

TOWN OF SULLIVAN'S ISLAND DESIGN REVIEW BOARD

REGULAR MEETING MINUTES Wednesday, August 19, 2020

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

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

Staff Members present: Joe Henderson, Director of Planning/Zoning Administrator, Randy Robinson, Building Official, and Jessi Gress, Business Licensing and Permit Technician.

Members of the public: Mr. Plesnarski of 1857 I'On Avenue, Heather Wilson, Dawn and Dunston Powell, Elizabeth Drake, Mark Bragg.

Media present: No members of the media were present.

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

- I. **APPROVAL OF MINUTES:** Mr. Pennington made a motion to approve the July 17, 2020 Design Review Board Meeting Minutes. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.
- II. **PUBLIC INPUT:** No public comment was made.
- III. **HISTORIC DESIGN REVIEWS:**

1857 I'On Avenue: Heather Wilson, applicant, requested conceptual approval to construct two accessory structures on a property designated as a Sullivan's Island Landmark. No modifications to the Zoning Standards were requests. (TMS# 529-07-00-072)

Mr. Henderson stated that the applicant requested approval to construct two accessory structures on this property to serve as a garage, storage, and non-heated studio with a proposed area of 750 square feet. The application was revised at the request of Town staff from a previously noncompliant size of 900' square feet according to staff's current interpretation of 21-138 (Accessory Structures). The applicant's request is to add a swimming pool and deck and expand the front porch by 2'. Mr. Henderson stated that during the April 2020 Meeting, the Design Review Board granted approval for a one-story addition to the rear of

the home. Mr. Henderson stated that staff recommends granting the approval for the swimming pool and accessory structure at 750' square feet but believes that the porch extension is not compliant with the historic preservation standards because the extension of the front porch by 2' would destroy the façade porch's original scale and proportion of the home. This spatial relationship should be maintained.

Mr. Henderson also stated that Zoning Ordinance Section 21-138 (2) (a) reads that accessory structures *"shall not exceed the greater of twenty-five percent (25%) of the principal building square footage in total combined square footage of all accessory structures of 750 sq. ft. and no one structure may exceed 750 square feet in total area."*

Mr. Plesnarski, property owner of 1857 l'On submitted public comment (Exhibit one).

Mr. Henderson stated that the applicant submitted plans previously with two accessory structures that exceeded the 750 square feet. After review of the application, the applicant was informed that the request exceeded the allowed square footage per Zoning Ordinance section 21-138 (2) (a) and the applicant resubmitted a new set of plans to meet the ordinance. Town Staff has always interpreted this section as stating the maximum square footage allowed. Mr. Henderson stated that this section also states the accessory structure footprint shall not exceed 625 square feet. The Design Review Board has never approved any size over 750 sq. ft.

The applicant requested that the Design Review Board grant approval for an accessory structure that is 900 square feet in principal building square footage. Mr. Henderson stated this overturning staff's current interpretation would allow very large structures across the island at 900' SF and 21.5' in height which would open the door to very large structures. Mr. Henderson stated that when there is a challenge of staff interpretation related to discretionary DRB increases, the Design Review Board becomes the reviewing authority.

Mr. Craver stated that he read the ordinance as it is saying that the Board can grant approval for a 20% increase from 750 sq. ft. With that, the Board can give approval for the structure to be 900' sf.

Mr. Pennington stated that there are two accessory structures on the Island that must be 900' square feet and taller than the 18 feet given by the ordinance. Mr. Pennington believes the reading of the ordinance is simple and it is in the authority of the Board to give the increase. Mr. Pennington stated that the only thing really needed to consider would be the neighborhood compatibility. Mr. Pennington believes it meets neighborhood compatibility.

Mr. Wichmann agreed with Mr. Pennington. Mr. Wichmann raised concern is how the size and scale will work in that neighborhood and if it will fit neighborhood compatibility. Mr. Wichmann asked if the size request is the first time a situation like this has come up or is there a direct conflict. Mr. Henderson suggested to the Board to be cautious when changing Town Staff interpretation of the ordinance because 900' square feet at 21.5' is very large for a residential application.

Mr. Wichmann asked if the applicant has a site plan that the Board could review.

Ms. Wilson presented a revised application requesting a total of 900 square feet (Exhibit two).

Ms. Wilson stated that the height of the structure will be at 18 feet. It will not exceed the zoning standards. The applicants would like the shed roof on the garage which gives them a two-car garage.

Mr. Wichmann asked about the ridge height to the accessory structures and the main structure. Ms. Wilson stated the structure itself at its highest ridge is 25 feet and 4 inches and the accessory structures are 18 feet. Mr. Wichmann asked if there was anyway to make it look smaller. Ms. Wilson stated that if gets any smaller it doesn't look right and any narrower you won't be able to fit two cars in the garage.

Mr. Wichmann asked if the front porch of the home would go from 8 feet to 10 feet in depth. Ms. Wilson stated that the porch is currently less than eight feet right now. Mr. Wichmann struggled with granting the approval of the porch considering that the job of the Board is to protect the historic nature of these homes on Sullivan's Island. Ms. Wilson stated that the porch is not historic. The porch is the nature of the historic porch but the actual materials are no longer historic.

Mr. Coish asked Mr. Herlong if he has a problem with the size of the accessory structures since he lives in the neighborhood. Mr. Herlong stated he does not have a problem with the size. Mr. Coish asked Mr. Henderson that if in future if someone asks to go to 900 ft with an accessory structure, does that mean they will be allowed to do it based on what we decide in this meeting. Mr. Henderson responded by stating that if the DRB changes staff's interpretation of this language, it would allow an increase from 750' to 900' square feet by way of DRB relief on a case by case basis.

Mr. Coish stated that the application presented looks good. He said he believes it looks better with the 900 square feet but is nervous about setting a precedent for the future. Mr. Coish is concerned about the 2-foot extension on the porch.

Mr. Lewis stated that he feels certain things get chiseled so strongly into stone and it does not leave Staff in a good position. Mr. Lewis understands not wanting to set a precedent but it seems that the wording of the ordinance provides some flexibility. Mr. Lewis likes the application presented and does not have a problem with extending the porch.

Mr. Pennington stated that while we are paying so much attention to the accessory structure, the owners could have asked for a significant addition to this property. With that if it was attached, we could say it is ok but if it wasn't, we can't say it is ok. Mr. Pennington is in favor of the accessory structures at the 900 square feet.

Mr. Craver stated that the Board could grant the 900 square feet approval. Mr. Craver stated that this is very compatible with the neighborhood. He does not have a problem with the porch extension. Mr. Craver would grant final approval.

Mr. Herlong stated that the larger accessory structures makes this more neighborhood compatible. Mr. Herlong stated that the porch could use the extra space. Mr. Herlong is in favor of the submittal.

Mr. Craver made a motion to approve the original application submitted granting the 900 square feet maximum for the accessory structures and the porch extension. Mr. Lewis seconded this motion.

Mr. Henderson asked the Board if they were reviewing an approving the application presented or reviewing and approving the application with the 900 square foot maximum for both structures which would include a lean-to component. Mr. Craver confirmed that the Board was approving the application submitted with the 900 square feet maximum for both structures and includes a lean-to component.

Mr. Craver restated his motion by approving the application with the 900 square foot maximum for both structures which includes a lean-to component. Mr. Lewis seconded this motion. All were in favor. None opposed. Motion passed unanimously.

