

**TOWN OF SULLIVAN’S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 11, 2013**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, September 11, 2013 in Town Hall at 2050-B Middle Street, all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Garry Visser (Chair); Hal Currey (Vice-Chair); Rusty Bennett, Carlsen Huey, Carl Hubbard, Manda Poletti and Sydney Cook. Staff members present: Zoning Administrator Henderson, Asst. to Administrator Darrow and Building Official Robinson.

I. Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law, and, welcomed new Commissioner Sydney Cook to her first meeting. No media, one member of public present.

II. Approval of Agenda

MOTION: Mr. Huey moved to approve September 11, 2013 agenda; seconded by Ms. Poletti. MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Vice-Chair Currey moved to approve the August 14, 2013 minutes; seconded by Mr. Huey. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments – None.

V. New Business - None

VI. Unfinished Business

1. Residential adaptive reuse of historic structures

This is a continuation of discussion from February 2013 – present (noted in the past as consideration of multi-family use in certain historic structures).

Commissioner Poletti recused herself from this topic; citing conflict of interest being ownership of a qualifying historic building.

Staff Report: Zoning Administrator Henderson provided staff report, a result of Staff and the Planning Commission working group’s efforts (Currey, Bennett and Hubbard). Report includes an analysis of public concerns raised at the August meeting: traffic, density and parking study of areas potentially impacted should Town allow for adaptive reuse of certain historic structures (old theater, old Town Hall, Warehouse and Post Exchange).

Commission Discussion points included

- A. Potentially 2 units instead of 3 units allowed for historic properties.
- B. Question regarding the impact to density this change would have to the area around Station 16-17 (where historic properties are centered) relative to other areas of Town. The area between Stations 16-17 is already dense, particularly on the waterway side.
- C. Relative impact of traffic trips with additional residential units in the area as opposed to traffic realized when Town Hall was at 1610 Middle.

MOTION: Mr. Bennett made a motion to set a public hearing on this matter for October 9, 2013 with proposed language as drafted by Staff/working group; seconded by Vice-Chair Currey. MOTION UNANIMOUSLY PASSED.

Chair Visser noted that if a Commissioner had something specific he/she wished to see in the public hearing staff presentation, contact Zoning Administrator Henderson.

2. Amendment to membership requirements for the Design Review Board by removing the “real property ownership” condition.

Zoning Administrator Henderson provided staff report; Council requested Planning Commission to hold a public hearing on this potential zoning ordinance change. Staff noted text change would provide flexibility in appointing members to the Board.

MOTION: Vice-Chair Currey made a motion to set a public hearing on this item for October 9, 2013 with current proposed staff language; seconded by Mr. Huey. MOTION UNANIMOUSLY PASSED.

3. Amendment to various sections of the Zoning Ordinance to allow the single-family use of existing historic buildings that are over 5600 square feet (principal building square footage).

Zoning Administrator Henderson provided staff report; Council requested Planning Commission to hold a public hearing on this potential zoning ordinance change. Staff noted that the text change would clarify the use of existing properties over 5600 sf to allow for residential use of all of the property. This text language would not impact new construction restrictions (5600 sf max principal building square footage).

MOTION: Mr. Bennett made a motion to set a public hearing on this item for October 9, 2013 with current proposed staff language; seconded by Mr. Huey. MOTION UNANIMOUSLY PASSED.

4. Amendment that applies regulations for long-term parking of boats and trailers that are located in the public right-of-way.

Zoning Administrator Henderson provided staff report. This is a Planning Commission initiated change to the Zoning Ordinance to address outdoor parking of boats in public right-of-way.

Commission Discussion points included:

- A. Time limit before citation; definition of 7 days: consecutive week, within one month or year. There need to be parameters for the 7 day parking limit.
- B. Discussion of other approaches available to manage boat parking without restrictive ordinance language.
- C. Empirical data suggesting prevalent, chronic parking problem on Island is needed to warrant restrictive ordinance language.

There was general Commission consensus to remove this item from future agendas unless, noting lack of compelling data to warrant a change in zoning ordinance at present.

MOTION: Vice-Chair Currey made motion to remove this item from future agendas; seconded by Ms. Cook. MOTION PASSED SIX (6) TO ONE (1)-MR. BENNET DISSENTING.

Zoning Administrator Henderson noted the plat review for 2063 Middle Street and 2062 I'On Avenue, noted on the Commission agenda, has been pulled by the owner (additional information to gather for Staff review). This item may be on the October Planning Commission agenda.

Staff provided brief update on various Town projects at Commission's request.

VII. Next Meeting – (6:30pm) Wednesday, October 9, 2013

Mr. Huey noted he would be out of the country in October and regretfully miss the next meeting.

There being no further business, the meeting adjourned at approximately 8:45 pm (Mr. Currey motioned; Ms. Poletti seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, October 9, 2013 Planning Commission Meeting

MICHAEL PERKIS
MAYOR

TOWN OF SULLIVAN'S ISLAND



TOWN COUNCIL
JERRY KAYNARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAGH
PATRICK O'NEIL
MARY JANE WATSON

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

PLANNING COMMISSION

Wednesday, September 11, 2013 - 6:30 P.M.
Town Hall

- A. CALL TO ORDER
- B. APPROVAL OF MINUTES FROM AUGUST 14, 2013
- C. ITEMS FOR CONSIDERATION
 - 1. Residential Adaptive Reuse of Historic Structures: Consideration of technical options for allowing the residential adaptive reuse of historic structures, meeting a certain size criteria and historic status.
- D. TEXT AMENDMENTS
 - 1. Z.O. Section 21-108.C (1): Amendment to membership requirements for the Design Review Board, by removing the "real property ownership" condition.
 - 2. Z.O. Section 21-27.A (2); Section 21-27.B (4); Section 21-203: Amendment to various sections of the Zoning Ordinance to allow the single-family use of historic buildings that are over 5600 square feet (principal building square footage).
 - 3. Z.O. Section 21-143 Parking and Outdoor Storage: Amendment that applies regulations for long-term parking of boats and trailers that are located in the public right-of-way.
- E. SUBDIVISION REQUESTS
 - 1. 2063 Middle Street and 2062 I'on Avenue: Applicant requests approval of a lot subdivision in accordance with Section 21-49 and Section 21-51, provided all the applicable conditions of these ordinance sections have been met.
- F. STAFF UPDATE ON TOWN PROJECTS
- G. PUBLIC INPUT
- H. ADJOURN



TOWN OF SULLIVAN'S ISLAND PLANNING COMMISSION: STAFF REPORT

Meeting Date: September 11, 2013
From: Building & Zoning Department
Prepared By: Joe Henderson, Zoning Administrator
Regarding: **Residential Adaptive Reuse of Historic Buildings**

ISSUE:

Request made for staff to develop options for allowing residential uses within historic buildings that meet a certain size criteria and historic status.

ENCLOSURES:

- Staff Report
- Draft Ordinance Language
- Map of Historic Districts
- Ordinance Section to be amended

REQUESTED ACTION:

During the August 14, 2013 Planning Commission meeting, staff was directed to revise the draft Zoning Ordinance language that would permit the residential adaptive reuse of historic nonresidential structures. The Planning Commission accepted staff's recommendation to permit the conversion of multiple single-family attached dwelling types within the existing RS Districts by way of Special Exception [Section 21-20.C (5)].

The Commission also requested that a special meeting of select PC members meet on August 28, 2013 to consider alterations to the draft ordinance language. During this meeting, the study team asked that no text changes be made to the draft ordinance and instead requested that a traffic and density impact analysis be conducted to show a projected comparison of four subject properties (after increase in density) with other neighborhoods island-wide. This study is to be shown to the study team prior to the September 11th PC meeting.

- Only show properties that would be affected by the proposed ordinance change (Theater, old Town Hall, Warehouse, Post Exchange)
- Conduct an analysis for each of the public's concerns (per previous public input sessions):
 - Traffic concerns: Conduct a traffic impact analysis to assess the overall effect of adding additional units. The increased number of trips for added residential units could then be compared to the total number of trips possible for single-family detached use and other public uses currently allowed under the RS zoning district (i.e. Town Hall).
 - Density concerns: Conduct a density comparison of the geographic area containing the four buildings in question with the density of other geographic areas of the same size.

