



Town of Sullivan's Island, South Carolina
Historic Preservation and Design Study Group
A Subcommittee of the Land Use and Natural Resources Committee of Council

Thursday, June 9, 2022

Subcommittee met at 4:00pm, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act having been met. Present were:

Subcommittee voting members: John Winchester (Chair), Aussie Geer (Vice Chair), Eddie Fava, Beverly Bohan, Rita Langley, Michael Daly, and Manda Poletti.

Staff: Charles Drayton, Planning and Zoning Administrator, Joe Henderson, Deputy Administrator, Max Wurthmann, Building Official, and Pamela Otto, Study Group staff member.

A. Call to Order. Chair Winchester called the meeting to order at 4:00pm, stating the press and public were duly notified pursuant to state law.

Media: None present

Public: Sixteen (16) members present, including Land Use and Natural Resources (LUNR) Committee members Gary Visser and Scott Millimet; Design and Review Board (DRB) members Ron Coish, Babak Bryan, Bunky Wichman, and Kevin Pennington; and Planning Commission member Mark Howard.

B. Approval of Minutes from May 26, 2022 meeting.

Motion: A motion was made to approve the May 26, 2022, meeting minutes as written by Ms. Bohan, seconded by Ms. Geer; this motion passed unanimously with a 7-0 vote.

C. Items for Discussion.

Chair Winchester stated it was the eighth (8th) meeting of the Study Group. He then asked if there were any questions before the meeting got underway, there were none.

1. Staff-level plan approvals for new construction and large additions: Consideration of a standing DRB agenda item for review of all staff approvals.

Chair Winchester stated that new construction projects are not required to go to the DRB unless they are asking for variations from the code. It was discussed at the previous meeting to require all projects to go to the DRB. Chair Winchester felt it could serve us well but that there are some problems as was discussed at the last meeting. He then asked Ms. Bohan to speak on the matter.

Ms. Bohan feels that staff is doing well taking in applications and passing them on to the DRB. She feels a problem that stands out to her are projects which go through the process, are approved, and completed; then those homeowners come back later asking for more or new variances. She feels the Town should continue with all projects going through staff first, before being put on the DRB agenda. Ms. Bohan also stated that the DRB was managing their agenda now, but she can see that it might be bogged down if every project starts to come to them.

Mr. Henderson said that staff only process a handful of plans, most come to the DRB for some kind of relief. Chair Winchester asked if an ordinance change was necessary for the DRB to say that once a project was a certain percentage underway, they will not hear variance requests. He clarified that means if a builder proceeds with a construction at staff level approval, then at ninety percent (90%) completion they come to the DRB for changes or variances. He said that takes away from the original intent, to allow the community some input. Ms. Poletti asked how often that happens. Henderson state that it happened maybe two (2) to three (3) times a year. Henderson also stated that it would not over burden the DRB agenda if all new construction and additions over one thousand (1000) square feet (sf) came to the DRB.

Mr. Wichman asked if it would be all projects going to the DRB, or just ones asking for relief, or for aesthetic purposes as well. Mr. Fava stated that the first word in DRB is design and it is possible to build a house that meets all of the requirements and still be unattractive. Mr. Wichman asked if the purpose would be to deter homes that don't match the character of the island. Mr. Fava said it is not appropriate to give a cutoff time for changes in projects, as situations and needs change, and the DRB would be the oversight needed for these changes. Ms. Heller asked if it would deter the construction of speculation (Spec) homes. Ms. Bohan said that was a good point.

Chair Winchester asked if there was a strong proponent of all projects coming to the DRB, as he feels there are some problems with it and there is no ready solution. Mr. Pennington feels an issue would be that this would fall under the whim of the DRB's personal tastes. Chair Winchester said that the Town owes the DRB and the architects a clear set of standards.

