

TOWN OF AWENDAW

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

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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 Timmon

Town of Awendaw
Meeting of the Board of Zoning Appeals

Final Approved Minutes

Monday, January 5, 2026, 6:30 PM,
Awendaw Town Hall 6971 Doar Road,
Awendaw, SC 29429

A. Prayer, Pledge of Allegiance & Civility Pledge -

At 6:31 pm Chairman Allen Rioux called the meeting to order. Mr. Gary Freeman led the prayer, the recital of the pledge of allegiance & Chairman Rioux led the Civility Pledge for all.

B. Call to Order and Roll Call - [Time Stamp: 1:35]

All members were present, including Mr. Gary Freeman, Chairman Allen Rioux, Mrs. Willette Alston-Hockaday, and Mr. John Brubaker and present staff included Mrs. Katharine Watkins, Town Administrator, Mr. Daniel O'Hara, Planning Manager, Mrs. Takeya White, Planning Secretary, Town Water Consultant, Mr. Ronald Bycroft and Town Attorney, Mr. Mac McQuillin.

C. Approval of Minutes - *There were none.*

D. Old Business - *There was none.* [Time 6:19]

Before moving on to agenda item E, "New Business," Chairman Rioux prefaced the BZA procedures for all and had town attorney, Mac McQuillin, swear in all who were going to give testimony during the meeting, to include the public, the applicant's representative and town staff. [Time Stamp 6:54]

Chairman Rioux then moved on to agenda item "E."

E. New Business -

i. Application #2510-03: Request for an Appeal to an Administrative Decision and 12,807 square foot Variance to the Residential Zoning District Minimum Lot Size without public water or sewer.

After giving a brief overview of the application at hand, Chairman Rioux turned the meeting over to Vice-Chairwoman Willette Alston-Hockaday.

Vice-Chair Alston-Hockaday recused herself from **Application 2510-03**, citing a familial relationship with the applicant. She **left the dais at 6:39 p.m.** and took **no part** in the discussion or vote. Chairman Rioux reconfirmed the quorum by conducting a second roll call. [Time Stamp: 8:30]

2nd Formal Roll Call: Mr. Gary Freeman, Mr. Allen Rioux, Mr. John Brubaker; Mrs. Willette Alston-Hockaday (recused from the dais)

With a quorum confirmed, Chairman Rioux, asked Planning Manager, Mr. O'Hara to give his staff presentation.

1. Staff Presentation -

Mr. O'Hara gave an overview of the application and presented the following staff findings:

Staff Findings

"1. The subject property's lot size was approved under the **minimum lot size with public water service** of 12,500 square feet. The subject property is a **legal nonconforming lot** following an amendment to increase the Residential Zoning District minimum lot size **with public water service** from 12,500 sq ft to 21,500 sq ft.

2. The subdivision of the plat was approved with notations outlining that "These lots **will be served by public water** with meters clustered at the highway Right-of-Way. The main water extension, permitting and construction and services to each lot shall be at the **property owner's expense**. No public utility easement dedication is **needed or proposed**."

3. **No infrastructure** has been installed on the property to supply water service to the subject property.

4. The subject property **does not** meet the Residential Zoning District minimum lot size **without** available public water or sewer.

5. A variance of 12,807 square feet to the Residential Zoning District minimum lot size without available public water or sewer is required in order for the applicant to use a private well in lieu of public water service."

After Mr. O'Hara's presentation, Chairman Rioux asked the applicant/applicant's agent to present their case if they chose to do so.

2. Applicant Presentation -

1. *Mr. Matt McCauley, representative for applicant, Mr. Tyler Capers, 171 Church Street, Suite 340, Charleston, SC 29401*

Mr. Matt McCauley gave a presentation on behalf of the applicant, Mr. Tyler Capers, and noted that they felt it was a cost hardship for the applicant, and that they felt the ordinance was misinterpreted by the planning manager.

After Mr. McCauley's presentation, Chairman Rioux then moved on to public comments, prefaced the procedures for public comments and opened the floor for *Comments In Favor*.

3. Public Comments In Favor - There were none.

Hearing no *Comments In Favor* of the application, Chairman Rioux moved on to public *Comments In Opposition* of the application.

