2 reduction of the required 10-foot side yard
3 setback for encroachment of a modified raised
4 rear deck at 12 Ocean Green Drive based on the
5 BZA's Finding of Fact, unless additional
6 information is deemed necessary to make an
7 informed decision.

8 That's staff's report for the case. If
9 you have any questions, I'll try to answer them.

10 MR. LARSEN: That was simple. We
11 probably don't have any questions; right? Who
12 would like -- who has questions for -- for
13 Mr. Evans? Tom.

14 MR. BURKE: You might have covered it
15 before I got here, but I wonder if you could
16 elaborate on the source of the first three
17 exhibits in the pack we got.

18 MR. LARSEN: The 1997?

19 MR. BURKE: Yeah.

20 MR. EVANS: The first three. So --
21 yeah, so I know what you're talking about. Is
22 this what --

23 MR. BURKE: Yes.

24 MR. EVANS: That's one and then two and
25 three. Okay. So the first page is -- looks like

1 a form sheet that was used by the Zoning
2 Administrator to -- to fill out to figure out how
3 to administer the Ordinance, and it goes through
4 what the setbacks are; and it goes over the
5 square footage of the building.

6 MR. BURKE: This is in your office?

7 MR. EVANS: Yes, this is in our office.
8 This was taken in in 1997. The reason why it's
9 broken up like this, this is only a microfilm.
10 We don't have hard copies of this other than what
11 we print from the microfilm.

12 The second is -- is showing and it
13 should be highlighted there in yellow, but it
14 shows what was permitted toward the rear of the
15 property; and that was the -- the stairs that go
16 down, and the reason why that was important to
17 show the Board was because it was clear that a --
18 an at-grade deck was not part of the zoning
19 permit that was issued at the time and that --
20 and that at-grade deck is what eventually showed
21 up in later years as being in the as-built.

22 MR. LARSEN: So these stairs would
23 indicate a raised deck?

24 MR. EVANS: Well, these stairs actually
25 indicate going down -- the house is elevated so

1 the stairs are shown going down to the ground,
2 yeah.

3 MR. LARSEN: Okay.

4 MR. EVANS: And -- and then what came
5 subsequent to this was an at-grade deck some time
6 that was never issued a zoning permit.

7 MR. LARSEN: And this was before the
8 property was purchased?

9 MR. EVANS: This is correct. The -- the
10 permit in '97 was before the property was
11 purchased, that's correct, by the current
12 property owner. Yeah.

13 MR. LARSEN: Does that answer the
14 question?

15 MR. BURKE: Well, there are two more
16 exhibits. We might as well get them clarified
17 too.

18 MR. EVANS: Okay. There is a
19 clarification we want to make on this exhibit as
20 well.

21 Okay. So the next one is showing -- the
22 next one is actually inadvertently showing the
23 neighbor's floor plan, which is not part of
24 this -- this subject property. When we made the
25 copies of this from the microfilm, this is

1 showing the neighbor's floor plan and same with
2 the --

3 MR. HACKER: You're saying the -- the
4 one that has the partial stairs and the --

5 MR. EVANS: Yes, yes. That's why --

6 MR. HACKER: It's very interesting. It
7 looks like there's been seven steps, and then
8 there's a platform and then more steps. So
9 wouldn't that indicate that -- on the other one
10 that the seven steps is not going to get you up
11 to the level of the top, that they were planning
12 another level of a deck?

13 MR. EVANS: I think that goes to -- to
14 show why this -- let me show it to you. So
15 this -- this that you have in your book is not
16 the subject property. This house could be
17 elevated higher, which would require the
18 additional steps. That's -- that's -- see this
19 right here. (Indicating.)

20 MR. GILMORE: But if you do a site
21 inspection, you know that they're not higher.
22 They're not elevated different, that the houses
23 are all exactly the same height off the ground.

24 MR. EVANS: Yes. I'm sorry.

25 MR. GILMORE: With the exception of 6 or

1 8 inches that the ground may have fluctuated. So
2 it's -- it's -- what it shows is that there was a
3 permit issued in 1997 for a house that wasn't
4 actually built. Something else was built.

5 MR. EVANS: Right.

6 MR. GILMORE: That's what it shows.

7 MR. EVANS: Yeah.

8 MR. GILMORE: Okay. But it has nothing
9 to do with the present owner at all.

10 MR. EVANS: It doesn't have anything to
11 do with the present owner.

12 MR. BURKE: Third one doesn't matter.

13 MR. EVANS: Any other questions?

14 MR. BURKE: No.

15 MR. LARSEN: I'd like to get to go back
16 to the -- what you added to the August 20, 2014,
17 chronology --

18 MR. EVANS: Okay.

19 MR. LARSEN: -- where you said that the
20 ARB -- well, could you -- could you say what you
21 added after the screen porch here again, please?

22 MR. EVANS: Sure. And -- and this is
23 based on a conversation I had with someone from
24 the ARB. So it would probably be good during the
25 testimony for the AR -- for that representative

1 to clarify that if I -- if I don't get it exactly
2 right.

3 But it's my understanding that -- that
4 the -- the ARB approved a Variance to enclose the
5 existing screen porch, and that's the rear porch.
6 Because at the time that the ARB originally saw
7 the construction plans, there was not a site plan
8 given to the ARB as well, at the same time,
9 showing the setbacks.

10 So when they approved and reviewed it,
11 it -- they -- they reviewed it just from
12 construction plans that were given to them.

13 MR. LARSEN: Well, how --

14 MR. GILMORE: When you keep saying "site
15 plan," you're talking about an as-built?

16 MR. EVANS: What I'm talking about is a
17 site plan that shows the -- the location of the
18 house in relationship to the property boundaries
19 and the setbacks.

20 MR. GILMORE: An as-built survey --

21 MR. EVANS: Right.

22 MR. GILMORE: -- which marks everything.
23 Every point.

24 MR. EVANS: Yes. Right.

25 MR. GILMORE: Every structure.

1 MR. EVANS: Yes. And the reason why I'm
2 shying away from using the exact words "as-built"
3 is because when a site plan is submitted for
4 construction, they're supposed to show any
5 improvements that may be outside of that as-
6 built.

7 MR. GILMORE: Okay. So you dot the
8 lines on what you intend to do.

9 MR. EVANS: Exactly, yeah, yeah.

10 MR. GILMORE: I understand.

11 MR. EVANS: And that is important in
12 this case because that is -- that's where it
13 seems like there was a failure somewhere in the
14 communications is that -- in our point of view
15 that -- that --

16 MR. GILMORE: I mean, the question is
17 really not for you. The question is for the ARB.
18 Why did you issue a permit if you didn't have --
19 if you didn't have the papers you needed to issue
20 the permit?

21 MR. EVANS: You can ask the ARB that.
22 Okay.

23 MR. LARSEN: And what would that have
24 shown in terms of how much over would that rear
25 porch have been?

1 MR. EVANS: It's on the -- well --

2 MR. LARSEN: Is this that little
3 triangle? (Indicating.)

4 MR. EVANS: Well, I think I'll show you
5 here. It would be -- I don't know if you can see
6 this.

7 MR. LARSEN: Yeah.

8 MR. EVANS: But it would be the length
9 of this area here. That's the porch.
10 (Indicating.) This -- this whole -- that's
11 really light. This whole thing is the porch but
12 the -- the property boundary kind of goes through
13 the porch itself. Do you see that?

14 MR. LARSEN: Yeah.

15 MR. EVANS: Okay.

16 MR. LARSEN: So it's really from here
17 down because this --

18 MR. EVANS: Right.

19 MR. LARSEN: -- goes a long way.

20 MR. EVANS: Yes.

21 MR. LARSEN: So it's from there on.
22 (Indicating.)

23 MR. EVANS: Yeah.

24 MR. LARSEN: So you could --

25 MR. EVANS: I understand what you're

1 saying, yes, uh-huh.

