

**Town of Sullivan's Island Planning Commission**  
**December 13, 2006**  
**6:30 PM**

**Minutes**

Commission Members Present: Hal Currey, Aussie Geer, Robert Thompson, Pat Votava, John Winchester, Elaine Fowler

Commission Members Absent: Ann Kilpatrick

Staff Present: Andy Benke, Kent Prause, Randy Robinson

**I. Call to Order**

Chairman Currey called the meeting to order at 6:30 pm.

**II. Approval of Minutes from November 8, 2006.**

Ms. Votava made a motion to approve the minutes from the November 8, 2006 meeting of the Planning Commission; seconded by Ms. Geer. All in favor.

**III. Approval of Agenda**

Ms. Geer made a motion to approve the agenda; seconded by Ms. Fowler. All in favor.

Ms. Geer made a motion to enter into executive session to receive legal advice; seconded by Mr. Winchester. All in favor. The Commission went into executive session at 6:35 pm.

Mr. Thompson joined the meeting and the executive session at 6:42 pm.

Ms. Votava made a motion to come out of executive session; seconded by Ms. Fowler. The Commission reconvened at 7:02 pm. The Chairman stated that they received legal advice and no votes were taken and no decisions were made.

**IV. Correspondence and General Public Comments-None**

**V. Unfinished Business-Adopt Rules of Procedure**

Ms. Geer made a motion to amend the agenda to move item V. to the end of the agenda; seconded by Mr. Winchester. All in favor.

**VI. New Business-Discussion Topics**

- i. Request by property owner to restore property line between lots 242 and 243, Jasper Boulevard

The Chairman recognized Mr. Barr.

Bill Barr stated that he represents Mr. Riley. He reviewed the information submitted to the Planning Commission and asked the members to please consider his client's request to restore an old line.

Mr. Thompson referred to the handout and asked what size were lots 23 and 24 that Mr. Barr cited as a precedent that had their abandoned property line restored compared to his client's lots 242 and 243.

Mr. Barr stated that lots 23 and 24 were very small in comparison.

Ms. Votava asked if there were multiple owners of lots 23 and 24 at the time the property line was restored.

Mr. Barr stated that at the time the property was owned by the Carroll family.

Ms. Fowler asked Mr. Barr to explain, how, if the ordinance says you cannot subdivide a lot that would result in two non-conforming lots, the Commission can approve this request.

Mr. Barr stated that his client is not asking for a subdivision; he is just asking to restore an old lot line.

Ms. Fowler made a motion to approve the request based on the plat reference of "old lot line", and subject to all the covenants referenced in Mr. Barr's letter dated November 16, 2006; seconded by Mr. Winchester.

The Chairman called on the board members to discuss the issue.

Mr. Winchester stated that he sees the request as a subdivision. He stated that Mr. Barr's letter refers to the current property as a single parcel, and that taxes have been paid on a single parcel for over 30 years. He stated that if subdivided neither lot would be conforming; therefore, he does not support the proposal.

Mr. Thompson stated that he is reluctant to approve the request even though the word "lot" is not defined in the ordinance. He stated that he is concerned that approving this request would set a precedent and he does not know how many other lots in the Town might be able to have abandoned property lines restored.

Mr. Barr made the argument that approving this request would not set a precedent because subsequent lot owners would probably not be willing to put such stringent lot restrictions on one of the lots.

Ms. Votava stated that she views the request as a subdivision.

Ms. Geer stated that she also views the request as a subdivision and that neither lot would be conforming.

Call for the question:

All those in favor: Ms. Fowler and Hal Currey.

All those opposed: Ms. Votava, Ms. Geer, Mr. Winchester, and Mr. Thompson.

Motion fails four (4) to two (2).

Chairman Currey asked Mr. Dodds how the Commission could address the lot definition issue mentioned by Mr. Thompson.

