

TOWN OF SULLIVAN'S ISLAND DESIGN REVIEW BOARD

REGULAR MEETING MINUTES Wednesday, May 19, 2021

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 Beverly Bohan, Ron Coish, Billy Craver, Steve Herlong, and Bunky Wichmann.

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

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

Members of the public: Scott Millinet, property owner at 2902 Brownell Avenue, Ms. Susan Middaugh, property owner of 2420 Raven, Lucas Morrison, property owner of 3115 l'On Avenue, Fred and Debbie Nelson, property owners of 1608 Poe Avenue, and Sydney Cook, property owner at 1614 Thompson Avenue.

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. Wichmann made a motion to approve the April 21, 2021 Design Review Board Meeting Minutes. Mr. Lewis seconded this motion. All were in favor. None opposed. Motion passed unanimously.
- II. **Public input:** Ms. Gress read a letter submitted by Mr. J Winchester, property owner of 2720 Brooks Street (Exhibit 1 and 2).
- III. **COMMERCIAL DESIGN REVIEWS:**

Mr. Henderson asked the board to consider the standards for historic preservation and Standards for Neighborhood Compatibility when making their decision about each application.

Longboard Restaurant at 2213B Middle Street: Beau Clowney Architects, applicant, requested design review of front faced modifications for a previously approved Certificate of Appropriateness (COA) of October 10, 2019 (TMS# 529-09-00-118).

Mr. Henderson stated that the applicant requested review of changes to their previously approved front elevations. Mr. Henderson stated in the original approval the two front façade walls were granted approval at a height of 28" from grade and 52" from grade. Currently the walls stand at 36" from grade and 61" from grade. Mr. Henderson identified these higher walls during an inspection and required the contractor and original applicant to come before the Board for alteration of their COA.

Mr. Justin Ferrick, applicant, presented his application to the Board. Mr. Ferrick stated that the reason why the wall is higher from grade is because there are certain areas on the lot that are higher in grade than the interior slab and for this reason the front façade walls needed to exceed what was previously approved in the October 2019 Design Review Board Meeting.

No public comment was made.

Mr. Henderson stated that the property owners are showing a future sidewalk with curb and gutter on the property which has not been authorized by SCDOT or approved by Town Council. Mr. Henderson stated that in order to construct this sidewalk, the Town would be required to be the applicant for the SCDOT encroachment permit. Any decision made should be with an understanding that the grade is 6" lower than shown on the renderings.

Ms. Bohan asked what would it entail to bring the walls back to the approved measurements. Mr. Henderson stated that the walls are constructed of a concrete masonry block and so to bring it back to the original height they would need to removed one row of the CMU blocks. Mr. Ferrick stated that as the concept evolved as the project has moved forward over time, they like the increased height and would like to keep the extra inches to avoid people sitting on the walls.

The Board was in favor of the application presented.

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

IV. ACCESSORY DWELLING UNIT SPECIAL EXCEPTIONS:

1730 Thompson Avenue: Jeremy Tate, applicant, requested final plan approval of design modifications for a previously granted historic accessory structure dwelling unit (ADU) special exception in accordance with Zoning Ordinance Section 21-20 C. (2). Modifications to the zoning standards were requested for principal building side setbacks (previously approved) (TMS# 523-08-00-073).

Mr. Henderson stated that this property is listed as a Sullivan's Island Landmark by historic survey card #264. Mr. Henderson stated that the applicant requested approval to build a new home construction that was previously approved as part of the historic accessory dwelling unit special exception. Mr. Henderson stated that Town Staff recommended granting final approval

of the redesign provided that the application meets the requirements of Zoning Ordinance Section 21-20 C. (2).

Mr. Jeremy Tate, applicant, presented his application to the Board.

Mr. Scott Millinet, property owner at 2902 Brownell Avenue, asked if the masonry building is left untouched in front of the residence. Mr. Henderson responded by stating that the Board approved a historic restoration back in 2017, which has been completed and with the accessory dwelling unit special exception, the applicant is allowed to ask the Board for approval to build a second story building on the lot if it meets the lot requirements such as size and scale. Mr. Henderson stated that yes, the existing structure will remain at the front of the lot and the new construction will be located at the rear of the property.

Mr. Millinet stated that this application looks similar to the application submitted for Brady's Tavern and this application looks like a really good example to renovate a historic structure and build a second building on the lot and hope that the applicant of 852 Middle Street does the same.

Mr. Coish stated that his only concern looked to be that the proposed new construction seemed to be really close to the right property line. Mr. Coish asked if the location of the home could be moved. Mr. Tate stated that they have a combined 33 feet side setback that has to be met. Mr. Tate stated that there was a 23-foot side setback on the left of the lot and 10 feet side setback granted to them previously in 2017. Mr. Tate stated that they really wanted to keep the length in the driveway access but if they move the structure, it will make the driveway access narrower which is what they do not want.

Mr. Henderson responded by stating that the ordinance would allow them to increase the side setback as long as they kept the aggregated 33 feet.

Mr. Henderson stated that the Design Review Board can only grant that a home be closer than 15 feet to a side property line. In 2017, the Board granted the relief to allow the house to meet a 10-foot setback but typically it is only 15 feet.

The Board was in favor of the application presented.

Mr. Craver made a motion to grant final approval of the application presented. Ms. Bohan seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2608 Myrtle Avenue: Bradley Harper, applicant, requested final plan approval of design modifications for a previously granted historic accessory dwelling unit (ADU) special exception in accordance with Zoning Ordinance Section 21-20 C. (2). Modifications to the zoning standards were requested for principal building side façade and side setbacks (TMS# 529-06-00-051).

Mr. Henderson stated that the applicant requested final approval of a previously granted accessory dwelling unit. The applicant asked for the following modifications:

- Principal building side façade: 4.4% or 2'
- Side Setbacks: 13.3% or 2'

Mr. Henderson stated that Town Staff recommended granting approval provided that it meets Zoning Ordinance Section 21-20 C. (2).

Mr. Bradley Harper presented his application to the Board.

The Board was in favor of the application presented.

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

V. HISTORIC DESIGN REVIEW:

Mr. Henderson stated the 1454 Middle Street application was deferred at the request of the applicant.

1454 Middle Street: Heather Wilson, applicant, requested conceptual approval to perform an historic rehabilitation and adaptive reuse of the Fort Moultrie Post Theatre, a Sullivan's Island Landmark structure, with no modifications to the zoning standards (TMS# 523-07-00-043).

413 Station 23 Street: Heather Wilson, applicant, requested conceptual approval to perform an historic rehabilitation of a Traditional Island Resource, with no modifications to the zoning standards TMS# 523-07-00-043).

Mr. Henderson stated that the property is in the Atlanticville Historic District. Mr. Henderson stated that the applicant requested approval to perform an historic rehabilitation of a Traditional Island Resource. Mr. Henderson stated that the Design Review Board reviewed this property in April and June of 2020 when it was under different property owners. Mr. Henderson stated that the applicant requested the following:

- Relocate a gabled portion of the home
- Remove nonoriginal additions
- Add new additions and swimming pool behind historic structure
- Elevate home to comply with FEMA BFE

Mr. Henderson explained in detail the applicant's requests as they were modified from the application that the Board originally received.

Previously requested:

- Principal building square footage: Allowed is 1252' requested 50% which would be 4762'
- Principal building coverage: allowed 1252' requested 50% which would be 3980'

Currently requested:

- Principal building square footage: Allowed is 4136'; requested 4900'
- Principal building coverage: allowed 3354'; not required with exemption

Mr. Henderson stated that Town Staff recommended that the Board approve for conceptual approval only provided that the applicant provide more details for the historic restoration.

