

To the Editor, Press and Standard

We, the undersigned are members of the Edisto Beach Property Owners Association Board of Trustees. We are responding to an article by Iddy Andrews published in the January 4, 2012, edition of the Press and Standard on the subject of Zoning Ordinance changes at Edisto Beach, in which she argues in support of these proposed changes. Please note that Iddy Andrews is married to Bill Andrews who is a current member of the Planning Commission which proposes these changes.

The first issue is our concern with the following statement in the first paragraph of the article: *“The ordinances have “grown like Topsy” with a change here and an addition there, and there are a number of areas where they are not in agreement with current state law, new technology, and the changing environment.”*

We would appreciate her providing specific examples to back this up. What are the current ordinances that are a problem as a result of these “Topsy” changes? Where are the current ordinances not in agreement with current state law? Please provide specific text references and why they are non-compliant. Although this question has been asked numerous times, specifics have not been stated. Finally, please elaborate on what you mean by not being in agreement with new technology and changed environment. How do the revised ordinances “fix” this?

The second issue is our concern with the following statement in the third paragraph of the article: *“Much of the confusion and uproar started with the much ballyhooed “prohibition” against residential building in a commercial zone. The proposed ordinance NEVER included such a prohibition.”*

We begin by referring to the minutes from the August 11, 2011, Planning Commission meeting. Note that Tedder is the consultant hired by the town to develop recommended ordinance revisions. On page 3, third paragraph, last sentence, the following is stated: *“Tedder recommended that the change be made to revise the permitted use subsection in the C-1, C-2, and C-3 Sections to exclude 86-11(b)(1), 86-11(b)(8), and 86-11(b)(12).”*

86-111(b)(1) is a one-family dwelling. Thus, one-family dwellings would be prohibited as a permitted use in the commercial districts. Note that this change was approved later in the Planning Commission meeting. In the minutes of the September 19, 2011, Special Town Council meeting Mr. Tedder stated the following on page 4 under Chapter 86: Zoning, basically repeating his statement made in the August 11, 2011, Planning Commission meeting: *“R-1 was removed from C-1, C-2, and C-3 as a permitted use.”*

R-1 is the zoning category for one-family dwellings. Clearly, as indicated above, this revision would prohibit these type dwellings leaving the property owner with a variance request to the Zoning Board of Appeals as the only option. Note that later in the meeting Town Council directed the Planning Commission to remove this change and return to the original language.

Bottomline, single family residences were prohibited in the proposed revisions.

A proposed solution to this prohibition was to enact a “use variance” to allow aggrieved commercial lot owners the right to appeal for the use of their commercial lot as a residential lot. This approach reduces the property owner from having the absolute right to use his property as

residential to that of an appellant to an appointed board, the Zoning Board of Appeals, for that use. The Board may uphold the appeal or deny it. In turn to the Town Council may uphold the appeal or deny it.

With this change, the property owner has had his/her right of use invalidated and has been cast as an appellant to regain that right. We take this cancellation of the right of use of commercial property owners as a serious violation of their rights and what we stand for.

This enactment of a “use variance” introduces another serious problem. If the Zoning Board of Appeals can approve a change of use in the commercial districts, it can also approve a change of use in the residential districts and other districts. Thus, a lot in the residential district can be approved for commercial use or other use of a detrimental character. We view this “use variance” to be a dangerous change from the expressed prohibition of “use variances”, which has been the town policy since the town was incorporated. Fortunately, Town Council, in the September 19, 2011, Special Town Council meeting, directed that the Planning Commission delete this and return to the original ordinance language.

The third issue is the vote to send to the Town Council for determination as to whether Bob Sandifer has a conflict of interest in simultaneously serving as President of the Edisto Beach Property Owners Association and a member of the Planning Commission. This allegation of a conflict goes back at least to 2008 when another President of the EBPOA was serving on the Planning Commission. At that time the question was put to the South Carolina Ethics Commission and their finding was that unless there was a financial interest in the matter before the Planning Commission that involved the member directly, the member had no conflict of interest. The question being previously settled, the vote to submit the question to the Town Council was unnecessary and can only be interpreted as an implied censure of Bob Sandifer. As someone put it, would it be a conflict of interest if a Baptist minister serving on the Planning Commission objected to the establishment of a liquor store in the town? What to some would be a conflict of interest might only be a difference of opinion.

The fourth issue concerns the discussion in the 5th paragraph of the article in which the new ordinances are recognized as longer than the old ordinances *“but the reason is because the new ordinances are more complete and clearer so the average person can actually understand them.”*

We simply don’t agree with this conclusion. The old (or current) ordinances are not difficult to follow and to our knowledge have not been a problem for applicants. For example, a comparison between the current and proposed ordinances for plat/plan submission and approval of all applications for subdivision of land reveals that there are eight very straight forward steps in the current ordinances versus 15 steps in the proposed ordinances including a mandatory pre-application conference with the Building Code Administrator. We believe the current process where the applicant has upfront informal discussions with the BCA on what is needed and proceeds from there is both simple and adequate. Why should the applicant be put in the position where he is expected to “road map” his way through the ordinances when a short face-to-face discussion with the BCA will suffice?

The fifth issue is with the discussion in the 6th paragraph where the new proposed ordinances are credited with streamlining the process for obtaining building permits for routine actions by

allowing the BCA to approve where the person has complied with all appropriate zoning ordinances.

We believe this is misleading and is a much bigger issue than what is implied. First, a building permit for a single-family residence on a lot of record does not require Planning Commission and Town Council approval. Second, the proposed ordinances have divided development plan reviews into “major” and “minor”. “Minor” is delegated to the BCA and “major” to the Planning Commission. The problem is with the threshold dividing the two, which is set so high that effectively little or nothing is left for the Planning Commission. This shift has moved the majority of the reviews to the Town staff from the independent Planning Commission thus losing the transparency provided by the independent board operating in public meetings. This is a major concern with us.

The sixth issue is the question as to whether the re-write was “fast tracked” or not. The Planning Commission was given eight days between the submission of the revision by the consultant and the vote to approve it and send it on to the Town council. The revision was 150+ pages long and required a comparison with the existing ordinances on a line by line basis to determine the changes. This is not enough time to arrive at a reasoned conclusion as to the desirability of the changes. These ordinances affect every property owner on Edisto Beach and will be in effect far into the future. As noted earlier, the current ordinances have served us well. We believe these should be amended only to correct identified problems as well as adding clarifications, etc. to help the applicant. There is no compelling reason for us not to take our time and perfect these ordinances if, in fact, they need changing.

Members of the Edisto Beach Property Owners Board of Trustees

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