



**Town of Sullivan's Island, South Carolina
Board of Zoning Appeals
Meeting Minutes
Thursday, September 9, 2021**

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, Chair
Babak Bryan, Board Member
Jody Latham, Board Member
Peter Koepke, Board Member
Summer Eudy, Board Member
Joe Henderson, Director of Planning/Zoning Administrator
Pam Otto, Administration

A. Freedom of Information Act Requirements

Chair 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 four (4) members of the public present and no members of the media present.

B. Approval of Minutes- April 8, 2021

Motion was made by Babak Bryan, seconded by Jody Latham, to approve the Board of Zoning Appeals Meeting minutes of April 8, 2021. This motion passed unanimously.

C. Special Exception – Commercial Parking Lot

2107 Middle Street: Troy Barber, applicant and property owner, requests approval of a CC-District Special Exception to establish a short-term automobile parking lot in accordance with Zoning Ordinance §21-50 C (4) and §21-178. (TMS# 529-09-00-020)

Town Planning staff, Joe Henderson, gave a brief orientation of the property noting it is located outside of any given historic districts, but is located on a split-zone property.

This means one side of the property is zoned as a residential property, with an occupied

single-family home on one side, and is zoned commercial and is currently a vacant lot. Mr. Henderson provided photos of the property using Google and multiple on-site images. The proposed parking lot will use the existing curb cut of 23 linear feet at the edge of pavement and 20' wide at the property line.

The property was recently purchased by Parking Partners, LLC, represented by Troy Barber. Mr. Henderson informed the Board that final plan review would be required of the stormwater plan and landscaping plan at permitting which may involve some technical adjustments.

Related to parking lots, one other parking lot was approved in 2016 under the current requirements. Under §21.50 C (4), it authorized the property as a short-term parking lot, if certain requirements were met. The requirements were that a written agreement be established between the property owner and one or more businesses in the commercial district, no long-term or overnight parking is allowed. Short term means only for daytime use, must be constructed in accordance with the standards of §21.143 D.

The plan proposes a six-foot fence be installed going along the split zoning line. There will also be a landscaped border on the Middle Street side of the lot, which requires there be one tree every thirty linear feet. The parking surface material for the lot also must be a pervious system, either of pervious pavement or gravel. All these requirements are met in the plan presented. Staff recommends approval of the special exception as presented, provided they have a chance to do the final review before permitting, and that the board make findings a fact that they meet the standards stated in §21-178.

Chair Tezza requested that Mr. Henderson review the proposed Town Council initiated text amendments with the Board. She further asked Henderson to confirm that should the new text receive approval the new parking lot would comply with the effective ordinance.

Mr. Henderson agreed with Chair Tezza's assessment, stating the design would comply. The revised text amendment is currently being presented to Town Council for second reading in October and anticipates final ratification in November.

Chair Tezza reiterated her desire for the approval is under the current zone ordinance, will comply with language to be presented to Town Council.

Ms. Eudy agreed Chair Tezza's concerns would be covered, as the changes proposed to Council are more lenient than the current ordinance and will therefore not affect this

approval. Mr. Henderson confirmed that an approval would provide approval for the current language, but also any future iterations of this section of the ordinance.

Mr. Henderson reviewed the list of requirements, and what changes would be made, would be what defines “short-term” limited parking, which must be monitored by the property owner (and subsequently monitored by Staff).

Matt Kline of Kline Engineering spoke on the design of the proposed lot. It will utilize the existing curb cut. There will be four golf cart spaces at the front of the lot, a four-and-a-half-foot fence buffer along Middle Street, a living fence along the two sidelines, and a wooden privacy fence along the property line, which will be created when the property is split. It will be of a pervious design parking lot made primarily of gravel and the plan is to have no impact on adjacent properties.

Chair Tezza asked if the house on the other side of the property is lived in by a property owner or a renter. It was confirmed the current resident is a long-term renter. She also asked if the intent is for the lot to be sub-divided, and it was confirmed it will be once the plans are approved.

Mr. Koepke asked if the home will meet the requirement of being far enough away from the neighboring property.

Mr. Henderson answered the house is “legal but non-conforming,” and some of the sub-divided lots do encroach on the rear setbacks. When many of the lots were subdivided, exemplified by the Obstinate Daughter restaurant, a variance was created so the line could deviate to accompany the structure. The same may happen with this lot.

Mr. Bryan asked to confirm that the Board would increase the non-conformity to allow a paved area to encroach on the property.

Mr. Henderson replied this language is noted in the ordinance as a conditional use/special exception and is not considered a non-conformity.

Mr. Bryan finds it problematic that this same exception is not granted to swimming pools but will be allowed for this parking lot. However, Chair Tezza clarified that swimming pools are considered impervious. Mr. Henderson also clarified that pools and other recreational structures have their own required setbacks, but the parking lot will be allowed as a special exception or conditional use in the prescribed district, so it does not have to adhere to the same setbacks as recreation accessory structures or

swimming pools. This would also apply if a structure were to be built on the property. There are currently no setback requirements in place for parking lots or driveways.

Mr. Henderson did suggest the Board would be able to grant additional conditions if they feel it is necessary.

