



# TOWN OF PAWLEYS ISLAND

## ARCHITECTURAL REVIEW BOARD MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585  
12/5/2022 – 10:00 AM

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**PRESENT:** Ken Leach, Green Deschamps, John Felton (Virtual), Frank Robinson, and Mark Hawn

**ABSENT:** Linda Keller

**STAFF PRESENT:** Daniel Newquist (Town Administrator), Daniel O’Hara (Town Clerk), and David Graham (ARB Architect).

### ADDITIONAL PRESENT:

#### 1. CALL TO ORDER/ OPENING REMARKS

- a. Ken Leach called the meeting to order at 10:01 AM

#### 2. AGENDA REVIEW

- a. Ken Leach stated that there had been a request made by Rhett Ricard to comment on the application of 114 Atlantic Ave. Ken proposed to move this request under item 5b – Applicant comments. Ken stated Rhett is representing some neighbors in the vicinity of the proposed home and has asked the ARB if they could make comments on the proposed project.

#### 3. APPROVAL OF MINUTES

- a. 2-7-2022 ARB Meeting Minutes
  - i. Ken asked for a motion to approve the 2-7-2022 meeting minutes. Frank Robinson made the motion to approve the 2-7-2022 meeting minutes. Green Deschamps seconded the motion. Ken solicited additional comments on the meeting minutes. Ken commented on the old business agenda item stating that the ARB had requested the Planning Commission, Mayor, and the Town Council to make some modifications to the guidelines to be more specific regarding the approval and rejection based on general conformance with the intent for design. Ken explained that they have not done that as of yet. With no further discussion, all voted in favor, and none opposed.

#### 4. OLD BUSINESS

##### a. Discussion on Potential Revisions to Design Guidelines

- i. Ken stated that he is currently unaware of any proposed changes to revisions to the guidelines but mentioned that the tree and landscaping ordinance was still a work in progress. Mark Hawn, the liaison for the Planning Commission, mentioned that it will be ready within the next quarter. Daniel Newquist mentioned that it had gone to the Town Council and some edits were requested on the requirements for the 4” (four inches) DBH and clarification on the enforcement of the ordinance.

#### 5. NEW BUSINESS

##### a. New Home Application – 296 Atlantic Ave.

- i. Joe Gordon stated that the only pending thing the new build has is how they would enclose the lower level. Joe mentioned that the house adjacent to this one has a brick lattice and in keeping with that they would like to have a brick

lattice design under the home. He continued to explain that there are some new FEMA rules, and he believes it will be approved as planned.

- ii. David Graham stated that the only issue was if FEMA allowed brick latticework. Joe stated that measuring the openings between bricks is slightly more challenging than it is for a flood vent to ensure the building is built to code. David Graham stated that if it were to change would the ARB like to review it again? Frank Robinson stated that he would be fine with David Graham reviewing the design if it were denied by the county. Joe Gordon mentioned that it could be something that he would be happy to follow up with via email, instead of waiting for a meeting. David Graham asked what the infill would be between the arches. Joe Gordon stated that it would be wood or super slats. Ken Leach stated that the nature of the latticework as long as it conforms to FEMA and county requirements, that it is not the charge of the ARB design guidelines. Dan stated that the planned house meets all of the zoning requirements. He continued to mention that the property owner is currently revising the property lines to conform with all of the applicable setback requirements. **Ken Leach requested a motion to approve the application subject to the approval of the substitution of the lattice work being satisfactory to the County and David Graham. Green Deschamps motioned to approve the application on the listed conditions. Frank Robinson seconded the motion. All voted in favor.**

**b. New Home Application – 114 Atlantic Ave.**

- i. Whitney Newman the architect for the property owner gave a brief follow-up on the meeting he had with Daniel Newquist and David Graham. Whitney stated that they believe that this will be a great addition to the Island. He continued to review the dimensions of the lot and explained that there is a need for a variance to the setbacks for the home to conform with the ordinance. Milt Childress, the applicant, spoke briefly about the application and thanked the board.
- ii. David Graham stated that it is a great design and meets all the requirements. David continued to mention that the board may want to consider some wording adjustments in the ordinance regarding the roof pitch requirements on the dormers. He explained that the ordinance mentions the majority of the roof needs to have a steeper pitch. David stated that the word majority throws a bit of a kink in the ordinance. Ken Leach stated that the majority of the main roof has to meet that standard. David Graham continued to explain that it should be addressed because there have been issues in the past with the county regarding the matter. Frank Robinson asked how David Graham would suggest modifying the language of the ordinance. David just stated that it should just be a simple language change to address in the future. Ken Leach asked if all of the other requirements of the guidelines were achieved. David stated that they had been achieved. Daniel Newquist stated that he participated in the predesign meeting with David Graham and Whitney Newman. Dan mentioned that there is a potential request for a minor setback variance to the property. Dan also continued to allude to an issue brought forth about a disputed easement on the property that nearby owners have

raised concerns about. Dan stated that if there is an issue it will be addressed at the building permit status. Dan continued to mention a letter received by staff on Friday that was forwarded to the board regarding the walkway easement dispute. Dan stated that he feels good about the proposed home. Frank Robinson stated that the easement dispute is not a concern of the ARB and is a legal matter for them to dispute. Dan stated that it is due diligence to address the situation in an open forum. Dan mentioned that he is not asking for the ARB's input on the issue but to inform the board of the situation.