Mr. Henderson asked for clarification from the Board whether Town staff is now required to direct residents and architects that Section 21-138 (2) (b) allows through 20% DRB relief, an increase from 750 to 900 square feet?

Mr. Wichmann stated that, yes, he reads the ordinance as allowing the DRB an additional 20% increase on an individual basis. So, if they need more than 750 square feet they will need to come before the Board to request the increase up to 20% for one or multiple structures.

Mr. Pennington stated that if the applicant is requesting more than 750 square feet for one or multiple accessory structures, they will need to come to the Design Review Board for approval. Mr. Lewis stated that Town staff shouldn't deny the application if they are requesting more than 750 square feet.

Mr. Henderson wanted to be very clear because on a daily basis he receives multiple questions regarding the permitting of accessory structures and Town staff needs to know if 900' square feet is the new allowable threshold for accessory structures. So now the Board is stating something different than what Town Staff has always informed residents of.

Mr. Lewis stated that the language in the ordinance isn't changing it is just the Town's interpretation that is changing. Mr. Henderson stated that the interpretation of the language is changing based upon the new guidance from the DRB. Before, he would tell people they were only allowed 750 square feet but now the Board is telling him he can tell applicants they are

allowed 900 square feet with DRB approval. Mr. Henderson requested a confirmation of this from the Board for future applications and general zoning consultations.

Mr. Wichmann said the applicants can be given 750 square feet. They can submit to the Design Review Board requesting up to 20% in additional square footage if it is a unique situation and needs the extra space. Mr. Wichmann believes that Town Staff should be giving the 750 square feet not 900 square feet.

Mr. Henderson thanked the Board for confirmation.

Mr. Herlong stated that section 21-138 (2) (a) states that an accessory structure should not exceed more than 625 square feet in its enclosed footprint. Mr. Herlong asked Mr. Henderson how that fit into the discussion.

Mr. Lewis stated that could be increased by 20%. Mr. Lewis said the ordinance needs to be rewritten.

Mr. Pennington stated that doesn't it just mean that no building can exceed 750 square feet and 625 square feet in building footprint. Mr. Pennington stated this is how he would read the ordinance.

Mr. Robinson stated that when this ordinance was written it was intended to say that no one accessory structure may not exceed 750 square feet in total area. This area means on the ground is 625', and allows the second-floor loft an increase of 125' (20%).

Mr. Lewis stated and then the ordinance goes on to say the Design Review Board may grant no more than 20% increase.

Mr. Robinson responded by stating that this may or may not be a clerical error but it is there.

Mr. Lewis stated this is why the ordinance should be rewritten.

Mr. Coish asked Mr. Robinson if the 20% percent may or may not be right.

Mr. Robinson responded by stating this may be a clerical error. Town Staff has always allowed on 25% of the principal building square footage in total.

Mr. Pennington stated we just approved the 900 square feet. If Town Staff wants to amend the ordinance, they can do that but the DRB has clarified the language during this meeting.

Mr. Henderson thanked the Board and stated he was just looking for clarification for future applications.

2524 Raven Drive: Heather Wilson, applicant requested conceptual approval to elevate and conduct an historic rehabilitation and porch addition on a property designated as a Traditional Island Resource. No modifications were requested of the zoning standards. (TMS# 529-06-00-093)

Mr. Henderson stated that this property is located outside of the historic district but designated as a Traditional Island Resource. Mr. Henderson stated that the applicant requested to remove nonoriginal addition currently not in compliance, to elevate the home 2.5' to comply with future FEMA maps, and to renovate the windows and siding.

No public comment was made.

The Board was in favor of the application presented.

Mr. Coish made a motion to approve this application for final approval. Mr. Wichmann seconded this motion. All were in favor. None opposed. Motion passed unanimously.

IV. NON-HISTORIC DESIGN REVIEWS:

2602 I'On Avenue: Dawn Powell, applicant, requested approval of a home renovation with an elevated first story addition. Requested were modifications to the zoning standards for principal building square footage, principal building coverage, principal building side façade and principal building front façade. (TMS# 529-10-00-023)

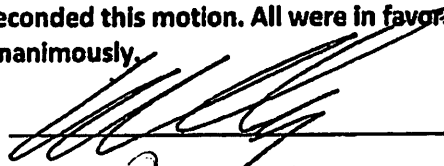
Mr. Henderson stated this property is located within the Atlanticville local historic district. Mr. Henderson stated that the applicant requested to renovate the home and add an elevated first story addition. Mr. Henderson stated that the existing home is below flood and would be brought into FEMA compliance. Mr. Henderson stated that the addition would be built around a 28" live oak tree which would help improve the stormwater on site.

Mark Bragg, Contractor, stated that the existing property is not a typical historical property for Sullivan's Island. Mr. Bragg believes the new renovations do a good job of looking like a true Sullivan's Island property and will be a practical living space.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to approve this application for final approval. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

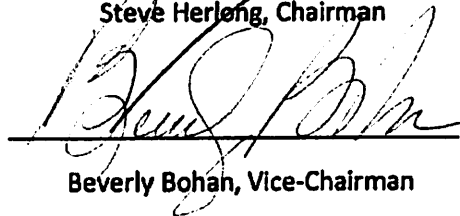
V. **ADJOURN: Mr. Wichmann made a motion to adjourn at 5: 30 p.m. Mr. Colsh seconded this motion. All were in favor. None opposed. Motion passed unanimously.**



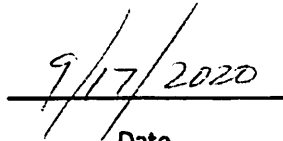
Steve Herlong, Chairman



Date



Beverly Bohan, Vice-Chairman



Date

1. **Mr. Chairman and board members my name is Rob Plesnarski. My wife and I are the homeowners. Thank you very much for listening to Heather's presentation and providing us with the opportunity to present today.**
2. **Before you make any decision on our application, I want to highlight the relevant paragraphs in the zoning ordinance that relate to our proposed garage and studio, in an attempt to explain what has been a point of confusion and contention.**
3. **To give you a little background: On June 19, 2020, prior to the submission date for the July DRB meeting, we timely submitted an application to the town for a garage and studio totaling 900 square feet. So, two separate accessory structures totaling 900 square feet. Our authority for this aspect of the submission is particular language in SI zoning ordinance section 21-138 A. paragraphs (2) (a) and (b).**
4. **Heather could you please put those paragraphs up on the screen for everyone.**
5. **After a careful reading, the plain language in the operative paragraphs should be abundantly clear.**

Paragraph (a) of the ordinance permits, as a matter of right, one or more separate accessory structures not to exceed the greater of (i) 25% of the principal buildings square footage or, in the alternative, (ii) 750 square feet. No single accessory structure may be more than 750 square feet.

Then, paragraph (b) clearly provides that the DRB has complete authority - subject only to a neighborhood compatibility qualifier - to increase the allowable 750 square footage by 20% (ie, to 900 square feet).

6. Please note that this uniform paragraph (a) and (b) construction flows throughout the zoning ordinance. That is, a paragraph (a) that sets out what may be done as a matter of right and a paragraph (b) that provides the DRB with full discretion to provide certain additional benefits.

