



Town of Sullivan's Island, South Carolina
Historic Preservation and Design Study Group
A Subcommittee of the Land Use and Natural Resources Committee of
Council

Thursday, April 14, 2022

Subcommittee met at 4:00pm, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act having been met. Present were,

Subcommittee voting members: John Winchester (Chair), Aussie Geer (Vice Chair), Eddie Fava, Elizabeth Tezza, Beverly Bohan, Rita Langley, Michael Daly, and Manda Poletti.

Staff: Joe Henderson, Planning and Zoning Administrator, and Pamela Otto, Study Group Staff member

1. **Call to Order.** Chair Winchester called the meeting to order at 4:00pm, stating the press and public were duly notified pursuant to state law.

Media: None present

Public: Seventeen (17) members present, including Land Use and Natural Resources (LUNR) members Pat O'Neil, Scott Millimet, and Gary Visser, as well as Planning Commission member Mark Howard.

2. **Approval of Minutes from March 31, 2022 meeting.**

Motion: A motion was made to approve the March 17, 2022, meeting minutes by Ms. Tezza, this motion passed unanimously with an 8-0 vote.

3. **Items for Discussion.**

Chair Winchester mentioned this was the fourth meeting of the Study Group. He wanted to reiterate a policy of respect for homeowners and property rights by mentioning the photos presented would be very carefully selected. There

had been an idea to get photos from off island. Henderson put a presentation together of photos of off island homes and Chair Winchester did not find it useful as they were not indicative of Sullivan's Island homes. It had also been considered to use photos of well-done constructions and renovations, but everyone has differing opinions on what they consider well-done. The approach for new construction should be similar to the approach for the historic renovation projects, residents should walk the island and give their observations and opinions, so the feedback is coming from the public. Homes can be brought up by the public for discussion by address.

A. Historic Preservation Incentives. Henderson gave a brief summary of the two (2) types of incentives offered for historic preservation.

Fifty percent (50%) exemption incentive. Noted in the zoning ordinance as historic preservation of structures. It exempts 50% of the heated footprint of the house and the impervious coverage of what has historically always been there, so it is a 50% increase of what you are allowed to have under the ordinance. Henderson stated this incentive has allowed a change in the face of a lot of historic structures. Chair Winchester wanted to make it clear that someone who applies for this exemption gets the 50% bump in allowed square footage and can also go to the Design Review Board (DRB) for additional relief of up to twenty-five percent (25%). Henderson had three (3) scenarios of the results of this incentive based on three different lot sizes commonly found on the island.

Scenario 1 involves a standard half acre (.50 acre) lot, which allows a maximum square footage of four thousand seventy-eight (4,078) square feet, with no DRB relief. The lot has a twelve hundred (1,200) square foot cottage which would allow for a two thousand eight hundred seventy-eight (2,878) square foot addition. The DRB could then grant the 50% exemption of six hundred (600) square feet and the allowed 25% percent of one thousand twenty (1,020) square feet leading to a structure with a total combined square footage of five thousand six hundred ninety-eight (5,698), but the total will be capped at the maximum five thousand six hundred (5,600) square feet. Henderson did mention that the DRB would not likely grant approval of the full 50% or full 25%.

Scenario 3 shows a small lot, at a quarter acre (.25 acre), with a 1200 square foot cottage. The total allowed square footage of a home on that size lot is two thousand nine hundred eighty-nine (2,989), with no increases. This makes the size of a potential addition one thousand seven hundred eighty-nine (1,789) square feet.

If the DRB grants the 50%, 600 square feet, and the 25%, seven hundred forty-seven (747) square feet, that would combine to make the total structure four thousand three hundred thirty-six (4,336) square feet.

Ms. Ewing asked if the slide presentation would be made available and Henderson said he would put them on the Study Group page. She then said that not all historic homes will be 1200 square feet and that the Town should consider protecting all historic homes otherwise people will try to chop off portions of historic homes to bring them to the 1200 square foot size. Ms. Tezza pointed out that the 1200 square foot limit pertains to the Accessory Dwelling Unit (ADU) incentive only, not the 50%. Mr. Millimet said that everyone can agree that if you have a cottage that you can expand three or more times its original size, then the actual cottage is not there anymore. Chair Winchester agreed. Mr. O'Neil said that the 50% incentive only applies if you are adding on to a historic structure, no matter the size of the original structure. Henderson said that was correct. Chair Winchester reiterated that at this time only attached additions were being discussed, ADUs will be covered later. Ms. Poletti asked when the 50% incentive was put into place. Henderson said he believed at the same time as the ADU incentive, 2007.

