

12Minutes of 15 December, 2004 Sullivan's Island Design Review Board Meeting

The Sullivan's Island Design Review Board convened at 6:00 PM on December 15, 2004 in the Sullivan's Island Town Hall.

Pat Ilderton called the meeting to order. Members attending were Betty Harmon, Michael Daly, Pat Ilderton, Duke Wright and Steve Herlong. Kent Prause and Randy Robinson from the Sullivan's Island Planning and Zoning Office also attended. Kat Kenyon took notes of proceedings.

Kat Kenyon distributed the meeting agenda.

Pat Ilderton asked if there was any old business.

Duke Wright stated that minutes of the October and November 2004 needed to be approved.

Pat made a motion that the minutes of the meetings be approved.

Steve Herlong seconded the motion.

A vote to approve the minutes was unanimous.

Duke Wright mentioned that at the November meeting Randy Robinson recommended that when a request to the DRB was approved by the board and there were no conditions that a Certificate of Appropriateness could be issued immediately so the applicant could proceed with work. Duke asked that this recommendation be adopted and made a matter of record.

Pat Ilderton mentioned that the Historic Resources Design Review Manual had been approved by the DRB as a guide and that he would like to discuss the manual.

Kent Prause said that the manual was adopted as a guide when considering applications. Kent went on to say that the board needed to adopt good procedures and that the agenda for this meeting did not include an item to discuss the Design Review Manual. He agreed that there were a couple of things in the manual that should be discussed but that the Freedom of Information Act required that the entire agenda be posted not later than 24 hours prior to a meeting.

Kat Kenyon stated that she was unaware that each item of business had to be specifically listed under a general heading of Old Business.

Duke Wright made a motion that it be put on the agenda for the next meeting.

Pat Ilderton asked if we should include it on the next meeting agenda or if we could discuss it at this meeting after completing review of applications to the board.

Kent Prause said that if we wanted to discuss the manual we could do it after review of applications.

Pat Ilderton called for the first application from Mr. Fred Reinhard. The request was for partial demolition and addition to an historic structure at 2830 I'on Street.

Mr. Reinhard made a presentation with a model defining the scale and setback. The presentation is paraphrased for ease of reading:

The original house was built in 1885 and is featured on page 105 in the new book on Sullivan's Island historic properties. There are three houses on our block of I'on that are essentially the same design. It is a rectangular house with two turrets on the back, a wrap around front porch, a back porch, four bedrooms and three front doors. It appeared to be a bunkhouse. One door went from the front porch all the way through to the back porch. The two other doors flanked the center door and came off the wrap around porch. All four bedrooms had doors into the hallway or exited to the back porch. There was no bathroom or kitchen. The back porch was enclosed at some later date and became the kitchen and family room. It was built with used materials and not very well done.

I want to remove the infill which came later in the life of the house and create a 24 by 24 foot addition which amounts to a 12 foot extension at the rear of the house. The house is 1,000 SF, I would be adding another 200 SF. I would like to use a roof configuration that respects the existing hipped roof of the turrets and would not be noticed from the street. This would retain the integrity of the old house while allowing me space for a kitchen and bath. I would like to add a rear porch onto the hipped addition.

I would also like to add a 21st century bunkhouse to accommodate our increasing family. The bunkhouse is modest, bedrooms are only eleven feet wide and around thirty feet long consisting of two bedrooms and one bath. I will respect the lines of the old house by connecting the bunkhouse with an outside screened porch.

The proposed project meets lot coverage and setback requirements. There will be three small and high windows, one for each bedroom and the bath. There is a significant tree buffer between the house and Station 28 ½. The tree buffer will also be retained between the house and the Herlong residence across the way. The main living area will face west overlooking the rear yard.

Are there any questions?

Steve Herlong stated that the property was not in a historic district.

Fred Reinhard said that he believed it was.

Pat Ilderton said that the property itself was designated historic but that it wasn't in an historic district.

Steve said that it was designated as a traditional island resource.

Pat and Michael Daly said that the plan looked good to them.

Steve said that conception ally it is exactly the kind of addition that is sympathetic an older house and that he understands that the house was built before any setback issues.

The house is right on the property line but that an attempt was made to stay off the line.

Fred Reinhard said that it is 24 feet to the ridge and that he thought the code says 5 feet for each 15 feet of setback so it does meet the requirement.

Kent Prause made a couple of comments regarding setbacks. The plan shows that the house is only 10 feet off Station 28 ½ and it needs to be at least 15 feet.

