

# **TOWN OF SULLIVAN'S ISLAND DESIGN REVIEW BOARD**

## **REGULAR MEETING MINUTES Wednesday, May 18, 2022**

A regular meeting of the Town of Sullivan's Island Design Review Board was held at 4:00 p.m. at Town Hall. All requirements of the Freedom of Information Act were verified to have been satisfied. Present were Board members Babak Bryan, Beverly Bohan, Billy Craver, Bunky Wichmann, and Kevin Pennington.

Town Council Members present: No Council members were present.

Staff Members present: Joe Henderson, Planning and Zoning Director, Charles Drayton, Planning and Zoning Administrator, Max Wurthmann, Building Official, and Jessi Gress, Business Licensing and Building Permit Technician.

Media present: No members of the media were present.

Members of the public: John Winchester, property owner of 2720 Brooks Street, Sammy Rhodes, residential builder and property owner of 2002 I' On Avenue, and Mark Volkmann, property owner of 1659 Atlantic Avenue.

**CALL TO ORDER:** Ms. Bohan 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 20, 2022, Design Review Board Meeting Minutes. Mr. Bryan seconded this motion. All were in favor. None opposed. Motion passed unanimously.
- II. **PUBLIC COMMENT:** No public comment was made.
- III. **PROCESS FOR DESIGN REVIEW:** Ms. Bohan reviewed the meeting process for the Design Review Board which is as follows:
  - Statement of matters to be heard (Chair announcement)
  - Town staff presentation (5-minute limit)
  - Presentation by applicant (10-minute limit)
  - Town staff final statement (if needed)
  - Board Q & A (may occur at any point during hearing)
  - Public comment closed

- Board deliberation and vote

#### **IV. HISTORIC DESIGN REVIEWS:**

**1754 Central Avenue:** Joel Adrian, of Studio 291 LLC., requested conceptual approval of historic renovation work, removal of nonoriginal additions and new additions to a Sullivan’s Island Landmark property with modifications to the zoning standards for principal building square footage, principal building coverage and side setbacks. (PIN #523-08-00-040)

Mr. Henderson stated that this property is listed as historic by way of the local and national register of historic districts. Mr. Henderson stated that the applicant requested the following scope:

- Removing infill on the left side porch
- Remove non-historic shed roof enclosure
- Reconstruct missing front porch elements when infill is removed
- Add one-story addition to rear (north elevations)
- Porch added to the east elevation
- Swimming pool detached garage
- Eliminate double windows on west elevation (non-original)
- Relocate existing door on rear elevation
- Preserve both chimneys
- Stucco CMU foundation for historic home

Mr. Henderson stated that there is storm drain going through this property and advised that this will need to be addressed with DOT.

**The applicant was not originally present to present his application to the Board.**

**No public comment was made.**

**The Board proceeded to deliberate and made the following comments.**

Mr. Bryan stated that it doesn’t look well for the applicant to ask the Board for a request when they are not present to present their application before the Board. Mr. Bryan stated that he does not see a reason for the request for the setback relief for a pool when there is no major hardship for the purpose of the request.

Mr. Craver stated that he did not have a problem with the design presented. Mr. Craver asked if there is to be a hardship given for the Board to grant side setback relief for a pool. Mr. Henderson stated that no a hardship is not required as long as everything meets neighborhood compatibility. Mr. Craver was in favor of the application presented.

Mr. Wichmann agreed with Mr. Bryan that the applicant should be present for their presentation. Mr. Wichmann asked if the neighbors have been notified. No answer was given at this time because the applicant was not present to answer. Mr. Wichmann stated that he was uncomfortable granting any kind of approval without the applicant addressing any questions requested by the Board.

Mr. Pennington asked if there will be any kind of landscaping around the Portago and stated that he was not to thrilled with the addition on the historic structure. Mr. Pennington suggested that the applicant use different siding to distinguish the difference between the historic structure and the new construction.

Mr. Wichmann asked if there was any indication in the application to show the difference between the historic structure and the proposed new construction. Mr. Henderson stated that the application doesn't have any comments regarding the separation of the historic and new construction.

Mr. Pennington stated that it appears there are no flood vents shown on the historic structure but there are flood vents on the new construction. Mr. Pennington asked if this was standard course of business.

Mr. Wurthmann responded by stating that the historic structure is below flood. If they exceed the 50% rule, then they will have to raise the home above flood to meet FEMA regulations which would trigger the installation of the flood vents on the historic home.

Mr. Craver asked if there was a requirement to have different siding to differentiate the two structures. Mr. Henderson responded by stating it is a requirement of the Secretary of Interior Standards for Historic Preservation.