Determine whether adding 11 to 12 single-family attached units to this subject area will vastly increase the density more than the current density of other areas of the island.

- Parking concerns: addressed during the August 14th meeting

STAFF ANALYSIS:

Procedure for Public Hearing: S.C. Code § 6-29-760 and Sullivan's Island Code Section 17-8 requires that the Planning Commission hold a public hearing only when considering an amendment to the text of the zoning ordinance, or changes to the official zoning map. Public Hearings should not be held for concept plans or for issues open for discussion without a proposed statutory change. Any recommendations made by the Commission, as they relate to a potential draft ordinance (and/or Public Hearing held as part of that process), will then be forwarded to Town Council for consideration.

Evaluation of Regulations: Because the Comprehensive Plan of 2008 guides the land use regulations stated within the Zoning Ordinance, land use types other than single-family attached housing (the Town's only sanctioned residential use of RS-zoned lot), may require inclusion by way of text amendments to the Zoning Ordinance and Comprehensive Plan.

Currently, the Zoning Ordinance only allows one single-family detached dwelling per lot. However, a ***special exception*** may be granted to allow the additions of one unit to a lot provided the given building standards are met and a structure is designated within the Sullivan's Island Historic Preservation Overlay District (§21-20 C. (2) *Historic Structure Used as ADU*). Although 'single family attached units' are defined in Article 21, there is no legally accepted use of this housing type, island-wide.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the attached draft Zoning Ordinance language.

Option 3: The below table represents the various text changes need to allow residential adaptive reuse of historic structures through Option 3.

Potential Comprehensive Plan Changes:

| Comprehensive Plan Element & Page # | Current Text | Change Needed |
|--|---|--|
| Page 76. Housing Unit Characteristics | “Single-family detached housing is the only sanctioned use of the town’s residential district (RS-District)....with some allowances made for accessory housing units and historic properties grandfathered....in compliance with 21-20C.” | “Single-family detached housing is the only sanctioned use of the town’s residential district (RS-District).....with some allowances made for adaptive reuse of historic structures , accessory housing units, and historic properties grandfathered....in compliance with 21-20C.” |
| Page 85. Land Use | <i>Does not list single-family attached by way of adaptive reuse.</i> | Residential-Special Exception: Through residential adaptive reuse, designated historic structures may be used as single-family attached units |
| Page 86. Residential District | <i>Does not list single-family attached by way of adaptive reuse.</i> | Single-family attached dwellings (allowed through special exception) And add.... Detached accessory dwelling units (allowed through special exception) |

Potential Zoning Ordinance Changes:

| Zoning Ordinance Section | Current Text | Change Needed |
|---|--|---|
| Section 21-203: (Definitions) | <i>No definition for ‘Adaptive Reuse’</i> | See draft ordinance language, defining “ adaptive reuse ” [Z.O. 21-203] |
| Section 21-20.C: (Special exceptions in the RS-District) | <i>No provision for allowing multiple single-family dwelling units.</i> | See draft ordinance language, which would permit adaptive reuse by special exception [Z.O. 21-20.C.(5)] |
| 21-27.A (1): Principal Building Square footage | <i>No provision for exempting multiple single-family dwelling units.</i> | See draft ordinance language, which exempt historic buildings approved through adaptive reuse by special exception [Z.O. 21-27.A.(2)(e)] |

DRAFT ORDINANCE ALLOWING RESIDENTIAL ADAPTIVE REUSE

****Red indicates draft ordinance language*

AMENDMENT 1: Chapter 21 (Zoning Ordinance): Article XXI (Definitions) **Section 21-203** of the Town of Sullivan's Island Code to add the following Section:

"Adaptive Reuse." Means the conversion or change of use of all or any part of an existing building to a residential use within designated historic structures that meet the development guidelines of Section 21-20 (C) (5).

AMENDMENT 2: Chapter 21 (Zoning Ordinance): Article III (Single Family Residential District) **Section 21-20.C. (5)** of the Town of Sullivan's Island Code to add the following Section:

C. Special Exceptions in the RS-District:

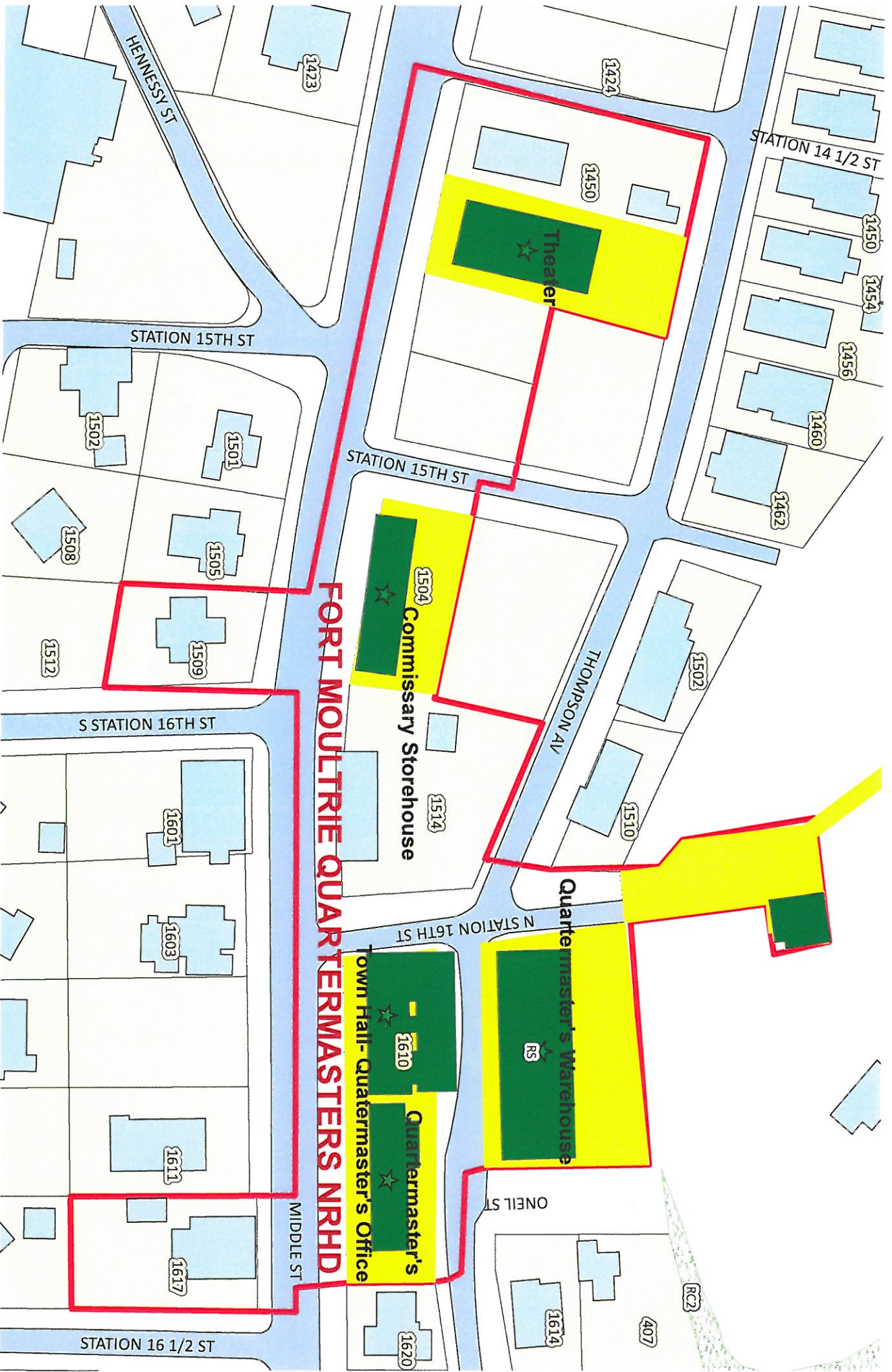
(5) Adaptive Reuse of Historic Structures

As an incentive to preserve and discourage the loss or continued vacancy of historic structures, single-family attached dwelling units may be allowed by Special Exception within the RS-District provided all of the following conditions are met:

- (a) The property must be listed as an historic property, as described in Section 21-94 Historic Property Designation Criteria.*
- (b) In considering a special exception for the adaptive reuse of an historic structure, the Board of Zoning Appeals must consider the following neighborhood compatibility standards:
 - a. Must be located within the boundaries of a National Register Historic District (NRHD);*
 - b. Maintain two (2) off-street parking spaces per dwelling unit;*
 - c. Structure must contain a minimum of 5000 square feet of interior space;*
 - d. Single-family attached units must be a minimum of 2000 square feet of interior space;*
 - e. Shall be no more than three (3) single-family attached dwelling units permitted for any historic structure;*
 - f. Structure's original use must not have been for residential purposes;**

AMENDMENT 3: Chapter 21 (Zoning Ordinance): Article III (Single Family Residential District) **Section 21-27.A.(2)(e)** of the Town of Sullivan's Island Code to add the following Section:

(e) Residential adaptive reuse of historic structures



FORT MOULTRIE QUARTERMASTERS NRHD

Fort Moultrie Quartermaster and Support Facilities Historic District:

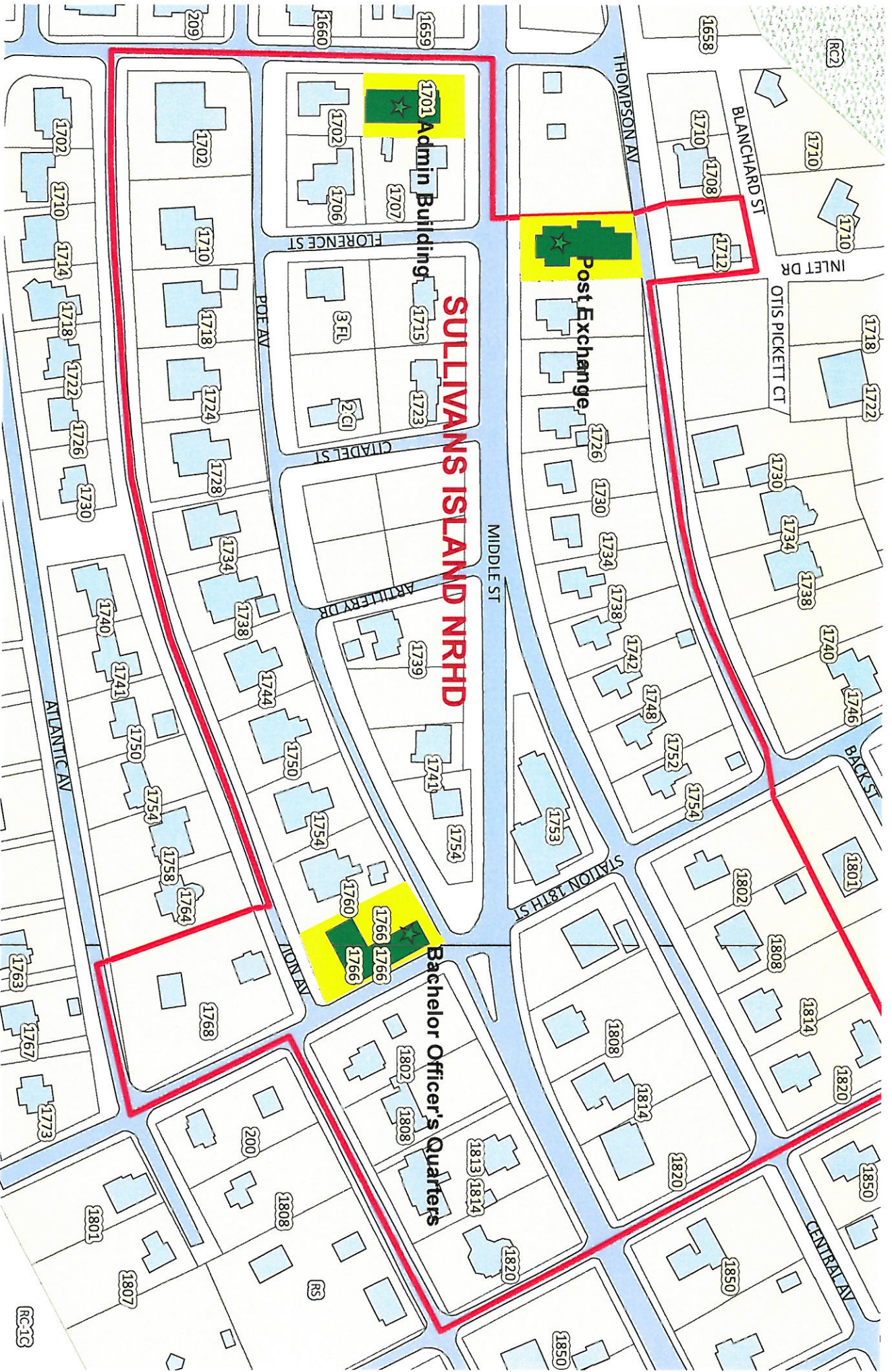
- Warehouse
- Storehouse
- Quartermaster
- Town Hall



Department of Building & General Administration

GIS Standard Map Disclaimer:

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



SULLIVAN'S ISLAND NRHD

4701 Admin Building

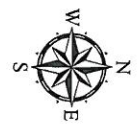
Post Exchange

Bachelor Officer's Quarters



Department of Building & General Administration

Sullivan's Island Historic District:
 -Bachelor Officer's Quarters
 -Post Exchange
 -Admin Building



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ARTICLE III. RS-Single Family Residential District.

Sec. 21-19. Intent, application and split zoned lots of RS-Single Family District.

A. Intent.

It is the intent of the RS-Single Family Residential District to be developed and reserved for low-density residential purposes built in a manner that is respectful of the Island's building mass and scale, historic structures, and compatible with neighborhood character. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy, environment for one single family, primarily owner-occupied dwelling per lot with each lot having an area of at least one-half (½) acre and to discourage any encroachment by commercial, or other uses capable of adversely affecting the residential character of the district. (3-20-12)

B. Application of zoning and design standards and design guidelines.

Unless otherwise specifically identified as a Design Standard or Design Guideline, all of the standards under this Article shall be considered as Zoning Standards.

C. Split zoned lots within the CCOD 1 and 2 Overlay Districts that are not subdivided. (3/20/12)

In an effort to have the property owner(s) self-police the extent and intensity of the commercial use where it is located on the same lot as a structure used for residential purpose, the following conditions will attach if the owner(s) elect to locate a commercial use as described in Sec. 21-50 on the same lot that a structure for residential purpose is also located:

(1) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner must have the same percentage of ownership in the structure(s) where a commercial use is located as in the structure(s) where a residential use is located;

(2) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use in the structure(s) where any commercial use is located as over any structure(s) where a residential use is located;

(3) These conditions shall be placed on any building permit for a commercial structure or alteration of a structure to accommodate a commercial use and shall be placed on any business license for a commercial use; and

(4) Furthermore, these conditions shall become covenants running with the property and shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC Office for Charleston County, before a building permit or business license is issued.

D. Design Review Board authority with respect to single family residential structures on CCOD 1 and 2 Overlay District lots. (3/20/12)

None of the allowances described in Article III for modifications to zoning or design standards by the Design Review Board shall be permitted for single family residential structures on CCOD 1 and 2 Overlay District lots except as provided in Sections 21-49. Approval by the Design Review Board on the basis of neighborhood compatibility shall be required for any building permit for a single family residential structure on CCOD 1 and 2 Overlay District lots as defined and described in Sec. 21-19 (C). (6-19-07) (3/20/12)

Sec. 21-20. Permitted, conditional, special exceptions and prohibited uses.

A. Permitted uses in the RS-District.

- (1) One single family detached dwelling per lot, designed for and occupied exclusively as a residence by one family, either owner or renter occupied.
- (2) Publicly owned facility or land.
- (3) Non-commercial horticulture or agriculture.

