

**TOWN OF SULLIVAN'S ISLAND**  
**SOUTH CAROLINA**  
**PLANNING COMMISSION MINUTES**  
Wednesday, June 13, 2007

The regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30p.m. on Wednesday, June 13, 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 and Elaine Fowler; Zoning Administrator Kent Prause and Assistant to 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 May 9, 2007 minutes as presented; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.**

**III. Approval of Agenda**

**MOTION: Ms. Fowler made a motion to approve the agenda; seconded by Mr. Winchester; MOTION UNANIMOUSLY PASSED.**

**IV. Correspondence -**

Chairman Currey reported receipt of two items of correspondence which related to public hearing items tonight from residents Mr. Ellison Smith, IV and Ms. Ann Moore. He noted that the letters would be read into the record at that time.

**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.

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

**Staff Comments:**

Zoning Administrator Prause noted that tonight the Planning Commission would continue consideration of language revisions, discussed over the past two months, regarding accessory structures. Thereafter, he reviewed the code language modifications Staff made regarding Section 21-138(A), Accessory Structures, pursuant to the Planning Commission's feedback at their May April 11, 2007 meeting (**Exhibit A**). Zoning Administrator Prause noted that Staff retained language in A(2)(a) of Exhibit A regarding the cap of accessory structure square

footage not being more than twenty-five (25%) percent of the principal structure. Zoning Administrator Prause explained that he and Building Official Robinson retained the language out of concern that deleting it would remove the only restrictive language which could prevent unwanted construction, such as multiple accessory structures on one lot.

**Public Comment:**

*Paul Boehm, 3209 Middle Street*

Mr. Boehm suggested the Town establish a minimum or maximum garage size instead of an accessory structure size proportional to the primary structure. He noted that the current language would mean smaller homes would be allowed smaller garages than larger homes, which often are elevated and include storage under the primary structure. He submitted the Town should avoid discriminating against owners of smaller homes.

*Susan Middaugh, 2420 Raven, Sullivan's Island*

Ms. Middaugh noted she had commented on this topic at previous meetings and had expressed concern about verbiage with Item A(7). She expressed pleasure with the current language changes, as they appear to restrict the possibility of building an apartment or other livable space above a garage.

*Larry Middaugh, 2420 Raven, Sullivan's Island*

He questioned the necessity of verbiage in item Sec. 21-138(A)(2)(b), particularly "...if this or other modifications achieve..." He specifically questioned the need to include the words "other modifications."

Zoning Administrator Prause noted this verbiage was part of the "boiler plate" language contained throughout the zoning code when referencing design standards. He commented that the phrase "other modifications" was not really necessary to the ordinance, but included by Staff to standardize the text to current code language.

***There being no other public comments, Chairman Currey closed the public hearing.***

**MOTION: Mr. Thompson 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 Ms. Votava.**

**Discussion:**

The Commission discussed inclusion of the twenty-five (25%) percent ratio maximum of accessory structures relative to the size of the primary structure, as Mr. Boehm commented. Ms. Fowler advocated permitting flexibility to the homeowner, particularly for smaller home owners, unless such action would be detrimental. Other Commission members agreed that smaller houses would be limited by the twenty-five (25%) percent ratio maximum and noted the Commission agreed last month to provide some flexibility with accessory structures for smaller home owners.

The Commission discussed neighborhood compatibility and tweaking the boiler plate language in the code.

**MOTION TO AMEND: Ms. Fowler made a motion to modify A(2)(b) of Section 21-138 as follows: “...if this or other modifications are not detrimental to Neighborhood Compatibility as described....” Motion failed for lack of second.**

Various Commission members expressed either support for leaving the language in A(2)(b) as currently proposed or noted that they could not support Ms. Fowler’s amendment because it would be inconsistent with the design standards language in other sections of the zoning code. Zoning Administrator Prause clarified that amending this language would establish different standards for the Town to grant relief than in other areas of the code. He noted that in every section of the code where the Design Review Board has the discretion to grant flexibility, the same boiler plate language is articulated.

The Commission then returned to the issue of a twenty-five (25%) percent maximum ratio for accessory structures relative to primary structures. Zoning Administrator Prause noted that the removal of this language would also remove the cap on the number of accessory structure that could be built on a lot.

