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TOWN OF SULLIVAN'S ISLAND
BOARD OF ZONING APPEALS

3117 Marshall Blvd.

2102 I'on Ave.

Approved on May 12, 2016

COPY

HEARING BEFORE: ELIZABETH TEZZA, CHAIRPERSON
DATE: April 14, 2016
TIME: 6:00 PM
LOCATION: Town Of Sullivan's Island
2050-B Middle Street
Sullivan's Island, SC 29482
REPORTED BY: LORA L. McDANIEL,
Registered Professional Reporter

A. WILLIAM ROBERTS, JR. & ASSOCIATES

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APPEARANCES :

ELIZABETH TEZZA, CHAIRPERSON
CARLIN TIMMONS
PETER RICHARDSON, BOARD MEMBER
JAMES ELLIOTT, BOARD MEMBER
JOE HENDERSON, ZONING ADMINISTRATOR
COURTNEY LILES, TOWN CLERK

1 THE CHAIRPERSON: I would like to call the ³
2 April meeting of the Board of Zoning Appeals to
3 order.

4 Ellen, have -- excuse me. Have the
5 Freedom of Information Act requirements been met?

6 MS. LILES: They have.

7 THE CHAIRPERSON: Thank you very much.

8 We will move to the approval of the
9 minutes for March 10, 2016. First, I would like to
10 thank Carlin for her very specific review of those
11 very lengthy minutes.

12 She did find some corrections; her name,
13 one other item

14 MS. TIMMONS: Not needed to be added.
15 There were a number of, if you started, there were
16 too many to deal with. It was all minor.

17 THE CHAIRPERSON: Do I hear a motion to
18 approve the minutes from the March 10th meeting?

19 MR. RICHARDSON: I so move.

20 THE CHAIRPERSON: Do I hear a second?

21 MR. ELLIOTT: Second.

22 THE CHAIRPERSON: All those in favor
23 signify by saying aye.

24 (All board members stated aye.)

25 THE CHAIRPERSON: All opposed, like sign.

1 The minutes are approved.

2 We will now take applicant and participant
3 oaths. Everyone who will be speaking before the BZA
4 please stand. Raise your right hand.

5 APPLICANTS and PARTICIPANTS
6 being first duly sworn, testified as follows:

7 THE CHAIRPERSON: And also, anybody who's
8 speaking, have you signed in?

9 I have a few announcements before we
10 start. Please turn off your cell phones or put them
11 on silent.

12 Remember that all comments are to be
13 addressed to the Board and not to other members of
14 the audience. You weren't here at our last meeting;
15 this is why I'm making those announcements.

16 And our process is this. Joe will present
17 for the Town. And then the applicant or the
18 applicant's representative will speak. The Board
19 will ask questions. We will then ask for public
20 comment. And then we'll close public comment and the
21 Board will then discuss. At that time we may
22 actually have additional questions for the applicant
23 or the Town.

24 Joe, I will ask you to go ahead and
25 present our first -- we have two special exceptions

1 on our agenda. Please present the special exception
2 request for 3117 Marshall Boulevard.

3 3117 MARSHALL BOULEVARD

4 MR. HENDERSON: Thank you, Elizabeth.

5 This is agenda item D-1, special exception request
6 brought forth by Mr. Todd Eischeid and Chad Walldorf
7 on behalf of 3117 Marshall, LLC. They're requesting
8 an RS District special exception. This is to
9 establish a conservation easement use and structure.

10 This is in accordance with Section 21-20
11 C(5) use regulations for the special exception, and
12 also 21-178. These are the conditions of the
13 statutory conditions for the Board of Zoning Appeals
14 to grant special exceptions in our zoning ordinance.

15 Just to give you a little background on
16 this issue, in 2015, the planning commission and Town
17 Council went through the process of amending the
18 zoning ordinance to incorporate this new land use,
19 this special exception, to allow or encourage our
20 state's policy of retreat from development adjacent
21 to the beach.

22 And it's specifically geared towards
23 encouraging property owners that have houses all in
24 properties that are severely affected by erosion or
25 other environmental hazards, to remove homes or

1 decrease the intensity of uses.

2 In this case with RS District, the house
3 is being removed and in its place we're placing much
4 smaller structure that's going to be recreational or
5 storage use; a less intensive use.

6 This is the first one that the Town has
7 ever received. And so I think what we'll do first,
8 begin by orienting the board to this location to the
9 subject property. We will then go through the
10 conditions of use. And then jump into the required
11 findings of fact by the BZA. Those are 21-178.

12 If you'll take a look at the screen here,
13 this is at the far southeastern side of the island.
14 This subject parcel is smaller than the adjacent ones
15 and the high water mark is making its way up close to
16 the house. Here is the home here.

17 As part of the application, there were
18 several site plans that you'll notice. This first
19 one indicates that location of the existing house
20 that will be removed. And according to their survey,
21 it's just over 10,000 square feet of high ground on
22 this parcel.

23 This is the proposed rendering here, and
24 we'll get into a more detail view of this in a
25 minute. Proposed here you have 300 square feet of

1 covered decking and then 130 square feet of storage
2 area.

3 And here are the elevation renderings for
4 this structure. So if we're looking at the side
5 elevations here, this is the Marshall Boulevard side.
6 This is the ocean side.

7 MR. RICHARDSON: Does this all need to be
8 entered into the minutes?

9 THE CHAIRPERSON: It becomes part of the
10 record.

11 MR. HENDERSON: This is part of the
12 record. This is actually part of the application
13 submitted.

14 So as I mentioned before, Section 21-178
15 is the findings the Board needs to make in order to
16 grant the special exception. And I'll just go
17 through those very briefly and turn it back over to
18 you, if we have any questions before we go into the
19 conditions of use.

20 Number one, adequate provisions must be
21 met such as setbacks, fences, buffering. And we must
22 make findings that the proposed use doesn't impact
23 the adjacent properties with noise, vibration, dust,
24 glare, traffic congestion, and other similar factors.

25 Number two, vehicular traffic and

1 pedestrian movement on adjacent roads should not be
2 hindered. Off-street parking and loading areas
3 should be provided according to what's prescribed in
4 the ordinance, and that use shall be compatible with
5 existing uses and not affect property's value,
6 general character or welfare of the nearby area. Of
7 course, BZA may apply additional conditions to any
8 special exception.

9 This is Section 21-20 C(5). These are the
10 conditions of use. They are lengthy. We went
11 through a year of deliberation and developing all
12 these conditions. I can go through these as we
13 review the site plan, if you would like.

14 THE CHAIRPERSON: Yes, please.

15 MS. TIMMONS: Yes.

16 THE CHAIRPERSON: Since this is the first
17 one we've seen.

18 MR. HENDERSON: We have a board over here.
19 We can look at the elevations as we go through these
20 or I can flip back to the digital one.

21 This is the third set of revisions that
22 we've gone through to make sure that all of these
23 conditions are met. So the first section of the
24 ordinance is that a conservation easement agreement
25 must be established for this property. This holds

1 that this property will not be developed in the
2 future. This is a permanent easement agreement and,
3 of course, Town staff will verify that it's in
4 accordance with state law.

5 And we don't have that currently. But the
6 East Cooper Land Trust has confirmed that they will
7 be entering into this process as per the agreement.

8 DHEC OCRM is required to approve the
9 placement of the structure on the property.
10 Currently, there's a house on the property, and it's
11 their position we're decreasing or reducing the
12 intensity of the use and so they have provided us
13 with an e-mail and also a letter indicating that this
14 is approved by the organization.

15 Next, we have conditions for the
16 stand-alone structure. This requires that all
17 conditions of the previous development be removed.
18 So this means all water and sewer connections, all
19 concrete slabs, any and everything that was used for
20 the development of the house has to be removed and
21 brought to its natural state for the structure to be
22 placed on the lot.

23 THE CHAIRPERSON: This new structure has a
24 concrete pad, right, or does it?

25 MR. HENDERSON: Did we decide to move

1 forward with a concrete pad or a deck?

2 MR. DUNCAN: Can I just speak?

3 It's just a floating deck. It's on a
4 separate structural pier system, separate from the
5 roof. It will just be wood frame.

6 MR. HENDERSON: Commercial and rental
7 activity is prohibited. There's a maximum of 24
8 people including guests and owners that can use the
9 property at any given time. We will confirm this
10 through regular policing of the lot.

11 In the structural regulations section,
12 architectural standards, the first one is that the
13 structure has to be open air in nature; gazebo,
14 cabana, pergola. This is open air for the most part.
15 It's 130 square feet, not to exceed 25 percent of the
16 allowable square footage can be storage. So they
17 meet that condition.

18 Maximum height is 13 feet. They're
19 providing structure 12 feet. For the roof pitch of
20 over four-12. Or is it four-12?

21 MR. DUNCAN: It's exactly at four-12.

22 MR. HENDERSON: Exactly four-12. They're
23 under by one foot.

24 They have to meet the FEMA flood
25 regulations. The BFE is at 17, which means the

1 lowest horizontal structural member has to be one
2 foot over that, and they are at 18 feet. BFE 18.