Scenario 2 is a large lot, eight tenths (.8) of an acre, with a 1200 square foot cottage. The total square footage allowed without DRB relief is five thousand three hundred eighty-five (5,385). If you add the full 50% exemption, 600 square feet, and the 25% increase, one thousand three hundred forty-six (1,346) square feet you would have a total combined square footage of seven thousand three hundred thirty-one (7,331), well above the maximum of 5600.

Mr. Millimet feels that a great example of how to preserve a structure is to allow the property owner to build a separate structure, away from the original one protecting the integrity of the historic structure. Chair Winchester said it seems everyone agrees that ADUs are a success. Ms. Tezza said that ADUs do work, preserving the smaller structure. She feels there is some confusion between the two incentives. A property owner who lives on a small lot does not have the room for an ADU, so they have to be allowed to add on to the original structure. She said that the Board of Zoning Appeals (BZA) gets the ADUs and those properties with an ADU can't get anymore variances. Ms. Tezza wants to know if the incentives are right for both, should there be more incentives for the ADUs to stop the use of the 50%. She also said she does not think a property owner should be allowed to get the 50% and the additional DRB 25% both at the same time.

Chair Winchester said this was the time to discuss a motion that Ms. Bohan wanted to make at the previous meeting.

Motion: A motion was made to recommend to Town Council the removal of §21-43 B., preservation of historic properties, historic exemptions found on DRB form C.1, and to reduce the DRB maximum authority to increase the principle building square footage conditioned space from 25% to twenty percent (20%) for construction of additions to historic homes in §21-27 C. of the zoning ordinance by Ms. Bohan; seconded by Ms. Tezza.

Discussion

Rita Langley - Agrees that there is a need to get rid of the 50% incentive, stating that the goal to create a community without sprawling homes and that recognizes the distinctive historic homes. She agrees with the motion.

Aussie Geer - Thinks the Town has already taken the position of appreciating their historic homes. She said that having a historic structure on your property might not be for everyone but if you are choosing to buy a property with a historic structure, you should understand the importance of it and what you are allowed to do to it. She also supports the motion.

Michael Daly - Feels there are not very many historic homes left and he agrees with the motion, elaborating by saying historic homes should be kept as close to the ground as possible.

Manda Poletti - Agrees doing away with the 50% exemption will reduce the massing of homes. However, she feels that reducing the 25% to 20% needs to be discussed more. It is very expensive to restore a historic property and there needs to be some incentive to do that, she feels that it amounts to penalizing people who own historic properties.

Eddie Fava – Feels the only incentive of the 50% is to make the house larger if you agree to attach an addition. There needs to be an incentive to not attach. He feels the ability of the ones who apply for the 50% to apply for added relief makes it not equitable as the ones who attach are getting more allowed square footage.

Chair Winchester asked where to address the imbalance between the two incentives. Ms. Poletti feels like the discussion of the 20% or 25% is dependent on what happens is the discussion on ADUs. The incentive needs to be made greater to keep historic structures unattached. Mr. Fava asked if there needs to be even more incentive for people who attach to historic homes.

Chair Winchester said the feedback he has been getting mentions that the Town needs to be realistic about giving incentives to people to go through the trouble and expense to properly protect a historic home.

Elizabeth Tezza – Seconded the original motion and agreed with it so had nothing to discuss.

There was some discussion about amending the motion to leave out the reduction in the DRB allowance but it was decided to leave it as it is and revisit it if necessary.

Chair Winchester asked the whole membership if anyone was adamantly opposed to the motion on the floor. Mr. Millimet asked for a practical example of what was being discussed. Chair Winchester said removing the 50% was not so much because the property owner could still petition the DRB for the additional relief.

The **Motion** passed with a vote of 7-1, with Ms. Poletti casting the opposing vote.