*A member of the audience asked to speak to this issue. Chairman Currey noted that the public hearing portion of the meeting had closed, but with the Commission’s concurrence he invited the citizen to offer her comments.*

*Cindy Ewing, 2514 I’On, Sullivan’s Island. Ms. Ewing noted she was a member of the Design Review Board and commented that owners of smaller properties had other alternatives regarding their accessory structures. She specifically noted that a property owner could choose to attach a structure, like a garage, onto the house. She submitted that the maximum square footage ratio was not necessarily a hardship for owners of smaller houses.*

**MOTION TO AMEND: Ms. Fowler made a MOTION TO AMEND: Ms. Fowler made a motion to re-word Section 21-138 (A)(2(a) of Exhibit A as follows: “Not exceed *the greater of twenty five percent (25%) of the principal buildings square footage in total combined square footage of all accessory structures or 750 sf; and no one.....;*” seconded by Mr. Thompson.**

**Discussion:**

Mr. Winchester asked for feedback on this recommended amendment from Zoning Administrator Prause, who indicated he saw no problem with the proposed amendment.

**Call for the Question on the Motion to Amend:  
MOTION UNANIMOUSLY PASSED.**

**Call for the Question on the Amended Motion:  
MOTION UNANIMOUSLY PASSED.**

**2. Amendment to Chapter 21, Zoning, General Requirements, Section 21-17: Demolition, Partial Demolition, Removal, Alteration or Relocation of Principal or Accessory Use Building or Structures Over Sixty (60) Years Old**

**Staff Comments:**

Zoning Administrator Prause noted that the proposed language (**Exhibit B**) was very similar to the language in an earlier ordinance regarding structure over fifty (50) years, which eventually failed at Council level. He noted the only substantive change was the designation of sixty (60) years instead of fifty (50) years. He also observed Council passed a resolution on May 15, 2007 directing the Planning Commission to consider this matter; however, he noted Council did not enact the pending ordinance doctrine with this resolution.

Thereafter, Chairman Currey noted that Commission member Thompson conducted research on this issue and invited Mr. Thompson to share it.

Mr. Thompson referenced research attached hereto as **Exhibit C**, noting the data source for his analysis was lists from the David Schneider historical study of the area between 1985, after Hurricane Hugo (late 1989-1990) and in 2003. Thereafter, Mr. Thompson provided a brief history of the studies and historical overlay districts. He commented that if Council did not wish to establish a date (such as 60 years), the Town could stipulate a period of time, such as pre-WWII.

**Public Comments:**

Chairman Currey noted that the two pieces of correspondence the Commission received related to this item. Thereafter, he read into the record the letters from Ellison Smith and Ann Moore (**attached as Exhibit D**):

*Mr. Ellison D. Smith, IV, 1908 Flag Street, Sullivan's Island*

Letter attached to minutes

“It is my understanding that you will review an amended proposed ordinance to amend Chapter 21 of the town’s ordinance and require the owner of any structure over sixty years old to appeal before the Design Review Board before anything can be done with their home.

Not long ago I appeared in front of Town Council when it was considering a virtually identical ordinance and voice my objections to the proposal.

The objections I had at that time were strongly felt and remain undiminished by adding ten years to the proposal so it affects sixty-year old houses and not fifty-year old structures.

In no particular order of importance I find the ordinance ill advised for the following reasons:

1. It forces Sullivan’s Island homeowners to carry the burden of time and expense to convince a lay board of non-elected officials that their house should be altered, relocated, partially demolished or removed.

2. Given the fact that Charleston was founded in the 1600's and Sullivan's Island has had people living on it for a considerable period of time, how can anyone reasonably contend that a sixty-year old house is "historic?"
3. Prior to the consideration of the last attempt to amend the ordinance no one had surveyed Sullivan's Island to determine how many houses will be caught in this net. Has that been done now? It would seem that that information would be important to not only the elected officials of the Town but to the citizens who will be affected.
4. I am sure that the Design Review Board is composed of, and will always be composed of, caring and responsible individuals, yet not a single one of them has been or will be popularly elected. Is there an improper delegation of legislative authority?

It seems to me that there are better ways to approach this issue if, in fact, it is a problem. The proposed ordinance is not the appropriate vehicle."

