

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 9, 2015**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, September 9, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Chair Gary Visser, Vice-Chair Hal Currey, Sydney Cook, Charles Cole, Carlsen Huey, Carl Hubbard and Manda Poletti. Staff members present: Zoning Administrator Henderson, Asst. to Administrator Darrow, Building Official Robinson and Water/Sewer Manager Gress.

Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and all Commissioners present. Approximately 33 people were present in audience; no media.

I. Approval of Agenda – Commission approved agenda with no changes

II. Approval of Minutes

MOTION: Mr. Cole moved to approve the August 12, 2015 minutes; seconded by Mr. Huey; MOTION UNANIMOUSLY PASSED.

III. Subdivision Requests

1. **2214 Middle Street: Jerry Kaynard, applicant, requests approval of a parcel subdivision in accordance with Zoning Ordinance § 21-12, 21-49 and 21-51 (Regulations for subdivision of split-zoned parcels). [TMS# 529-05-00-032, 090, 091]**

Zoning Administrator Henderson reviewed the proposal for this subdivision request of a split-zone lot within Community Commercial Overlay District #1 (CCOD#1), provided for by the aforementioned sections of the Town’s Zoning Ordinance. Zoning Administrator Henderson reported the application has been through staff review in multiple departments (water, admin, building, fire, police and legal). Staff recommends approval of this request.

MOTION: Ms. Poletti moved to approve the request for parcel subdivision of 2214 Middle Street (TMS# 529-05-00-032, 090, 091) in accordance with Zoning Ordinance § 21-12, 21-49 and 21-51 (Regulations for subdivision of split-zoned parcels); seconded by Mr. Hubbard. MOTION UNANIMOUSLY PASSED.

2. **2216 Middle Street: Jerry Kaynard, applicant, requests approval of a parcel subdivision in accordance with Zoning Ordinance § 21-12, 21-49 and 21-51 (Regulations for subdivision of split-zoned parcels). [TMS# 529-05-00-031, 095]**

Zoning Administrator Henderson reviewed the proposal for this subdivision request of a split-zone lot within Community Commercial Overlay District #1 (CCOD#1), provided for by the aforementioned sections of the Town's Zoning Ordinance. Zoning Administrator Henderson reported the application has been through staff review in multiple departments (water, admin, building, fire, police and legal). Staff recommends approval of this request.

MOTION: Vice-Chair Currey moved to approve the request for parcel subdivision of 2216 Middle Street (TMS# 529-05-00-031, 095) in accordance with Zoning Ordinance § 21-12, 21-49 and 21-51 (Regulations for subdivision of split-zoned parcels); seconded by Ms. Poletti. MOTION UNANIMOUSLY PASSED.

III. Public Hearing

- 1. Text Amendments for Conservation Easement Uses and Structures: Zoning Ordinance text amendments to allow stand-alone structures and recreational uses on residentially zoned properties when a conservation easement has been established. [Z.O. § 21-203 (Definitions), § 21-20.c (RS District Special Exception requirements), § 21-137 (Restrictions-Accessory Structures)]**

Staff Comments

Zoning Administrator Henderson provided the Staff report

Timeline/Background:

June 2014: Citizen approached Town requesting to establish a stand-alone structure on a lot with a conservation easement.

March 17, 2015: Citizen made his presentation and request to Town Council; Council remanded the concept to the Planning Commission to study

April-May, 2015: Commission gathered information and studied concept during April 8th and May 13th meetings. Commission set up an ad-hoc study committee to look at meeting notes and offer recommended language for Commission to consider prior to a public hearing.

May 29, 2015: Planning Commission ad-hoc committee met for a focus-group study of previous Planning Commission discussions and developed recommendations to Planning Commission

June 10, 2015: Planning Commission reviewed ad-hoc study committee's recommendations. Commission set Public Hearing for July 8, 2015.

July 8, 2015: Planning Commission held public hearing; additional questions regarding language arose based upon public feedback. No recommendation made. Commission asked for a Commission/resident study group to convene and report any findings and recommendations at the August 12, 2015 meeting.

July 31, 2015: Study group met at Town Hall (open to public). Group focused discussion on size/ mass and height of a stand-alone structure.

August 12, 2015: Commission continued discussion; set public hearing for September 9, 2015.

Zoning Administrator Henderson reviewed current potential amended Zoning Ordinance text language (summary of conditions below):

Planning Commission considers amendments to the Town's Zoning Ordinance that will allow for a use change on RS (residentially) zoned lots, specifically stand-alone structures and other recreational uses.

Applicability

1. Applies to residentially zoned (RS) lots only
2. Owner must have a permanent conservation easement established on the property with a credible conservation group, said easement recorded with the RMC. Town receives copies of annual property owner compliance reports from the conservation group. Town retains third-party right of enforcement of deed restrictions, plus police powers.
3. Stand-alone structure would be allowed as a special exception with the BZA and would require DRB review/approval for neighborhood compatibility. No structure height, square footage or massing increases will be permitted by DRB.
4. The potential allowances and restrictions articulated for this new use do not replace or waive other requirements and restrictions set forth within current Town ordinances.

General Conditions for Stand-Alone Structure

1. All existing improvements on the lot, if applicable, must be removed prior to Town issuance of a building permit for stand-alone structure. Removal includes: driveways, recreation structures (pools, courts, etc.), utilities, pervious or impervious surfaces and structures.
2. Commercial or rental activity is expressly prohibited.
3. Maximum 24 people (owners and guests) may be on property at any one time.

