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MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

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DATE: September 17, 2008

TIME: 6:00 p.m.

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LOCATION: SULLIVAN'S ISLAND TOWN HALL
1610 Middle Street
Sullivan's Island, SC 29482

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A P P E A R A N C E S

DESIGN REVIEW BOARD MEMBERS:

STEPHEN HERLONG - Vice Chair
DUKE WRIGHT - Secretary
BETTY HARMON - Member
JON LANCTO - Member
BILLY CRAVER - Member

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(Pat Ilderton and Fred Reinhard were not in attendance.)

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ALSO PRESENT: Kat Kenyon - Administrative
Kent Prause - Zoning Administrator
Randy Robinson - Building Official

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1 MR. HERLONG: This is the Wednesday,
2 September 17th, 2008 meeting of the Sullivan's Island
3 Design Review Board. It is 6:00 p.m., and the members
4 in attendance are Duke Wright, Betty Harmon, Steve
5 Herlong, Jon Lancto and Billy Craver.

6 The Freedom of Information requirements
7 have been met for this meeting. The items on the agenda
8 are -- and before we get into the first one, which is
9 the approval of the minutes, I believe we wanted to add
10 something to the agenda.

11 MR. WRIGHT: Yes. I move that we amend the
12 agenda to include an item for discussion to propose
13 changes to the zoning ordinance.

14 MS. HARMON: Second.

15 MR. HERLONG: Any discussion? All in favor
16 of the amendment?

17 MR. WRIGHT: Aye.

18 MR. HERLONG: Aye.

19 MS. HARMON: Aye.

20 MR. LANCTO: Aye.

21 MR. CRAVER: Aye.

22 MR. HERLONG: Any opposed?

23 (None opposed.)

24 MR. HERLONG: So we will add that as the
25 last item for discussion.

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1 And first is the approval of the August
2 17, 2008 minutes.

3 MR. CRAVER: So moved.

4 MR. WRIGHT: Second.

5 MR. HERLONG: Any discussion? All in favor?

6 MR. WRIGHT: Aye.

7 MR. HERLONG: Aye.

8 MS. HARMON: Aye.

9 MR. CRAVER: Aye.

10 MR. HERLONG: Any opposed?

11 MR. LANCTO: I will have to abstain on that.

12 MR. HERLONG: One abstain.

13 So the 1902 Middle has been taken off.

14 MR. CRAVER: Both of them?

15 MS. KENYON: Both of them have been.

16 MR. HERLONG: Both of those are now

17 withdrawn.

18 And so Item 4, I am going to have to
19 recuse myself on that one.

20 (Mr. Herlong recused himself from 2101
21 Pettigrew.)

22 MR. WRIGHT: 2101 Pettigrew, accessory
23 structure, pool, for a swimming pool.

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Kent, do you have anything?
MR. PRAUSE: Yes, sir, Mr. Chairman. This

1 is 2101 Pettigrew. The application states it's for
2 final approval for a submittal which is outside the
3 historic district; however, it is designated as a
4 historic resource, but there is no survey number
5 included on the application.
6 The nature of the work is an accessory
7 structure. They say we are requesting approval to
8 install an inground swimming pool partially under the
9 deck. We are asking for an additional 246 square feet
10 of impervious surface coverage.

11 I have several concerns and am kind of
12 confused. One concern that I have is that the swimming
13 pool will have to meet the applicable setbacks from the
14 RC-1 area measured from the centerline of the street
15 right-of-way to the point furthest out in that zoning
16 district block.

17 Let's see. If it's under 4 feet -- 30
18 feet, but I can't -- I don't see the distance from the
19 lot line to the beach side. But as long as it's at
20 least 30 feet and it's below 4-1/2 feet high, they will
21 be okay there.

22 But I'm confused about the application
23 because they say on the zoning standards compliance
24 worksheet that they are asking for a 25 percent relief
25 under Section 21-26, but that only allows the increase

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1 of impervious coverage solely of materials such as grass
2 pavers that are employed to allow vegetative materials
3 such as grass to permeate the surface, giving the
4 appearance of grassed areas, and I don't see any
5 indication on the plans for any of that being requested.

6 And then on the request for historic
7 exemptions on Form C.1, it appears they are asking for
8 relief under 21-43, which allows exemption of 50 percent
9 of the impervious coverage for a preservation of a
10 historic property.

11 But what that says is that the exception
12 is allowed when there is an addition made to a historic
13 structure in an effort to retain the principal building
14 because of its historic significance.

15 So my interpretation of that is it
16 wouldn't apply to a pool. It would only be to an
17 addition to the historic structure in an effort to save
18 it. So I am confused. I don't understand these
19 requests. But that is all I have there.

20 I guess what it means is the pool is
21 going to make them exceed the lot coverage requirement,
22 I assume. I don't know. Maybe they can explain that
23 better in their presentation.

24 MR. WRIGHT: Is the applicant present, or
25 the applicant representative?

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1 MS. KENYON: State your name.
2 MR. HEINLEN: Rodd Heinlen. I'm with Steve

3 Herlong & Associates, and we are representing the
4 Lewises for their house at 2101 Pettigrew.
5 We are asking for a slight increase in
6 the impervious lot coverage in order to install an
7 inground pool. Most of the pool is set underneath the
8 porch and the house. About 40 percent of the pool is
9 out past that.

10 MR. PRAUSE: So to clarify my concern, this
11 doesn't have anything to do with the grass pavers?

12 MR. HEINLEN: No. This is under the
13 historic thing. I filled that out incorrectly. So it
14 should --

15 MR. PRAUSE: This is just for the pool then?
16 It doesn't involve an addition to the house?

17 MR. HEINLEN: Just for the pool.

18 MR. PRAUSE: I would repeat my concern that
19 you-all wouldn't have any authority to grant relief in
20 that regard. They are stuck with the lot coverage.
21 The only way you can grant relief in
22 that regard is for an addition to the house in an effort
23 to preserve the historic house. It doesn't mention
24 anything about accessory uses and pools and granting
25 relief to add more impervious surface for those types of
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1 things.
2 MR. WRIGHT: Again, are you saying that we
3 cannot even entertain this application?

4 MR. PRAUSE: You can't grant the extra
5 impervious surface relief. If they just want to install
6 a pool and meet the requirements that apply, then it's
7 definitely within your purview.

