

TOWN OF SULLIVAN'S ISLAND DESIGN REVIEW BOARD

REGULAR MEETING MINUTES Wednesday, June 16, 2021

A regular meeting of the Town of Sullivan's Island Design Review Board was held on the above date at 4:00 p.m. at Town Hall. All requirements of the Freedom of Information Act were verified to have been satisfied. Present were Board members Beverly Bohan, Kevin Pennington, Luke Lewis, Ron Coish, Billy Craver, Steve Herlong, and Bunky Wichmann.

Town Council Members present: No members of Council were present.

Staff Members present: Joe Henderson, Planning and Zoning Director, Randy Robinson, Building Official, Max Wurthmann, Building Inspector, and Jessi Gress, Business Licensing and Permit Technician.

Members of the public: Tim Reese, Real Estate agent for Dunes Properties, Rodney Scott, property owner at 1450 Middle Street, Ralph Byers, property owner at 3025 l'On Avenue.

Media present: No members of the media were present.

CALL TO ORDER: Mr. Herlong called the meeting to order at 4:00 p.m. and stated that the press and public were duly notified pursuant to State Law and a quorum of Board Members were present.

- I. APPROVAL OF MINUTES:** Mr. Wichmann made a motion to approve the May 19, 2021 Design Review Board Meeting Minutes. Ms. Bohan seconded this motion. All were in favor. None opposed. Motion passed unanimously.
- II. PUBLIC INPUT:** Mr. Herlong stated that Ms. Kathy Heller, property owner of 2320 l'On Avenue and Mr. JD Winchester, property owner of 2720 Brooks Street, submitted public comment to Town staff in regards to the zoning standards for historic properties (Exhibits 1 and 2).

Mr. Pennington responded by stating that there are several different items that need to be reviewed and changed with the zoning ordinance. Mr. Craver stated the historic cottage standards should be modified because with the exceptions the owners of a historic home have an incentive to destroy the historic home with the current zoning standards in place. Mr. Craver suggested having a workshop to discuss the standards in hopes for modification.

Mr. Henderson stated that in the current Comprehensive plan, there is a recommendation to form a task force or subcommittee of board and commission members to discuss the efficiency of the Town's Zoning Ordinances residential home construction. Mr Henderson suggested

members of the DRB participate in this group to inform the Planning Commission to modify current sections of the Zoning Ordinance.

Mr. Lewis stated that our ordinance pushes an owner into doing things that shouldn't be done. Mr. Lewis asked if there was another way to modifying the ordinance faster so historic homes are completely destroyed. Mr. Henderson stated that the only way the ordinance can be modified is with a Planning Commission recommendation and Town Council's three readings in order to ratify.

Mr. Pennington asked if the Board was able to make a decision to direct to Town Council to make a modification to the ordinance for a specific property because he feels the Board can't hold up one specific property until the ordinance has been changed. Mr. Henderson responded by stating Town Council cannot make a decision to modify the ordinance for one specific property as this would be considered contract zoning and illegal according to state law.

Mr. Lewis stated that with the current ordinance, historic homes cannot be protected and for this reason modifying the ordinance should be addressed immediately.

Ms. Rodney Scott, property owner of 1450 Middle Street, stated that there is approximately 22ft between her home and 1454 Middle Street. Ms. Scott stated that she is excited to get a new neighbor but is also perplexed because no one has reached out to her in regards to the modifications of the structures. Ms. Scott believed that someone would have reached out to her because she is the neighbor of this property. Ms. Scott asked the Board to give extreme thought and consideration to this property, applicant, and neighbors. Ms. Scott stated that when she purchased this home, she was understanding that she had to adapt to this structure because it was classified as historic and couldn't understand major changes.

III. HISTORIC DESIGN REVIEWS:

1454 Middle Street: Kevin Hoertdoerfer, applicant, requested conceptual approval to perform an historic rehabilitation and adaptive reuse of the Fort Moultrie Post Theater, a Sullivan's Island Landmark structure, with no modifications to the zoning standards (TMS# 523-07-00-043).