Ms. Bohan stated that the driveway is not indicated or marked on the plans and the shed roof line is flat which doesn't seem to be contiguous with the rest of the design.

**Mr. Adrian submitted 3D renderings to the Board for review (Exhibit 1).**

Mr. Adrian presented his application to the Board.

Mr. Bryan asked for justification for the request inside setback relief for the pool. Mr. Bryan believed that a hardship of some sort should be provided for setback relief and suggested that the pool be relocated to avoid the additional relief.

Mr. Craver stated that the historic guidelines do not require a hardship when requesting side setback relief for a pool if the plans meet neighborhood compatibility. Mr. Craver stated that the request is not much as it is a 1 story addition compared to a massive 2 story addition the historic structure. Mr. Craver believed that property owners should be allowed to do as they please with their home if it meets all historic standards.

Mr. Wichmann stated that he believed the request from the applicant was within reason and asked if he had reached out to the neighbors regarding the plans. Mr. Adrian stated he has not heard from the neighbors. Mr. Wichmann suggested working with SCDOT to address the driveway issue with the storm drain and differentiate the materials with the historic structure and the proposed addition. Mr. Wichmann suggested using hardy plank to define the separation between the two structures.

Mr. Pennington stated that the applicant should be allowed to put the entry way on the front of the property which would be on Thompson Avenue instead of Station 18.

Ms. Bohan stated that the windows side by side look forced together and the flat roofline should be addressed.

**Mr. Wichmann made a motion to approve this application for conceptual approval asking the applicant to address the comments made by the Board. Mr. Craver seconded this motion. All were in favor. None opposed. Motion passed unanimously.**

#### **V. NON-HISTORIC DESIGN REVIEWS:**

**2864 I 'On Avenue:** Joel Adrian, of Studio 291 LLC., applicant, requested final plan approval to convert an unfinished attic space into living area with modifications to the zoning standards for principal building square footage. (PIN# 529-11-00-102)

Mr. Henderson stated that this is currently a new home under construction. Mr. Henderson stated that the permits were approved and issued at Staff level after the contractor demonstrated compliance with all coverage standards. Mr. Henderson stated that the applicant requested approval from the DRB to finish space originally approved to be attic space. Mr. Henderson stated that this would require a principal building square footage increase in the amount of 199 square feet or 6%.

**Mr. Adrian presented his application to the Board.**

Mr. John Winchester, property owner of 2720 Brooks Street, stated that several months ago he was informed that a new home was going to be built at 2864 I' On Avenue and built to code. Ten months later Mr. Winchester stated that he sees a variance sign go up in the front yard to add 200 square feet to the home. Mr. Winchester stated that in the world of home building two is a pattern. Mr. Winchester stated that this builder has a pattern of doing this request and asked that the Board deny this application for two reasons. First, Mr. Winchester asked the Board to deny this application because the integrity of the review process is questioned. Second, when you go through the ordinance it says to enhance, or to facilitate or to achieve neighborhood compatibility. Mr. Winchester believed that neighborhood compatibility is to be enhanced or achieved and the application before the Board does not. Mr. Winchester stated that everything in the current house will remain the same so why grant an additional 200 square feet when it does not benefit the neighborhood. Mr. Winchester stated that the ordinance does not state to approve a request for

additional square footage if the architect made a mistake, a person changes their mind, or even if the owner hires a new builder. Mr. Winchester believed that the Board needed to do their duty in denying the application because it does not meet neighborhood compatibility.

Mr. Sammy Rhodes, owner of Rhodes Residential Builders and 2002 I' On Avenue, stated that his integrity has never been questioned before. Mr. Rhodes stated that he believed in the beginning of this project, he felt as though they were not trying to hide anything when submitting for permitting. Mr. Rhodes stated that the house was listed as 3200 square feet and with proper approval from the Town, additional square footage could be applied for. Mr. Rhodes stated that time is money when you are building. Mr. Rhodes stated that people pay a lot of money for these lots and don't want to go through three months of reviews. Mr. Rhodes stated that if the Board chooses to deny the application at this time, he understands.

Mr. Rhodes stated that there is an option for negotiation which is why they are presenting this application and they are not hiding anything from anyone. Mr. Rhodes stated that he has been in this business for a very long time, and he does not lie. Mr. Rhodes stated that Mr. Winchester used to be his neighbor and has provided him with accommodations such as not putting a fence up on his side of the property. Mr. Rhodes stated that they are there to ask the Board for an addition of 6% square footage which meets neighborhood compatibility. He built the home across the street which is 4800 square feet. Mr. Rhodes stated that the footprint isn't changing one bit and they are just asking for approval as that is all they can do.