2 MR. LARSEN: Any other questions for
3 Mr. Evans?

4 MR. BRADEN: Number H, you all make the
5 statement that this plan for Variance may be
6 contrary to public or neighborhood interests, and
7 it's my understanding that the homeowners
8 association approved this. So whose -- whose
9 opinion is this as that's being expressed here?

10 MR. EVANS: Sure. We're basing it on
11 just what the -- when we review it, you know,
12 what we -- the normal feedback we get from the
13 residents because we did get feedback early on
14 that couple of the neighbors were concerned about
15 it and also too based on the ARB's evaluation of
16 it.

17 MR. LARSEN: Well, as far as us having
18 information, what you hear is hearsay, I assume,
19 since we aren't given that information.

20 MR. EVANS: Sure.

21 MR. LARSEN: And we are told two things.

22 MR. EVANS: Right.

23 MR. LARSEN: We are told that they
24 approved it; and they approved it, if you look at
25 the date, within just seven days. And that's

1 pretty quick to get approval from a homeowner
2 association.

3 MR. EVANS: Sure.

4 MR. LARSEN: And was somebody ever going
5 to mention this letter we -- or from --

6 MR. EVANS: Oh, yeah, yes.

7 MR. LARSEN: The June 13 letter.

8 MR. EVANS: Yes.

9 MR. LARSEN: Because they -- as they
10 say, our owners are not as concerned about the
11 appearance of the new raised deck as we are about
12 the proper procedures being followed.

13 MR. EVANS: Right.

14 MR. LARSEN: So it doesn't sound like --

15 MR. EVANS: Right. Sure doesn't.

16 MR. LARSEN: I guess I'm troubled to see
17 a statement like that, that Jack mentions --

18 MR. EVANS: Sure.

19 MR. LARSEN: -- which there's no
20 information to that effect.

21 MR. EVANS: Right. And, again, it's my
22 understanding that prior to receiving this
23 letter, we did get an -- and it's not in writing,
24 but we did get some verbal correspondence from
25 the adjacent property owner that they were not in

1 favor of it. That's all I can say.

2 MR. LARSEN: Well, I don't know how to
3 deal with that.

4 MR. GILMORE: The homeowner association
5 approved it so it can't be -- the homeowner
6 association is the one that makes those
7 decisions, not an individual property. So,
8 anyway.

9 MR. BRADEN: Well, I assume we'll hear
10 from the ARB --

11 MR. EVANS: Yes.

12 MR. BRADEN: -- 'cause this is sort of
13 what they said too.

14 MR. EVANS: Correct.

15 MR. LARSEN: And on G on the Staff
16 response, the fact that there was no zoning
17 permit, does it -- and was there no zoning permit
18 because it was an inaccurate site plan, or was
19 there no zoning permit because the actual
20 footprint did not change?

21 MR. EVANS: The footprint did change,
22 and there's no zoning permit because the Planning
23 and Zoning Department was never notified of this
24 at all until after the fact.

25 MR. LARSEN: Well, I -- the thing from

1 Bruce, a different Bruce than the attorney --

2 MR. EVANS: Right.

3 MR. LARSEN: -- from the Town said that
4 there was -- he didn't think a zoning permit was
5 necessary because the footprint wasn't changing.

6 MR. EVANS: That's his opinion; however,
7 to the Planning and Zoning Department, it's very
8 clear to us that it changed. And I can
9 demonstrate that with this overlay that we did
10 with the site plans if the -- of the surveys, if
11 you'd like me to show you.

12 MR. LARSEN: And -- okay.

13 MR. EVANS: Okay. This is in your
14 package as well. This is the survey that was
15 done on March 18, 2014, and it -- this is the as-
16 built before the improvements. You can see the
17 stairs going down to the at-grade deck. All
18 right. And that's the at-grade deck that didn't
19 receive a permit in our files that we have.
20 (Indicating.)

21 This drawing shows an overlay of what
22 was actually built with the stairs, and
23 everything in yellow is in addition to the
24 at-grade deck. So the footprint to us did change
25 clearly. The stairs did not exist, and this

1 portion of the deck did not exist.

2 MR. LARSEN: And when did you determine
3 this versus the ARB saying the footprint hasn't
4 changed?

5 MR. EVANS: I don't know that the ARB
6 said that the footprint hasn't changed. I think
7 it was Bruce with the Town --

8 MR. GILMORE: The Town of Kiawah Island
9 said the footprint hasn't changed.

10 MR. LARSEN: Well, that's why there's no
11 zoning permit.

12 MR. EVANS: That's why one wasn't -- in
13 the building official's mind, that's why he did
14 not forward it to the Planning and Zoning
15 Department because he did not -- it wasn't in his
16 opinion that this constituted a change of
17 footprint, but to us it did.

18 MR. HACKER: So it sounds like there's
19 miscommunication going on between two agencies,
20 and we're trying to straighten it out now; and
21 people are saying it one way because now that you
22 can get all the drawings, you say, "Gee, there it
23 is." But when the homeowners are going through
24 this, they have a problem too of understanding
25 what all these drawings are.

1 MR. EVANS: Sure, I understand.

2 MR. HACKER: They think it's being taken
3 care of by the proper authorities because they're
4 working with them.

5 MR. EVANS: Right. And, again, from the
6 staff's viewpoint, we're just being as
7 transparent as we can to just show you everything
8 and -- and what we see in the Planning and Zoning
9 side of it.

10 MR. GILMORE: We appreciate it. I
11 understand.

12 MR. LARSEN: And how much time passed
13 from when the Town said -- thought there was no
14 change in the footprint so there was no zoning
15 permit necessary and you with this determining
16 that, yes, there was a change in the footprint?

17 MR. EVANS: Let me look at the
18 chronology.

19 MR. LARSEN: Is that the difference
20 between March 18, 2014, and September 3?

21 MR. EVANS: September time frame. We
22 saw it earlier. We don't -- we don't -- our --
23 our role with the Town of Kiawah, we are -- we
24 perform the Planning and Zoning functions for the
25 Town. We do not have the code enforcement or the

1 building review part.

2 We -- when -- as soon as it was made --
3 as soon as we found out about it, we notified the
4 Town. It -- from there it was the Town's code
5 enforcement officer's job to follow through if
6 they felt that it was necessary, but we notified
7 the Town as soon as we found out in September.

8 MR. LARSEN: So by the time that was
9 done, it had already -- it had already been
10 built.

11 MR. EVANS: Oh, yes. Correct.

12 MR. GILMORE: This is all -- this is --
13 the horse was out of the barn for a long time
14 before the -- anybody recognized the door was
15 open.

16 MR. LARSEN: Uh-huh. Okay.

17 MR. BRADEN: Is there any evidence that
18 either the builder or the architect or the owner
19 was notified that there's a problem and that they
20 just decided to ignore it and go and build it?

21 MR. EVANS: I don't know. I don't know
22 any of that. I just know that as soon as the
23 Staff -- the Planning and Zoning Staff found out
24 about it, we notified the Town.

25 MR. KING: I can speak on that behalf.

1 I was the builder for -- for it. And once it was
2 already up, built, and painted before I even knew
3 that there was a problem. I was notified by
4 the --

5 MR. GILMORE: Will you state your name
6 and repeat what you just said?

7 MR. KING: Todd King, Aries Home
8 Builders. Bruce notified me that there may be an
9 issue, that he wanted to meet me at the house,
10 that the deck --

11 MR. BRADEN: When was this?

12 MR. KING: September. August. I mean,
13 it's been --

14 MR. BRADEN: Of last year.

15 MR. GILMORE: It was after the structure
16 was complete.

17 MR. KING: Oh, yeah, after it was
18 already built, painted, trimmed, the whole 9
19 yards, that it became evident to him that someone
20 didn't like the structure that was there, that --
21 and asked me in, you know, for me to pull out all
22 the stuff, you know, building plans and whatnot.