3 No rooftop seating is allowed.

4 Maximum of 30 percent is allowable for
5 storage.

6 The structure does include a shower stall
7 within the storage area.

8 THE CHAIRPERSON: No lavatory or toilet?

9 MR. HENDERSON: No.

10 Next one. No sewer facility is allowed.

11 THE CHAIRPERSON: I couldn't see it.

12 MR. HENDERSON: Whatever sewer facilities
13 were being run to this lot have to be capped down the
14 street according to the water and sewer manager. So
15 the applicants have agreed to that.

16 Lighting. No exterior lighting is
17 allowed; only interior lighting to prohibit glare
18 onto the beach. Again, this is a conservation
19 easement so it's always with that overarching goal of
20 very minimal development.

21 Setbacks are required at 15 feet from any
22 property line. The applicants are proposing to
23 utilize a previously issued setback of five feet. So
24 when the house was developed in 2009, the BZA granted
25 a five-foot setback because of the erosion problem

1 here.

2 As part of the conditions, we would want
3 to re-issue the five-foot setback.

4 THE CHAIRPERSON: From the right-of-way.

5 MR. HENDERSON: Five feet from the
6 right-of-way. That would be a ten-foot variance
7 there.

8 Outdoor storage is prohibited aside from
9 the daytime use; putting boards and other things for
10 the daytime use of the lot.

11 Parking is limited to two vehicles on the
12 property. And parking surfaces must remain in the
13 natural state. Turf grass or other fibrous surface,
14 pervious pavement or other developed materials aren't
15 allowed on the site.

16 What I would like to do is go back to the
17 findings for granting the special exception and turn
18 it back over to the Board for any questions.

19 THE CHAIRPERSON: Thank you. Y'all have
20 any questions of Joe right now? If not, we would
21 like to hear from the applicant.

22 MR. DUNCAN: Hi, I'm Ian Duncan. I'm
23 helping Chad out with the project. And I think Joe
24 did a very good job of describing the potential use
25 of this. It's simply going to be a storage shed and

1 a pavilion for the family directly across the street
2 to use personally. And they don't -- we've actually
3 eliminated the parking.

4 We plan on re-vegetating with natural
5 materials and doing very low impact so the structure,
6 hopefully, disappears into the landscape. If you
7 guys have any questions, I think Joe pretty much
8 explained it.

9 THE CHAIRPERSON: I do have one question
10 that came up. Because I live in an area with a lot
11 of tourists, is there going to be any indicator that
12 this is private property? I can see tourists or
13 beachgoers that aren't normally here to see that -- I
14 know that lot very well. My uncle lives right down
15 the street. They might think it's a public park. Is
16 there any mitigation that you might do for that?

17 MR. DUNCAN: I have the same concerns as
18 you do. However, we are limited to have an open air
19 structure so we can't actually close the entire thing
20 off.

21 THE CHAIRPERSON: No, I meant with
22 signage. Is there any signage that could be utilized
23 to denote that it's private property?

24 MR. DUNCAN: I haven't considered that.
25 I'm sure. I don't want to conflict with the signage.

1 MR. HENDERSON: The zoning ordinance
2 allows no trespassing signage, and private property
3 type signage on a small scale without any permitting
4 procedures. This, by right, fences are allowed on
5 vacant properties or properties that don't have homes
6 on them. Those are two possibilities that they could
7 take advantage of without needing to come back to the
8 BZA or DRB.

9 THE CHAIRPERSON: I'm just concerned it
10 will look like a park.

11 MR. DUNCAN: I have your exact same
12 concerns. The good news, they live right across the
13 street, keep an eye on it.

14 THE CHAIRPERSON: You would be able to
15 mitigate that, if needed?

16 MR. DUNCAN: We can certainly hang a sign
17 up if it becomes a problem.

18 THE CHAIRPERSON: That was very apparent
19 to me when I saw -- especially, if you're going to
20 use natural vegetation, and there's not going to be
21 any parking. It's going to look like you're going to walk
22 over a dune.

23 MR. RICHARDSON: Do you want to make
24 that --

25 THE CHAIRPERSON: No, no. I just wanted

1 to know if they were planning to mitigate that,
2 should it become a problem.

3 MR. DUNCAN: We have considered a fence on
4 the marsh side; can't do it on the beach side. We're
5 eliminating the parking spots.

6 THE CHAIRPERSON: I know that house, there
7 is not an actual beach path right there on either
8 side; right? It's down the street.

9 MR. HENDERSON: No, there's no public
10 access.

11 THE CHAIRPERSON: It might look like
12 public access. I know there's a small revetment
13 there.

14 MR. DUNCAN: There is on either side.

15 THE CHAIRPERSON: Y'all have any other
16 questions for the applicant?

17 Is there any other comment from the public
18 on this matter?

19 Seeing none, we will close public comment.
20 That does not negate the fact that we may have a
21 question of applicant or Town staff.

22 Up for discussion.

23 MS. TIMMONS: Well, I think it sounds like
24 a very good project. And certainly goes along with
25 the idea of retreat. It's not a great place to build

1 a house.

2 THE CHAIRPERSON: Of course, the applicant
3 did not build the house. He bought the house.

4 MS. TIMMONS: I figured that certainly
5 this must be someone that lives in the neighborhood
6 and buying this, not somebody from Greenville.

7 MR. EISCHEID: Three neighbors have all
8 pitched in.

9 MR. ELLIOTT: Is that's what's going on?
10 I was wondering why it was titled Eischeid.

11 THE CHAIRPERSON: 3117 Marshall, LLC.

12 MR. ELLIOTT: He's a member of the LLC.

13 THE CHAIRPERSON: I was amazed -- I was on
14 the BZA when the homeowner that built that house came
15 before us for the variances, and although it was a
16 legal structure and to deny a variance would have
17 been to deny buildability of that lot. We did grant
18 it.

19 It's a very -- the high water comes in
20 further on that lot than on the lots on either side
21 probably because of those revetments. I think this
22 is a really wonderful project.

23 MR. ELLIOTT: It looks to meet the
24 requirements of the special exception. And the
25 structure seems to meet the requirements of 21-178

1 and 21-20 C(5).

2 THE CHAIRPERSON: The only thing -- we
3 have a recommendation from staff. The only thing we
4 need to add to that in a motion is that we are also
5 going to continue the ten-foot variance from the
6 right-of-way, giving them a five-foot setback instead
7 of a 15-foot setback for the placement of the
8 structure. It's right at five feet.

9 And it doesn't encroach any more than the
10 original -- than the structure that is present now.
11 Would anybody like to try their hand at a motion?

12 MR. RICHARDSON: Go ahead, Carlin, you're
13 good at this.

14 MR. ELLIOTT: You made the last one
15 successfully.

16 THE CHAIRPERSON: Carlin, do you have a
17 staff report?

18 MS. TIMMONS: I do have a big staff
19 report.

20 THE CHAIRPERSON: No, this one?

21 MS. TIMMONS: I have this one.

22 THE CHAIRPERSON: All you'll need to do is
23 add five-foot setback from the right-of-way for
24 ten-foot variance per the variance granted. It was
25 granted September 10, 2009.

1 MR. RICHARDSON: Once a variance is
2 granted, it stays with the property, doesn't it?

3 THE CHAIRPERSON: You could give it up.

4 MR. RICHARDSON: Only voluntarily.

5 THE CHAIRPERSON: We're confirming that he
6 still has it.

7 MS. TIMMONS: I move that we approve this
8 request by 3117 Marshall, LLC for the structure at
9 3117 Marshall Boulevard. Their request of an RS
10 district special exception to establish a
11 conservation easement use in accordance with zoning
12 ordinance 21-20 C(5) and 21-178.

13 Because all the zoning ordinance standards
14 of 21-20 C(5) conservation easement uses and
15 structures have been met and the BZA standards for
16 granting special exceptions listed in 21-178 have
17 been met.

18 And this is conditional upon the approval
19 by the Design Review Board for compatibility with the
20 design of the surrounding neighborhood.

21 And also conditional on the approval of
22 the Town's legal department in certifying the
23 conservation easement agreement with East Cooper Land
24 Trust.

25 Also, we would continue the ten-foot

1 variance on the right-of-way that was granted on
2 September 10, 2009 resulting in a five-foot setback
3 from the right-of-way.

4 THE CHAIRPERSON: Is there a second?

5 MR. ELLIOTT: Second.

6 THE CHAIRPERSON: Is there any further
7 discussion? All in favor signify by saying aye.

8 (All board members stated aye.)

9 THE CHAIRPERSON: Like sign opposed?
10 Special exception is granted. Thank you
11 for presenting a very excellent plan.

12 2102 I'ON AVENUE

13 THE CHAIRPERSON: Now we will move to the
14 next special exception, 2102 I'on Avenue. Richard
15 Graham.

16 Joe, will you please present for the Town.

17 MR. HENDERSON: This is agenda item D-2,
18 special exception request is brought forth to the
19 Board by Mr. Richard Graham. He's requesting a
20 special exception in the commercial district to
21 establish a short-term automobile parking lot. And
22 this is in accordance with zoning ordinance Section
23 21-50 C(4) and 21-178 standards for granting special
24 exceptions.

25 What I would like to do is orient you to

1 this property. It's on the corner of Station 21 and
2 Middle Street. And the subject property has existing
3 residential, conforming residential home on the RS
4 District side here that fronts on I'on Avenue; thus
5 the address on your agenda.