Mr. Henderson stated that this property is located in the Sullivan's Island Local Historic District and Fort Moultrie Quartermaster and Support Facilities Historic District by history survey cards #259 ca. 1930. Mr. Henderson stated that the Theater was constructed in 1930 and deactivated in the late 1960's and is currently being used as private storage. Mr. Henderson stated that the current RS-District only allows for a single-family use of this property. The frame of the marquee is all that remains. Mr. Henderson stated that the applicant requested the following:

- Restore the front elevations:
 - Add new steel windows and doors to the front entrance
 - New windows to second story
 - Remove front concrete for landscaping

- Side elevations:
 - Steel window systems added in punched openings (removing shed roof on the western side of the property)
- Rear wall: add staircase and steel window system
- Roof: Partial removal of roof to allow open air courtyard with internal swimming pool

Mr. Henderson stated that Town Staff recommended considering the presentation as conceptual only. Mr. Henderson stated that the Board should request more detail and dimensions on all proposed steel windows, doors, brick treatment and proposed accessory structures.

Mr. Henderson asked the Board to make note of the following:

- Note of brick treatment and SIS guidelines for limewash of historic brick
- Note of examples of steel window systems for adaptive reuse projects
- Request additional information on marquee restoration, materials, details and examples

Mr. Henderson asked the Board to be mindful of the historic review process when making their decision. Mr. Henderson asked the Board to review the preservation of historic structure and form, the moving and elevating strategy, and the preservation of historic details.

Mr. Kevin Hoertdoerfer presented his application to the Board.

Mr. Tim Reese, Real estate agent of Dunes Properties, stated that he is the listing agent for this property. Mr. Reese stated that this has been a Warehouse for 25 plus years and it is very dark inside of this structure. Mr. Reese stated that this is going to be a very difficult structure to work with because it was design as a movie theater but now can only be used as a single-family home. Mr. Reese believes that the front entrance of the home is what was seen when the structure was a movie theatre and should keep the front look but other than that the structure needs major work and modifications to operate as a single-family home.

Mr. Wichmann asked if the applicant has been able to reach out to the surrounding properties. Mr. Hoertdoerfer responded by stating that they haven't been able to reach out to the neighbors yet but will be after this Board meeting. Mr. Wichmann stated that this is a very interesting property and will be difficult to make the necessary changes to allow this property to operate as a single-family home. Mr. Wichmann stated that he would like to see more detail and possibly a 3D rendering of the proposed plans.

Mr. Lewis stated that this is a big situation and based on the information provided it seems though it should stay how it currently is. Mr. Lewis is undecided on the application presented.

Mr. Craver stated that in the last special meeting, there are a number of classes of historic structures on the island. Mr. Craver stated that this is a big brick box that has been used for a warehouse for so long. Mr. Craver believed that restoring some the structure like the front of

the structure but making the required modifications will be needed to make this unusable warehouse into a functioning residential home. Mr. Craver stated he is in favor of the application presented.

Mr Pennington stated that preserving the front of the building is preeminent. Mr. Pennington stated that from Middle Street you will hardly be able to see the hole in the roof. Mr. Pennington stating that the front is his only concern and likes what was being proposed.

Ms. Bohan asked if the applicant would be interested in keeping the brick like the cigar factory instead of the limewash. Ms. Bohan stated that that brick openings on the side of the structure provides and articulation on a very large side of a wall. Ms. Bohan stated that providing these openings on the side will break up the wall and give the structure more definition. Ms. Bohan stated that she is concerned about the opening in the roof but would like the front façade to remain in tact as much as possible. Ms. Bohan asked the applicant to come back to the Design Review Board with more detail and a 3D rendering of what is current and what is to be proposed for the Board to understand what is being requested.

Mr. Hoertdoerfer stated that the lime wash of the brick is the lowest item of concern and believes that there is another way to modify the existing brick without using lime wash.