7. Our architect, our builder and others intimately familiar with this ordinance all agree in all respects with this reading. I have been doing statutory construction as an attorney for almost 30 years and I believe that the plain language in paragraphs (a) and (b) - and all other related provisions in the ordinance of which I'm aware - are absolutely clear and unambiguous. A plain reading of the paragraph leads to only one reasonable conclusion: The DRB has full authority consistent with neighborhood compatibility to permit 2 or more accessory structures totaling no more than 900 square feet.

8. To be clear, as I understand it, the town's only stated reason for not allowing us to present our application for a 900 square foot garage/studio are the two paragraphs on the screen. We are aware of no other language in the ordinance that would prevent the 900 square foot accessory structures, and to my knowledge the town has never indicated otherwise.

9. In fact, if you look at the first section of Sullivan Island's zoning ordinance (Section 21-1) - which calls out the intent of the ordinance - the first 3 purposes of the ordinance are:

“(1) prevent the overcrowding of land; (2) protect the low-density and residential character of the Island; and (3) ensure that the mass and scale of new development is compatible with the Island's existing character, neighborhoods and historical buildings.”

10. I would submit that Heather and we have been critically aware of these purposes and spent much time and attention to make sure that this is the case.

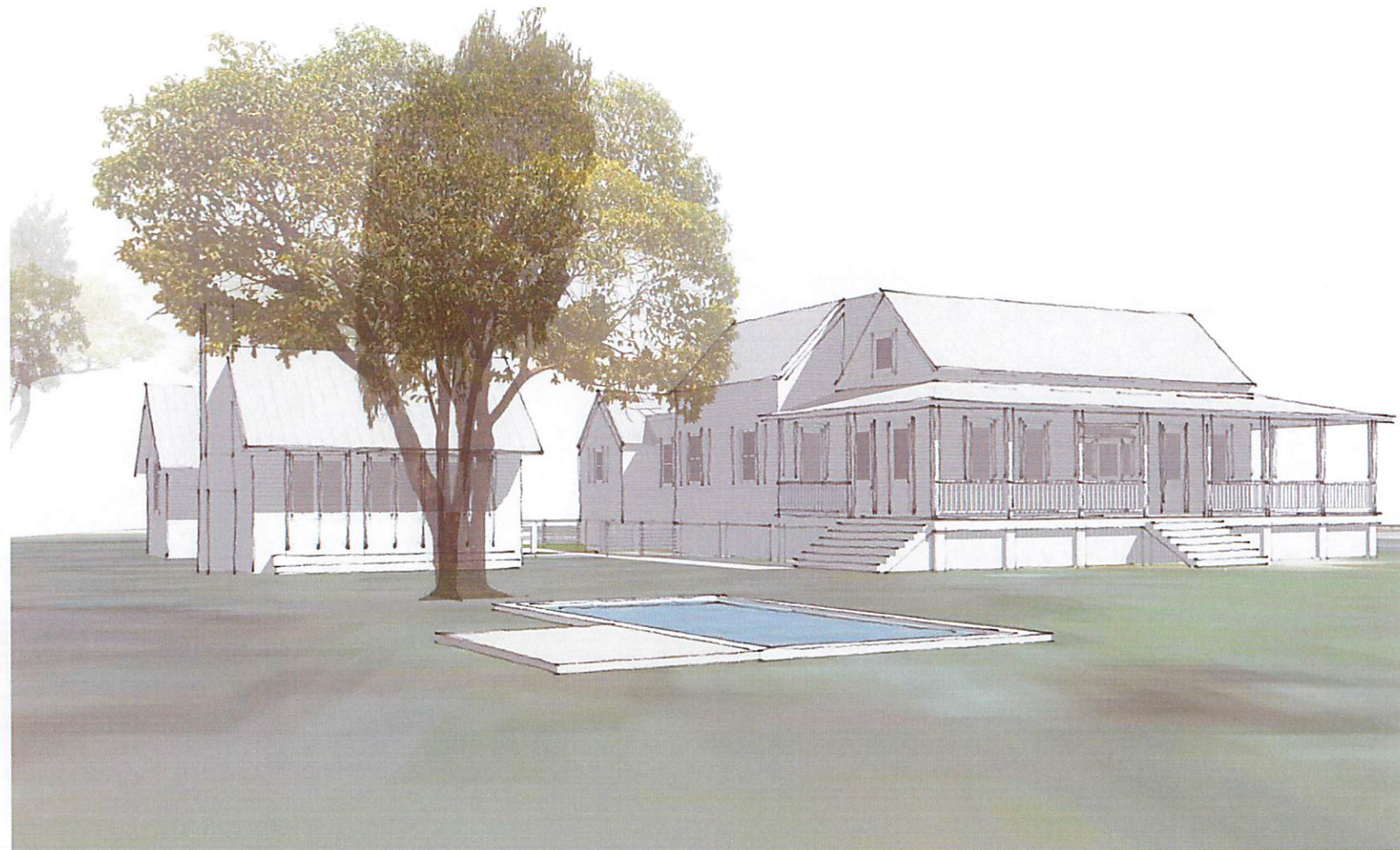
11. And to briefly address the important issue of neighborhood compatibility, I'd note that the closest house to our proposed garage and studio is, based on my understanding, a home that is one of the tallest and largest square footage single family dwellings on Sullivan's Island. I will let Heather -- and, if he so chooses, Steve who is familiar with our house and the surrounding properties -- fill in any neighborhood compatibility gaps.

12. In light of the misunderstanding and clear misreading of the ordinance - which has cost us substantial time, money and angst - I would ask the Board to use its discretion to allow Heather to now present our 900 square foot application in the form initially filed with the town on June 19, 2020.

13. We have stopped all construction on our house and cannot resume construction until we either receive approval for the 900 square foot garage/studio or, alternatively, we come back to the DRB with a different and much more comprehensive application.

Requiring us to wait yet another month - in total at least 90 days from our initial submission for a garage - would be unfair, create an undue hardship and result in substantial unrecoverable costs (on which I can expand). Further, I believe that any further delay is completely inconsistent with the DRB's overriding directives.

