

TOWN OF AWENDAW

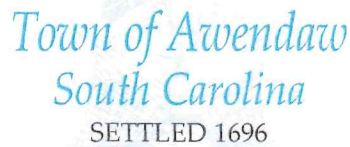
6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429

843.928.3100 | www.townofawendawsc.org

townadministrator@townofawendawsc.org

Katharine Watkins | *Town Administrator*

Donna F. Steed | *Clerk/Treasurer*



Chris Crolley | Mayor

Town Council

Paul Brown | Wendy Helms

Grace Gasper | Rodney Porcher

Kent Prause | John Timmons

**Board of Zoning Appeals
Final Decision and Order
Application #2510-03
Located at 3018 Jessie Dingle Way**

Findings of Fact

The Town of Awendaw Board of Zoning Appeals (“BZA”) makes the following findings of fact pursuant to S.C. Code Ann. 6-29-800 and Town of Awendaw Zoning Code of Ordinance Section 153.400. After considering all evidence submitted and arguments presented at the hearing, including but not limited to the Planning Manager’s Staff Report, the Town of Awendaw BZA makes the following findings of fact:

Matt McCauley (“Applicant”) on behalf of Tyler Capers (“Property Owner”) filed an appeal to an administrative decision and filed a variance request for the property identified as TMS # 661-00-00-163, located at 3018 Jessie Dingle Way, Awendaw, South Carolina (the “Property”). The Applicant requested an appeal of an administrative decision made by the Planning Manager in a letter issued to the applicant, dated October 23, 2025, regarding the issuance of a zoning permit and a 12,807 square foot variance to the Residential Zoning District Minimum Lot Size without public water or sewer. The application for both requests was received on Tuesday, November 18, 2025, and the BZA held a duly noticed hearing on January 5, 2026, to hear the Applicant’s appeal and variance request.

In the matter of the appeal of the administrative decision, the BZA makes the following findings of fact:

- (a) The BZA finds that the zoning administrator’s decision to withhold a zoning permit until the lot was serviced by public water per the zoning district standards and as detailed on the recorded four lot subdivision plat, was the correct and proper application of the zoning regulations.
- (b) Specifically, the BZA finds that § 153.027 of the Awendaw Code of Ordinances sets the minimum lot size at 30,000 square feet for lots where water connection is unavailable. Here, the subdivided lots are 17,193 square feet, which would require connection to water to be developed.
- (c) Additionally, the BZA finds that the Subdivision Plat for the subject Property, dated June 4, 2025, and recorded on June 16, 2025, expressly required connection to water by the owner, at the property owner’s expense, in order for the lots to be developed. The BZA finds that Subdivision Plat’s smaller lot sizes were approved on the condition that the lots would be serviced by public water.

In the matter of the variance request to the Residential Zoning District minimum lot size without public water, the BZA makes the following findings of fact, with each finding serving as an alternative and independent ground for denial of the variance:

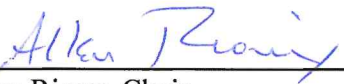
- (a) The BZA finds that there are **NO** extraordinary and exceptional conditions pertaining to the Property. The BZA finds that there are several adjacent properties that have the same conditions as the subject Property. All properties within the Residential Zoning District, including the subject Property, have a minimum lot size of 30,000 square feet if public water is unavailable.
- (b) The BZA also finds that the conditions associated with the subject Property **DO** generally apply to other property in the vicinity. The BZA finds that adjacent properties have the same zoning requirements as the subject Property. The Subject property is required to meet the same minimum lot size requirements without public water as adjacent properties.
- (c) The BZA also finds that these conditions and the application of the ordinance to the subject Property would **NOT** prohibit or unreasonably restrict the utilization of the property. The BZA finds that the subject Property could still be developed with a single-family residence if it serviced by public water. The BZA also finds that the addition of public water would allow the construction of the single-family residences as proposed.

Conclusions of Law

“Granting a variance is an exceptional power which should be sparingly exercised and can be validly used only where a situation falls fully within the specified conditions.” *Rest. Row Assocs. v. Horry Cty.*, 335 S.C. 209, 215, 516 S.E.2d 442, 445–46 (1999). As set forth in the findings of fact above, the BZA concludes that the Applicant has not met the specified approval criteria required for a variance as set forth in § 153.400 of Town of Awendaw Code of Ordinances and South Carolina law. Accordingly, the BZA denies the variance request.

When applying the factual findings to the applicable zoning standards and requirements of the Subdivision Plat for the subject Property, the BZA concludes the Zoning Administrator’s decision was correct and should be affirmed. Accordingly, the Applicant’s appeal is denied.

Any person with a substantial interest may appeal the Board of Zoning Appeal’s decision to the Circuit Court of Charleston County within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.



Allen Rioux, Chair
Awendaw Board of Zoning Appeals

Date issued and mailed: February 3, 2026