Ms. Heather Wilson, applicant, presented her application to the Board. Ms. Wilson stressed to the Board that she only presented this application to the Board for conceptual review just to get their thoughts and concerns on the project and opinion on the relocation of the historic kitchen on the structure. Ms. Wilson stated that currently with the location of the kitchen, it gives the home a very unwelcoming and difficult entry point but with the plan modification to relocate the kitchen it will provide more of an easy access and welcoming entrance to the home.

No public comment was made.

Mr. Henderson stated that the main change from last years application is what is shown on the Station 23 side, which is the gable structure. This structure is being shown to be relocated to the other side of the property. Mr. Henderson stated that Ms. Wilson was just presenting her application to get the Board's thoughts on the relocation of the side gable.

Mr. Herlong asked the applicant if she was just asking the Board to look at the relocation only. Ms. Wilson stated that was correct. If she cannot get approval of the relocation then she will have to redesign the plans.

The Board was in favor of conditionally approving the relocation of the kitchen to the side of the lot if the applicant comes back to the Design Review Board providing all specifications and details of her request.

Mr. Wichmann made a motion to approve this application for conceptual approval suggesting that the applicant come back to the Board with all specific details required for approval. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.

Mr. Henderson stated the 852 Middle Street application was deferred at the request of the applicant.

852 Middle Street: Heather Wilson, applicant, requested conceptual approval of an historic rehabilitation with additions to a Sullivan's Island Landmark structure, with modifications to the zoning standards for side setbacks (TMS# 523-06-00-031).

Mr. Herlong recused himself from this application (Exhibit 3).

321 Station 19 Street: James Selvitelli, applicant, requested final approval of design modifications for a previously granted historic rehabilitation with historic exemption of 16% for principal building coverage (TMS# 529-05-00-072).

Mr. Henderson stated that this property is located in the Sullivan's Island Local District by historic survey card #381. Mr. Henderson stated that the applicant requested approval to design modifications from a previously granted historic rehabilitation. Mr. Henderson stated that in January 2020 the DRB approved the rehabilitation project for additions with exemption of 7% in principal building square footage. The applicant requested to extend the approved addition by 140' square feet or 16%. Mr. Henderson stated that Town Staff recommended granting final approval for the requested increase

Mr. Selvitelli presented his application to the Board.

No public comment was made.

The Board was in favor of the application presented.

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

2824 Brooks Street: Carl McCants, applicant, requested conceptual approval to relocate an existing Traditional Island Resource and construct a new single-family home, with modifications to the zoning standards for side setbacks (TMS# 527-07-00-044).

Mr. Henderson stated that this home is also known as the "Squeeze Inn" which is a Traditional Island Resource by survey card #33. Mr. Henderson stated that the applicant requested approval to relocate the existing structure and construct a new single-family home. Mr. Henderson stated that the small historic cottage is slated to be relocated and attached to the rear elevations of the new constructions. Mr. Henderson stated the applicant requested the following:

- Remove cottage and attach to the rear elevations as an attached addition
- Construct a new home fronting Brooks Street
- Remove kitchen from the historic structure to render an attached addition

Mr. Henderson recommended to the Board that they deny the application due to the proposed relocation the historic home to the rear elevations of the new construction. Mr. Henderson stated that removing the home from the road frontage may substantially damage the historic streetscape and eliminate its potential contribution to a future historic district which is a violation of the Secretary of Interior's Standards. Mr. Henderson suggested that the Board request additional details to achieve historic preservation of walls, floor system roof and front porch massing and to

ensure that the architect identify all areas and materials to be preserved and possibly encourage the historic ADU Special Exception.

Mr. Henderson stated that he found two additional zoning issues with this submittal that he would like to show to the Board. First, the historic structure is being elevated over 1 foot of BFE. The Zoning Ordinance limits an historic structure to be elevated no more than 1 foot over BFE which will drastically change the design of the home. Second, Mr. Henderson stated that on the left side of the property the plans show an 8.5-foot setback but the minimum side setback is 10 feet from the property line.

Mr. Carl McCants presented his application to the Board and responded to Mr. Henderson's comments by stating that he was just presenting to the Board for conceptual to see if they would be allowed to move the historic structure to the rear of the lot and if not, they will need to redesign.

Ms. Susan Middaugh, property owner of 2420 Raven Drive, stated in reviewing the agenda it was very clear for example to understand what was being proposed for 852 Middle Street. However, the agenda is very unclear that the applicant was going to request an attached addition for this property. Ms. Middaugh stated that she is not very good at looking at plans but just assumed that what was published that the applicant was going to relocate the home but keep it completely separate from the new construction which didn't create a lot of concern. Ms. Middaugh asked that the Board give time for the public to review these plans and comment on such an iconic structure. Ms. Middaugh asked where the front of the building would be located.

Mr. McCants responded by stating the existing structure will be facing Brooks like it is now but would be moved to the back of the new home.

Mr. Luke Morrison, property owner of 3115 l'On Avenue and will be a future resident on Brooks Street, stated that he just wanted to endorse Mr. Henderson's comments. Mr. Morrison stated that the definition of preservation is the act of keeping something in its current state or condition and there is no reason why he believes this home needs to be elevated at all. Mr. Morrison stated that there are a lot of other alternatives than raising and moving this home. Mr. Morrison believed that this an iconic structure on Sullivan's Island and requested that the applicant present a new set of plans with the current home being preserved with a new design of the additions.

Mr. Henderson responded to Ms. Middaugh's comment and apologized for not noting the attached addition in the agenda. Mr. Henderson stated that when the agenda was published, he wasn't exactly sure what the applicant was presenting at the time and apologized for the lack of information contained in the architectural drawings.

Mr. Wichmann stated that the existing structure needs to stay if possible, in its current location and if not, the applicant will need to resubmit. Mr. Wichmann stated that for conceptual approval he will need to rework the plans of the home.

Mr. Lewis asked how sound the current structure is. Mr. McCants stated that they have moved a lot of structures so there is ways around moving an historic structure so it stays intact. Mr. Lewis asked what the impact would be if the new construction is detached or attached. Mr. Henderson responded by stating that if it is a detached structure then the Design Review Board and the Board of Zoning Appeals can approve it as an accessory dwelling unit which allows the owner to leave the home where the property sits today and still build a new construction.

Mr. Lewis asked why would someone want to do an attached addition instead of building a second home on the lot. Mr. McCants responded by stating that he recommended that approach to the owners but he believed due to timing the owners would prefer to do this option instead.

Mr. Lewis asked if it would be a longer process to request a new second dwelling unit on the lot. Mr. Henderson responded by stating yes it would because they would have to come to the DRB for conceptual approval then the following month go before the BZA to get approval to build the second home, then finally back to the DRB for final plan approval. Mr. Henderson stated that is a three-step process plus permitting and Town Staff plan review takes time as well.

Mr. Craver asked the what the total square footage would be with the proposed new construction. Mr. Henderson responded by stating the proposed total square footage will be 3882 but the allowable square footage on the lot is 4365. Mr. Craver asked the square footage of the historic structure. Mr. Henderson responded by stating the total square footage of the historic structure is 800 square feet. Mr. Craver stated that if they separated the historic property and the additions, they could potentially build a 3400 square foot house. Mr. Henderson confirmed that is correct. Mr. Craver responded by stating that he believed the applicant was asking the following: 1: can the historic home be moved? 2: If it can be moved, where can they move it to? 3: Can they add the additions on to the historic structure.