Mr. Coish stated that this is a very exciting project. Mr. Coish stated that he would like this to stay exactly the way it is currently but that's going to be physically impossible in order to create a single-family home. Mr. Coish liked the application presented but is concerned about the lime wash on the brick. Mr. Coish suggested coming back to the Board with more information.

Mr. Herlong stated that it is very exciting that this movie theater is now going to become someone's home. Mr. Herlong stated that he wanted to be sure from a historic point of view the Board doesn't miss anything along the way and suggested maybe hiring a consultant to make sure this property is handled correctly.

Mr. Coish stated he was happy about the 22 foot side setback will stay at 22 feet and a lot of the concrete will be coming out and being replaced with landscaping.

Mr. Hoertdoerfer stated that they aren't adding to the exterior footprint or moving the structure in anyway. Mr. Hoertdoerfer stated this is why the pool is going to be inside of the structure.

Mr. Pennington stated that recently the Board was put into a situation where a consultant was hired but the consultant was hired by the owner so they were in more in favor of the owner. Mr. Pennington suggested hiring one for this project and the Tavern project and provide the Town with specific guidelines to advise the Board on all gray area with a historic home.

Mr. Herlong responded to Mr. Pennington's request by stating that bringing in a professional consultant should be considered as these are complicated issues that need to be addressed correctly.

Mr. Craver made a motion to approve the application for conceptual approval. Mr. Lewis seconded this motion. All were in favor. None opposed. Motion passed unanimously.

IV. NON-HISTORIC DESIGN REVIEWS:

1611 Middle Street: Victoria Goss, applicant, requested modifications to the zoning standards for side setbacks to accommodate a new swimming pool and deck (TMS# 523-08-00-024).

Mr. Henderson stated that this property is located outside of the historic district and the front of the home faces Middle Street. Mr. Henderson stated that the applicant requested the approval on modifications to the side setback in order to construct a swimming pool and deck. Mr. Henderson stated that the applicant requested 26.25' setbacks and the zoning ordinance allows for 35'. Mr. Henderson stated that Town Staff suggested granting final approval of the side setback relief provided the site design complies with the setback Standard for Neighborhood Compatibility.

Mr. Henderson stated that he was in contact with the neighboring property, The Rudd family, and they were in favor of the application.

Ms. Goss presented her application to the Board.

No public comment was made.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Mr. Pennington seconded this motion. All were in favor. None opposed. Motion passed unanimously.

3312 Jasper Boulevard: Justin Ferrick, applicant, requested final plan approval to construct a new single-family home with modifications to the zoning standards for principal building square footage, principal building coverage, principal building side façade, principal building front façade width, side setbacks and second story side façade setbacks (TMS# 523-08-00-065).

Mr. Henderson stated that this home is located outside of the historic district with the front of the home facing Jasper Boulevard. Mr. Henderson stated that the applicant requested modifications to the zoning standards in order to construct a new single-family home. Mr. Henderson stated that the applicant requested the following:

- Principal Building square feet: 24% or 4745'

- Principal Building Coverage: 10% or 3445'
- Principal Building Front Façade: 100% more than 2/3 of the lot width
- Principal Building Side Façade: 100% west façade
- Side Setback: 13% or 34'

Mr. Henderson stated that Town Staff recommended granting conceptual approval provided the project complies with Standards for Neighborhood Compatibility.

Mr. Ferrick presented his application to the Board.

No public comment was made.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.

3030 l'On Avenue: Patrick Broderick, applicant, requested final approval to construct a new single-family home with modifications to the zoning standards for principal building square footage, principal building coverage, building foundation height, side setbacks and second story side façade setbacks (TMS# 529-12-00-035).