15. Thank you very much for giving me the opportunity to speak.



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ACCESSORY STRUCTURES

- S1 SURVEY
- S2 PROPOSED SITE PLAN

- A1.1 FIRST FLOOR PLAN AND ROOF PLAN
- A2.1 ELEVATIONS

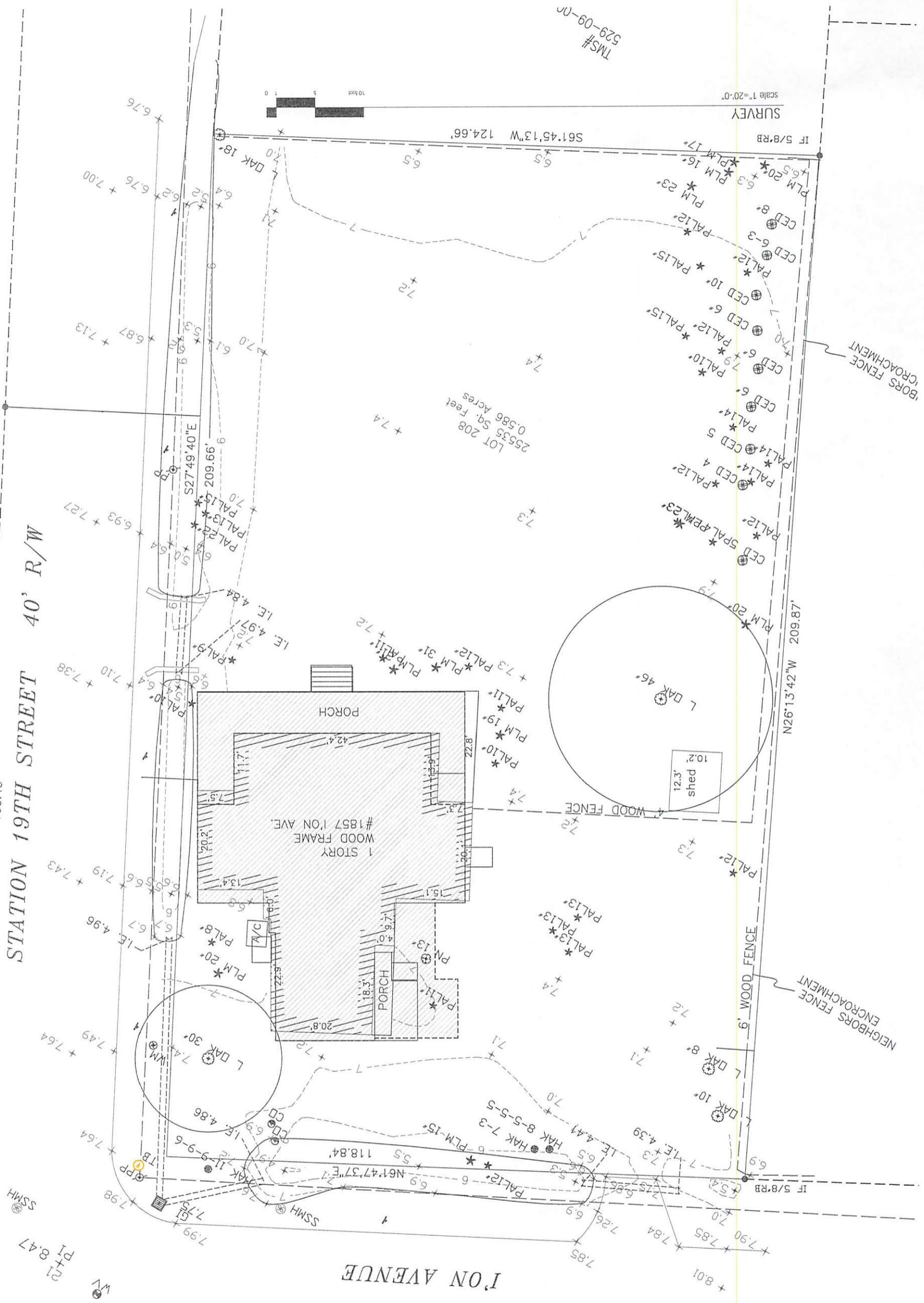
- 3D VIEWS

PORCH ALTERATION

- A1.1 EXISTING AND PROPOSED PLAN
- A2.1 EXISTING AND PROPOSED ELEVATION D

PLESNARSKI RESIDENCE

ACCESSORY STRUCTURE



STATION 19TH STREET 40' R/W

ION AVENUE

SURVEY

scale 1"=20'-0"

TMS# 529-09-01

BORS FENCE ENCROACHMENT

NEIGHBORS FENCE ENCROACHMENT

N27°49'40"W 160.40'

S61°45'13"W 124.66'

N26°13'42"W 209.87'

1 STORY WOOD FRAME #1857 ION AVE. PORCH

L DAK 46' 10.2' shed

L DAK 30'

N61°47'37"E 118.84'

PI 8.47

W

SSMH

TB

PP

IE 4.86

IE 4.96

IE 4.97

IE 4.84

IE 4.96

IE 4.96

IE 4.96

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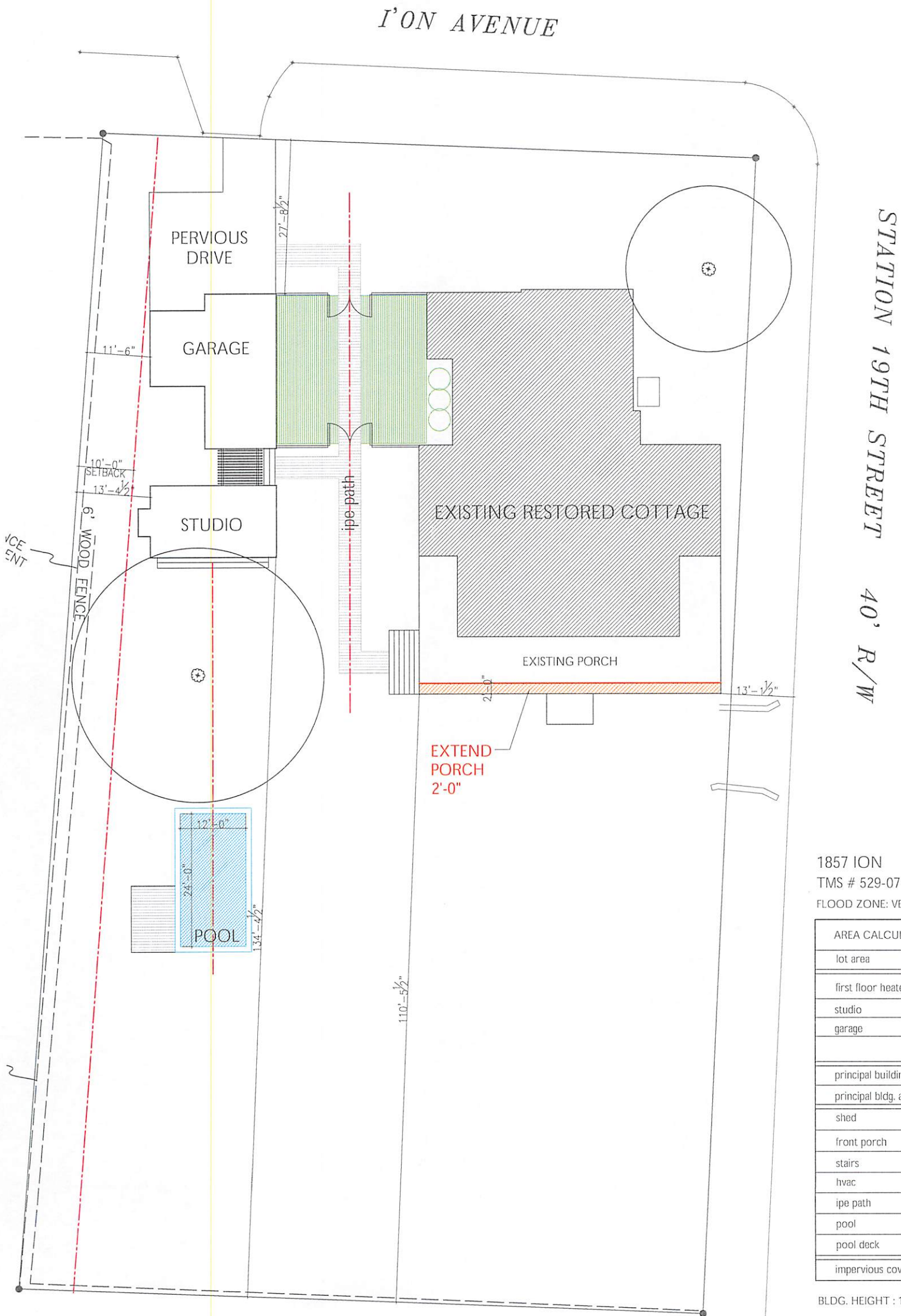
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STATION 19TH STREET
40' R/W