*Thereafter, Chairman Currey read into the record Ms. Anne Moore's letter to the Planning Commission.*

*Ms. Anne Moore, 852 Middle Street, Sullivan's Island*  
Letter attached to minutes

"Dear Mr. Benke,

I am Anne Moore – I have been a summer resident on Sullivan's Island for seventy-eight summers.

I remember well the Deveaux Home (originally the O'Hagen House built in 1874). We (my family) and the O'Hagen's (then the Mahoneys – they had one of the first telephones on the Island) were very friendly. When the Deveaux's sold their home about 2 years ago – I had no idea this is what it would be like to preserve an old Island home – the sad part is that the Committee OK'ed – that an addition was to be built on the back of the house (the part that faces Middle is quite large and if you were not aware that the original house was there you would never see it).

House #2

The Convertino's house – at Station 10 – next to the Cosgrove House at 1102 Middle Street

I am not aware of the owners – before the Covertinos bought it – but the Covertinos sold it to the Mulhollands – who sold it to the present owners.

The addition to the old house is unbelievable – it is like a brand new house or two houses on the one lot. You know, Mr. Benke, I am saddened when I see these fine old homes – what are we trying to preserve is certainly not what I am sure the people who are trying to keep the old homes had in mind. Please Please intervene

and keep us help us to maintain the old feel of our precious Island..... P.S.: I could go on and on – the Devereaux Mansion – look what is behind it.”

*Thereafter, Chairman Currey invited other members of the public to speak on this topic.*

*Mike Perkis, 2871 Brownell, Sullivan’s Island*

Councilman Perkis explained that he sponsored the resolution to consider this ordinance change before Town Council, partially in response to residents’ concerns. He articulated the reasons for supporting the ordinance change:

- Comprehensive Plan calls for preservation of historical structures and encouragement of neighborhood diversity.
- Residents expressed concern for the need to protect properties which might be historic, but missed inclusion during the last historic district study.
- Historic district designation does increase a property’s value.

Councilman Perkis noted he would like to see Council include, in upcoming budgets, funding for an updated historic study of the island. He saw this ordinance as being a stop-gap measure to protect possibly historic homes until a future study could be accomplished.

Councilman Perkis noted that, to date, the Design Review Board (DRB) has reviewed seven (7) homes for demolition: DRB approved six (6) for demolition and one (1) home on Pettigrew was deemed historic and denied demolition. He stressed that the ordinance would **not** mandate every home over sixty (60) years as historic; the ordinance would require that owners of property sixty years or older come before the DRB for an historic designation/determination.

As for the question of the DRB being authorized to make such designations, Councilman Perkis noted that the South Carolina state constitution empowers municipalities to establish zoning procedures and appoint governing bodies to review properties for compliance with state statutes and municipal codes. In conclusion, Councilman Perkis noted that “once an historic home is gone – it is gone.”

*Susan Middaugh, 2420 Ravens Drive, Sullivan’s Island*

Ms. Middaugh agreed with Councilman Perkis’ comments. She indicated that she viewed this ordinance as an opportunity to educate the public on historic preservation and as a screening mechanism to allow the Town to take a second look at some houses which perhaps should have been included on the Town’s historic lists but were overlooked for some reason.

*Dr. Steve Poletti, 1771 Atlantic Avenue, Sullivan’s Island*

Dr. Poletti noted that he also owns 2314 Middle Street. He prefaced his position by affirming his support for historical preservation. Thereafter, he expressed his opposition for the proposed ordinance, noting that many homes on the island which happen to be sixty (60) years old do not look historic or have historic qualities or features. However, all these sixty year old and older homes would have to go before the Design Review Board just to get approval to be painted.

*Cindy Ewing, 2514 I'On, Sullivan's Island*

Ms. Ewing noted she was a member of the Design Review Board and supported the proposed ordinance. She submitted that there were a few homes which “fell through the cracks” when the Schneider consulting team last reviewed island homes for the historic preservation list.

Ms. Ewing assured the public that, as a member of the Design Review Board (DRB), the process for DRB determining whether a home was historic and/or authorized for demolition, did not create an undue hardship to property owners. She cited a recent example of a 97 year old home which the Design Review Board reviewed in March 2007. The home, despite its age, had been severely altered over time and had lost any island or historic character. She noted the applicant was able to bring the demolition request before DRB without attorney assistance and was approved at the same meeting in which the request was heard by DRB.