Pat stated that the house was originally built at a 10 foot setback.

Kent said that the addition is shown at 10 feet and it is a front yard because it is on a corner lot. It is not considered a side yard. Yards on I'on Street, Station 28 ½ and Middle Street are considered front because they are on intersecting streets and intersecting streets require front yards on both street frontages. Corner lots also require front yard setbacks on both streets. A provision allows the setback to be reduced by up to half if one street is of less importance. If both streets are of equal importance it limits the setbacks of the front yard to 15 feet. *Kent needs to clarify these statements.*

Pat said that the DRB could not go against zoning rules. This would have to go to the Board of Zoning Appeals.

Kent said that it could be approved with the condition that a variance be granted for the setbacks.

Pat asked if the addition could be adjusted to meet code.

Michael Daly said that since the existing house is already at that setback he cannot ask for a variance because ??? *Michael needs to clarify.*

Kent said that something is currently being proposed to change the code.

Pat said that he didn't know when other parts of the proposed zoning ordinance would be adopted but they may be adopted by the time work begins and there may be no need to seek a variance.

Steve Herlong said that this is the fourth submittal we have seen. He said that on the previous ones we inquired about building materials. He asked if whether or not we were going to ask these questions. He said that there was no material list with this submission and said that as a board we need to be consistent.

Betty Harmon agreed.

Kent Prause went back to the setback question stating that the addition is shown at 10 feet.

Fred Reinhard said that it was 10 feet below 25 feet in height. *Don't understand this.*

Kent Prause recommended the application be approved providing a variance is granted. Kent's advised the board that we had two choices; denial accompanied by suggested changes that might be made to the application to bring it in compliance, or approval subject to a variance being granted by the BZA.

Fred Reinhart said that he intended to seek a variance because it is important that the whole spine of the structure go through the front door through the back door and outside under the eave of the porch otherwise the view would be obstructed.

Steve Herlong said that he had had a few comments from the community regarding why someone would be asked to use wood siding rather than Hardy Plank. He said that this board may be asked to review all projects on the island, not just historic properties. If that is the case he would not care to comment on what materials were proposed except that we should at least discuss what is intended to be used for work on historic properties.

Betty Harmon said that we did talk about Hardy Plank versus wood siding on a project that was for a new house on an empty lot in an historic district.

Pat Ilderton said that we would have to fashion some direction for the DRB. We will be reviewing more than just historic houses. Traditionally we were going to ask about size, mass, siting and that was to be the prevue of this board. We were not going to be overly concerned about details. We need to talk about this. I want to discuss later such things as details, color and roofing materials.

Kent said that we should definitely talk about details and roofing materials.

Michael Daly said that to be consistent with decisions made at the last meeting we should discuss materials for roofing and siding.

Pat said that we simply need a statement that you will use wood siding.

Fred Reinhard requested that we put in our motion that his request be approved using real pressure treated wood siding to match the house, Twenty Six-Five V Gavalum roofing material, 3X5 quarter tongue and groove pressure treated pine deck to match the front of the house and that he will replicate the material from the house proper on the contemporary bunk house.

Pat asked that is simply having him state what material he intends to use good enough for the record.

Kent Prause said that it needs to be stated as part of the motion.

Michael Daly made a motion to accept the addition as it is if Mr. Reinhard complies with using wood siding and 5v crimp 10 groove roofing material and obtains the setback variance.

Pat Ilderton seconded the motion.

Steve Herlong asked if there was any discussion.

Kent Prause said we have a motion and a second. Is there any discussion?

Kent said that on many historic properties there is more information available to the DRB in the form of survey cards prepared by the historic preservation consultant. He further said that the DRB is supposed to make specific findings to justify their decisions so someone can't say that decisions were arbitrary. In this case you are about to approve an application but you don't say why. A good job was done regarding materials but you should include in the motion a reference to the architectural elements on the survey card for this property and a statement that the addition and renovation are compatible with elements on the card.

Steve asked if we could just state for the record why we think it is compatible. He said he felt like the proposed additions are sympathetic to the original arch of the structure and that even though the existing house sits very close to the street a good effort has been made to stay away from the side street. All additions are in the back and the rooflines are compatible with the exiting structure. For these reasons I think this is a good example of an addition to an historic structure.

