



**Town of Sullivan's Island, South Carolina
Planning Commission
Regular Meeting Minutes**

Wednesday, May 10, 2023

A regular meeting was held at 4:00pm, on Wednesday, May 10, 2023, in Town Hall at 2056 Middle Street. All requirements of the Freedom of Information Act were verified to have been satisfied.

Present: Commissioners Carl Hubbard (Chair), Mark Howard, Gallia Coles, Laura Schroeder, and Charles Cole.

Staff Members: Charles Drayton, Director of Planning and Zoning, Joe Henderson, Deputy Administrator and Pamela Otto, Planning Commission staff member.

A. **Call to Order.** Chair Hubbard called the meeting to order at 4:02pm, and it was stated the press and public were duly notified pursuant to the Freedom of Information Act requirements.

Public: There were five (5) members of the public present, including Design Review Board member Heather Wilson.

Media: There were no members of the media present.

B. **Approval of Minutes – April 12, 2023**

Motion: A motion was made by Ms. Schroeder to approve the April 12, 2023 meeting minutes as written, seconded by Mr. Howard; this motion passed unanimously, 4-0.

C. **Public Input and Correspondence.**

Aussie Geer (2702 Goldbug Ave) spoke about the consideration of changing the rear setback for swimming pools. She is opposed to changing that as pools can be noisy and impact neighboring properties. She feels that there are other options for property owners who want a pool, such as a smaller pool or a smaller house.

Chair Hubbard acknowledged correspondence received via email from John Winchester, the Chair of the Historic Preservation and Design Study Group (HPDSG), dated May 6, 2023. Mr. Winchester is not in favor of changing the setback for inground pools and sent an email to the Commission voicing his opposition.

Motion: A motion was made by Chair Hubbard to place the correspondence on the record by attaching it to the meeting minutes, seconded by Mr. Howard; this motion passed unanimously, 4-0.

D. Public Hearing for Zoning Ordinance Text Amendments

- 1) **Historic Properties, Zoning Ordinance Subsections §21-20 C. (2) (j), §21-25 C. (1), §21-27 C. (1), & §21-140 A. (10): Consideration to allow discretionary increases in principal building square footage and coverage area for historic properties with a second residential structure.**

The proposed change is to remove the language barring discretionary increases from the Design Review Board (DRB) on homes that use the Accessory Dwelling Unit (ADU) option for historic cottages on the property. (Commission Member Charles Cole arrives at this time)

Discussion

Mr. Howard asked if the DRB puts a limit on the number of requests an applicant is allowed to bring to the DRB. Drayton stated that the Board does consider that when making a decision but there is no rule limiting it. There was some discussion over whether this happens frequently and how the DRB handles applicants with numerous relief requests. Drayton said this could be an agenda item for the next meeting, he would gather information about how often applicants bring a large number of “asks” to the DRB.

The results of the change would be as listed below:

§21-20 C. (2) (j): Section (j), that states “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”, would be removed from the Ordinance.

§21-25 C. (1): The phrase “except as provided in Section 21-20 C. (2) (j) regarding historic properties with a second structure on the same lot” would be removed.

§21-27 C. (1): The increase allowed by the DRB would be changes from twenty-five percent (25%) to twenty percent (20%) and the phrase “except as provided in Section 21-20 C. (2) (j) regarding historic properties with a second structure on the same lot” would be replaced by the phrase “except in cases of the special exception allowing a second residential structure on a lot with the historic structure used as an accessory dwelling unit, wherein the Design Review Board may increase the Principal Building Square Footage by no more than twenty-five percent (25%).”

§21-140 A. (10): Section (10), that states “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”, would be removed from the Ordinance.

Motion: A motion was made by Ms. Schroeder to approve the language changes in Ordinance Subsections 21-20 C. (2) (j), 21-25 C. (1), 21-27 C. (1) and 21-140A. (10) and to send those recommendations to Town Council, seconded by Chair Hubbard; this motion passed unanimously, 5-0.

2) **Historic Properties, Zoning Ordinance Subsection §21-43 B. (1): Consideration to remove the square footage and coverage exemptions for historic properties.**

Drayton stated that the proposed changes would remove the fifty percent (50%) exemption that attached additions to a historic cottage currently receive, with the goal of reducing the massing of homes.

The proposed change would remove Section 21-43 B. (1) from the Zoning Ordinance. The section to be removed states “Where an addition is made to an historic structure, exempt up to fifty percent (50%) of the Principal Building’s existing square footage, building coverage (footprint) and impervious surface coverage (for example, a new structure on a half-acre lot with an existing historic structure with two thousand (2,000) Principal Building Square Footage, an addition to the Principal Building could contain 3,078 square feet, for a total Principal Building Square Footage of 5,078 square feet. However, in no case may the resulting total actual square footage of both structures exceed 5,600 square feet (this exemption does not apply where a second structure is built on the lot);”

Motion: A motion was made by Chair Hubbard to approve the removal of the language granting a 50% exemption to attached additions to historic homes in Section 21-43 B. (1), seconded by Ms. Coles; this motion passed unanimously, 5-0.