23 We started pulling measurements as to
24 what the old deck was and what this one was, and
25 it was exactly the same minus what your stairs

1 are because you have to have the egress to get
2 down.

3 And then I think that that's when, you
4 know, when we found out was, in essence, long --
5 long beyond, you know, the planning stages or any
6 of that. It was already done.

7 MR. LARSEN: But you were working off
8 the same information that the Town -- or the same
9 drawings that the Town was working off of.

10 MR. KING: Yes, sir, everything.

11 MR. GILMORE: And the same drawings the
12 ARB had.

13 MR. KING: Yes. And then on those that
14 we stated initially in the very outgoing of this,
15 Miss Lauderback's wants was to get an elevated
16 deck to be able to get views out of the back of
17 her property. That was the main focus of us
18 changing the whole back portion of the home.

19 So that was clearly stated on there to
20 where I didn't think it was any issue at all.
21 You know, so I submitted it. It was approved,
22 and I go on my merry way thinking that everything
23 is -- is all good until, you know, we get the
24 letter so --

25 MR. LARSEN: So my last question for

1 Mr. Evans is on G, that there's -- this was an
2 inaccurate site plan. Well, the ARB and the Town
3 had the same information the builder had; and it
4 was built, and then it was determined it was an
5 inaccurate site plan.

6 MR. EVANS: Well, first of all, a
7 site -- the problem -- the issue is that a site
8 plan was never submitted, at least as far as I
9 know, to the ARB when they reviewed it; and I
10 don't know if one was submitted to the Building
11 Department other than that -- the as-built one
12 that showed the deck being the smaller deck, the
13 one --

14 MR. LARSEN: Okay. Yeah, yeah.

15 MR. EVANS: You know what I'm saying?

16 MR. LARSEN: Yes.

17 MR. EVANS: Okay. So what -- just to
18 back up from the planning and zoning point of
19 view, sure, it -- somewhere along the line, I
20 think you're correct.

21 There's -- there's definitely some
22 communication breakdown somewhere along the line,
23 either between the Town Building Department
24 and/or the ARB somewhere that -- that someone
25 should have said, "Hey, the -- the deck that

1 you're building is a different footprint than the
2 deck that existed. It's not the same" because
3 it's clearly, to us, when we saw the surveys,
4 it's clearly, they're not the same.

5 And -- and someone made the call early
6 on that -- that they were the same, and the
7 zoning permit was not issued.

8 MR. GILMORE: Are we splitting hairs
9 here when we talk about inaccurate site plan?
10 Are we really splitting hairs? We're talking
11 about a document. Something's already built.

12 MR. EVANS: Yeah.

13 MR. GILMORE: When you start talking
14 about inaccurate site plan, it's -- there's an
15 implication that someone did something --
16 submitted something wrong, and they submitted
17 something.

18 MR. EVANS: Well, we would have -- we
19 would have -- if -- if this -- let me back up for
20 a second.

21 If this was in the County, it would be
22 considered wrong, that's correct. The site plan
23 is wrong. What was submitted was the original
24 plans. The site plan wise is not what was --

25 MR. GILMORE: But if it had -- if -- all

1 these ifs. If it had been submitted to you
2 because somebody -- the Town had recognized that
3 they needed a Zoning Variance; right? And they
4 submitted the documents to you as they did the
5 ARB and the Town, you would have said, no, this
6 is not right. I need X, Y, Z --

7 MR. EVANS: Right.

8 MR. GILMORE: -- and gone back to them.
9 But you got ex-communicated in the deal,
10 completely shut out because of somebody else's
11 error.

12 MR. EVANS: Correct.

13 MR. GILMORE: All right. Somebody
14 else's judgment.

15 MR. EVANS: Correct.

16 MR. GILMORE: So then to come back and
17 to say something is inaccurate, it's better to
18 say the Variance, we didn't see anything. So
19 there's nothing that we can't make a judgment on.

20 MR. EVANS: Well, we can make a judgment
21 because we do know what was submitted to the
22 Building Department; and it was this -- it was
23 this survey here that showed a footprint
24 different than what was actually built.

25 There are two things going on. There's

1 a site plan that was submitted showing the
2 at-grade deck, and then there were -- there were
3 the construction plans that were reviewed by the
4 Building Department that showed an above-grade
5 deck with stairs. That's what was submitted to
6 the Town of Kiawah, and that's what was reviewed;
7 and that's where the call was made to not send it
8 to Planning and Zoning for review.

9 And why, we don't know. We just have
10 to -- I understand your position, but we just
11 have to follow through with when it was brought
12 to our attention as to what the issue is from a
13 setback point of view.

14 MR. GILMORE: Okay. I'm not sure we're
15 getting anywhere, but I understand.

16 MR. EVANS: Okay. All right.

17 MR. HACKER: We need to hear from the
18 other people.

19 MR. LARSEN: Okay. Anyone else? Who
20 else is going? The ARB was going to talk, but
21 would you -- would you like to say something?

22 MS. DIGERONIMO: Brenda's the homeowner.
23 I'm the HOA president so maybe I can just give a
24 quick blurb here. I'm Lisa DiGeronimo.

25 MS. WERKING: The applicant goes first.

1 MR. LARSEN: The applicant first. Okay.
2 Thank you.

3 MS. LAUDERBACK: Well, thank you for
4 allowing me to be here and address you today.

5 One of the things that I really just
6 wanted to get clarity on is when we purchased the
7 house in 1998, the deck that was at ground level
8 was already there. The house was built as is --
9 as it was. We have made no changes to the home
10 whatsoever from 1998 until we submitted plans to
11 do this renovation.

12 So I don't -- I don't know what he's
13 saying about some site plan. I don't know
14 anything about that. All I know is how we bought
15 the house, what was there when we bought it. So
16 we assumed when we purchased it, that everything
17 is legitimate and the way that it should be. So
18 when we decided that we wanted to do a remodel --
19 well, back up real quick.

20 Prior to that when we bought the home,
21 we knew there was going to be a home put behind
22 us; but we were told by the developer and our
23 real estate agent at that time, it was going to
24 be just a little cottage that they were tucking
25 in back there, not a full home, small cottage,

1 personal for him.

2 Next thing we know after we bought
3 later, there's a full home that's back there; and
4 it's kind of blocking the view of the home that
5 we have. So, you know, we dealt with it because
6 we dealt with it during that time. But when we
7 decided to do the remodel, we were just trying to
8 reconfigure a little bit staying on our own
9 property to get somewhat of a view of the golf
10 course because the house has blocked us for
11 years.

12 So we then got with -- we were told a
13 couple of things. One, always work with your HOA
14 first, get all approvals there, get a builder who
15 has built and understands the island and has
16 worked with the ARB.

17 So we did some plans, and we submitted
18 them to the HOA; and the original plans that we
19 had submitted to the HOA were not approved. And
20 the original plan that we had submitted was --
21 where the deck was, was adding an addition on the
22 house. They came back and said, "No, we don't
23 want any addition to change that neighborhood
24 area."

25 So we said, "Okay." So we went back and

1 started over again with the architect; and it was
2 saying, "Let's not get into changing anything.
3 Let's not do anything with the footprint. Let's
4 see if we can ask to raise the deck."

5 So we had -- the plans then were to
6 enclose the porch, take some of the front porch,
7 enclose that back porch but all in the same
8 footprint and raise the deck, not changing the
9 shape of the deck or any of that. So we did then
10 take that to the HOA.

11 The HOA looked at it, had no problems
12 with it, no problems with it whatsoever. They
13 approved it. So we got all of the approvals, and
14 then that's when the -- and I have the letters --
15 well, I have the president here; but that's when
16 they said, then, go to the ARB. So as you know,
17 we paid the fees for the ARB to do a complete
18 plan approval; and we got that.

19 So they stamped the plans. Everything's
20 approved. We're going along. I don't know that
21 there's truly a problem. The only communication
22 I've had in all of this, which is also very
23 frustrating to me as a homeowner, is in November,
24 we get the letter that you see in your file that
25 basically says, "Take it down." Never called.