Mr. Craver stated he doesn't have a problem with them moving the historic structure and doesn't mind the additions to be attached to the historic home as long as it doesn't take away from the historic nature. Mr. Craver stated that what he does have a problem with is the location of the historic home such as height, scale, mass and placement. Mr. Craver suggested placing the historic come in the front of the property instead of off to the side of the large additions. Mr. Craver thinks that if you attach a large new addition onto a small historic structure, the historic structure gets lost in the addition.

Mr. Pennington stated that he is ok with moving the structure but wants the historic structure to be completely exposed to the street instead of being attached and on the side of the property. Mr. Pennington stated that he agreed with Mr. Cravers comments.

Ms. Bohan stated that based on the front elevation it is really hard to see the building on the right is historic. She thought it looked more of an attached addition than a historic home. Ms. Bohan referenced Section 21-93 (C) which states the following: *Avoiding changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings.* She believed this application violates this standard.

Mr. Coish stated that he agreed with his fellow Board members and the historic structure should be the main thing that is seen and a separate structure shouldn't be connected to the original structure. Mr. Coish is unsure about moving the structure but it really needs to be alone and the first thing seen when approaching the lot.

Mr. Herlong agreed with his Board members. Mr. Herlong suggested coming up with a plan that separates the historic structure and celebrates that structure.

Mr. Wichmann made a motion to defer the application presented and for the applicant to refer to the comments made by the Board for resubmittal. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.

VI. NON-HISTORIC DESIGN REVIEWS:

1608 Poe Avenue: Julie O'Connor, applicant, requested final approval to construct home renovations and one-story addition with modifications to the zoning standards for side setbacks and principal building coverage (TMS# 523-08-00-013).

Mr. Henderson stated that this property is located outside of the historic district and the applicant requested approval to construct home renovations and add a story and a half addition to the existing structure. Mr. Henderson stated that the applicant requested the following:

- Principal building coverage- Allowed: 1903.6'; Requested: 17.9% or 2245'
- Side Setback- Allowed: 34.7'; Requested: 23% or 34' setbacks

Mr. Henderson stated that this application proposed the removal of the existing concrete driveway, which will reduce the impervious coverage by 36 square feet. Mr. Henderson stated that there was written statement from a neighbor regarding adding additional impervious coverage, however, from the plans submitted it states there will be a reduction following removal of the impervious concrete driveway. Mr. Henderson asked if there were any questions related to the neighbor correspondence.

Ms. Julie O'Connor presented her application to the Board. Ms. O'Connor stated that she was proposing the removal of the second story porch and to add an additional story for a family room and a modified porch. Ms. O'Connor stated that she is actually requesting to decrease the impervious coverage not to increase the impervious coverage. Ms. O'Connor stated that the house sits at an angle and that is why she requested the relief. Ms. O'Connor stated that she believes this home fits in with Standards for Neighborhood Compatibility.

Mr. Fred and Mrs. Debbie Nelson, property owners of 1608 Poe Avenue, stated they built this house in 1986 and moved into the home in 1987. Ms. Nelson stated that they are looking to make this their full-time home and they wanted to add a little more to the interior home. Mr. Nelson stated that he really liked the design and are looking forward to making this their primary home.

Ms. Gress stated that Ms. Cynthia Holmes, property owner of 1611 Poe Avenue, submitted a letter to Town Staff in opposition of this application (Exhibit 3 and 4).

Mr. Henderson stated that Ms. Cynthia Holmes sent a letter to Town Staff and the DRB in opposition of the application presented because she was concerned about increases of the impervious coverage and flooding on the neighboring properties. Ms. O'Connor reiterated that they are not increasing the impervious coverage but decreasing the impervious surface of the lot.

Mr. Wichmann stated for the record that he is friends with the owners of this property and the applicant sang at his wedding but believed this will not his effect his decision on this application.

The Board was in favor of the application presented for meeting the Standards for Neighborhood Compatibility noted that the project would reduce the impervious surface of the lot.

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

Mr. Herlong recused himself from this application (Exhibit 5).

1652 Thompson Avenue: Sean Carlin, applicant, requested final approval to construct a new single-family home and elevated swimming pool with modifications to the zoning standards for principal building square footage, principal building coverage, building foundation height, side setbacks and second story side façade setbacks (TMS# 523-08-00-065).

Mr. Sean Carlin presented his application to the Board. Mr. Carlin presented sunrise and sunset views from the proposed new construction showing all angles of where the sun would shadow at different parts of the day during different seasons based on the proposed location and size of the home. Mr. Carlin stated that they met with the neighboring properties and all modifications that they felt they could make to satisfy the neighbors and the owners were adjusted to the best of their ability.

Ms. Gress stated that Town Staff received two letters in favor of the application presented and one opposed. Ms. Rachel Anspach at 1302 Cove Avenue and Mr. Jay Keenan at 1312 Cove Avenue were in favor and Ms. Sydney Cook of 1614 Thompson Avenue was opposed (Exhibits 6-9).

Ms. Sydney Cook, property owner at 1614 Thompson Avenue, stated that she appreciated the adjustments made to the porches but her concern is with the neighborhood compatibility specifically with the two front porches. Ms. Cook stated that if you walk the length of Thompson, you couldn't find any homes with two full length porches and is not compatible for Thompson Avenue.

The Board believed that the applicant did a very good job attempting to address the neighbors' concerns. The Board was in favor of the application presented.

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

2419 Atlantic Avenue: Sabrina Vogel, applicant, requested conceptual approval to construct a new single-family home and elevated swimming pool with modifications to the zoning standards for principal building square footage, and second story side façade setbacks (TMS# 529-10-00-065).

Mr. Henderson explained there was a new site plan submitted showing the 30' RC-1 setback is being met and the "build-to line" provision is being met. A discussion took place regarding the intent of these regulations.

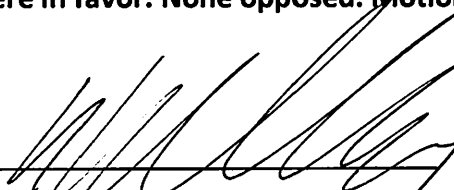
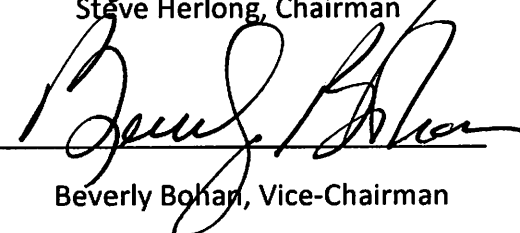
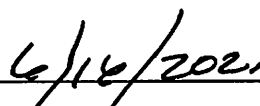
Ms. Vogel presented her application to the Board.

No public comment was made.

The Board was in favor of the application presented.

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

VII. ADJOURN: Mr. Wichmann made a motion to adjourn at 7:35pm. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.

 _____ Steve Herlong, Chairman	_____ Date
 _____ Beverly Bohan, Vice-Chairman	 _____ Date

Town of Sullivan's Island
Design Review Board Meeting
May 19, 2021

General public comment

- J. Winchester, property owner of 2720 Brooks Street

Good Morning Joe, About the Island I've noticed the new signage for DRB activities. They certainly look more professional than the old ones, but I'm not sure the community is well served by not providing a bit more information on the type proposal before the DRB. More specifically, seems to me there's a significant difference between a proposal to modify a historical structure (Island resource) and someone simply asking for a variance from building standards. The former request a "certificate of appropriateness", which I gather is the more commonly used term in your profession for such things, and the latter is simply a request to exceed normal building code standards in the name of "neighborhood compatibility". Its a big difference in my mind and should be indicated on the sign.