1857 ION
TMS # 529-07-00-072
FLOOD ZONE: VE-16

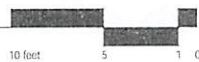
AREA CALCULATIONS	EXISTING	PROPOSED
lot area	25,535 s.f.	25,535 s.f.
first floor heated	2,672 s.f.	2,672 s.f.
studio		268 s.f.
garage		476 s.f.
principal building coverage	2,672 s.f.	2,940 s.f.
principal bldg. area	2,672 s.f.	2,940 s.f.
shed	125 s.f.	
front porch	671 s.f.	781 s.f.
stairs	110 s.f.	218 s.f.
hvac	21 s.f.	21 s.f.
ipe path		417 s.f.
pool		364 s.f.
pool deck		96 s.f.
impervious coverage	3,599 s.f. (14%)	4,837 s.f. (18.9%)

BLDG. HEIGHT : 18'-0"

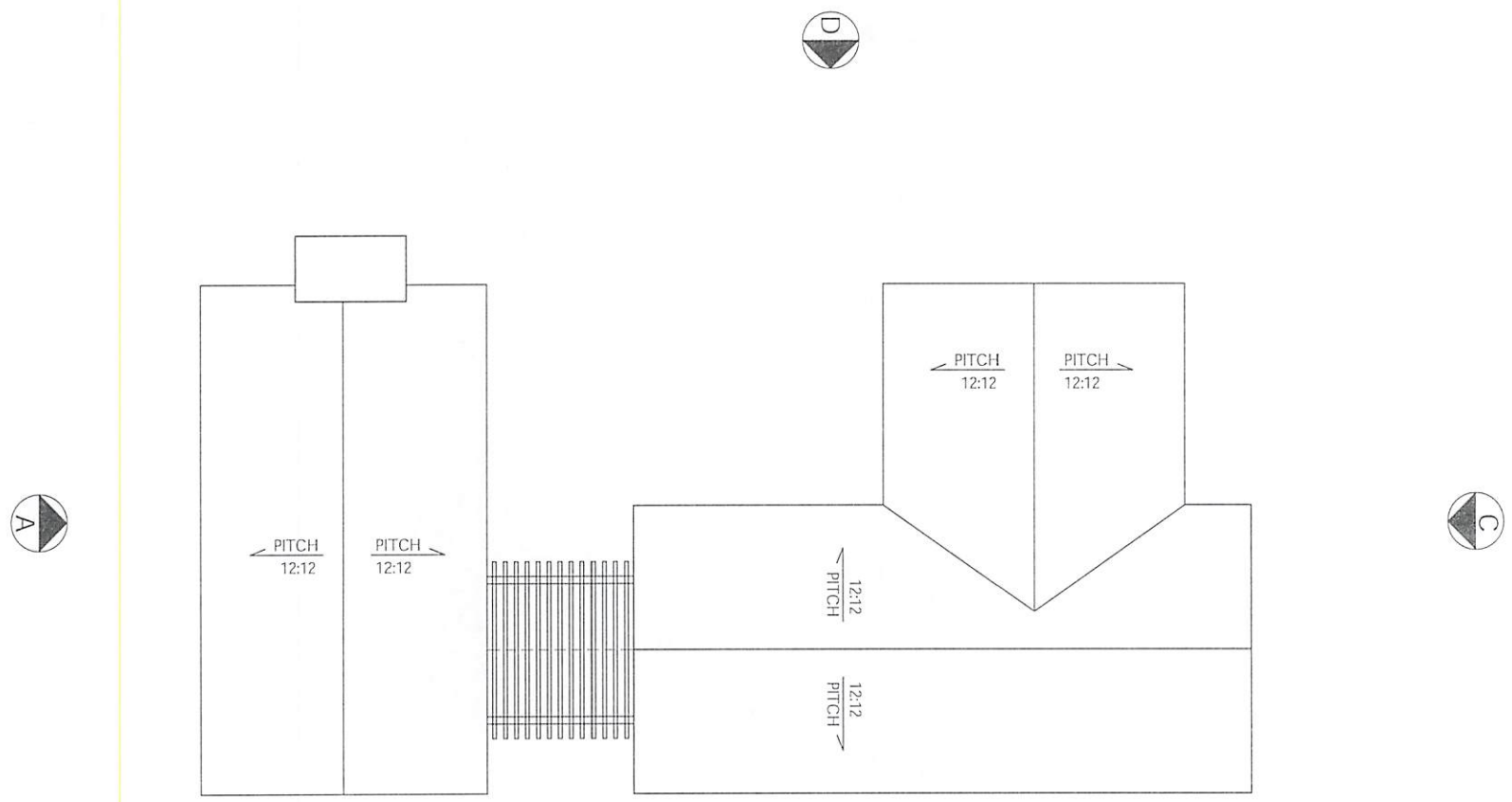
max. principal building area = (25,535-5,000sf) / 10 + 2400 = 4,453 sf
 max. principal building coverage = (25,535 x .15) = 3,830 sf
 max. impervious coverage area = (25,535 x .30) = 7,660 sf

SITE PLAN PROPOSED

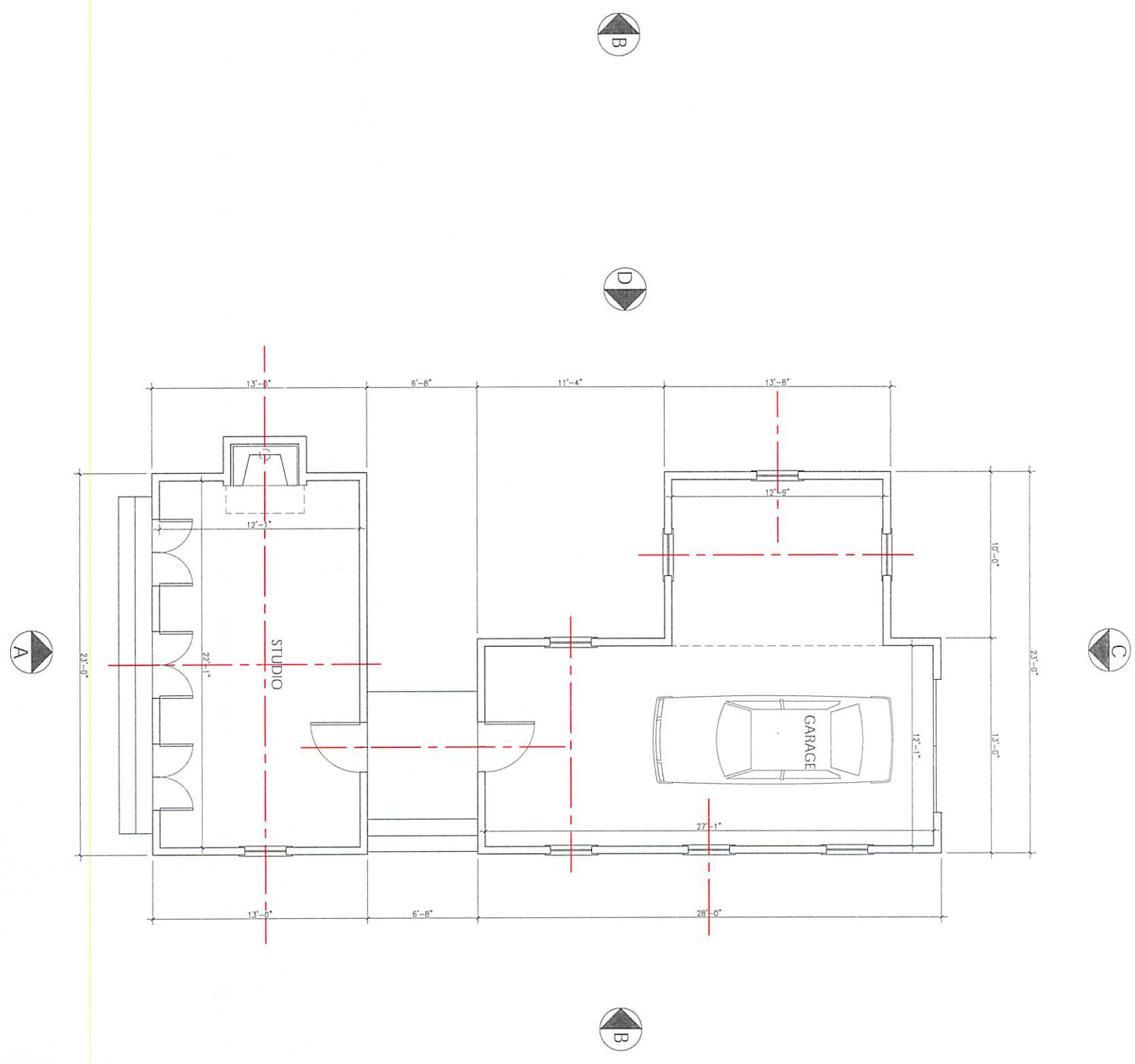
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ROOF PLAN
 scale 1/8" = 1'-0"