Kent said that sounded like a good amendment to Michael's motion.
Steve Herlong said that it does seem to comply with Section 21-94 of the Historic Preservation Overlay District section of the zoning ordinance.
Kent said that someone needs to second amendment to Michael Daly's motion.
Pat Ilderton asked if everyone was in favor. The vote was unanimous in favor.

Randy Robinson suggested that Kat read back the motion and that a Certificate of Appropriateness be issued.

Pat Ilderton called for the second application.

The application was from Mrs. Simon Gould for an addition to an historic structure at 1724 I'on Avenue.

Mr. Chris McCarthy, the architect, spoke for Mr. and Mrs. Gould who were out of town. The application is for additions and improvements to the existing structure using original materials, addition of a garage, construction of a swimming pool and creation of an outdoor area integrating an existing cistern into the design, a screen porch enclosure, and landscape improvements. The intent is to create an authentic island home as depicted on the drawings.

Steve Herlong asked if the curb cut had been approved for the width proposed or is that something we need to deal with.
Chris McCarthy said that he had been told that a variance had not been requested and that he should come before the DRB first. He said that he would like to receive approval at this meeting contingent on that issue.
Betty Harmon stated that she didn't think the Italian columns on the pergola were appropriate and that they should match existing columns.
Chris said that Mr. Gould was European and leans toward a more European classical look but if the board does not agree it could be modified.
Steve said that you were asking for an alternate on the pergola roof.
Chris said that it would either be an open wrought iron or open wood lattice.
Steve noted that one of the items in the Design Review Guide stated that landscape additions should not overwhelm a building and that the pergola shown on the right hand side of your drawing might be more appropriate for this style house.
Steve also questioned the use of architectural asphalt shingles on the garage while the house has slate shingles.
Chris said it was based on cost and that other garages in the area have asphalt singles.
Betty Harmon inquired about the roof on the pergola.
Chris said that they were proposing that it be an open wrought iron frame.
Betty said that she thought the pergola railing should be wood to go with the rest of the house.
Pat Ilderton said that if the pergola is to be a distinct architectural element away from the house that says something different than the house he isn't sure that details have to simulate house porch details. He said we should be concerned about protecting the house as it is a great structure.

Duke Wright agreed that preservation of the front elevation of this historic house is important and that should be our focus. The side and rear views of the neighboring houses are all different.

Chris said that the idea of using the cistern as a separate design element is intended to be a statement separate from the house. Wrought iron railings are for the view from the new screened porch to the new landscaped area that will be significantly increased so there will be a filtered view towards the back and that additions will not be seen from the rear. Steve Herlong said that it is an excellent example of how to effectively use outdoor spaces and said he would vote to approve it. This was made a motion that was seconded by Pat Ilderton who then called for discussion.

Kent Prause said the application could be approved with the condition a variance for the driveway be obtained.

Pat Ilderton called for a vote. It was unanimous for approval.

Pat Ilderton called for the next application.

The application was from Mr. Jerry Scheer for demolition of two properties classified as traditional island resources at 425 A and B, Station 22.

Pat Ilderton asked Steve Herlong to recuse himself during review of this application.

Mr. Bill Barr, an attorney for Mr. Sheer presented the application. A December 10, 2004 letter from Mr. Barr to the DRB Re: Application of Jerald S. Scheer, is attached for the record as attachment #1.

Mr. Barr presented digital photographs on a laptop computer of the properties proposed for demolition. He stated that there are two structures on the lot. When showing the larger main structure he described interior rooms and said there is a modern addition to the rear of the house and a kitchen addition on the side of the house. He also said that the roof of the addition is contrary to the shape of the original roof.

Kent Prause asked if Mr. Barr could provide pictures to the DRB for the record.

Mr. Barr went on to show pictures taken under the larger house which he described had a low crawl space and standing water. He said the entire foundation had been rebuilt with concrete block and that the original foundation was probably brick. He described a concrete curtain wall around the base of the house. He also said that the side facing Marshall Stith's house was very wooded.

Mr. Barr then showed pictures of what he described as the secondary structure and noted that this structure appeared to be on a seven or eight foot concrete block foundation with the main structure built on top. He said the structural building materials appeared to be relatively new, standard 2x4 or 2x6. Mr. Barr said part of the house appears to have older materials and dated the construction in the late '50s early '60s.

All windows in the larger house have been replaced with 6 over 6 double hung windows. The timbers seem to be deteriorating in the older section. The house is constructed of asbestos siding and if you pull off the siding it reveals some nice lapped siding or tar paper covering diagonal lath boards, typical of construction in this era. The plat of record is 1935. It is lot 2Y located right across from the cemetery on Station 22 adjacent to Marshall Stith's home. The first deed was issued in September of 1935 and it was standard license for construction to be completed within one year so that means the main structure was most likely constructed in late 1936.