Stand-Alone Structure

1. Open air structure (i.e. gazebo, cabana, pergola, arbor or other open-air structure)
2. Size: Calculated as ratio of 5% maximum of lot's total upland square footage
 - a. Maximum size 250 sf
 - b. Potential increase of 2% if existing residential structure has been removed (maximum 450 sf)

3. Maximum height:
 - a. Maximum ten (10') feet measured from natural grade at center of structure
Potential allowances as follows:
 - b. Maximum height thirteen (13') feet if roof pitch is a minimum 4/12 configuration
 - c. Up to three (3') feet above Base Flood Elevation (BFE) if FEMA restrictions require lowest horizontal structural member to be constructed above BFE.
4. No roof-top seating or use permitted.
5. Storage: Maximum thirty (30%) percent of total allowed square footage may be enclosed for storage space and a shower stall. Enclosed areas will have breakaway walls and be constructed with FEMA and Town flood prevention ordinance guidelines.
6. Sewer: Sewer facilities are not allowed
7. Lighting: no exterior site or structural lighting allowed; interior lighting arranged to prevent glare on adjoining neighbors, beaches and/or marsh front.
8. Setback: Fifteen (15') feet setback required from all property lines and must meet SCDHEC/OCRM approval prior to requesting a special exception. BZA may adjust setback 15' setback requirements in cases of severe erosion, historic structures, natural topography or trees and vegetation poses an unnecessary hardship.
9. Outdoor Storage: No permanent outdoor storage on lot, defined as materials remaining within an unroofed and unenclosed area for over 30 days.
10. Parking:
 - a. Two vehicles allowed on property
 - b. Parking surface remains natural state or turf grass (no pervious or impervious materials)
 - c. No temporary storage of vehicles, temporary structures or equipment except during daytime use on property.

Potential Actions for Commission:

1. Recommend approval of text amendments
 - § 21-203 (Definitions)
 - § 21-20.c (RS District Special Exception requirements)
 - § 21-137 (Restrictions-Accessory Structures)
2. Recommend approval of the text amendments with changes made
3. Recommend that Town Council take no action to amend the Zoning Ordinance

Water and Sewer Manager Gress stressed the importance of disconnecting lines at the main for marsh front and ocean front demolition. He noted minimum basic facility charges would continue to be applied to lots after demolition.

Zoning Administrator Henderson and Water and Sewer Manager Gress recommended incorporating reference to Chapter 18 (Town Code of Ordinance) language requiring homeowner's continued compliance with existing Water and Sewer ordinances.

Asst. to Administrator Darrow noted the Town received five items of correspondence related to this public hearing, prior to this meeting (**copies provided to Commission – Exhibit A**)

Commission Questions for Staff

In answer to Chair Visser's query, Water and Sewer Manager Gress commented the Town should not anticipate DHEC crediting back to the Town sewer taps for any lots where water/sewer facilities are demolished.

Zoning Administrator clarified Commissioners' questions regarding parking:

- Lot guests will be eligible to park in public rights-of-way on the road;
- Any licensed recreational vehicle (i.e. jet ski) is eligible to park in the public right-of-way (temporarily)

Public Questions – Staff Report:

Chris Richardson, 2820 Jasper Boulevard, SI

Asked for clarification regarding contradictions/confusion in the proposed language for parking on-site:

- Outdoor storage is not allowed on-site beyond 30 days (includes vehicles)
- Other language stipulates no overnight storage of vehicles and boats on the property

Zoning Administrator Henderson recommended this question to the Commission for consideration.

Chauncey Clark, 2119 Pettigrew Street, SI

Asked for clarification on break-ways walls and FEMA compliance (Zoning Administrator Henderson reviewed the minimum BFE construction requirements)

Regarding parking, Mr. Clark asked, since a driveway is not allowed, how a property owner could prevent motorists from parking in the right-of-way, blocking the informal driveway.

Zoning Administrator Henderson recommended this question to the Commission for consideration.

Bachman Smith, 2724 Jasper Boulevard, SI

Noted sewer facilities must be removed from the lots and temporary toilets are not addressed in the ordinance. Would portable/temporary toilets be allowed with this ordinance?

Zoning Administrator Henderson noted portable/temporary toilets are not addressed; could be viewed as a temporary (event) use for the site.

Susan Middaugh, 2420 Raven Drive, SI

Asked for clarification if a fence or landscaping would be allowed on the lot, perhaps blocking views and/or allowing for a view corridor?

Zoning Administrator Henderson noted that, as with other lots, fences would be allowed on the lot and landscaping is allowed. Tree removal on lots must comport with Town tree protection ordinances and landscaping would need to comply with the conservatorship restrictions.

Chair Visser opened the public hearing at 7:34p.m.

Public Comments:

Jonathan Altman, 1615 Atlantic Avenue, SI

Expressed support for the goal of “retreat from beach” (specifically called out 3117 Marshall Boulevard, owned by Chad Waldorf), and commended Planning Commission and Staff on the tightening of the proposed ordinance language.

Bachman Smith, 2724 Jasper Boulevard, SI

Referenced scientific-based value of preserving the beach and the positive impact to the beach that would come from actively retreating development along the beach shore, and, noted that proposed ordinance allows for diminished uses on a conservation deed restricted lot as opposed to a full residentially zoned lot.

Chris Allen, 2264 I’On Avenue, SI

Supports the concept of reducing structures, especially large sized buildings, in exchange for lower impact structures

Peter Richardson, 2820 Jasper Boulevard, SI

Noted current Zoning Ordinances do not allow for this type of use (stand-alone recreation structure) on residential lots. Submitted this was not allowed for good reasons and asked why the Town wished to consider changing the Zoning Ordinance to accommodate the request of one property owner.

Lisa Turansky, Coastal Conservation League Chief Conservation Officer (non-resident)

Noted there is almost constant erosion in the area near 3117 Marshall Boulevard, noting her offices field scores of calls from residents along this area of the Island regarding erosion control. Supports retreat from the beach policies. Noted the proposed ordinance changes are an innovative approach to retreat from beach and expressed support for it.

NOTE: She read verbatim a letter, this date, provided to the Commission during this meeting **(Exhibit A)**

Chad Waldorf, 3117 Marshall Boulevards, SI

Clarified his family and neighbors on the block, the Walker’s and Gunderson’s, pooled resources to purchase 3117 Marshall Boulevard, and, the first day, removed the existing fence on the property. Reiterated his support for the proposed ordinance changes and circulated a signature sheet demonstrating resident support for this change **(Exhibit A)**.

Mark George, 3109 I'On Avenue, SI

Noted he is a 20 year Island resident and support Chad Waldorf's plans for 3117 Marshall Boulevard.

Chair Visser closed the public hearing at 8:10p.m.