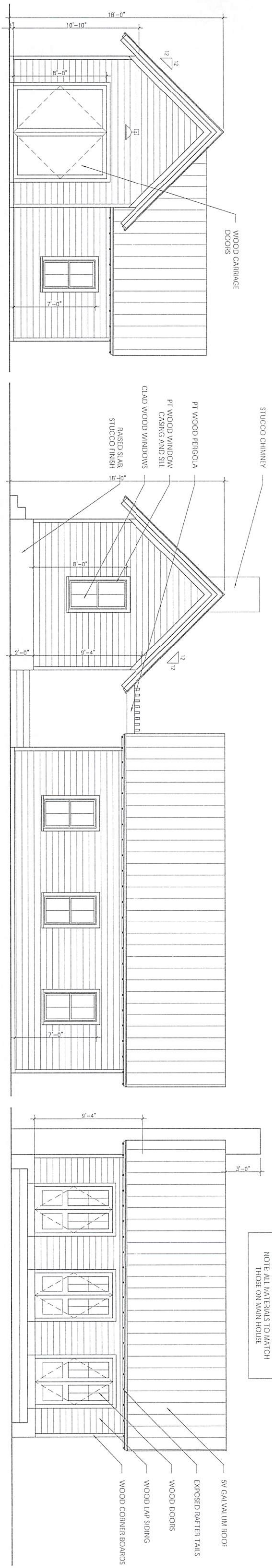


FIRST FLOOR PLAN
 scale 1/8" = 1'-0"





NOTE: ALL MATERIALS TO MATCH THOSE ON MAIN HOUSE



ELEVATION C

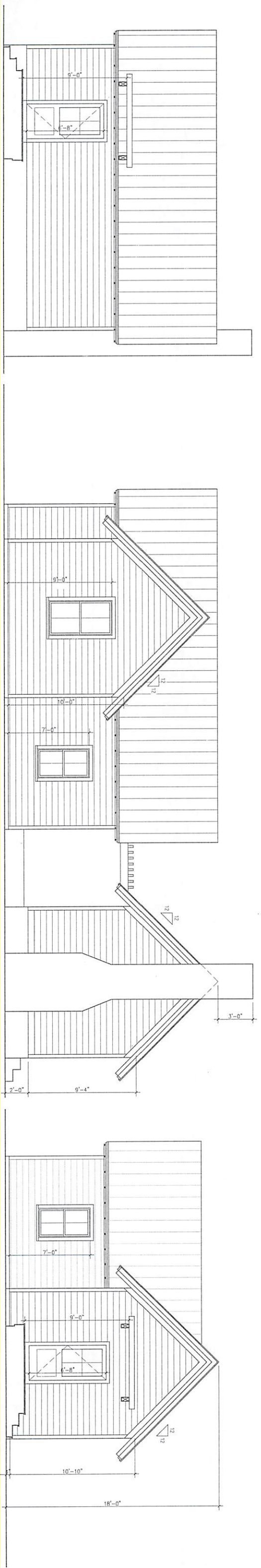
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ELEVATION B

scale 1/8" = 1'-0"

ELEVATION A

scale 1/8" = 1'-0"



ELEVATION C2

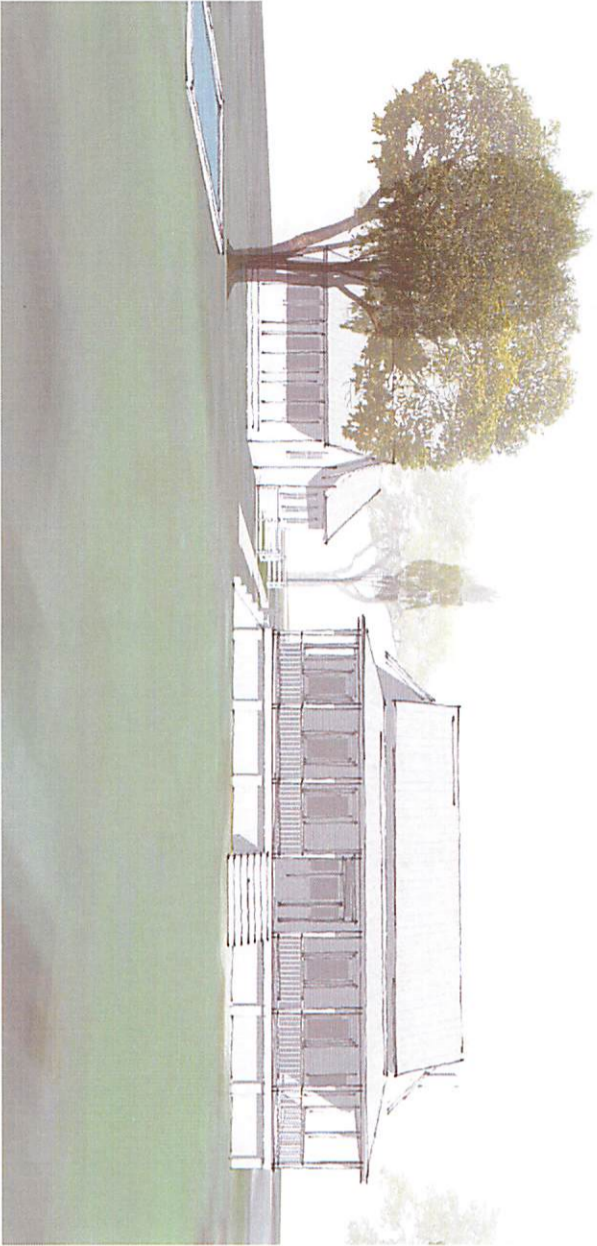
scale 1/8" = 1'-0"