1 Never came. Nothing. No communication
2 whatsoever.

3 So, of course, when I get this letter,
4 my husband and I -- and unfortunately, he can't
5 be here today. He had patients that couldn't
6 change. But, unfortunately, we get this letter;
7 and we think this is -- this is not even serious.
8 How could this be after we have permits, plans,
9 all of this and everything's stamped and
10 approved? So that's when we went to our attorney
11 to say what options, you know, do we have? And
12 that's how we've gotten here today.

13 But the point that I really want to make
14 is that I don't feel as a homeowner I should be
15 penalized or have to suffer if things fell
16 through the cracks with others, of course, with
17 us as the homeowner.

18 We could have done a different plan. We
19 could have done anything different. If someone
20 would have come to us and said, "This isn't
21 working and here's why or here's what you need."
22 Because everything that we were told we needed to
23 do we did. We didn't go outside of any lines
24 whatsoever.

25 And that's the frustration that I have

1 right now, and so I just feel like it is a real
2 hazard and a detriment to us personally because
3 we spent a lot of money on that renovation; and
4 we could have reconfigured how we did the
5 renovation inside our house and what would be
6 impacted on the outside of our house had we known
7 prior to getting approvals that there was
8 potentially any issues.

9 MR. LARSEN: Okay. Thank you,
10 Miss Lauderback.

11 MS. LAUDERBACK: Thank you very much.

12 MR. LARSEN: Just -- you may get some
13 questions. So any questions for Ms. Lauderback?

14 (No response.)

15 MR. LARSEN: I guess not.

16 MS. LAUDERBACK: Okay.

17 MR. LARSEN: Thank you, then.

18 MS. LAUDERBACK: Thank you.

19 MS. DIGERONIMO: I'm just going to
20 say -- I'm going to go. Okay.

21 MR. LARSEN: State your name and
22 address, please.

23 MS. DIGERONIMO: My name is Lisa
24 DiGeronimo, and I live at 8 Ocean Green Drive;
25 and I'm the HOA president of Ocean Green.

1 And originally Brenda did submit a plan
2 that we didn't approve because it changed the
3 footprint; and our model's always been not to
4 change the footprints of the houses on the
5 street.

6 She came back with a plan that changed
7 the deck; and we all were, you know, we all
8 approved of it. They were fine with it. There
9 was no -- no discrepancies with anyone.

10 And I just want it stated that no one
11 has ever complained to us about the renovation.
12 So if someone complained verbally, they've never
13 complained in writing so no note -- no one on the
14 street that's ever before, you know, complained
15 that they weren't happy with the renovation.
16 And, you know, I mean, I walk by Brenda's house
17 like every day and, you know, to me the deck was
18 the way it was. It just went up higher. I don't
19 believe the footprint changed from what I ever
20 saw. So --

21 MR. LARSEN: Okay. Thank you.

22 And now the ARB.

23 MS. WERKING: Well, it's anyone else in
24 favor.

25 MR. LARSEN: I don't know.

1 MS. WERKING: You ask for anyone else in
2 favor. Then you ask for anyone in opposition.
3 Then you can't --

4 MR. LARSEN: Anyone else to speak
5 favorably? Thank you. For the application --
6 for the applicant?

7 MR. KING: I'm the builder. I don't
8 know if you have any -- you guys may have any
9 questions for me.

10 MR. LARSEN: Why don't you come up and
11 introduce yourself. Then we'll --

12 MR. KING: Todd King, Aries Home
13 Builders. I did the project for Miss Lauderback,
14 with all intentions of giving her exactly what
15 the plans said; and I'm hoping that everybody
16 would be happy in the end.

17 MR. BRADEN: What do you think happened?

18 MR. KING: In looking at it, I think
19 that the -- the print was released from the ARB
20 without having all of the pertinent info of
21 looking at it, you know, back.

22 I think if they would have had or had
23 asked for -- of looking at it for the site plan
24 or the as-built for the house at that time, I
25 think that that probably would have -- they would

1 have said, "Hey, wait a minute. We can't do
2 this."

3 That's my gut feeling looking back at it
4 now, you know. But of what we brought to the
5 table and everything that we submitted, we
6 submitted all that they asked for. So I -- if --
7 of doing it any differently, I can't say that,
8 you know, we would have done anything any
9 differently.

10 MR. GILMORE: How long have you been
11 building on Kiawah?

12 MR. KING: About 15 years.

13 MR. GILMORE: Renovations as well?

14 MR. KING: Uh-huh.

15 MR. GILMORE: How many times have you
16 dealt with the ARB?

17 MR. KING: How many times have I dealt
18 with the ARB?

19 MR. GILMORE: Yeah. Just give me a
20 number. Three times a year? Four times a year?
21 Five times a year? How many projects do you run
22 a year?

23 MR. KING: It's at least five times a
24 year. At least that.

25 MR. GILMORE: Okay. Have you had plans

1 changed? ARB is not always easy to get things
2 through?

3 MR. KING: Yes.

4 MR. GILMORE: They ask you what they
5 want.

6 MR. KING: Yeah. They ask for it.
7 You've got to give it to them.

8 MR. GILMORE: Sure. They demand it,
9 you've got to give it; or nothing happens.
10 Right?

11 MR. KING: That's exactly. You don't go
12 anywhere unless you give them what they want.

13 MR. GILMORE: And they don't necessarily
14 ask you for the same thing every time, every
15 project, do they?

16 MR. KING: Exactly.

17 MR. GILMORE: Okay. Thanks.

18 MR. LARSEN: Thank you, Mr. King.

19 MR. KING: Yes, sir.

20 MR. LARSEN: Now, is there anyone that's
21 going to speak against the -- the applicant?

22 MS. LOONEY: I'm Barbara Looney. I'm
23 The Assistant Director for the Architectural
24 Review Board.

25 I can start answering questions; or I

1 can give you a little bit of clarification on
2 some points that have been made, if that's okay
3 with you.

4 MR. HACKER: I'm a little confused. You
5 came up when you said if there was anyone
6 speaking against. Are you speaking against, or
7 are you just speaking for the ARB?

8 MS. LOONEY: I'm speaking for the ARB,
9 which did not approve the Variance.

10 The applicant made an improvement
11 request to the ARB last spring. The improvement
12 request is a -- it's a form. It was filled out
13 by the architect; and it clearly states that the
14 improvement was to enclose the screen porch, to
15 enclose the porches, the front and rear porches,
16 and they're permanent. Their construction
17 agreement form says enclosing of screen porch.
18 That's a form that Miss Lauderback did sign, as
19 did her contractor.

20 In reviewing that, any time a map is
21 being changed over the setback, that's not
22 something a Staff person can approve. That has
23 to go to the Board to be approved, and we call
24 that a Variance.

25 MR. LARSEN: A Staff person within -- at

1 the ARB?

2 MS. LOONEY: Yeah. Improvements are
3 reviewed at a Staff level. We don't go to the
4 Board; however, if it's any sort of change
5 outside of the setbacks, that has to go to the
6 Board. Initially --

7 MR. LARSEN: Even though it's within the
8 footprint?

9 MS. LOONEY: In the existing footprint,
10 yes. Just like if you have an existing footprint
11 with, you know, adding a roof, changing a height,
12 it has to -- it's a Variance.

13 Additionally, it's noted within our
14 guidelines that Variances are only granted in
15 writing and have to be -- they're specifically
16 granted. They're not granted by default.

17 When reviewing, we realized that the
18 Staff person in March should not have made the
19 decision. It should have gone to the Board. The
20 Board looking at the lot like Mrs. Lauderback
21 said, it's an unusual flag lot; and enclosing the
22 porches, which is what was asked for and
23 approved, was approved by the ARB. That's that
24 Variance in August. Then we realized there was
25 additional work that was done in that scope of

1 work.