Re the agenda for the May 2021 meeting of the DRB: I understand it will be a "virtual" meeting so to avoid the awkwardness of commenting during the meeting, I'd be appreciative if you would pass my comments on to the DRB in some way before the meeting.

First, I have total confidence the DRB will give the historical structures needing COA's well deserved attention and outcomes consistent with the DRB mission and what's best for the Island. That's not an easy thing to do but I think done very well over the years with some well thought out, balanced, decisions.

Second, I have the same level of confidence the DRB will look at the two requests for "variances" (square footage, building coverage, side setbacks, etc.) and make seemingly routine approval. Sad to say we'll have another oversized house being built beyond the scope of normal code restrictions. Why, well likely because they asked for it and had a slick presentation and were a architectural firm particularly good at these sort of things. I hope if the DRB approves these requests, they will actually tell us how the variance approvals facilitated "neighborhood compatibility" and how we're better off as a community with these exceptions to norms.

Thank You . J Winchester 2720 Brooks

RECUSAL STATEMENT

Member Name: Stewe Herlong

Meeting Date: May 19, 2021

Agenda Item: Section F Number: 4

Topic: 321 Station 19 Street

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.


Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Date: _____

Member 

Approved by Parliamentarian: _____

Town of Sullivan's Island Design Review Board Meeting May 19, 2021

1608 Poe Avenue public comment

Opposed (1):

- Cynthia Holmes, owner at 1611 Poe Ave.

In favor (0):

Exhibit 4

received
May 16, 2021 [Signature]

Fax Cover:

C. Holmes, M.D.
P O Box 187
Sullivans Island, SC 29482-0187
843.883.3010

Hard copy
available
on request -

Franky
Co!

Hi Andy,

We hope you had a good weekend!
Thank you for your help. Here is the information on 1608 Doe Ave. We will be dropping off 7 copies and are requesting that you forward a copy to each DRB member before the meeting on 5/19. As you may recall, we are requesting an in-person hearing. Please do not hesitate to contact me @ 843.883.3010 w/ any questions.

Phil Lu!

Re: 1608 Poe Avenue DRB Submittal
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT

Personally came and appeared before me, Notary Public, C. Holmes, who upon being duly sworn did depose and say the following:

1. I am the residential property owner at 1611 Poe Avenue, of legal age, and competent to state the matters herein. By way of introduction, the following is a SUMMARY:

Adversely affected property owners hereby request compliance with the S.C. Statute, S.C. Code § 5-31-450 (Paragraph 7), mandating roadway drainage.

Because there is no roadway drainage in the right of way for the 1600 block of Poe Avenue (see attached photo) and because 1608 Poe Avenue is higher in elevation than the roadway as well as higher in elevation than the adversely affected neighboring property owners in the immediate vicinity, PE (Professional Engineer) certification of containment of stormwater runoff is requested.

The adversely affected neighboring property owners are unable to add fill because it would impermissibly harm the neighbors and fill is not allowed under the ZO (zoning ordinances), governing State law, and/or Federal law in a flood zone.

Attempted repairs with extensive underground piping and grating failed to provide any relief.

The attached copy of a neighbor's letter corroborates ongoing nuisance and damages and refutes any suggestion the flooding clears rapidly.

In sum, for the reasons stated herein, the undersigned requests postponement of final approval, requests an in-person hearing on final approval, and requests PE (Professional Engineer) certification of containment of stormwater runoff.

2. This affidavit is submitted in support of request to re-schedule the May 19, 2021, final approval on 1608 Poe Avenue regarding inadvertent omissions, incomplete submittal, and/or evaluation of facts material to the submittals. Notice requirements have not been met and we are not aware of notice for any prior hearing. We respectfully request meaningful opportunity to be heard. The result of insufficient notice is approval which is legally void/voidable. As an example of the pattern and practice

herein of the Town's failure to provide statutory notice, the attached photos of current posted notice for another application purport to provide Public Notice of the hearing "Date/Time." Instead, the attached photo of the Public Notice shows a handwritten date with no time listed as follows: "June 9, 2021: Zoom." The failure to provide the time is a violation of the statutory requirements for Public Notice. Moreover, it reflects a disconnect with obligations to provide transparency, notice, and/or full and fair opportunity to be heard with an arbitrary and capricious disregard for citizens, the general public, protected classes, and/or interested parties who may not have the ability to participate remotely. To the extent a conflict of interest may be contributing to the pattern and practice of failure to provide legal notice, an independent body could and should ensure compliance with the statutory requirements regarding full and fair Public Notice.

3. As set forth more fully below and documented by Experts and Civil Engineers, I am one of the neighboring property owners in the immediate vicinity of 1608 Poe Avenue adversely affected by aggravation in a flood zone with ponding, interruption in the natural and historic stormwater flow and drainage patterns, and severe flooding which does not clear rapidly and which is not limited to extreme weather events such as hurricanes. As required for other applications, certification by Experts and Civil Engineers with recommendations on the proposed 1608 Poe Avenue plans for preventing aggravation of a dire situation is respectfully requested.

4. Without being disagreeable, there is disagreement.

5. The CDC has now eased mask restrictions supporting our request for in-person hearing with Covid precautions on the 1608 Poe Avenue application in this matter of great public importance and for transparency regarding a number of Citizens who may be unable to participate remotely, who may be denied meaningful opportunity to be heard, and/or who are denied due process, including but not

limited to, the undersigned and other neighboring property owners adversely affected in the immediate vicinity. S.C. Code § 5-31-450; South Carolina Constitution, Art. I, Sec. 13; U.S. Const., 5th Amendment.

6. Because there is no roadway drainage in the right of way for the 1600 block of Poe Avenue (see attached photo) and because 1608 Poe Avenue is higher in elevation than the roadway as well as higher in elevation than the adversely affected neighboring property owners in the immediate vicinity, certification and recommendations by Experts and Civil Engineers regarding maintaining the natural and historic flow and drainage patterns with containment of stormwater runoff is indicated in order to prevent adverse impacts on, including but not limited to, the undersigned and neighboring property owners in the immediate vicinity. Color photos available on request.

7. Statutory rights regarding roadway drainage include but are not limited to, S.C. Code § 5-31-450, which states, "Whenever, within the boundaries of any municipality, it shall be necessary or desirable to carry off the surface water from any street, alley or other public thoroughfare along such thoroughfare rather than over private lands adjacent to or adjoining such thoroughfare, such municipality shall, upon demand from the owner of such private lands, provide sufficient drainage for such water through open or covered drains, except when the formation of the street renders it impracticable, along or under such streets, alleys or other thoroughfare in such manner as to prevent the passage of such water over such private lands or property. But if such drains cannot be had along or under such streets, alleys or other thoroughfare, the municipal authorities may obtain, under proper proceedings for condemnation on payment of damages to the landowner, a right of way through the lands of such landowner for the necessary drains for such drainage. If any municipal corporation in this State shall fail or refuse to carry out the provisions of this section, any person injured thereby may have

and maintain an action against such municipality for the actual damages sustained by such person.”

S.C. Code § 5-31-450.