3) **Historic Properties, Zoning Ordinance Subsections §21-31 B. (4) & §21-44 B. (1) & (C): Consideration for changes to requirements for elevating historic structures.**

The changes proposed to these ordinances would change the allowed elevation for historic structures. The changes are listed below:

§21-31 B. (4): The phrase “and shall not exceed more that one (1) foot above the required base flood elevation (BFE).” will be removed, leaving (4) to say “The standards outlined in B (1-3) do not apply to designated historic buildings. Designated historic building must comply with the standards set forth in Section 21-44.”

§21-44 B. (1): The phrase “one (1) foot above the required FEMA base flood elevation (BFE)” will be replaced by “three (3) feet above finished grade.”

§21-44 C.: The phrase “may on a case-by-case basis increase the height of a historic structure by up to two (2) feet above the standard set forth in Sec 21-44 B. (1) and make other” will be added after Design Review Board in this section.

This change takes the Federal Emergency Management Agency (FEMA) maps out of the process of establishing how high historic homes can be raised. The change will allow historic homes to be elevated three feet (3ft) above finished grade, with the DRB able to add two feet (2ft) more, for a total of five feet (5ft). There was no discussion or questions from the Commission.

Motion: A motion was made by Ms. Coles to approve the proposed language changes to Ordinance Subsections 21-31 B. (4), 21-44 B. (1) and 21-44 C., seconded by Ms. Schroeder; this motion passed unanimously, 5-0.

4) **Accessory Structures, Zoning Ordinance Subsection §21-138 A. (2) (b):**
Consideration to remove the discretionary authority to increase square footages for accessory structures.

Currently the Ordinance allows the DRB to grant a 20% discretionary increase for accessory structures. This change would remove that allowable increase. There was no discussion or questions from the Commission.

Motion: A motion was made by Chair Hubbard to approve the removal of Ordinance Subsection 21-138 A. (2) (b), seconded by Mr. Howard; this motion passed unanimously, 5-0.

5) **Swimming Pools, Zoning Ordinance Subsections §21-22 A. (1) (e), §21-23 C. (5), & §21-142 B. (2):** **Consideration to allow swimming pools to encroach into the rear and RC district setbacks.**

The proposed changes would allow in ground swimming pools, those not elevated more than 6 inches, encroach ten feet (10ft) into the twenty-five-foot (25ft) rear and RC district setbacks, fifteen feet (15ft) if five feet (5ft) of the 15ft is pervious decking that directs pool overflow away from the Ocean and Coastal Resource Management (OCRM) line.

Discussion

There was some discussion about whether there was a required distance a pool must be from the principal building. There was also some discussion about hot tubs and how they are classified.

Public Comment

Rochelle Rutledge (1764 Atlantic Ave) agrees with Ms. Geer. She is frustrated by the number of variance requests as people are aware of the rules when they buy a property and should have to abide by them.

Discussion

Drayton said it is a small portion of the Town that has neighbors behind their property, most lots run street to street. The HPDSG was discussed and that their goal was to bring pools down to ground level, this change is an attempt to incentivize in ground pools. Ms. Wilson asked if it had been discussed to just not allow above ground pools as that would also encourage lowering the homes. It was asked about the process once this goes to Town Council, and the opportunities for public comment there. It was asked if this could be discussed further at a later date.

Motion: A motion was made by Ms. Schroeder to deny this change and maintain the current setbacks for swimming pools, seconded by Chair Hubbard; this motion was passed unanimously, 5-0.

E. Zoning Ordinance Text Amendments

1. Consideration of Changes to Sections 21-22 C. & D., and 21-29 – Regarding Secondary Setbacks for Principal Buildings.

Drayton stated that this is a staff-initiated recommendation as, according to the Ordinance currently, the second story side façade allowance is only for a ten-foot (10ft) wall length unless it is set 2ft back from the first story wall. The intent is to maintain an articulated façade but to allow more creativity to architects, where they would not have to go to the DRB specifically to allow a twelve foot (12ft) wide bedroom on the second floor.

Drayton read an email he had received mentioning that since a property owner had to go to the DRB for second story side façade relief, they will go ahead and ask for relief on other items as well. He then gave examples of the setbacks for nearby jurisdictions, Isle of Palms, Mount Pleasant, Pawley's Island, Folly Beach, Seabrook Island, and Kiawah Island.