Mr. Henderson stated that this property is located outside of the historic district and the front of the home faces l'On Avenue. Mr. Henderson stated that the applicant requested modifications to the zoning standards in order to construct a new single-family home. Mr. Henderson stated that during the April 2021 Design Review Board meeting the Board recommended several changes to the application. The applicant made the following changes:

- Reduce the height of the foundation
- Reduce the requested principal building square feet and coverage
- Create articulations in the building side façade
- Reduce the second story side façade setback
- Reduce the request for side setbacks 1'

Mr. Henderson stated that the applicant requested the following:

- Principal Building square footage: 16% or 4,000'
- Principal Building Coverage: 10.6% or 2,433
- Second story side façade: 50% or 1'
- Side setback: 13% or 34'

Mr. Henderson stated that the applicant was no longer requesting modifications to the building height or principal building side façade.

Mr. Henderson suggested that the Board grant preliminary or final approval provided that the project complies with Standards for Neighborhood Compatibility.

Mr. Broderick presented his application to the Board.

Mr. Ralph Bryers, property owner of 3025 I'On Avenue stated that he is concerned about the amount of fill that will be brought into the lot because he is concerned that with so much fill the rain water will run off and flood his property.

Mr. Henderson responded to Mr. Bryers concern by stating that the zoning ordinance only allows for 12 inches of fill to be brought onto a lot. Mr. Henderson stated that during permitting the contractor submits a survey showing spot elevations so that they are able to determine where the fill is needed. Mr. Henderson stated that the engineer or landscape architect is also required to submit a stormwater plan and sign a stormwater certification form stating that the fill will not affect the neighboring properties.

Ms. Jennifer Feinman, property owner of 3030 I'On Avenue, stated that she has already hired someone to come in and address the fill and stormwater issues and assured Mr. Bryers that it will not affect his property.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Ms. Bohan seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2319 Atlantic Avenue: Carl McCants, applicant, requested conceptual approval to construct a new single-family home and elevated swimming pool with modifications to the zoning standards for principal building square footage (TMS# 529-10-00-065).

Mr. Henderson stated that this property is located outside of the historic district and the front façade faces Thompson Avenue. Mr. Henderson stated that the applicant requested modifications to the zoning standards for principal building square footage in order to construct a new single-family home. Mr. Henderson stated that the applicant requested the following modification:

- Principal building square footage: 23% or 5068'

Mr. Henderson stated that the application requested 22% in principal building square footage and the pool is in ground not elevated with 1 foot of fill proposed.

Mr. Henderson suggested that the Board grant conceptual approval only and the project must comply with Standards for Neighborhood Compatibility.

Mr. McCants presented his application to the Board.

No public comment was made.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Ms. Bohan seconded this motion. All were in favor. None opposed. Motion passed unanimously.

Mr. Herlong recused himself from the last two items on the agenda (Exhibit 3 and 4).

2729 Bayonne Street: Emily Wyatt, applicant, requested conceptual approval to construct a new single-family home and attached addition with modifications to the zoning standards for principal building square footage, side setback, front setback and second story side façade setbacks (TMS# 529-11-00-059).

Mr. Henderson stated that this home is located outside of the historic district. Mr. Henderson stated that the applicant requested modifications to the zoning standards in order to construct a new single-family home. Mr. Henderson stated that the applicant requested the following:

- Principal building square feet: 24.5% or 3,777'
- Principal building coverage: 18.9% or 2, 242'
- Building height: FFE= 10'4" LSM= 9'
- Second story side façade: Two facades
- Side Setback: 16.6% or 25'

Mr. Henderson suggested that the Board granted conceptual approval provided the project complies with zoning ordinance standards for neighborhood compatibility.

Ms. Wyatt presented her application to the Board.

Mr. Mark Congdon, property owner of 2729 Bayonne Street, stated that him and his family have lived in Charleston for over 10 years and have since fallen in love with Sullivan's Island. Mr. Congdon stated that him and his family were looking for a permanent home for him and his family. Mr. Congdon stated that since buying this property he has sent letters out to his new neighbors introducing his family and most of the neighbors have reached out and created a relationship with his family. Mr. Congdon stated that his neighbors love the new home and look forward to becoming a full-time resident of Sullivan's Island.

The Board was in favor of the application presented.