ELEVATION D

scale 1/8" = 1'-0"

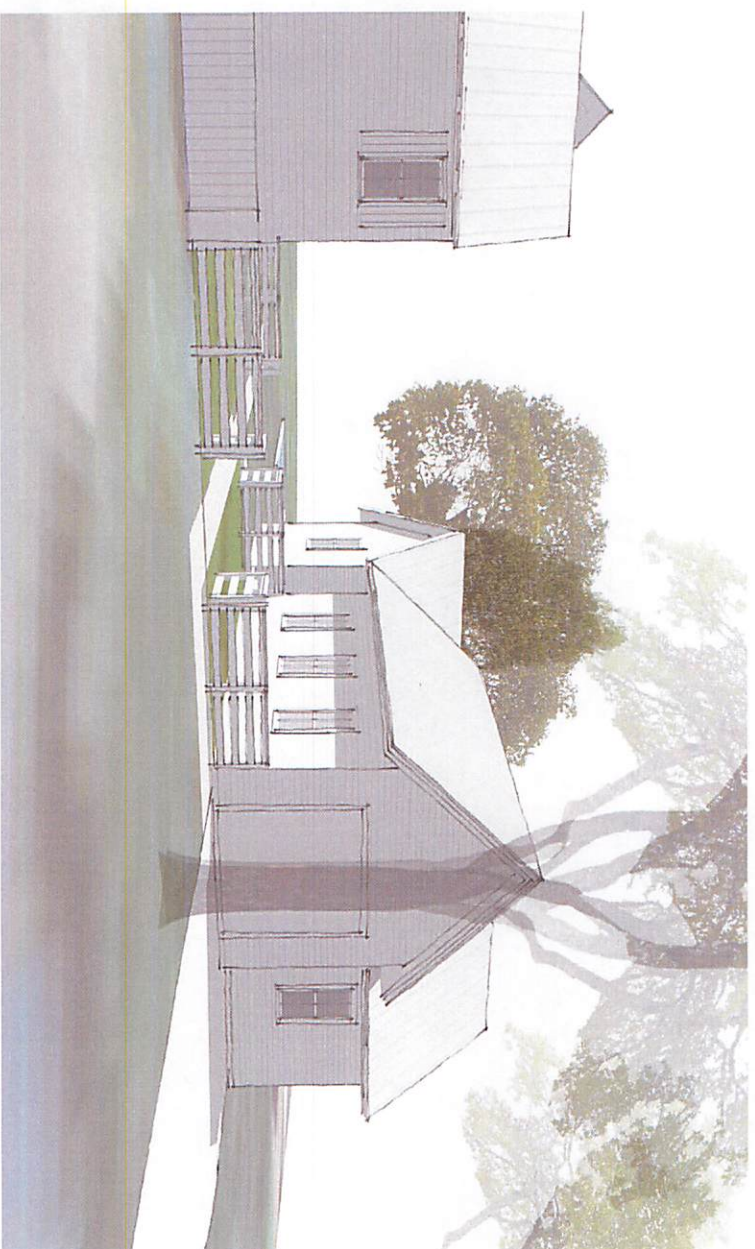
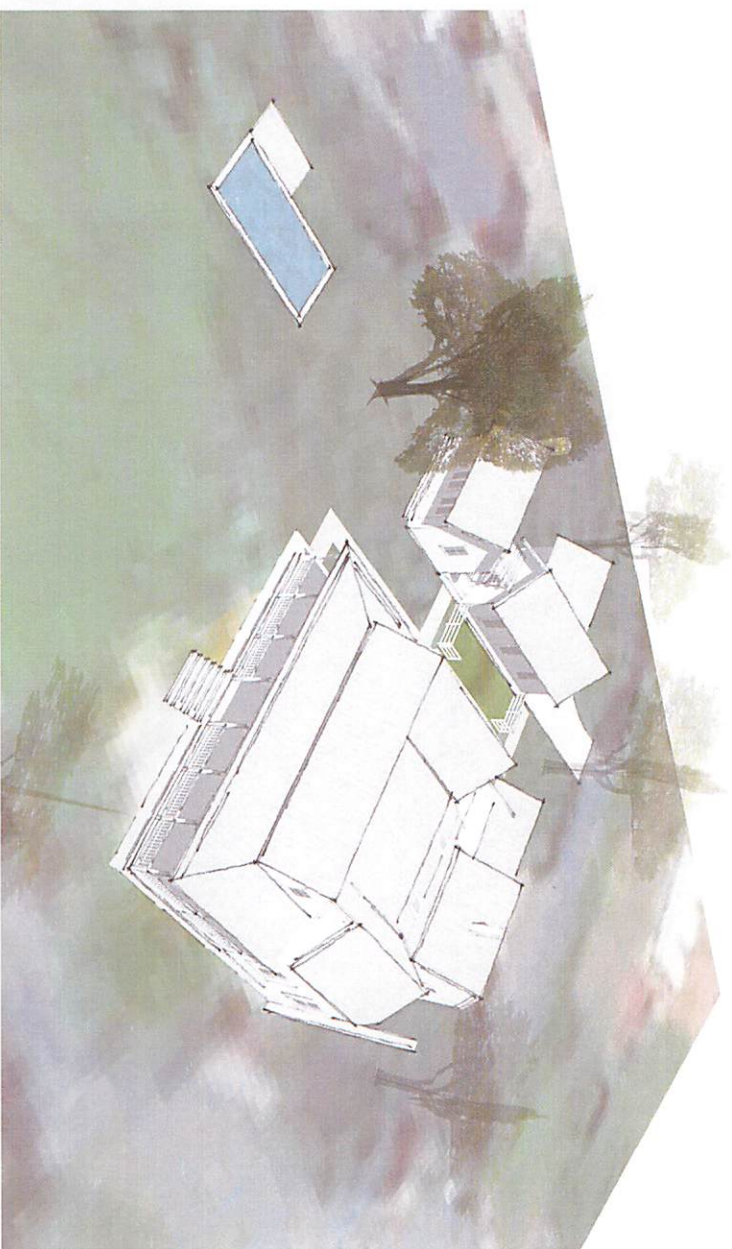
ELEVATION A2