Chair Winchester said this sounds like an issue that will fall under the miscellaneous thoughts section of the Study Group report and sounds like a problem of which the group has no immediate solution. Mr. Daly said it can't hurt to send all plans to the DRB as Henderson had stated that it would not be overwhelming the Board. Chair Winchester asked if he meant like a courtesy review. Mr. Daly said yes, or even to give suggestions. Mr. Daly mentioned that Heather Wilson, who is an architect, suggested at the last meeting that all plans should go to the DRB.

Henderson pointed out that the DRB has authority to direct how applications are submitted and what staff does in the review process. He said that by vote of the DRB members, they can set a policy that says before staff issues a building permit, they would like a courtesy review. This would not be sending all plans to the DRB, this would be staff sending completed plans to the DRB as a separate standing agenda item. Then the Board would still be reviewing the plans for neighborhood compliance and then direct staff to take some action with that applicant. For example, if they see what appears to be an attic that could become principal building square footage, they could flag it and say they do not want to see that come to them later for that purpose. Ms. Geer clarified that was something the DRB could do on their own and wouldn't need to be codified in any way. Henderson said that was correct.

Ms. Poletti asked if a new construction went to staff, would they have the authority to deny it if it did not meet the provisions of neighborhood compatibility. Henderson said that they could not. Ms. Poletti said that could almost be a loophole for someone who followed the ordinances but wanted to build something outside of compatibility. Drayton said it could be a problem if a builder has initial staff approval, then closer to completion goes to the DRB for changes. It would disrupt the process.

Mr. Bryan is concerned about assigning more work to the DRB. He feels they have insufficient guidelines, which need to be improved so the DRB can do their job. Otherwise, all this will do is make the DRB's job harder.

Ms. Bohan said all applications have to go to staff to begin with, the point is to avoid duplication of homes. She also said this would be mitigated by the design guidelines being proposed. She clarified by saying that the design guidelines would encompass historic projects but also new construction, and they would spell out the preferences on the website. Chair Winchester said it would be a good thing all around to have design guidelines and there are many other municipalities that have done this.

Ms. Geer asked if it was possible to batch together the projects checked by staff that they found no issue with and send them on to the DRB, who would then look them over and have no need to discuss them unless they saw an issue. Henderson said that would be very easy to work into the process, it could be put on the agenda and only discussed if necessary. Mr. Pennington asked if a project meets the ordinances, then why would they have to come to the

DRB. Chair Winchester said all that is being discussed is keeping an eye on the design of construction projects, for compatibility. Mr. Coish stated that the DRB gets emails from Henderson frequently, this is just the same thing to gather suggestions for staff approved projects. Henderson said it would be like a consent agenda, with no action taken. It would then be on the record that the Board had reviewed these plans at the time of staff approval and that they would expect the builder to not come back to the Board later with requests for increases after the project is mostly completed. Mr. Pennington said one area for improvement would be requiring the neighbors of the construction be canvassed. Chair Winchester did not think that was advisable to canvas neighbors about another neighbor's project.

Mr. Millimet feels it would work, that staff could review, then the DRB, then the builder could be told it meets the guidelines but please consider these points, with a list of suggestions. Mr. Visser said there is only a need for a few good ideas, that it will be up to Town Council and the Planning Commission ultimately to determine the logistics of the process. Chair Winchester agreed, saying it could be put in the final report to be sent to the Planning Commission for further study. Mr. Fava reiterated his belief that the Town could use someone on staff who had a design background. He also said that neighborhood compatibility does not mean that every house will look like a Sullivan's Island cottage, that guidelines are not rules, people don't have to follow them.

2. Conditional uses in the Residential District.

Chair Winchester stated that for this agenda item he asked for staff recommendations. Henderson said the meetings previous to the current one, have all been about principal use. Conditional uses are accessory structures, garages, cabanas, and swimming pools. He stated that a conditional use is a permitted land use that has specified conditions, restrictions or limitations. He said these restrictions come in the form of area limitations, height limitations, location (a setback), the number of structures and who approves them (DRB or staff).