B. Conditional uses in the RS-District.

- (1) Accessory use in compliance with the provisions in article XV.
- (2) Customary home occupation established under the provisions in article XV.
- (3) Modular building unit as a single family detached dwelling provided it meets all requirements of the South Carolina Modular Building Construction Act.
- (4) Lots containing two occupied dwellings:
 - (a) Documentation that since August 1, 1977, both dwellings have been continually occupied by a family member or under a long-term rental agreement;
 - (b) If one or both buildings remain unoccupied or not rented for a period of more than one (1) year, then the right to occupy one of the two buildings shall be terminated; and,
 - (c) If rented, a current rental agreement must be on file with the Town.
- (5) Electrical and water meters:
 - (a) Only one electrical and/or water meter shall be allowed per residentially zoned lot.
 - (b) An owner shall be permitted to maintain additional meters if the additional meters were lawfully installed on a legally authorized dwelling for which a Certificate of Occupancy was duly issued at the time of the original ratification of the Zoning Ordinance in 1977; provided, such additional meter's use has not been discontinued as evidenced by a lack of use for a period of at least one (1) year. In the event any additional meter is removed, no additional electrical and/or water meter shall be reinstalled in place thereof.
- (6) Attached additions that do not share heated space with the principal dwelling provided
 - (a) No kitchen facilities are allowed, and
 - (b) Deed restrictions are placed on the property prohibiting rental as a separate dwelling.

C. Special exceptions in the RS-District.

- (1) Definition and approval.
 - (a) A use permitted in a zoning district that possesses characteristics that require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location and therefore shall be approved by the Board of Zoning Appeals.
 - (b) In addition to requiring the approval of the Board of Zoning Appeals, special exceptions in the RS-Single Family District are subject to specific conditions that are enumerated by type of use.
- (2) Historic structure used as accessory dwelling unit.

As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

- (a) Prior use shall have been used as a dwelling; and
- (b) The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)
 - a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94D. (1-8); and (5-15-07)
 - b. The portions removed from the historic property were added less than fifty (50) years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch had been

characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)

These provisions shall supersede any inconsistent provisions contained in other portions of Chapter 21 relating to the use of historic structures as accessory dwellings, including but not limited to Section 21-140. (5-15-07)

- (c) In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and
- (d) In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and
- (e) No separate utility service meters shall be permitted; and
- (f) The bottom elevation of the new second structure's first story floor joists shall be no greater than two (2) feet above the FEMA base flood elevation; and
- (g) The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and
- (h) Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and
 - (i) The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:
 - (i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and
 - (ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and
- (j) Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.
- (k) If the historic structure used as an accessory dwelling is destroyed, it may not be replaced
- (l) The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.

→ Add.

(3) Religious institution:

- (a) Limited to one building per lot;
- (b) Housed in a permanent building;
- (c) Located on a lot not less than one-half (½) acre in area;
- (d) Provides off-street location for picking-up and dropping-off adults and children;
- (e) Provides adequate off-street parking, in accordance with article XVI; and,
- (f) Meets the Setback and lot coverage standards of the RS District.

(4) Public utility substation:



TOWN OF SULLIVAN'S ISLAND PLANNING COMMISSION: STAFF REPORT

Meeting Date: September 11, 2013
From: Building Department
Prepared By: Joe Henderson, Zoning Administrator
Regarding: **Design Review Board Membership**

ISSUE:

Request made for staff to remove “real property ownership” as a requirement to be placed on the Design Review Board. Town Council was advised by the town attorney to initiate this text amendment to be consistent with the terms of conditions of all other Town boards and commissions.

CURRENT LANGUAGE:

C. Composition of board.

(1) The Design Review Board shall consist of seven (7) members at least six (6) of whom must be residents and the seventh (7th) of whom may be a nonresident **real property owner** of Sullivan’s Island appointed by the Town Council. (11-15-05)

PROPOSED LANGUAGE:

C. Composition of board.

(1) The Design Review Board shall consist of seven (7) members at least six (6) of whom must be residents and the seventh (7th) of whom may be a nonresident ~~real property owner~~ of Sullivan’s Island appointed by the Town Council. (11-15-05)

OTHER BOARD’S AND COMMISSION’S TERMS OF MEMBERSHIP:

- Board of Zoning Appeals:
“The Board of Zoning Appeals shall consist of seven (7) members all of which are citizens of Sullivan's Island appointed by the Town Council. (9-19-06)”
- Planning Commission:
“The commission shall consist of seven (7) persons, none of which may hold an elected public office in this municipality or the County of Charleston.”
- Tree Commission:
“The Town Council shall appoint a Tree Commission (Commission), comprised of five (5) members, all residents of Sullivan's Island who have demonstrated knowledge of the diversity of issues concerning trees and an interest in the preservation of the total environment of Sullivan's Island.”

Article XII. Design Review Board.

Sec. 21-106. Authority.

The Design Review Board is established in pursuance of authority conferred by the South Carolina Code, Title 6, Chapter 29, Sections 870 through 940 and in accordance with the Town of Sullivan's Island's Comprehensive Plan.

Sec. 21-107. Intent.

The intent of establishing the Design Review Board and initiating design review is to enhance the Island's character, preserve property values and protect the unique island identity of Sullivan's Island. The Design Review process is intended to promote design that is compatible in mass and scale with existing development of the Island and in harmony with the natural environment. The process is aimed at improving and augmenting other development controls included in the Zoning Ordinance.

Sec. 21-108. Creation and responsibilities.

A. Establishment and purpose.

The Town Council hereby establishes the Design Review Board for

- (1) The preservation and protection of historic and architecturally valuable districts and neighborhoods or significant or natural scenic areas;
- (2) The protection of and/or provision for the unique, special, or desired character of Sullivan's Island and defined districts within the Island or any combination of it; and,
- (3) Governing the erection, demolition, removal in whole or in part, or alteration, of buildings, structures and/or grounds by the issuance of a Certificate of Appropriateness.

B. Powers.

In accordance with procedures and standards set forth in the Article, the Design Review Board shall have the power to:

- (1) Review, approve, approve subject to modification or conditions, or deny approval for: 1) construction, enlargement or improvements governed by this Zoning Ordinance that affect the exterior appearance of a structure, except for those actions deemed to be routine maintenance by the Zoning Administrator.
- (2) Oversee the requirements of the HP Historic Preservation Overlay District upon the establishment of such district in accordance with the HP Historic Preservation Overlay District, including the issuance of Certificates of Appropriateness.
- (3) Hear appeals from alleged error in any order, requirement, determination, or decision of the Zoning Administrator or other appropriate administrative.
- (4) In connection with the administration of subsections 1 and 2 above, interpret and apply the standards of this Zoning Ordinance.

C. Composition of board.

In making appointments to the Design Review Board, the Town Council shall make an attempt to maintain a balance of interest and skills on the Board by assessing the individual qualifications of the candidates including but not limited to their knowledge and demonstrated interest in architecture, history, archaeology, planning, urban or community design, landscape architecture, construction and restoration, or law. Membership should include at least one state licensed design professional and a member at large. All members should have knowledge and demonstrated interest in the design and preservation of buildings and places. (11-15-05)

Appointment and terms.

- (1) The Design Review Board shall consist of seven (7) members at least six (6) of whom must be residents and the seventh (7th) of whom may be a nonresident real-property owner of Sullivan's Island appointed by the Town Council. (11-15-05)
- (2) No Board member shall hold any other public office or position in the Town.
- (3) The Board members shall serve overlapping terms of three (3) years each. At the time of the creation of the Design Review Board, three of the Board's five (5) members shall serve terms of one (1), two (2) and three (3) years, as designated by the Town Council. Their successors shall be appointed for a full three (3) year term. The Board members appointed to fill the additional two (2) places on the Board shall serve terms of two (2) years and three (3) years, as designated by Town Council, and their successors shall be appointed for full three (3) year terms. Members are all eligible for reappointment.

D. Removal and replacement of board member.

The Town Council may remove any Design Review Board member for repeated failure to attend meetings of the Board or for any other cause deemed sufficient cause. A member appointed to replace a removed member shall serve the balance of the removed member's unexpired term. At the completion of the unexpired term, the member shall be eligible for reappointment to a full term.

E. Election/appointment of officers.

The Design Review Board shall elect one of its members as chair. The chair shall serve for one (1) year or until he or she is re-elected or his or her successor is elected. The Board shall appoint a secretary who may be an officer of the governing authority or a member of the Design Review Board.

Sec. 21-109. Application, notice, meetings, conflicts, quorum, procedures and time limits.