6 And there's a nonconforming second
7 dwelling on the commercial side of the property.
8 Just to clarify, this is not two separate parcels but
9 one parcel.

10 The applicant is requesting to establish a
11 parking lot, which is a conforming use by way of
12 special exception. So his intent is to keep the
13 existing residence dwelling.

14 In order to establish a short-term parking
15 lot, the conditions for the special exception are
16 that the short-term auto parking lot be limited to
17 patrons of the commercial district. Essentially, for
18 the existing office uses, retail uses and restaurants
19 within the CC district and the CCOD overlay district.
20 CCOD-1 is between Station 22 and 22-and-a-half. And
21 CCOD-2 is to the west of Station 22.

22 This requirement is essentially discussing
23 that it can't be used for residential parking or for
24 beachgoers. Should be for the commercial district
25 only.

1 Second requirement is that, in the event
2 that you're entering into an agreement with a
3 commercial business, a written agreement should be
4 established between the property owner and said
5 commercial use, reserving the parking spaces on that
6 lot. It can't be just a handshake and verbal
7 agreement.

8 There shall be a third requirement. There
9 shouldn't be any long-term parking or overnight
10 parking on the property.

11 Adequate parking spaces, drives, aisles
12 and buffers and other regulations required of parking
13 lot should meet the requirements of 21-143. And so
14 this is a cross reference to a different section of
15 the zoning ordinance, and we can look at those in a
16 minute, if you have any questions about how they're
17 developing this in accordance with the regulations.

18 This is the layout. Here's the existing
19 house. I'on Avenue. Middle Street.

20 So the applicant is proposing to relocate
21 a curb cut from this side of the property, more
22 central, to get it away from this property line.

23 What I've done is outline here a section
24 of the SCDOT Arms Manual. The zoning ordinance
25 limits the width of a curb cut for commercial

1 property to 14 lineal feet. SCDOT, however,
2 encourages for medium volume of traffic, which is
3 what we have on Middle Street, to a width of 24
4 linear feet.

5 There's going to be two-way traffic coming
6 in and out of this property, I would recommend that
7 be a condition of approval if you choose to approve
8 this special exception.

9 What we have here is a width of 30 feet, I
10 believe; 24 to 30 feet.

11 MR. GRAHAM: I think it's 24 for the
12 aisle. 18 to 20 for the depth, whatever the
13 requirement is. The width of the aisle does meet the
14 requirement.

15 MR. HENDERSON: The ordinance requires 24
16 feet for 90-degree parking; however, the maximum
17 width -- if the curb cut is 14 feet, so you would
18 have to bring in, taper in the driveway, which makes
19 no sense for a commercial parking lot. So I would
20 recommend making that change there.

21 This is a more narrow width because this
22 will be one way traffic going out on the side street;
23 is that correct?

24 MR. GRAHAM: Yes.

25 MR. HENDERSON: Landscape buffering will

1 be put. A fence is required, dividing the
2 residential from the commercial side. That's
3 required at six to eight feet in height.

4 I believe you're proposing a seven-foot
5 high fence or eight-foot?

6 MR. GRAHAM: Eight is fine with me. The
7 taller the better actually. I'm fine with eight.

8 THE CHAIRPERSON: What about the north
9 side?

10 MR. HENDERSON: Here. Landscaping is
11 required.

12 THE CHAIRPERSON: That's north over here.

13 MR. HENDERSON: This is north.

14 THE CHAIRPERSON: East then.

15 THE CHAIRPERSON: I'm disoriented.

16 MR. HENDERSON: There is no perimeter
17 parking landscaping requirement in the ordinance.
18 We've encouraged folks to put in landscaping to
19 denote the property line.

20 THE CHAIRPERSON: That lot next door is
21 empty.

22 MR. HENDERSON: That would be voluntary on
23 the property owner. Landscaping is required adjacent
24 to the road frontages. So that's one tree every 30
25 lineal feet is what's required along with shrubs.

1 This is currently an open ditch.

2 MR. ELLIOTT: Where was that?

3 MR. HENDERSON: Adjacent to 21.

4 THE CHAIRPERSON: On 21.

5 MR. HENDERSON: And the parking spaces
6 will have wheel stops. They meet the recommended
7 specifications of 18 feet in length by eight feet or
8 nine feet in width.

9 And the parking surface must be
10 pervious -- type pavement or pervious paver-type
11 system, which is what's proposed.

12 I've asked the applicant to elaborate a
13 little bit on the way that he's going to conduct the
14 business on-site. These are the conditions for
15 granting the special exception.

16 And I have the specific parking design
17 requirements, if you would like to review those
18 further.

19 THE CHAIRPERSON: Those are set in the
20 ordinance, and those are monitored by staff. Unless
21 y'all want to go into all the detail, construction of
22 the parking lot.

23 I do find it rather odd there's not a
24 buffer to adjacent properties that may be affected.
25 I didn't write the ordinance. I don't know why. I

1 guess it was assumed that it would all be commercial
2 use, even if -- I drove by it today. I drive by it
3 all the time. I drove by it and the lot next door is
4 kind of wide open.

5 MR. HENDERSON: The way that it's worded
6 in the ordinance is that the lot area adjacent to a
7 right-of-way line shall be planted borders not less
8 than five feet in width. So the border, five feet in
9 width along that right-of-way line, except where
10 ingress and egress is planted, border area shall have
11 at least one tree for every 30 linear feet of border
12 area. The remainder of the required landscape buffer
13 area shall be landscaped with shrubs, lawn, ground
14 cover, or other approved materials.

15 It says: The remainder of the required
16 landscaped buffer area. So within this five-foot
17 buffered area, you have to have shrubs. Doesn't give
18 a specific number of them. It only says along the
19 right-of-way. It doesn't say the perimeter of the
20 parking area.

21 Now, it would be wise after reviewing lots
22 of commercial plans in my past to put a row of shrubs
23 along the outside of that parking area to keep people
24 from walking on your grass, just on the outside of
25 where the vehicles are parked.

1 THE CHAIRPERSON: Or from cutting across
2 the neighboring property.

3 MR. HENDERSON: It will also demarcate
4 where your business starts and where the other
5 property is. There's some benefits to it. Of
6 course, then you have to irrigate.

7 MR. ELLIOTT: Can I ask a question?

8 MR. HENDERSON: Yes, sir.

9 MR. ELLIOTT: I can't read exhibit A,
10 which is design. I assume staff looks at that and
11 confirms that it meets the requirements?

12 MR. HENDERSON: Yes, these are conditions
13 that must be met.

14 MS. TIMMONS: The thought with that is you
15 could put in some kind of small tree. Put two small
16 trees in.; wouldn't have to irrigate.

17 THE CHAIRPERSON: Isn't there a Palmetto
18 tree or something? There is something but it's
19 not -- if you put this parking lot in, it would be a
20 definitive demarcation except for the curb side.

21 MS. TIMMONS: These guys are over by the
22 edge, one is going be left.

23 MR. GRAHAM: Those trees, one of them we
24 might have to move. Most of those particular trees
25 are going to stay where they are at.

1 THE CHAIRPERSON: There's two Palmettos
2 there.

3 MR. GRAHAM: There's a little grove. And
4 one of those might have to go or move, whatever. I'm
5 going to try not to do any more than one. I
6 absolutely won't do any more than one. I'm going to
7 try and even keep that other one.

8 THE CHAIRPERSON: Nice little tight group.

9 MR. GRAHAM: I like that spot, the way it
10 is. I'm going to try to leave that alone. There's
11 some other trees that will be along the fence that
12 are going to --

13 MS. TIMMONS: Back towards the house.

14 MR. ELLIOTT: Can I ask Mr. Graham a
15 question?

16 THE CHAIRPERSON: Why don't we go ahead
17 and have you present.

18 MR. GRAHAM: If you don't mind. This
19 design was done by a professional engineer, so all
20 these things are going to be met. And we're also
21 going to do the drainage part, the slope lot properly
22 and all that.

23 The ditches, that's not really part of
24 this. It's something I want to do. The issue with
25 the ditches, the county has actually got a drainage

1 project planned for that area. And I don't know -- I²⁸
2 think I was confused about what their intention was
3 on that ditch along Station 21.

4 I was under the impression they were going
5 to re-dig it to flow towards Middle Street. Where
6 that new driveway is, approximately that area is what
7 they call the split in the system. And the ditch
8 flows -- it's supposed to flow from there towards
9 Middle, the other side towards I'on.

10 The ditch is way too deep for that. It's
11 constantly full of water. Mosquito breeding area.
12 The town seldom cuts it. I try to cut it. It's like
13 trying to cut weeds under water. I mean, it's a
14 mess.

15 I'm hoping to either put pipes in those
16 ditches or fill them up and make a swale. It's all
17 going to be done by an engineer so it's proper
18 drainage and all that. It has to go along with what
19 the county is trying to do also. Can't just do it
20 without an encroachment permit and all that.

21 THE CHAIRPERSON: Is that similar to what
22 they just did on 25 between Middle and I'on? They
23 just finished putting some big pipe system in there.