Commission Discussion

Commission addressed the following questions and concerns raised during this meeting:

OUTDOOR STORAGE

Commissioners recommended clarifying proposed text to prevent outdoor storage of equipment, materials and vehicles beyond one day as follows: **RE-WORD** [§ 21-20.C.(5)(f)]

Outdoor Storage: No permanent outdoor storage permitted. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, materials, merchandise or vehicles.

STREET PARKING AND LOT DRIVEWAY

Commission did not adjust language to address right-of-way parking restrictions in front of the unpaved lot driveway. This will be handled on staff-level, to potentially allow for two reflective markers to identify the informal driveway for the lot.

PORTABLE/TEMPORARY TOILETS

Commission decided not to call-out portable toilets as either an allowed or disallowed use, noting they could be considered "temporary event structures" as provided for in the text amendments.

COMPLIANCE WITH WATER/SEWER ORDINANCES

Commission recommended including language in Section 212-20 C. (5)(c)(i) to clarify as follows: **ADD** sentence stating "Following removal of any existing sewer facilities, all requirements of Town Code of Ordinance Chapter 18 shall be met."

Vice-Chair Currey acknowledged and commented on written correspondence the Commission received prior to this meeting and provided by Staff tonight (**Exhibit A**):

Five correspondence items

- Email from (non-resident) Catherine Maine, Executive Director of East Cooper Land Trust (August 28, 2015) with attached letter from her (dated October 2, 2014)
- Email chain from resident Ms. Nancy Siegling Fortiere (1761 Atlantic Avenue) dated August 19, 2015, August 21, 2015, August 25, 2015 and August 26, 2015
- Email from resident Addison Ingle (1719 Atlantic Avenue) dated September 8, 2015
- Emails from resident Eddie Fava (2424 Myrtle Avenue) dated August 12, 2015 (received after August 12, 2015 Planning Commission meeting) and September 9, 2015
- Email from Carol Killough (1813 Back Street) dated September 9, 2015

2. **MOTION: Vice-Chair Currey made a motion for Commission to recommend approval of Zoning Ordinance text amendments to allow stand-alone structures and recreational uses on residentially zoned properties when a conservation easement has been established. [Z.O. § 21-203 (Definitions), § 21-20.c (RS District Special Exception requirements), § 21-137 (Restrictions-Accessory Structures)], with the following modifications:**

(a) Clarify proposed text to prevent outdoor storage of equipment, materials and vehicles beyond one day as follows: RE-WORD [§ 21-20.C.(5)(f)]

Outdoor Storage: No permanent outdoor storage permitted. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, materials, merchandise or vehicles; and

(b) Include language in Section 212-20 C. (5)(c)(i) to clarify as follows: ADD sentence stating “Following removal of any existing sewer facilities, all requirements of Town Code of Ordinance Chapter 18 shall be met.”

SECONDED by Ms. Cook

Discussion:

Vice-Chair Currey submitted the proposed text amendments were a well-written, deliberative effort to address island-wide concerns regarding conservation deed restricted lots with recreation use/stand-alone structures, while finding a means to actively support the State and Town published environmental policy of “active retreat of development from the beach.”

Call for the question: MOTION UNANIMOUSLY PASSED.

Chair Visser noted this public hearing is the first step, only, in a multi-step process regarding these proposed ordinance changes. The Commission’s recommendations will be forwarded to Council for their consideration. Any modification to Town Ordinances must follow the published ordinance approval process at the Council level.

2. Staff Update on Town Projects: Staff provided oral report.

Commissioners made the following inquiries/comments:

- Chair Visser noted the Town Hall handicapped parking lot needs to have drainage addressed/repaired.

3. Correspondence/Comments – Items related to Public Hearing above (Exhibit A)

4. Next Meeting – (6:30pm) Wednesday, October 14, 2015 at Town Hall

There being no further business, the meeting adjourned at approximately 8:20 p.m. (Mr. Cole motioned; Vice-Chair Currey seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, October 14, 2015 Planning Commission Meeting

Planning Commission Sept 9, 2015
Public Hearing



**COASTAL
CONSERVATION
LEAGUE**

September 9, 2015

Planning Commission
Town of Sullivan's Island
2050-B Middle Street
Sullivan's Island, SC 29482

Re: Item D. Public Hearing 1. Text Amendments for Conservation Easement Uses and Structures: Zoning Ordinance text amendments to allow standalone structures and recreational uses on residentially zoned properties when a conservation easement has been established. [Zoning Ordinance § 21-20.C (RS District Special Exception requirements), § 21-137.B (2) (Accessory Structures-Restrictions); § 21-203 (Definitions)]

Dear Chairman Visser and Planning Commissioners:

Thank you for the opportunity for the Coastal Conservation League (League) to comment on the proposed text amendments for Conservation Easement Uses and Structures.

Specific issues for the beach of Sullivan's Island continue to occur, particularly at the northern end of the island where erosion is nearly constant at Breach Inlet. The League has received calls over the years from concerned residents who have watched their neighbors place illegal rock walls in order to protect their properties.

The League continues to support policies in our state that help establish mechanisms of retreat from the shoreline. Retreat must be considered and continue to be a policy for our state to pursue, especially in light of sea level rise, increased storm events, and the continuing development of the shoreline. The policy of preservation (i.e., beach renourishment, no retreat, and regular reestablishment of the baseline) is a short-term solution that does not acknowledge sea level rise, climate change, and the damages that will be done to properties directly in the line of fire. Retreat is a viable policy, and should be utilized in order to remove South Carolina's coastal communities from expensive and dangerous situations in the future.

The proposed changes to Sullivan's Zoning Ordinance are an innovative way to incorporate a policy of retreat. The League has spoken in support of the Commission and Town's research several times, and is here to praise it once again.

The diligence of Planning Commission and the Town's Zoning Administrator in studying the proposed zoning ordinance changes are to be commended.

In previous discussions, the Planning Commission and Zoning Administrator have scrutinized every possible scenario that could result from the suggested text amendments. The key to the success of the proposed ordinance changes is "when a conservation easement has been established." Concerned residents have mentioned in previous discussions that the zoning changes could be a "slippery slope," with a focus on what is interpreted as a change from single-family homes to a proliferation of accessory structures. Rather, these amendments should be viewed from the perspective of the conservation easement requirement—in order to obtain the interest of a registered land trust and therefore an easement, the property must have conservation value. And in a community like Sullivan's Island, a property with conservation value will most likely be one that is located in high-risk areas such as beachfront. An easement would be incorporated based on preservation interests; therefore, restricting inordinate amounts of parking and people on site, forbidding inappropriate land uses, and monitoring maintenance of the property are all dictated within a conservation easement.

