

Association of Landowners of Port Royal Plantation, Inc.
PAB VARIANCE APPEAL HEARING MINUTES
Wednesday, May 19, 2021 • Beach House and Zoom Teleconference Video

BOARD MEMBERS PRESENT:

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| 1. Don Blank, President | 7. Terry Herron |
| 2. Carl Nelson, Vice President | 8. Mel Kemp |
| 3. Robert Turner, Treasurer | 9. Robert McClune |
| 4. Marshall Fletcher, Secretary | 10. Mark Prince |
| 5. Roger Briney (attended via Zoom) | 11. Eli Roth |
| 6. Kelly Elliott | 12. Steven Sigalow (attended via Zoom) |

Called to order at 1:38 PM

Don Blank, President of the Board of Director, called to order a Board of Directors PAB Variance Appeal Hearing as requested by Dan and Karen Cleyrat appealing the PAB decision denying their application for an encroachment into the setbacks surrounding their property at 8 Gunpowder Place.

Don asked the Cleyrats if they brought legal counsel with them, to which they replied that they did not. Don confirmed that the Board did not have legal counsel with them either. Don, in accordance with the PAB Guidelines in Section 5 Appeals: Part 6A, explained the situation at hand regarding the appeal by Dan and Karen Cleyrat of the PAB's decision denying their application for encroachment into the setbacks surrounding their property at 8 Gunpowder Place. He then read Section 5 Appeals: Part 6A for those watching the hearing:

“The applicant has the right to appeal any adverse decision on the application for a building permit or a variance request to the Board of Directors. The appeal should be made within 15 days from the date written notice of the PAB's decision was mailed to the applicant. Copies of this notice shall be sent to all agreed persons. The appeal shall be in writing, contain the basis of the appeal, and a statement requesting the action to be taken by the Board of Directors. A hearing open to all landowners shall be scheduled by the Board of Directors within 60 days from the date the timely appeal is received.”

For Background, Don explained that on March 8th, Mr. and Mrs. Dan Cleyrat applied for two variances and a 50-foot setback: 17 feet in the rear and 11 feet on the right. The PAB followed the variance request process. On March 16th, they sent letters to 10 surrounding landowners advising them of the request and a PAB Variance Review scheduled for April 6th. Responses were received from four of the surrounding landowners prior to PAB Review. On April 6th, the PAB conducted the Variance Review. On April 8th, Dan and Karen Cleyrat were advised by email

that the PAB voted unanimously to deny their request for the variances, and a written letter was also sent to the Cleyrats dated April 16, 2021. On April 30, 2021, Administration received a formal request from the Cleyrats for a Board of Directors PAB Variance Appeal Hearing. The Hearing was scheduled for May 19, 2021, the day of the next Board meeting. On May 12th, the surrounding 10 landowners were advised of the PAB Variance Hearing set for May 19th. Four more letters from were received from landowners. Two of those letters were from landowners who initially responded to the variance request.

Don then outlined the process for conducting the PAB Variance Appeal Hearing.

Don asked Marshall to enter into the record the PAB Variance Appeal Hearing and all written comments provided to the Board regarding this variance appeal, and provide a copy to Mr. and Mrs. Cleyrat and PAB if they do not already have them.

Don then asked if there were any landowners who wished to provide comments regarding the appeal. There were none.

Don then asked Dan Cleyrat to step to the podium to present his information related to this appeal.

Dan Cleyrat stated his name and that he and his wife, Karen, lived on 8 Gunpowder Place in Port Royal Plantation. Mr. Cleyrat then summarized the Variance Appeal information provided to the Board requesting the variance. Mr. Cleyrat outlined that he would discuss a little about the 50-foot setbacks which they addressed in that package, the variance request and their belief that they had a hardship, a compromise that they are proposing and a concluding statement.

Mr. Cleyrat spoke about the 50-foot setback on the historical sites. He noted the setbacks were set arbitrarily by the original developer of Port Royal. He then noted he recognized the 50-foot setbacks for the historical sites and the golf courses listed in the PAB Guidelines. He understood the golf course setback was necessary because of possible mis-hit golf balls. However, he questioned the intention of the 50-foot setbacks at historical sites, asking if it was to keep structures from being visible from the site or if it was to reduce the footprint in the structure. He discussed the current new-builds, which completely filled the lots, did not seem to be "reducing the footprint."

Mr. Cleyrat summarized other properties in relation to the historical siting and what he believed were differing setbacks.