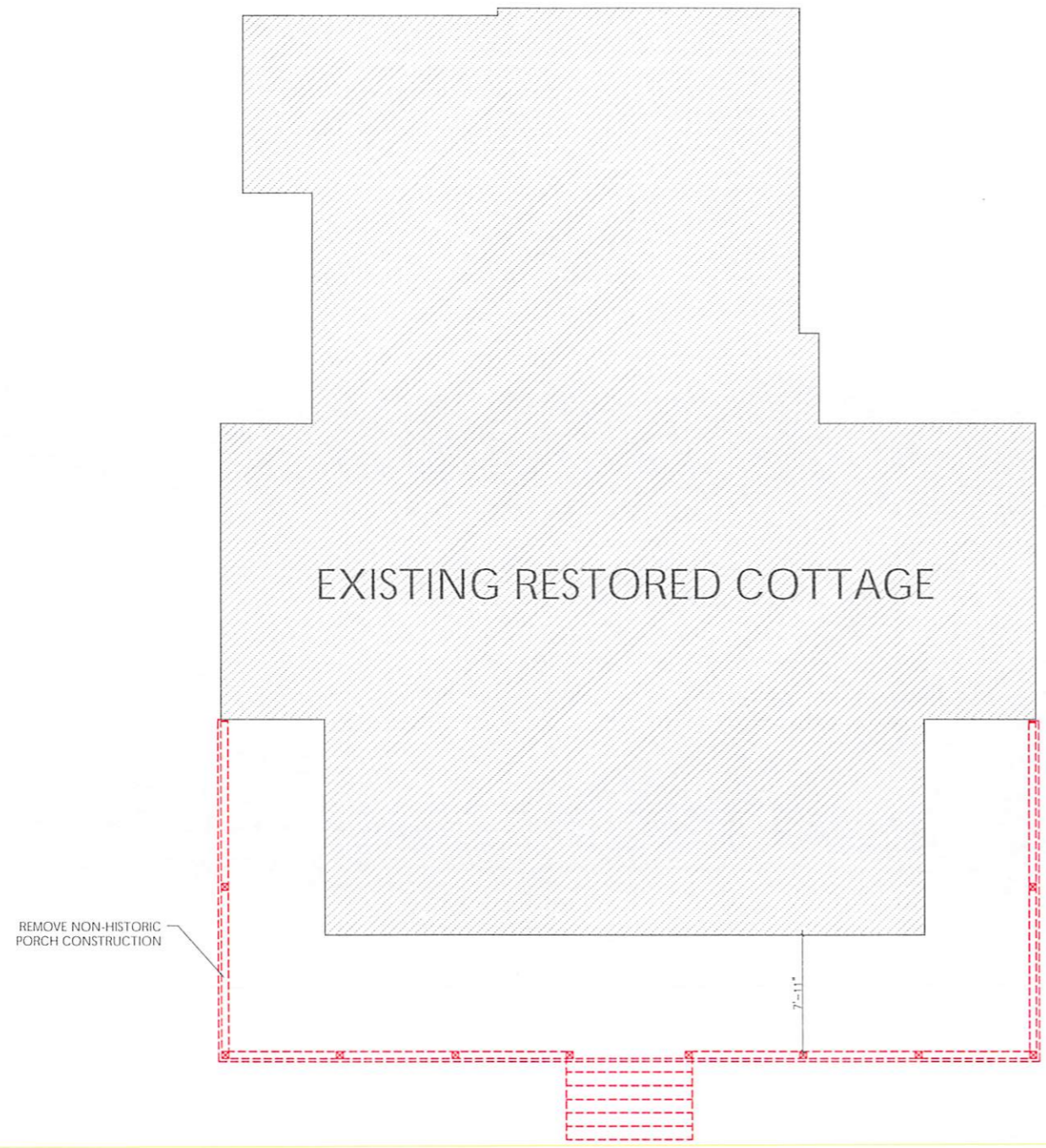
scale 1/8" = 1'-0"



PLESNARSKI RESIDENCE . 1857 ION AVE . SULLIVANS ISLAND . SC 29482

heather a wilson, architect . 173 wentworth street, charleston, south carolina 29401 . 843.814.2031

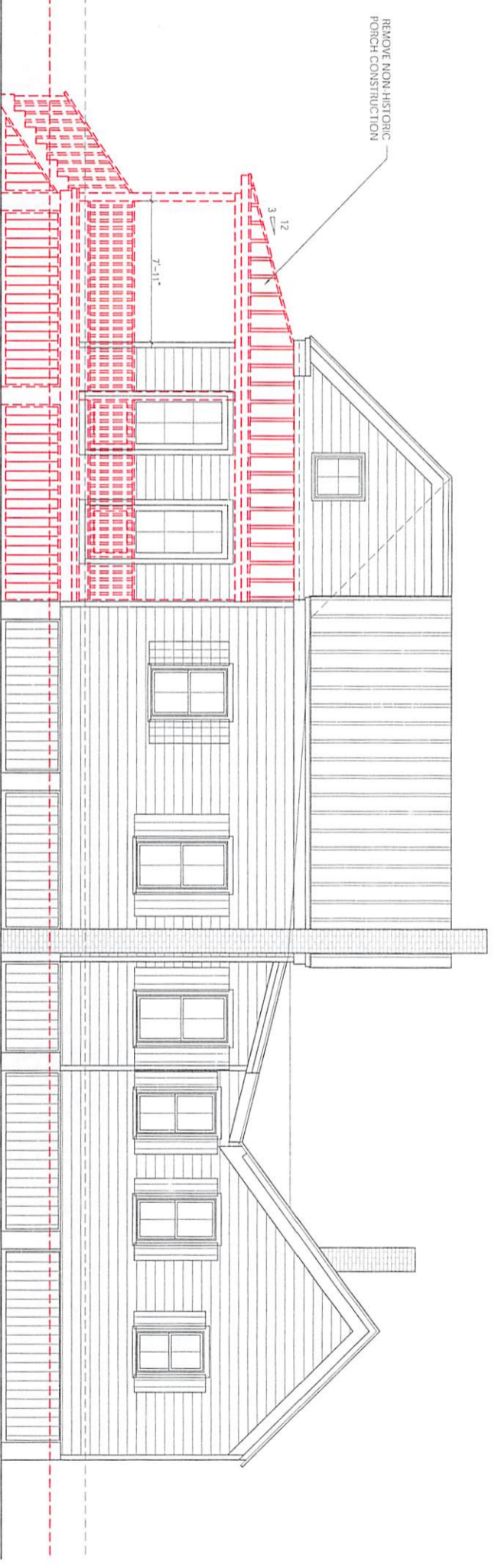
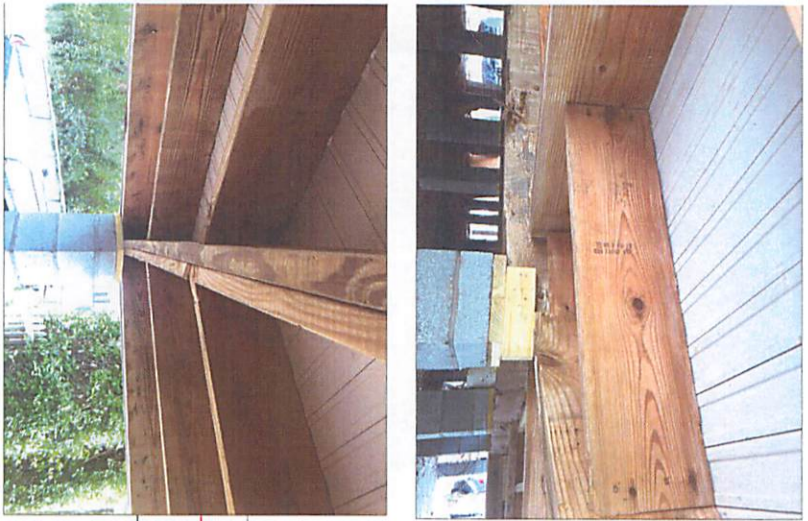




FIRST FLOOR PLAN DEMO
 scale 3/32"=1'-0"
 [Red dashed line symbol] DEMO



FIRST FLOOR PLAN PROPOSED
 scale 3/32"=1'-0"



EAST ELEVATION DEMO

scale 1/8" = 1'-0"
 DEMO



D. EAST ELEVATION PROPOSED

scale 1/8" = 1'-0"