Incorporating these types of zoning changes in order to ultimately protect the island from the ever-increasing frequency and intensity of storm events has been and continues to be supported by the League.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Turansky". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

"Nature and Community in Balance"

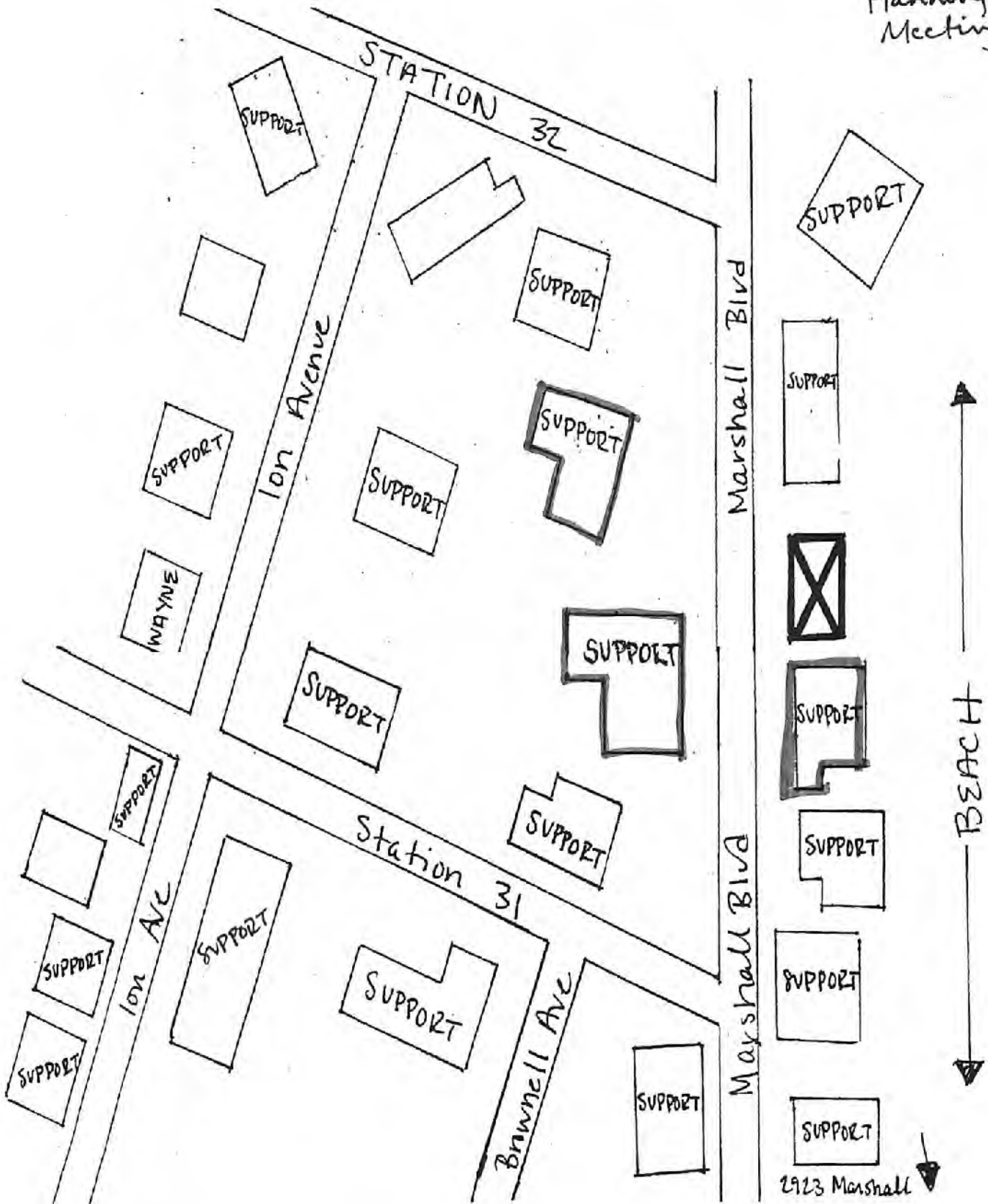
P.O. Box 1765 • Charleston, S.C. 29402-1765 • Telephone (843) 723-8035 • Fax (843) 723-8308
www.CoastalConservationLeague.org

LISA TURANSKY

Neighbors of 3117 Marshall Blvd

Supporting Ancillary Structures with Conservation Easements

Received at
9-15-15
Planning Comm
Meeting



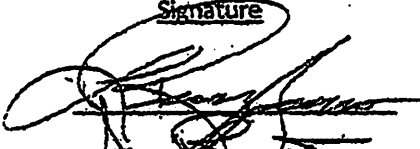
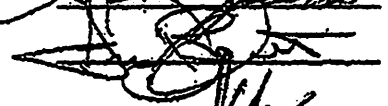
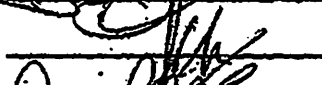
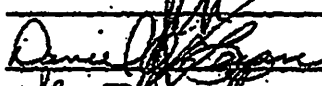
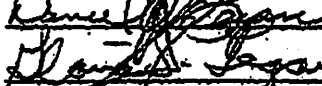
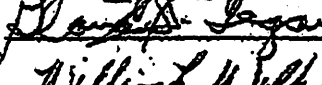
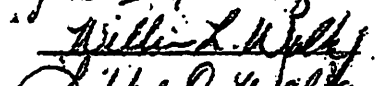
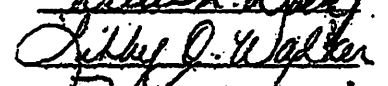
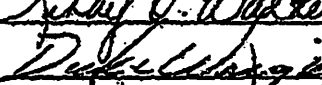
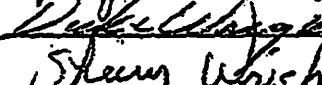
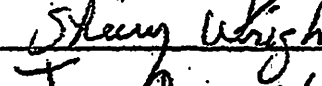
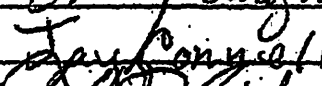
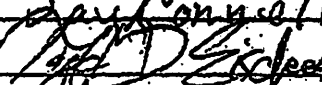
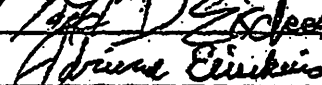
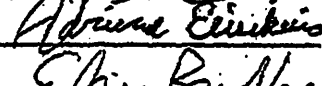
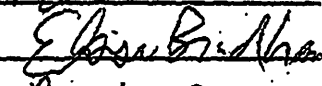
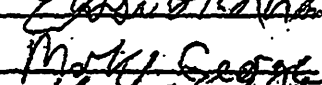
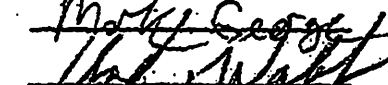
2923 Marshall