4. Public Comments In Opposition [Time Stamp: 20:14]

Three (3) residents spoke in opposition of Application #2510-03:

1. **Lynne Vicary of 8470 Doar Road, Awendaw, SC 29429**
2. **Susan Cox of 6209 Rudder Lane, Awendaw, SC 29429**
3. **Andrea Frazier of 7854 Gull Bay Drive, Awendaw, SC 29429**

Chairman Rioux noted that Ms. Susan Cox submitted written comments to the planning manager prior to the meeting and chose to not read those comments during the public meeting; they will be included as an addendum to the minutes, along with all other written comments.

After hearing no more public comments in opposition, Chairman Rioux asked Mr. McCauley if he would like to reply to commentary.

5. Applicants reply to Public Comments [Time Stamp 30:15]

Mr. Matt McCauley returned to clarify his applicant's request and replied to statements made by the board and by the public.

Chairman Rioux then requested a motion from the board to close the case to the public. **[Time Stamp: 35.11]**

6. Close Public Hearing

Motion: Motion to close the public hearing.

Posed by: Mr. John Brubaker

Second: Mr. Gary Freeman

Vote: "Aye" - Unanimous

Before the board moved on to deliberation, Chairman Rioux noted that the board would be going into Executive Session, and asked the applicant and the town's water consultant, Mr. Ron Bycroft, to please stay until they returned from executive session.

Town Attorney, Mr. Mac McQuillin, then suggested to the chair that they should make a motion to move into Executive Session. Hearing the suggestion, Chairman Rioux then entertained a motion. **[Time Stamp: 34:00]**

Motion: To go into executive session.

Posed by: Mr. Gary Freeman

Second: Mr. John Brubaker

Vote: "Aye" - Unanimous

- ii. **Executive Session pursuant to S.C. Code 30-4-70(a)(2) for purposes of receiving legal advice protected by the attorney-client privilege concerning BZA appeal.**

The Board of Zoning Appeals stayed in executive session for 20 minutes.

Motion: To come out of executive session. [Time Stamp: 54:00]

Posed by: Mr. Gary Freeman

Second: Mr. John Brubaker

Vote: "Aye" - Unanimous

There were no actions or votes taken during executive session.

Chairman Rioux then moved on to agenda item, "iii. Board Deliberation," and prefaced the procedures for deliberation.

iii. Board Deliberation

Chairman Rioux entertained discussion involving the Board, **Ron Bycroft** (water consultant), **Matt McCauley** (applicant representative), and Town staff; Board members also asked questions of them.

iv. Call for Vote

Chairman Rioux asked if there were any other questions for the applicant or staff. Hearing none, he entertained a motion to approve or deny the appeal of the administrative decision. Hearing none from the board, Chairman Rioux made a move. **[Time Stamp: 1:01:48]**

Motion: Motion to deny the appeal of the administrator's decision.

Posed by: Mr. Allen Rioux

Second: Mr. John Brubaker

Chairman Rioux then opened the floor for discussion between the board.

Mr. John Brubaker felt that the applicant failed to meet the zoning conditions, and he felt that the zoning director did a very good job of delineating all the errors that were not met by the applicant, and he supports the staff findings.

Mr. Gary Freeman agreed with Mr. Brubaker and stated that the question of lot size had been discussed quite a bit, but clearly the zoning ordinance for residential zoning requires a minimum lot size of 30,000 sq. ft in order to have an independent well and septic system, and the application at hand clearly didn't meet that requirement and never did.

Chairman Rioux echoed Mr. Freeman's decision and stated that he felt the zoning administrator's decision was proper. The plat indicated that water would be added, so the Planning Manager's decision to withhold the permit until the zoning requirement is met was proper for the reasons delineated in the Planning Manager's staff findings. Chairman Rioux again let the board know that an "aye," vote would indicate that they are in agreeance of denying the application.

Vote: "Aye," - Unanimous

3-0 Vote - The appeal of the administrative decision was denied. [Time Stamp: 1:05:16]

Chairman Rioux then entertained a motion to approve or deny the variance request.

Motion: Motion to deny the variance request of 12,807 sq. ft. to the residential zoning district minimum lot size without access to public water or sewer.