Mr. Winchester stated he does not want anyone to feel insulted and Mr. Rhodes is a great builder. Mr. Winchester stated that his people has taken and addressed every single concern he has ever had. Mr. Winchester stated that he is not trying to make any complaint on Mr. Rhodes professionalism. Mr. Winchester clarified that he is just trying to point out the pattern and asked that the Board recognize it.

Ms. Bohan asked Mr. Henderson to provide a little more background on these cases.

Mr. Henderson stated that when a contractor submits a set of plans, Town Staff reviews and ensures that all building and zoning codes are met for the request to build a new single-family home. Mr. Henderson stated that in this case, when Staff identifies an applicant has attic space with egress windows, it is no longer considered an attic space but considered principal building square footage. If the plans list an attic with windows, Staff turns it down because attic space cannot have egress windows. Mr. Henderson stated that the attic space can have some type of decorative windows, but they can't be egress because this indicates to Staff that it will be some type of live-in space. Mr. Henderson stated that what has happened in this case and in others is that Staff points out the windows and the permit applicant removes them for the plans to be approved. Mr. Henderson stated that once the plans are approved and the building begins, they can come back to request additional principal building square footage if needed. Mr. Henderson stated that the Board should review the application presented and compare it with neighborhood compatibility and go through the review process to grant approval or denial.

Mr. Bryan asked if during any of the Town's site inspections, has the space already been constructed. Mr. Wurthmann responded by stating he has not been in the home for inspections. Mr. Bryan stated that if someone has no windows in an attic it will probably not turn into living space however those attic spaces with egress windows has the potential to be living space. Mr. Bryan stated the Board could easily reject this application and the applicant can go before Town staff with a set of plans proposing decorative windows and get approval which turns into someone buying the property and viewing the attic as a bedroom which brings in a safety concern. Mr. Bryan stated he isn't accusing any specific person however this is a major issue and needs to be thought about considerably. Mr. Bryan stated he appreciated Mr. Winchesters comments regarding neighborhood compatibility and the required standards. Mr. Bryan stated that the Board should be implementing these standards more.

Mr. Craver asked if the applicant had the requested 199 square feet in the original plan with windows, they would have to come before the Board. Mr. Henderson confirmed that yes, they would have to come before the Board to get approval. Mr. Craver stated that there is no massing issue here and meets all neighborhood compatibility in this regard. Mr. Craver stated that he has known Mr. Rhodes for 30 years and he is not a dishonest guy. Mr. Craver stated that even a notion of Mr. Rhodes doing something underhanded is bothersome. Mr. Craver stated that Mr. Rhodes's client asked him to turn this attic space into additional square footage and that is what he is here to do. Mr. Craver was in favor of the application presented.

Mr. Wichmann stated that if the applicant came before the Board originally, the members may or may not have approved originally but would have had the opportunity to view the application and control the size, scale and the massing of the home. Mr. Wichmann stated but now the applicant is coming to the Board later asking for the additional square footage. Mr. Wichmann commented that the original design is created to potentially allow for the square footage so why can't the applicant just assume that it will be additional square footage and ask for the request in the beginning instead of months after the fact. Mr. Wichmann stated weather it is with this builder, or another this issue keeps happening and it needs to be addressed.

Mr. Adrian stated that time is money and they had to start construction on the home as soon as possible. Mr. Adrian stated that it was designed originally as walk-up attic space and the massing and scale of the house clearly meets the standards and neighborhood compatibility. Mr. Adrian stated that they weren't trying to just sneak in additional square footage as the space is already there it is just a matter of turning an attic into living space.

Mr. Rhodes stated that there is no plumbing being added into the walls. Mr. Rhodes stated that they aren't hiding the square footage in anyway and ultimately the Board is in charge.

Mr. Pennington stated that in these cases the Board tends to point fingers at the builders and the architects, but the fingers should be pointed at the Board because the ordinance encourages rooflines that can be non-livable space turned into livable space. Mr. Pennington stated that the ordinance tells the requirements for design elements to give the architects and the builders the ability to create these spaces. Mr. Pennington stated that if this property came 10 years from now,

and the owner wanted to add 200 square feet he would be in favor. Mr. Pennington was in favor of the application. Mr. Pennington stated that regarding neighborhood compatibility, the size and massing fits in with the neighborhood which is ultimately the concern when it comes to neighborhood compatibility not the 4 windows and livable square footage converted in an attic space that is already existing in the massing.