Mr. Barr said they were before the board tonight to ask for alternative remedies. Ultimately they want to take both houses down. That can be accomplished in two ways.

Mr. Barr said that the houses were on the list of historic homes as traditional island resources that was adopted when the ordinance was passed. He then asked Kent Prause when that was adopted.

Kent responded that it was adopted on August 17, 2004.

Mr. Barr said this was just passed several months ago. Jerry Sheer who is here with tonight bought this property in July 2002. He paid \$790,000 for the property and has been working on plans with Mr. Herlong for two years. He was going to apply for a permit when he found out that the house was traditional island resource and that new construction would not be allowed unless some relief was given by the new DRB because they have jurisdiction over traditional island resources. We would ask tonight that you remove these houses from the list or that you allow them to be demolished. In removing the houses you have to take into consideration Section 21-94 of the new code. If you look at the eight criteria for putting properties on the list they are:

- 1) Does the site have significant inherent character, interest or value as part of the development or heritage of the town, state or nation? I did research before coming to the board. There are periods of history from 1700 and 1800, the war between the states, and an era around the turn of the century when the fort was developed and all the historical structures such as the officers quarters, sergeants quarters and enlisted men's quarters down in that areas were built. Jerry referred to this house as a mill house.
- 2) Is the site an event significant in history? There is no site of significant history that I am aware of that would put this on the list.
- 3) Is it associated with a person or persons who contributed significantly to the culture and development of the town? I do not believe that is a characteristic either.
- 4) Does it exemplify the cultural, political, economic, social, ethnic, or historic heritage of the town, state, or nation? There is nothing in the late '30s post depression characteristic of this house that would be part of the historical heritage of the town.
- 5) Individually, or as a collection of resources, does it embody distinguishing characteristics of a type, style, period, or specimen in architecture or engineering? This house was referred to as the Riley House when I talked to people about it.

- 6) Does it contain elements of design, detail, materials, or craftsmanship which represent a significant innovation? It is a crawl space house with a seven foot ceiling that does not meet criteria.
- 7) Does it represent an established and familiar visual feature of a neighborhood or the town?
- 8) Has it yielded or may be likely to yield information important in pre-history or history.

Mr. Barr said that after looking at these eight criteria, looking at the houses, and after examination of the structures he would submit that these eight criteria do not apply to these structures. He said there was no survey card connected with either residence. He referred to an email (David Schneider's December 13, 2004, email to Kat Kenyon attached as Attachment #2) concerning this property and said that David indicated that because of split colored locator dots on the field survey map the structures had been altered to the extent they no longer retained their historic character and that if the houses were located in an historic district they would be considered non-contributing.

Mr. Barr said that a historic preservation recommendation stated that the historic designation study list prepared by David Schneider after a "windshield survey" in 2003 is a study of properties worthy of further evaluation. While having some traits of typically traditional architecture on the island these two structures are not particularly good examples.

The historic designation list requires that a homeowner be given 30 days notice and an opportunity to appear and contest the property being put on the list. We are contesting that this property is not worthy of being placed on the list and are asking you to remove them from the list so that we can continue our development.

At the beginning of the meeting tonight Kent Prause stated that the board adopted the Design Review Manual as a guide to assist with your decisions regarding properties on the list. In looking at this it has a section for exterior siding that includes a statement that in the mid to late twenties asbestos and cement fiber shingle came into common use as did asphalt siding. These materials are usually inconsistent with historic characteristics of the district. The preservation priority is listed for traditional as moderate, and for an altered resource as low. You have the authority to approve removal of these properties from the list because they do not meet the eight criteria. You also have the authority to approve demolition. Section 21-98 of the code provides the criteria for a Certificate of Appropriateness for demolition. These are:

- 1) The contribution which the structure makes to the historic and architectural nature of the town, individually and/or in it's relation to other structures and properties in the area. Mr. Schneider has indicated that this is not a structure that is typical of island construction.
- 2) The condition of the structure from the standpoint of structural integrity and the extent of work necessary to stabilize the structure. It is not applicable in this case. The out building is in relatively poor shape, the other building is sturdy.