Posed by: Mr. John Brubaker

Second: Mr. Gary Freeman

The board then went on to discuss the variance request. Chairman Rioux led the discussion around the town Variance Criteria and noted elements "a." through "i." He went through each required element with the board to see if the criteria was *met or not met*.

- "a. There are extraordinary and exceptional conditions pertaining to the particular piece of property; **[NOT MET]**
- b. These conditions do not generally apply to other property in the vicinity; **[NOT MET]**
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property; **[NOT MET]**
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance; **[NOT MET]**
- e. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map; **[MET]**
- f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance; **[NOT MET]**
- g. The need for the variance shall not be the result of the applicant's own actions; **[NOT MET]**
- h. Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of this article; and **[NOT MET]**
- i. Granting of the variance does not substantially conflict with the comprehensive plan or the purposes of this article. **[NOT MET]"**

After discussing the Variance Criterion, the board felt that only 1 of the 9 elements were met.

Vote: "Aye," - Unanimous

3-0 Vote - The variance request was denied. [Time Stamp: 1:05:16]

F. Closing Remarks -

Chairman Rioux let the public know that the next meeting of the board would be on February 2nd, 2026, and they would be meeting to approve the minutes of the meeting and to hear any additional cases that come up between the meeting dates.

G. Adjournment -

Motion: To Adjourn

Posed By: Mr. Gary Freeman

Second: Mr. John Brubaker

Vote: Unanimous Approval

Chairman Rioux adjourned the meeting at 7:46pm.

Next Meeting - (February 2, 2026)

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125 or planningclerk@townofawendawsc.org.

*DRAFT Minutes Respectfully submitted on Wednesday, January 27th, 2026, by Takeya White
Minutes given final approval on February 2nd, 2026*

Note: These meeting minutes are not verbatim. To watch the full meeting video, please visit the town's YouTube channel: <https://www.youtube.com/@TownOfAwendaw>

ADDENDUM - JAN 2026 BZA

**To include: board exhibits and public comments*

EXHIBIT A: WILLETTE ALSTON-HOCKADAY RECUSAL FORM

EXHIBIT B: WILLETTE ALSTON-HOCKADAY RECISAL STATEMENT

EXHIBIT C: PUBLIC COMMENTS - SUSAN COX, 6209 RUDDER LANE

EXHIBIT D: PUBLIC COMMENTS - ANDREA FRAZIER, 7864 GULL BAY DRIVE

RECUSAL STATEMENT

Member Name: WILLETTE ALSTON-HOCKADAY

Meeting Date: 5 JAN 2026

Agenda Item:E **Section:** i **Number:**

Topic: #2510-03: Request for an Appeal to an Administrative Decision and 12,807 square foot Variance to the Residential Zoning District Minimum Lot Size without public water or sewer.

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ **Professionally employed by or under contract with principal**

_____ **Owns or has vested interest in principal or property**

X **Other:**

Date: 4 Jan 2026

Willette Alston-Hockaday
Member

Approved by: Takeya D. White

EXHIBIT B

Statement of Recusal

Date: January 05, 2026

To: Town of Awendaw Planning Department

Re: Board of Zoning Appeals Matter (Case/Application No. #2510-03: Request for an Appeal to an Administrative Decision and 12,807 square foot Variance to the Residential Zoning District Minimum Lot Size without public water or sewer).

To the Awendaw Planning Department:

In keeping with the ethical standards of the Board of Zoning Appeals, and because I have family ties connected to this matter, I respectfully recuse myself from participation to ensure transparency and preserve public confidence in the decision-making process. Out of an abundance of caution, and consistent with the Board's guidance that "if in doubt, recuse," I am stepping aside to avoid even the appearance of bias.