Mr. Craver made a motion to grant final approval for the application presented. Mr. Wichmann seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2525 Atlantic Avenue: Brooke Gerbracht, applicant, requested conceptual approval to construct a new single-family home with modifications to the zoning standards for principal building square footage and side setbacks (TMS# 529-10-00-072).

Mr. Henderson stated that this property is located outside of the historic district. Mr. Henderson stated that the applicant requested modifications to the zoning standards in order to construct a new single-family home. Mr. Henderson stated that the applicant requested the following:

- Principal building square feet: 14% or 4,659'
- Side setback: 15% or 34'

Mr. Henderson suggested that the Board grant conceptual approval provided the project complies with Standards for Neighborhood Compatibility.

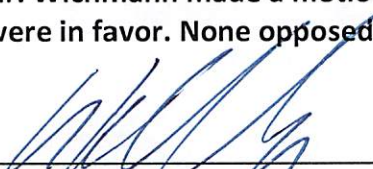
Ms. Gerbracht presented her application to the Board.

No public comment was made.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Mr. Pennington seconded this motion. All were in favor. None opposed. Motion passed unanimously.


- V. **ADJOURN: Mr. Wichmann made a motion to adjourn at 6:01 p.m. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.**



Steve Herlong, Chairman



Date



Beverly Bohan, Vice-Chairman



Date

Dear DRB, Town Council etc.

We are the Heller's who own the "red barn" at 2320 Ion Ave with the second newer structure behind it. Our red house circa 1880 was mentioned favorably in the May DRB meeting in the way we preserved the original structure.

Our red house was in such disrepair and an eyesore that some neighbors at the DRB meeting in 2006 actually wanted us to tear it down and not restore it. Thank goodness with a talented builder and architect we gave the red house its second life and it has even been featured in a couple of magazines. We decided that taking our red house back to its original size of 1100 square feet was the best way to keep its integrity intact and build a second permanent home structure behind it someday. We also recognized in 2005 when we bought the property we would not be able to build over 2900 square feet new if we ever built our permanent home behind it due to Section 21-20C (2) (j) highlighted below:

j) Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.

https://charlestonmag.com/features/overall_winner_cottage_classic

<https://lightroom.adobe.com/shares/51de1d3ec1e44b8885f7f3b0386276e1>

Fast forward 15 years since our property purchase and the world has changed. In addition to moving here permanently as have many others, real estate prices have skyrocketed and the pandemic changed everyone's lifestyles.

Ideally we would love to add about 500 square feet for an office/bonus room inside the existing footprint, as my husband now teaches college online. We are however prohibited for any variance or addition in square footage to our 4078 square feet total due to the two house structure. If someone came in to our one half acre lot with no structure present at all, they could likely build up to 4078 square feet with a potential increase of 1,019 square ft (5097 total as per the town) where we are capped at 4078.

When it came time to build our permanent home behind our red house, we chose Heather Wilson who appropriately replicated the original style. Heather's drawings for the 852 Middle Street cottage are also spot on and will be saving an iconic building on the Island. Every historical structure is different and owners should be allowed, with excellent architects like Heather, to appropriately determine the best course of action whether adding on to a historic property or a new build, according to updated town regulations. 852 Middle which appears to have a good central lot location and street presence, adding to the sides and rear in my opinion are very much in keeping with the original structure. Some properties like the Squeeze Inn that are very tiny, and due to location and size may be better off used as a stand-alone cottage like a guest house as we did and keep the historic structure in the forefront.

Restoring these cottages are a labor of love, stress and generally at extreme cost. We have spent multiple six figures to keep our red house intact to include new foundation, drainage, cement pad, moving heat and air to attic etc. to try to keep flooding, mold, termites and rodents away and not always successfully. No doubt there are tons of similar stories and much worse.

Last but not least, Section 21-20C (2) (j) of the Ordinance is actually punitive in nature to Historic Properties and owners. When homes are sold in the State of South Carolina square footage matters and is stated on the MLS. The town is altering values of historic properties by limiting square footage. The Town of Sullivan's Island, wherein it pertains to DRB "guidelines" should treat all properties, historic and non- historic, with the same consideration without discriminatory restrictions to historic properties. I am afraid that if these square footage rules for historic properties are not modified, you may lose the remaining smaller cottage gems that get cobbled into a larger structure due to these strict limitations.