- 3) The economically viable alternatives available to demolition are really what put Mr. Scheer in a quandary. A new statute will hopefully be passed soon designating new historic overlay districts. In preserving this structure it has to meet the flood disaster prevention code. If up to 50% of the house is renovated it has to be raised it up destroying the character of the house. That is not cost effective. The new code will allow incentives for people to preserve smaller houses and get some consideration concerning lot coverage. In 1998 there were people who wanted to build a house in the back of a lot and keep a traditional island cottage on the front of the lot as well as a third building on the lot. The town made them tear a traditional island cottage down. The economics are such that we have no other recourse but to take these structures down to build a structure that is commensurate to what Mr. Scheer has invested.

Mr. Barr said that in 1987 when the original historic evaluation was done these houses were not on the list. In the ride by evaluation to replace houses that were lost in Hugo or renovated they found other structures that might be worth preserving but Mr. Schneider indicates that these two properties are not significant. In 2003, in reference to a 50 year rule, they looked at houses that had been built in the last 50 years so they could add them to the list. Given the age of this property it would have been eligible for the 50 year rule. Demolition guidelines are not appropriate for contributing buildings but are appropriate for non-contributing buildings. These are non-contributing buildings. It would be appropriate to either demolish them or remove them from the list.

Michael Daly said that the neighborhood has small houses. Driving across the causeway you can see one house on the lot. If we had an idea of what you were going to put there it might be helpful in reference to massing and fitting into the neighborhood.

Mr. Barr said he could address that issue. Coming down Jasper behind the gas station there are a group of houses that look like they might have been constructed around the same time. Right across from the cemetery are a group of large homes that might have been constructed in that neighborhood. From Myrtle to the water there are larger homes and from Myrtle back the other way you have smaller homes. This is a .55 acre lot so it is larger than most and at the cost of \$790,000 the house that is to be designed will be a large home.

Michael said that he had compassion that design was started before the DRB was created.

Pat Ilderton said that the town has put us in a difficult situation that we knew would occur. The town has not offered any of these people redress when we tell them they cannot demolish their homes. We need to be able to say that if we don't allow you take your house down then we should be authorized to let you do more than we would let someone do on an empty lot. They need to give us the authority in the ordinance to do that but I don't know if that will be forthcoming. Each property is different and each situation is different. We need some flexibility to work with homeowners. We are limited in how we are to administer viable alternatives. The homeowner has to demonstrate elimination of all eight items of Section 21-94 before the board can say it is okay to

demolish. That is going to be a difficult task. *Pat needs to review this paragraph for accuracy.*

Bill Barr said that these eight criteria are for placing a home on the list. When these houses were placed on the list we never received any notice so we couldn't voice our objections. There are many homes very similar to these properties that are not on the list. There is no survey card for this property that shows why it was placed on the list. We are asking the board for a Certificate of Demolition because there are no other viable alternatives. If we do not get the certificate, the town has taken away our property.

Pat said this is a serious difficulty for the homeowner. We are limited in how we are to administer something like this. If we allow demolition of this house there are many more out there just like it that will also want to be taken down.

Duke Wright said that you have stated your case well but that he was concerned with setting precedence.

Kent Prause said that demolition is covered under Section 21-98B, paragraphs one, two and three. There are only three criteria that have to be addressed for demolition of the application in front of you. You will have to vote yes or no. You need to make some specific and detailed findings to cover the area of precedent. Your decision will be upheld if it has a rational basis and if there is any credible evidence to support what you do. A court is not at liberty to substitute its judgment for your judgment. It can only be appealed to court if it is contrary to law.

Michael Daly asked if we can allow demolition of the house in the back but keep the house in the front.

Kent said you can tell them they can demolish both of the houses if you make findings that they meet requirements of the ordinance. Under the current zoning code they now have non-conforming use because there are two single family dwellings on a lot zoned for a single family dwelling. The code provides that if the house with the greatest amount of square footage including porches is deemed conforming it can be dealt with as the ordinance allows. If they exceed 50% of the current appreciated value of the house they will have to elevate it for flood regulations, setbacks, height restrictions, and lot coverage. In the context of meeting these requirements they can alter the building as they see fit. You still have the issue of it being a contributing building. Since it is not in an historic district it has to go before this board. The second building is a non-conforming structure and can be dealt with as non-conforming if it is more than 50% damaged by natural occurrence. They have two years to build it back. It would have to meet all current code requirements and can't be built any bigger than it is now. If you give them permission to remove it from the lot, when it is gone and you cannot build another dwelling back in its place. You would be limited to one single family dwelling on the lot. *Kent needs to check this for accuracy.*

Michael Daly asked if we could make a motion to allow another building on the lot.

