

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, April 8, 2015**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, April 8, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Chair Gary Visser, Vice Chair Hal Currey, Charles Cole, Sydney Cook, Carl Hubbard, Carlsen Huey and Manda Poletti. Staff members present: Zoning Administrator Henderson, Building Official Robinson and Asst. to Administrator Darrow

Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and all Commissioners present. He welcomed Charles Cole to his first meeting and thanked Rusty Bennett (present) for his service on the Commission. Six people present in audience; no media.

I. Approval of Agenda – Commission approved agenda with no changes

II. Selection of Vice-Chair

Chair Visser noted that the Commission needed to select a Vice-Chair and entertained nominations. Ms. Cook nominated Mr. Currey. No other nominations were made.

MOTION: Ms. Cook nominated Mr. Currey as Vic-Chair; seconded by Ms. Poletti; MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Vice-Chair Currey moved to approve the March 11, 2015 minutes; seconded by Ms. Cook; MOTION UNANIMOUSLY PASSED.

IV. Items for Information

1. **3117 Marshall Boulevard (TMS# 529-12-00-104): Request by property owner(s) for consideration of Zoning Ordinance changes to allow storage and recreational uses on residentially zoned properties absent of a principal building (21-137A and B).**

Staff Comments

Zoning Administrator Henderson reviewed petitioner’s request, staff’s analysis and concerns:

Background:

1. Property owner and petitioner Chad Waldorf requests consideration of Zoning Ordinance changes to allow storage and recreation uses on residentially zoned properties absent of a principal building (Section 21-137A. and B).
2. October 2014: Mr. Waldorf met with Town Staff to discuss his request details:
 - a. Remove an existing residential structure (1050 sf) from 3117 Marshall Boulevard, a beachfront parcel of land

- b. Place deed restrictions on the property under a conservation easement contingent upon approval for a standalone accessory structure to be placed on the property.
- c. Standalone structure specifications:
 - i. Property and structure would be for private use, not public access or use;
 - ii. Standalone structure would be 500 sf or less;
 - iii. Structure would allow one bathroom;
 - iv. Structure would have water, sewer and electrical connection;
 - v. Structure would not have heated/cooled space, but may have enclosed space;
 - vi. “Outdoor storage” of boats, vehicles, goods, materials and goods would be prohibited (as defined in the Zoning Ordinance);
 - vii. Structure prohibited from being habitable space.
- 3. Staff explained current provisions of the Town’s Zoning Ordinance do not allow for standalone structures in a RS zoned district. Current ordinances only permit single-family detached homes as a principal use (use by right) and structures for storage or recreational uses as accessory uses only. The Board of Zoning Appeals is not an avenue for the owner to seek relief as the BZA cannot provide a use variance which is prohibited by state statute and local zoning ordinance.
- 4. Mr. Waldorf approached Town Council seeking consideration for Zoning Ordinance text change. March 17, 2015: Council considered Mr. Waldorf’s request and remanded question to the Planning Commission for study.

Staff Analysis

Zoning Administrator Henderson concluded that, should the Town be inclined to allow standalone structures and/or other accessory uses on private property as a principal use, the following should be considered:

- 1. Proposed land use change does not comply with the language and intent of the Town’s current RS-District Zoning Ordinance. Zoning Ordinance Section 21-20(A) only allows, as a permitted use in the RS-District
 - a. One single-family detached dwelling per lot, designed for and occupied exclusively as a residence by one family, either owner or renter occupied
 - b. Publicly owned facility or land
 - c. Non-commercial horticulture or agriculture
- 2. Proposed land use change does not comport with the Town’s Comprehensive Plan. Chapter 9, Land Use Element, of the Comprehensive Plan defines residential land as “locations intended for occupants to live together as a single house-keeping unit, with one residentially zoned parcel with only one dwelling unit on it.” (5-year Plan was reviewed and approved in 2013-2014).
- 3. Proposed Land use change would apply to all RS-zoned properties on the Island, whether currently vacant land or lots with an existing residential structure on it.
- 4. Staff noted there are long-term unintended consequences that need to be considered should this land use change be allowed:
 - a. Parking on the property – how many and how would Town regulate this?

- b. Number of people gathering on the property and how Town would enforce any restrictions
- c. Identify accessory uses allowed on the property and what structures would be allowed: pools, tennis courts, pool cabanas, etc.;
- d. How would the property's use impact the land use, enjoyment, privacy and peace of neighboring residents, currently and long-term;
- e. Long-term ownership of the property: potential private beach club or private "amenity center" within a residential block;
- f. Long-term maintenance of property and accessory structures on it
- g. Long-term impact to property values for neighborhood
- h. Consideration of burden on Town to police the site for trespassing, noise, littering and other unwanted activity
- i. Section 21-138 Accessory Structures: ordinance only allows a structure provided it is located twenty (20') feet to the rear of the front façade of the principal building.