Thank you for consideration in modification of the historic properties ordinances and in working with your fellow citizens who love this Island. The town should want to reward residents who purchase historic properties and not place them at a disadvantage.

Kathy Heller
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Sullivans Island SC

Kathy Craig Heller

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Joe, I'd be appreciative if you'd pass my comments to the DRB prior to the June 16th meeting. And, nice to notice the new signage separating the "historical reviews" from the "variances. Thank you.

"Dear members of the Design Review Board, thank you for taking my comments. First I'd like to publicly thank Mr. Henderson for updating the signs used to make the public aware of DRB reviews and designating if "historical" or "variance". I believe that change serves the Island residents in a more transparent and informative way. Second, as I've done before, I'd like to make some general observations, conclusions, and recommendations about the work of the DRB.

The June DRB meeting has six candidates for non-historical variances of some type....seems quite an increase over past submittals. I understand some of the requests are likely due to unusual circumstances and would "make sense" from almost any perspective. But, any fair assessment of the submittals would find some, as is usual, simply wanting more....well, because they want more. The architectural firms are mostly "the usual suspects"....they are getting quite good at asking for exceptions to zoning standards and have found the formula for success. It seems odd that some of the best architects in the area can't meet client needs within the normal generous Town standards. But, cynically, they don't have to; they just get a variance.

What I see in the Town ordinances is the intent that "variances" are to enhance the architectural atmosphere of traditional Sullivan's Island homes and cause a blending with the surrounds. It's called neighborhood compatibility. What I see in practice is over sized houses out of scale with the lot, surrounded by fences and vegetation so as to create a compound. It strikes me as sad irony that the DRB does such a great job on historical protection and such a poor job simply telling builders "no", what you are proposing does not enhance neighborhood compatibility, the house is already quite large, and there are no pressing or unusual considerations.

I'm all for any home builder building what they want; I care, but it's none of my business. I'm not for home builders getting exceptions to policy to build larger homes that normally allowed because they just want to and have the patience and resources to somehow convince the DRB it's in our mutual best interest. The DRB is composed of strong, experienced citizens but it's never easy to say "no". It's especially hard once one realizes the precedents that have been set over the years. But, I'm hopeful some of your membership are willing to step up and insist this practice of handing out variances be reigned in. Now is always the right time to do the right thing." JD Winchester 2720 Brooks St

RECUSAL STATEMENT

Member Name: Steve Herborg

Meeting Date: June 16, 2021

Agenda Item: Section E Number: 5

Topic: 2729 Bayonne Street

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

X **Professionally employed by or under contract with principal**

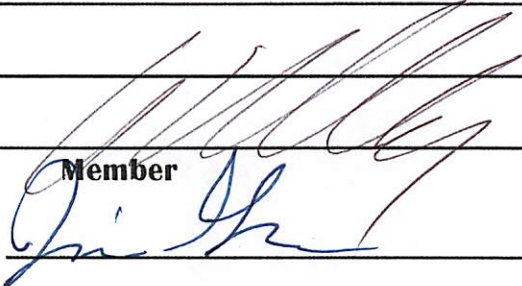
 Owns or has vested interest in principal or property

 Other: _____

Date: _____

Member

Approved by Parliamentarian: _____



RECUSAL STATEMENT

Member Name: Steve Herlong

Meeting Date: June 16, 2021

Agenda Item: Section E Number: C

Topic: 2525 Atlantic Avenue

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Date: _____

Member

Approved by Parliamentarian: _____



**Town of Sullivan's Island
Design Review Board**

Sign in Sheet
June 16, 2021

Print Name

Address

Email

CARL MCANIS

2319 ATLANTIC

Kate Campbell, Victoria Goss, Justin Farnick 1611 Middle & 3312 Jasper