24 MR. HENDERSON: I don't know what their
25 intentions are for this area. I haven't seen the

1 plans.

2 THE CHAIRPERSON: Do you have street
3 flooding on 21 there?

4 MR. GRAHAM: What's that now?

5 THE CHAIRPERSON: You don't have street
6 flooding, do you?

7 MR. GRAHAM: No. That station, like I
8 say, it hardly do anything. They flow literally from
9 the middle of my lot, that way and then that way.
10 The biggest problem is the ditch itself.

11 And the water is actually supposed to go,
12 come down I'on and keep going and exit down somewhere
13 by where the post office is. Pipe goes out to the
14 marsh. That's the way it's supposed to go.

15 I don't know if they're going to try to
16 reroute it to go down Station 21. Anyway, that's
17 part of the overall thing I'm trying to do with the
18 lot. It's separate from this request because I don't
19 know the Highway Department is going to approve it.

20 What you mentioned about the side buffer,
21 I agree that should be a requirement. I told my
22 neighbor I would do something, even though it's not
23 required. I can see the people pulling in towards
24 this building, the light goes across my neighbor's
25 yard. And I get a little bit of it.

1 I was talking to my neighbor, and I said:
2 Don't worry, I'm going to put -- she actually said it
3 wouldn't bother her. I think it will bother her. If
4 she has light coming in both sides with cars pulling
5 in.

6 I don't know what it's going to be yet.
7 It's either going to be bushes or short little fence.
8 It's going to be something at headlight level to
9 block that light, illuminating the neighbor's yard.
10 I do intend on doing something like that.

11 THE CHAIRPERSON: We'll trust you to
12 handle that with your neighbor.

13 MR. GRAHAM: That particular drawing is
14 pretty much just the engineering drawing. I don't
15 see any reason why I wouldn't be able to meet all the
16 landscaping requirements.

17 The only thing -- I don't know if this is
18 the place to ask for it or not. I really didn't
19 think about it until today. The landscaping on the
20 commercial part of the lot as far as the piping goes,
21 part of that ditch is actually, even though it's in
22 the right-of-way part, it's also in my property. The
23 engineer mentioned bringing it over, getting it off
24 my property.

25 I don't know if I want to go through with

1 a re-dig. I don't know what the final approval is
2 going to be. I want to keep the costs down. I would
3 rather just leave the ditch alone, even if I can put
4 pipe in it.

5 What I'm getting at, I may want to have a
6 little bit of delay in landscaping that one
7 particular section until the county figures out what
8 they're going to do.

9 MR. HENDERSON: What we typically do, if
10 there is some type of project or construction that
11 needs to take place, we have a bond be submitted for
12 any landscaping that should be installed, financial
13 bond of 125 percent of the value of that landscaping.
14 We hold the check or financial guarantee until after
15 that work is completed. Once you install, we release
16 your bond to you. We would be glad to do that, if
17 you do have some kind of work coming.

18 (Whereupon, an off-the-record
19 discussion occurred.)

20 MR. GRAHAM: I have contact with the
21 county. The last thing they told me was they
22 expected to either start it really soon, which should
23 already happen, or if they couldn't get it going by
24 then, it would be after the summer. They don't want
25 to do it with people coming over.

1 And it involves the entire length of
2 Station 21, the block of 21. And then coming down
3 the side. I just don't know what they're actually
4 going to do to the side.

5 THE CHAIRPERSON: What is your plan for
6 managing the business there?

7 MR. GRAHAM: At first when it gets going,
8 I'm going to have an attendant at various times. I
9 don't expect this to be really, really busy where I'm
10 at. You know, there's a lot down the street right
11 next to Poe's that's a pay lot. And I think that's
12 probably going to be busier than me.

13 I'm hoping that -- I don't want it too
14 busy. I'm going to live right behind it. There's
15 also a person living in that small house. So I'm not
16 necessarily going to have an attendant all the time.
17 But between the two people that live there, it will
18 be monitored pretty well.

19 THE CHAIRPERSON: Is it permit parking or
20 hourly parking?

21 I thought it had to be permit parking.

22 MR. GRAHAM: The actual -- I didn't bring
23 it with me. Interpretation from the Town that I
24 think I understand is that, if I can make it
25 available for one of the business owners, if they

1 want to lease it. Otherwise, as long as I do it for
2 the commercial district and put signs that's what
3 it's for, it's my understanding that I can do that.

4 It is -- actually, Rusty had just
5 mentioned a few minutes ago: Let me know, start
6 making money, tell me what you make. I would be
7 interested.

8 I did reach out a long time ago to four
9 different owners; two kind of casually and two more
10 that I e-mailed, and they responded. Rusty was one
11 of them. The other person I e-mailed said they were
12 interested but then I never heard from them.

13 THE CHAIRPERSON: Their staff or their
14 patrons?

15 MR. GRAHAM: Staff. I'm sorry, extremely
16 bad hearing. Nervous wreck speaking. Between
17 military and port, I can't hear a thing.

18 The idea is pretty much hourly parking. I
19 don't want to be aggravated by this. It may come to
20 a situation where I do it during the day, hourly, and
21 maybe: Hey, Rusty: Why don't you do it at night,
22 something like that. Or have a company come in and
23 manage it. It's going to be pretty low key.

24 THE CHAIRPERSON: You wouldn't consider
25 having some kind of structure or a stand or something

1 for the attendant? How do you plan to manage that?

2 MR. GRAHAM: The little house there is
3 open. I could possibly -- I guess, I don't even know
4 if it would be allowed. I could possibly put an
5 awning. There would be a place for somebody to get
6 out of the weather, if that was a concern.

7 I think between two people living on the
8 lot, it will be controlled just by the fact that
9 people live there and are monitoring it.

10 THE CHAIRPERSON: I don't mean monitoring.
11 If you're having hourly parking, somebody has to be
12 there to take the money.

13 MR. GRAHAM: That is another thing that's
14 going to kind of -- I'm going to play by ear. Like I
15 said, at least the first year, or maybe not even
16 whole year. Wintertime, I don't think it's going to
17 get that much use. At least for the first summer I
18 will have an attendant there the majority of the
19 time. I'll play it by ear.

20 It may end up being just a simple box
21 system like it is downtown. They have so many
22 different things now for parking. They even have
23 electronic things you can pay there and then it will
24 call you on your phone if your time is ready to run
25 out. You can pay over the phone. There's a bunch of

1 different ways to do it.

2 I don't want to tell you that there's
3 going to be somebody there all the time. I don't
4 think it's going to require that. And I don't think
5 we're going to have noise issues or problems like
6 that.

7 THE CHAIRPERSON: If you lease them, that
8 would depend on what business opportunities you have.

9 MR. ELLIOTT: Mr. Graham, you don't know
10 what your plan is for how you're going to use the
11 lot?

12 MR. GRAHAM: How I'm going to use it?

13 MR. ELLIOTT: Meaning short term versus
14 business with a contract and their employees.

15 MR. GRAHAM: If somebody comes across with
16 a contract, then I would certainly do that.

17 MR. ELLIOTT: I understand that. I don't
18 think you have to. On short-term parking, doesn't
19 sound like you have an idea on how it would work
20 where, if someone comes in and pay, whether it be
21 attendant or some machine that takes the money.

22 MR. GRAHAM: That would depend on what I
23 determine with the attendant the first summer. If
24 it's not getting a whole lot of use, then I don't see
25 how I can afford to pay the attendant to run it.

1 MR. ELLIOTT: The only concern I had about
2 the lot is concerns with that business district,
3 which is cars are constantly bumper to bumper and
4 stopping.

5 I was thinking when I first read this you
6 were going to have an attendant right there at the
7 gate. Although it's 19 spaces, I don't think it's a
8 huge concern, with so many cars stopping all the
9 time, that was the one thing that popped in my mind
10 as a concern. I drive through there, with people,
11 traffic congestion.

12 MR. GRAHAM: Pulling in, not being able to
13 find a spot.

14 MR. ELLIOTT: If you had an attendant
15 right there at the front, stop, give them money.

16 MS. TIMMONS: When I'm waiting for them to
17 get into a soft parking spot.

18 MR. GRAHAM: I'm thinking, if it's busy
19 enough where I have to actually worry about that,
20 yes, I most likely will have an attendant. I don't
21 want to tell you I'm going to have an attendant out
22 there 9:00 at night. If it's busy enough -- if it's
23 busy enough to warrant an attendant -- the drawing is
24 not up there.

25 I also have -- one of the reasons I wanted

1 to include that other driveway was to provide people
2 with an exit besides Middle Street. When the bridge
3 opens, that's another thing. The traffic is going to
4 stop anyway. I'll have another exit on the side
5 street for people to get out and things like that.

6 THE CHAIRPERSON: I think this is a case
7 of, when he opens up, the commercial district may
8 lease most of those spaces. Then it's done. Until
9 it's built, he might not know.

10 MR. ELLIOTT: It just seems to me, it
11 would be my preference, if someone pulled in, parked,
12 and then paid rather than stop, pay and then went in.

13 MS. TIMMONS: The way many of the lots in
14 downtown Charleston, there's an attendant. You don't
15 see them until you pull up. You're thinking maybe
16 you don't have to pay. They show up.