A. Application and fees.

Applications to the Design Review Board shall be those required by the Zoning Administrator and any other information required for issuance of a Certificate of Appropriateness accompanied by an application fee the amount of which shall be established by resolution of the Town Council. (9-18-07)

B. Public notice of meetings.

- (1) Hearings shall be required on all applications made to the Design Review Board. Public notice of all hearings and meetings of the Design Review Board shall be published in a newspaper of general circulation in the Town at least fifteen (15) days prior to the meeting.
- (2) Written notice of the hearing date shall be mailed to the applicant, or the agent for the applicant, and, in the case of Administrative Appeals, the administrative officer from whom the appeal is taken.
- (3) Ten (10) days prior to the hearing before the Design Review Board, the Zoning Administrator shall require a sign that is conspicuous in color, size and location shall be posted on the property subject to the review. Such notice shall be visible from each public thoroughfare that abuts the property. The sign provided by the Zoning Administrator shall indicate that the Design Review Board shall be considering proposed improvements on the property and shall furnish the time and date of the Design Review Board hearing.

C. Meetings and record of actions.

- (1) Meetings of the Design Review Board shall be held at the call of the chair and at such other times as the Board may determine. The chair or, in his or her absence, the acting chair, may administer oaths and compel the attendance of witnesses by subpoena.
- (2) All meetings of the Design Review shall be open to the public.
- (3) All actions of the Design Review Board's findings of fact and conclusions shall be separately stated in final decisions or orders of the Board.
- (4) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed at Town Hall and be considered as a public record.

D. Conflicts of interest.

Any member of the Design Review Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.



TOWN OF SULLIVAN'S ISLAND PLANNING COMMISSION: STAFF REPORT

Meeting Date: September 11, 2013
From: Building Department
Prepared By: Joe Henderson, Zoning Administrator
Regarding: Single-Family use of buildings over 5600 principal building Sq. Ft.

ISSUE:

Request made to amend various sections of the Zoning Ordinance to allow the single-family use of historic buildings, which currently contain over 5600 square feet of usable living space (principal building square footage). Town Council previously endorsed the text amendment for allowing large buildings to be used as single-family, in their entirety, and requested that staff eliminate several sections of the ordinance to clarify how 'Principal Building Square Footage' is measured.

REQUESTED ACTION:

The following Zoning Ordinance modifications have been highlighted and noted in 'red.' All changes were recommended by Town Council and the Real-Estate Committee on August 30th.

1. **Section 21-27 A. (2)** Amended to correspond with the definition of "Principal building square footage" listed in the Section 21-27 A. (2) (*page 17*).

Section 21-27 B. (4) Amended to allow the single-family use of existing buildings and historic buildings over 5600 square feet (*page 18*).

Added: Section 21-27 C. (2) Amended to allow the single-family use of existing buildings and historic buildings over 5600 square feet (*page 18*).

2. **Section 21-203: Definition** for Principal Building Square Footage was modified to correspond with language stated in Section 21-27 A. (2) (*page 97*).

STAFF RECOMMENDATION:

Consider the following text amendments:

- Correcting the existing definition of "principal building square footage";
- Allowing the single-family use of historic buildings over 5600 square feet;
- Strike language to clarify how 'principal building square footage' is measured;

ZONING ORDINANCE AMENDMENT #1:

Sec. 21-27. Principal Building Square Footage. (page 17 and 18)

A. Purpose and definition.

(1) Purpose: The overall size of a Principal Building in relation to lot size affects the impact of the Principal Building's scale and mass on adjacent buildings and the Island as a whole. Improving the relationship between lot size and the Principal Building by limiting the Principal Building's maximum size promotes greater compatibility of new construction with existing development and contributes to overall neighborhood compatibility.

(2) Principal Building Square Footage: The entire square footage **of the Principal Building or Buildings measured from the outside of the exterior walls**, specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units, but not including (5-15-07)

- (a) interior space not readily useable as living space (attic used only for storage or parking area beneath dwelling);
- (b) structures that are not used as living space;
- (c) exterior porches and decks; and,
- (d) exterior stairs.

B. Permitted principal building square footage.

(1) Lot Area of five thousand (5,000) square feet or less: Principal Building Square Footage limited to twenty four hundred (2400) square feet.

(2) Lot Area exceeding five thousand (5,000) square feet: maximum Principal Building Square Footage of twenty four hundred (2400) square feet may be increased 10 sf for every additional 100 square feet of Lot Area.

(3) Equation: $[(\text{Lot Area} - 5000 \text{ sf}) / 100 \text{ sf}] \times (10) + 2400 = \text{Principal Building Square Footage}$.

Examples:

- (a) ½ acre Lot 21,780sf = 4078 Principal Building Square Footage.
- (b) ⅓ acre Lot 14,505sf = 3351 Principal Building Square Footage.
- (c) ¼ acre Lot 10890sf = 2989 Principal Building Square Footage.
- (d) Lot 5,000 sf = 2400 Principal Building Square Footage.

(4) The maximum permitted Principal Building Square Footage is fifty six hundred (5600) square feet **for any newly constructed single-family home. Existing buildings shall be exempt from the 5600 square foot requirement and able to utilize their total principal building square footage for single-family use.**

C. Design Review Board.

(1) The Design Review Board may increase by no more than twenty-five percent (25%) the maximum permitted Principal Building Square Footage if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, except as provided in Section 21-20C.(2)(j) regarding historic properties with a second structure on the same lot. (5-15-07)

(2) However, in no case shall any Principal Building Square Footage exceed 5,600 square feet **or, when applicable, the principal square footage permitted in 21-27 B (4).** (5-15-07)

D. Notwithstanding any of the requirements in Sec. 21-27 A-C above, single family residential structures in the CCOD 1 District may be permitted only if the principal building coverage area shall not exceed 80% of the maximum principal building square footage otherwise permitted in Sec. 21-27 A-C. The Design Review Board shall not have the authority to increase the principal building square footage as set forth in Sec. 21-27 (C) for single family residential structures on CCOD 1 or 2 Overlay District lots; provided, however, the Design Review Board may exercise the discretion described in Sec. 21-49. (6/19/07) (3/20/12)

ZONING ORDINANCE AMENDMENT #2:

Section 21-203: Definitions (page 97)

Building Square Footage, Principal. The entire square footage of the principal building **or buildings** measured from the outside of the exterior walls, **specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units,** but not including (1) interior space not useable as living space (attic or parking area beneath Principal Building); (2) structures that are not used as living space; (3) exterior porches and decks; and, (4) exterior stairs.



TOWN OF SULLIVAN'S ISLAND PLANNING COMMISSION: STAFF REPORT

Meeting Date: September 11, 2013
From: Building & Zoning Department
Prepared By: Joe Henderson, Zoning Administrator
Regarding: **Long-Term Parking of Boats and Trailers**

ISSUE:

Long-term parking of boats & trailers in public right-of-way

REQUESTED ACTION:

At the August 14, 2013 Planning Commission meeting, a request was made for staff to draft a model ordinance for regulating the long-term parking of boats and boat trailers in the public right-of-way.

The commission reviewed the Town of Folly Beach's ordinance and requested that it be used as a model for the proposed draft ordinance language.

On August 30th, draft ordinance language was also reviewed by the *Land Use and Natural Resources Committee* (LUNR was previously the "Real-Estate Committee"). During this meeting the committee asked whether there had been any accidents or other safety issues reported as it relates to boat & trailer parking. Staff reported that there had been no pedestrian or cycling accidents reported to the Police Department. The LUNR Committee expressed to staff that there was little interest in proceeding with a text amendment if there was no imminent safety concern. Any future emergency access issues that may develop as a result of boat parking should be handled case-by-case through the Police and Fire Department.

STAFF ANALYSIS:

Currently, Section 21-143 (Parking and Outdoor Storage) establishes location and square footage requirements for privately owned RS parcels that are storing boats and trailers (Enclosed).

According to SCDOT officials, boats, trailers, and automobiles are permitted to park in any SCDOT owned right-of-way, which constitutes most of the road ownership on Sullivan's Island. The commission has identified the following problems relating to boats and boat trailer being parked long-term in the public right-of-way:

- They may be hazardous to pedestrians who may have to walk or bike around a boat in the right-of-way;
- Aesthetically undesirable;
- They limit access of vehicles and emergency services on narrow rights-of-way (i.e. Poe Avenue behind tennis courts).