Ms. Ewing urged the Planning Commission to recommend to Council approval of the ordinance language. She submitted that an historic designation increases the value of homes and noted that most of the realty agencies and magazines market Sullivan's Island as a quaint, historical, charming island community. She stressed that historic homes and historic areas define Sullivan's Island.

*Jackie Shedrow, 2214 Jasper Boulevard, Sullivan's Island*

She expressed her support for the ordinance, too, noting that she has a 1930's style home.

*Carlin Timmons, 1413 Middle Street, Sullivan's Island*

Ms. Timmons expressed her support for the ordinance and appreciated the efforts of the Planning Commission and Town Council in addressing this issue.

*Larry Middaugh, 2420 Ravens Drive, Sullivan's Island*

Mr. Middaugh registered his approval of the ordinance noting that the Town needs to protect the historic nature of the island.

*Betty Driemeyer, 2902 I'On, Sullivan's Island*

Ms. Driemeyer echoed support for this ordinance as expressed by other residents at this meeting.

Chairman Currey asked Councilman Perkis whether Council anticipated a further study of historic homes in the future. Councilman Perkis clarified that he desired Council to earmark the funds to have another study conducted, which would reconcile the current historic homes list and vet all the lists. After such activity occurred, Councilman Perkis commented that the proposed ordinance restriction for sixty (60) year and older homes could be removed. He further suggested that perhaps the Town should plan to review the historic list every five (5) years.

Commission member Votava asked for clarification of the term “alteration,” suggesting instead the use of the term “substantial alteration.” Thereafter, Zoning

Administrator Prause read the definition of alteration found in Section 21-203, Definitions, of Chapter 21, Zoning Code:

“Alteration: Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.”

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

**MOTION: Ms. Votava made a motion to recommend approval of the proposed language and support for Council to move forward with enacting an Ordinance to Amend Section 21-17 Regarding Demolition, Partial Demolition, Removal, Alteration or Relocation of Principal or Accessory Use Buildings or Structures over Sixty (60) Years Old (Exhibit B); seconded by Councilwoman Kirkpatrick.**

**Discussion:**

Commission members generally agreed that they would like Council to move expeditiously on passing this ordinance. Ms. Kilpatrick noted that there are both historic homes and historic areas on the island, both of which need identification and preservation efforts. Some Commission members advocated a “top-down” approach to the Town identifying historic homes and then letting residents know their homes’ status instead of reacting to requests for historical determination through the DRB.

Chairman Currey noted that the Commission could augment its recommendation to Council with a strong letter of support for both the ordinance and an expedited ordinance enactment process. Each Commission member expressed support for expediting the ordinance approval process.

Commission member Fowler particularly supported the concept of an historic period, such as identifying all houses pre-WWII era. She also raised the suggestion of a “sunset provision” to the ordinance in order to encourage Council to pursue another study. The Commission briefly debated the merits of including a sunset provision.

**MOTION TO AMEND: Commission member Fowler made a motion to amend the main motion to include a two (2) year sunset provision for the ordinance. MOTION FAILED FOR LACK OF SECOND.**

**Call for question: MOTION PASSED SIX (6) TO ONE (1) with Commission member Fowler dissenting.**

**VII. Unfinished Business - None**

## **VIII. New Business**

### **Letter to Town Council in support of Ordinance to Amend Section 21-17 Regarding Demolition, Partial Demolition, Removal, Alteration or Relocation of Principal or Accessory Use Buildings or Structures over Sixty (60) Years Old.**

The Commission briefly discussed its letter to Council urging an expedited ordinance approval process. After brief discussion regarding references to a sunset provision, which the Commission generally agreed to exclude, Commission member Kilpatrick offered to draft the letter for the Commission's consideration.

There being no further business, the meeting was adjourned (motion by Ms. Fowler; seconded by Ms. Votava; unanimously passed) at approximately 8:15 p.m.

Respectfully submitted,

Lisa Darrow  
Asst. to Administrator

Approved at the July 11, 2007 Regular Planning Commission Meeting