17 MR. GRAHAM: You're saying do it in a
18 fashion where it's not -- well, I can certainly work
19 that out.

20 MS. TIMMONS: He will.

21 MR. ELLIOTT: Of course.

22 THE CHAIRPERSON: The lot is small enough
23 that you can stand at the back and monitor. You
24 wouldn't have to take the money at the street.

25 MR. HENDERSON: The payment of rental of

1 space would take place off street. That could be a
2 condition or special exception.

3 MR. GRAHAM: I understand.

4 MR. ELLIOTT: I don't think I was being
5 clear.

6 MR. GRAHAM: You do have a valid point.
7 The other place, people don't know until they try to
8 pull in whether they can pull in or not.

9 THE CHAIRPERSON: This one, if you pull
10 in, you can zip right out.

11 MR. GRAHAM: With a 24-foot driveway, in
12 and out should be easy. I think people would be able
13 to get completely onto the lot. I think that could
14 be worked out.

15 THE CHAIRPERSON: If there's not a spot,
16 they just drive right through.

17 MR. GRAHAM: Drive on out. Turn around or
18 go back the same way, they can do that or leave that
19 one way.

20 That's also conditional on the Highway
21 Department. I don't see any reason why they wouldn't
22 approve the encroachment permit for the side
23 driveway. Even if I don't pipe the entire ditch,
24 there will have to be pipes for that. There's
25 nothing there right now but a ditch.

1 MR. HENDERSON: If I could ask a question.
2 Rick, how do you intend -- this is special exception
3 for short-term parking lot. How do you intend on
4 keeping or meeting the condition of the overnight
5 parking? It states that it's not to be used for
6 overnight storage or parking of vehicles unless it's
7 for the residential use.

8 I think you have to allow obviously some
9 parking spaces for people living in the house. Do
10 you intend on gating off the parking area at some
11 point?

12 MR. GRAHAM: I originally intended on
13 gating it off with a chain or something like that. I
14 would really need to think about that, on exactly how
15 I would do it. Because one thing I didn't consider
16 was it's easy to keep people from coming in that want
17 to park there. Somebody going to be living in that
18 small house, so I don't want somebody to have to get
19 out and constantly undo a chain or something at
20 night.

21 That driveway is also used quite a bit for
22 people turning around. Just simply turning around on
23 Middle. It's constant.

24 That driveway and actually the little dirt
25 side driveway, people looking for parking come down,

1 they turn left on Station 21 and turn into that side
2 driveway and go back. Or sometimes they don't quite
3 go that far, they pull into that driveway.

4 I wouldn't want to put a chain like right
5 at the property line because I know that cars are
6 going to hit it. People zip in there all the time.

7 I've seen people on the sidewalk walking
8 and bicycling almost get hit by cars whipping into
9 there. So it may be something as simple as a saw
10 horse or a sign on it, closed. Just put it further
11 back into the lot.

12 THE CHAIRPERSON: So it would be seen.

13 MR. GRAHAM: If somebody pulls in,
14 sometimes they're trying to beat traffic, they just
15 zip right in there. They even pull into the yard and
16 turn around. I put up with a lot of stuff in that
17 lot. I do intend on securing it.

18 Like I said, I will be living in the house
19 right behind it. I put on -- I had a little paper
20 written up. I was thinking the hours of operation
21 would be the same as what's allowed in the business
22 district. Most likely -- well, actually not most
23 likely. I'm considering say 11:00 p.m. no entry
24 after a certain time. And then, hopefully, everybody
25 will get out of there by the time it needs to close.

1 Most likely that's going to get more
2 restrictive. It may go to 10:00 p.m. or 9:00. All
3 depends on how much I end up.

4 THE CHAIRPERSON: And what type of usage.

5 MR. GRAHAM: I have no idea. If I get --
6 OD is very close. Hopefully, I'll draw that kind of
7 close. Go in there to eat for hour-and-a-half and
8 they're gone instead of somebody that's going to be
9 watching a football game or something like that. I
10 would rather have the people at the restaurants and
11 all that. I think that crowd leaves earlier than the
12 other crowd.

13 Hopefully that's how this lot will be
14 utilized by those people the most, just because of
15 the location. I can't really predict that.

16 I'll have to put signage about no
17 overnight parking lot. Joe suggested that I put
18 maybe an increased fine if they violate that. Charge
19 them so they're not going to be doing it again.

20 MR. HENDERSON: Towing enforced by the
21 property owner. See somebody parking there 3:00,
22 4:00 in the morning, call your tow truck. Because
23 that is a zoning requirement. That could revoke your
24 special exception if we repeatedly see that it's
25 being violated, overnight parking. That's number six

1 of Section 21-143 D. So you would have to comply
2 with that.

3 I think the signage would be good.

4 MR. GRAHAM: You know, another way maybe I
5 can handle this as far as blocking the other drives,
6 after closing, that one way driveway, I mean, it's on
7 private property. If I want to make it the other
8 way, I can possibly just go ahead and make it more --
9 a better looking gate or something on the Middle
10 Street side. Something that looks nicer than a saw
11 horse and sign. I can certainly do something like
12 that and make something that looks good and tell the
13 tenants they have to use side driveway at night.

14 THE CHAIRPERSON: Put no entry up there
15 for everybody else.

16 MR. HENDERSON: For your tenant, we could
17 be notified of their license plate so we know that
18 they are your tenants and not just someone parking
19 there overnight.

20 THE CHAIRPERSON: Would they have a
21 dedicated parking space?

22 MR. GRAHAM: The tenant -- if I fill up
23 the lot, there's still room on the lot right on the
24 backside of the small house. And also you can park a
25 car under the small house. The tenant parking may

1 not have the gravel. I intended on using, I think
2 it's chip granite or something. Like I said, it's
3 going to be all done by engineer. It's going to meet
4 all the requirements.

5 The actual tenant parking place, there
6 would be one available under the house and a grass
7 area behind the house. If it doesn't stay filled up,
8 then I'm going to ask the tenant to, and any guests
9 they may have, to use those couple angled spots that
10 are in that corner.

11 MR. HENDERSON: Those would be your
12 reserve spaces for your tenant, and we would be
13 notified of that so that, if your tenant has friends
14 over, then we would know.

15 MR. GRAHAM: I can certainly deal with
16 that. Even a printed sheet of paper to stick in the
17 window, let you know it's a guest.

18 THE CHAIRPERSON: You can give them some
19 kind of sticker.

20 MR. HENDERSON: To let staff know that our
21 law enforcement officers will be patrolling this
22 site.

23 MR. GRAHAM: I have it set up to do that,
24 too. While I'm losing revenue, this is not going to
25 be the most expensive project ever on Sullivan's

1 Island. It is going to add up. I definitely want to
2 make my money back. Not going to be people pulling
3 in, doing whatever they want to do.

4 MR. HENDERSON: I would add this is a
5 first for Sullivan's Island. It's a general use
6 parking area for the commercial district. And so
7 it's new. I don't think it's ever been done on the
8 island before.

9 MR. RICHARDSON: What about Station 22
10 parking area?

11 MR. HENDERSON: I sent you-all a document,
12 the minutes from September 2010. There was a general
13 parking area behind existing commercial
14 establishments. And there were some conditions
15 applied to that use.

16 MR. RICHARDSON: Shouldn't Mr. Graham just
17 use that as a model?

18 THE CHAIRPERSON: No, because it's not the
19 same.

20 MR. HENDERSON: There were existing
21 businesses on that lot.

22 THE CHAIRPERSON: There was an existing
23 business on that lot that did use that back yard for
24 parking. What they wanted to be able to do was
25 charge for parking. It's a little bit different.

1 There was already a parking use on the lot.

2 MR. HENDERSON: It was similar but
3 slightly different.

4 MR. RICHARDSON: How did they manage it?
5 Did we have all these management rules?

6 THE CHAIRPERSON: No, the only rules we
7 had were, they were conditions of the approval, and
8 it was about signage, that it could not be forward of
9 the contiguous business. What was it?

10 MR. HENDERSON: There were requirements
11 for signage, not to be larger than eight square feet.

12 MR. RICHARDSON: Is this the one on corner
13 of 22?

14 THE CHAIRPERSON: That's not a parking
15 lot. That's private property on which he stores his
16 personal boats.

17 MR. GRAHAM: No, no, that's Marshall's
18 parking.

19 THE CHAIRPERSON: That's Marshall Stith's.
20 That's a private parking lot. It's a private parking
21 lot for Station 22. They own that. It's for their
22 clients. It's not paid parking.

23 MR. RICHARDSON: That's the difference.

24 THE CHAIRPERSON: That's that difference.

25 MR. GRAHAM: It's a different owner, he

1 leased it to Marshall.

2 MR. ELLIOTT: It's not paid parking.

3 THE CHAIRPERSON: It's a different
4 business.

5 MR. HENDERSON: To answer your question,
6 there were time limitations; no parking after 2:00
7 a.m. This is the one in 2010.

8 There should be a higher fence, eight-foot
9 high fence, discrete to keep the light from shining
10 into the adjacent district. Overnight parking
11 prohibited.

12 And signage restrictions; eight square
13 feet, limiting information signage to beyond the
14 front facade of the existing businesses. This was a
15 while back, and I think they may be slightly out of
16 compliance.