His first example is a standard 2-car garage: staff level approval applies as long as they are not seeking any relief. The maximum threshold for it is seven hundred fifty (750) sf, or no more than twenty-five percent (25%) of the principal building. There is also a cap of six hundred twenty-five (625) sf for the footprint and the structure can't exceed eighteen (18) feet in height. Currently under the ordinance, it allows the DRB to grant a twenty percent (20%) increase to total area, footprint and height.

The second example is attached additions, defined as a structure connected to a single family home through a non-heated corridor. The conditions are that it is deed restricted, to prevent future rental, no kitchens are allowed, the unheated connection can't be longer than twenty (20) feet, and it requires DRB approval. Henderson stated that within the language of the ordinance, there are no limitations on size and height, and there is nothing to give the DRB the authority to say that the attached addition is out of scale. He said there has not been one reviewed by the DRB, but that this is where the ordinance language is lacking. He showed as

example of a nicely scaled attached addition, and also an example of 2 additions that are attached to the main residence.

Chair Winchester stated that he feels that each conditional use should be discussed separately, and asked Henderson to go back to accessory structures so the group could discuss them one at a time.

Accessory Structures

Chair Winchester briefly went over what was already mentioned about garages. Henderson said that there are very few accessory structures that have so far requested the extra square footage. He said that most homeowners can make do within the limit, usually ending up with a 625sf garage with a small storage area above. Mr. Daly asked if bathrooms were allowed in them, Henderson said they are not allowed a bathroom.

Ms. Tobin could not understand why the extra percentage (20%) would even be allowed.

Chair Winchester asked if there was anyone who felt the 20% discretionary option of the DRB should remain, there were none. Henderson said he would not recommend eliminating the 20% increase for height.

Motion: A motion was made by Ms. Bohan to remove the DRB increase of 20% to total square footage and to footprint, but to keep the DRB increase of 20% to the allowable height of accessory structures, seconded by Ms. Poletti.

Discussion

Eddie Fava - said that so much depends on design and if the design is bad, then the DRB can just say no, that they are a Design Review Board. Ms. Langley said the motion does not interfere with design, just the allowable square footage. Ms. Bohan stated that this was a step toward the more defined design guidelines that she thought he was in favor of. Mr. Fava said he just felt the DRB should be able to comment on the design of a structure, not necessarily that the guidelines need to be more restrictive.

Manda Poletti – is in favor of getting rid of the 20%. She feels that if people know it is available, they will ask for it just to get it.

Michael Daly – agrees that the height should not be limited, because if your house is lower to the ground then you will want some storage available up high.

Aussie Geer – stated that the overall the agreement was that houses on the island were too massive. She can see how it would be hard for the DRB to turn down one person and give it to another, so it would just be better to get rid of the 20% allowed square footage increase.

Rita Langley – supports the motion. She said that people will just have to build within the parameters they are given.

Motion: A motion was made by Ms. Bohan to remove the DRB increase of 20% to total square footage and to footprint, but to keep the DRB increase of 20% to the allowable height of accessory structures, seconded by Ms. Poletti; this motion passed with a 5-2 vote, opposed by Mr. Daly and Mr. Fava.

Attached Additions

Chair Winchester feels this is a very important issue, stating that there can be a lot of unintended consequences with this issue if it is not reviewed carefully. Henderson said that roughly one third of the new constructions coming before the DRB are for attached additions. This is where you have an existing house and a conditioned space connected by an unheated corridor. It is a conditional use due to the fact that it must meet certain conditions, they must be deed restricted, they can't have a kitchen, there is a distance limitation between the main house and the addition (20 linear feet), a width ratio is required and all must come before the DRB. There are no size or height limitations in the current language. Henderson showed an example of a home with 2 attached additions.