Mr. Henderson stated that in situations like this, Town staff must catch the red flags during plan review. Mr. Henderson stated something would need to be codified to give Town staff the authority to catch circumstances like this in plan review.

Mr. Craver stated that Town staff already has the authority it just needs to come before the Board during plan review to avoid any further scenarios.

Mr. Henderson responded by stating the only authority staff has is if an attic space is presented with windows, they can reject this but in other cases such as a dormer or a very large 2 story knee wall, staff cant deny the plans unless something is codified.

Mr. Bryan responded by stating something needs to be put into the code to avoid this from happening again as it just puts the Board in a bad place.

**Mr. Craver made a motion to approve the application presented for final approval. Mr. Pennington seconded this motion. Ms. Bohan, Mr. Wichmann, and Mr. Bryan opposed. Motion failed by a vote of 3 to 2.**

**1659 Atlantic Avenue:** LaRue Architects, applicants, requested preliminary plan approval to construct a new single-family home with modifications to the zoning standards for principal building square footage, second story side façade setbacks and side setbacks. (PIN# 523-12-00-008)

Mr. Henderson stated that the applicant requested approval to construct a new single-family home with modifications to the zoning standards. Mr. Henderson stated that the applicant came before the Board in March and the following comments were made:

- **Build-to line:** Per Section 21-23 D (1) (b), An overview of the block should show that the house meets a build-to line for any portion of the home over 4.5' high. This line is identified by the distance from the centerline of the street to the house on the block located furthest toward the ocean (or any structure, deck, etc. exceeding 4.5' high).
- **Pool:** Reduce the massing and visibility of the pool decking
- **Coverage table:** No table has been provided showing the proposed Principal Building SF, Principal Building Coverage, impervious coverage, required natural vegetation, setbacks, etc.
- **Rooftop deck:** Please see design guideline 21-39 regarding roof decks not being a compatible design feature. The DRB will likely question this element in your design.

- **Foundation enclosure:** Section 21-32 Foundation Enclosure requires a foundation elevated over 3' to be enclosed with lattice or slats. The DRB grant modification provided it achieves greater neighborhood compatibility.

Mr. Henderson stated that the applicant addressed the build-to line, pool, coverage table, and foundation enclosure. Mr. Henderson stated that the applicant still proposed the rooftop deck. Mr. Henderson stated that rooftop decks are a design feature and the design guidelines do not prohibit them, but they should be integral and worked into the façade of the roof structure.

**Mr. Patrick Mobley presented his application to the Board.**

**Mr. Mobley submitted 3D renderings to the Board for review (Exhibit 2).**

**No public comment was made.**

Mr. Craver stated he is good with the design however the roof looks like an airplane wing and is concerned that in the event of a major hurricane the wind gusts will rip it right off the home. Mr. Craver stated flat roofs do not survive hurricanes and wanted to insure that during the construction the roof will meet all building code requirements to withstand high winds.

Mr. Mark Volkmann, property owner of 1659 Atlantic, informed the Board that the roof will be made up of concrete and steel and insured the Board that it will meet all required building codes to withstand high winds.

The Board was in favor of the application presented.

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

**2730 Atlantic Avenue:** Emily Wyatt, of Herlong and Associates, requested final plan approval to elevate existing home with modifications to the zoning standards for the building's foundation height. (PIN# 529-11-00-025)

Mr. Henderson stated that that the applicant requested the current existing home first floor elevation is at 7'4" and the applicant requested to increase the elevation by 2'10". Mr. Henderson stated that the applicant also requested to add an elevator addition with a window on the east elevation. Mr. Henderson stated that there would be no coverage increases however a swimming pool and a detached accessory structure was proposed in the rear yard.

Ms. Emily Wyatt presented her application to the Board.

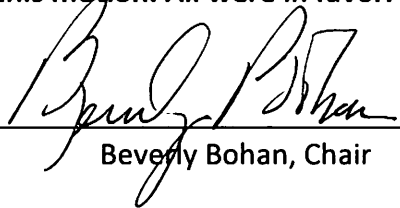
**No public comment was made.**

The Board was in favor of the application presented.



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

VI. ADJOURN: Mr. Wichmann made a motion to adjourn at 5:35 p.m. Mr. Pennington seconded this motion. All were in favor. None opposed. Motion passed unanimously.