Mr. Dodds stated that there are several ways to address the issue. The issue could be brought to Town Council and they would direct the Planning Commission to work on it, or the Planning Commission could direct staff to look at the matter.

Mr. Winchester asked staff to look into this for discussion at the next Planning meeting.

## **VII. Public Hearing**

### **i. Proposal to amend Chapter 21 of the Town of Sullivan's Island Code of Ordinances regarding demolition, removal, or relocation of principal or accessory use buildings or structures over fifty (50) years old.**

Chairman Currey asked Mr. Prause to do a quick review of the history of this public hearing item.

Mr. Prause reviewed the history as requested and stated that this is before the Commission for consideration as an extra level of protection so that no historically significant structures would accidentally be demolished or altered.

Chairman Currey opened the public hearing to members of the audience that had signed in to speak.

Bill Barr stated that he represents Mr. Lewis on Pettigrew Street. He stated that Mr. Lewis wanted to tear out the underside of his home which would be a "partial" demolition. He stated that the proposed ordinance does not address "partial" demolitions. In addition, he felt that 50 years old is too young.

Elizabeth Anderegg stated that the Town is already restricting her ability to realize the full potential of her investment. She stated that she is being taxed on a million dollar property with a one hundred and fifty thousand dollar home on it. She stated that she purchased this home as an investment, as her retirement, and that the Town is placing unnecessary restrictions on her property. She stated that her property is not of any historic value and that the ordinance is unfair.

Susan Middaugh stated that her concern is that she lived near the house that was accidentally torn down and she supports the ordinance as an extra review process.

Larry Middaugh stated that he supports Susan Middaugh's comments.

Betty Harmon stated that she serves on the Design Review Board (DRB) and supports the ordinance and feels that the DRB needs to review all properties to make sure no other structures fall through the cracks.

Jason Fabrizio stated that his concern is that he moved to the island to get away from more restrictive neighborhoods and that the ordinance is too vague. He felt that there is too much opportunity for the DRB to rule on how they feel rather than any concrete guidelines.

Merle Tyroler stated that her property was already deemed not historic by Mr. Schneider, the consultant that did the historic survey for the Town. She was concerned regarding what affect this ordinance might have on her home and her property value.

Jerry Kaynard stated that while the Town has good intentions, this ordinance appears to be throwing all those good intentions out. He stated that with all due respect, Town Council, the Planning Commission and DRB are not experts in historic structures and should not be making decisions regarding same.

Larry Dodds excused himself at 7:55 pm.

At this point Chairman Currey closed the public portion of the hearing and called for comments from the Commission.

Ms. Votava stated that Council evoked the pending ordinance doctrine and that this ordinance is currently in effect. She asked Mr. Prause what his thoughts were when drafting this ordinance and what did he mean by the word demolition – was this a partial demolition.

Mr. Prause stated that his initial thought was total demolition but after hearing the comments this evening the intent was to cover any demolition.

Mr. Robinson stated that the purpose of the ordinance was to look at any potential demolitions and/or alterations and they should all go to DRB.

Mr. Thompson made a motion to approve the ordinance as written; seconded by Ms. Geer.  
Discussion:

Mr. Winchester stated that the ordinance needs to be refined and wanted to know what guarantee these homeowners have that this won't change in the future.

Mr. Prause stated that ordinances can be changed at any time.

Ms. Fowler agreed with Mr. Winchester that the ordinance needs some work. She stated that Town Council is reacting to one house that slipped by and that this ordinance would be a huge burden on a large number of people. She stated that if the Commission recommends this ordinance to Town Council she asked that the property age be changed to 75 years old.

Mr. Thompson stated that he feels the ordinance is fine and that it will serve the purpose of keeping any homes from accidentally being demolished in the future. He stated that the 50 year old reference is a national benchmark.

Ms. Geer stated that having properties go before the DRB is not a long delay and it would prevent any future homes from slipping by.

Ms. Votava asked staff who currently has the authority to request that homes be added to the historic list.