Mr. Millimet asked what the benefit of this design was. Ms. Perkis said that it made it possible for the homeowners to age in place. Henderson said it was a prescribed use, going back to the history of how island homes grew, with additions added on as families grew. He said it is no longer meeting the intent of the "mother-in-law suite," that you are starting to see large additions that look like second homes. Henderson said his recommendation would be to add conditions to give the DRB more authority to say no, that it was much more than the spirit and intent of this ordinance. Mr. Coish said he remembered the original plans for the example structure. He said that originally it was much bigger and the DRB told them to scale it down, the final product being smaller than the original request.

Chair Winchester asked if size was the issue, because the addition can actually be larger and higher than the original. He feels that the addition needs to be more proportionate to the original structure. Henderson said his recommendation would be to limit three (3) things, size, height, and location.

Mr. Bryan feels that this allows people to create outdoor living space, which is a usable space, taking advantage of this ordinance. Chair Winchester agreed that this needs to be looked at further, he proposed that the Group refer this to LUNR to pass on to the Planning Commission with a recommendation to limit size, height, and location of the attached addition, making it smaller than the original structure.

Swimming Pools

Henderson said that swimming pools, both in ground and elevated, are treated the same as all recreational structures, like basketball courts, decks, and patios. In the ordinance they are required to meet the setbacks for the principal building. For example, a standard half acre lot has a front setback of 25 feet, a rear setback of 25 feet and 20 on both sides, the swimming pool must meet those setbacks as well. The only caveat is that if the pool is elevated, it has to be reviewed by the DRB.

Mr. Kronzer stated that he believed the 25-foot setback is for street-to-street lots, if the lot is not street-to-street and follows the setbacks then you are forcing the people elevate the pool and add to the mass of the structure because to follow the setback the pool has to be 2 feet away from the house. He said that pools that are up high, the sound carries much farther and infringes on the privacy of the neighbors. He suggested that smaller lots get relief on the setbacks so the pools can be built at ground level. Chair Winchester asked about how much relief was being advised. Mr. Kronzer said it should be proportionate, where the pool can be built away from the house a bit. Chair Winchester asked if he was recommending that all recreational structures received the same ability to request that variance. Mr. Kronzer said the pervious/impervious rule had to be followed, so this would be isolated to pools. Mr. Millimet agreed that elevated pools were a problem and that smaller inground pools can be utilized to avoid the mass created by elevated pools.

Henderson said elevated pools can be discouraged by lessening the setback for in ground pools. For example, if you want to build an inground pool you could be allowed to have a fifteen (15) foot setback, but if you are going to elevate the pool you would have to meet the original setbacks. Ms. Poletti asked if the U-shaped homes with pools in the middle was a way to get around the pool setbacks. Ms. Bohan said that yes and no, it does work that way if the homeowner does not have the space and can't meet the pool setback. Ms. Perkis said that if the setbacks change, it puts it closer to the neighbors. Mr. Fava said it seems that this was set up for the larger lots, and should adjust for the smaller lots, keeping the setback will encourage elevated pools. Chair Winchester asked how to factor in fences and lights. It was suggested that if the setback is cut, it would require a vegetative buffer.

Chair Winchester asked if there was a motion to be made on this, but there was not one. Henderson stated that the Planning Commission will need some guidance on this. Ms. Poletti stated that it should be considered given the issues. Mr. Fava said that the recommendation could include the previously mentioned requirement of a vegetative buffer.

Chair Winchester said he would write this up and put it in the incidental comments section of the Study Group report. He stated that there would be one more meeting of the Study Group where the only item on the agenda will be the approval of the final report.

D. Adjourn

There being no further public discussion and no new business, the meeting adjourned at approximately 5:45pm.

Motion: A motion was made to adjourn by Ms. Langley, seconded by Ms. Bohan; this motion passed unanimously with a 7-0 vote.

Respectfully submitted,

Pamela Otto,
Historic Preservation and Design Study Group staff member