8. Specifically, adversely affected property owners in the immediate vicinity hereby request sufficient roadway drainage through open or covered drains in the right of way in the 1600 block of Poe Avenue. Every little bit of prevention counts on this beloved yet fragile barrier island we all call home. The Town handsomely paid for and thoroughly researched the zoning ordinances which are publicly endorsed, vetted, and voted. Under these extraordinary circumstances and with five residences in one block, the smaller lots are disproportionately affected. On the smaller than average lot sizes in what is one of the oldest precious and iconic Historic Districts, compliance with the Historic District Zoning Ordinances, with the Historic District Guidelines and Regulations, and with Neighborhood Compatibility is indicated, including but not limited to, Neighborhood Compatibility with containment of stormwater runoff.

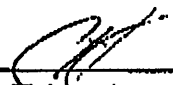
9. The Zoning Ordinances provide that the neighboring property owners are not allowed to add fill to relieve the ponding and severe flooding. In order to add fill, the Zoning Ordinances require that the existing home be demolished. Fill is allowed with new construction; however, fill is strictly limited to no more than one foot in this flood zone. Town of Sullivan's Island Codes and Ordinances, Chapter 21, Article II – Sec. 21-13. Unfortunately, one foot of fill would impermissibly harm neighboring property owners, it would not be enough, it would not alleviate the problems, and it is a violation of governing State and Federal law in a flood zone. Attached please find photos of workmen installing a drainage system with an extensive grid of multiple underground pipes and grating to no avail with no relief. As such, repair, reproduction, or replacement is not cost effective, functional, or viable.

10. The attached photos of the ponding and flooding with kayakers in the lake filling the rear area of adversely impacted properties graphically demonstrate the severity and decreased functional utility of our property, not to mention the adverse effects on the health, safety, and well-being of the community. Moreover, restricted ingress and egress and restricted motor vehicle access to our property with flooding of the enclosed ground floor and the garage have caused further damages, which never before occurred. Our family has lived in the same location without these problems for decades until interruption of the natural and historic drainage pathway to the stormwater drainage system and facilities for properties, including but not limited to, ours in a flood zone.

11. Please find attached the copy of correspondence from a similarly-situated property owner in the 1600 block of Poe Avenue reaching out to other adversely impacted neighbors. Its author demonstrably refutes any suggestion that the flooding recedes rapidly and corroborates other evidence of ongoing nuisance and/or damages. We bring this to your attention for kind consideration to prevent adverse impacts and/or aggravation of ongoing and continuing harm to neighbors.

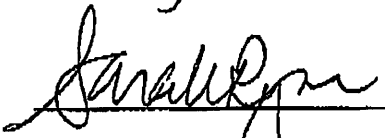
12. The application is incomplete and the submittal is NOT outside the Historic District as is represented on page one of the 1608 Poe Avenue application. As such, statutory notice requirements have not been met which constitutes insufficient notice to members of the community, to the public at large, and/or to interested parties. As stated on page one of the application, "Incomplete submittals will be returned." (Emphasis in the original.) If inadvertent, the material omissions/misrepresentations are careless at best. Significantly and materially, the submittal makes up part of the Historic District linking the Officers' Quarters and Post House with Battery Logan and Fort Moultrie. Professional Civil Engineer (PE) reports are available on request which are pertinent to the matters herein.

FURTHER THE AFFIANT SAITH NOT.

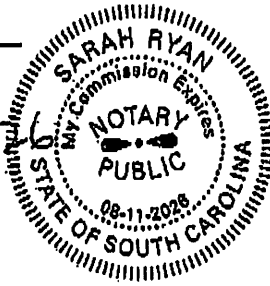


C. Holmes

Subscribed and sworn to before me,
Notary Public, this 10 day
of May, 2021.



NOTARY PUBLIC
My commission expires: 8/11/2026



Public Hearing Notice

REZONING REQUEST

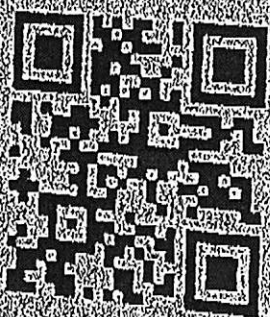
ON HAS BEEN FILED FOR CHANGES TO THIS PROPERTY AND A PUBLIC HEARING ON THIS APPLICATION WILL BE HELD ON:

Date/Time: June 9, 2021: 2pm

Location: Contact Town Hall at 843-883-3198

ISLAND SC.BOV

Island Town Hall, 2056 Middle Street, 29482



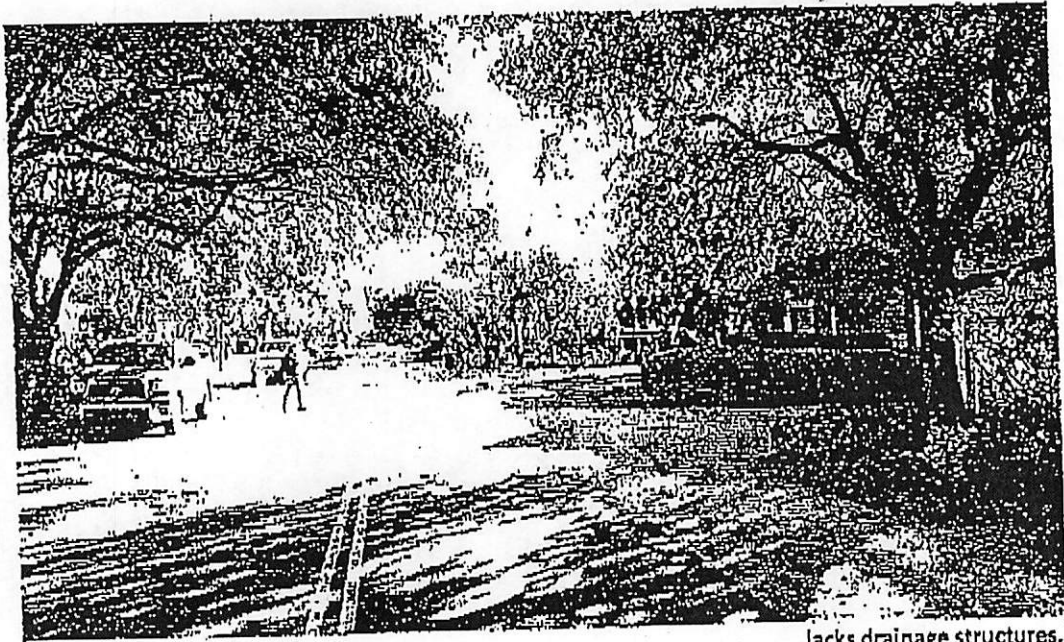


Town of Sullivan's Island

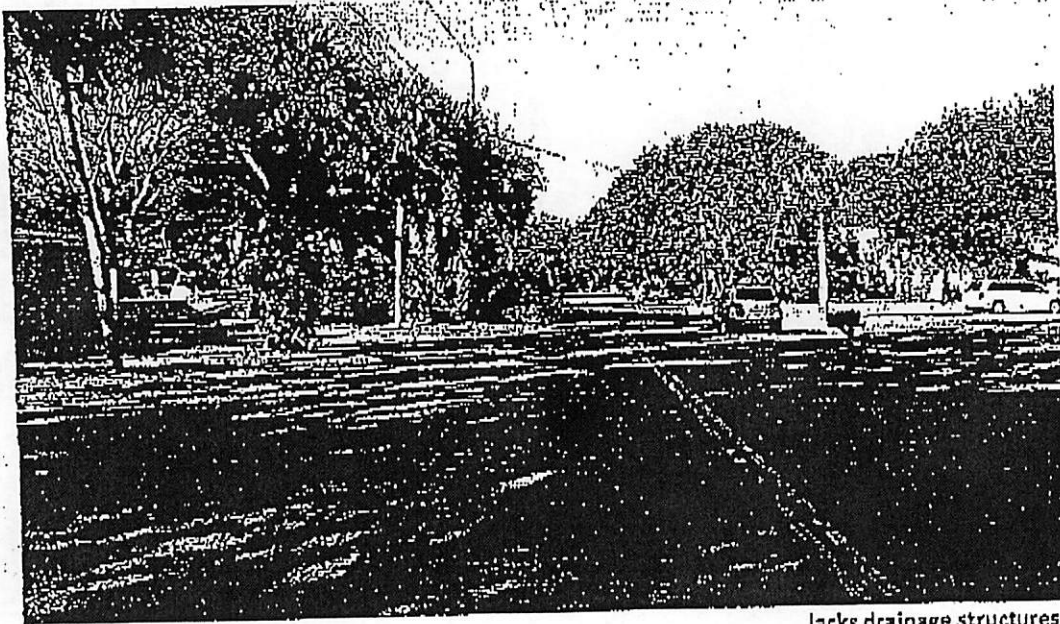
Public Hearing Notice

[Illegible text]

