

Town of Sullivan's Island
BOARD OF ZONING APPEALS
Thursday, March 14, 2019

A Board of Zoning Appeals Meeting was held on the above date at 6:00 p.m., all requirements of the Freedom of Information Act having been satisfied.

Present were: Elizabeth Tezza, Chairman
Babak Bryan, Board Member
Summer Eudy, Board Member
Michael Koon, Board Member
Jody Latham, Board Member
Kevin Pennington, Board Member
Joe Henderson, Director of Planning/Zoning Administrator
Courtney Liles, Town Clerk

A. Freedom of Information Act Requirements

Elizabeth Tezza called the meeting to order at 6:00 p.m. and stated the press and public had been notified in accordance with State Law. There were three (3) members of the public present and no members of the media present.

B. Approval of Minutes from January 10, 2019 and February 7, 2019

Motion was made by Michael Koon, seconded by Babak Bryan, to approve the minutes and transcript from the January 10, 2019 meeting.

This motion passed unanimously.

Motion was made by Michael Koon, seconded by Kevin Pennington, to approve the minutes from the February 7, 2019 meeting.

This motion passed unanimously.

C. Applicant and Participant Oath

Members of the audience who spoke during the meeting: Meg and Buddy Howle

D. Special Exception

1. 2524 Myrtle Avenue: Meg and Buddy Howle, applicant, requested an approval of the accessory dwelling unit (ADU) historic special exception in accordance with Zoning Ordinance Section §21-20 C. (2) and §21-178. (TMS# 529-06-00-054)

Director of Planning/Zoning Administrator, Joe Henderson, presented this application on behalf of the Town. Mr. Henderson stated that this special exception was created as an incentive for property owners to preserve their small historic cottages and discourage their demolition and neglect. With the approval of this special exception, a second principal building (main house) may be constructed on the parcel, permitting the smaller historic structure to become an accessory dwelling unit (ADU). The granting of the incentive is a three-step process: first the Design Review Board must grant approval of historic designation and conceptual approval of design modifications, secondly, the Board of Zoning Appeals must grant approval of special exception; and finally, the Design Review Board must grant final approval of design modifications. Mr. Henderson stated that on February 20, 2019, the Design Review Board granted conceptual approval for the cottage to be placed on the historic designation list as a Traditional Island Resource with several design modifications to the historic restoration plan: 1) the roof pitch of the cottage should be modified to a 4:12 or 5:12, 2) the roof pitch of the proposed addition should be slightly higher than the cottage to make a clear distinction between the old and the new; 3) identify the siding typical of a cottage of its construction date.

Deliberations took place between the Board, Mr. Henderson and the Applicants.

Mr. Bryan stated that the expansion infringes on the setback requirements with the side setback being 15' and the applicants are proposing an 11' setback.

Mr. Henderson answered that the Design Review Board may grant relief from the side setbacks to allow a 10' side setback and the Ordinance permits an offending wall to be maintained along any side setback encroachment provided it does not go any further into the required setbacks.

Ms. Eudy stated she thought when an applicant gets a special exception, they could not get any relief from the Design Review Board on any encroachment.

Mr. Henderson answered the Design Review Board cannot grant discretionary increases in principal building square footage and principal building coverage but they can grant architectural relief.

Mr. Bryan asked about the Historic Preservation Standards, when the new construction seems to be in greater size than the existing historic structure. He was concerned that the historic structure is being too heavily altered.

Mr. Henderson answered that the “Renovation” preservation strategy was discussed in two Design Review Board meetings before they granted conceptual approval which permits additions to historic structures. The ADU special exception is allowed with the condition the cottage remains under 1200 square feet in “principal building Square Footage.” There are eight (8) standards for designating a property as historic and Standard number five (5) recognizes this small structure presents something typical of the Island’s architecture.

Mr. Bryan commented the applicants are burying its historic qualities in a cohesive new aesthetic of a new building. He stated it seems that this is a work-around to petition a non-historic building to be given a historic designation to demolish a third of it and then put on an addition almost twice its size. It seems like it’s taking the spirit of the rules of allowing for a 1,200 square foot expansion to a historic structure.

Mr. Henderson stated that in doing renovations to the historic structure, such as removing the asbestos siding and raising the roof to get HVAC into the historic portion, there is going to be a great deal of preservation and renovation work done to the historic structure when adding the addition. He added that the Design Review Board determined that keeping a small cottage of the vernacular Sullivan’s Island style and design was important enough to designate the cottage as historic.

Mr. Pennington asked if it would be allowed to build a small cottage on a non-historic lot and then later build a larger house mimicking the presented layout.

Mr. Henderson answered that ADU’s are only allowed on designated historic properties with a cottage of 1200 square feet in “Principal Building Square Footage.”

Mr. Pennington added why wouldn’t the Town want to encourage smaller street facing homes with a larger home behind it. He stated this house will be a brand-new house when they are done and there will be very little to recognize as historic other than the natural design of it which is not necessarily a restoration of a historic home.

Mr. Henderson stated that the use is an historic preservation incentive in the RS Zoning District, and it will be a renovation with an addition, which is an acceptable strategy according to the Secretary of Interior Standards for Preserving Historic Buildings. Mr. Henderson explained that a lot of non-original materials will be replaced such as the siding and windows.

Mr. Pennington asked what the Board is trying to preserve, and that every building that was built before a certain date on the Island look and feel like it was done eighty (80) years ago?

Mr. Henderson answered that it must be at least 60 years old and have a historical designation. The applicants' home has a historic survey card that deems it as a Category 3 however it was changed to a Category 2. The Design Review Board determined it wants to encourage keeping Traditional Island Resources.

Mr. Pennington commented he does not disagree but thinks there are other rules that if someone wanted to build this exact thing.

Ms. Latham stated their board has made it very clear that this is a Special Exception to our rule of "one lot one house" and that has to be consistent because we do not want to end up with an island that has a cottage and a main house on every single lot with illegal renters.

Mr. Bryan stated that according to §21-178 C. (4) "the proposed use shall be compatible with existing uses to the extent that such use will not adversely affect the level of property values, general character, or general welfare of the nearby area" by creating a condition in which they are allowing a second structure to exist on properties where it is the intent overall for zoning to limit second structures and not have them occurring is an adverse effect towards the desired effect of the community.

Ms. Eudy stated that the Design Review Board has the purview to designate a home historic, the Board of Zoning Appeals cannot change that.

Mr. Bryan stated that the project needs to be a historic preservation project.

Mr. Henderson stated the project is going to be a historic renovation, which is a more flexible strategy for historic buildings that allow additions to be placed on them. He added the Design Review Board made the request for the cottage to maintain a lower pitched roof and the addition to have a higher pitched roof to be able to distinguish the old from the new.

Ms. Tezza commented that their Board is there to grant a special exception not to debate the merits of historic designation for a structure or the design.

End of deliberation.

Motion was made by Michael Koon that the Board of Zoning Appeals grant the approval of the accessory dwelling unit (ADU) historic special exception at 2524 Myrtle Avenue binding that the homeowners and their team responded appropriately to each of the four (4) criteria in §21-178.

Summer Eudy amends the motion to add specifically that the conditions in §21-20 C. (2) also apply. Michael Koon accepts the amendment. Jody Latham seconded the motion.

This motion passed unanimously.

E. Public Input

F. Adjourn

Motion was made by Jody Latham, seconded by Michael Koon, to adjourn at 6:30 p.m. This motion passed unanimously.

Respectfully submitted,



Courtney Liles