Staff cautioned such a land use change would be significant for the Island and could potentially be a slippery slope for long term unforeseen problems.

Chair Visser opened the floor for public comments on this topic:

Public Comments

Chad Waldorf, owner of 3117 Marshall Boulevard

- Intends to remove part of existing home, retaining approximately one-third of it as a storage area (< 500sf) for kayaks and paddle boards. Storage area/cabana would be approximately 10-12' in height, have a bathroom, shower, electricity and enclosed walls.
- Stressed his proposal would reduce density in the area and beachfront, and, would support the long-standing SC beachfront management policy of beach development retreat.
- Property would remain in a perpetual conservation easement with the East Cooper Land Trust.

Katie Zimmerman, Program Director Air, Water & Public Health, Coastal Conservation League

- Expressed support for Mr. Waldorf's proposal, noting it is a mechanism to advance the state's policy of beachfront development retreat, a policy that has been in effect since the SC Beachfront Management Plan passed in the 1980's. DHEC has sustained difficulty implementing the beachfront development retreat policy without a "taking" of private property.
- Noted she has previous experience working with Low Country Land Trust. Suggested the conservation easement could address many concerns about uses and maintenance of the property.
- A letter of support was provided to Staff reiterating her comments tonight.

Rusty Bennett, 3124 Marshall Boulevard

- He has lived in the area of 25 years and observed highly erosional activity on this lot, with water rushing under the existing home, until approximately 18 months ago.
- Noted previous owner of 3117 Marshall Boulevard had to get a variance to build on this lot from the outset, submitting the current structure is on a negative building envelope.
- Submitted accessory and recreational structures are already natural uses on RS-District properties. This request would ask for the same uses, minus the single-family residential home.
- In his opinion, this request is a singular event. He submitted the probability is low for another property owner to voluntarily retreat beachfront development and donate land into deed restricted conservation easements.
- Suggested Mr. Waldorf's proposal is a win-win for the Island and neighborhood.

Bachman Smith, 2724 Jasper Boulevard

- Supports proposal and concept from a public policy standpoint. Stated this is an opportunity for the Town, through text amendment, to be a leader in advancing beachfront development retreat and helping to address the realities of climate change and rising sea levels.
- Noted one way to address the accessory standalone structure on a lot could be through the language in the conservation easement. The document could sunset the structure on a lot or remove it for perpetuity should the structure be condemned.

Chair Visser closed public comments

Commission Discussion

Mr. Cole: Asked if beach was still actively eroding on this lot.

Building Official Robinson: Beach has remained fairly stable in this area for the past two years.

Chair Visser: Asked for maximum size of accessory structures in current ordinance

Zoning Administrator Henderson: the maximum square footage allowed under current ordinance for an accessory structure is 750 sf maximum or 25% of the single-family residential (SFR) structure (i.e. 3000 sf SFR = 750sf accessory structure; 1000sf SFR=250sf accessory structure)

Chair Visser: Asked Staff to clarify why the Board of Zoning Appeals would not be an avenue for Mr. Waldorf to appeal for relief.

Zoning Administrator Henderson: State statutes and Town ordinances prohibit the BZA from providing use variance. BZA may provide dimensional variances, such as setbacks.

Ms. Cook: Clarified that, for Mr. Waldorf's property, the structure must be removed in order for the Trust to place the land in conservation easement.

Mr. Waldorf: Yes, otherwise there is no lot left to deed restrict.

Mr. Hubbard: Questioned ownership of Mr. Waldorf’s current property

Mr. Waldorf: Disclosed the property is in a single-member LLC and two business partners are members of this LLC.

Mr. Hubbard: Questioned how the ownership of subject property 3117 Marshall Boulevard would move forward.

- a. Pondered who would be allowed into the LLC, how many owners could have partial ownership of the property?
- b. Could this property turn into a private beach club in the distant future?

Mr. Rusty Bennett suggested the Town could limit the number of members in the LLC, perhaps through the conservation easement document.

Chair Visser: Raised the question of how this arrangement could be abused in the future, with this property or another property on the Island (examples: owner combining lots and creating a “compound,” creating a private amenity center within a neighborhood, etc.). Wondered how the Town could plan for unforeseen situations.

Commission discussed the differences between the allowed uses for property owners in RS-1, at present, and similarity with uses that would be allowed with a vacant lot incorporating a stand-alone accessory structure: parking, noise and other ordinances remain in effect.