Drainage Evaluation



lacks drainage structures.



lacks drainage structures.

file:///S:/BUILDING/BUILDING FILES/

To: rrobinson@sullivanisland-sc.com
Cc: Doug Smith; Lance

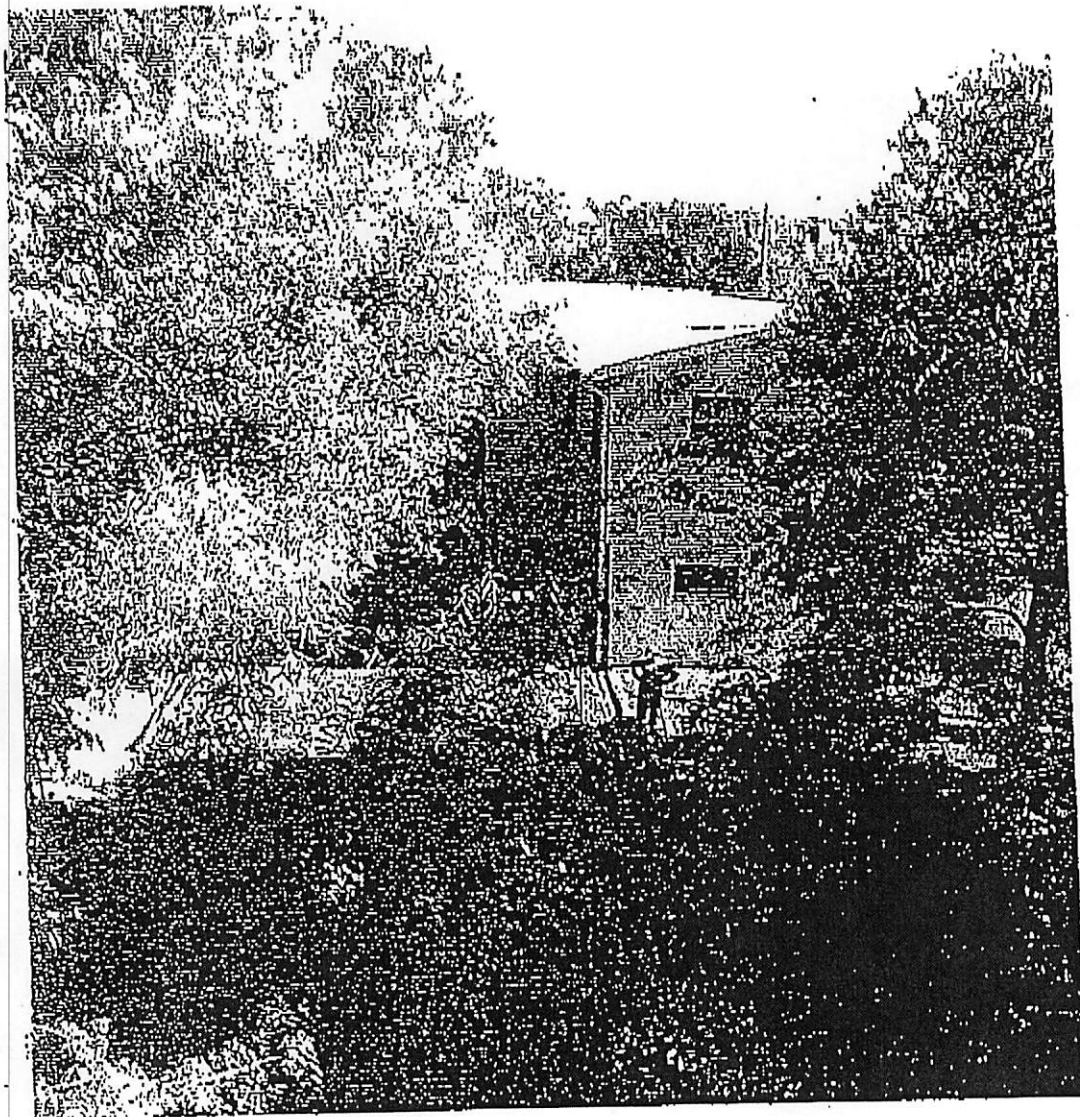
good afternoon randy

i stopped by your office this morning while you were in a meeting
after visiting our site this morning...
and mentioned to kat that I would email you regarding

upon receiving our permit, ilderton has begun work on this site
and in the process of our rough grading...

wanted to reconfirm your opinion on a point re: site drainage...

as you are probably aware...most every lot in that area
has a natural drainage pattern to the rear of each lot presently....then to station 16...
all properties are actually at a lower grade than the Poe Avenue





Dear Neighbors,

I live at Poe Avenue. Over the past few years, I've noticed more flooding and persistent standing water in my own backyard and in the drainage ditches on our block following heavy rains. Among other things this poor drainage situation is adversely affecting the moisture level under my home. Yours may be affected as well.

I recently met with Sullivan's Island's Water and Sewer Department. He informed me that storm water issues are managed by

He told me the first step is to submit a work request to clean/repair the existing drainage system. I did so on July 21, but have no idea when the request may be acted upon. I believe that if more requests are submitted for the same problem, it may take less time to effect a solution.

If you are interested, a SCDOT work request can be submitted online using the following link:

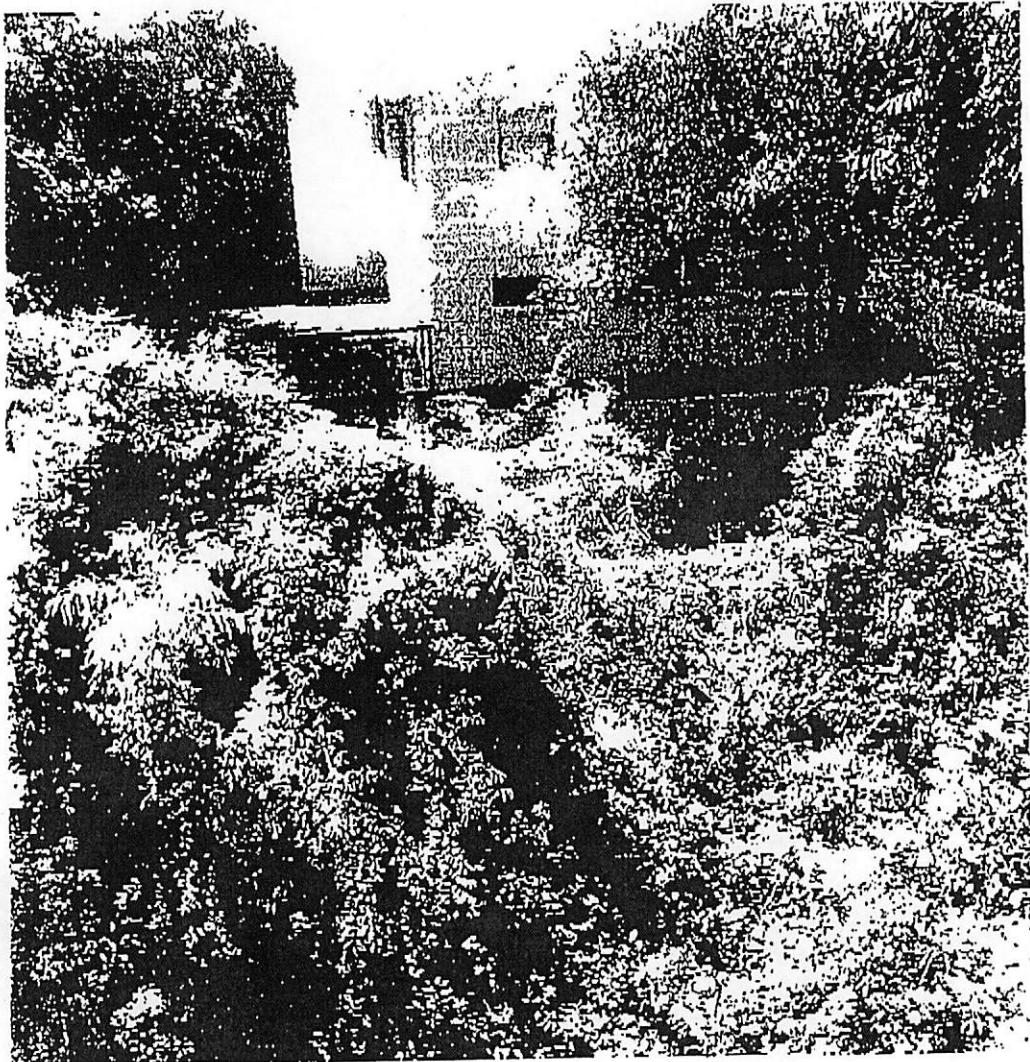
<http://dbw.scdot.org/workrequest/>

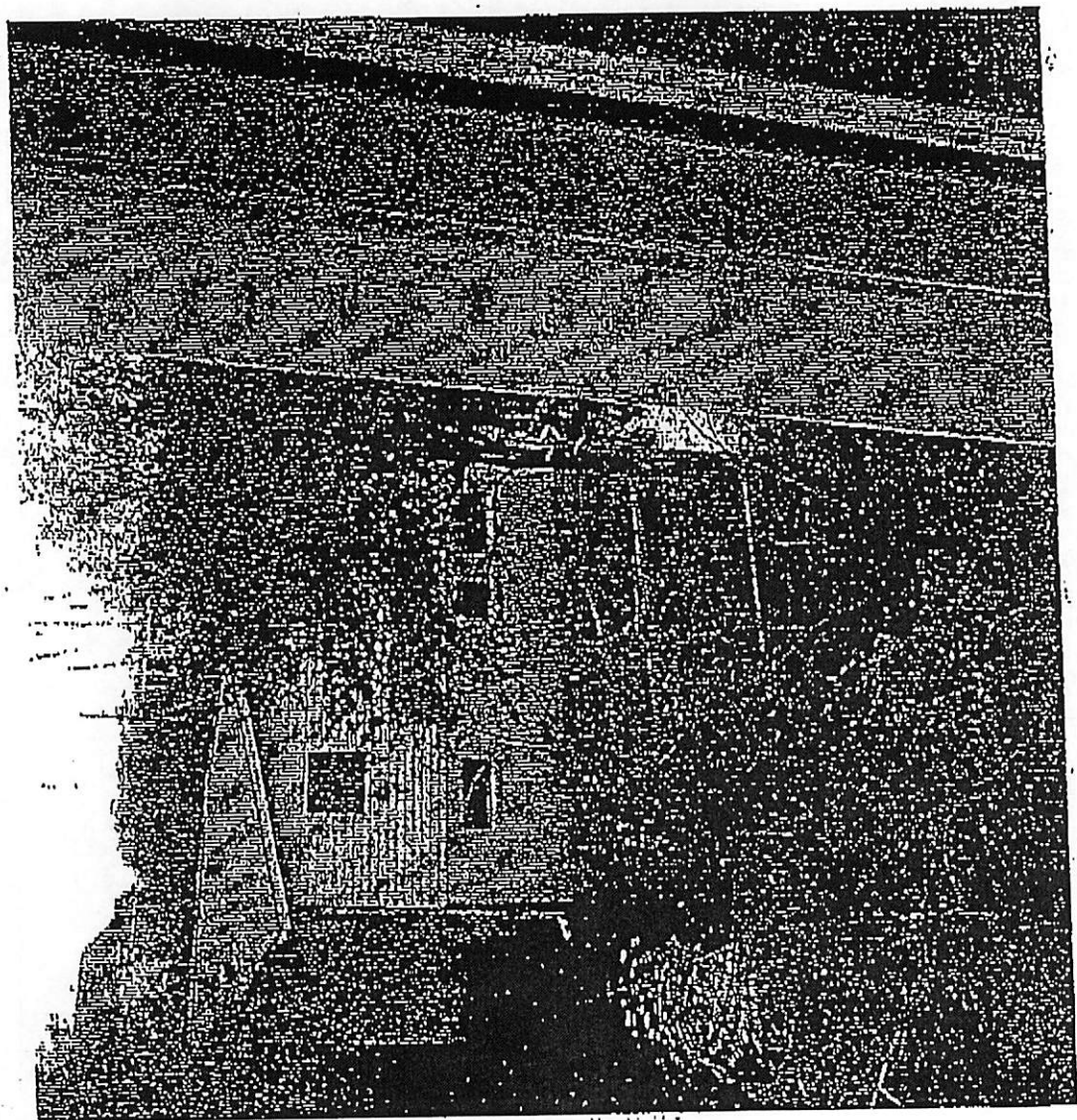
The form is fairly self-explanatory however the following may be helpful:

Maintenance Item	Drainage Pipe- Clean
Work County	Charleston
Road Number	S 906 Atlantic Ave S 908 Poe Ave