Kent said no, that is beyond our authority.

Pat Ilderton said that Mr. Scheer should be able to keep the front house and build a nice house on the back. We need the council to give us options to deal with these situations.

Mr. Barr said that if the board feels that the property doesn't meet the criteria it can remove it from the list. Each case needs to be considered on its facts and the criteria for demolition. The new ordinance offers relief to a degree. It reduces the lot coverage, allows you to use it as a secondary structure for family members. We would have to move the structure in order to take maximum advantage of the lot. It is 20 feet off Marshall's property line, the front distance is okay to us.

Pat Ilderton said that this property was in an RC2 district where you have to be 30 feet off the property line.

Pat then asked Kent when we were could receive comments from the floor.

Kent replied that he thought rules of procedure had been adopted. He said we should hear from the town staff or the applicant first then allow the public to speak.

Everett Preston, in the audience, asked if he could address the board. He said that he came to the meeting to hear about this application for demolition as it was an important issue and that the board was formed to decide whether or not houses like these should or should not be on the list. One of the reasons the ordinance was originally passed was to save two historic houses.

Mr. Barr said that he thought there would be less of a precedent set if the houses were removed from the list rather than demolished.

Kent Prause said that we had two issues before the board and each one needed to be addressed separately. If we allowed one or both to be demolished then the issue of taking them off the list becomes irrelevant. If we allow them to be taken off the list they would also be demolished. Keep in mind that a demolition has to meet each every one of three criteria. As a zoning administrator I would submit to you that you do not have sufficient evidence in front of you to ascertain the condition of the structure with regard to structural integrity or the extent of work it would take to stabilize it unless the applicants concede that that is not an issue.

Mr. Barr said that the condition of the structures is not an issue and that he didn't think they had to meet all the criteria.

Kent said that he thought they were all inclusive, that is they had to meet all three.

Michael Daly said that the proposed house had been under design for a long time before this issue ever came up. Since they have invested money for two years he didn't think it would set a precedent.

Duke Wright asked whether the town had advised everyone affected that their property would be affected by the zoning changes.

Pat said that there are people who do not know their property is on the historic list or in an historic zone and that there are a couple of houses that have new houses on the back lot and traditional island homes on the front of the lot.

Mr. Barr said that the historic overlay district should have been passed at the same time that Cooper Consultants general amendment to the zoning ordinance was passed. In their draft there are provisions that deal with these issues.

Kent stated that the town council may not adopt those provisions.

Everett Presson asked whether the new house could be built with an old house still there.

Steve Herlong stated that the proposed house would fill the back corner.

Kent said there are two houses and neither of them could be demolished.

Mr. Barr said that the house near the water had less significance than the house on the front of the lot.

Pat Ilderton agreed.

Mr. Scheer said that the thing about precedence is that when he bought the property over two years ago he could not have foreseen this happening

Kent stated that the personal circumstance didn't matter.

Michael Daly asked whether or not we could label this as a reason in our motion.

Kent said no, that we had to stick to items in the code. The board is bound by what the town council adopted. That was the scope of our authority.

Steve Herlong asked if it would be helpful if the board went through the eight criteria to determine whether or not the houses should remain designated as historic property.

Kent said that he thought it should be mandatory for us to do that whatever decision we make. He said he submitted that Mr. Schneider felt that it met at least one of these eight items or it would not have been put on the list. He alluded to that in the correspondence received. He said that traditional island resources were defined in the accompanying report and that these houses were part of the islands historical development even though

they are not particularly good examples. If they fit into any of the eight criteria he thinks we are duty bound to say so. We would be making a specific finding in that regard based on Mr. Schneider's correspondence and that is evidence in your record that provides a rational basis for a decision.

Duke Wright said that we should go through the eight criteria.

Kent said that after going through the eight criteria a motion should be made to vote. Steve has to recuse himself but there are still four to vote. Hopefully three of you will feel one way or the other or you will have a tie. It may not accomplish anything but at least you need to go through it.

Duke Wright said that after doing that if we are all in agreement or the majority agrees do we then have authority to remove the houses from the list?

Kent said that Mr. Barr has put forth to you that in his and his clients opinion they do not meet any of the criteria. You need to make findings for the record. To the best of your ability you tie it to evidence and testimony that is already on the record. That then provides you a rational basis for your decision.

