

Planning Commission
Minutes
October 11, 2006

Present: Hal Currey, Aussie Geer, Robert Thompson, John Winchester, Pat Votava,
Elaine Fowler, Anne Kilpatrick

Absent: None

The meeting was called to order at 6:33 pm.

I. Introduction of new members

Vice Chairman Hal Currey introduced the new members.

Motion: Pat Votava made a motion to amend the agenda to move Item I, Approval of Minutes, to the end of the agenda to give the commission members time to read the minutes; seconded by Anne Kilpatrick. All in favor.

II. Approval of Agenda

A motion was made by Anne Kilpatrick to approve the agenda as amended; seconded by Pat Votava. All in favor.

III. Election of new Chairman

A motion was made by Elaine Fowler to nominate Hal Currey as interim Chairman until January 2007; seconded by Bobby Thompson. All in favor.

IV. Correspondence and General Public Comments

There was no correspondence or general public comments.

V. Unfinished Business

There was no unfinished business.

VI. New Business-Discussion Topics

There was no new business.

VII. Public Hearing

Proposal to Amend Chapter 21 Regarding Size, Principal Building Lot Coverage and Square Footage Limitations of Historic Structures as Accessory Dwelling Units.

1. Amend Section 21-20.C.(2)(b) to read as follows: “The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in 21-94 Historic Property Designation Criteria; provided, however, that reductions in the size of historic structures to less than 1200 square feet of heated space for the purpose of qualifying for special exception approval for an additional dwelling on the same lot shall not be allowed.

2. Amend Section 21-25.A.(2) to read as follows: Principal Building. A building or buildings in which the principal use of the lot is conducted. This term also specifically applies to multiple dwellings located on the same lot, including an historic structure used as an accessory dwelling unit.

3. Amend Section 21.25.C.(1) by adding the following to the end of the existing sentence “..., except as provided in Section 21-20.C.(2)(j) regarding historic properties with a second structure on the same lot.”

4. Amend Section 21-27.A.(2) to read as follows: “Principal Building Square Footage: The entire square footage encompassed within the exterior portion of the Principal Building or Buildings, specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units, but not including.”

5. Amend Section 21-27.A.C.(1) by adding the following to the end of the existing first sentence “..., *except as provided in Section 21-20.C.(2)(j) regarding historic properties with a second structure on the same lot.*” and adding a new Paragraph (2) to read: “*However, in no case shall any Principal Building Square Footage exceed 5,600 square feet.*”

Newly elected Chairman Hal Currey outlined the rules of order for conduct of the public hearing. He then opened up the public portion of the hearing.

Rusty Bennett, 3124 Bennett Street, stated that although the split lot issue was not on the agenda he wanted to discuss it and felt that he had not had an opportunity to address this issue. Hal Currey stated that since this item was not on the agenda it was not up for discussion. Robert Thompson stated that this was discussed at an earlier public hearing, that it was fair and just and that the issue is closed. Rusty Bennett expressed his displeasure.

Bill Barr, Esquire, 242 Bennett Street, representing Seth and Heidi Fischer, owners of 405 Station 22, spoke in opposition of the proposed amendment of Item 1, 21-20.C.(2)(b), particularly regarding two structures on one lot and the 1200 square foot limitation. He stated that his clients are particularly aggrieved by the fashion in which the historical overlay district came about.

Heidi Brown, 405 Station 22, stated that she was initially told that her property was not on the list of historic structures but later found out that it was on there. She went into a lengthy explanation as to why she is opposed to the proposed amendment of Item 1, 21-20.C.(2)(b). She stated that the ordinance would form two groups of people on the island and that people on the list are stuck with their existing homes. She stated

that there used to be incentives but over the years they have been carved back and people have lost money on their properties. She stated that she felt the 1200 square foot limitation is an arbitrary number and she does not understand where this came from. She urged the Commission to consider not approving the proposed amendment. Hal Currey asked if Mrs. Brown had a square footage in mind. Bill Barr stated that it might be fair to base it on lot coverage.

Steve Herlong, 1656 Thompson, identified himself as a member of the Design Review Board (DRB). He stated that he has no objection to the proposed amendments as stated in Items 2-5. He stated that he is opposed to the proposed revisions to Item 1 and feels that the DRB is in existence to deal with these types of issues. He asked for feedback on how the 1200 square foot proposal came about. Robert Thompson stated that it came from a study done at Town Council's direction.

Mike Perkis, 2871 Brownell, Town Council member, stated that he wanted to address and clarify Mrs. Brown's comments regarding the removal of incentives. He stated that there have been no changes that he is aware regarding incentives for historic homes. He stated that Town Council's intent with the proposed amendment as stated in Item 1, 21-20.C.(2)(b), was to preserve the historic structures and to limit the density and to preserve the character of the island.