Mr. Cleyrat explained they needed a variance because they wanted to build a stand-alone garage for their sprinter van. Their initial request to build a screened area was denied by the PAB. He noted they could do screening according to Section A of the Covenants. However, the PAB interpreted it to mean they needed a garage because, at the bottom of that section, it said "i.e. garage". So then they decided to build an additional garage behind their house which

would be totally hidden from view. Mr. Cleyrat reminded that their property had 6 sides which made it an odd angular shape. He noted the existing setbacks on the property reduce the buildable space by 50%. He noted the problem was compounded because the house was built in 1984 further back on the property, which was out of their control. He discussed that the only remaining open area for constructing the garage was at the front of the house which would be clearly visible from the street. He did not believe building a garage in the front of the house was a good solution.

Mr. Cleyrat noted two of their 50-foot setbacks were on intersecting sides which creates a very difficult situation. He then provided examples of variances granted to various addresses throughout the community and explained that he should qualify for a variance as well. He discussed that the hardship was not caused by them but by how the lot was drawn. Mr. Cleyrat did not know why their neighbors had problems with the variance, but he explained that the garage would be hidden and should not affect anyone. He added finding a storage unit for it was nearly impossible and, if found, was outrageously priced. In addition to the expense, Mr. Cleyrat explained he would prefer not driving over two miles to get to his vehicle. He then proposed a compromise solution which would reduce the encroachment by 10 feet in order to construct the garage.

Mr. Cleyrat concluded by asking the Board to consider his original appeal, and if not, consider his proposed compromise.

Don then noted that they had to get through the appeal hearing before exploring alternative options with the PAB.

Don then asked if Karen Cleyrat had anything to add.

Karen Cleyrat of 8 Gunpowder Place noted the two neighbors that disapproved the variance request, and she gave reasoning for why she thought their disapproval was unfair. Mrs. Cleyrat also noted that PAB Guidelines state 50-foot setbacks for waterways, golf courses, and historical sites. She added that local, country, state, and the federal government did not recognize for taxation purposes any of the three places we have designated as historical sites.

Mrs. Cleyrat noted her frustration with researching to see that based on the PAB Guidelines, 60% of the properties adjacent to Fort Walker and Fort Sherman were allowed less than a 50-foot setback. She also noted that she was willing to build the garage rather than build the screened-in enclosure they had originally planned and they were willing to take the matter to court if not resolved.

She then concluded and asked the Board to consider their request.

Don Blank then thanked the Cleyrats for their presentations and asked the PAB representative to give their presentation.

Dennis Darling of 25 Barony Lane, the Chairman of the PAB, reported that the PAB followed established procedures by evaluating the variance itself and the intrusion into existing property setbacks. He noted they could not guess what the original developers of the plat envisioned when they established the setbacks around the property, but the PAB has to follow the existing guidelines regardless. He also noted that about 80% of the proposed structure would extend into the setback area.

Mr. Darling explained that part of the process the PAB follows is sending letters to neighbors. They are not bound by responses from neighbors because of varying opinions, but they do take them into consideration. He noted the PAB has to follow the Guidelines regarding the variance and strict enforcement of the building guidelines. He explained that they have to evaluate any unreasonable hardships that were not caused by the applicant, but he recounted that the setbacks have always been there and were always represented on plats. He added that if everyone is following the guidelines, then the landowners are made aware that they are bound by what was set years ago.

Mr. Darling noted that the PAB concluded there was buildable area on the other side of the house. He noted the Cleyrats did not believe that it was the best location for the structure; however, it would not require a variance. He noted that since the additional garage for the van seemed like more of a convenience than a hardship, they did not grant the variance.

Don Blank thanked Mr. Darling for his time, and he then proceeded to call on each Board member individually to ask their questions regarding the variance appeal. All questions asked were directed to either the Cleyrats, Dennis Darling, Lance Pyle or Jan Ingram. These questions involved certain questions about the measurements of setbacks, economic questions to the setback, alternative options to the variance request and other detailed questions.

Don Blank then concluded the questions of the Board and asked if Mr. or Mrs. Cleyrat had any further comments.

Mr. Cleyrat recounted a couple of comments were made about other buildable areas to which he added that the only space left was in front of the house. He highlighted variances that were approved that were similar to their request. Mrs. Cleyrat did not have any further comments.

Don Blank asked if any Board Director may make a motion to recess the hearing to a future day and time.

Steven discussed that he would like to make a motion that the hearing be recessed until such a time that the PAB and the owners could get together to discuss a compromise both with respect to the amount of the variance and the garage to reach an agreement acceptable to both the PAB and the Cleyrats. There was no second to that motion.

Don asked if there was another motion.

MOTION: Move the PAB Variance Appeal Hearing Deliberations into an Executive Session at the conclusion of regular agenda business.