The proposal would also

- maintain the forty foot (40ft) minimum setback while allowing the DRB to provide relief bringing the setback to a minimum of 10ft but could vary as it will be an average. It will allow and encourage articulation
- allow a thirty-eight-foot (38ft) limit on ground and first story elements, at 38ft they would need an articulation of some type, with the DRB only being allowed to grant 25% relief
- allow second floor elements to not exceed thirty-two feet (32ft) in length without an articulation
- make articulations a minimum of sixteen inches (16in) in depth and nine feet (9ft) in length
- allow a porch or deck to substitute for the articulation

Drayton had asked Ms. Wilson, from the DRB, to attend the meeting as an expert. She provided her input as an architect on the recommended changes. There was then some discussion about the average and how that would work.

The Commission asked about current regulations and when relief is required for different setbacks. They also asked what the minimum setback is, which is 10ft, stressing that it could not be encroached below 10ft. Drayton showed some examples of the new design recommendations. Ms. Wilson stated that this would be helpful on lots with large trees or other items that needed to be worked around but she is concerned about the worst-case scenario that could lead to a one-hundred-foot (100ft) wall along the road, a neighboring property line or a beach path.

The Commission decided to continue discussing this matter at the next meeting, with some drawings to aid in visualization.

Drayton mentioned that the plan to discuss the Comprehensive Plan at the June meeting had encountered some complications. The beginning of the review will now be moved to September 2023.

Mr. Cole thanked Chair Hubbard for his work with the Commission and wished him luck as a Councilmember. This was reiterated by the other members.

- F. **Adjourn.** There being no new business, nor further discussion, the meeting adjourned at approximately 5:36pm.

Motion: A motion was made by Chair Hubbard to adjourn, seconded by Ms. Coles; this motion passed unanimously, 5-0.

Respectfully submitted,

Pamela Otto, Planning Commission Staff



Manda Poletti, Chair



Date

Pam Otto

From: Charles Drayton
Sent: Monday, May 8, 2023 8:35 AM
To: Pam Otto
Subject: FW: Planning Commission/swimming pools

Hey Pam,

We have a public comment for the Planning Commission.

Charles Heyward Drayton | Director of Planning and Zoning Town of Sullivan's Island
2056 Middle Street
Sullivan's Island, South Carolina 29482
T: 843.883.5752
cdrayton@sullivansisland.sc.gov

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-----Original Message-----

From: JOHN & JOANNE WINCHESTER <winchesterjohnjo@bellsouth.net>
Sent: Saturday, May 6, 2023 2:52 PM
To: Charles Drayton <CDrayton@sullivansisland.sc.gov>
Cc: Joe Henderson <jhenderson@sullivansisland.sc.gov>
Subject: Planning Commission/swimming pools

CAUTION: > This email originated from outside the Town of Sullivan's Island. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Charles, I hadn't planned to provide any personal thoughts to the Planning Commission during its current deliberations, certainly no "ex parte" to the Chair as you have called it, but the subject of changing swimming pool zoning regulations is kind of sensitive with me right now. I'd like to weigh in and would be appreciative if you'd pass some thoughts on....exactly as written.

First, I understand there is an initiative, championed by one or two residents and embraced by some on Town staff, to lessen the rear set back requirements for pools. Bad idea. Pools are noise generators....that's why the ordinance was written as it was for "recreational" add-ons. The set backs are there for "buffer"....that's what they do...why take a step that reduces buffer and increases noise levels for one's neighbors?

I understand there is some "science" being peddled that ground level pools are less loud than above ground (attached) pools and so we need to encourage in-ground pools....etc. Maybe, but common sense and "every summer day observation" tells us there is one over-riding factor in generation of pool noise....its a function of number of kids playing and distance from the neighbors' ear. You can't control the former and shouldn't; you can the latter, and should. Leave the buffers at current levels.

Also, I'd question the "proponentcy" for this change....from my knowledge its only a very few resident(s) and home builders/architects asking for this change. Is there a clamoring of residents wanting neighbor's pools closer to them? Didn't think so....I rather think they'd want to keep the status quo. I've heard the argument the pool setback requirement

restricts architectural design. Perhaps so and perhaps the builder should seek a larger lot or make some adjustments to the building plan to better fit a pool....the answer is not build your pool closer to the neighbors house.

Further, I viewed the minutes from the last available PC meeting on the Town's web site that indicate an interest in other communities policies regarding pool setbacks. Interesting data but of little use. Take a drive from SI to the IOP/connector intersection and return via front beach. The difference between SI and IOP that's governed by architectural specifics, scale, and mass is overwhelming. Not to disparage our neighbors, but do we really want to come more in line with IOP zoning? Folly Beach? SI is unique; our zoning has served us pretty well. This latest notion to encroach on setbacks for pools is a step backward....not forward...what other Islands do is not relevant.

Finally, for those who want to change some pool zoning regulations....I'd suggest a visit to Brooks Street where, to my surprise we now have an above ground rubber or fabric pool not attached to the house. Its quite the scene. I'm really happy its not closer to my property than it is and I wouldn't wish it close to your property either. So, I'd suggest we do need some tweaking of the pool zoning regulations but it has nothing to do with lessening the rear setbacks.

Respectfully, JD Winchester 2720 Brooks St.