

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

June 5, 2019 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Ken Otstot (Vice Chair), Cathy Patterson, Stan Ullner, Joe Cronin (Town Administrator)

Absent: Robert Driscoll (Chair), Wayne Billian

Guests: Ray Hoover (SIPOA), Katrina Burrell (SIPOA)

Vice Chairman Otstot called the meeting to order at 1:30 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: May 1, 2019:** Ms. Patterson made a motion to approve the minutes from the May 1, 2019, meeting as submitted. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 3-0.
2. **Special Called Meeting: May 16, 2019:** Ms. Patterson made a motion to approve the minutes from the May 16, 2019, meeting as submitted. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 3-0.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

1. **Rezoning Request: 2820 Dove Nest:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on the request to rezone Charleston County Tax Map Number 147-02-00-036, containing approximately 0.95 +/- acres located at 2820 Dove Nest (Block 2, Lot 10), from SFR Single-Family Residential to AGC Agricultural-Conservation. Town Administrator Cronin noted that this property was acquired by the Seabrook Island Greenspace Conservancy for preservation purposes and subsequently donated to the SIPOA for ownership and maintenance. The SIPOA was seeking to rezone the property to ensure it remains protected as greenspace. Town Administrator Cronin noted that five neighboring lots (Block 2, Lots 5-9)

were similarly zoned AGC. He added that the property also backed up to the SIPOA Lakehouse facility. Town staff recommended in favor of approving the rezoning request.

Vice Chairman Otstot asked if the nature trail was located on the property. Mr. Ray Hoover, a member of the SIPOA Board, responded that the trail was not located on the property, but was directly behind it. He added that the trail was accessible from the property.

There being no further discussion, Dr. Ullner made a motion to recommend in favor of approving the rezoning request. Ms. Patterson seconded the motion. The motion was **APPROVED** by a vote of 3-0.

2. **Commercial Review: Salty Dog Café (Awnings):** Town Administrator Cronin provided a brief overview of the request. He stated that the applicant, the Salty Dog Cafe, had submitted a request to install three awnings at the rear of their new restaurant and retail store located at 1882 Andell Bluff Boulevard. He stated that each of the awnings would be approximately 22 feet in length and would project 3-4 feet from the rear of the building. The color scheme for the awnings would include alternating blue and white stripes. He added that the property was properly zoned for restaurant and retail uses, and that the awnings would comply with the town's setback requirements. Therefore, town staff recommended in favor of approving the request.

Dr. Ullner asked if the awnings would violate any of the town's ordinances. Town Administrator Cronin responded that the awnings were installed prior to obtaining the Planning Commission's approval, which was technically a violation, but that they were allowed to remain pending the outcome of today's Planning Commission's meeting. He added that awnings were allowed by the town's Development Standards Ordinance (DSO) as long as they met all setback requirements. Town Administrator Cronin stated that the awnings were a minor design element that would meet all requirements of the DSO. Ms. Patterson noted that the Sweetgrass Rentals building across from Town Hall also had awnings. Town Administrator Cronin stated that the main item for the Planning Commission to consider was whether the awnings were "harmonious." He added his opinion that the blue in the awnings was not out of character with other buildings at Bohicket Marina, as the color was consistent with the roof color which was recently approved by the Planning Commission.

There being no further discussion, Ms. Patterson made a motion to grant final approval to the request as submitted. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 3-0.

3. **Text Amendment: HVAC Equipment & Stands / Application Fees:** Town Administrator Cronin provided a brief overview of the proposed amendment, the primary purpose of which was to revise the encroachment provisions for replacement HVAC equipment and stands. The amendment would also temporarily reduce the application fee for variances while the town is engaged in a comprehensive review and update to the DSO. He stated that this topic first arose as a result of zoning issues in multi-family districts. In these areas, many villas and regimes were developed prior to the town's incorporation. As a result, it is not uncommon to find existing residences which encroach into the front, side, rear and marsh setback areas. In

many instances, the original HVAC equipment was installed below these structures. In order to meet current FEMA and state/local building requirements, HVAC units, as well as associated HVAC stands, must be relocated from below the residence when the unit is being replaced.

Town Administrator Cronin noted that in some multi-family regimes, it is possible for the front and rear setback areas to overlap, leaving no possible location in which to install the replacement HVAC equipment and stand. While a variance would offer relief to an affected property owner, a variance hearing will typically take 45-60 days from the time of application. If an owner's HVAC unit needs to be replaced during the hot summer months, waiting 45-60 days is not an option.