MOTION BY: Carl Nelson SECONDED BY: Robert Turner

Vote: 9 approved, 1 opposed, 1 abstained

APPROVED: X NOT APPROVED: _____ TABLED: _____ DIED: _____

MOTION: Close the public portion of the PAB Variance Appeal Hearing.

MOTION BY: Carl Nelson SECONDED BY: Robert Turner

Vote: 11 approved, 0 opposed

APPROVED: X NOT APPROVED: _____ TABLED: _____ DIED: _____

Open Session concluded at 3:01 pm

Signed: Marshall Fletcher

Lance Pyle

From: Scott Gochnauer <scott@gmihvac.com>
Sent: Thursday, May 13, 2021 1:49 PM
To: Lance Pyle
Cc: Port Royal Board
Subject: Dan & Karen Cleyrat

Hi Lance,

Hope you are doing well. I'm writing to let you know that Francesca and I support Dan & Karen's appeal. What they are asking for is well thought out and should be approved. I would hate to see oak tree's and mature planting removed just because of a setback rule that is inconsistent and unfair to property owners adjacent to the green space. This definitely should be considered a hardship. Thanks

Sincerely

Scott & Francesca Gochnauer
4 Sherman Drive
HHI, SC. 29928

Scott 843-683-1422

Lance Pyle

From: smjcjj@aol.com
Sent: Monday, May 17, 2021 8:20 AM
To: Lance Pyle
Cc: Jan Ingram
Subject: Appeal for 8 Gunpowder Pl.

Good morning,

I am a resident in 10 Gunpowder Pl and am concerned about the appeal by the owners of 8 Gunpowder Pl.

In response to the appeal of that residence, I still protest against the variance being issued.

RV vehicles, regardless of size, have been refused garage shelter on premises. Homeowners were told to do storage off the Plantation.

Is this a change of policy now and RV's will be accepted on our roads and driveways ? Have other RV's been permitted ?

The beauty of this area is that it has been controlled and property is protected. Surely, property owners consider this a major plus.

This variance allows another building to be built on the property that is protected, being adjacent to Fort Sherman, a historical landmark.

A precedent would be set for more leniency in other requests. eg housing boats, golf carts etc.

When the variance was denied in April, 2021, I received a text, no greeting, no signature., It is as follows:

Please let the neighbors know we are probably going to put our garage in the front yard, not sure which side as we have room on both sides of the property and it will fit within the setbacks. We would have to cut several trees and remove most of the shrubs but it is the only place that is allowable at this point.

No other neighbor received this text . I would like to retain friendship with Mr./ Mrs. Cleyrat but I interpreted this message as a threat that they will persevere

in getting their way. The street is narrow and upon their move in many years ago, have limited access , and made the street a dead end.

RV access would create another hindrance and be a detraction.

Sincerely

Sue Jankowski
tel no;713 304-0602

Lance Pyle

From: Lynn Baskin <lynnbaskin8@gmail.com>
Sent: Monday, May 17, 2021 11:16 AM
To: Lance Pyle; Jan Ingram
Subject: Variance request - 8 Gunpowder Place

>
> We strenuously oppose the variance request by the owners of 8 Gunpowder Place and we request the Port Royal Board of Directors vote no.

>
> It is a huge lot, yet they already encroach the setbacks with horizontal construction such as the pool and driveway. How they want vertical construction encroaching on the setback between our lot and theirs by 11 feet and into the setback from a State historical site by 17 feet. Over 80% of the proposed building would be outside their buildable space. It is a slippery slope. What is next?

> Last week I happened to be on the South end on the Island and decided to drive to see our old house on Sandpiper Rd. The whole landscape has changed from a beachy neighborhood to a city-like row of enormous square houses that take up the whole lot. All the charm is gone. As I drove home and entered our gate I breathed a sigh of relief. We live in paradise

> We owned a motorhome for many years and considered storage fees as a cost of ownership. If setbacks are not adhered to Port Royal will lose its appeal. So many property owners have boats, RVs, jet skis, antique cars and other toys and equipment. Requests for variances for storage areas will become common. We must remember that the setbacks attached to all lots serve an important purpose in creating the atmosphere of the Port Royal Plantation and we should do all we can to preserve it.

>
> Respectfully,
> John & Lynn Baskin
> 7 Sherman Drive
> 843-384-1402
>
>
> Sent from my iPad

Lance Pyle

From: Weber <hhwebers@yahoo.com>
Sent: Tuesday, May 18, 2021 10:47 AM
To: Lance Pyle
Cc: Dan Cleyrat
Subject: Garage Approval

Lance;

This is to inform you that Sue and myself, having reviewed the plans with Dan for his proposed garage, that we have no issues or problems with his going forward with his project. If you have any questions please feel free to contact us.

Jerry and Sue Weber