8 MR. WRIGHT: Can you do that?

9 MR. HEINLEN: Well, if I can go through my
10 items, and then I will address Kent's concerns.

11 MR. WRIGHT: Yes.

12 MR. HEINLEN: We are asking for a slight
13 increase in the impervious lot coverage. The existing
14 home is on the historical list as a contributing
15 resource. Construction was started about nine months
16 ago. The house was turned 180 degrees, moved towards
17 the street. We did the addition in the back.

18 As you may recall, we worked with this
19 board over probably six or eight months on the design
20 and came to what we think is a sensitive solution to the
21 addition of the house. We stayed well below the
22 allowable height, and we did porches, pretty extensive
23 porches on three sides.

24 Part of Kent's concern, because we tried
25 to work with the board and be compatible to that block,
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1 we kept the house lower and we spread it out.
2 Therefore, we are in the situation now where we are
3 asking for a little more relief on the lot coverage.
4 We could have made the house maxed out
5 at 38 feet. We could have brought the porches in. But
6 we felt the compatibility of the neighborhood was
7 important, and so that is why we kept the scale and the

8 massing down. Thus, we are here to ask for a small
9 relief on that.

10 Because it's historic, the board has the
11 authority to grant up to 50 percent of the existing
12 house, which in this case was just over 1600 square
13 feet. At the time we were granted 143 square feet of
14 additional lot coverage, which was 4 percent of what
15 this board is allowed to give.

16 We are now asking for an adjustment to
17 that of another 246 square feet, which totals 389 square
18 feet, or just under 12 percent of what the board is
19 allowed to grant.

20 So we feel like the -- Kent is right.
21 On the surface, it seems like, well, this doesn't have
22 anything to do with that. But because it's a historic
23 structure, we tried to work with the massing and the
24 scale of the building. Now we are asking for a little
25 bit of relief.

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1 MR. WRIGHT: Is there any public comment?
2 The public comment section is closed. Board? Well,
3 Kent, I'm sorry, back to you.

4 MR. PRAUSE: No, I don't have anything else.
5 Thank you.

6 MR. WRIGHT: Randy?
7 MR. ROBINSON: Nothing.
8 MR. WRIGHT: Board? Billy?
9 MR. CRAVER: Kent, let me ask you a
10 question. If they had asked for this at the time that
11 they got permission to do the whole thing so that the
12 extra -- we could be saying that the extra was house as
13 opposed to the extra being the pool, could we have
14 approved it?

15 MR. PRAUSE: Well, I will just direct your
16 attention to -- I was reading from 21-27 and 21-43(b).
17 But then you have (c), Design Review Board.

18 It says, the Design Review Board shall
19 make case-by-case determinations to decide what extent
20 the above exemptions shall be granted if the principal
21 building is listed as a historic property as described
22 in Section 21-94, historic property designation. So I
23 guess, in that regard, it would be up to you-all.

24 But looking at the section above it,
25 (b), exceptions to standards, I mean, I think it makes
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1 it pretty clear that those exemptions pertain to
2 additions to the building itself and makes no mention of
3 accessory buildings or other things of that nature such
4 as pools which, I mean, clearly you are not -- doesn't
5 have any bearing on the historic value of the property.
6 I mean, in fact, those aren't historic.

7 MR. CRAVER: I know. But I am very reminded
8 that this house was truly not a historic house. It was
9 a reproduction. It was. What was built there was
10 substantially what was built after Hugo, and it was a
11 very good reproduction of what would have looked like
12 was there, but a lot of it was not the original house.

13 A lot of the interior was all new stuff.
14 And the people agreed to let it be
15 historic in face of the board considering it to be that.
16 And they asked for the size to be larger, and they met
17 the guidelines, and we didn't give them any.
18 And I sit there and I go, okay, given
19 all the different factors about this house, I am just
20 not offended by them having that little bit extra for
21 the swimming pool. And I don't think -- I mean, I think
22 they are doing a good job of hiding it under the house,
23 in part, and having a little bit out.
24 I think we do have the authority under
25 (c) to do it. And if that authority was substantially
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1 limited, I think it would say, you know, limited by the
2 guidelines in (b).
3 So I probably would grant that. I think
4 they are doing a great job on that house, quite frankly.
5 MR. WRIGHT: Billy, what paragraph is --
6 MR. CRAVER: It's on Page 23 of the
7 ordinance. Kat, thank you for having these books here.
8 It's Section 21-43(c).
9 MR. WRIGHT: Betty?
10 MS. HARMON: Let me pass right now. I'm
11 reading this.
12 MR. WRIGHT: Oh, okay. We will pause for a
13 second.
14 MS. HARMON: The way it's written, it says
15 that we can, but it can't exceed a certain amount of
16 square footage for both structures. Well, I think it
17 makes it -- I don't -- I think it makes it --
18 MR. LANCTO: What would have been the
19 maximum square footage that would have been approved?
20 Would it have been the --
21 MR. HEINLEN: It's the last sheet.
22 MR. LANCTO: As a historic structure?
23 MR. HEINLEN: The historic structure --
24 MS. KENYON: Guys, you need to speak up so
25 she can --
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1 MR. HEINLEN: Sorry. The historic
2 structure, existing principal building coverage, is this
3 on historic. And for lot coverage, this would have been
4 the maximum that would have been allowed to be granted.
5 MR. LANCTO: In addition to that?
6 MR. HEINLEN: That is a breakdown, I think,
7 or that's a function of this number. I think the
8 real --
9 MR. WRIGHT: Speak up, please.
10 MR. HEINLEN: Sorry. The real number, I
11 think, of the existing lot coverage was 3,242, I think,
12 and half of that is the 1,621 that the board would be
13 allowed to grant.
14 We had previously asked for 143. Now we
15 are asking for an additional 246, which is 12 percent of
16 the total of the existing.
17 MR. CRAVER: So an additional 103?

18 MS. HARMON: No.
19 MR. CRAVER: Or an additional 246?
20 MR. HEINLEN: Yes.
21 MR. WRIGHT: What percent is that of what we
22 are authorized to grant?
23 MR. HEINLEN: You are authorized to grant
24 1621. So the percentage of that would be 24 percent of
25 what you are authorized.
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1 MR. WRIGHT: So we are right at the maximum.
2 MR. CRAVER: No, significantly below it.
3 MS. HARMON: Way below it.
4 MR. WRIGHT: 24.
5 MR. HEINLEN: 24 percent of what you are
6 allowed to grant.
7 MR. WRIGHT: Sorry. I got you.
8 MR. LANCTO: Is the pool considered an
9 accessory structure?
10 MR. PRAUSE: Yes.
11 MR. LANCTO: And under the historic
12 provision, are we allowed to grant additional impervious
13 coverage for an accessory structure?
14 MR. PRAUSE: It says under (c) that you-all
15 determine that. But there again, I mean, it will be
16 over 50 percent of the lot.
17 Do you know offhand what percentage that
18 is, the total percentage of lot coverage? 57 percent?
19 61 percent? It looks like 7 and 4 is 11, plus the 50,
20 so it will be 61 percent of the lot? Am I reading that
21 correctly?
22 MR. LANCTO: The lot is 16,481 square feet,
23 and they are proposing to have a coverage of 5,330. So
24 that is only one-third.
25 MR. CRAVER: It's a third.
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1 MR. LANCTO: Less than a third.
2 MR. PRAUSE: You get up to 30 percent of
3 impervious surface anyway, so it has to be more than
4 that.
5 MR. LANCTO: 30 percent would be 4,944,
6 right?
7 MR. PRAUSE: I don't have a calculator.
8 MR. LANCTO: I looked at this one ahead of
9 time.
10 MR. HEINLEN: On your site plan here, if you
11 read over here to the right, the impervious lot
12 coverage, we are allowed 4,941. We were given 5,084,
13 and that is where the 143 came from. The DRB granted
14 that back in May of 2006. Now we are asking for the
15 additional 246.
16 MR. CRAVER: And under the ordinance, the
17 max we can give is 5,600.
18 MS. HARMON: So they are still under 5,600,
19 aren't they?
20 MR. CRAVER: Well under it.
21 MR. LANCTO: But what Kent's point was is
22 the pool is not a grass --

23 MR. PRAUSE: But they had admitted that that
24 was the wrong section of the code that they cited. They
25 are going under this 21-43. And, under (c), it appears
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1 that you have the authority to make the determination to
2 what extent those exemptions shall be granted. And that
3 part does not make a distinction, as Billy pointed out.

4 MR. LANCTO: Except does it say anything
5 about it being an accessory structure?

6 MR. PRAUSE: No, it does not.

7 MR. LANCTO: So we could grant the exception
8 for an accessory structure?

9 MR. PRAUSE: I agree with Billy in that
10 regard.

11 MR. WRIGHT: Further discussion? Do I hear
12 a motion?

13 MR. CRAVER: I move we approve it.

14 MR. LANCTO: I second that.

15 MR. WRIGHT: Discussion? All in favor?

16 MR. WRIGHT: Aye.

17 MS. HARMON: Aye.

18 MR. LANCTO: Aye.

19 MR. CRAVER: Aye.

20 MR. WRIGHT: Unanimous.

21 MR. HEINLEN: Thank you.

22 MR. HERLONG: So Number 5 on the agenda is
23 1741 Middle Street, changes to an approved application.
24 Kent?

25 MR. PRAUSE: It's within the historic
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1 district, but it's not designated as a historic
2 resource.

3 It was approved for final approval
4 previously. And the changes that they cite on their
5 application are addition of shutters on the front doors,
6 French doors, to remove the transom from the original
7 plan, column detail change, lattice detail change, and
8 screen door on front door of an addition, and no tabby
9 on stucco pilings. They will be smooth. That is it.
10 They included some elevation drawings and a picture of a
11 window.

12 MR. HERLONG: Thank you. Is the applicant
13 present?

14 MR. HARRELL: Good evening, everybody. I'm
15 Tim Harrell. I'm the owner of the house.

16 As the project evolves, we just thought
17 that we would make some changes to the house, some minor
18 changes. We don't think it impacts the way the house
19 really looks overall.

20 Some of the changes are really more
21 historically compatible with the surrounding Officers'
22 Quarters houses, in particular the columns with the
23 smooth stucco instead of the tabby.

24 And removing the transoms over the doors
25 is more historically accurate, and we felt like that
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1 would make it look -- the doors would look less squatty

2 without the transom.
3 And the lattice work is really just a
4 better detail for you to look at because of the previous
5 drawings. I'm not so sure it showed that a banding
6 piece is going -- you see right in the middle and down
7 the center.
8 And, let's see, what was the -- the
9 screen door, is that a front door? Front door screen
10 door? Is that what we said on the application? I don't
11 think we had that originally on the plans that were
12 approved. And, let's see, I believe -- does that cover
13 all the items?
14 Oh, and the column detail. The column
15 detail was drawn originally more as sort of a
16 shaker-looking squared thing, and we wanted to go for a
17 more smooth column with just the -- what do you call
18 that -- the chamfered look on the corners. So we felt
19 like that was also a more compatible item.
20 MR. HERLONG: Thank you. Is there any
21 public comment? The public comment section is closed.
22 Kent, any --
23 MR. HARRELL: Oh, and I didn't mention the
24 corbels, too. The corbels on the windows were not
25 originally drawn on the diagrams, and we felt like that
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1 is a beachy look. It seems to be compatible with many
2 of the island homes on Sullivan's, and we thought it
3 would be a nice accent feature. It's really only
4 visible from the front two windows there on the left
5 side.
6 The left dormer and the dormer next to
7 that one is about the only one you will see from the
8 street. The other ones are kind of hidden by trees.
9 MR. HERLONG: Okay. Kent or Randy, any
10 final comments?
11 MR. PRAUSE: Nothing else.
12 MR. HERLONG: Duke, do you have any
13 questions?
14 MR. WRIGHT: No, I don't. I think it's a
15 fine design as is. These modifications seem to fit in
16 with the basic design of the house, so I have no trouble
17 with it.
18 MR. HERLONG: Betty?
19 MS. HARMON: I just have one question here.
20 The studs here that are coming out, I don't know how it
21 would look. Have you thought about making it the same
22 as the roof? You see here, these studs here? Do you
23 see how these round up, like at the Officers' Quarters?
24 And here they would be straight.
25 MR. HARRELL: I believe we had decided to do
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1 the straight all the way around.
2 MS. HARMON: I just thought about more
3 continuity if you would be -- I don't think it would be
4 as noticeable if you made it the same as the roofline.
5 MR. HARRELL: I think we wanted to make the
6 rafter tails straight all the way around, which is

7 actually more compatible, also, if you drive around the
8 island and look at all the historic houses. There seems
9 to be more of the straight rafter tails than there are
10 of the curved ones.

11 MS. HARMON: Well, you are right across from
12 the Junior Officers' Quarters, and I live in the Junior
13 Officers' Quarters, and we don't have -- this is what we
14 have.

15 MR. HARRELL: The curved ones there?

16 MS. HARMON: The curved ones. I mean, it's
17 not mandatory. I was just asking if you thought about
18 it. I would not disapprove it because of that. But
19 it's just a thought that you might want to check that
20 out as you -- you could put one up and see how you like
21 it.

22 MR. HARRELL: I guess we would like to
23 request just to do straight rafter tails.

24 MR. HERLONG: Anything else, Betty?

25 MS. HARMON: No.

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1 MR. HERLONG: Jon?

2 MR. LANCTO: No. Looks good to me.

3 MR. HERLONG: Billy?

4 MR. CRAVER: Looks good to me.

5 MR. HARRELL: And I would also like to bring
6 up one other thing that came up this week when the house
7 was framed up. It's still well within the height code
8 limit, but it did end up slightly higher than the
9 original drawings, but it's still well under the 38
10 feet.

11 MS. HARMON: So what it is now?

12 MR. HARRELL: I believe it added like ten
13 inches higher than that 37 as drawn.

14 MS. HARMON: Okay, good.

15 MR. HERLONG: Do I hear a motion?

16 MS. HARMON: I make a motion to approve this
17 application as presented.

18 MR. WRIGHT: Second.

19 MR. HERLONG: Any discussion? All in favor?

20 MR. WRIGHT: Aye.

21 MR. HERLONG: Aye.

22 MS. HARMON: Aye.

23 MR. LANCTO: Aye.

24 MR. CRAVER: Aye.

25 MR. HERLONG: Any opposed? No.

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1 MR. HARRELL: Thank you very much.

2 MR. HERLONG: Number 6 on the agenda is 405
3 Seabreeze, new construction, final approval. Kent?

4 MR. PRAUSE: That pretty much says it all.
5 They have submitted a final submittal checklist, but the
6 application is the one for conceptual.

7 And it just says new wood frame,
8 single-family house to replace existing nonhistoric
9 house. And I can't tell if there has been any changes
10 from that, so perhaps they can explain it in their
11 presentation.

12 MR. HERLONG: Okay.
13 MS. CAMPBELL: I am Kate Campbell with Beau
14 Clowney Design. I am here representing Mrs. Lydia
15 Matthews, who is the owner.
16 Basically, like Kent said, the footprint
17 is basically exactly the same. It is exactly the same
18 as when we came to you for conceptual.
19 We have taken the elevations, obviously,
20 to a hard-line format versus to schematic, or the
21 conceptual freehand package that you saw previously.
22 The only real change from the conceptual
23 package was upstairs on the second floor -- if you refer
24 to the second floor plan -- we flipped the bathroom
25 upstairs.

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1 Once we got into cutting two sections
2 through the master bedroom suite, we wanted to be able
3 to access the mechanical and attic storage up in that
4 roof, and it made more sense to go through the closet
5 the way that the structure was, and where the height
6 fell and that sort of thing. So that is the real
7 difference. And I will show you how it kind of affected
8 the elevation.

9 We just added, actually, a smaller
10 dormer. And the whole volume is set back about six
11 inches, and so it gives it a higher bearing point on the
12 roof. So it makes itself a little different from that
13 double dormer that was there before. And the other
14 dormer slid sideways to create a little bit better view
15 out from that bedroom, too, because before it was
16 slipped this way.

17 But, other than that, it's really
18 exactly the same footprint and just taking it to the
19 next level of detail.

20 MR. HERLONG: Thank you. Is there any
21 public comment? The public comment section is closed.

22 Kent or Randy, any final comments?

23 MR. PRAUSE: None from me.

24 MR. ROBINSON: None from me.

25 MR. HERLONG: Duke, any questions?

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1 MR. WRIGHT: Well, I was opposed to the
2 design -- not the design of it, but to the massing and
3 square footage of the house from the beginning. And
4 have you taken some of the square footage out? You have
5 not?

6 MS. CAMPBELL: It's exactly the same
7 footprint as we had before.

8 MR. HERLONG: Betty?

9 MS. HARMON: The massing is really big. I
10 said that the last time. I like the changes of -- that
11 smaller dormer there is fine. So you are right at 38
12 feet?

13 MS. CAMPBELL: No. We actually -- and that
14 is another change. We actually lowered it by about
15 three or four inches, that upper story. And the eave
16 height here is around -- that eave height is at about 29

17 feet.

18 And so, visually, that is going to be
19 really what you are going to see initially, because this
20 roof hips back quite a bit over the whole volume. And
21 so, visually, you are going to see that 29-foot height
22 on that eave more than, you know, the 37.

23 MS. HARMON: It looks fine.

24 MR. HERLONG: Jon?

25 MR. LANCTO: I wasn't here for the

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1 preliminary. So was the consensus that you were here
2 approving additional square footage?

3 MR. HERLONG: I guess I can try to recap.
4 It came before the board. There were some concerns
5 about its general size in the neighborhood. I think
6 they did go back and restudy some options and solutions
7 and then came back.

8 And what we are seeing here is, other
9 than that dormer change, I think this is what was
10 approved as a conceptual design several months ago.

11 MS. CAMPBELL: June, June 18th.

12 MR. HERLONG: So, conceptually, this has
13 been approved.

14 MR. LANCTO: And the additional square
15 footage was approved?

16 MR. HERLONG: All of that was. Is there any
17 change?

18 MS. CAMPBELL: No. There is absolutely no
19 change to the square footage overages. It's exactly the
20 same. The only change is the bathroom and the dormer.

21 MR. LANCTO: And it meets the impervious
22 area requirements?

23 MS. CAMPBELL: Yes.

24 MR. HERLONG: Okay?

25 MR. LANCTO: Yes.

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1 MR. HERLONG: Billy?

2 MR. CRAVER: I'm good with it. I mean, it's
3 a very minor change from what we had formerly approved,
4 so I would approve it.

5 MR. HERLONG: Again, it's -- you know, just
6 personally speaking, I think it's amazing to be able to
7 go from conceptual to final approval with only that one
8 change. So I think this meets the spirit of the process
9 here, so I'm in favor of it as well.

10 Do I hear a motion?

11 MR. CRAVER: I move we approve it.

12 MS. HARMON: Second.

13 MR. HERLONG: Any discussion on the motion
14 to approve? All in favor?

15 MR. HERLONG: Aye.

16 MS. HARMON: Aye.

17 MR. LANCTO: Aye.

18 MR. CRAVER: Aye.

19 MR. HERLONG: Any opposed?

20 MR. WRIGHT: One.

21 MS. CAMPBELL: Thank you.

22 MR. HERLONG: Item 7 is 927 Middle Street,
23 enclose an existing porch, and it's for final approval.
24 Kent?

25 MR. PRAUSE: As you said, its submittal is
0027

1 within the historic district. It's designated as
2 Historic Resource Number 325.

3 According to their attached scope of
4 work, they wish to enclose an existing nonhistoric
5 screen porch as part of an addition to the existing
6 historic structure. It was here for preliminary
7 approval, and they are here for final approval.

8 And just to help me understand, you have
9 taken away some impervious surface?

10 MS. CAMPBELL: Yes. That is --

11 MR. PRAUSE: And replacing it with pervious
12 paving to -- and the purpose of that is?

13 MS. CAMPBELL: Part of the new -- well, we
14 had a little revision to the previous application. We
15 are also -- we are still asking to enclose the existing
16 screen porch, but we are asking to remove kind of the
17 awkward stairs that are coming down off of that existing
18 side deck and add a deck off that existing screen porch.
19 And so --

20 MR. PRAUSE: So the addition of the deck
21 requires the reduction in the existing impervious
22 surface?

23 MS. CAMPBELL: On the front, right, on a
24 driveway that they don't currently use.

25 MR. PRAUSE: That explains that.

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1 MR. HERLONG: Okay. Anything else?

2 MR. PRAUSE: No.

3 MR. HERLONG: Kate?

4 MS. CAMPBELL: Like Kent said, it's
5 basically -- the enclosure of the existing screen porch
6 is exactly the way that we had it before.

7 The only real difference you will
8 notice, if you look at the third page of your packets,
9 previously we had presented the new windows in this
10 enclosed screen porch as six over six to exactly match
11 the existing historic house.

12 Since then we have kind of looked at it
13 in relationship to the rest of the existing elevation on
14 the back, and we kind of feel that being that there are
15 French doors on the back of the house that are more --
16 they have more glass, and it's less kind of cut up.

17 And we kind of feel like, historically,
18 we want that addition to read as a little bit different
19 than the original house. We really wanted to clean up
20 that rear elevation.

21 And by doing something with smaller
22 panes of glass and more mullions, we felt like we were
23 kind of not making it as clean and as simple as the
24 existing French doors here, and also the French doors
25 that they have added since on the new addition that the

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1 screen porch is off of.
2 And so we decided to go with the two
3 over two to really set that addition apart as its own
4 thing. That was really the only difference on the
5 screen porch.
6 After looking at the enclosed porch, we
7 wanted to maintain its relationship to the existing
8 historic house. And so the owners, after we met with
9 them after the conceptual approval, they wanted to get
10 rid of the awkward stairs that come down off of that
11 deck and, again, try and clean up the back of that
12 house.
13 So we emphasized the center stairs going
14 up the existing historic house, as you can see in that
15 photograph, too. And by removing those stairs, you
16 know, the integrity of that original volume is, I think,
17 better maintained.
18 They wish to have a lower deck there,
19 which is why we are proposing to remove the existing
20 stairs and also remove a portion of the paving in the
21 front to stay under our current impervious coverage.
22 MR. HERLONG: Okay.
23 MS. HARMON: And is this going to be
24 screened?
25 MS. CAMPBELL: That is going to be enclosed
0030
1 with glass windows.
2 MS. HARMON: Oh, the two over two?
3 MS. CAMPBELL: The elevations. And that
4 addition, for Jon, the screen porch addition and the --
5 if you look at the site plans, actually.
6 This is the portion of the house that is
7 existing, the historic portion of the house, and this
8 was added in the '90s sometime along with that porch, so
9 it's all been added to the house.
10 MR. LANCTO: This is the new rear elevation?
11 MS. CAMPBELL: Yes.
12 MR. HERLONG: Is there any public comment?
13 The public comment section is closed.
14 Kent or Randy, any final comments?
15 MR. PRAUSE: I just wanted to clarify, I
16 guess for my own edification, and perhaps you-alls, too,
17 Kate, that the new screen porch is going to sort of --
18 or, excuse me, the new deck, which will go where the
19 existing stairs are, will just tie into that existing
20 deck that is there now and there won't be any steps
21 coming down. There will just --
22 MS. CAMPBELL: There won't be any steps
23 coming down off the deck.
24 MR. PRAUSE: It will just go around the deck
25 to the other porch?
0031
1 MS. CAMPBELL: Right. The only steps on the
2 back side of the house will be those ones on the
3 original house.
4 MR. PRAUSE: Okay.
5 MR. HERLONG: Okay. Billy?

6 MR. CRAVER: I think it will -- I am very
7 familiar with this house. I think enclosing the screen
8 porch and getting rid of those steps and putting the
9 deck there will substantially improve the look of the
10 house.

11 MR. HERLONG: Jon?

12 MR. LANCTO: Let me pass on that a second.
13 I just wanted to look at something.

14 MR. HERLONG: Okay. Betty?

15 MS. HARMON: I think it will actually
16 improve it, too, having two sets of steps coming down.
17 I am a little bit concerned about the
18 two over two windows, because I'm looking here and I can
19 see the French doors, French doors.

20 MS. CAMPBELL: And there are French doors
21 coming onto that screen porch from the historic portion
22 of the house and from the new addition portion of the
23 house that match those French doors. So, actually, the
24 only six over six windows that are on the historic
25 house --

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1 MS. HARMON: You mean four over four?

2 MS. CAMPBELL: The only six over six windows
3 existing are the ones you see there on that elevation.

4 MS. HARMON: Okay.

5 MS. CAMPBELL: The rest of them are all the
6 French doors with larger panes of glass.

7 MS. HARMON: Okay. That's good.

8 MR. HERLONG: Duke?

9 MR. WRIGHT: No. I think it's a fine
10 design. If it were on a street side, I might feel a
11 little bit different about it. But I do think I agree
12 with Billy that it improves the appearance of the house
13 without distracting from its historical value.

14 MR. HERLONG: Jon?

15 MR. LANCTO: So the net gain or loss on
16 coverage is about the same because you are moving the
17 impervious area to up front?

18 MS. CAMPBELL: We are actually lessening our
19 impervious. We were already over existing before the
20 zoning ordinance was changed. And so basically we are
21 lessening that by, what is that, a little less than 100
22 square feet.

23 MR. LANCTO: Especially on the back of the
24 house, I think that is staying in character with the
25 other addition. So, yeah, that looks good to me.

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1 MR. HERLONG: And I agree regarding the
2 mullions. I think you can almost argue it either way,
3 but it doesn't need to match or mimic what was historic.
4 And in that application, with a view
5 that this has, fewer mullions would be much nicer. It's
6 just such a small impact on the neighborhood. I would
7 have no trouble with this at all.
8 Do I hear a motion?

9 MR. CRAVER: I move we approve it.

10 MS. HARMON: Second.

11 MR. HERLONG: Any discussion?
12 MR. PRAUSE: I just wanted to clarify one
13 other thing, too. This one, they got a variance to put
14 this on there, not to elevate the house, and got the
15 stuff approved by the State Historic Preservation Office
16 previously.
17 MS. CAMPBELL: Right.
18 MR. PRAUSE: So you-all still need to get
19 this approved by them.
20 MS. CAMPBELL: Right.
21 MR. PRAUSE: I just wanted you to know that.
22 MS. CAMPBELL: We just wanted to make sure
23 that the DRB gave their approval before we went before
24 them so that they knew that everybody was on board with
25 it, so we are still planning to do that.

0034

1 MR. HERLONG: Any more discussion on the
2 motion? All in favor?
3 MR. WRIGHT: Aye.
4 MR. HERLONG: Aye.
5 MS. HARMON: Aye.
6 MR. LANCTOS: Aye.
7 MR. CRAVER: Aye.
8 MR. HERLONG: Any opposed? None.
9 MS. CAMPBELL: Thank you very much.
10 MR. HERLONG: Thank you.
11 So Item 8, 2219 Ion Avenue. Kent?
12 MR. PRAUSE: Request for final approval.
13 Submittal is outside of the historic district, but it's
14 designated as a historic resource, traditional island
15 resource Number 383, for an addition, slash, alteration.
16 What they propose to construct, an 8-1/2
17 by 8-foot deck, with a 4-foot by 7-1/2 foot landing, new
18 stairs, with materials to be treated lumber, with
19 pickets to match the front porch. No deviations from
20 any of the zoning or design standards.
21 And they have included a site plan of
22 existing elevation drawings for the proposed changes,
23 and some pictures where they have kind of drawn in --
24 pictures of the existing house where they have drawn in
25 what they propose to do, and that is all.

0035

1 MR. HERLONG: Is the applicant present?
2 MR. WADE: I'm John Wade speaking for the
3 applicant. Basically, what we have is there is an
4 existing set of stairs that, if you look at, they come
5 right out of a back door. The stairs are old and have
6 been painted. And on a rainy day, if you come out, you
7 immediately find yourself at the bottom of the stairs,
8 boom, you are gone.
9 So what we have proposed to do is just
10 put an 8x8 deck -- 8-1/2x8 deck in that corner,
11 basically filling in that one spot, and bringing a set
12 of stairs out with a landing, bringing the stairs out
13 far enough to maintain the sidewalk that is there that
14 gives access underneath the house to a beach shower that
15 is underneath the house.

16 To me, it's pretty much a no-brainer.
17 My application is rather crude to the standards of the
18 architects that have been -- preceded me. But, anyway,
19 it's a pretty simple thing.

20 MR. HERLONG: Thank you. Is there any
21 public comment? The public comment section is closed.
22 Kent or Randy, any final comments?

23 MR. PRAUSE: No.

24 MR. ROBINSON: No.

25 MR. HERLONG: Duke?

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1 MR. WRIGHT: No. I have no problem with it.
2 It's a nice historic cottage house, and I think this
3 will not distract from the historic aspects of the
4 property.

5 MR. HERLONG: I only have one question. And
6 I absolutely think this is an appropriate solution and a
7 much safer solution. That does look like a very
8 dangerous set of steps.

9 But I have seen in the past, Randy,
10 where something has been approved without actual
11 drawings. I don't know -- and then there have been
12 problems because everybody has their own interpretation
13 of what might happen, somewhat like a verbal -- verbally
14 what is going to happen. Are you okay with this?

15 MR. ROBINSON: I'm okay with it because they
16 have a site plan showing exactly where this is going to
17 be.

18 And the one thing that I would presume
19 in this application is it is just a picket, a plain
20 picket rail going around it with a 2x4 and six tight
21 caps.

22 MR. WADE: It's a duplicate of the front
23 porch, if you look at the pictures.

24 MR. ROBINSON: That is what I'm assuming,
25 that it will have the basic same rail that it has now

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1 and it will meet code, and I don't have a problem with
2 it.

3 MR. HERLONG: Betty?

4 MS. HARMON: I don't have a problem with it.
5 I think it will be fine.

6 MR. HERLONG: Jon?

7 MR. LANCTO: John, are you going to have
8 this same kind of lattice work screening on the other
9 side of that?

10 MR. WADE: Yes.

11 MR. HERLONG: Billy?

12 MR. CRAVER: I have one of these. It's a
13 real safety issue, so I am all for it. I don't think it
14 hurts it historically at all.

15 MR. HERLONG: Do I hear a motion?

16 MR. CRAVER: I move we approve it.

17 MR. WRIGHT: Second.

18 MR. HERLONG: Any comment? Any discussion
19 on the motion? All in favor?

20 MR. WRIGHT: Aye.

21 MR. HERLONG: Aye.
22 MS. HARMON: Aye.
23 MR. LANCTO: Aye.
24 MR. CRAVER: Aye.
25 MR. HERLONG: Any opposed?

0038

1 (None opposed.)

2 MR. HERLONG: Now, there is one more item
3 for discussion. And, Pat, I'm glad you are here to hear
4 this.

5 We are discussing -- last time we met we
6 discussed some ways to help homeowners on the island get
7 through -- like today we had some people requesting some
8 minor changes to an approved design of a new home, and
9 the only option they had, as a concrete solution, was to
10 come back to the review board, which costs them time.

11 So we met, the three of us. Duke and
12 Randy and I met and tried to come up with some
13 solutions, options to kind of help the town and
14 homeowners through this situation.

15 And we came up with -- you might want to
16 pass these around. And, really, I have ten copies,
17 plenty for everybody, and also of these. And how about
18 this one?

19 Duke, do you want to try to explain
20 where we -- how we got here? Kent, do you have a copy
21 of these?

22 MR. PRAUSE: Yes, I do. Thanks.

23 MR. WRIGHT: We attempted to do this without
24 trying to make a list of specific items that would be
25 approved by staff, or a combination of staff and members

0039

1 of the DRB, by writing it in language that left it
2 pretty much up to the decision of the persons with the
3 town staff who were reviewing the application.

4 We divided it up between houses or
5 requests outside the historic district, inside the
6 historic district, or to a historic property that was
7 outside the district, and then dealing with accessory
8 structures as a separate issue.

9 Essentially, what this amounts to,
10 anyone requesting a change to a previously-approved
11 certificate of appropriateness would submit a form that
12 we have designed that would come to the administrator,
13 and be reviewed by the administrator and Randy.

14 Then they would make a determination as
15 to whether Randy could make the change, or approve or
16 deny the request, or as a subcommittee of two persons
17 from the DRB to work with him to come to a solution to
18 approve, deny or defer to the next Design Review Board
19 meeting.

20 MR. HERLONG: Now, we got here because we --
21 one of the -- we are trying to work with the language
22 that is already going on in the ordinance.

23 There is a section in the ordinance
24 under the historic overlay districts, Page 46,
25 21-100(c), where specifically the board may authorize a

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1 town staff or a board member or subcommittee to approve
2 minor projects involving repairs and ordinary
3 maintenance that do not alter design materials or the
4 outer appearance of a structure.

5 So there is already written into the
6 language this type of a method of dealing with minor
7 changes or minor projects or minor decisions. So we
8 tried to just build on that, but place it under 21-109.

9 We have under the procedures -- what we
10 are talking about is adding an additional procedure,
11 Number 8. We go through 1 through 7, and this would be
12 the 8th procedure that could be followed.

13 And the way we also looked at it is that
14 we are requesting a form so there is a record of what
15 was submitted and asked for.

16 And then, in that, when a structure is
17 new and outside the historic district, what we are
18 saying is town staff alone, or in conjunction with a
19 rotating two-person DRB committee, that would be when a
20 project has received a certificate of appropriateness.

21 And like the applicants, the Harrells,
22 that came in tonight, they didn't want transoms. They
23 wanted an 8-foot door instead. Well, that is inside the
24 district.

25 But one of those outside the district

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1 could ask for that change and Randy could decide to
2 approve it because it's a nonhistoric structure, or
3 Randy might ask for some rotating DRB members to consult
4 and approve it, deny it or defer it to the full board.
5 Most likely, it would either be approved or you defer it
6 to the full board.

7 But we thought inside the historic
8 district it should be Randy and at least two DRB
9 members, as a subcommittee, should look at this. And if
10 three people are comfortable with this, then I think we
11 should all be comfortable. We would all be rotating
12 members making those decisions.

13 This would -- I just know that there are
14 limitless questions. We just saw about eight of them
15 that the Harrells had. How many more -- everywhere you
16 turn a corner, there is that kind of question.

17 I had a question about the width of the
18 wood siding. The original siding was three-quarters,
19 but it seems like it would be more historic to go
20 five-eighths. Can we do that? Who has the authority,
21 and does this board want to make that kind of a
22 decision?

23 I was asked that question as the
24 architect. I can't give an answer. I don't know.
25 Randy, you really can't give that answer. There is no

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1 way to give that answer.

2 MR. ROBINSON: Right.

3 MR. HERLONG: This would give you a way to
4 get an answer without it coming to this board, which

5 that is not the kind of issue this board was designed to
6 deal with.

7 So we thought this would be the method
8 to speed up some decisions that just have to be a major
9 part of your day during the week.

10 We also thought in this request for
11 approval that there should be a cost to fill this form
12 out, submit it and have it done, because there is a cost
13 to all of these changes.

14 We were kind of talking today. That is
15 a council issue. But is this a \$250 fee to go make a
16 change? They are asking us to do something, and they
17 could ask us limitless times. Well, there should be a
18 fee to do it.

19 So that is kind of how we got here with
20 this idea. I didn't know if anybody had any thoughts or
21 questions, or does it seem consistent with the language,
22 those kinds of issues?

23 MR. CRAVER: I think this is great. I have
24 a couple of changes on your Section F. Since under 8
25 there is no (b), I would do away with the (a) and just

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1 run the "a request", put a period after the certificate
2 of appropriateness and run that in there, and then have
3 the (a), (b) and (c) each in parentheses. Because you
4 have got an (a) with no additional --

5 MR. WRIGHT: Thank you, Billy. We knew
6 there would be somebody who could figure out this
7 protocol. We couldn't do it.

8 MR. CRAVER: Well, the next question I have
9 is if we are giving staff and two DRB members the
10 ability to make a decision, if they approve it, the
11 homeowner has no gripe, okay? So there wouldn't be an
12 issue of an appeal from the homeowner, okay?

13 If they deny it, then I guess we have to
14 have some sort of procedure set up. Do they then just
15 get to make the application to the DRB?

16 MR. HERLONG: And I wondered about that. I
17 wrote denied at staff level, which would mean it could
18 be deferred, I'm assuming. Is that where you are going?

19 MR. CRAVER: Well, I guess where I'm going,
20 is I would almost go in here and, instead of saying
21 approve, deny or deferred, I would simply say approved
22 or deferred.

23 MR. ROBINSON: We had that discussion.

24 MR. CRAVER: And I would do that on your --
25 because then you avoid us having to come up with a whole

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1 appeal scheme within this thing.

2 And I guess the other issue, though, is
3 a member of the public --

4 MR. PRAUSE: Exactly. If somebody else has
5 agreed, they need a method of re-addressing their
6 grievance.

7 MR. CRAVER: Right. If what we are saying
8 is that the approval would have the effect of a DRB
9 approval -- because if it's approved, then they get to

10 do it.

11 MR. PRAUSE: They get to do it.

12 MR. CRAVER: Then somehow we have to -- a

13 member of the public --

14 MR. PRAUSE: Have a mechanism to allow

15 someone that is aggrieved by that decision.

16 MR. CRAVER: To give notice. We have to be

17 able to give notice in some fashion. Because there is a

18 statutory appellate process for a member of the public.