2 MR. LARSEN: Additional work had been
3 done that had not been approved?

4 MS. LOONEY: Yes, the front stair and
5 the rear deck had changed. That was not in the
6 original scope of work that had been approved.

7 So that's why it went to the Board in
8 November. The Board granted the Variance at the
9 front of the stair, understanding the light --
10 the lot conditions. Granted that one. The rear
11 deck, the change in elevation, was something that
12 they did not approve. They thought that was
13 detrimental to the neighborhood and --

14 MR. LARSEN: And this is in November.

15 MS. LOONEY: This was in November, yes.
16 So --

17 MR. GILMORE: Work's been done.

18 MR. LARSEN: Right. So these plans that
19 changed, as I understand, Mr. King built the deck
20 on the same plans that were given to the ARB.

21 MS. LOONEY: The plans were given to the
22 ARB, but there was not a site plan. They were
23 just building plans; and if you look at those
24 building plans, it did not -- it didn't locate
25 the house on the property. So there was no

1 indication of where the house sat on the property
2 as a -- a proposed site plan would do.

3 Secondly, that wasn't in their scope of
4 work; and that's not unusual when a homeowner
5 engages the -- an architect or -- to do
6 improvements. But they say, "I'm going to phase
7 this project. I'm just doing this." And so
8 that's why we specifically asked on the
9 improvement review form and on the construction
10 application what the scope of work is, and at
11 that time the scope of work was listed as
12 enclosing the porches.

13 MR. LARSEN: The scope of work what?

14 MS. LOONEY: Was listed as enclosing the
15 porches. Just kind of infilling the porches.
16 The deck was not part of the scope of work.

17 MR. GILMORE: There's an architectural
18 drawing of plans and stuff dated April 14 --
19 April 8, 1914 -- 2014. I'll get it right in a
20 minute. This went to the ARB.

21 MS. LOONEY: Yes.

22 MR. GILMORE: Okay. And on it, it
23 clearly shows the rear deck.

24 MS. LOONEY: It does. And again --

25 MR. GILMORE: The elevation shows it,

1 and the plan shows it; and the front porch shows
2 this.

3 MS. LOONEY: Again, it's not unusual for
4 drawings to have future work because they've
5 engaged the services of the architect. It's not
6 unusual for that to be on drawings. It was not
7 part of the scope of work. It's not an
8 approvable -- it doesn't meet the intent of the
9 guidelines.

10 MR. LARSEN: But you approved it.

11 MS. LOONEY: Not the rear deck. They
12 approved the enclosing of the porches, and they
13 approved the stairs at the front.

14 MR. GILMORE: The Staff approved it.
15 The Staff approved it. At some later date, they
16 decided to stamp it.

17 MS. LOONEY: The Staff in -- last April,
18 the Staff approved the enclosing of the porches.

19 MR. GILMORE: That doesn't make any
20 sense to me at all. Now, I'm sorry. I'm sorry.
21 If you get a letter based on a drawing and a
22 letter comes back to the -- to the builder and
23 says, "We approve it"; and he's submitted a
24 drawing or his architect -- the architect has
25 submitted a drawing, it ought to be approved.

1 It doesn't make any sense to me
2 whatsoever no matter how many times you say it
3 that when something's submitted, you can only
4 approve a certain piece of it without
5 specifically saying, "I'll cut out X. See my red
6 line? I'm not going to put it on there."

7 We have hung -- we have hung a homeowner
8 out to dry on this thing, and let's -- you know,
9 it's time for us to start admitting we're all
10 human, and we make mistakes; and this is the
11 case. It's a simple case. A mistake was made.
12 Fine. A mistake was made. The homeowner to get
13 a letter and say you got to tear out your deck is
14 absolutely ridiculous.

15 MR. LARSEN: And how would you feel if
16 you got this letter and your attorney sent a
17 letter to the ARB, and the ARB didn't respond for
18 three months?

19 MS. LOONEY: What do you mean we didn't
20 respond?

21 MR. LARSEN: Why was there no response
22 from the ARB to the homeowner or to the
23 homeowner's attorney?

24 MS. LOONEY: We were collectively
25 gathering information to move forward. I

1 understand the frustration, but it's clearly
2 stated that Variances are not granted without
3 written approval; and no Variance was asked of --
4 for that deck. It wouldn't have been approved.

5 MR. GILMORE: This is what the -- the
6 people that pay the taxes in this Town should be
7 shown some respect once in a while. There's a
8 lot of not showing respect. And it is just
9 appalling how many times this -- this Board gets
10 put in the position of having to rectify --
11 having to rectify mistakes made.

12 We all make mistakes, but let's just
13 don't sit here and keep saying. Just admit a
14 mistake was made. Who made it? It's gone now.
15 They have -- they have spent money. The
16 construction is done, and then they get a letter
17 that says you got to tear it down because why?
18 You made the mistake. Homeowner, you made the
19 mistake.

20 No. Town made the mistake. The ARB
21 made a mistake.

22 MS. LOONEY: The drawings that were
23 submitted did not --

24 MR. GILMORE: You keep talking about the
25 drawings, and I just showed you it's on the

1 drawings.

2 MS. LOONEY: They did not submit a site
3 plan, and any time you're doing a --

4 MR. GILMORE: You're trying to defend
5 the indefensible. We are all very much aware of
6 what goes on in business. We all run businesses.
7 We've all seen mistakes. We've all made them.

8 It's time to -- for people to simply say
9 a mistake's made. Whoops. And we certainly
10 aren't going to tell a homeowner to start ripping
11 out construction that's already done; and if we
12 have to approve a zoning Variance in order to
13 satisfy this, I think we're probably going to do
14 it. It's unfortunate that --

15 MR. LARSEN: You can save that for the
16 discussion.

17 MR. GILMORE: Okay. Well, I'm sorry.
18 I'm just irritated.

19 MR. BRADEN: Does it make any difference
20 whether we approve this or not to you?

21 MS. LOONEY: No.

22 MR. BRADEN: You're going to go do what
23 you're going to do. If you're going to write
24 them and tell them to tear it down by January the
25 1st, we can't tell you not to do that. You're

1 going to go on and do it, I assume; is that
2 correct?

3 MR. LARSEN: Well, if we approve it, if
4 we --

5 MR. HACKER: Then it's okay.

6 MR. BRADEN: That's not what I'm
7 hearing.

8 MS. WERKING: I would add if you do
9 approve it, that they do go ahead and submit the
10 as-built --

11 MR. LARSEN: Have Mr. Evans tell us what
12 you're trying to tell us.

13 MR. EVANS: Yes. Yeah. First of all --

14 MR. LARSEN: Thank you, Barbara.

15 MR. EVANS: First of all, from the
16 Planning and Zoning staff's point of view, I just
17 want to make it clear that for us, we just want
18 them to have a zoning permit. How they get
19 there, we don't care.

20 If it came to us and we were able to
21 approve it, we would have approved it so that
22 they would have a zoning permit in their hand.
23 From -- from an administrative point of view, we
24 can't break the rules that are in the Town's
25 Ordinance and just approve it administratively.

1 This is the only recourse. The Board is the only
2 recourse we can take to get the homeowner to have
3 a zoning permit in their hand.

4 Back to what Jenny just said. If the
5 Board does happen to approve it, I think that
6 what she was saying was that you can add the
7 condition that the approval goes with the
8 property and the suggestion that the ARB -- oh,
9 yes, excuse me.

10 That, again, they get a -- they get an
11 as-built survey of -- of what was actually built
12 out there, a very detailed as-built survey that
13 we can attach to the zoning permit that we issue
14 so that it's very clear from here on out what was
15 permitted from a site plan point of view. Yeah.

16 MR. LARSEN: An as-built survey to
17 attach to the zoning permit?

18 MR. EVANS: Yeah. An as-built survey
19 showing exactly what was built and attached to
20 the building permit. So it's very clear what it
21 is that we're issuing a zoning permit for from a
22 site plan.