STAFF RECOMMENDATION:

Consider the ordinance language added to Z.O. Section 21-143. C (g), attached.

DRAFT ORDINANCE REGULATING BOAT PARKING IN ROW

Draft ordinance language shown below in 'red':

Sec. 21-143. Parking and outdoor storage.

A. Intent.

Parking is an accessory use to both residential and business land uses. This section sets forth the standards for parking and storage of personal vehicles, customer vehicles, commercial vehicles, non-operative vehicles, and recreational vehicles.

B. Definitions.

- (1) Outdoor Storage: The keeping within an unroofed and unenclosed area any goods, materials, merchandise or vehicles in the same place for more than thirty (30) days.
- (2) Parking: The placement of a vehicle or equipment at a location for thirty (30) or fewer days.
- (3) Parking Lot: Any area used for the express purposes of parking automotive vehicles, but not including a single family dwelling's parking area incidental to the principal use.

C. Parking requirements in the RS-Residential District, and Residential parcels within the CCOD 1 and CCOD 2 Districts. (3/20/12)

- (1) Parking lots are not permitted in the RS-District or residential portions of CCOD 1 and 2 Districts. (3/20/12)
- (2) To the extent possible, parking areas should be twenty (20) feet to the rear of the Principal Building's front façade.
- (3) In the residential portion of CCOD 1 and 2 districts, designated off-street parking area of at least 324 sq. ft. shall be required. Such area may be left in a pervious state. (3/20/12)
- (4) Outdoor Storage of vehicles and equipment:
 - (a) Storage of personal recreation vehicles, cars, boats, campers, and trailers shall be permitted in the RS-District and residentially zoned lots within the CCOD 1 and CCOD 2 Districts; (3/20/12)
 - (b) Storage shall be limited to a total of six hundred (600) square feet;
 - (c) Storage areas shall be located a minimum of twenty (20) feet to the rear of the Principal Building's front façade;
 - (d) Recreation vehicles may be parked anywhere on residential premises for a period not to exceed seven (7) days during loading and unloading. After seven (7) days they must be parked to the rear of the front facade;
 - (e) All setbacks shall be met as required by the zoning district;
 - (f) Neither vehicles nor equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.
 - (g) *It shall be illegal for any person or business to leave any item of personal property, other than an operable and State registered motor vehicle (including vehicles with attached boat trailer, utility trailer, or any other similar recreational vehicle or trailer), entirely or partially in a street or right-of-way for a period exceeding seven (7) consecutive days. For the purposes of this section, personal property does not include trash, garbage, or other items that have been legally placed in a right-of-way for pickup by the County, Town, or its contracted sanitation company.*

Folly Beach Ordinance:

72.11 PROPERTY LEFT ON A STREET OR RIGHT-OF-WAY.

It shall be illegal for any person or business to leave any item of personal property, other than an operable motor vehicle (including vehicles with attached trailers), entirely or partially in a street or right-of-way. For the purposes of this section, personal property does not include trash, garbage, or other items that have been legally placed in a right-of-way for pickup by the city or county.

(Ord. 27-12, passed 10-23-12)

South Carolina Code 56-5-5810. Definitions

South Carolina Code > Title 56 > Chapter 5 > § 56-5-5810 - Definitions

Current as of: 2009

For the purposes of this article and Article 39:

(a) "Officer" means any state, county, or municipal law enforcement officer, including county and municipal code enforcement and sanitation officers.

(b) "Abandoned vehicle" means a vehicle required to be registered in this State if operated on a public highway in this State that is left unattended on a highway for more than forty-eight hours, or a vehicle that has remained on private or other public property for a period of more than seven days without the consent of the owner or person in control of the property.

(c) "Derelict vehicle" means a vehicle required to be registered in this State if operated on a public highway in this State:

(1) whose certificate of registration has expired and the registered owner no longer resides at the address listed on the last certificate of registration on record with the Department of Motor Vehicles; or

(2) whose motor or other major parts have been removed so as either to render the vehicle inoperable or the operation of which would violate Section 56-5-4410; or

(3) whose manufacturer's serial plates, motor vehicle identification numbers, license number plates, and any other means of identification have been removed so as to nullify efforts to locate or identify the registered owner; or

(4) whose registered owner of record disclaims ownership or releases his rights thereto; or

(5) which is more than eight years old and does not bear a current registration.

(d) "Demolisher" means any person, firm, or corporation whose business is to convert a vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle such a vehicle.



TOWN OF SULLIVAN'S ISLAND PLANNING COMMISSION: STAFF REPORT

Meeting Date: September 11, 2013
From: Building Department
Prepared By: Joe Henderson, Zoning Administrator
Regarding: **Lot Subdivision: 2063 Middle Street and 2062 I'on Avenue**
(TMS# 529-09-00-124) (TMS# 529-09-00-125) (TMS# 529-09-00-017)

ISSUE:

Applicant requests approval of a lot subdivision in accordance with Section 21-12, 21-49, and 21-51, provided all the applicable conditions of these ordinance sections have been met.

BACKGROUND:

The property is currently occupied by one residential use fronting on 2062 I'on Avenue and a commercial restaurant use (currently under construction) on 2063 Middle Street. The property is owned by two parties: SI Holdings LLC and Robert Kenny. The requested subdivision will voluntarily separate the ownership of the existing residential use from the commercial restaurant use.

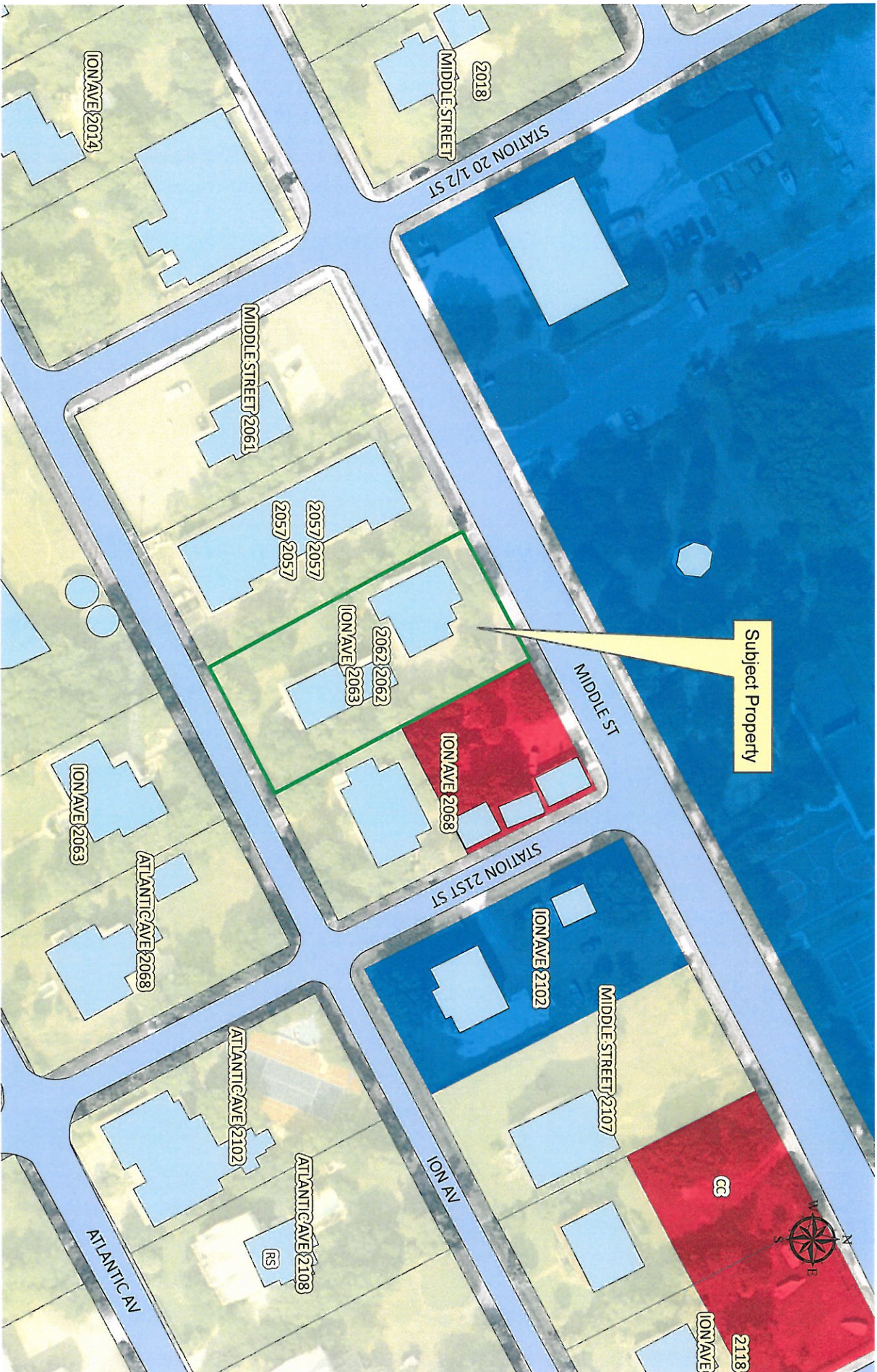
- January 10, 2013 the *Board of Zoning Appeals* approved a variance to create an irregular subdivision line, finding that the central position of the house created a hardship.
- February 20, 2013 the *Design Review Board* issued approval of elevations and site design.

