

TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION MINUTES
Wednesday, May 9, 2007

The regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30p.m. on Wednesday, May 9, 2007 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Committee members Chairman Hal Currey, Aussie Geer, Pat Votava, John Winchester, Anne Kilpatrick, Bobby Thompson (arrived late as noted herein) and Elaine Fowler; Town Administrator Andy Benke, Zoning Administrator Kent Prause, Building Official Randy Robinson and Assistant to the Administrator Lisa Darrow.

I. Call to Order. Chairman Currey called the meeting to order, stated the press and public were duly notified pursuant to state law and noted all Commission members were present.

II. Approval of Previous Month's Minutes

MOTION: Mr. Winchester made a motion to approve the April 11, 2007 minutes as presented; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.

III. Approval of Agenda

MOTION: Ms. Geer made a motion to approve the agenda; seconded by Ms. Kilpatrick; MOTION UNANIMOUSLY PASSED.

IV. Correspondence - None

V. General Public Comment - None

VI. Public Hearing

Chairman Currey reviewed the Commission's procedures for a Public Hearing: Staff would make initial remarks, Commission would accept public comments on the item in question, then Commission members would have the opportunity to ask questions of the public and make comments amongst themselves. Chairman Currey noted the Commission makes recommendations to Town Council, but Town Council makes final decisions and enacts ordinances. He noted the Planning Commission was the first step in a multi-step process.

Mr. Thompson arrived at 6:38 p.m. during Chairman Currey's comments.

1. Amendment to Chapter 21, Section 21-138: Accessory Structures

Staff Comments:

Zoning Administrator Prause reviewed the code language modifications Staff made regarding Section 21-138(A), Accessory Structures, pursuant to the Planning Commission's feedback at their April 11, 2007 meeting (**Exhibit A**).

Public Comment:

Larry Branch, 2430 Jasper Boulevard, Sullivan's Island

Mr. Branch noted his residence is a modest 2,500 s.f. historic home, not elevated, in the Moultrieville historic district. He indicated a desire to construct a second floor on his two-car garage to allow for storage and/or workspace that he could not obtain in either his primary residence or underneath it, like many other island

residents with elevated homes. He requested the Planning Commission retain the twenty foot (20') height restriction to allow him to build the second floor on his accessory structure with a roof pitch compatible with his primary structure.

In answer to Commission questions, Mr. Branch realized that, although his garage addition plans would not result in an increased footprint, the addition would cause the garage to exceed 750 s.f. in size, the maximum square footage allowed in the proposed accessory structure language (Exhibit A). Accordingly, Mr. Branch asked for consideration in the maximum allowed square footage, too.

Commission members noted that applicants could appeal for variance relief from the Board of Zoning Appeals, but observed such variances were difficult to obtain. Some Commission members advocated granting special consideration for historic homes not elevated, perhaps increasing height and/or square footage allowed based upon a sliding scale, to encourage preservation of smaller, non-elevated single-family homes.

Steve Hurlong, 1656 Thompson, Sullivan's Island

Mr. Hurlong expressed concern with the Town placing restrictions on owners which would particularly penalize those with older historic homes. He observed that structures like Mr. Branch's historic residence do not allow for ground level parking, unlike elevated homes. He suggested the current twenty foot (20') height restriction was reasonable for the following reasons: (1) allow for aesthetic variety (i.e. allowing roof lines to resemble houses) and (2) retain an owner's ability to use property as needed.

He suggested that the twenty foot (20') height restriction be allowed only for property owners who cannot park vehicles under the primary structure. He reiterated his concern with language reflected in A2 (square footage) and A3 (height and roof pitch ratio) in Exhibit A and suggested non-elevated homes be exempted from the proposed restrictions.

There being no further comments, the Public Hearing was closed.

Commission Discussion:

Zoning Administrator Prause noted that the language in A3 (Exhibit A) regarding roof pitch was taken from the Town of Mount Pleasant ordinance. He noted that Mt. Pleasant included the language to protect properties without a subdivision Architectural Review Boards or did not fall under the Town Appearance Commission's purview. He observed that Sullivan's Island had a Design Review Board which could deal with pitch and roof proportions for the all residential accessory structures, if the Commission and/or Council did not wish to include this language in the zoning ordinance.

Zoning Administrator Prause reiterated that Staff was seeking guidance on the issue of allowing livable space on the second floor of accessory structures, noting that this was a "grey area," which some property owners might exploit in the future.

