

July 14, 2011

The Board of Zoning Appeals for the Town of Sullivan's Island met on the above date at Town Hall, all requirements of the Freedom of Information Act having been satisfied.

Present: Jimmy Hiers, Chairman
Ward Lasso
Susan Middaugh
Susan Romaine
Elizabeth Tezza
Carlin Timmons

Motion was made by Susan Romaine, seconded by Elizabeth Tezza, to approve the minutes of the June 9, 2011 meeting, carried unanimously.

Chairman Hiers issued the applicant and participant oath.

Elizabeth Kitchin, 2420 Jasper Street. Special exception for historic structure used as accessory dwelling. Chairman Hiers asked Building Official Randy Robinson to present. Mr. Robinson stated that this application was remanded back for additional information. It has received final approval of the design from the Design Review Board, pending approval of the special exception status from the Board of Zoning Appeals. Chairman Hiers asked the applicant to present. Rachel Burton of Ink Architecture represented the applicant. She presented drawings of the structures. She then stated how their firm has related the points of the special exception to their design. Concerning the requirements for Special Exception in Code Section 21-178: (C) (1) The site plan provided shows that we meet all the setback requirements, and there are no buffering or landscape requirements. (C) (2) This is not applicable to this particular project because the existing curb cut would be maintained; and access from Myrtle Avenue already exists, so there is no change to the vehicular or pedestrian movement. (C) (3) There is off-street parking provided on site; and up to four cars can be parked on the site outside of the garage. (C) (4) Because residential is being maintained there is no change from the existing use to the proposed use, so it is a non-issue for this particular project and should not adversely affect the neighborhood.

Additional points Ms. Burton shared: we are saving the historic house and we are limited by the width of the lot in what we can accomplish on the lot. The DRB has taken into consideration the design of historic house and the new house, and has approved the design of both houses – in both design, location and orientation on the lot. The lot has an existing non-conforming structure on it, and it's facing Myrtle and we're removing that and replacing it with our new home. The DRB has determined that it is

compatible in the neighborhood and that with the two structures we are under both the lot coverage and the square footage requirements. There has been some talk about if there is a better way to do this such as putting the garage on Jasper. There are no garages currently facing Jasper and with our existing curb cut on Myrtle, we wanted to maintain the character of Jasper as it was and have our historic structure being maintained in its entirety and, in fact, upgraded to more accurately reflect the historic characteristic. We would keep the curb cut on Myrtle and have that be our vehicular access. I think there was a comment asking if we were turning our back on Jasper and I think we'd just like to say that it was really important to keep the historic structure in tact and in fact upgrade it so the view from Jasper will in fact be almost exactly what it is except with upgraded finishes to more accurately reflect the historic character of that house. She presented the design drawings. She stated the Board questioned how long the building was relative to other properties, and this home is about 115 feet but with the attached garage in front it comes up to about 135 feet. The total length including the historic house is 136.8 feet.

She presented more photos to show how the building fits within the neighborhood. Susan Middaugh questioned about the tree plan and what was going to be removed. Ms. Burton stated two trees were recommended by the arborist to be removed. All of the other trees are to be maintained. The driveway configuration will work so that we're able to keep the one facing Myrtle without disturbing it. This is a preliminary design showing our intent, which is to keep the other large trees and define where we wanted to have the other outdoor space – the pool, deck, driveways, sidewalks; but we haven't done a detail design identifying what all the landscaping plantings are.

Susan Middaugh asked where specifically the driveway and pavers were going. Ms. Burton showed the existing curb cut to be kept. There is a driveway that goes through here now. Susan Middaugh asked how someone gets from the current drive over to that driveway. Ms. Burton responded that she misspoke about that. She said she thought that we were keeping that original curb cut but we're relocating it and moving it enough so we are able to maintain that tree, but we're not keeping this driveway. Ms. Middaugh then asked where is the location of the house with respect to the 25 foot set back line. It looks like the drive and the pavement is going to go right along the property line. Randy Robinson stated it is right along the property line; the only concern is the SC Department of Transportation may have an issue if the flares go out onto neighboring property. Ms. Burton stated we are showing the building is slightly angled to the property line so at the very narrowest point we have almost 4 ft from the edge of the porch and the edge of the driveway, so we're showing landscaping here and then another 4 ft of landscaping from the edge of driveway to the actual property line, although the edge of the road is 11 ft away so there is buffer of green space between the house and the driveway, and then from the driveway to both the property line and the street.