Ms. Heller asked if the Study Group would be reviewing impervious coverage limits as well. Chair Winchester asked if she was suggesting that the impervious allowance should be reduced. Ms. Heller said it should be reviewed. Henderson said the ordinance currently caps impervious coverage at thirty percent (30%) and the only thing that allows anyone to go over 30% is the use of the 50% incentive. He said by eliminating the 50% exemption, no one would be allowed to go over the 30% limit. If that 30% was lowered, you would run the risk of rendering a lot of properties on the Island as non-conforming. He said over the last five (5) years, the Town has been requiring storm water management plans that would be thrown off by that as well. Ms. Ewing stated another problem is that homes are getting the added square footage but not doing driveways. She would like to see properties required to have parking for a certain number of vehicles before their plans are approved as people parking their boats in the right of way is a problem. Chair Winchester agreed to add this to the list of items to discuss as it goes along with a discussion on materials. He asked if Ms. Heller was amenable to taking up this discussion on drainage and pervious coverage as an addendum for another meeting, she agreed. Mr. Howard asked if they should also include the ability to add a garage when you are not raising a historic home, as that is an additional seven hundred fifty (750) square feet to the allowed impervious coverage.

Henderson stated that the floor of the home has to be below six feet from grade for this exemption of impervious coverage and a storm water plan is required. Mr. Millimet pointed out that that leads to increased lot coverage. Chair Winchester asked if this was the only exemption to the 30% impervious coverage limit, Henderson said that it was. Henderson stated it was an incentive to keep homes lower to the ground. Ms. Tezza said it was a necessary trade off to keep the built environment low, keeping with the ambience of the island.

Accessory Dwelling Units (ADUs) Incentive. Henderson gave a summary of the ADU incentive. It is a conditional use of the Residential zone only that is only allowed under certain conditions. The historic structure is limited to 1200 square feet of heated principal building square footage. The property must be deed restricted, to prevent vacation rental of the ADU but allowing long term rental of the unit, and the main house must be owner occupied. The design is required to be reviewed by the DRB to determine that the new construction is compatible with the ADU. The BZA also has to approve the ADU and there are no discretionary increases allowed by the DRB so they can't get any increases to the principal building square footage. There are about twenty (20) ADUs at this time on the island with the possibility of 20 or 25 more that could be approved. Henderson hopes that some of the non-historic properties on Middle St. near Fort Moultrie, the small non-commissioned officer's quarters, could be converted to historic properties allowing for ADUs. The long-term rental of these structures was also mentioned with Henderson saying that at this time six (6) of the 20 ADUs have been issued business licenses for long term rental, with most opting to use them as guest homes.

Ms. Langley asked for a definition of a vacation rental. Henderson said it involved occupying it for fewer than twenty-eight (28) nights. Vice Chair Geer asked if someone decides not to rent it for a year, do they lose the right to rent it out? Henderson said that an ADU can maintain the right, the Town just requires a business license and a copy of the lease on file with the Building department to determine that the terms of the lease do not violate the vacation rental ordinance. Ms. Poletti asked how many historic properties that qualified for ADUs went the way of the attached addition instead, Henderson did not know. Ms. Tezza remembered one application that came to the BZA where they withdrew their application when they did not get a variance, saying that they could do whatever they want if they just add on to the historic structure. She said that most who come

to the BZA for the ADU incentive do so because they have a desire to maintain the historic structure. She feels if the 50% exemption incentive is removed, there might be more ADUs.

Discussion

Chair Winchester feels many possible ADUs have been lost to the 50% exemption and with most people passing on the rental option, there needs to be more incentive for the ADU option. He asked the membership for ideas.

Manda Poletti – Referenced the Battery Gadsden letter saying that it should be encouraged to have two (2) structures, not penalized on square footage of the new house to preserve the historic home. There needs to be more incentives for the ADU, she agrees the rental option is not a great incentive. It seems that Battery Gadsden would rather there be no limits on the new structure in order to preserve the historic one, that might be an incentive to keep the ADU and preserve it.

Michael Daly – Agrees there should be incentives for ADUs outside the rental property, as he feels most people who are living in their house full time might not want a rental. He feels that having separate buildings helps in keeping the homes closer to the ground, which gives it a feeling of smaller mass.

Aussie Geer – Agrees with both Ms. Poletti and Mr. Daly. If the goal is to have more ADUs and not attached additions then you must grant something that makes the new construction livable for a family, making them more inclined to do the ADU.