Respectfully submitted,

Willette L Alston-Hockaday

Willette L. Alston-Hockaday

Board of Zoning Appeals

Town of Awendaw

EXHIBIT C

Fw: Comments re BZA case Monday 1/5/26

From Town Administrator <townadministrator@townofawendawsc.org>

Date Mon 1/5/2026 9:19 AM

To Takeya White <planningclerk@townofawendawsc.org>

Cc Planning Manager <planningmanager@townofawendawsc.org>

Katharine Watkins, MPA

Town Administrator

Town of Awendaw, SC

Email: townadministrator@townofawendawsc.org

Cell Phone: (843) 224-7159

Office: (843) 928-3100

Office Hours: Monday - Thursday 8:00 AM to 5:00 PM

www.townofawendawsc.org



From: Susan Cox [REDACTED]

Sent: Friday, January 2, 2026 9:31 AM

To: Planning Manager <planningmanager@townofawendawsc.org>; Town Administrator <townadministrator@townofawendawsc.org>

Subject: Comments re BZA case Monday 1/5/26

Please distribute this email to BZA board members as public comment on the case before them 1/5/26 (Tyler Capers).

Dear Sir/Madam,

It is highly likely that the Planning Director, at the time of this subdivision, was acting outside the scope of his authority. This subdivision should have come before the Planning Commission for approval as it involved town water infrastructure changes. Consequently, it should be considered a major subdivision which requires the review and consent of the Planning Commission. The Planning Director at the time was not authorized to approve this subdivision, so the subdivision should be considered null and void. Since it should be considered void, the process for subdivision should start over under the proper procedure.

In the unlikely event that it is determined that the Planning Director at the time of the subdivision acted appropriately, then this Appeal of Administrative Decision should be denied as the current Planning Director did not err in applying the zoning ordinance regarding lot size and the requirement that public water be delivered to the site at the owners' expense. See 1) Appeal of Administrative Decision below.

In the unlikely event that this board determines that the current Planning Director erred in his decision, the Variance should be denied for the reasons cited below under 2) Variance.

1) Appeal of Administrative Decision

When reviewing applications for Appeals to Administrative Decisions, the Board of Zoning Appeals may reverse an order, requirement, decision, or determination **if it was made in error as it pertains to the enforcement of the zoning ordinance.**

No error by the administrator has occurred as the zoning ordinance clearly states that a lot this size must have public water. The plat clearly states that public water is a condition of approval and that the cost will be born by the property owner.

2) Variance

When reviewing applications for Variances, the Board of Zoning Appeals **may** grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. **No variance shall be granted unless the applicant shall show and the Board of Zoning Appeals shall find that:**

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

This condition has not been met. There is nothing extraordinary about this plot of land. The approved plat states that the lots are subdivided subject to the connection to public water. No assertions were made as to that cost, only that it was to be a cost to the property owner. The property owners are required to connect to public water for this lot size to be a conforming use. If they do not connect to public water, then this use is not allowed under the zoning regulations in place at the time of application.

b. These conditions do not generally apply to other property in the vicinity;

This condition has not been met. The same zoning regulations would apply to any other new construction in this area. Obviously, existing buildings are nonconforming as they were built in the past but any new buildings would be subject to this same rule.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

This condition has not been met. The property can indeed be used for a single family dwelling, as long as it is connected to public water, which is clearly stated in the conditions on the plat. There are no unreasonable restrictions. Cost does not pose a prohibition or unreasonable restriction, as this would apply to any new building on a lot of this size.

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;

This condition has not been met. **There will indeed be a detrimental effect on 3 adjacent properties as the 75' private well setback extends well onto 3 adjacent properties, which will affect their ability to build on neighboring lots** as this 75' setback must be maintained for the placement of any septic tank. Any dwelling built on an adjacent lot would require septic as well, so this variance will place an undue burden on

neighboring lots. This variance would decrease the property value of adjacent lots as it would impose restrictions on where those owners could build on their lots.

e. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;

This condition is not relevant.

f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;

This variance will indeed result in a greater profit to the owner, as their building costs will be reduced. Granting this variance will set a bad precedent. The other lots in this subdivision will then also ask for a variance and if the owners are not required to hook into public water this will reduce their building costs, resulting in a higher profit upon sale. It is not the job of this board to save people money, it is the job of this board to uphold the rules in the town. Granting a variance goes with the land, so the property owner could sell this lot and the variance will stay with the land.

g. The need for the variance shall not be the result of the applicant's own actions;

This variance request is indeed the result of the applicant's own actions, his failure to perform the most basic due diligence. The applicant was informed of the requirement to connect to public water by a review of the plat, where it is stated that the lot size is subject to connection to public water. If the applicant did not conduct sufficient due diligence, then it is the applicant's failure to conduct this due diligence that has caused this situation and it is therefore the result of the applicant's own action.

h. Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of this article;

This condition has not been met. There will indeed be a detriment to adjacent properties as the 75' private well setback (see site plan) extends well onto adjacent properties, which will affect their ability to build on neighboring lots as this 75' setback must be maintained for the placement of any septic tank, which would place limits on the building on adjacent lots.

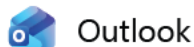
AND (the use of the word "and" here implies that ALL of the conditions both above and below must be satisfied for a variance to be granted)

i. Granting of the variance does not substantially conflict with the comprehensive plan or the purposes of this article.

This condition has not been met, as this variance would be in conflict with the Comprehensive Plan. The Town of Awendaw recognizes that allowing many septic tanks on small lots can have detrimental effects on water quality in the town. The recognition of this danger to public health and safety prompted the increase in lot sizes to protect ALL residents of the town from the danger that too many septic tanks pose to our local ground water and wells. The comprehensive plan clearly states in Goal G that the town will revise zoning, density and land development regulations to limit the ecological disturbance from development. Goal H-5 states that the town will identify priority actions to protect water quality. Goal K indicates that the town will modify density regulations ...to preserve the rural density of the town. So granting this variance would SUBSTANTIALLY CONFLICT with the comprehensive plan.

Susan Cox



EXHIBIT D

Fw: Public Comments BZA Meeting Jan 5, 2026

From Planning Manager <planningmanager@townofawendawsc.org>

Date Tue 1/27/2026 12:45 PM

To Takeya White <planningclerk@townofawendawsc.org>

Cc Town Administrator <townadministrator@townofawendawsc.org>

 1 attachment (16 KB)

BZA Jan 5 2026.docx;

From: Andrea Frazier [REDACTED]

Sent: Tuesday, January 6, 2026 1:35 PM

To: Town Administrator <townadministrator@townofawendawsc.org>; Planning Manager <planningmanager@townofawendawsc.org>

Subject: Public Comments BZA Meeting Jan 5, 2026

Katharine,

I always enjoy our conversations. As we spoke earlier today, I did not forward my comments that were read to Dan or the BZA prior to the meeting. I have attached exactly what was read and would like them to be entered as supporting documents.

Thank you,

Andrea Frazier

BZA Jan 5, 2026

I request that the BZA withhold the issuance of a zoning permit until water service is available to the property to satisfy the minimum lot size requirement.

The reasons this variance should be denied is as follows:

- a. Concerning extraordinary and exceptional conditions: This lot is required to connect to town water at owner's expense. It is the owner's responsibility to do his due diligence prior to purchasing the lot. Not the town's responsibility to grant a variance.
- b. These conditions do not generally apply to other property in the vicinity: Once again due diligence on the part of the owner to research accessible water on frontage roads and what the requirements are. Any comparable lots in this area would also be subject to the same rules.
- d. This variance would be of substantial detriment to the public good: The town has ordinances in place to protect ALL land owners and if one variance is authorized it sets a terrible precedent for future applicants. The ordinance and Bond agreement require this lot which is 1 of 4 to connect to town water. It appears the land owner is attempting to circumvent the system. That is a terrible precedent!
- g. The need for the variance shall not be the result of the applicant's own actions: Again, the owner's due diligence was not complete. The need for the variance is due to the owner refusing to pay to have the water connected. The town is responsible for upholding all ordinances and zoning for the town to be good stewards of all citizens rights.
- h. Granting the variance will not be contrary to the public or neighborhood interest... : Approving this variance will be contrary to the public by setting a precedent for other variance applications for the same reasons. This was approved under *minimum lot size with public water, for lots ranging from 12,500 -21,500*. The owner should be aware of the requirements for the Town of Awendaw. Additionally, the 75 ft well setback extends on two adjoining properties potentially interfering with their planned well and/or septic field.

Based on the zoning ordinance the applicant is required to meet all 9 requirements, which he does not.

I am urging the BZA to deny the variance request at this time to ensure that all citizens of Awendaw are held to the same standards.