**WE SUPPORT ALLOWING ANCILLARY STRUCTURES
ON LOTS WITH CONSERVATION EASEMENTS**

As neighbors and property owners in this neighborhood, we strongly support the effort to remove the house on the lot at 3117 Marshall Blvd. Removal of this house would be consistent with the stated conservation goals of the state as well as the Comprehensive Plan adopted by the Town of Sullivan's Island in 2013.

In order to encourage removal of this house, we request that the Sullivan's Island Planning Commission and Town Council tweak the town code to allow property owners who put perpetual conservation easements on their property maintain their rights to have a limited ancillary structure on their property.

We strongly support this change and hope our appointed and elected representatives will as well.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	<u>Russell Bennett</u>	<u>3124 MARSHALL BLVD</u>
	<u>Ame Bennett</u>	<u>5124 MARSHALL BLVD</u>
	<u>JACOBO M. WIZER</u>	<u>3203 MARSHALL BLVD</u>
	<u>Daniel O. Legare</u>	<u>3104 Marshall Blvd.</u>
	<u>Gloria S. Legare</u>	<u>3104 Marshall Blvd.</u>
	<u>WILLIAM L. WALKER</u>	<u>3118 Marshall Blvd</u>
	<u>LIBBY O. WALKER</u>	<u>3118 Marshall Blvd.</u>
	<u>DUKE WRIGHT</u>	<u>3034 Marshall Blvd</u>
	<u>SHERRY WRIGHT</u>	<u>3034 Marshall Blvd.</u>
	<u>Jay Connolly</u>	<u>3103 Marshall Blvd</u>
	<u>Todd Eischeid</u>	<u>2923 Marshall Blvd</u>
	<u>Adienne Eischeid</u>	<u>2923 Marshall Blvd</u>
	<u>Eloise Brubaker</u>	<u>3109 Fern Ave</u>
	<u>Mark George</u>	<u>3109 Fern Ave</u>
	<u>Chad Walldorf</u>	<u>3112 Marshall Blvd</u>
	<u>Jena Walldorf</u>	<u>3112 Marshall Blvd.</u>
	<u>EIKE GUNDERSEN</u>	<u>3113 Marshall Blvd.</u>
	<u>JON GUNDERSEN</u>	<u>3113 MARSHALL BLVD</u>

*Received by
Staff prior to
Meeting*

Town of Sullivan's Island Planning Commission

Correspondence for Planning Commission (6:30PM) Wednesday, September 9, 2015

Public Hearing Topic: Potential Zoning Ordinance Text
Amendments to address recreational uses and structures
on RS-zoned properties with conservation easements
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1. August 28, 2015: Email with attached letter, dated October 2, 2014, from Catherine Main, Executive Director of East Cooper Land Trust
2. August 26, 2015: Email chain from Ms. Nancy Siegling Fortiere (1761 Atlantic Avenue). Emails dated August 19, 2015, August 21, 2015 and August 25, 2015
3. September 8, 2015: Email from Addison Ingle (1719 Atlantic Avenue)
4. September 9, 2015: Email with attached letter from Eddie Fava (2424 Myrtle Avenue); also email from August 12, 2015 (received after August 12th Planning Commission meeting)
5. September 9, 2015: Email from Carol Killough (1813 Back Street)

Lisa Darrow

From: Joe Henderson <jhenderson@sullivanisland-sc.com>
Sent: Friday, August 28, 2015 1:17 PM
To: Lisa Darrow
Subject: FW: update Conservation Easement ordinance
Attachments: Marshall Blvd. lproperty letter.pdf

Joe Henderson, AICP, CFM
Zoning Administrator, ISA Arborist
TOWN OF SULLIVAN'S ISLAND

2050-B Middle Street | SC 29482
Tel 843.883.5731 | Fax 843.883.3009
jhenderson@sullivanisland-sc.com

From: Catherine Main [<mailto:catherine@eastcooperland.org>]
Sent: Thursday, August 27, 2015 5:24 PM
To: Andy Benke; Joe Henderson
Cc: Larry Middaugh; Chad Walldorf; Richard Morrison; Bill Eubanks
Subject: update Conservation Easement ordinance

Dear Andy and Joe,

I wanted to let you know that we are interested in working with property owners to place conservation easements on worthy conservation parcels if they meet requirements in the Town of Sullivan's Island ordinance. Please see our attached letter from 2014 to Chad Waldorf. However, we do not want to be involved in the process of the ordinance amendment as it has become controversial. If you have questions about Conservation Easements in general, please feel free to contact me.

Catherine

Catherine Main
Executive Director
East Cooper Land Trust
(843) 224-1849



EAST COOPER
LAND TRUST

MAINTAINING THE BEACH

October 3, 2014

Dear Mr. Walldorf,

Thank you for your interest in conserving the lot at 3117 Marshall Blvd. I understand that you intend to remove the existing home and leave the storage area underneath for your personal use, if this is consistent with Sullivan’s Island ordinances. You will also allow public access to the beach through your property.

The East Cooper Land Trust land committee has reviewed this project and is interested in continuing our conversations with you about placing a permanent Conservation Easement on the property, however we will need our full board approval.