23 MR. LARSEN: I thank you, everybody, for
24 their patience. This has been much more
25 complicated and contentious than most of our

1 cases are.

2 MR. EVANS: Sure.

3 MR. LARSEN: Are there anyone -- anyone
4 else that wants to say anything? Yes,
5 Miss Lauderback.

6 MS. LAUDERBACK: Thank you. I -- I do
7 appreciate all your consideration.

8 The one thing I did want to say is in
9 rebuttal to what was said about the ARB. When
10 the plans were submitted to the ARB, the letter
11 and the approval from the homeowner's association
12 was sent to the ARB. And in that letter and
13 approval from the homeowners association, it
14 specifically discussed raising the deck. So that
15 was what was approved within the renovation by
16 the homeowners association; and we were told,
17 "Get that done first." And then that approval
18 was submitted to the ARB so the deck raised was.

19 Thank you very much.

20 MR. LARSEN: Thank you.

21 Does anyone else -- I think everyone has
22 spoken almost. Anybody else either for or
23 against the applicant have anything?

24 (No response.)

25 MR. LARSEN: I don't have any gavel, but

1 I will call for an end to the discussion and ask
2 for a motion. And after the vote, we will also
3 announce the -- the legal reason for the
4 decision.

5 So does anybody have a motion they would
6 like to make?

7 MR. GILMORE: Make a motion we grant the
8 Variance.

9 MR. LARSEN: That we grant the Variance.
10 And is there a why?

11 MR. GILMORE: Yes, sir. There's the --

12 MR. LARSEN: A legal reason.

13 MR. GILMORE: There is a why. And the
14 why is that it's clear that the property owner,
15 their architect and their builder, had clear
16 intentions of what -- they knew what they were
17 going to do. They got approval. They built it.
18 They shouldn't be held accountable in any way for
19 an error by whomever at the Town or at the ARB.

20 MR. LARSEN: Okay. Thank you.

21 MR. GILMORE: That it is -- it becomes
22 very much an exceptional circumstance.

23 MR. LARSEN: Yes.

24 MR. GILMORE: We are being asked to
25 approve a Variance after construction.

1 MR. LARSEN: Now, this is a discussion
2 of your --

3 MR. GILMORE: Right. I was just giving
4 you the legal reasons.

5 MR. LARSEN: Yeah. Comments? Continue
6 your discussion, Randy?

7 MR. GILMORE: No. I think I said my
8 peace.

9 MR. LARSEN: Anyone else?

10 MR. HACKER: My feeling was way back at
11 the beginning, these variances would have been
12 approved before it was built --

13 MR. GILMORE: Yes.

14 MR. HACKER: -- by this group just
15 because of the unusual shape of the lot and the
16 way that little corner comes together where the
17 stairs have to go. They don't have that much
18 property to put stairs.

19 And it would have come before us, and we
20 would have passed it; and they would have built
21 it. They happened to go ahead and build it first
22 because they thought they had all the permits,
23 and I feel that that's why we should still vote
24 for it now.

25 MR. LARSEN: Any other comments?

1 (No response.)

2 MR. LARSEN: I -- it's just -- it's --
3 when you go through this, it's difficult because
4 not only were mistakes made; but there's a lot of
5 why in terms of things happening that we'll never
6 really get an answer to.

7 But one of the things we were told from
8 the consultant back in December is that the BZA,
9 after you have your nine steps, you also have to
10 be reasonable. And I don't see how we could be
11 reasonable and not find for the applicant in this
12 case.

13 So with that, any more comments?

14 (No response.)

15 MR. LARSEN: Then I'll call for the end
16 of discussion and call for a vote.

17 All in favor of the motion to grant the
18 Variance for the applicant, signify by saying
19 aye.

20 (All Members respond by saying aye.)

21 MR. LARSEN: Opposed?

22 (No response.)

23 MR. LARSEN: If you please note that it
24 passed unanimously.

25 And we didn't put the statement on there

1 that we, perhaps, should have. Would that be in
2 another -- another motion --

3 MR. GILMORE: That -- I think --

4 MR. LARSEN: -- or is it understood that
5 an as-built survey would be attached to the
6 zoning permit?

7 MR. EVANS: I think for clarification in
8 this particular case, it would be good if we did
9 have that -- that survey to go with this, yes,
10 sir.

11 MR. KING: We'll be happy to provide
12 that.

13 MR. GILMORE: I disagree entirely. As-
14 built surveys cost money. Miss Lauderback is
15 going to have to decide whether she wants to
16 spend the money.

17 MR. KING: We've already paid for it.

18 MR. GILMORE: I would highly recommend
19 to her that she has the as-built survey done, but
20 I don't want to require her to spend whatever it
21 is to spend.

22 MS. LAUDERBACK: I am happy to get the
23 survey. I'd like to get this resolved, finished,
24 and put behind me.

25 MR. GILMORE: Then you know exactly

1 what -- when you go to sell it.

2 MR. LARSEN: For her rights, should we
3 also include that in the --

4 MR. EVANS: That's up to the Board. If
5 you make it a condition, she has to do it; but if
6 you don't make it a condition, then she doesn't
7 have to do it. But then the possibility that we
8 never have that is there. So that's up to the
9 Board.

10 I do want to say one thing, however,
11 though just as every other Variance that you see,
12 you -- you request and you ask if the ARB has
13 approved it or not.

14 In this particular case, to follow that
15 model and that requirement that the Planning and
16 Zoning has, just so the Board knows and everyone
17 in the room knows, we cannot as far as I know
18 issue the zoning permit until the ARB approves
19 this.

20 And as of today, the ARB has not
21 approved this. So we will be talking with the
22 ARB to see if they're going to review this some
23 more but -- but the process is that the Planning
24 and Zoning does not issue a -- a zoning permit
25 until ARB has approved -- has approved an

1 application; and in this particular case, they
2 have not approved is what I'm hearing is they
3 have not approved this application.

4 MR. LARSEN: So you're saying that
5 despite the unanimous decision from the BZA, that
6 the ARB could still turn -- turn this down?

7 MR. EVANS: What I'm -- I'm -- I don't
8 know about that. All I know is that we --
9 Planning and Zoning Department cannot issue a
10 permit without ARB approval. That's -- that is
11 our process.

12 MR. GILMORE: So when this Board gives
13 you -- issues the permit, it -- it gives the
14 Variance, you're telling us the ARB can override
15 us? If that's what you're saying, that's fine.
16 Because then we need to go down to the Town
17 Council ASAP.

18 MR. EVANS: I would like to talk to the
19 Town's attorney as well on that to figure --
20 we've never been in this position as well, the
21 Planning and Zoning hasn't.

22 MS. WERKING: Normally you have that
23 approval before you come here.

24 MR. EVANS: It's like normally the first
25 thing that we ask Staff, and that it's brought to

1 you always with ARB approval; and in this
2 particular case, it has not been.

3 MR. BURKE: Should we ask the homeowner
4 to move out while you guys settle this?

5 MR. EVANS: I'm just trying to -- I'm
6 just trying to, again, bring everything that we
7 have -- that I know.

8 MS. WERKING: But on the record, that
9 they approved it in the packet.

10 MS. RHOAD: Yeah, I think you're correct
11 on that.

12 MS. WERKING: We have a record, but we
13 just may not be able to get a zoning permit.

14 MS. LAUDERBACK: Excuse me. Can I ask a
15 question?

16 MR. LARSEN: Well, if there's no further
17 question --

18 MR. BRADEN: She had a question.

19 MR. LARSEN: Oh, I'm sorry.

20 MS. LAUDERBACK: I just wanted to ask
21 one question. I'm confused by this conversation
22 that was had here.

23 MR. LARSEN: Well, I am too.

24 MR. GILMORE: We are too.

25 MS. LAUDERBACK: And what I don't want,

1 ideally, is down the road, I plan to be here. I
2 mean, we're here; but I don't want to have to
3 down the road sell my house and come back; and
4 now we have another problem, if that would be the
5 case. So I'm trying to get all of this resolved
6 and put in place so that if I ever sell it or we
7 leave it to our children and they decide to do
8 something, that we don't have a whole bunch of
9 problems is what I'm trying to hopefully get
10 resolved here.