  
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Beverly Bohan, Chair

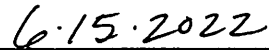
  
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Date

Exhibit 1







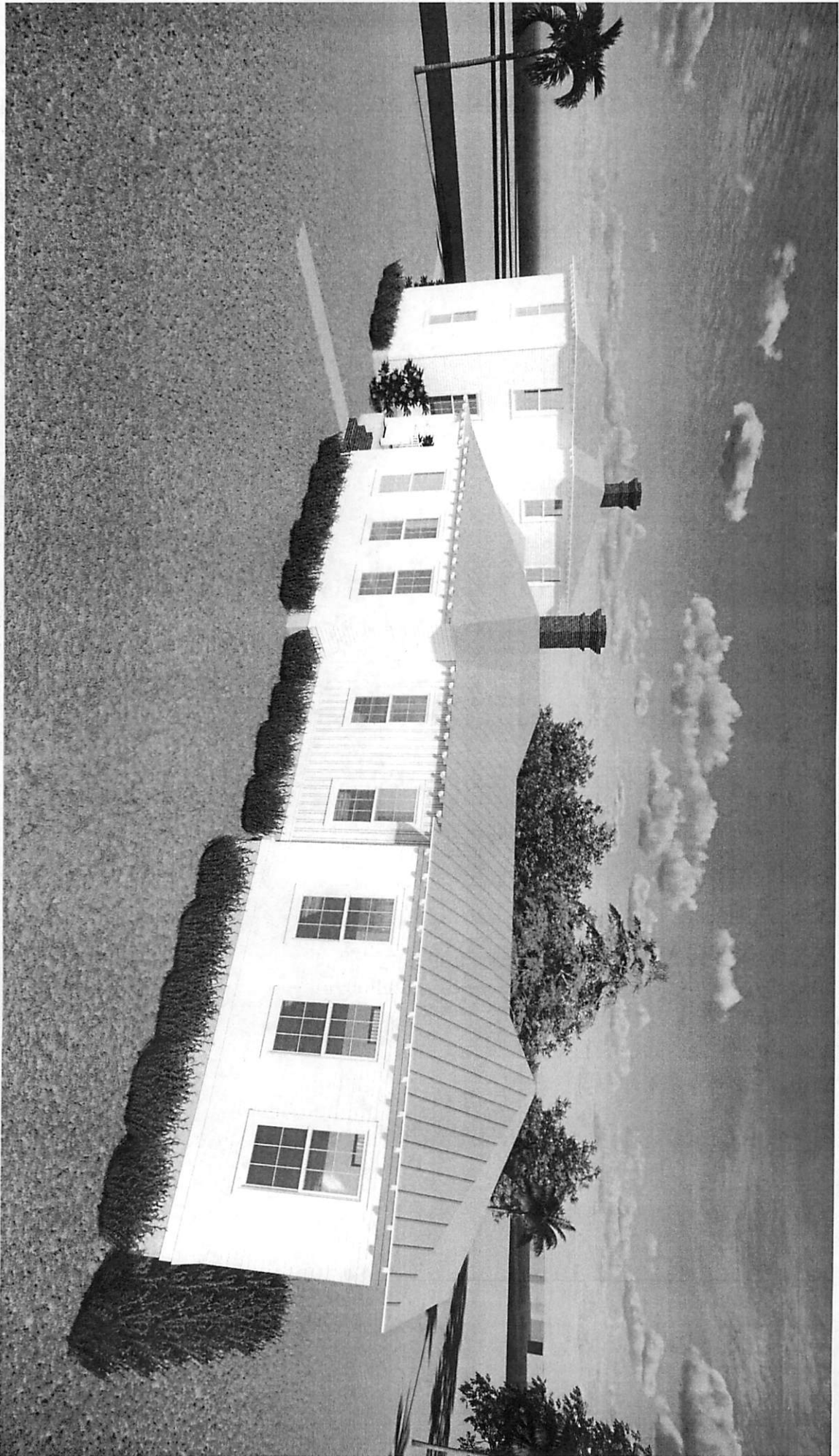


Exhibit 2



I REAR YARD PERSPECTIVE

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**SULLIVAN'S ISLAND DESIGN REVIEW**  
2029 WAMBAY CREEK LLC RESIDENCE  
1659 ATLANTIC AVE  
SULLIVAN'S ISLAND, SC  
5/18/2022



I SIDE YARD PERSPECTIVE



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⑦ 165A ATLANTIC AVE BEACH ACCESS





① 1500 BLOCK POE AVE



② 1500 BLOCK POE AVE



④ 900 BLOCK



⑤ 1700 BLOCK 10th AVE



⑥ 1655 ATLANTIC AVE



③ 1500 BLOCK POE AVE