Please let me know when you are ready to move forward on this project.

Sincerely,

Catherine Main
Executive Director

Board of Trustees

Jonathan R. Lamb, *Chair*
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James C. Thompson
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Lisa Darrow

From: Joe Henderson <jhenderson@sullivansisland-sc.com>
Sent: Wednesday, August 26, 2015 9:31 AM
To: Lisa Darrow
Subject: FW: Re:

Yet another note from Ms. Fortiere.

Joe Henderson, AICP, CFM
Zoning Administrator, ISA Arborist
TOWN OF SULLIVAN'S ISLAND

2050-B Middle Street | SC 29482
Tel 843.883.5731 | Fax 843.883.3009
jhenderson@sullivansisland-sc.com

From: Alston Fortiere [mailto:weglitter@bellsouth.net]
Sent: Tuesday, August 25, 2015 7:41 PM
To: Joe Henderson
Subject: Re:

Mr.Henderson:

Thank you for your reply. We are currently on vacation in the Chesapeake Bay and not really in a position to call. I appreciate the offer.

I have written this email that we are referring to as a chance to make my feelings known as I will not be home until about mid-October to express them in person.

I will admit to you, however, that I am very tired of having such negative thoughts about my home town. My family has had properties on the Island since the mid -19th.Century. My great grandfather, Henry Siegling. built the large house near the corner of Middle and Station 19 and his father-in-law,

Dr. Patrick, built, the large house on the corner, to include the octagonal house across the street, for his sons. My great-Uncle had the cottage that now is the house with the rose bushes and trellis on I'On and station 18, where my mother went as a child with her widowed mother. My father bought that house from him in 1944 and I spent my childhood summers living there. I know the "Golden Days" of Sullivan's Island.

Now I see hateful discontent, arguing, cheating on building sizes, a town council that has been having secret meetings to make decisions before presenting to the town, and a populace that has little if any input as to what their town should be. I am so tired of arguing... We have been fighting the "tree people" for almost 20 years to gain back our view of the ocean and the sea breezes while sitting on our front porch... which we paid for. We have been insulted to the limit by Coyotes and vermin in our front yard, with the fear of walking to the beach. Twenty years! That is a very long time to try and be "good-natured" about a serious infraction to our life style; besides which, we pay taxes and insurance on front beach property that is not front beach any more. The chairs on our front porch nearly all face the house - we cannot bear to look at the ratty jungle in front us. There is nothing wonderful or beautiful about it We no longer hear the glee of the children on the beach. This too has been taken from us!

The changes on Sullivan's Island have been serious and drastic in recent years. I do not expect the Island to remain as it was in 1944. But I do believe the serenity, the peace, and the comfort of the Island have all been taken away.

I am finding it very hard to understand how one citizen has made such a difference to challenge the Zoning rules as to be allowed to entertain tearing down his house and building an ostensible party-shack. I would be devastated if this were to happen next door to me - and what would it possible do to my property value? I find it very painful to see what is being considered in so many ways on Sullivan's Island.

Thank you for offering to talk with me. Now is not a time I can do that. I appreciate your interest in what I have to say, and what my feelings are. I think "the trees" have worn me out, and I am terribly pained about this. My father left our beloved cottage on Station 18 and I'On and bought our house in 1965 because of the ocean expanse in front of him where the container ships seemed in the front yard and you could smell the diesel. It was enchanting. And when he left it to me, it was with the pride that he was leaving that same expanse to me. We have been there 28 years, and nothing ever seems to get better. It only gets worse. I hate to think what he would think now, having been there and loving the Island generationally.

Thank you again for your interest in my opinions.

Sincerely,

Nancy Siegling Fortiere
1761 Atlantic Ave.

On Monday, August 24, 2015 9:49 AM, Joe Henderson <jhenderson@sullivansisland-sc.com> wrote:

Mrs. Fortiere,

Thank you for your response on this matter. I would like to have an opportunity to discuss your questions noted below via telephone if you are available some time. I can be reached at the below numbers if you have the time.

I will also forward your email to Town Council and members of the Planning Commission for prior to the meeting on September 9th.

Best regards,

Joe

Joe Henderson, AICP, CFM
Zoning Administrator, ISA Arborist
Town of Sullivan's Island

2050-B Middle Street | SC 29482
Tel 843.883.5731 | Fax 843.883.3009
jhenderson@sullivansisland-sc.com

From: Alston Fortiere [<mailto:weglitter@bellsouth.net>]
Sent: Friday, August 21, 2015 6:26 PM
To: Joe Henderson
Subject:

Mr. Henderson, members of the Planning Commission and Town Council of Sullivan's Island:

I appreciate the responses from Mr. Henderson and Mr. Smith.

However there remain many concerns considering the free standing structures proposed on Sullivan's Island. Primary, of course, is how they could be built as to withstand hurricane force winds and tidal surges. In the event of such a storm, what is to ensure that they will not come loose and do damage to a neighboring property? Would there be a plan to assess responsibility in such a case to allow for fair insurance coverages?

Say you have a party for 25 people. How will it be determined that the noise is kept at an acceptable decibel, voices as well as music, so that neighbors are not disturbed? If there is parking arranged for two cars, where do the other 10+ cars park without filling the narrow

neighborhood streets? Would "one side of the street parking" be able to be enforced?

If there are to be no outside lights, how do people see to get to the site in the dark? And even with inside lights, what might be the danger to the turtles that I must turn my porch lights out for during season?

If there is to be no plumbing, what is the plan for people who are obviously going to be drinking beer and other spirits? Portable toilets should be out of the question in a family orientated beach where anyone might use them when they spot them on the property when no one is on the property.

"Keg parties" and other alcohol consumption would be nearly impossible to monitor and would be sure to spread out onto the beach where alcohol is prohibited. There is only one police officer at night, I am told, and he is generally locked in the police station and not patrolling the Island. Rules would have to be established for weekday/weeknight parties when an officer should be monitoring the Middle Street/Station 22 1/2 area and may need to be in the area of the "structure" as well. Are the residents of the Island expected to pay for any extra policing of private parties that could conceivably get out of hand? We now know that Sullivan's Island sadly is known as a party-island and that there are often people who disrespect the Island. There is no need to encourage more.