MOTION: Ms. Kilpatrick made a motion to recommend approval of the ordinance language changes for Section 21-138 (A) as set forth in Exhibit A herein; seconded by Mr. Thompson.

Discussion:

Commission members had extensive discussion regarding maximum square footage (A2 in Exhibit A) and height reductions (A3 in Exhibit A). There was mutual consensus that owners of non-elevated, smaller homes should receive a “credit” toward their accessory structures, by allowing for up to a twenty (20%) percent increase in the square footage ratio and in the maximum height. The Commission expressed confidence that the Town’s Design Review Board could review accessory structure building plans to prevent aesthetic issues or size compatibility issues relative to the primary structure.

The Commission also discussed sewer and plumbing issues with accessory structures, questioning whether a property owner could get around the bathroom restriction on the second level of an accessory structure by pursuing an alternate to Town sewer hook-up. Administrator Benke cited Town Code, Section 18-5 which forbids alternate sewage systems.

Commission members briefly discussed the need to tighten Section 21-138(B) language for accessory structures types, although this was not advertised for tonight’s Public Hearing.

Ms. Kilpatrick withdrew her motion and Mr. Thompson withdrew his second.

MOTION: Mr. Winchester made a motion to return to Staff ordinance language changes for Section 21-138, Accessory Structures, as proposed in Exhibit A herein, for further Staff consideration and revisions, with the following specific recommendations: A(2) delete provision that an accessory structure “not exceed twenty-five (25%) percent of the principal building’s square footage in total combined square footage of all accessory structures” and provide language which would allow the Design Review Board to have flexibility to grant up to a twenty (20%) percent increase in the maximum 750 total square foot/625 total square footprint restriction based upon a primary structure’s total square footage and elevation; and allow for the Design Review Board to have similar flexibility to grant up to a twenty (20%) percent variation in the 15/18 height pitch ratio requirement based upon a primary structure’s total square footage and elevation; seconded by Mr. Thompson.

Discussion:

The Commission debated the need to stipulate the Design Review Board specifically in the ordinance. **Ms. Votava suggested that it was too subjective to allow the Design Review Board to grant bonuses if they saw fit. Instead, Ms. Votava suggested that actual language describing the circumstances under which a bonus could be given and the amount of the bonus be included in the new ordinance language in order to create a clear, objective ordinance for residents.** Ms. Fowler expressed an interest in having the motion amended to delete reference to roof pitch proportion between the accessory structure and primary building.

MOTION TO AMEND: Mr. Winchester made a motion to amend the main motion to include the following: delete from Exhibit A(3) the following phrase, “...and it matches or is in proportion to the roof of the principal building...;”seconded by Mr. Thompson.

Thereafter Ms. Fowler stated that, since this matter would return to the Planning Commission for another public hearing, she would like Staff to clarify Section 21-138(B) to ensure accessory structures do not include recreational items such as pools or tennis courts.

MOTION TO AMEND (SECOND): Mr. Winchester made a motion to direct Staff to review Section 21-138(B) to clarify types of accessory structures and include recommended changes thereto at the June 13, 2007 Public Hearing; seconded by Mr. Thompson.

Call for the question: AMENDED MOTION PASSED SIX (6) TO ONE (1)

2. Consideration of Applications and Fees for Boards and Commissions Amendment to Chapter 21, Zoning, Regarding Applications and

Fees:

- i. Article XII, Design Review Board, Section 21-109A);
- ii. Article XVII, Tree Commission, Section 21-163(B) (1) and (2)
- iii. Article XVIII, Board of Zoning Appeals, Section 21-175(A)

Amendment to Chapter 17, Planning, Section 17-6 Regarding Applications and Fees

Staff Comments:

Administrator Benke noted that the Town currently addresses application fees for Boards and Commissions in Chapter 21, Zoning Code, or Chapter 17, Planning Commission. If the Town needed to revise fee rates, he submitted that it would be more expedient for Council to do so through a resolution instead of changing the Zoning Code. He noted that Council also asked for feedback from the public and Planning Commission on application fees for the various Boards and Commissions. Thereafter, the Commission briefly reviewed the exhibits provided by Staff, noting the recommended language changes in **Exhibit B**. Administrator Benke stressed that the Town was considering establishing fees in order to cover the extraordinary expenses associated with Board and Commission meetings (i.e. advertisements, signs, stenographers and legal counsel). Administrator Benke noted that Staff does not recommend making any changes to the ordinance language for the Board of Zoning Appeals as this section of the Zoning Code allows for fees to be set by Council through resolution.