17 At any rate, there were conditions applied
18 to this use. I would ask you to consider some of
19 those.

20 MS. TIMMONS: I don't think I saw all
21 that.

22 MR. HENDERSON: It was in an e-mail I sent
23 out earlier today. I have the motion that was made
24 by the Board. Again, it was September 2010. It's
25 the parking area behind Steve Herlong's office.

1 MR. RICHARDSON: So 2102 meets the split ⁴⁷
2 zoning requirement for commercial?

3 THE CHAIRPERSON: Yes.

4 MR. RICHARDSON: There's no question, I
5 mean, all of us know people park all the way down
6 that. People park on I'on, all the way down. That
7 lot in front of the bunker is always full. If it's
8 just for commercial people -- I mean, beach people
9 will fill you up.

10 MR. GRAHAM: Well, there's only so much I
11 can do about that. I can put the sign, and I
12 actually -- I wish that there was a law -- that you
13 could just do an open parking lot on Sullivan's
14 Island. That's not a legal business on Sullivan's
15 Island.

16 MR. RICHARDSON: Can we give him that
17 exception?

18 MR. HENDERSON: No, because that would
19 violate the conditions of the special exception.
20 Conditions are this is a general parking lot for the
21 commercial district only. The definition --

22 MR. ELLIOTT: And if that's being
23 violated, our staff would come to him and say: These
24 folks are not doing what they're supposed to be
25 doing. He could get in trouble for that.

1 MR. HENDERSON: That's exactly right. It
2 would revoke his special exception. Actually,
3 according to state law, the Board of Zoning Appeals
4 acts as the zoning administrator in this case -- you
5 guys -- upon a report from me, you guys can revoke
6 the special exception much like I can revoke --

7 MR. ELLIOTT: Mr. Graham, you understand
8 you have to monitor that?

9 MR. GRAHAM: Well, I am going to have --
10 when this thing gets going, I'm going to have an
11 attendant quite a few times; not necessarily every
12 minute every day it's open. I'm going to monitor all
13 that kind of activity.

14 Also, make sure that, you know, if I have
15 this many cars -- see how much money to expect
16 because if I ever go to the honor system, I want to
17 know what to expect. I'm going to be monitoring all
18 that.

19 It's actually -- I really do wish that
20 this general parking was allowed, let anybody do what
21 they wanted; parking cars, park their cars. I
22 realize I have to meet the requirements. It's
23 actually better for me probably not to have to worry
24 about people pulling up, bunch of kids jumping out,
25 running around the parking lot, things like that.

1 Better for me to have people that are using it in the
2 commercial district.

3 THE CHAIRPERSON: One would hope that it
4 would take the commercial district patrons out of the
5 residential area and then the beachgoers could have
6 those spots. I live around the corner from you.
7 That's what I deal with.

8 MR. GRAHAM: That area is very popular
9 because of the beach and the commercial district.
10 People do try to get there because they may be going
11 to the beach for a few hours and then go to Home Team
12 or something or Poe's for lunch or afternoon before
13 they go back home.

14 THE CHAIRPERSON: Yes, they walk past my
15 house every day.

16 MR. GRAHAM: Definitely an area you get
17 both commercial and beach district people.

18 THE CHAIRPERSON: There's a little -- you
19 are right down from a pretty good beach path, aren't
20 you.

21 MS. TIMMONS: Primo beach path.

22 MR. GRAHAM: That block, not only do they
23 use those two driveways to turn around, a lot of
24 times they go around the whole block and keep going
25 until they find a parking place. You see the same

1 cars driving by all the time in the summertime.

2 MR. RICHARDSON: You're going to be full.
3 I mean, you know, if you have a parking lot, it's
4 going to be full.

5 MR. GRAHAM: I think on the weekends, a
6 certain number of weekends out of the year it will be
7 full.

8 MR. RICHARDSON: It will be full all the
9 time.

10 MR. GRAHAM: The only thing that I don't
11 know is like, during the week days what, kind of use
12 I'm going to get. I kind of figure I'm going to get
13 a little bit. I don't think it's going to be full at
14 night. I think I'm going to get three, four, five
15 cars that don't want to bother to look for anything,
16 pull right in.

17 My intention, I would like to make 15
18 bucks per spot per day that the spot is utilized. If
19 I can do that, I'm happy. I think I can pay myself
20 back in, worse case, couple years. That's the way I
21 can regulate the intensity of it.

22 Like I said, I'm going to live right
23 there.

24 MR. RICHARDSON: It's just hard to,
25 without more specifics, it's hard to know to do a

1 broad approval or a narrow approval.

2 THE CHAIRPERSON: If we approve, we have
3 to approve within the ordinance. He has to meet the
4 conditions of the ordinance. That's not negotiable.
5 We can put certain conditions, payment off street so
6 it prevents backups.

7 MR. ELLIOTT: 2:00 a.m.

8 THE CHAIRPERSON: We can limit the hours.
9 We do need to prescribe the width of the driveway on
10 Middle Street. You need to take that to 24. We're
11 allowed to do that.

12 I'm not sure we can regulate how he does
13 his business except for it can't be in the
14 right-of-way, they have to be on the property. He
15 has to have the appropriate signage. Those types of
16 things are covered in the ordinance, which will be
17 managed by staff. Obviously, he's given us as much
18 detail as he can. Until he knows what type of usage
19 he's going to get, it's kind of hard.

20 I think the usage will define how he's
21 going to go forward.

22 MR. GRAHAM: I would say the biggest thing
23 I'm not sure of is how I'm going to collect the money
24 and how often an attendant will be there. Like I
25 said, it may turn out to be where I don't need an

1 attendant at all.

2 MR. ELLIOTT: You're not sure how you're
3 going to regulate where people go when they park in
4 your lot.

5 MR. GRAHAM: Which business they go to?

6 MR. ELLIOTT: No, the beach versus
7 business.

8 MR. GRAHAM: That will be monitored that
9 first summer. If I see -- I don't want to lose this.
10 So I'm going to monitor this first summer. If it
11 looks like half the people are pulling in there to,
12 oh, man, I want to go to -- yeah, I guess I'm going
13 to have to have attendant.

14 MR. RICHARDSON: Your problems are over if
15 you lease to Rusty, Obstinate Daughter and to Home
16 Team. No more problem. And you close at 10:00 at
17 night and then the drunks aren't there.

18 MR. GRAHAM: That's exactly right.

19 THE CHAIRPERSON: Staff might have to be
20 there. They're not supposed to be drinking. It will
21 be pretty obvious if they're beachgoers. They're
22 going to --

23 MR. GRAHAM: Pull beach chairs and stuff
24 out. I think it will be obvious. I know people are
25 going to try it. I have to see.

1 MR. HENDERSON: I think the best that you
2 can do is put up a tasteful sign that says: This is
3 for commercial district general parking. I don't
4 think staff is going to be policing whether you walk
5 that way with beach chairs or that way to get a bite
6 to eat. I think you would just have to take that
7 sort of step toward identifying that it's general
8 commercial district parking.

9 THE CHAIRPERSON: Actually you're going to
10 have to say no beach parking, I believe.

11 MR. HENDERSON: Some type of sign
12 installed that says that.

13 THE WITNESS: Like I say, it's going to be
14 fairly expensive to do it. I certainly don't want to
15 get halfway into it and lose my special exception.
16 Whatever I need to end up doing to meet the
17 requirements, that's what's what I'm going to do.

18 It will be monitored at least that first
19 summer. It will be monitored large percentage of the
20 time. I'll be able to determine what's actually
21 going on with the lot.

22 THE CHAIRPERSON: Are you proposing to
23 have it ready for this summer?

24 MR. GRAHAM: That depends really on the
25 Highway Department and what they're doing. I would

1 like to do that. I don't know if that's actually
2 going to work out. I don't know how far I want to go
3 with -- dirt is going to have to be brought out to
4 more or less level out couple dips and stuff. Gravel
5 has to be spread.

6 It really depends on the Highway
7 Department and also the engineer. He might say: You
8 better wait until we figure out these ditches.

9 MR. ELLIOTT: You're talking about the
10 storm water management?

11 MR. GRAHAM: Right.

12 MS. TIMMONS: If we put in something that
13 says, include something that says appropriate
14 signage, this is for commercial district parking
15 only. You can work with the Town on the language.
16 You certainly don't want irate visitors either coming
17 in.

18 MR. ELLIOTT: 24-hour parking is not -- I
19 didn't mean to say that. Overnight parking is not
20 defined in the regulation that I saw.

21 MS. TIMMONS: You can't have it.

22 MR. ELLIOTT: What is it, though? Is it
23 2:00 a.m. or is it 5:00 a.m.?

24 MS. TIMMONS: Overnight parking of
25 vehicles.

1 MR. ELLIOTT: Is that 5:00 a.m. or 3:00
2 a.m.?

3 MR. HENDERSON: It's not defined in the
4 ordinance.

5 MR. ELLIOTT: That's why I think you have
6 to put a time on it. It has to be 2:00 a.m. or
7 whatever you want to do. I don't care. We have to
8 have a time on it, I think. That's just my opinion.