People love their dogs and believe they were born to run on the beach. This would be hard to monitor, especially as you say, each one would be required to have a licence and a special collar. Without a direct ban on dogs, the owners for an evening party would have to obtain and pay for their necessary items earlier in the day or not bring the dog. How do you plan on advising "everyone"

of the Sullivan Island dog rules before they come to the island?
Logistically this is difficult to do.

If the property is put into a conservation easement, in the future can the land be purchased by someone who wants a lot to build on? The property mentioned, is not owned solely by Chad Waldorf. It is owned by an LLC. Suppose one of the members wants to sell his portion? What rules have been put into force that could ensure that this is possible? As a conservation easement, which is permanent, how does one of the owners, or his issue, inherit or sell some or all of it?

And how are taxes and insurance determined?

"Conservation Easements" are to remain "NATURAL" and "UNDEVELOPED". This indicates no landscaping can be done on it and if and when the trees move into the area, they cannot be landscaped. They must be allowed to continue to overtake the property. Is the property owner willing to take this on?

Sullivan's island is not rural, suburban, or urban by nature. It is a Township with its own rules and laws. Rusty Bennett, 3124 Marshall Blvd. a neighbor of this property, has said it is not likely that others will seek the change for this ordinance for another specific property. As I understand it this is to cover all property owners on the island and should not favor one property owner over another. It has been suggested that the "Commision consider omitting references to parties and social events". What else might it be used for, for people who have torn down their house and built a structure of this nature, with no plumbing or electricity?

I also ask how a drastic change such as this, to the town of Sullivan's Island - ostensibly setting it up to be the next Myrtle Beach - can be effected when there are so many vacancies (as

shown in the most recent Island news letter) on the Planning Commission (4 seats), the Board of Zoning Appeals (5), and the Design Review Board (3) ?

It appears to be far from a quorum in any one of them. How can it be expected to make a good conscience vote on behalf of the town's voters? Enough has already been taken away from voter's rights by secret meetings of Town Council, which fortunately has now presumably been stopped by the State Supreme Court.

And last but not least, I want to know why this has all been shoved through so quickly for one person when there are dozens of families who, for the better part of 20 years, have been trying to recoup their front beach views and breezes from the ocean that they paid for and are heavily taxed on.

It is abhorrent!

Unfortunately I am out of state until October and will not be able to attend the September meeting.

I would appreciate it if you would post this for the September meeting.

Thank you.

Nancy Siegling Fortiere
1761 Atlantic Ave.

Lisa Darrow

From: Joe Henderson <jhenderson@sullivansisland-sc.com>
Sent: Thursday, August 20, 2015 1:51 PM
To: Lisa Darrow
Subject: FW:

Lisa,
Public Hearing correspondence below.

Joe Henderson, AICP, CFM
Zoning Administrator, ISA Arborist
TOWN OF SULLIVAN'S ISLAND

2050-B Middle Street | SC 29482
Tel 843.883.5731 | Fax 843.883.3009
jhenderson@sullivansisland-sc.com

From: Alston Fortiere [<mailto:weglitter@bellsouth.net>]
Sent: Wednesday, August 19, 2015 7:35 PM
To: Joe Henderson
Subject:

Mr.Henderson et al:

Would you please tell me with these new "structures" that are being considered for front beach, how it is expected to make them withstand 120 mph winds in the event of a hurricane or lesser serious sgtorm?

This seems to be a really dumb, potentially dangerous plan moving us even closer to being Myrtle Beach! Are there alcohol consumption rules attached, or will it be considered drinking "on the beach" which is now illegal? Who will be responsible for any excessive debris clean-up that may blow down onto the beach from parties? How will the enforcement of appropriate laws concerning the visitors' dogs on the beach be handled? Many unanswered questions....

I am not in favor of it.

I would appreciate a reply.

**Nancy Siegling Fortiere
1761 Atlantic Avenue**

Lisa Darrow

From: Addison Ingle <jaingle@gmail.com>
Sent: Tuesday, September 08, 2015 11:28 AM
To: oneilp
Cc: Lisa Darrow; Andy Benke
Subject: Re: Info re. Planning Commission mtg 9-9

This reply is for the Sept. 9th meeting of the Planning Committee. My reaction is to vote against the whole plan. (I know that I don't really have a vote !) First of all, I am not sure why the new Zoning Ord. Amendments for "stand alone structures" and "recreational uses on residentially zoned properties" depend on easements having been established. But, I guess the lawyers know what is best!

The whole idea sounds bad to me. The small size of the allowed structures coupled with the allowed number of people (24) surprises me. That is really jamming a lot of people into a small space. All of those people arriving, and having only 2 parking spaces would seem to be a possible nuisance to the neighbors.

The main objection which I have is that no sewer facilities will be allowed. Perhaps that is the blessing in disguise that will kill this whole deal.

Addison Ingle
1719 Atlantic Avenue

On Friday, August 28, 2015, oneilp <oneilp@sullivansisland-sc.com> wrote:
Hi Ad,

Good talking to you today.

Attached is a pdf with the info on the PC meeting Wednesday 9-9. Page 1 is agenda, page 2 is summary of what the proposed changes would stipulate, and subsequent pages show actual proposed changes to the zoning ordinance in track changes. On ordinance pages, my computer shows the proposed new text as colored (red is earlier, blue is more recent...I think) and of course strike-throughs show what would be deleted from current ordinance.

After the Commission receives public comments on this proposal at the meeting/hearing, they will discuss and possibly modify the current proposal, and decide what/whether to forward to Council as their recommendation.

Since you said you will likely be away the day of the meeting, please feel free to email your thoughts to the Planning Commission, via Lisa Darrow whose address is in the cc box. She will forward your comments to the Commission so they can be entered into the public record. Please do this at least a day before the meeting.

Since I never trust my own typing of email addresses, can you please let me know that you got this?

Feel free to call me (home: 883 9266; cell: 670 9266) if you would like to discuss any of this, or anything else at any time.

pat

PS I often go into Town Hall after hours to pick up mail etc, and use the back door, which causes me to walk alongside the Police headquarters trailer, with its comforting Sonitrol sticker. Every time it reminds me of your comment and cracks me up!