- iii. Ken Leach asked Rhett Ricard to speak on the easement dispute. Rhett Ricard stated that he is representing David Brown Sr. and continued to mention that other property owners are in favor of their position. Mr. Ricard explained that the main issue is a ten-foot (10ft) walkway on the northern side of the property. Mr. Ricard stated that it is a historical walkway and has a record of the walkway as far back as 1945. Mr. Ricard continued to explain that this is a beach and historical community as is the walkway. Mr. Ricard emphasized that the walkway is critical to the creekside residents of Atlantic Avenue. Mr. Ricard mentioned that he would like to express his concerns on the walkway about what the current plat shows versus what the plat from 1945 shows. Mr. Ricard stated that it must be determined who owns that particular walkway. Ken asked Mr. Ricard to address the request his office made to differ action, and the board will discuss whether or not they have the authority to do that. Ken stated that the board understands the situation and that it truly is not a concern of the board. Mr. Ricard explained that they are asking for a delay based on the potential for a variance because of the dispute of property lines. Mr. Ricard continued to explain that a title search was underway to find out who owns the property. Mr. Ricard stated that the walkway is a vital part of the community and pending the results of the ownership they are respectfully requesting that the application be differed. Frank Robinson asked what it looks like on the ground. David Brown provided the board with a copy of a plat showing the easement. Mr. Brown gave background on the Assesy subdivision and the creation of the walkway and its history of it. Frank Robinson asked if Mr. Brown and the Childress have spoken on the issue. David stated that there have been preliminary discussions and it is a subdivision common area but was never defined that way. Mr. Brown continued to discuss the issue and stated that the documents and maintenance over the years by surrounding property owners should show that it is community ownership. Bill Doar, another resident near the disputed easement gave some historical insight into the walkway and his understanding of it. Bill explained that since he was a child the walkway was maintained and used by the creekside property owners. Milt Childress, the applicant, provided some comments on the discussion. Mr. Childress stated that they are looking forward to living here and provided his insight into the situation. Mr. Childress stated that he was told he was buying a sixty (60) foot lot. Mr. Childress mentioned that the deed shows a sixty (60) foot lot, and so does the survey, which includes the walkway. Mr. Childress stated that their intent is, and design is based on a sixty (60) foot property. Mr. Childress explained that there is a way forward for cooperation with the neighbors to provide the same services that have been provided in the past.

iv. Ken Leach followed back up on David Graham's input on the property. David Graham stated that the design is fine but if something were to change to the property setback lines, the design would have to be resubmitted. David Graham confirmed that if the lot changes, then the house would have to be redesigned. This led to a discussion about the property and how the change would affect the property. Ken Leach asked if there was a copy of the site plan with dimensions and whether it was submitted with the application or not. David Graham stated that there was a larger version of the site plan included on the table. David Graham pointed out where the variance would be needed for the proposed home. Whitney Newman also pointed out on the site plan where the walkway is and gave some background on it. Ken Leach stated that there are some issues with the Plats that don't agree with the deed and associated the property description.

Mentioning the question of the easement and Ken noted that the length of the lot was incorrectly listed as well. Ken Leach stated that he thinks that the board reviews the application based on its conformance with the design guidelines and gives its approval subject to whatever is determined in the building permitting and zoning board of appeals process. David Graham stated that if they have to make changes to the design then it would have to come back to the board anyhow. Ken Leach asked John Felton (on Zoom) whether or not he was ok with the discussion. John stated that he was in agreement with the board. Stating that there is no sense in postponing the request, **Ken Leach asked for a motion to approve subject to the zoning, planning, and approval process and variance as requested and building permit. Green Deschamps started a motion for approval based on the facts given today and the application as presented. Frank Robinson seconded the motion. No further discussion. All voted in favor, and none opposed.**

#### 6. OTHER ITEMS

Robert Moser, a member of the planning commission stated that he had written his name down to speak on the 114 Atlantic application. Ken Leach stated that he was unaware of the request made and allowed Mr. Moser to speak. Mr. Moser stated that he lives near the property in question, and he bought his property with the promise of having access to the beach. Mr. Moser shared a discussion he had with Mr. Childress about the property and the neighbors. He stated that there needs to be clarification on the value of the property and the dimensions of the lot. He mentioned that there have been a significant number of creekside individuals who have expressed interest in this situation.

#### 7. NEXT ARB MEETING - January 9<sup>th</sup>, 2023

Daniel Newquist stated that normally the board meetings are on the first Monday of the month and the Town plans to use the 2<sup>nd</sup> of January to celebrate the New Year. Ken Leach iterated that if someone submits an application, then a meeting will occur.

#### 8. ADJOURN

**Ken Leach asked for a motion to adjourn the meeting. Frank Robinson started the motion to adjourn the meeting. Green Deschamps seconded the motion. All voted in favor, and none opposed.**

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**APPROVED**

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**DATE**

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**ATTEST**

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**DATE**

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