9 THE CHAIRPERSON: I agree with you. If
10 it's not defined in the ordinance, then we can
11 specify. That's what I think I said earlier. I
12 didn't realize it wasn't defined.

13 Our lawyer has definitely read it.

14 MR. RICHARDSON: It also doesn't seem
15 unreasonable that you would come in off Middle and
16 just exit on 21. One of the conditions is pedestrian
17 traffic. And trying to come out back on Middle, you
18 don't have as good a view of pedestrians as you do
19 coming out of the stop sign on 21. It's easier flow.

20 THE CHAIRPERSON: On that side you do.
21 There isn't parking on that side of the street
22 anymore. So you can see coming out. There's no
23 parking on his side.

24 MS. TIMMONS: Some people would rather
25 just go on out, depending on what's happening. You

1 need that 24-foot curb cut.

2 MR. RICHARDSON: Why?

3 MS. TIMMONS: Just for ease of moving in a
4 parking lot and because DOT says that's what you
5 need.

6 THE CHAIRPERSON: It will be two-way.

7 MR. RICHARDSON: That's a requirement of
8 the DOT, even if you have an exit.

9 MR. RICHARDSON: You said 14 was
10 requirement.

11 MR. HENDERSON: In our zoning ordinance,
12 it states 14. With the daily traffic counts on
13 Middle Street, that requires typically a 24-foot curb
14 cut.

15 MR. ELLIOTT: Is that true even if he has
16 another exit, a back exit? I think it is.

17 MR. HENDERSON: Yes. Yes, it is.

18 And just functionally, if you have a
19 24-foot drive aisle on the property adjacent to the
20 parking spaces, once you get to the curb cut, it
21 would taper in. And it would just be a traffic
22 hazard. In my experience for commercial property
23 with two-way traffic, not a driveway on a residential
24 lot, for two-way traffic, 24 feet is the minimum that
25 you can have it.

1 And 36 feet is the maximum, from my
2 experience with municipal ordinances and land
3 development regulations. 24 is the standard. We
4 might want to take steps to amend the ordinance to
5 change that at some point.

6 THE CHAIRPERSON: That would be a DOT
7 standard, 24.

8 MR. RICHARDSON: Mr. Graham, have you been
9 to design review?

10 MR. GRAHAM: No.

11 MR. HENDERSON: That's his next step.

12 THE CHAIRPERSON: In this case, we have to
13 give him a special exception to go forward. And then
14 DRB will approve his design.

15 MR. ELLIOTT: Mr. Graham, currently does
16 the design have an exit onto 21, Station 21.

17 MR. GRAHAM: Yes, that design; smaller,
18 narrower.

19 THE CHAIRPERSON: That's Middle and this
20 is 21.

21 MR. GRAHAM: That does not have -- there's
22 a pipe dead in the middle of the lot. That actual
23 driveway is going to require a pipe more towards
24 Middle Street, which I have to get approval for. I
25 don't see any reason why the Highway Department would

1 deny that.

2 THE CHAIRPERSON: This could also be
3 contingent on all appropriate DOT requirements.

4 MR. GRAHAM: I don't anticipate any
5 problem with DOT except for I want to pipe the whole
6 ditch eventually.

7 THE CHAIRPERSON: Isn't that what they did
8 on 25? They just finished that on 25. They put a
9 pipe all the way from Middle to Atlantic.

10 MR. GRAHAM: That's ultimately what I want
11 to do. That's the part I'm not sure if they're going
12 to allow. I don't see any problem with doing a
13 driveway.

14 THE CHAIRPERSON: Is there any other
15 further public comment?

16 MR. HOWARD: Being the only public, I
17 guess.

18 THE CHAIRPERSON: State your name for the
19 record, please.

20 MR. HOWARD: Mark Howard, 1820 Central. I
21 guess Mr. Graham --

22 THE CHAIRPERSON: You need to address your
23 comments to us.

24 MR. HOWARD: We certainly need more
25 parking for the commercial district. We're already

1 cutting out one side of the street. So the need is
2 certainly there.

3 I guess, just to talk specifically about
4 the special exemption on the property, which is what
5 we're dealing with here, I have a lot of questions
6 about design review. That needs to get there. I
7 think landscaping needs to be increased, and that
8 sort of thing.

9 Just dealing with this special exemption,
10 if I understand it right, the special exemption is
11 making the parking lot exclusively for the commercial
12 district.

13 MR. HENDERSON: That's one of the
14 conditions, yes, sir.

15 THE CHAIRPERSON: That's one of the
16 conditions as defined in the actual ordinance. The
17 Board of Zoning Appeals doesn't make that decision;
18 it's actually in the zoning ordinance that any
19 parking has to be for general commercial use and not
20 beachgoers. This is a Town ordinance which is under
21 the control of council that we're applying.

22 MR. HOWARD: It says that; if you make
23 this parking lot for the commercial district only,
24 then that's acceptable parking? That's what we're
25 saying; right?

1 THE CHAIRPERSON: Right. We can only
2 approve a parking lot for the commercial district.

3 MR. HOWARD: For the commercial district.

4 THE CHAIRPERSON: Exactly.

5 MR. HOWARD: That being the case, I'm
6 really wondering that we got enough enforcement of
7 that. And I don't know how we can actually do that
8 enforcement. The police department are certainly not
9 going to have any interest in getting involved in who
10 parks in this lot. So it's going to strictly fall on
11 the homeowner or the business owner.

12 And I'm just thinking that he hasn't
13 brought enough in to guarantee that's what's going to
14 happen. If he came in here and he said I have
15 agreement with restaurant A, B, C, and D, and they
16 are going to rent this space, that firms up that
17 we're going to use the lot for the commercial
18 district. Without some sort of contract saying that,
19 I think the difficulty is enforcing the requirement.

20 THE CHAIRPERSON: Joe, would you like to
21 speak to that.

22 MR. HENDERSON: Yeah. Again, I think that
23 really the distance from the beach is what's going to
24 police people from parking on this lot and walking to
25 the beach.

1 I mean, we know that island-wide there's
2 4,000 parking spaces available after the paid
3 parking -- not pay parking -- the parking plan that
4 we're working on will have 2,000 island-wide. I
5 think there will be ample parking closer to the
6 beach.

7 So I really -- I think that the property
8 owner will do all he can with signage and notifying
9 people, say on the ticket that they're given to put
10 in their windshield when they pay for the parking
11 space or rent the space, this is for commercial
12 district parking only. You can take lots of steps
13 like that to tell them that is not beach parking.

14 And Town staff can certainly take a stab
15 at catching people if they're parking and going that
16 way.

17 I honestly don't think that it's going to
18 be that much of an issue because of how much parking
19 we do have on street close to the beach. It may seem
20 like it, but we don't have a shortage of public
21 parking for beachgoers on the island, contrary to
22 what you may hear. There's lots of parking out
23 there.

24 I think this lot will be very far from the
25 beach. And I think with signage and Mr. Graham

1 working with Town staff to chip in and enforce it. I⁶²
2 don't think it will be that much of a problem.

3 MS. TIMMONS: 19 spaces.

4 MR. HENDERSON: And 19 spaces.

5 MR. ELLIOTT: My comment wasn't meant that
6 the zoning staff would sit there and watch people
7 where they go. What I thought happens with a lot of
8 these things, his neighbors might see what's going
9 on, and they're going to complain. If they complain
10 enough to the zoning staff, then we'll have to watch
11 it and see what's going on. I think that was my
12 point.

13 You're going to get complaints if they're
14 doing something they're not supposed to. And then
15 the zoning office is going to pay attention to it, if
16 they couldn't do it earlier. That's where he's going
17 to have trouble when they find that out and get proof
18 of that. That's when the owner will have to deal
19 with it.

20 MR. HENDERSON: They will be easy to
21 identify; boards and beach bags and chairs. You'll
22 be able to see that, too, from your porch. If you
23 see people getting out of your parking lot with beach
24 chairs.

25 MR. ELLIOTT: That's his investment.

1 MR. GRAHAM: It will be monitored that
2 first summer a large percentage of the time. I don't
3 want to lose the exception.

4 THE CHAIRPERSON: Look out that upper
5 window there. You'll be able to see his lot.

6 MR. HENDERSON: Keep tabs on your parking
7 lot. That's Courtney's office.

8 THE CHAIRPERSON: This is the first
9 special exception for a parking lot of this type that
10 we have had. It's right across the street from Town
11 Hall. And the owner lives on property.

12 So everything that Rick has told us, he
13 doesn't want to lose -- this special exception.
14 I know that he will work with Town to maintain
15 that special exception.

16 And it's 19 more parking spaces for
17 the island that's very popular. We're number six
18 on the most popular beach towns or something like
19 that now.

20 MR. ELLIOTT: I was just going to say our
21 job is to see if his plan complies with the
22 ordinance. If it does, say yes. It's the job of
23 other folks in government to do their job in
24 policing.

25 If there's a problem, a complaint and the

1 staff says, well, he's not meeting his requirements,
2 we'll ask for a hearing. He'll come and present
3 evidence and say he's not doing what he's supposed to
4 do. He'll ask to have the special exception revoked.
5 And we'll decide if it should be revoked at that
6 time.