--

Ad Ingle
jaingle@gmail.com
(843) 725-9003
1719 Atlantic Avenue
Sullivans Island, SC 29482

Lisa Darrow

Planning Commission - 9-9-15

From: e e fava <e@eefava.com>
Sent: Wednesday, August 12, 2015 6:26 PM
To: Lisa Darrow (ldarrow@sullivansisland-sc.com)
Subject: planning commission discussion of ordinance change

Received via
email after
8/23/15 PC Mtg.

good evening lisa

not sure this will make it to you before the meeting
as I am still at work
but if so

do hope that it can be conveyed to the planning commission members
that I believe it would be a mistake to change or modify our existing ordinance to allow
stand-alone structures on residentially zoned lots to be used solely for recreational purposes...
regardless of the covenants places on a property to soften the blow to the actual intent of the ordinance

there is a mechanism (variance granted if conditions warrant and BZA board approves)
already in place to allow for exceptions to our ordinance

to essentially spot zone to accommodate a use other than what is specifically allowed
is the wrong approach and sets a very bad precedent

please thank you commission members for their time and service and
their thorough review and careful consideration of the long term implications of such a modification

have a good evening

eddie

e.

ernest e. fava, jr. ncarb
e.e. fava architects, etc.
54 broad street charleston south carolina 29401

e@eefava.com www.eefava.com 843.723.5099 p 843.853.5099 f

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Lisa Darrow

From: e e fava <e@eefava.com>
Sent: Wednesday, September 09, 2015 3:27 PM
To: Joe Henderson
Cc: ldarrow@sullivansisland-sc.com; rrobinson@sullivansisland-sc.com
Subject: LETTER FOR PC MEMBERS & RECORD> planning commission discussion of ordinance change
Attachments: LETTER TO PLANNING COMMISSION 09.09.15.pdf

hello joe

could you please see that the attached note gets to all on planning commission it before tonight's meeting and I would very respectfully request that it be read aloud into the public the record....?

I think allowing those present to hear the reasons for my concern/objection to the change would be appreciated... whether one agrees or not ...rather than just stating I object...

I am afraid I may still be stuck at a BAR meeting in town this evening ... but if I get out in time headed that way directly !

thanks very much

have a good evening

e.

ernest e. fava, jr. ncarb
e.e. fava architects, etc.
54 broad street charleston south carolina 29401

e@eefava.com www.eefava.com 843.723.5099 p 843.853.5099 f

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thank you.*

From: Joe Henderson [<mailto:jhenderson@sullivansisland-sc.com>]
Sent: Thursday, August 13, 2015 9:14 AM
To: e e fava
Cc: Andy Benke
Subject: RE: planning commission discussion of ordinance change

Eddie,

Thanks for sending us your thoughts on this issue. We will be holding a Public Hearing on the proposed text amendments on September 9th (6:30 pm) and we'll be sure to include your correspondence on the record.

Best,

Joe Henderson, AICP, CFM
Zoning Administrator, ISA Arborist
TOWN OF SULLIVAN'S ISLAND

2050-B Middle Street | SC 29482
Tel 843.883.5731 | Fax 843.883.3009
jhenderson@sullivansisland-sc.com

From: e e fava [<mailto:e@eefava.com>]
Sent: Wednesday, August 12, 2015 6:30 PM
To: Andy Benke; Joe Henderson
Subject: FW: planning commission discussion of ordinance change

From: e e fava
Sent: Wednesday, August 12, 2015 6:29 PM
To: 'Lisa Darrow (ldarrow@sullivansisland-sc.com)'
Subject: planning commission discussion of ordinance change

good evening lisa

not sure this will make it to you before the meeting
as I am still at work
but if so

do hope that it can be conveyed to the planning commission members
that I believe it would be a mistake to change or modify our existing ordinance to allow
stand-alone structures on residentially zoned lots to be used solely for recreational purposes...
regardless of the covenants places on a property to soften the blow to the actual intent of the ordinance

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to essentially spot zone to accommodate a use other than what is specifically allowed
is the wrong approach and sets a very bad precedent

please thank you commission members for their time and service and
their thorough review and careful consideration of the long term implications of such a modification

e.

September 09, 2015

Town of Sullivans Island Planning Commission
c/o
Joe Henderson
Zoning Administrator
2050-B Middle Street
Sullivans Island, South Carolina
29482

Dear Planning Commission Members,

I wanted to pass along this note of real concern related to the Zoning ordinance change that is being discussed this evening , and I apologize that I am unable to attend the meeting in person. I do not believe that a change to the Zoning Code of this degree simply to accommodate accessory structures among residential homes is prudent or in the best interest of our residential community. To do so would set a very poor precedent and essentially open the door wide for a patchwork of similar type structures and uses among existing homes on Sullivan's Island.

The establishment of a conservation easement to allow such, is typically welcome and warranted if a parcel is one of significant acreage. The primary intent and goal should be because a property contains a unique or contributing landscape/feature or wildlife, etc. that one wants to preserve or maintain. In these successful instances adjacent residential structures are not in any way negatively impacted . This device should not be used as a method to secure a private accessory/party structure.

The actual, honest intent of this proposed change and the potential, yet very real impact , financial and otherwise, to all on the island adjacent to such a property, should be the focus of this matter. Is this really in the best interest of all island residents? A change like this may be good for one, but it would not be good for many. I appreciate and thank you for your public service and your very careful review of this proposal. Thank you.

Sincerely,

e.

eddie fava
2424 myrtle avenue
SI,SC

Lisa Darrow

From: Carol Killough <abcdkillough@hotmail.com>
Sent: Wednesday, September 09, 2015 4:10 PM
To: ldarrow@sullivansisland-sc.com
Subject: Planning Commission meeting

Good afternoon!

Please share with Planning Commission:

I am unable to attend tonight's meeting, but wish to communicate opposition to both the cabana structure issue as well as allowing subdividing of any parcels in the business district unless said sub-divisions are to allow for parking only, and not additional units/structures.

Should you wish to discuss further, please do not hesitate to call, text or email me.

thanks to everyone for serving!

Carol Killough
1813 Back Street
843-345-0333 cell