2. Commission briefly reviewed potential mechanisms for dealing with future requests, one scenario being:

- a. Require a property to have a conservation easement in place
- b. Determine what would be allowed on the conservation easement
- c. Create a checklist of restrictions as to use on said lots, structure dimension and setback restrictions, etc.
- d. Finally, entertain removal of single-family structures on RS-District lot

Zoning Administrator Henderson noted that the Town would need to create a separate ordinance to deal with a stand-alone building, not a primary residence, on a vacant lot. He noted that the type of building proposed by Mr. Waldorf is not an accessory (structure) to anything.

Mr. Huey: Questioned property tax implications for the owner and Town on conservation deed restricted lots:

- e. Potentially favorable property tax reduction for property owner as the real property value would potentially be greatly reduced;
- f. Potential loss of tax revenue for the Town if assessed property value has been reduced.

3. **Commission noted it has only a concept based upon one property owner's request to consider. Commissioners expressed interest in reviewing language for an ordinance text change before making any recommendations to Council.**

MOTION: Vice-Chair moved to defer this topic to the May 13, 2015 Planning Commission meeting, instructing Zoning Administrator to draft, for Commission discussion, ordinance language to address potential text amendments allowing for standalone structures on RS-District lots; seconded by Ms. Poletti.

Discussion:

Ms. Cook asked Staff to craft language such to avoid potential future "beach clubs."

Call for the question: MOTION UNANIMOUSLY APPROVED

Commission deferred, to May Planning Commission meeting, review of a future *Program for Public Information Committee (CRS PPI)*, to provide public outreach regarding flood plain information to Sullivan's Island.

2. **Staff Update on Town Projects:** Staff provided an oral update on various Town projects for Commission's information (no action taken).

Chair Visser reminded Commission that they were required to complete 3 hours of Planning & Zoning CPE this calendar year. Staff indicated it continues to review training material that offers the most relevant information for Sullivan's Island Board members and will advertise meeting dates/times/venues as they become available.

Next Meeting – (6:30pm) Wednesday, May 13, 2015 at Town Hall

3. **Correspondence & General Public Comments**

Correspondence: Katie Zimmerman, Program Director Air, Water & Public Health, Coastal Conservation League – provided a letter in support of Mr. Waldorf's request (agenda item #1), noted earlier in meeting.

Comments were provided during agenda item #1

No other general comments made or correspondence received

There being no further business, the meeting adjourned at approximately 7:55 p.m. (Vice-Chair Currey motioned; Ms. Poletti seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, May 13, 2015 Planning Commission Meeting



**COASTAL
CONSERVATION
LEAGUE**

 **RECEIVED**
4/8/15 @
SI Planning
Commission Meeting
April 8, 2015

April 8, 2015

Planning Commission
Town of Sullivan's Island
2050-B Middle Street
Sullivan's Island, SC 29482

Re: Item C.1. 3117 Marshall Boulevard, request by property owner(s) for consideration of Zoning Ordinance changes to allow storage and recreational uses on residentially zoned properties absent of a principal building (21.137 A and B).

Dear Chairman Visser and Town of Sullivan's Island Planning Commissioners:

Thank you for the opportunity to comment on agenda item C.1., the request to change the Zoning Ordinance to allow storage and residential uses at 3117 Marshall Boulevard.

The Coastal Conservation League continues to support policies in our state that help establish mechanisms of retreat from the shoreline. Retreat must be considered and continue to be a policy for our state to pursue, especially in light of sea level rise, increased storm events, and the continuing development of the shoreline. The policy of preservation (i.e., beach renourishment, no retreat, and regular reestablishment of the baseline) is a short-term solution that does not acknowledge sea level rise, climate change, and the damages that will be done to properties directly in the line of fire. Retreat is a viable policy, and should be utilized in order to remove South Carolina's coastal communities from expensive and dangerous situations in the future.

With that being said, specific issues for Sullivan's Island beach continue to

occur, particularly at the northern end of the island where erosion is nearly constant at Breach Inlet. As you know, many of the homes along Marshall Boulevard's beachfront have rocks walls or sandbags. I have received calls over the years from concerned residents who have watched their neighbors place illegal rock walls in order to protect their properties.

The owners of 3117 Marshall Boulevard have an innovative solution and the financial means to help contribute to a policy of retreat at Sullivan's Island, ultimately benefitting property owners along both sides of the Boulevard. We at the League are very supportive of the owners' proposal, though cognizant that the Town does not want to alter the Code in a way that could prove detrimental in the future. We believe that the intent of the owners to place a legally-binding conservation easement through the East Cooper Land Trust, thereby preventing any habitable structures from ever being built on the lot again, could help protect the Town from future unwanted effects of altering regulations to allow for an ancillary structure.

Sincerely,



Katie Zimmerman
Program Director
Air, Water & Public Health

"Nature and Community in Balance"