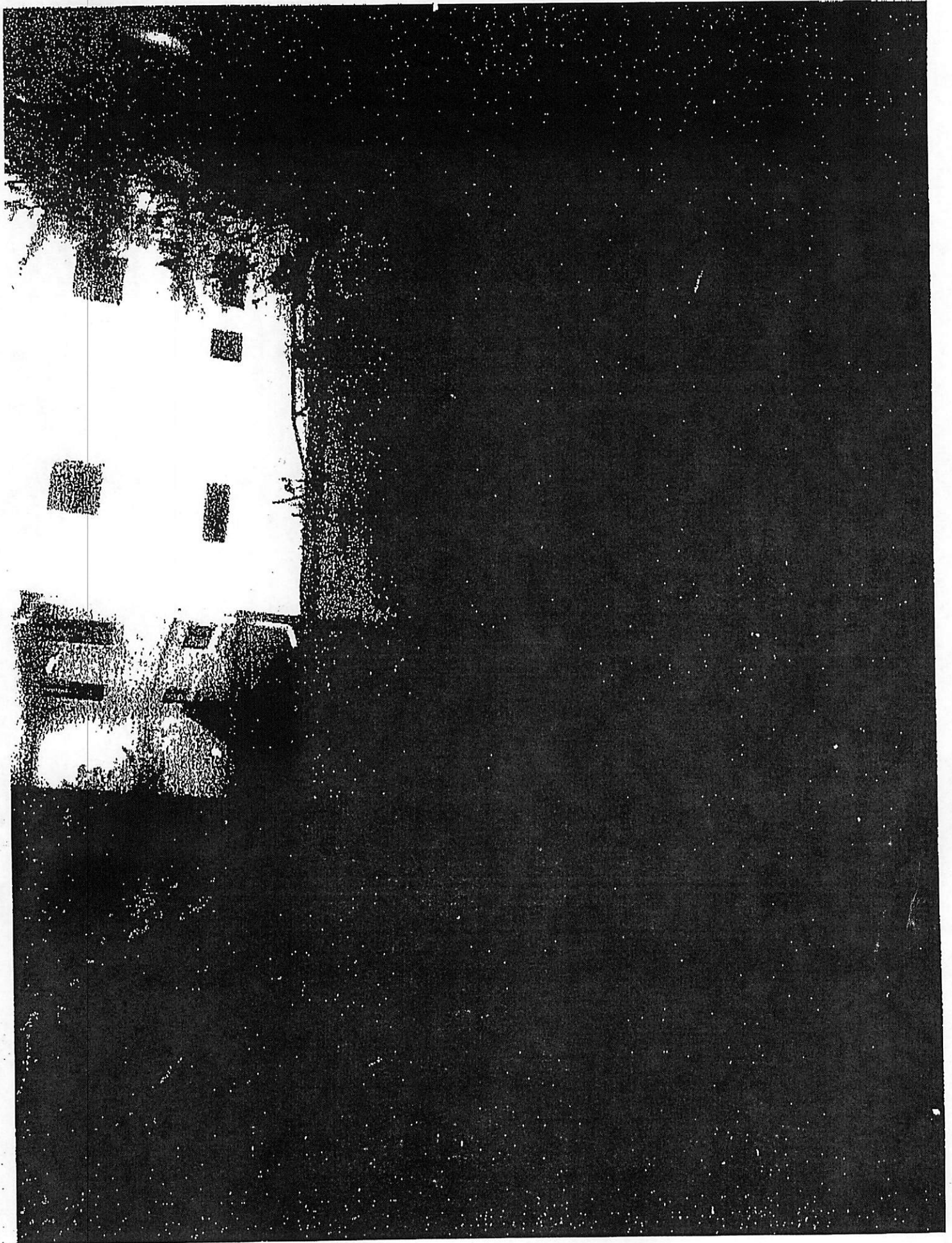
Please feel free to contact me by email if I can provide any more information.

Many thanks,









RECUSAL STATEMENT

Member Name: Steve Herlong

Meeting Date: May 19, 2021

Agenda Item: Section G Number: 2

Topic: 1652 Thompson Avenue

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

 P

Professionally employed by or under contract with principal


Owens or has vested interest in principal or property

Other: _____

Date: _____

_____ Member

Approved by Parliamentarian:



Town of Sullivan's Island
Design Review Board Meeting
May 19, 2021

1652 Thompson Avenue public comment

In Favor (2):

- Rachel Anspach, owner of 1302 Cove Avenue
- Jay Keenan, owner of 1312 Cove Avenue

Opposed (0):

Sydney Cook
1614 Thompson

Hello,

We are at 1302 Cove Avenue and would like to voice our approval of the proposed plans for 1652 Thompson. Thank you!

Sincerely,

Rachel Anspach

Joe

We have lived at 1312 Cove Ave for over 30 years and have seen many new homes built on our island, in fact, we built ours after obtaining several various from the BOZA. I have reviewed the plans by Stephan Herlong that he prepared for the Polk family. This house would fit perfectly on this lot and I urge the board to approve the plans as drawn.

Jay Keenan

· Reply to

jay.keenan@pcpsc.com

Exhibit 8

JAY KEENAN
1312 COVE AVE
SULLIVAN'S ISLAND
SOUTH CAROLINA 29482
843-224-1227

May 18 2021

Joe Henderson

Planning and Zoning Director

Town of Sullivan's Island

jhenderson@sullivansisland.sc.gov

Re: 1652 Thompson Ave

Dear Mr Henderson,

I am writing in support of the revised design of the house designed for 1652 Thompson Ave, Sullivan's Island, SC that is coming before the DRB on May 19, 2021.

In 1979 we bought 2401 Ion Ave and lived there part time until it was destroyed by Hurricane Hugo in 1989. Later that fall we purchased a lot at 1312 Cove Ave, built a home and have lived there since July 1991. Having served on and been Chairman of the Sullivans Island Board of Zoning Appeals for several years between 2000-2009 I have witnessed many changes and many new homes built around us. Our Island is a much different place than in the 1970's and is now a much better place to live.

Of the ten houses that were on Cove Ave when we bought and built our house, only one remains, all of the others have been torn down and new houses built. The striking similarity is that with the exception of 1652 Thompson all of the houses on the marsh side in that block have also been built in the last 30 years with the structure at 1652 being the exception. These new houses have added greatly to the look and feel of our neighborhood and judging from the plans that I have seen for the façade of 1652 Thompson this house will fit in perfectly.

The marsh side elevation of 1652 Thompson has particular importance to me as our house is also on the marsh, in fact, we are able to see the existing structure at 1652 from our residence. There are only three remaining marsh side houses on Cove Creek that predate our house. The quality and elegance of the new homes on the marsh side presents a striking vista to those folks that view Sullivans Island from the Creek. We welcome the addition of a new house at 1652 Thompson to that vista and look forward to enjoying its facade which is completely compatible with its marsh side neighbors.

I urge the Sullivans Island Design Review Board to approve the plans of 1652 Thompson Ave as presented.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Keenan", with a long horizontal flourish extending to the right.

Jay Keenan
1312 Cove Ave
Sullivan's Island
Jay.keenan@pcpsc.com
843-224-1227

Exhibit 9

Sydney Cook
1614 Thompson Ave
Sullivan's Island SC 29482

May 19, 2021

To Joe Henderson and DRB Members,

I live at 1614 Thompson Avenue, adjacent to 1652 Thompson Avenue. I am writing in response to the plans submitted for 1652 Thompson Ave. I respectfully request that the Design Review Board not approve the application for 1652 Thompson Avenue as it is currently drafted and consider reducing the massing of the front porches by eliminating the second story porch or significantly reducing their current size to better reflect neighborhood compatibility.

Pursuant to Article XII, Section 21-111 of the Design Review Board ordinances, I believe that, when the design is considered in reference to adjoining lots, lots facing across the street, and lots in the immediate vicinity, the double porches do not meet the standards of neighborhood compatibility.

Specifically, under item B, in my opinion the front façade increases the massing; reducing the porch design would keep the massing from overwhelming Thompson Ave. Under items D and F, the size and placement of the porches do not relate well to the neighboring properties. A bike ride around the immediate vicinity shows that the neighborhood porches are smaller in scale and not two stories. (No house in the immediate vicinity has double porches across the entire front similar to what is being proposed in this application.) Lastly, under items G and H, the size of the brackets and length of the eaves add considerably to the massing and in my opinion are ornamentations not characteristic of the neighborhood.

I respectfully request that the DRB consider the neighborhood compatibility, residential character and street view when it reviews this application.

Thank you for your consideration,

Sydney Cook
1614 Thompson Ave
843-303-4932