Public Comments:

Nicky Bluestein, 2513 Atlantic Avenue, Sullivan’s Island

Mr. Bluestein suggested the Town raise application fees to cover more than basic expenses and include all expenses an application costs the Town, such as Staff overtime rates and fringe expenses, copying and other reproduction expenses. He submitted that homeowners of properties over \$1 million could afford a \$100 or \$200 application fee.

There being no further comments, the Public Hearing was closed.

MOTION: Ms. Fowler made a motion to recommend approval of the proposed language changes in Exhibit B herein for the following Boards and Commissions: Planning Commission, Design Review Board and Tree Commission; seconded by Mr. Geer.

Discussion:

Chairman Currey stressed that the Town should strive, at a minimum, to recover from applicants the costs associated with the various Board and Commission meetings. He indicated he planned to be at the May 15, 2007 Town Council meeting to relay the Commission's comments.

Call for the question: MOTION UNANIMOUSLY PASSED.

VII. Unfinished Business

Comprehensive Commercial District Master Plan – RFP Development

The Commission reviewed the proposed RFP (**Exhibit C**) and thanked Chairman Currey and Commission member Winchester for their efforts in drafting it. Zoning Administrator Prause suggested the following revision in the "Scope of Work:" re-word the section to depict and describe the boundaries of the public and Commercial District in total (including items such as the park and fire station), perhaps on a map marked as an Exhibit. The Commission generally agreed to present the RFP to Town Council at its May 15, 2007 meeting with Staff's recommended change; however, no official motion was made.

VIII. New Business

1. 3031 I'On Avenue Plat Review

Zoning Administrator Prause noted the purpose of the plat was to identify the relocation of a twenty (20') foot driveway easement. He reminded Commission that plats are reviewed by the following Staff: Zoning Administrator Prause, Town Attorney Dodds, Water and Sewer Manager Gress and Building Official Robinson. Staff comments include:

- Water and Sewer: include a fifteen (15') foot sewer line easement on plat

MOTION: Mr. Winchester made a motion to approve the plat for 3031 I'On Avenue contingent upon the plat reflecting a fifteen (15') foot sewer easement as recommended by Staff; seconded by Ms. Fowler; MOTION UNANIMOUSLY PASSED.

2. Poe Avenue and Middle Street (Lots 11, 12, 16 & 16A) Plat Review

Zoning Administrator Prause reported that all Staff members have reviewed and approved the plat and the Board of Zoning Appeals has granted any necessary variances. He noted the property owners adjusted the property lines, due to a sewer line which cuts through the middle of the two lots, effectively pivoting the lots. Commission clarified that both properties were owned by the applicant.

MOTION: Ms. Geer made a motion to approve the following plat: Poe Avenue and Middle Street, Lots 1, 12, 16 and 16A; seconded by Ms. Votava; MOTION UNANIMOUSLY PASSED.

3. 2502 Middle Street Plat Review

Zoning Administrator Prause noted the following Staff comments regarding the plat:

- Water and Sewer: observed a sewer pipe and manhole two (2') feet from the property line on Middle Street; require a twenty (20') foot sewer easement from property owner which would extend eight (8') feet into the property, to be reflected on the plat also.

MOTION: Mr. Winchester made a motion to approve the plat for 2502 Middle Street contingent upon the property owner conveying to the Water and Sewer Department a twenty (20') foot sewer easement on the property and reflecting same on a revised plat; seconded by Mr. Thompson.

Discussion:

Commission members questioned if the lot dimensions and measurements were accurate on the plat. Zoning Administrator Prause noted the monument references on the plat appeared correct, but expressed concern that the Town avoided inadvertently implying, by this plat approval, that the plat was free of boundary, setback and/or lot coverage discrepancies. He recommended disclaimer language to put on the plat and the Commission recommended purchasing a stamp to put the disclaimer on all future plats.

MOTION TO AMEND: Mr. Winchester made a motion to amend plat approval to include a disclaimer: "approval of this plat is not intended to, nor does it constitute, reconciliation of conflicting boundaries or approval of zoning code infractions, if any exist;" seconded by Mr. Thompson; MOTION UNANIMOUSLY PASSED.

Thereafter, the Commission provided feedback on minutes. There being no further business, the meeting was adjourned (motion by Ms. Geer; seconded by Ms. Votava and unanimously passed) at approximately 8:35 p.m.

Respectfully submitted,

Lisa Darrow
Asst. to Administrator

To be approved at the June 13, 2007 Regular Planning Commission Meeting