11 MR. GILMORE: Miss Lauderback, I think
12 that this Board will make sure that the
13 bureaucracies get their acts together.

14 MR. LARSEN: Well, should we -- does the
15 Town Council have anything to add on this, John?

16 MR. WILSON: I've been advised that I
17 cannot advise the BZA on anything so far.

18 MR. LARSEN: Can we ask the -- the ARB
19 representative, Barbara, if there's any --

20 MS. LOONEY: I'm going to refer that to
21 Trey.

22 MR. LARSEN: If there has been any
23 resolution or if -- if --

24 MR. HOWELL: I'm Trey Howell, general
25 counsel for Kiawah Partners and so by virtue of

1 that, the ARB.

2 I do think there's a -- this does
3 present an interesting legal question. I don't
4 currently have the answer. I don't know if your
5 counsel has the answer, but there is some
6 interaction between this and the -- the rights of
7 both the Town and the developer and the
8 development agreement.

9 And I'm not sure. I mean, I think this
10 is the first time I think this has ever -- this
11 issue's ever arisen. So I will tell you, again,
12 we'll go back to the ARB; and I think some new
13 information, at least to me, has come up today
14 and so, you know. We'll go back to the ARB and
15 see if we can -- can go ahead and get it resolved
16 without having answered the more complicated
17 issue.

18 MR. LARSEN: Well, I'm hoping that when
19 a decision is made, that -- that the -- that our
20 Board will also be notified.

21 MR. HOWELL: Sure.

22 MR. LARSEN: And is -- so you're --
23 you're going to go back and huddle?

24 MR. HOWELL: Well, we need to talk to
25 Amanda, who's the head of the ARB. This was a

1 Board decision.

2 You know, part of this has absolutely
3 nothing to do with Mrs. Lauderback. There is
4 a -- an ARB process that has to be preserved at
5 some level. There are a lot of unfortunate
6 circumstances here; but in other cases, people do
7 build things, make additions to their houses
8 without getting approval.

9 In other cases, people want to build
10 houses that the ARB doesn't think meet the
11 guidelines for Kiawah; and, frankly, many of you
12 wouldn't want these houses built beside you
13 either.

14 So the ARB has a role to play; and if we
15 don't at least respect it in the instances where
16 it should be respected, then we lose the ability
17 to enforce it at all, including in instances
18 where we can all agree the ARB should be
19 involved.

20 So that's what we're juggling here.

21 MR. LARSEN: Well, you're also juggling
22 fairness to the property owner --

23 MR. HOWELL: And I think that's what I'm
24 saying is that there was -- there's some new
25 information today that I didn't know about; and

1 in particular, I think, was last week that we
2 found out that the neighbors were no longer
3 opposing it? Which I -- I had very, very
4 contrary information.

5 MR. LARSEN: Well, it seems like if they
6 were, we would have been given some information.

7 MR. HOWELL: Obviously, it was unwritten
8 communication.

9 MR. LARSEN: I think she's going to do
10 everything she can.

11 MR. HACKER: It's in her own best
12 interests to do it.

13 MR. LARSEN: Thank you, everyone. I
14 will call the meeting adjourned and thank you for
15 your time and your patience.

16 (The meeting concluded at 5:15 p.m.)

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1 CERTIFICATE OF REPORTER
STATE OF SOUTH CAROLINA
2 COUNTY OF CHARLESTON

3 I, Ronda K. Blanton, a Registered
Professional Reporter and Notary Public for the
4 State of South Carolina at Large, do hereby
certify that I was present at the Board of Zoning
5 Appeals hearing at the time and location therein
stated; that the proceedings of the hearing and
6 all statements made at the time of the
proceedings were recorded stenographically by me
7 and were thereafter transcribed by computer-aided
transcription; that the foregoing is a full,
8 complete, and true record of the testimony of the
hearing and of all statements made at the time of
9 the proceedings.

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

11 Witness my hand, I have hereunto affixed my
official seal on June 25, 2015, at Charleston,
12 Charleston County, South Carolina.

13
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15

16 Ronda K. Blanton
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REPORTER, RPR
17 My Commission expires:
May 14, 2018.

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 demonstrate (1)
 deny (2)
 Department (17)

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 differently (2)
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 Director (1)
 Directors (1)
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 disapproved (1)
 discrepancies (1)
 discussed (1)
 discussion (5)
 District (7)
 Division (1)
 document (1)
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 dot (1)
 drawing (6)
 drawings (9)
 Drive (5)
 dry (1)

< E >
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 early (2)
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 effect (3)
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 either (6)
 elaborate (1)

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 elevation (3)
 else's (2)
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 Enabling (1)
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 enclosing (7)
 encroachment (9)
 enforce (1)
 enforcement (2)
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 Evans (87)
 events (1)
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 everybody (2)
 Everything's (2)
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 Exceptions (3)
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 Excuse (3)
 exhibit (1)
 exhibits (2)
 exist (3)
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 existing (7)
 expedite (1)
 expires (1)
 explain (1)
 expressed (1)
 extend (2)
 extraordinary (2)

< F >
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 Failure (2)
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 false (1)
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 favorably (1)
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 Finding (1)
 findings (1)
 fine (3)
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 Five (2)
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 flag-shaped (1)
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 fluctuated (1)
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 form (5)
 forward (5)
 found (6)
 Four (1)
 frame (1)

frankly (1)
 Freedom (2)
 front (10)
 frustrating (1)
 frustration (2)
 full (3)
 functions (1)
 further (4)
 future (1)

 < G >
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 gavel (1)
 Gee (1)
 general (2)
 generally (2)
 getting (3)
 Gilmore (61)
 give (6)
 given (6)
 gives (2)
 giving (2)
 go (27)
 goes (8)
 going (32)
 golf (1)
 good (4)
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 Government (1)
 grant (8)
 granted (11)
 granting (7)
 Green (9)
 ground (4)
 grounds (1)
 group (2)
 guess (2)
 guidelines (3)
 gut (1)
 guys (2)

 < H >
 Hacker (12)
 hairs (2)
 HALL (2)
 hand (3)
 happen (1)
 happened (2)
 happening (1)

happens (1)
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 hard (1)
 hardship (2)
 harmed (2)
 harmony (2)
 hazard (1)
 head (1)
 hear (5)
 heard (2)
 hearing (7)
 hearsay (1)
 height (5)
 held (1)
 hereunto (1)
 Hey (2)
 higher (3)
 highlighted (1)
 highly (1)
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 home (10)
 homeowner (15)
 homeowners (4)
 homeowner's (2)
 hopefully (2)
 hoping (2)
 horse (1)
 hours (1)
 house (17)
 houses (5)
 HOWELL (6)
 huddle (1)
 human (1)
 hung (2)
 husband (1)