Mr. Prause stated that four entities do – Town Council, the Planning Commission, the DRB, and the homeowner.

Chairman Currey referred to the comprehensive plan and quoted, “Sullivan’s Island is rich with a diversity of housing styles. These homes, many historic, represent the eras of their construction. For example, there are areas of the Island with an abundance of brick ranch houses from the late 1950s and 1960s, a popular style at that time. Creative reuses of structures is also evident on the Island”. He stated that the comprehensive plan that was adopted by Town Council about eight years ago talks about the diversity of the island and the difference of the real estate. He stated that there is nothing wrong with a three bedroom, two bathroom brick home and that there is nothing wrong with those houses being in the highest income zip code in this state. Chairman Currey stated that it is his view that if one of those houses survives a future natural disaster it should be considered historic in 50 years, and that it is the job of the Planning Commission to preserve the eclecticism of the island. He stated that those homes have value and they do not need to be torn down and replaced with a 5,000 square foot home. He stated that he supports the ordinance as written. He stated that everyone puts a huge responsibility on the Design Review Board to make decisions that people will think about 50 years from now and he is grateful that they are doing a good job.

Discussion ensued regarding amending the motion on the floor by adding some language regarding a deadline for the DRB to make decisions.

Ms. Fowler made a motion to amend the motion by adding “notwithstanding anything to the contrary herein the Design Review Board shall make a final decision within 62 days of any application filed pursuant to this section. In the event that the Design Review Board fails to take viable action the property which is subject to the application is presumed to be not historic”; seconded by Pat Votava.

Call for the question:

All those in favor: Ms. Fowler, Chairman Currey, Ms. Votava, Ms. Geer, and Mr. Winchester.

All those opposed: Mr. Thompson.

Motion passes five (5) to one (1).

Ms. Fowler made a motion to amend the 50 years to 75 years; seconded by Ms. Votava.

Discussion ensued regarding 50 years, 60 years or 75 years.

Ms. Fowler made a motion to amend her motion from 75 years to 60 years; seconded by Ms. Votava.

Call for the question:

All those in favor: Ms. Fowler, Ms. Votava, Ms. Geer, Chairman Currey.

All those opposed: Mr. Thompson, Mr. Winchester

Motion passes four (4) to two (2)

**ii. Proposal to amend Chapter 21 of the Town of Sullivan's Island Code of Ordinances regarding prohibiting new bars and restaurants within 300 feet of any existing bar or restaurant.**

Chairman Currey opened the public hearing and asked if anyone wished to speak on this subject.

Mr. Kaynard asked for clarification regarding this proposed change and wanted to confirm that this change would prohibit any new bar or restaurant from opening that is not already in existence. He stated that he only knows of three lots on the main street that could potentially be a restaurant or bar and that one lot is owned by Gerry Sheer and the other two are his. He wanted to know what the reason for this ordinance was and why his lots were being targeted.

Mr. Thompson stated that there are several properties next door to Bert's that are not restaurants or bars that would be included. He stated that there is a massage parlor, a real estate office, and a dentist office. He believes that Town Council's intent was to restrict any additional high density uses and limit adding to existing parking problems.

Chairman Currey asked the commission members if they had any other information to share. He asked Mr. Prause if he attended the Town Council meeting when this was discussed.

Mr. Prause stated that he was not but he believes that this came about during Town Council's discussion regarding subdividing lots.

Chairman Currey closed the public hearing portion of this item.

Ms. Votava made a motion to approve the ordinance as written; seconded by Mr. Winchester. All in favor.

Ms. Votava made a motion to defer the discussion regarding adopting the rules of procedures until the next regularly scheduled meeting; seconded by Ms. Fowler. All in favor.

**VIII. Adjournment**

Ms. Votava made a motion to adjourn; seconded by Mr. Thompson. All in favor. The meeting adjourned at 8:50 pm.