Bill Barr asked for clarification as to what part of a home is considered a historic structure. He feels that if a home has additions that they should not be included in the square footage calculation.

Hal Currey asked staff who determines what part of a home is historic.

Kent Prause stated that the National Registry's benchmark, using Department of Interior standards, is 50 years but the entire structure needs to be looked at in its totality.

Elaine Fowler inquired if the DRB currently make this determination.

Kent Prause answered in the affirmative. He stated that the reason for the proposed amendments was that staff had concerns about the clarity of the ordinance regarding the footprint and square footage. He stated that the intent of the proposed amendments was to clarify these issues and relay the intent of Town Council to limit increased density overcrowding on the island and the possibility of overtaxing the sewer system.

Hal Currey closed the public hearing portion of the meeting and turned to the Commission for discussion.

Elaine Fowler stated that she opposed the language in Item 1. She feels that it makes more sense for DRB to have additional guidelines and let them deal with it. She stated that she is fine with Items 2-5.

Robert Thompson stated that he agrees with Elaine.

Pat Votava stated that since the current process is for these issues to go to DRB there is no need to add any additional language to the proposed amendment regarding DRB.

John Winchester stated that he is troubled with the 1200 square feet. He feels that DRB, with guidance from Town Council, should make determinations on these issues.

Anne Kilpatrick stated that she supports amending language to assist DRB in dealing with these issues.

Further discussion ensued.

A motion was made by Elaine Fowler to adopt Items 2-5 as written; seconded by John Winchester. All in favor.

A motion was made by Elaine Fowler to reject Item 1 as written; seconded by John Winchester.
Discussion: Anne Kilpatrick asked Elaine Fowler to clarify her objection. Elaine Fowler stated that as written it prohibits DRB from making the decision.

Kent Prause stated that DRB can make decisions but the proposed change would limit their approval to not allow reductions for the purpose of adding a second home.

Pat Votava stated that she is opposed to the motion. She attended the Town Council discussion and feels it was their intent to do what is in the best interest of the island and what the residents want. The purpose of the proposed change is to limit density.

Aussie Geer stated that she is troubled and that if changes are not made the island will keep getting more dense.

Robert Thompson stated that he is willing to let DRB deal with these issues and he proposed that Elaine amend her motion to add language to that effect.

Randy Robinson, Building Official, Town of Sullivan's Island, stated that the proposed amendments went to Town Council as 1600 square feet and that the Town did a survey of historic houses and found that at 1600 square feet there was the possibility of too much density and that the square footage needed to be reduced to a manageable size to control density. He stated that the problem now is that the potential density is unknown and it needs to be clarified to preserve Town Council's intent to limit density.

Lengthy discussed ensued regarding what the special circumstances might be. No special circumstances were spelled out.

Elaine Fowler withdrew her motion.

Robert Thompson made a motion to amend Section 21-20C (2) (b) to read as follows: The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that reductions in the size of historic structures to less than 1200 square feet of heated space shall not be allowed unless DRB review determines that special circumstances justify such reduction or relaxation of the norm; seconded by Elaine Fowler.

Call for the question:

All those in favor: Aussie Geer, Robert Thompson, John Winchester, Hal Currey, Elaine Fowler, and Anne Kilpatrick.

All those opposed: Pat Votava.

Motion passed six (6) to one (1).

VIII. Approval of Minutes from August 9, 2006 and August 30, 2006

A motion was made by Robert Thompson to approve the minutes of the August 9, 2006 Planning Commission; seconded by Aussie Geer.

Discussion: Pat Votava stated that the minutes need to be amended to reflect that in the last paragraph of Item VI., Public Hearing, she made a motion to table the motion. The motion was seconded by Robert Thompson and all were in favor.

Robert Thompson amended his motion to reflect Pat Votava's comments; seconded by Aussie Geer.

Call for the question:

All those in favor: Aussie Geer, Robert Thompson, Pat Votava, Hal Currey.

All those abstaining: John Winchester, Anne Kilpatrick, and Elaine Fowler.

Motioned carried.

A motion was made by Elaine Fowler to approve the minutes of the August 30, 2006 Planning Commission; seconded by Hal Currey.

Discussion: Elaine Fowler stated that the date in Item VI needs to be changed from August 8th to August 9th. Lengthy discussion ensued regarding the redlined document.

Elaine Fowler amended her motion to approve the minutes of the August 30, 2006 Planning Commission to incorporate the date change as stated above and to amend the redlined document to strike everything from Paragraph III on down; seconded by Robert Thompson. All in favor.

IX. Adjournment

A motion was made by Pat Votava to adjourn; seconded by Anne Kilpatrick. All in favor.

Meeting adjourned at 8:50 pm.