 < I >
 ideally (1)
 identifying (1)
 ifs (1)
 ignore (1)
 II (2)
 impacted (1)
 implication (1)
 important (3)
 improvement (4)
 improvements (5)
 inaccurate (7)
 inadvertently (1)

inches (1)	jurisdiction (2)	lot (11)	need (9)
include (1)	< K >	lots (2)	needed (3)
including (1)	keep (3)	< M >	neighborhood (6)
increase (1)	KIAWAH (24)	mailed (2)	neighbors (2)
indefensible (1)	kind (3)	main (1)	neighbor's (2)
indicate (3)	KING (24)	majority (1)	neither (1)
Indicating (5)	knew (3)	map (2)	never (9)
indication (1)	know (48)	March (4)	new (4)
individual (1)	known (1)	marks (1)	news (1)
infilling (1)	knows (2)	matter (3)	nine (1)
info (1)	< L >	maximum (1)	nonconforming (3)
Information (19)	Land (4)	mean (6)	normal (2)
informed (1)	Lands (1)	measurements (1)	Normally (2)
initially (2)	Large (1)	media (1)	north (1)
inside (1)	Larsen (108)	meet (5)	Notary (1)
inspection (2)	laryngitis (1)	MEETING (10)	Note (3)
instances (2)	Lauderback (21)	Members (6)	noted (2)
intend (1)	Lauderback's (1)	mention (1)	notice (1)
Intent (5)	layout (1)	mentions (1)	notification (1)
intentions (2)	leave (1)	merry (1)	notified (9)
interaction (1)	legal (4)	met (1)	November (7)
interest (2)	legitimate (1)	microfilm (3)	Number (2)
interested (2)	length (1)	Mike (1)	< O >
interesting (2)	letter (19)	mind (1)	oath (1)
interests (4)	letters (1)	minus (1)	obtain (1)
interfere (2)	level (5)	minute (3)	Obviously (1)
interpret (1)	light (2)	minutes (2)	Ocean (9)
introduce (1)	limit (1)	miscommunication (1)	office (2)
involved (1)	limited (1)	mistake (7)	office@clark-associat
irritated (1)	line (4)	mistakes (5)	es.com (1)
ISLAND (20)	lines (2)	mistake's (1)	officer's (1)
issue (12)	Lisa (2)	model (1)	official (3)
issued (9)	listed (3)	model's (1)	official's (1)
issues (2)	little (6)	modification (5)	Oh (5)
issue's (1)	live (1)	modifications (1)	Okay (32)
issuing (1)	Local (1)	modified (5)	old (1)
< J >	locate (1)	money (4)	once (2)
Jack (3)	located (1)	months (2)	open (1)
January (2)	LOCATION (4)	motion (5)	opinion (3)
Jenny (4)	long (5)	move (2)	Opposed (1)
job (1)	longer (1)	< N >	opposing (1)
Joel (3)	look (3)	name (5)	opposition (1)
John (1)	looked (1)	NCRA (2)	options (1)
judgment (3)	looking (5)	near (1)	orally (1)
judicial (1)	looks (2)	necessarily (1)	order (4)
juggling (2)	Looney (20)	necessary (4)	Ordinance (11)
July (3)	lose (1)		ordinances (2)
JUNE (4)			organizations (1)

original (4)	Phase (2)	proposal (1)	reduction (4)
originally (3)	physically (2)	proposed (3)	refer (1)
ought (2)	piece (3)	provide (1)	reflect (1)
outgoing (1)	place (1)	provided (1)	reflected (1)
outside (4)	plan (39)	public (9)	regarding (4)
overlaid (1)	plan, (1)	pull (1)	REGISTERED (3)
overlay (2)	Planning (26)	pulling (1)	regulations (2)
override (1)	plans (24)	purchased (5)	related (1)
overturn (1)	plat (1)	purpose (5)	relationship (1)
owner (10)	platform (1)	purposes (1)	relaxation (1)
owners (1)	play (1)	put (7)	released (1)
owner's (2)	please (5)		relief (1)
	point (9)	< Q >	remodel (2)
< P >	points (1)	quasi (1)	remove (1)
P.M (2)	porch (20)	quasi-judicial (1)	renovation (6)
P.O (1)	porches (10)	question (9)	Renovations (1)
pack (1)	portion (2)	questions (9)	repeat (1)
package (1)	position (3)	quick (3)	report (2)
packet (1)	possibility (1)	quorum (1)	REPORTED (1)
page (1)	Post (1)	quote (5)	REPORTER (4)
paid (2)	posted (1)		representative (3)
painted (2)	potentially (1)	< R >	represents (1)
papers (1)	practical (1)	R1 (1)	request (8)
part (7)	present (6)	raise (2)	requested (1)
partial (1)	presented (2)	raised (10)	requesting (1)
particular (7)	presenting (1)	raising (1)	require (3)
parties (3)	preserved (1)	Randy (3)	required (6)
Partners (1)	president (3)	real (3)	requirement (1)
party (1)	pretty (1)	realize (1)	requires (1)
passed (3)	print (2)	realized (3)	Residential (1)
patience (2)	printed (1)	really (7)	residents (2)
patients (1)	prior (5)	rear (28)	resolution (1)
pay (1)	probably (4)	reason (5)	resolved (4)
peace (1)	problem (6)	reasonable (2)	respect (3)
penalized (1)	problems (3)	reasons (1)	respected (1)
pending (1)	procedure (2)	rebuttal (2)	respond (3)
people (6)	procedures (2)	receive (2)	response (16)
percent (2)	proceedings (3)	received (1)	restrict (2)
perform (1)	process (3)	receiving (1)	restrictions (1)
permanent (2)	PROFESSIONAL	recognized (2)	result (2)
permit (44)	(3)	recommend (1)	resulting (1)
permits (3)	profitability (1)	recommended (1)	return (1)
permitted (4)	profitably (1)	reconfigure (1)	review (12)
person (4)	prohibit (1)	reconfigured (4)	reviewed (7)
personal (1)	project (5)	record (6)	reviewing (2)
personally (1)	projects (1)	recorded (1)	revised (1)
Persons (1)	proper (2)	recourse (2)	Rhoad (5)
pertaining (2)	properties (3)	rectify (2)	ridiculous (1)
pertinent (3)	property (39)	red (1)	right (24)

rights (2)
 ripping (1)
 road (2)
 role (2)
 Ron (2)
 RONDA (3)
 roof (1)
 room (1)
 RPR (2)
 rules (1)
 rulings (1)
 run (2)

< S >
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 saying (16)
 says (4)
 SC (1)
 scope (9)
 screen (5)
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 seal (1)
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 Secondly (1)
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 Section (1)
 See (15)
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 setbacks (5)
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 Staff (24)
 Staff's (12)
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 substantial (3)
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 suffer (1)
 suggestion (1)
 summary (1)
 support (1)
 supposed (1)
 Sure (14)
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 survey (14)
 Surveying (1)
 surveys (3)
 sworn (2)

< T >
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 terms (2)
 test (1)
 testimony (4)
 Thank (19)
 Thanks (1)
 thereof (1)
 thing (8)
 things (9)

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 third (2)
 Thomas (1)
 thought (3)
 three (6)
 TIME (27)
 times (8)
 today (10)
 today's (1)
 Todd (2)
 told (7)
 Tom (2)
 top (1)
 TOWN (37)
 Town's (5)
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 transcription (1)
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 Trey (2)
 triangle (1)
 trimmed (1)
 troubled (1)
 true (3)
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 try (1)
 trying (8)
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 turn (2)
 two (8)
 types (1)

< U >
 uh-huh (3)
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 unanimously (1)
 understand (8)
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 understands (1)
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 unnecessary (2)
 unreasonably (2)
 unusual (5)
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 Use (6)
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 utilization (2)

utilized (1)

< V >

valid (1)

variance (45)

Variances (7)

verbal (1)

verbally (1)

versus (1)

vicinity (4)

view (8)

viewpoint (1)

views (1)

virtue (1)

visit (1)

visited (1)

visits (1)

vote (4)

< W >

Wait (2)

walk (1)

want (15)

wanted (4)

wants (3)

way (8)

week (1)

Well (35)

went (5)

We're (11)

Werking (9)

west (1)

we've (5)

whatnot (1)

whatsoever (5)

Whoops (1)

WILSON (1)

wise (1)

wish (1)

wishes (1)

wishing (1)

Witness (1)

witnesses (2)

wonder (1)

words (1)

work (13)

worked (1)

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workings (1)

Work's (1)

write (1)

writing (4)

written (2)

wrong (3)

WWW.CLARK-ASS

OCIATES.COM (1)

< Y >

yard (7)

yards (1)

Yeah (23)

year (7)

years (3)

yellow (2)

< Z >

ZONING (79)