Chairman Hiers asked for public comment.

Eddie Fava, 2424 Myrtle Avenue, read two letters to the Board: one from himself, and one from Yvonne Fortenberry, whose mother lives at 2408 Myrtle Avenue, expressing their opposition to the Board granting the variance. Mr. Fava also presented a memo from residents in the area expressing their opposition to this variance: Daniel Krosse, 2424 Myrtle; Steven and Lynne Vogel, 2424 Goldbug; Mr. and Mrs. John Huey, 2420 Goldbug; Suzanne Zonjee, 2430 Myrtle; Chip and Mary Kassenger, 2402 Myrtle; Mr. and Mrs. Michael Brewer, 2420 Myrtle, as well as the owner-under contract of that property. The two letters as well as a memo from residents in the area are a part of this record. The bottom line is there is such an absolute distinct and clear pattern on the street, that there's not a house pushed up to the front facing the street. It would alter the historic pattern and character of the street.

Chairman Hiers asked Mr. Robinson if there was an ordinance regarding house addresses that may have one or two properties on it. Mr. Robinson stated the Town ordinance requires front facing portion of the house to face the street on the ocean side of the property. Section 21-30 Orientation of Principal Building – Purpose: Buildings with street oriented “front doors” contribute to the sense of “neighborliness” of the Island; having a consistent front yard orientation, reduces the possibility of accessory structures being located inconsistent with the pattern of development. Section 21-30 (B) (2) Double frontage lots: the principal building's primary façade shall be oriented toward the ocean unless the principal building is replacing one oriented otherwise. Randy Robinson added that under Section 21-30(C) the Design Review Board states that in determining orientation of the principal building, the Design Review Board may modify this design standard to achieve greater neighborhood compatibility; which the Design Review Board did. However, this Board is only concerned with the parameters of the special exception.

Chairman Hiers asked, for example, a house on Goldbug faces the ocean and has a Goldbug address, and the neighbor across the street faces Jasper. Suppose the neighbor has two structures on that property, could he have a Goldbug address with a lot between Jasper and Goldbug? Mr. Robinson stated that according to the Town ordinance, he would not have a Goldbug address. His address would be Jasper Blvd, no matter which way the property faced. The owner could just call it Goldbug, but as far as the Town recognizing the address, it would always be Jasper Blvd. Also, 911 has Jasper Blvd as the address. The question was asked if the house (2420 Jasper) was put together, if there weren't two structures, would there be an issue? Mr. Robinson said no, that this application would not have been needed.

When questioned about the garage, Randy Robinson stated that the garage may actually have to be deleted because the historical structure is an accessory structure and it is 1200 square feet. Ordinance 21-138 (2) (a) states that the square footage can only

be a percentage of the structure (a) not to exceed the greater of 25% of the principal building square footage in total combined square footage of all accessory structures or 750 square feet.

Mr. Michael Brewer, 2420 Myrtle Avenue, was asked for his comments. Mr. Brewer stated he added on to a historic structure, instead of removing down to 1200 square ft. and building an additional structure. Myrtle Avenue is his front address, where he receives guests. The rear of his house is Goldbug, and designed in such a way that it doesn't look like front of the house, it doesn't have a big front porch like Myrtle Avenue. It has a service entrance on Goldbug, a garage, and a hedge to shield the back of the house. The neighbors to the rear of him; their front will look at the rear of his house. As the applicant has proposed, they are going to have their front porch looking at the front of my house on Myrtle. So we're going to have porches that face each other. The rear of my house, another point, is I am 60 feet back from the setback, so the house is 85 feet back. When he asked Ms. Burton how far back the applicant's house would be, she stated at the narrowest point is 33 feet. Mr. Brewer's main objective is that the new structure is being oriented toward Myrtle Avenue, not Jasper Blvd., and it effects the character of the neighborhood.