ZONING ORDINANCE REGULATIONS FOR LOT SUBDIVISION

- ***Section 21-12 Lot Subdivision:***
This section prohibits any lot subdivision, with the exception of the CCOD 1 & 2
- ***Section 21-49.C. 2 & 3 Subdivision of Lots in the CCOD 1 and 2:***
This section requires that all subdivision occur along the zoning line (BZA approved deviation to this on 1-10-13), must meet 21-51 regarding utility easements and meters.
- ***Section 21-51 CCOD Easements and Line Installations Required Prior to Subdivision:***
This section requires **1) water and sewer taps be obtained 2) easements be provided where needed 3) Construct water and sewer lines or post bond 1.5 the cost of total project**

STAFF RECOMMENDATION:

Approve the submitted plat provided all of the conditions of the Zoning Ordinance are met, specifically; Section 21-12 (Lot Subdivision); Section 21-49 (Subdivision of Lots in the Community Commercial Overlay District 1 and 2); and Section 21-51(CCOD Easements and Line Installations Required Prior to Subdivision). All work required by these provisions must be inspected and approved by the Town's Water and Sewer Department.



Subject Property

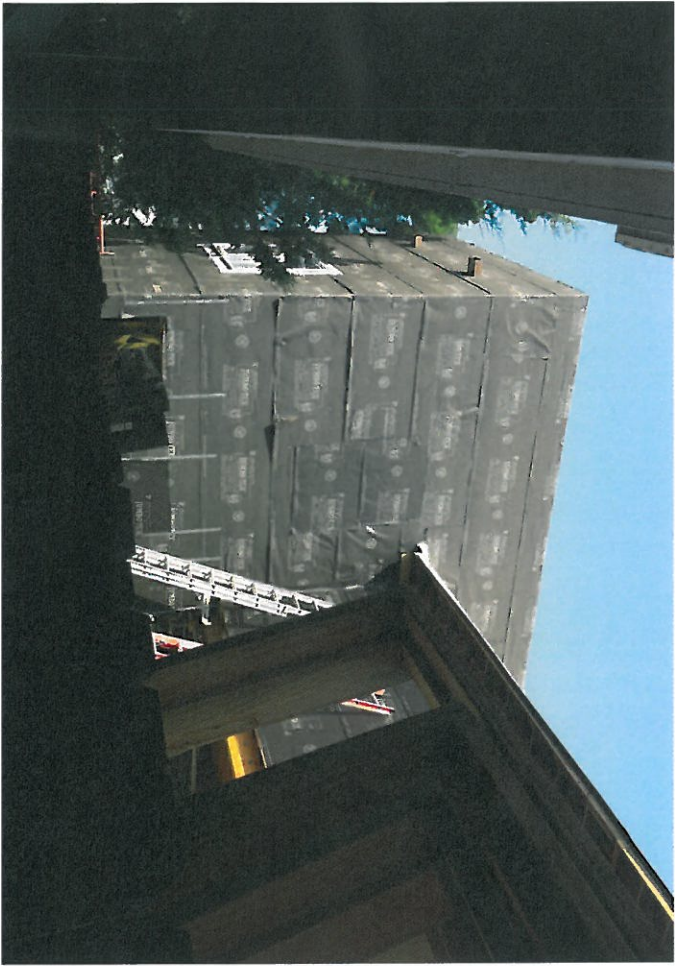


2063 Middle Street and 2062 I'on Avenue

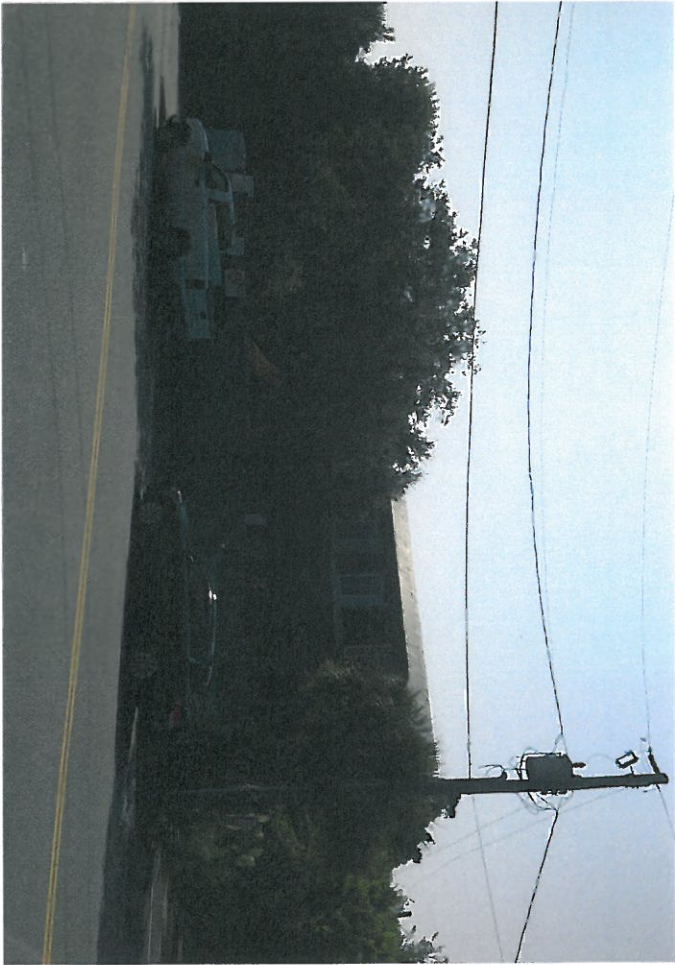
GIS Standard Map Disclaimer:

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.





Pictures from Middle Street



From Middle Street



Pictures from 2062 10th Avenue



From Jon



ARTICLE IV. CC-Community Commercial District.

Sec. 21-47. Change of district name.

The CC-Community Commercial District (CC-District) was formerly known as the "OC-GC General Commercial and Office Commercial District." This change in name neither affects the zoning boundary lines of the zoning district nor uses previously permitted or prohibited.

Sec. 21-48. Purpose and application of CC-Community Commercial District and CCOD 1 and 2 Overlay Districts. (3/20/12)

A. Purpose.

It is the intent that the CC-Community Commercial District (and portions of the associated overlay zones CCOD 1 and CCOD 2) shall be developed and reserved for commercial business and office use for the benefit of Sullivan's Island residents, and to encourage well-regulated residential land use. The regulations that apply within the district are designed to encourage the formation and continuance of a compatible and economically healthy environment for commercial and professional office uses that benefit from being located in close proximity to one another. It is also the intent to provide opportunities for residential uses to be developed at appropriate locations within the CC-District and CCOD 1 and 2 Overlay Districts under circumstances which will assure compatibility of neighboring commercial and residential activities. (3/20/12)

B. Application of zoning and design standards and design guidelines.

(1) Unless otherwise specifically identified as a Design Standard or Design Guideline, all of the standards under this Article shall be considered as Zoning Standards.