Rita Langley – Agrees with Vice Chair Geer. Using the ADU option should be incentivized by granting more square footage. Doing away with the Form C.1 is a step toward keeping the little houses, which she feels is the desired goal.

Beverly Bohan – Thinks that the purpose of the motion, and lowering the DRB allowance to 20%, incentivizes new construction and the keeping of historic homes, eliminating a “double dip” of the 50% and additional DRB relief.

Elizabeth Tezza – Wants to increase the incentives for ADUs and get rid of the 50% exemption. She feels that would tip the scale in favor of saving historic structures.

Eddie Fava – Feels it is a more attractive solution to the appearance of mass by having ADUs. He said that the DRB typically defines these structures, but he feels it is more of a zoning issue. They should not be regulated subjectively by the DRB but more objectively by the BZA.

Mr. Millimet asked if the reduction of the DRB allowance applied to the ADUs. Ms. Bohan said it only applies to attached additions. Mr. Huey asked if ADU owners will be contracted to maintain the ADU in its historic context. Henderson said the give and take is that the DRB only grants approval for the ADU based on the merits of the historic preservation program for the ADU. Once they have approved the plan to preserve the ADU, then they allow the building of the second structure on the lot. Given this incentive and extra DRB relief, most cottage owners might be more inclined to not alter the historic cottage and build a new home where allowed. Mr. Huey asked if Henderson thought there would be a problem of demolition by neglect after the approval of the ADU, allowing the historic structure to fall apart. Henderson said the project is inspected through out the process. Chair Winchester asked if this was really a practical problem, that the owners are spending a lot of money for these properties and he doesn't see them allowing any part of it to deteriorate. Mr. Fava agreed saying it would be a detriment to the whole property.

Ms. Ewing wants there to be discussion on increasing the allowable size for the historic structure when building an ADU. She feels that not all historic houses are 1200 square feet and under. She wanted to build a separate structure but her house is over 1200 square feet and she did not want to attach the addition. Her question was how to save historic houses over 1200 square feet without attaching an addition. Chair Winchester said there has to be some number and 1200 seems to have served well, but what is the solution, to put it on the DRB to decide? Ms. Ewing feels the number of historic homes left is very small and the goal is to preserve them all. Mr. O'Neil said the 1200 number was arbitrary and political, just to get the ordinance passed and agreed upon by all Council members, it was a concession. Mr. Coish said his home is one thousand seven hundred forty-four (1,744) square feet, is historic and he wants to preserve it. If he wants an ADU, what can he do, tear off pieces to reach 1200? He feels he should be allowed to retain his home as is and build something else as well. Chair Winchester asked if Mr. Coish had a square foot limit in mind. Mr. Coish thinks there should no number, that it should go to the DRB, and pervious and impervious percentages should be looked at. Chair Winchester asked if he was bringing up the idea of a third option, in addition to attached addition and ADUs. Ms. Tezza said she believes she is hearing the need for a third option, one where the historic home is larger with a smaller ADU. She feels that it should be considered.

Ms. Heller asked if there was a size limit to attach to a historic cottage, say if one was five hundred (500) square feet is it too small to attach an addition to it. Henderson said that it is not stated in the anywhere in the ordinance that a structure can be too small to attach. He said the purpose of the incentive is to preserve small historic structures, and he feels the 1200 limit actually hits the right mark for most of the structures on the island, at least for the core historic portion. Henderson also stated that the Water and Sewer director would oppose allowing all historic properties to be able to add a second dwelling unit as it would be a density increase of two hundred fifty (250) units on the island, impacting the new waste water treatment plant. It could be problematic.

4. **Discussion of next meeting's agenda items.** Chair Winchester said that the next meeting would pick up ADUs again. He asked that everyone think about numbers, ideas to incentivize the ADU. He asked if the rental option should be kept or done away with. He also asked everyone to consider what he considered ADU alphas, a reverse ADU where the new construction is smaller. New construction will carry over to the next agenda
5. **Adjourn.** There being no further public discussion and no new business, the meeting adjourned at approximately 5:31pm.
Motion: A motion to adjourn was made by Ms. Langley; seconded by Ms. Geer. This motion passed unanimously, 8-0.

Respectfully submitted,

Pamela Otto