Duke Wright made a motion to go through the eight requirements and said he would read them before voting on each.

- 1) Does the property have significant inherent character, interest, or value as part of the development or heritage of the town, state, or nation? The vote was unanimously no.
- 2) Is the site of an event significant in history? The vote was unanimously no.
- 3) Is the property associated with a person or persons who contributed significantly to the culture and development of the town, state, or nation? The vote was unanimously no.
- 4) Does the property exemplify cultural, political, economic, and social, ethic, or historical heritage of the town, state, or nation? The vote was unanimously no.
- 5) Does the property individually or as a collection of resources embody distinguishing characteristics of a type, style, period or specimen in architecture or engineering?

Duke Wright said he didn't think so but Pat Ilderton said the house was built in 1936 and at that time people living at the back of the island were not well off so they built modest homes and wondered if that was significant or not or whether it was worth noting or keeping?

Kent Prause said that it sounds like Pat was making a very good case for meeting number four.

Everett Presson inquired about all the brick houses on the island saying that you could make the same argument for those.

Pat said that yes you could, but they are not on the list. We are trying to protect resources that are on the list.

Michael Daly said that if you let this one go there are about five others that would have the same recourse.

Mr. Barr said that the other houses are located on very small lots and not all of them are on the list.

Betty Harmon said that her thought is to keep the one on the street but not the one on the marsh.

Kent said that was a good question. Are we talking about both houses together or individually?

Pat said that he thought we all agreed that the one on the street has the highest value.

Michael Daly asked if Mr. Barr could withdraw and give us more time to think about it. Could we make a motion to do this?

Kent Prause said that he thought we could defer an item on our own motion and there was a provision for the applicant to ask for a deferral.

Pat asked that if we deny the request could they come back next month.

Kent Prause said that the state law is clear that once a decision has been made they can't keep coming back. He said that he was sure the town council is going to adopt the provisions that have been recommended allowing two houses on one lot. The Historic Overlay and Design Review Board sections were taken out of Cooper Consultants recommendations so they could be added to Chapter 21 of the Zoning Code. The other recommendations are interwoven and will have to be adopted in their entirety. *Kent Prause needs to clarify this paragraph.*

Heide Brown from the audience said that she thought the board was created to deal with these issues.

Michael Daly said that he felt the reason we were all here was to preserve some of the historic houses and that we should look at it as if we let one go others would just keep going down.

Duke Wright said again that we have to be careful about the precedence we set in this case tonight.

Pat Ilderton said that we would have to make a decision tonight.

Jennifer (?) from the audience said that Mr. Barr suggested that he was not notified that the house was on the historical list and that since the house was altered why not take it off the list.

Pat Ilderton said that we should finish going through the criteria list.

Duke Wright said that he thought we were talking about both houses rather than just the house on the street.

Kent Prause again said that the board needs to give reasons when making findings. If findings are backed with factual information then a court can't substitute its own judgment not unlike a decision from a jury. A court is not at liberty to substitute other facts. Build a good record of reasons for each decision and the rational basis used to reach the decision.

Betty Harmon said that she thinks of items described in criteria number four such as cultural, political, economic and social when she sees the house.

Kent Prause said that he would take Pat Ilderton's earlier expression even further regarding the house meeting criteria number four. Those are the types of things that need to be considered to prevent a house from being torn down. Mr. Schneider put the house on the list for a reason.

Mr. Scheer asked Mr. Prause if he was on the board.

Mr. Prause responded that he was not a voting member and that he was on the Zoning Board.

Pat Ilderton continued discussing the house saying that he thought it had value because it is a significant structure. Sullivan's Island was originally inexpensive and that is why many people with low incomes moved here. The house is only two feet off the ground, it is small and close to the street which is now against the zoning ordinance and that we need to protect these structures.

Mr. Barr said that because of flood codes for which a variance cannot be issued the house would have to be raised sixteen feet if modified and the traditional island cottage character would disappear.

Pat Ilderton said that we couldn't tear down all houses because they are only two feet off the ground.

Michael Daly said that this board was evolving and would learn from cases like this.

Betty Harmon said that the lot was large enough to put another house on it.

Randy Robinson said they could apply for a variance and may be able to have the primary structure as non-conforming since this is not a typical lot.

Mr. Barr said that a variance had been requested but was turned down.

Pat Ilderton asked whether they had gone to the Board of Zoning Appeals.

At this point Jerry Scheer and Bill Barr excused themselves from the room. When they returned they asked the board for a decision.

Pat Ilderton asked whether or not we needed to go through the rest of the criteria.

Duke Wright made a motion to deny the application and have the applicant come back at a later time. In the meantime have board members go before Town Council asking for relief to resolve situations such as this.

Kent Prause said that if we denied the application tonight the only recourse is court.

Pat Ilderton asked if they could withdraw their application.

Kent Prause said that the ordinance has been put in place that provides guidelines for board decisions.

Pat asked again that if we turn them down there only recourse is to go to court.

Kent Prause said that we could defer with a motion but had to have specific findings to do so.

Betty Harmon made a motion that the application be deferred until the February meeting.

Pat Ilderton seconded the motion and the vote was unanimous.

Pat O'Neal in the audience said that there was a council meeting next Tuesday and committee meeting the first Monday of January and that they were going to look at the residential portion of the building ordinance. This is the portion that allows people to have two structures on one lot where they are preserving an historic structure that is on the list.

Pat Ilderton called for the next application.

The application was from Mr. Dean Varner, 2262 Myrtle Avenue, for an addition to an historic structure designated as an island landmark.

Mr. Varner that that he would like to add about 130 SF to the rear of the house for a hallway and bath, add a 220 SF screened porch on the rear and remove an exterior

staircase from the front façade. The house has asbestos siding and asphalt shingles. He proposes to use material on the addition that looks the same. All work except removal of the stairs is at the rear of the house and not visible from the street.

Duke Wright the siding to be used is not actually asbestos but looks the same and that the proposed project would actually improve the looks of the house.

Dean Varner said they would also be converting the house from a duplex to a single family residence.

Steve Herlong asked if the house was originally a duplex. Pat Ilderton answered that it was.

Duke Wright made a motion to approve the application.

Betty Harmon seconded the motion.

Steve Herlong said that the project was an improvement since the stairs on the front were being removed, all other work was to the rear, and it was compatible with the existing house and fairly insignificant from the street.

Pat Ilderton called for a vote. The vote was unanimous in favor.

Kent Prause then clarified conditions on two previous applications. First, that Fred Reinhard's application approval was conditional based on compliance with setback requirements and secondly, that the Gould's application for a driveway was conditional on complying with the code or getting a variance.

Duke Wright said that all of us on the board should attend the next Town Council meeting with a statement prepared addressing the board's dilemma and ask for a resolution to problems such as the application from as Mr. Scheer.

Kent Prause said the council would have to amend the ordinance that is currently before the Planning Commission in order to provide some relief. It would have to be classified as a special exception and go before the Board of Zoning Appeals where there would be a public hearing. If approved then an application would have to come to the DRB for review of elements such as construction or alterations to an existing historic building. As Mr. O'Neil said, the ordinance will be up for discussion at the next meeting on 3 January.

Pat O'Neil asked is the main issue tonight the fact that you can't tear one structure down and put up a new one.

Pat Ilderton responded yes, that they can't do much with the property if they can't tear one structure down and put up a new one.

Pat O'Neil said there are two issues. One is the importance of granting some incentives and encouraging it to be done quickly. There may be some way to get that piece of the ordinance on a fast track.

Steve Herlong asked if anything had been received from the Planning Commission.

Pat O'Neil said no, they still have a couple of articles to go through. Those are the ones that will cover the situations we have. We are about 95% done with the commercial district and will start the residential in January.

Duke Wright asked whether the town had an obligation to notify people that their properties are designated historic.

Pat O'Neil said that the only obligation is for approving that a structure be added to or deleted from the list of historic properties.

Pat Ilderton said that he didn't know how big an issue not formally notifying homeowners would be.

Kent Prause said that was a legal issue and not an issue for this board.

Duke Wright made a motion to approve two forms for applications to the DRB. These forms are (1) for addition, demolition, new construction or other for properties in an historic district or identified on the Historic Resource Designation Study List, and (2) for removal or addition of a property or structure to the Historic Resource Designation Study List.

Pat Ilderton seconded the motion and called for a vote. The vote was unanimous in favor.

Pat went on to say that we need to redo the Historic Resource Design Review Manual because at some point we will be reviewing all designs for houses on the island.

Kent Prause said that depends on what the Town Council adopts. Cooper Consultants wrote the manual but that it hasn't been adopted by the Town Council.

Pat Ilderton made a motion to adjourn the meeting. Motion seconded by Betty Harmon. Vote was unanimous.