



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Thursday, November 10, 2016

Committee met at 9:00AM., this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Rita Langley (Chair), Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff: Zoning Administrator Henderson, Building Official Robinson and Administrator Benke.

1. Call to Order. Chair Langley called the meeting to order, stated the press and public were duly notified pursuant to state law and all members were present; five audience members and Jake Lukas with the Moultrie News

2. Meeting Agenda: Committee accepted published agenda with no changes

Chair Langley noted Staff would provide an update of Planning Commission feedback for items the following two items (#3 and #4 in these minutes).

3. Historic Design Guidelines: Text amendment to modify Zoning Ordinance Section 21-97 C. (5) (Criteria for Appropriateness) by requiring compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*

Zoning Administrator Henderson summarized the Planning Commission's consideration of this issue at its September 2016 meeting. Commission conceptually recommended Council consider clarifying Section 21-97 C to include the full title of the Secretary of Interior's Standards and Guidelines publication.

Committee made no recommendation, at this time, for a Planning Commission public hearing or formal Zoning Ordinance text amendment change. Matter will be fully discussed at a future meeting.

4. Standards for Elevating Historic Structures: Consideration of Design Review Board recommendations relating to potential text amendment to the Zoning Ordinance to regulate elevating of historic structures

Zoning Administrator Henderson summarized the Planning Commission's consideration of this issue at its September 2016 meeting. Commission conceptually recommended Council consider text amendments to the Zoning Ordinance to regulate elevating historic structures as recommended by the Design Review Board and outlined in Exhibit A herein.

Committee made no recommendation, at this time, for a Planning Commission public hearing or formal Zoning Ordinance text amendment change. Matter will be fully discussed at a future meeting.

Zoning Administrator Henderson – in response to Committee questions regarding Design Review Board and Planning Commission background information:

Design Review Board members present at the September Planning Commission expressed the opinion that discussions regarding allowances for the elevation of historic homes, to be compliant with FEMA base flood elevation (BFE) requirements, should also include consideration for special exception allowances for accessory structures. Specifically, the Town should consider incentivizing homeowners to retain historic structures at current height levels by increasing or eliminating, the maximum square footage size of historic homes in order to get the accessory structure special exception (currently 1,200 sf).

DRB Vice-Chair Steve Herlong is currently out of town and could not attend this meeting. He requested the opportunity to attend a future Council or LUNR Committee meeting to discuss this matter.

Staff recommended, and Committee agreed, to wait to discuss items #3 and #4 above to allow for feedback from the Design Review Board at a future Committee meeting.

5. Article XV, Sections 21-137 and 21-138, Accessory Uses, Structures Permitted/Restricted: Consideration for Tree House Structures

Zoning Administrator Henderson provided staff comments:

Background:

Mr. Hal Coste (present at this meeting) constructed a treehouse without building permits. Town Staff was required to issue a violation of this action. Question: Could Town modify exist either the Accessory Structures ordinance or create an ordinance to address treehouses.

Currently Section 21-138 identifies accessory structures to include any exterior structure with a roof. Since treehouses have not been specifically addressed in the Town's Zoning Ordinance, Staff identifies tree houses as an accessory structure with limitations pursuant to requisite zoning requirements, such as:

1. Located a minimum of 20ft behind the front façade
2. Limited to 750sf maximum size
3. Maximum height of 15ft from grade
4. Minimum setback of 10ft
5. Meet requisite RC-1/RC-2 setbacks

Mr. Coste has gone before the Board of Zoning Appeals and Design Review Board hearings, to include a number of legal proceedings. Mr. Coste was informed that a legislative response to his non-compliant treehouse would be an amendment to the Town ordinances to bring his structure

in compliance. To that end, Mr. Coste requests the Town modify the current Zoning Ordinance or develop a new ordinance to allow for his treehouse, as built, to be compliant. Staff has identified two options to accomplish this request, should it be the will of Council:

Option #1: Modify existing Zoning Ordinance to incorporate a maximum height of 31feet

Option #2: Create a new regulation to possibly allow the following:

- a. Identify what the Town considers to be a treehouse
- b. Allow for 30-31ft maximum height
- c. Minimum area size of 200sf with 100sf of enclosed space
- d. Allow for electricity to structure

Zoning Administrator Henderson, in response to Committee questions, outlined the consequences to an ordinance change as in Option #2:

- All treehouses would have to be permitted, large or small, by the Town;
- All Island property owners would be required to present drawings and plans for Staff review for zoning ordinance compliance;

Currently the Town does not issue permits for traditional treehouses, of the variety a child would build with a parent. These structures are usually small, approximately 2ft x 6ft, do not require a contractor and are less than the \$500 threshold that would necessitate a building permit.