(2) Within the CC District and CCOD 1 and 2 Overlay Districts, all plans for new construction or for renovations which will change the exterior appearance must be reviewed in advance by the Design Review Board for neighborhood compatibility. (3/20/12)

Sec. 21-49. CC, CCOD 1 and CCOD 2. (Entire Section revised 3/20/12)

A. Generally.

Sullivan's Island contains lots that are, or previously were, split zoned lots. These are located generally between Station 20 ½ and Station 22 ½ that have frontage on Middle Street and I'on Avenue and Middle Street and Jasper Boulevard. These lots are shown in Exhibit 1.1 at the end of this section, and shall be divided into Districts and Overlay Districts to be known as CC, CCOD 1 and CCOD 2. In instances of unsubdivided lots within the CC District, and CCOD 1 and 2 Overlay Districts, the underlying (RS / CC) zoning boundary line bisecting split zoned lots and shall be retained and observed absent specific amendment by Council. (Please refer to the Official Zoning Map for exact demarcation of zoning district boundaries). In instances where lots are subdivided the subdivision shall occur along the pre-existing (RS / CC) zoning boundary. In instances in which specific CCOD 1 or CCOD 2 overlay rules conflict with the underlying base zoning (RS or CC) requirements or the general zoning, site planning, and use regulations set forth elsewhere within this code, then the more specific CCOD 1 and CCOD 2 Overlay provisions shall control for such parcels. In all other instances the more general underlying base zoning and ordinances of the Town of Sullivan's Island shall apply.

B. Boundaries.

1. CC – The CC area may generally be described as consisting of those lots between Station 20 ½ and Station 22 ½ that have frontage on Middle Street and I'on Avenue and Middle Street and Jasper Boulevard. Some portions of the CC area are further divided into the CCOD 1 and CCOD 2 Overlay Districts for regulatory purposes. Town to provide revised description of CC district boundaries.
2. CCOD 1 – The CCOD 1 Overlay District may generally be described as consisting of those lots between Middle Street and Jasper Boulevard from Station 22 ½ to Station 22. This area is comprised of the parcels identified as TMS Numbers 529-05-00084, 529-05-00034, 529-05-00033, 529-05-00032, 529-05-00031

- (a) Note: Existing bars are permitted to operate under the Nonconforming Use provisions of this Zoning Ordinance; however, this does not prevent the Town of Sullivan's Island from enacting other non-zoning related ordinances pertaining to their operations.
- (2) Businesses selling gasoline or any other businesses handling hazardous chemical wastes;
- (3) Automated teller machine, drive-through or walk up windows, drive-in or drop-off, or night drop windows;
- (4) Outdoor storage of vehicles, supplies, or equipment associated with a commercial or office enterprise.
- (5) Vacation Rentals.
- (6) On the commercial portion of a CC lot or a commercial lot within the CCOD 1 and 2 areas, structures principally dedicated to, or designed for, first floor residential use (i.e. single family residential structures, first floor apartments, or first floor condominiums.) (3/20/12)
- (7) No uses shall be allowed in the CC-District unless specifically provided in Section 21-50 (A) – (C) herein.

E. Parking and sign requirements.

Parking requirements for uses within the CC, CCOD 1 and CCOD 2 Districts shall be in accordance with Accessory Uses and Structure – Parking, ARTICLE XV. Sec. 21-143. Sign requirements within the CC-Community Commercial District shall be in accordance with Sign Regulations, ARTICLE XIV. (3/20/12)

Sec. 21-51. Electrical and water meters and associated easements. (3/20/12)

A. Additional Meters.

Nothing contained in this Zoning Ordinance shall prohibit the lawful existence or installation of additional meters on CC-District land (including land within the CCOD 1 and 2 Overlay Districts), provided such meter or meters are duly authorized by the Town of Sullivan's Island. Additional water and sewer capacity from the Town's water and sewer systems is necessary and therefore must comply with all State and Federal Regulations as well as Chapters 18 and 20 of the Town's Ordinances. Specifically Sections 18-6, 18-7 and 18-10, there is only one sewer tap per single lot allowed and in accordance with Section 18-6, every property must have a sewer tap into the system. (3-20-12)

B. CCOD 1 and 2: Easements and Line Installations Required Prior to Subdivision (3/20/12)

The owner of a split zone lot shall, prior to subdividing the lot or prior to obtaining a building permit to construct a building on the lot shall;

- (1) Obtain a water and sewer tap for the portion of the lot zoned commercial (if it does not already have one that is operable) and a water and sewer tap for the portion of the lot zoned residential (if it does not already have one that is operable); The cost of the sewer and water taps shall be paid by the Owner of said lot in an amount to be determined by the Town's Water and Sewer Department; and (3/20/12)
- (2) (a) Provide a reasonable size utility easement that will run with the land connecting with the Town's water and sewer lines (on Jasper Avenue for CCOD 1 lots and I'on Avenue or Station 22 for CC)D 2 lots) and extending to the portion of the lot zoned commercial. The easement shall be owned and maintained by the Owner of that portion of the lot zoned commercial at the Owner's sole expense; and (33/20/12)
 - (b) Construct water and sewer lines within said easements at the Owner's sole expense and the Owner shall maintain repair or replace said sewer and water lines as required by the Town's Water and Sewer Department, at the Owner's sole expense; and the Town's Water and Sewer Department shall provide the specifications of the water and sewer lines and the Owner shall obtain the approval of the Town's Water and Sewer Department prior to subdividing or obtaining a building the approval of the Town, to provide to the Town Water and Sewer Department an estimate of the cost to do such work that is satisfactory to the Water and Sewer Department and post with the Town a bond equal to one and one-half times the amount of such estimate to ensure that required water and sewer lines will be constructed as required; and (3/20/12)
 - (c) In the event the Town has installed water and sewer lines along or in Middle Street adjacent to a split zoned lot, then prior to subdividing the lot or obtaining a building permit to construct a building on the lot, the Owner shall pay to the Town 25% (twenty five percent) of the total cost

1329 Variance Approval

Variance
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed: _____ Permit Application No. _____ Appeal No. _____

The Board of Zoning Appeals held a public hearing on December 13, 2012 for 2062 I'on Avenue - Unit A, 2063 Middle Street HPR (Lot 253) for a variance from Section 21-49 to allow subdivision of a submitted plat.

Robert and Margaret Kenny, 2062 I'on Avenue - Unit A, 2063 Middle Street HPR (Lot 253), variance from Section 21-49 to allow subdivision of submitted plat. Chair Middaugh asked Mr. Robinson to present. Mr. Robinson stated the Town created the overlay districts and basically all the split zone lots can now be subdivided by the owner. The owner of this particular lot, Atlanticville, wants to subdivide the lot. When the Planning Commission was discussing the overlay district for recommendation to Council, it said this one lot was a situation for a variance because this was the only lot in which a structure crossed the midline.

Chair Middaugh asked the applicant to present. Attorney Sam Applegate presented for the applicants. He stated that the owner wishes to subdivide the lot, and a variance is needed because the midline dividing line goes through part of the house. Motion was made by Elizabeth Tezza, seconded by Susan Romaine, to grant this variance from the midline on the Town's Zoning map as drawn on a plat dated July 2, 2012 by John E. Wade, Jr., RLS, to the extent that this variance affects setback lines, the existing structures will be considered existing legal non-conforming structures to the extent that the redrawn property line effects setbacks. There are extraordinary and exceptional conditions pertaining to this particular piece of property because the existing structure at 2062 I'on Avenue extends over the midline as drawn on the Town's Zoning map. These conditions do not apply to any other properties affected by the midline, and because of these conditions the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property because it would require that the existing rear portion of the residence located at 2062 I'on Avenue which crosses over the midline be torn down. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance because it will give recognition to the existing line of occupation as contemplated by the Zoning Ordinance amendment to Section 21-149 set forth in ordinance #2011-06 ratified on March 20, 2012, carried unanimously.

Date issued: 1-10-2013

Susan J. Middaugh
Chairman

Date mailed to parties in interest: 1-15-2013

Ellen Miller
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

First-Class Mail® or First-Class International mail. POSTAGE WILL BE PAID BY ADDRESSEE. If you are requesting to provide proof of postage for two years.