7 If there's sufficient evidence, it will
8 be.

9 MR. HENDERSON: That's part of their
10 process with special exceptions; to be able to revoke
11 them.

12 MR. GRAHAM: If I can say one more. I
13 know Loren Ziff rents out his parking lot to Poe's.
14 That's not monitored parking lot. Cars simply pull
15 in. I guess it's an honor system whether you're
16 going to Poe's or not.

17 I did see a boot on a vehicle there one
18 time that apparently had been there a day or two.
19 The guy left a pickup truck there. They put a boot
20 on it. I guarantee he's not going to do that again.

21 THE CHAIRPERSON: That's in Loren's
22 building?

23 MR. HOWARD: Marsh Winds.

24 THE CHAIRPERSON: Again, that's a
25 different use.

1 MR. GRAHAM: Well, but what I mean, he
2 intends it for his customer. He rents it. I see
3 people pulling in that lot all the time. I don't
4 think I've ever seen anybody pull in there, grab a
5 bunch of beach chairs and head to the beach. They do
6 know it says Poe's parking. They may not go to
7 Poe's, but they're using it for commercial district.

8 THE CHAIRPERSON: Any more public comment?

9 MR. RICHARDSON: Have you talked to your
10 neighbors about all of this?

11 MR. GRAHAM: I talked to my one neighbor
12 to immediate right, north, or whatever. They
13 don't -- she did haven't a problem with it. She's
14 the one I said I was going to put the fence up to
15 keep the light from going across. She didn't have an
16 issue with it.

17 MR. RICHARDSON: There will certainly be
18 more traffic there. It would certainly be nice to
19 say something.

20 MR. GRAHAM: I notified them.

21 THE CHAIRPERSON: She was notified of the
22 hearing. She was notified of this hearing.

23 MR. GRAHAM: I really don't even know if
24 she lives there all the time. They were from
25 Pennsylvania. Her husband died a few years ago. The

1 daughter sometimes stays in the house. She's there
2 now. I don't know if she's going to be there year
3 round or not. I did talk to her.

4 THE CHAIRPERSON: I'm going to close
5 public comment at this time, and let the board
6 discuss.

7 MR. ELLIOTT: I just made the notes of
8 what I thought should be added to the -- my vote
9 would be to accept it with the proviso that payment
10 for hourly parking be taken off-site -- not off-site,
11 off road such as not to disrupt flow of traffic.

12 THE CHAIRPERSON: I wholeheartedly agree.

13 MR. ELLIOTT: I like 2:00 a.m. time limit.

14 THE CHAIRPERSON: Do you want to give a
15 starting time?

16 MS. TIMMONS: 6:30 in the morning. 6:00
17 a.m. to 2:00 a.m. Those breakfast places, those
18 cooks are out there coming to work.

19 MR. ELLIOTT: Fine with me.

20 THE CHAIRPERSON: 6:00 a.m. to 2:00 a.m.
21 Again, appropriate signage for the commercial
22 district only. Driveway width of 24 feet per SCDOT.

23 MR. RICHARDSON: I think we ought to have
24 a fence along the neighbor's border or some kind
25 of --

1 MS. TIMMONS: DRB can take care of that.

2 THE CHAIRPERSON: I think we probably need
3 to let DRB take care of that because they might take
4 care of that with landscaping instead of a fence.
5 The only fence that's required by the ordinance is at
6 the back.

7 MR. RICHARDSON: We can make conditions to
8 all of those things. And why does DRB make --

9 THE CHAIRPERSON: It might be done with
10 landscaping instead of a fence.

11 MS. TIMMONS: They might want something
12 softer.

13 THE CHAIRPERSON: Yeah, they might want
14 something softer there.

15 MR. RICHARDSON: Can we just say there
16 should be a barrier planted or expected?

17 THE CHAIRPERSON: How to word that? We
18 suggest that there be landscape or fenced barrier
19 between that property and the property to the east.

20 MR. ELLIOTT: Acceptable to the DRB.

21 THE CHAIRPERSON: Yes. Is that okay?

22 MR. HENDERSON: Sure, that would be fine;
23 not like an eight-foot privacy fence or anything like
24 that. We're referring to kind of planned landscape
25 border. I think that would be fine.

1 THE CHAIRPERSON: We can talk through all
2 the contingencies and someone can make the motion. I
3 do like to do it this way and get all the
4 contingencies on the table that we want, that we
5 believe are appropriate for this, our very first
6 parking lot.

7 I have had people from Isle of Palms
8 complain about no parking on Sullivan's Island in the
9 commercial district. I was like: You have a big
10 commercial district over there.

11 MR. RICHARDSON: They have plenty of
12 parking. You can always find parking there.

13 THE CHAIRPERSON: They like to come over
14 here and eat evidently.

15 MR. RICHARDSON: I can't find parking.

16 THE CHAIRPERSON: I take my golf cart. I
17 can squeeze that in anywhere.

18 So the contiguous property, what's the
19 address of that? That would be 2112? What is it
20 next door? 2102?

21 MR. RICHARDSON: 2108 probably.

22 MS. TIMMONS: No telling. It's the
23 eastern boundary.

24 MR. GRAHAM: The post office doesn't even
25 know the address. Are you talking about the

1 commercial house?

2 THE CHAIRPERSON: No, I'm talking about
3 your next door neighbor.

4 MR. GRAHAM: I guess that's -- I'm 2102.
5 It might be 06. It goes from two to 18; there's only
6 four houses.

7 THE CHAIRPERSON: My block goes from two
8 to 20.

9 MR. HENDERSON: This one here?
10 We can call it TMS number ending 020.
11 That's the parcel number.

12 We're trying to fix the addressing slowly
13 but surely.

14 MR. GRAHAM: I really do like the fact
15 you're putting that in there. If I ever decide I
16 don't want to this anymore, my neighbor does, I don't
17 want to shine a light on them. I don't want them to
18 shine a light on me. This will solve both problems,
19 potential problems.

20 THE CHAIRPERSON: Would anyone like to
21 make this motion?

22 MR. ELLIOTT: I made notes.

23 THE CHAIRPERSON: Joint motions are
24 allowed. We've done that before. We do need to --
25 this is it.

1 MS. TIMMONS: Conditions for operating
2 small parking lots.

3 THE CHAIRPERSON: We were going to give
4 you conservation easement. Good catch there, Carlin.

5 This is very specific; automobile parking
6 lot.

7 MR. ELLIOTT: Is there anything else?

8 THE CHAIRPERSON: I think that's good.

9 MR. ELLIOTT: I'll give it a shot.

10 THE CHAIRPERSON: We'll add anything else.
11 I'll check them off as you go.

12 MR. ELLIOTT: I vote that or I move that
13 we approve the application of Richard Graham for a CC
14 District special exception to establish a short-term
15 automobile parking lot in accordance with zoning
16 ordinance Section 21-50 C(4), which is the section
17 for short-term automobile parking lot.

18 On the condition that it complies with the
19 standards for granting special exceptions 21-178.
20 And we have some conditions for it: Conditioned on
21 that it's approved by the Design Review Board for
22 compatibility with design of the surrounding
23 neighborhood.

24 And that it complies with the Charleston
25 County Stormwater Management Regulations.

1 And that the project complies with the
2 SCDOT encroachment permit regulations.

3 And that for hourly parking, the payment
4 for the lot will be taken off street so as not to
5 disrupt the flow of traffic.

6 And that the operation shall be from 6:00
7 a.m. to 2:00 p.m.

8 MR. RICHARDSON: 2:00 a.m.

9 MR. ELLIOTT: That the Middle Street
10 entrance shall be expanded to 24 feet, though I think
11 that may be a requirement of SCDOT as well.

12 And that a landscaped or fenced buffer be
13 installed. And I didn't catch the location of that.

14 THE CHAIRPERSON: Between the subject lot
15 and TMS number ending 020 to the east.

16 MR. ELLIOTT: That the landscape or fenced
17 buffer be approved by the DRB.

18 MS. TIMMONS: That there be commercial
19 signage stating commercial district.

20 MR. ELLIOTT: And that there be signage on
21 the lot indicating it's for use by patrons to the
22 commercial district.

23 THE CHAIRPERSON: Only.

24 MR. ELLIOTT: Only.

25 THE CHAIRPERSON: I believe we have a

1 motion.

2 MS. TIMMONS: I second it.

3 THE CHAIRPERSON: Is there any further
4 discussion? All those in favor signify by saying
5 aye.

6 (All Board members stated aye.)

7 THE CHAIRPERSON: Like sign oppose?
8 Special exception is granted. Good luck.

9 MR. GRAHAM: Thank you.

10 THE CHAIRPERSON: Do I hear a motion for
11 adjournment?

12 MR. RICHARDSON: I move we adjourn.

13 MR. ELLIOTT: Second.

14 THE CHAIRPERSON: All in favor?

15 (All Board members stated aye.)

16 (The meeting was concluded at 7:45 p.m.)

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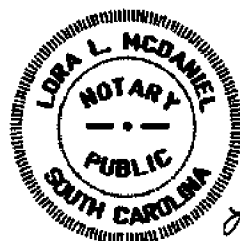
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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 2nd day of May, 2016 at Charleston, Charleston County, South Carolina.



Lora McDaniel

Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
September 18, 2016

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E X H I B I T S

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