Susan Middaugh asked Ms. Burton if there is a reason the second story of the new one is so tall, why the roofline particularly coming back from the historic building doesn't match the roofline of the historic structure? Ms. Burton replied that this building is a true one story building with the height of the ceilings set by what it is. We added the back porch, so what that means is that it contributes to some of your ceiling. This is a 1-1/2 story, we cannot have it short or smaller than we've made it, and so we're trying to be as respectful as we can to the historic home, given that there are some simple basic, conditions that we were given, which was the height of the existing structure, the height of where the ceiling and roof is, is a given, and we have made the new building as low as it can be without making it just a one-story building which would not meet any of the owner's requirements to be able to fulfill their program for how they want to live. We thought we were being as respectful as we could to keep a building as low as we could and keeping the characteristics of the existing historic structure in translating to the new.

Chairman Hiers asked if they would need to raise the structure to meet Code. Ms. Burton responded that we have requested for FEMA to review the property. There is grant money available to raise a historic building above flood to protect it. We're only 2 feet below flood, so it wouldn't be a very significant change to the character of the home to raise it above flood level. So we have an application in asking if we can do that, we haven't yet had determination if it has been accepted. Elizabeth Tezza stated she believed the representative from Ink Architecture at the previous meeting said the owners may not want to do it. Ms. Burton stated she didn't think that was true because they have had approval so that the building is eligible for tax credits and we're doing everything in our power to maintain the historic character of the home. By having the

home eligible for tax credits, there is all kinds of ways – like implications construction-wise, we can't do anything that is not reversible, so we are really saying we are going to look after this historic building going this route, so raising it is just part of making sure if there's flooding the building is protected.

Jimmy Hiers summarized points, and stated that the main issue appears to be compatibility. He asked if there was any way the Board and the neighborhood could accept this design with some modification to it?

Ms. Burton stated that I just wanted to add a piece of clarification because when I was responding when you asked me about distances, and I'm really sorry but I wasn't familiar with the scale of these drawings. I previously told you there was four feet and four feet, in fact there is 8 feet and 7 feet, so that we are from the property line 32 feet.

Ms. Middaugh asked Mr. Robinson if the garage goes away, is there any problem with them using the thru-and-thru configuration as they've got it now? Mr. Robinson responded that providing they don't remove it, they can keep it. She asked can they keep driveway off Jasper and keep current curb cut at the back and not have to run pavement clear across the back. That is compounded by going in that current concrete driveway, which is far to the left and running paving in within 8 feet of the property line all the way across to get over to a garage that is within 10 feet of the property line on the other side.

Ms. Burton stated one thing we had issues with is the surface area of the driveway. We've been struggling in keeping the area of the square footage of the home, plus the square footage of the coverage within the limitations, this would be a much bigger surface area for us to add into our calculations. Ms. Middaugh responded that it wouldn't have to be paved. Most of the thru and thru driveways are not paved from front to back and there is already the concrete drive at the back, so it would be fairly easy to have that concrete drive on the left and just enough for some off street parking there. One of my big concerns here is that you have that house all across there, and the garage right next to it. Ms. Burton responded that currently at edge of porch to property line is 23 feet and it gets smaller. If we continue we're now at almost 20 feet. What are the requirements for buffering landscape from edge of that driveway to neighboring driveway? Mr. Robinson said none. Ms. Burton responded then the only issue is to try to be a good neighbor and offer some buffer. Ms. Middaugh stated the house next door has a dirt thru-and-thru driveway that this driveway would be parallel to, so in terms of your having a driveway close to their property line wouldn't be a very big deal.

Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, that the request for a special exception for use of a historic home as an accessory dwelling, as presented in the plans submitted today, be denied because these plans do not meet all four tests required under Section 21-178. Specifically with respect to 21-178 C(4),

the submitted plan is detrimental to the general character of Myrtle Avenue. The primary dwelling faces Myrtle Avenue instead of addressing Jasper Boulevard as required in the zoning ordinance. This house front is also placed close to Myrtle Avenue, with the minimum required setback. This gives the appearance of a subdivided lot that is out of character for a neighborhood where homes all face the ocean and the Myrtle Avenue homes face the backyards of their Jasper Boulevard neighbors. Motion carried unanimously.

Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to adjourn at 8:20 p.m., carried unanimously.

Respectfully,

Ellen Miller

Approved:

Date:
