

DRAFT

**ISLE OF PALMS
PUBLIC HEARING**
January 23, 2007

A public hearing was held before the Isle of Palms City Council at 6:30 p.m. on Tuesday, January 23, 2007 in City Hall Council Chambers, all requirements of the Freedom of Information Act having been satisfied. Present were Mayor Sottile, Council Members Bettelli, Buckhannon, Cronin, Hanbury, Marino, McMackin, Ricé and Taylor. Also present were City Administrator Tucker, Building and Planning Director Kerr and City Clerk Darrow.

A. INTRODUCTION OF MEETING

Mayor Sottile called the meeting to order and stated that members of the press and public were duly notified of the meeting in accordance with State Law. He noted that all council members were present.

B. PUBLIC HEARING

Ordinance 2007-1: An Ordinance Amending Title 5, Chapter 4, Zoning, Article 2, District Regulations, Sections 5-4-33(1)(a) and 5-4-33(5)(a) of the City of Isle of Palms Code of Ordinances, to Increase the Minimum Lot Size in the SR-2 Zoning District.

Mayor Sottile asked Director Kerr, Zoning Administrator, to provide an overview of the proposed ordinance.

Staff Comments:

Director Kerr noted that the text of the proposed ordinance was simple, with the only change being an increase in the minimum lot size requirement from 8,000 s.f. to 12,000 s.f. in the SR-2 zoning district. Director Kerr noted the "orange" section on the City's official zoning map was the SR-2 zoning district, bounded to the south/Breach Inlet area by Ocean and Palm Boulevards, and to the north end of the island by Palm and Hartnett Boulevards.

Regarding the effect of the ordinance change, Director Kerr acknowledged the following ramifications. He noted that there are approximately 750 lots in the SR-2 district with the following breakdown:

- 1. Smaller than 8,000 s.f. lots = 140 out of 750 lots

These lots are currently non-conforming and unaffected by the proposed ordinance.

- 2. Between 8,000 – 12,000 s.f. lots = approximately 300 lots

These lots currently conform to the zoning code. With the passing of Ordinance 2007-1; however, these lots would then become legal, non-conforming lots. Setbacks would be reduced from currently 25 feet (front, rear and sides) to 20 feet (new ordinance).

DRAFT

Director Kerr noted that approximately forty (40%) percent of the properties in the SR2 zoning district are of this size.

3. Between 12,000 –15,999 s.f. lots = approximately 300 lots

Director Kerr noted that these lots are currently conforming and remain conforming if Ordinance 2007-1 were passed. He noted that approximately forty (40%) percent of the properties in the SR-2 zoning district are of this size.

4. 16,000 + s.f. lots = 7 lots identified

Director Kerr noted that these seven (7) lots constitute one (1%) percent of the properties in the SR-2 zoning district. He noted that these lots were currently conforming and would remain conforming under the new ordinance. Under the current zoning code, these lots could be subdivided; however, under the new ordinance, these lots could not subdivide.

Mayor Sottile opened up the meeting for public comment.

Public Comment:

John Wade, surveyor, representing owners of 311 Carolina Boulevard

Mr. Wade noted that he represents the owners of the family home at 311 Carolina Boulevard, one of the one percent (1%) of the SR-2 properties affected by the proposed ordinance change. Mr. Wade noted he was retained in May 2006 to re-establish the property line that originally existed in the 1920's as lots 7 and 8, but later shown on a plat from the 1960's as one lot. He noted that his clients have been working since that time with surveyors and SCDHEC to clarify septic system issues and other matters before submitting their final application to the Building Department. He noted that he met with Director Kerr in August 2006 for a staff courtesy review of his clients' plans, at which time his clients were still clarifying the sewer/septic issue with DHEC. Now, when his clients are ready to finish the process, they learned in the newspaper about this proposed ordinance change. He asked that 311 Carolina Boulevard be exempt from the proposed ordinance change since it was historically two (2) lots previously.

James Wilson, Esq., attorney for owners of 311 Carolina Boulevard

Mr. Wilson noted that Mr. Wade explained the history of the property. He articulated his clients' concern about being caught up in an ordinance change, which would prevent their historically two lots from being re-dedicated as such. He suggested that the proposed ordinance be more neighborhood specific and address the matter of lot sizes which would be more in keeping with the surrounding lot sizes. For example, Mr. Wilson noted that smaller lots surround his clients' lot and two smaller houses on the historical two lots would be more in keeping with the neighborhood surrounding 311 Carolina Boulevard. Mr. Wilson noted that his clients, for family reasons, chose to move forward with the effort to identify their deceased parents' land as two lots again and, after working toward

this end, in good faith with all agencies, and upon the courtesy review with the City's Building Department, tore down their parents' home. He reiterated that the only reason why the process was delayed was because of the sewer/septic issue with DHEC. If the City does not choose to consider crafting the ordinance to make the minimum lot size commensurate with the typical lot size of the surrounding homes, then Mr. Wilson asked that 311 Carolina Boulevard be exempt from the new ordinance.

Moose Morris, 23 Edgewater Alley, Isle of Palms

Mr. Morris registered his objection to the proposed ordinance that requires an SR-2 zoned property minimum lot size be increased from 8,000 s.f. to 12,000 s.f. in order to be considered a conforming lot. He noted that he has a vested interest in this matter since his family decided to purchase two lots adjacent to each other for 12,000 s.f. with the intention of subdividing them into three (3) lots. He submitted that this ordinance change would pose an undue invasion on the property rights he had when he purchased the properties. He noted that he has been vacationing on the island since 1975, purchased vacation property in 1982 and then became a full-time resident in 1984. He reiterated his objection to this ordinance, which would impose on his and other citizens' rights.

Guy Taylor, 625 Ocean Boulevard, Isle of Palms

Mr. Taylor indicated he was present tonight on behalf of private property rights. He noted that he served on the Planning Commission for eight (8) years, part of the time as Chairman, and for the past ten (10) years on the Board of Zoning Appeals, of which he is currently this group's Chairman. He observed that eighty-seven (87%) percent of voters in the last election voted to restrict government's eminent domain rights. He asked what was the legitimate government purpose for taking seven property owners' property. He submitted that if the intent was to prevent three to seven (3-7) lots from being subdivided, then the City needed to be careful because an equal protection argument could be made in court. Mr. Taylor noted that he does not want his property to become a non-conforming lot with the residual affects that would have on his insurance and mortgage rates and possible future insurability. He commented that this ordinance would materially modify a home's property values, submitting that this act would steal considerable value from a few property owners and a little value from many property owners. He urged Council not to engage in enacting ordinances because of a perceived threat that comes from mob mentality and bow to the political pressure from mob rule.

Doug Brown, 3400 Hartnett Boulevard, Isle of Palms

Mr. Brown noted he was a forty (40) year resident who has lived on the island since 1967 and raised a family of five (5) boys. He expressed his opposition to the current ordinance, noting that he and his wife were nearing retirement and counted, for years, on the property rights he thought he would always have. He noted that those property rights afforded him and his wife future security and peace of mind for their retirement years.

He commented that in the 1970's, when houses were being built along the opposing side of his street, he and other neighbors expressed concern about the impact of those houses on traffic and their children's safety. At that time, he noted that Council directed the installation of "Slow, Kids at Play" signs to help address concerns. Mr. Brown

commented that back in the 1970's, the former Council never put these new homes in jeopardy or threatened property rights. Mr. Brown argued the seven (7) homes that could be subdivided into lots the size of their neighbors would not egregiously or significantly impact the quality of life of the neighborhood. He continued that Council's response to a group of citizens' concerns about issues such as short term rentals has been like using a twenty (20 lb) pound sledgehammer to drive in one-inch finishing nails, in this case seven (7) one-inch finishing nails.

Mr. Brown reiterated his desire to retire on the island, which he and his family have called home for forty (40) years. In closing, Mr. Brown implored Council not to strip him of his property rights and his family's peace of mind.

Jim Mueller, 3204 Hartnett Boulevard, Isle of Palms

Mr. Mueller read his comments, a written version of which is attached (**Exhibit A**).

Jeff Evans, 3301 Hartnett Boulevard, Isle of Palms

Mr. Evans expressed his appreciation for Council's swift action to the subdivision threat on Hartnett Boulevard. He noted that the Planning Commission, on January 10, 2007, unanimously recommended approval of Ordinance 2007-1, submitting that this ordinance would give the Planning Commission time to sort out issues regarding lot subdivisions. He submitted that there is an issue of fairness in play and, with all due respect, none of the property owners with larger lots would become poor from the passing of this ordinance.

Jim Raih, 3906 Cameron Boulevard, Isle of Palms

Mr. Raih noted he served for four (4) years on the Planning Commission and now serves on the Real Property Advisory Committee, which manages City Marina activity. He commented on the four (4) to two (2) vote by the Planning Commission on the 3300 Hartnett Boulevard subdivision, which met all the subdivision requirements. He submitted that the Planning Commission should consider focusing ordinance recommendations for unusual subdivision issues, such as the previous property on Forty-first and Hartnett Boulevard, which could be subdivided into three (3) lots because of wedge parcels being attached thereto.

Ann Maughon, 7 Wills Way

Ms. Maughon noted she just came from a special Planning Commission meeting, which continued discussion of incorporating balconies and porches in lot size/house size ratios, possible restrictions that would impact short-term rentals. She suggested that, in order to prevent the increase of short-term rentals, the City establish a moratorium on building and prevent additional short term rentals for six (6) months, to allow for a rational review of this issue.

Former Mayor Clay Cable, 116 Palm Boulevard

Mr. Cable noted he served on Council for twenty (20) years, as a Councilman and Mayor. He commended City officials for their work on this and other issues. Regarding the short term rental issue, Mayor Cable commented that most citizens feel that short term rental

permits should be terminated now. For example, he observed that there were forty-one (41) houses for rent in the pamphlet of only one agency on this island. He suggested a moratorium on further island building and that Council members with an interest in rentals or real estate sales or marketing, should and must abstain from voting on this matter. He closed by stressing that Council will have to address this short term rental issue soon.

Barbara Bolger, 3500 Hartnett Boulevard

Ms. Bolger noted that she owns a road right-of-way adjacent to her property and, like the Brown family she has lived on the island for many years and plans to retire here. She noted that the proposed ordinance change, apparently proposed to deal with concerns about the possible conversion of properties into short-term rental units, would materially affect her financial future. She noted she is like many of the larger property owners and does not have an interest in real estate speculation, development or flipping properties. She also submitted that, with due respect to Mr. Evans' earlier comments, she IS a person who would become poor if this ordinance passed. Ms. Bolger noted she is just a middle school teacher and all she has is her property.

Brian Duffy, 3613 Waterway Boulevard

Mr. Duffy noted he is a seven (7) year resident of the island. Regarding the subdivision of property, Mr. Duffy noted that SR1 and SR2 zoning districts were established for low-density, residential neighborhoods and the City's Comprehensive Plans calls for the maintenance and protection of the low density residential character of a neighborhood. He submitted that the pending ordinance would help ensure those goals would be met.

Joe Golz, 311 Carolina Boulevard

Mr. Golz noted that he and his sister have owned their childhood home at 311 Carolina Boulevard since their parents passed away. He indicated he wanted to put a personal face on this issue, noting that he lived at the family home on 311 Carolina Boulevard since 1978. He commented that this ordinance would have a large financial impact on his family.

Russ Stempke, 3506 Hartnett Boulevard

Mr. Stempke noted that he is one of the lucky people who owns a large lot in the SR2 district, a lot which could be subdivided under the existing zoning code. He submitted that it has always been his dream to see his children perhaps live side by side on this lot, raising grandchildren. He noted that his neighbors include SR2 property owners who have built significant size homes right up to their setbacks on lots significantly smaller than his. He also has neighbors with big homes on ten (10) foot setbacks with a swimming pool 2 ½ feet from his property line. He has listened to vacationers at rental homes party all summer long and they annoy him, so he is able to relate to neighbors' concerns about the impact of rentals. However, Mr. Stempke noted that there are only seven (7) people who have large enough lots to subdivide and these long-term residents have counted on either subdivision or the equity of their lots for financial security and planning. He submitted that the subdivision of these lots was not relevant to the real issue of hotel encroachment into residential areas and asked Council for reasonableness.

While he does not enjoy living around hotels in the summer, he also does not want to see property rights taken away from long-time island residents.

Mayor Sottile asked if there were any further comments. Seeing and hearing none, he closed the public hearing on Ordinance 2007-1.

There being no further business to come before the Council, the public hearing was unanimously adjourned at 7:15 p.m. Mayor Sottile noted that there would be a ten (10) minute recess before the regular Council meeting scheduled to follow.

Respectfully submitted,

Lisa Darrow
City Clerk

To be approved by Council at the February 27, 2007 Regular Council Meeting