Town Administrator Cronin explained that the proposed text amendment, if approved, was intended to achieve the following:

- Delete § 7.60.20.50 (Exceptions to Setbacks) in its entirety. As currently codified, § 7.60.20.50 is listed as a subsection under § 7.60.20 (Single-Family Setbacks). However, the language contained within § 7.60.20.50 is intended to apply to all zoning districts. It is recommended that this language be removed from the Single-Family Setback section and instead be placed within § 7.60.80 (Encroachments). In addition, § 7.60.20.50 currently allows replacement HVAC units and stands to encroach up to 5 feet into a required setback area. For multi-family units which already encroach into a required setback area, this provision offers little relief.
- Amend § 7.60.80 (Encroachments) by adding a new section § 7.60.80.40. The purpose of § 7.60.80.40 is to allow replacement HVAC equipment and stands (which must be relocated in order to meet current FEMA and state/local building codes) to encroach into a required setback area under certain conditions, as follows:
 - In any multi-family district, replacement HVAC equipment and stands may extend no further than five (5) feet from the outer wall of an existing multi-family unit, including existing non-conforming units. This provision is intended to offer relief to the owners of existing non-conforming residences which may already encroach into a setback area.
 - In all other zoning districts, replacement HVAC equipment and stands may encroach up to five (5) feet into a required setback area. This is unchanged from the current ordinance.
 - Replacement HVAC equipment and stands which are permitted pursuant to the requirements of this section shall be subject to the following conditions:
 - The replacement HVAC equipment and stand shall not encroach into a required marsh setback area unless the Zoning Administrator has determined that the HVAC equipment and stand cannot be reasonably

accommodated in another location which does not require an encroachment into the required marsh setback area;

- The replacement HVAC equipment and stand shall not encroach into any beachfront setback area, as determined by the South Carolina Department of Health and Control (SCDHEC) Office of Ocean and Coastal Resource Management; and
 - The replacement HVAC equipment and stand shall be screened from public view and buffered so as to minimize noise.
- Lastly, the text amendment will amend the fee schedule contained within § 21.50 (“Attachment A”) to reduce the application fee for Variances from \$350.00 to \$150.00.

Mr. Hoover asked from the audience whether the provisions would apply to new construction as well as existing buildings. Town Administrator Cronin responded that the intent of the amendment was to apply only to existing buildings where the HVAC equipment was originally installed in a location which no longer meets the minimum building code requirements. In his opinion, the need to relocate these units was created through no fault of the homeowner, and to require a variance in those situations would create an unnecessary hardship. New construction, on the other hand, could be designed in a way to accommodate these requirements without the need for an encroachment into a required setback area.

Ms. Katrina Burrell, the ARC Administrator for SIPOA, noted that many of the existing multi-family units in the town do not violate just a single setback, but may be non-conforming with front, side and rear setbacks.

Dr. Ullner asked if the town could step back and allow the regimes to adopt their own standards. Town Administrator Cronin responded that the only way this could be done would be to either eliminate the town’s setback requirements entirely, thereby allowing each regime (where one exists) to adopt its own standards, or to rezone every multi-family development to its own zoning district, in which case the town would have to keep track of more than two dozen different sets of regulations. While he understood the basis for this concern, he felt that this would likely result in a lot of unintended consequences. His recommendation was to have some minimum standards in the DSO, as well as a list of reasonable exceptions. Individual regimes would then have the ability to adopt more stringent requirements, if they so choose.

Vice Chairman Otstot asked about encroachments into the marsh setback area. Town Administrator Cronin responded that the DSO currently contains a provision allowing “open decks” to encroach up to 10 feet into the 25-foot marsh setback. As long a stand was uncovered, it would be subject to a 15-foot marsh setback. He stated that the proposed amendment would allow HVAC units and stands to further encroach into a marsh setback only in instances when the unit and stand could not be reasonably accommodated in a non-marsh setback area.

Ms. Patterson asked for clarification as to what the Planning Commission was being asked to vote on. Town Administrator Cronin responded that prior to amending the town's DSO, the Planning Commission must review and provide a recommendation to Town Council on any proposed amendment. In this instance, the Planning Commission is being asked to provide a recommendation as to whether the DSO should be amended to revise the conditions upon which HVAC equipment and associated stands may encroach into a required setback area, and whether the fee amount should be reduced from \$350.00 to \$150.00.

There being no further discussion, Ms. Patterson made a motion to recommend in favor of approval of the draft text amendment. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 3-0.

ITEMS FOR INFORMATION / DISCUSSION

- 1. 2019 Beach Management Plan Update:** Town Administrator Cronin stated that it was time for the town to update its Beach Management Plan. The plan was last updated in 2014 and must be updated every five years. He stated that he has reached out to Dr. Tim Kana, who assisted the town with the 2014 update. He added that the Planning Commission will be primarily responsible for updating the plan and submitting its recommendations to Town Council. This is a project that will be undertaken during the summer and fall of 2019.
- 2. July Meeting Date:** Town Administrator Cronin reminded members that the July meeting date has been moved to Wed. July 10th at 1:30 PM due to the Fourth of July holiday.

There being no further business, Vice Chairman Otstot asked for a motion to adjourn. Dr. Ullner made a motion to adjourn the meeting. Ms. Patterson seconded the motion. The motion was **APPROVED** by a vote of 3-0, and the meeting was adjourned at 2:03 PM.

Minutes Approved: July 10, 2019



Joseph M. Cronin
Town Administrator