Staff monitors compliance with accessory structure requirements for small/traditional treehouses; but Town does not issue a building permit. In the case of Mr. Coste's treehouse, the Town identified that the structure exceeded \$500 threshold cost and must be compliant with accessory structure requirements.

Staff clarified that the typical treehouse construction that falling under \$500 would not require a building permit, however have been required to meet the minimum standards of the accessory structures zoning regulations.

Building Official Randy Robinson reiterated that low cost tree house construction not requiring a building permit does not trigger a formal Building Department review. However, once the construction value increases, the size of the accessory structure exceeds 200 square feet or requires ontractor services this work would require a Building Permit, as is the case in Mr. Coste's case. Committee pondered whether the Town should be in the business of regulating all youth-related activities, such as lemonade stands, small child/parent built treehouses, etc.

Committee discussed other tree houses existing on the Island. Several other tree houses were brought up by the Mr. Coste. Staff responded by having conducted site assessments to validate that multiple area tree houses were in fact constructed by parents and qualified as low cost structures not requiring a Building Permit.

Public Comments:

Hal Coste, 322 Station 19, Sullivan's Island

- Indicated he obtained requisite professional assistance for this project: engineering study, arborist evaluation, etc.
- Reviewed his efforts to seek approval through the Design Review Board and Board of Zoning Appeals for this structure
- Highlighted a letter he mentioned during the meeting:
 - Deloris Schweitzer letter to the BZA

Zoning Administrator Henderson noted the Design Review Board has approved Mr. Coste's current treehouse design because it is located on an historic property provided it meets the zoning ordinance regulations (30ft height being lowered to the Zoning Ordinance 15ft height requirement, impervious surfaces, etc.). He clarified DRB cannot approve a design that, when constructed, would not meet the requirements of the Zoning Ordinance.

Committee commented on Mr. Coste's structure being well-constructed and with good intentions, but built illegally. Committee noted that the Town has to weigh the benefits of all residents on the Island.

Councilmember Clark noted that a treehouse, like a pool, attracts children. Unlike a pool, that requires a fence, a treehouse is accessible by children whenever a homeowner is away from the property. Submitted that should the Town invites lawsuits should it implement measures to allow for an illegal structure of this nature.

Mayor O'Neil expressed his appreciation for Mr. Coste's work with the treehouse and its value for a child/grandchild; however, the structure has been identified for almost three years as being built outside the Town's ordinances. He suggested that if the structure had been built at the 15ft height requirement, the structure would currently be in compliance. Noted the Town would open the door to a number of unintended consequences.

Committee noted that the resolution for Mr. Coste's project would be to relocate the structure on the property at a proper height (maximum 15ft above grade).

MOTION: Mayor O'Neil recommended that Council not amend Zoning Ordinance Article XV, Sections 21-137 and 21-138, Accessory Uses, Structures Permitted/Restricted, and, further, encourage the homeowner (Mr. Hal Coste) to lower the treehouse structure to the maximum height of 15ft above grade in compliance with the Town's current Zoning Ordinance and/or relocate the structure to an alternate place on the property in compliance with current ordinances, so that his grandchildren can continue to enjoy it; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.

6. Consideration for Planting Palmetto Trees on Louis Stith, Sr. Causeway

Chair Langley noted this item was raised by Councilmember Mark Howard with the intent for the Town to continue the visual work done by Town of Mount Pleasant on the Mount Pleasant side of the Ben Sawyer Causeway.

Committee discussed the quantity and dimensions of palmetto trees and location sites for plantings on westbound side of the Stith Causeway right-of-way, near the existing electrical poles.

Councilmember Clark stated he conceptually he approved the plantings, but noted there is a process for design and regulatory approval, to include coordination with SCDOT.

Committee discussed estimated costs associated with landscape design and whether Staff could develop a dimensional plan and cost estimate to bring before Council.

MOTION: Mayor O'Neil made a motion to request that Staff develop preliminary drawings and cost estimates to plan palmetto trees on the westbound right-of-way of Louis Stith, Sr. Causeway, in close proximity to existing power lines poles, information to be presented Council. Seconded by Chair Langley. MOTION UNANIMOUSLY PASSED.

Public Comments/Correspondence:

Question: Is Town prepared to authorize Jeff Jackson, Town Naturalist, to conduct another round of invasive species eradication within the Protected Land.

Committee suggested Town Council can discuss and approve this activity at the next Council meeting.

There being no further business, the meeting was adjourned at approximately 10:00AM (Mayor O'Neil motioned; Councilmember Clark seconded; unanimously passed)

Respectfully submitted,
Rita Langley, Chair
Land Use & Natural Resources Committee

Approved at the December 5, 2016 Council Workshop