Chair Tezza wanted to know if the property owners would need to come before the Board for a variance to sub-divide the property. In the case of the Obstinate Daughter restaurant, the split line had to be moved, however this is not the case for this property as the split line already exists and cannot be altered.

Mr. Henderson stated the entirety of the lot is within the Commercial Zoning District, which will include non-conformities. He also noted this decision was made in 2005 when the new zoning ordinance was adopted.

Mr. Bryan asked if a traffic study has been conducted to determine how the additional traffic will affect Middle Street. He is concerned about the number of small children that use the parking lot and that there will be more cars slowing down to make left turns into the parking lot, and how it will affect residents coming off Station 20. Mr. Kline stated no traffic study has been done but feels the traffic will decrease with the installation of the parking lot with less cars looking for parking in the downtown area.

Ms. Eudy stated she would like some attention paid to the logistics of a parking area that large, regarding having adequate lighting and signage marking where cars would be entering and exiting. Mr. Kline confirmed there will be clear visibility to the entrance, as well as adequate lighting that adheres to the Town's guidelines.

Chair Tezza is concerned about people that do not cross the street at the crosswalks on Middle Street creating a safety hazard.

Ms. Latham asked if it would be possible to make the exit turn out of the lot "right turn only." It was agreed to make that a condition.

Mr. Bryan also wants them to consider not allowing left turns into the lot or adding a pedestrian right of way near the entrance. He reiterated his interest in having a traffic study done.

Chair Tezza asked if they could recommend for Town Council to add a crosswalk at Station 21 and Middle Street. Mr. Henderson stated the right of way is owned by SC-

DOT and would need to meet the requirements of the SC-DOT ARMS Manual requiring a state-level administrative review.

Mr. Koepke stated he feels the requirement of only allowing a right turn exit is more feasible and most important, rather than not allowing left turns to enter.

Mr. Henderson explained the zoning ordinance currently permits several intensive uses that could be established on other split zone properties. Examples of uses potentially approved “by-right” are a pharmacy, music store, jewelry shop, bicycle shop, or personal services (financial, insurance, legal). This point was made to make it known that the commercial zone around this property can, and most likely will, change in the future, thus affecting the traffic flow in the area.

It was mentioned, generally traffic studies require a use for a traffic generation analysis and adding a parking lot is not necessarily creating trips on the road. It is not an attraction to the destination.

Ms. Eudy asked who would be doing maintenance for the lot, cleaning, checking on facilities, etc. Parking Partners LLC will maintain the lot and will also be installing trash receptacles on the lot, which will be maintained by ACME. Landscaping will also be maintained to keep the lot looking clean. She then stated she would like to move forward in favor with the approval, barring the conditions of right turn only and having a plan to properly maintain trash and landscaping, as well as having trash receptacles on site.

Mr. Henderson stated he would include those conditions when Building permits are requested by the contractors and when Parking Partners LLC obtains a business license from the Town. He also added in the zoning ordinance, the curb cut is not to exceed 14 linear feet for two-way traffic but is currently using 24 feet. He would request that the approval contain a condition to maintain the existing curb cut of 24 feet.

Public comment portion of meeting closed at 43:05 by Chair Tezza and deliberation began.

Mr. Bryan asked how many ADA parking spaces are required, which is one per every 25 spots, giving the lot two ADA spaces.

Chair Tezza asked if anyone would like to make a motion. Mr. Bryan again expressed his concerns about the traffic study and pedestrian safety. Mr. Henderson mentioned a

traffic study was not required when Rick Graham was approved with a similar request in 2016.

Motion was made by Summer Eudy, seconded by Peter Koepke, that the Board of Zoning Appeals approves the application presented by Parking Partners LLC, represented here today by Troy Barber requesting approval of a CC District special exception to establish a short-term automobile parking lot in accordance with Zoning Ordinance §21-50 C (4) and §21-178. As the Board has considered the standards of 21-178 and finds that the setbacks, fences, and buffered or planning strips to protect the adjacent properties from possible adverse influences of proposed use. Vehicular traffic and pedestrian movement on adjacent road shall not be hindered or endangered. Off street parking and loading areas and the entrance and exits of these areas shall be adequate in terms of location and design to serve the proposed use. All shown ADA parking is adequate and the use is 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 nearby. We have addressed these standards and have determined that the application including the statements made by the applicant at the hearing are met and would approve the application with the following conditions. The applicant agrees to designate the exit as a right turn only and manage that as best as possible. The applicant agrees to address all plan review comments by Town staff to address safety concerns. Also, that the applicant will include trash receptacles to be approved by Town staff. The current 24' curb cut that is existing on the property is authorized to be used and the parking surface must be a gravel (pervious system).

Special exception was granted with a motion to affirm by Tezza, Latham, Koepke, Eudy, and one opposed from Mr. Bryan.

D. Adjourn

Motion was made by Jody Latham, seconded by Peter Koepke to adjourn at 6:55 p.m. This motion passed unanimously.

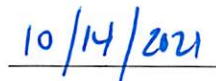
Respectfully submitted,

Bridget Welch/Jacquelyn Gypin

Board of Zoning Appeals Staff



Elizabeth Tezza, Chair



Date