19 MR. PRAUSE: Right. Yeah.

20 MR. CRAVER: And so we have to be in a

21 position where we have given them the notice. And they

22 get the notice in our meeting, because it's a meeting

23 called pursuant to the Freedom of Information Act. They

24 have had notice to come. We have signs in front of

25 houses. I mean, you know, we have done all the steps

0045

1 that you need to do --

2 MR. PRAUSE: Due process.

3 MR. CRAVER: -- to give them the notice that

4 they are entitled to to then be able and turn around and

5 appeal it.

6 I am just -- I mean, I think we can deal

7 with the homeowner by just saying we take out the denial

8 issue here and they just go straight -- you know, it's

9 either approved or deferred.

10 But I'm concerned about the member of

11 the public who is the neighbor who fought hard, you

12 know, in the original approval process and managed to

13 keep something from happening on a house and the home --

14 you know, the people that are doing the building go in

15 at a staff level and get, you know, some percentage of

16 what was stopped at the board level through staff

17 approval.

18 I mean, that is sort of a hypothetical.

19 I am not sure I can see how that would happen.

20 MR. HERLONG: I would think that those

21 issues would be size related, height changes, percentage

22 changes to whatever was granted, which I cannot imagine

23 any small committee would ever want to address that kind

24 of thing.

25 MR. CRAVER: I agree with you. I think this

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1 is more of a hypothetical issue than it is -- because I

2 don't see staff or a two-person committee approving

3 something that was in any way controversial.

4 MR. HERLONG: Right.

5 MS. HARMON: Maybe we ought to say what we

6 could approve.

7 MR. HERLONG: It's hard. We tried. It's

8 very difficult.

9 MR. WRIGHT: Then you end up with a list.

10 MR. CRAVER: Right. You can't.

11 MR. HERLONG: We could spend a week on a

12 list. The first person in is going to ask for something

13 that isn't on the list. You cannot.

14 MR. LANCTO: Is there like an 80/20 rule

15 here, though? Are 80 percent of the requests the same?
16 I mean --

17 MR. HERLONG: Now, one of the things this
18 issue is about is accessory structures outside -- no,
19 accessory structures regardless of location. That is
20 something we probably ought to talk about.

21 Has this board ever denied an accessory
22 structure? We were looking at that. And the board has
23 probably altered some applications, fence height, fence
24 detail in a historic district.

25 But specifically outside of a historic
0047

1 district, a deck addition to a house outside of the
2 historic district has to come before this board --

3 MR. PRAUSE: Or a pool.

4 MR. HERLONG: -- because of the language. A
5 fence, a pool.

6 MR. PRAUSE: Let's change that. But the
7 reason I think it was in there to begin with is because
8 there aren't really any parameters established with
9 respect to design guidelines or zoning standards, other
10 than the ones that you-all have the authority to grant
11 relief from. Those will still have to come to you-all
12 if they want the relief.

13 MR. HERLONG: If they want relief, they are
14 still here.

15 MR. PRAUSE: Right. But the others, I think
16 that the solution for that would be just change the
17 ordinance so that they -- if they meet ordinance
18 requirements, they just get approved.

19 If they are in the historic district or
20 a contributive property, they should come to you-all,
21 regardless. And I had some other thoughts on this
22 stuff, too.

23 MR. HERLONG: Okay.

24 MR. PRAUSE: You know, it just refers to
25 changes. I mean, I really think there ought to be some

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1 type of parameters, at least some type of guideline as
2 to what type of changes, not just wide-open changes,
3 maybe words like minor or insignificant or
4 unsubstantial, which those are kind of weasel words,
5 too, but --

6 MR. CRAVER: Nonmaterial.

7 MS. KENYON: Kent, can I ask you a question?
8 Because this has come up quite a few times.

9 MR. PRAUSE: Sure.

10 MS. KENYON: If they are in a historic
11 district and they have architectural shingles and they
12 want to put on a metal roof, I bet we have had at least
13 three people, but to do that they have to come here.

14 MR. PRAUSE: Well, there again, in a
15 situation where this board thinks a certain treatment is
16 appropriate and they want to change it, they need to
17 come back here.

18 And, you know, if they want to upgrade
19 from, say, architectural shingles to a metal roof, I

20 don't think there would be that much of a complaint in
21 that regard. But for somebody to go the other way, I
22 don't think staff or a committee of DRB ought to have
23 the authority to do that. It should come back to
24 you-all.

25 And the other aspect of it is, I mean,
0049

1 you are kind of mixing them here. As it is right now,
2 staff doesn't have a role in approval, and you are going
3 to have this committee of DRB. Why are you interjecting
4 a staff person as making a determination?

5 MR. HERLONG: Because it's already in the
6 ordinance on Page 46.

7 MR. PRAUSE: Well, no. What that says is
8 staff to approve minor projects involving repairs and
9 maintenance. If it involves an altering design, or a
10 material, or even changes the appearance, staff can't do
11 it.

12 They come in and say, okay, we want to
13 repair this, put it back exactly as it is. We would
14 tell you to do that. Oh, but we want to change it a
15 little bit. No, got to go to the board. That is what
16 that says. So that will have to be changed.

17 Because all staff can do right now is
18 say you put it back exactly as it is, same material,
19 same design, same everything. And, you know, I don't
20 have a problem with that. You are just putting it back.
21 Oh, but we want to change it.

22 MR. LANCTO: Would it help to have a
23 provisional approval subject to review of the board
24 option? I mean, like can Randy look at something?

25 MR. PRAUSE: The other aspect of this, it
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1 says changes may be approved by town staff alone or in
2 conjunction with rotating persons, subcommittee. And
3 then it says, after review the request may be approved.

4 Should it not say changes may be
5 reviewed by town staff alone or in conjunction with a
6 rotating two-person subcommittee? After review, the
7 request may be approved.

8 MR. WRIGHT: Yes.

9 MR. PRAUSE: And, as Billy said, get rid of
10 the denied. May be approved or deferred. So that way
11 you get rid of the denial aspect.

12 So I would say if you are going to do
13 it, you need to change 21-100 (c) to get rid of this
14 thing of altering design materials or outer appearance,
15 because that is exactly what you-all are talking about
16 doing.

17 Or maybe you don't. Maybe if it's on a
18 historic building we don't want to let that happen.
19 That has to come to the full board.

20 MR. HERLONG: We couldn't see a way to mix
21 these two to stay under Section 21-109 as a procedural
22 thing. That is dealing with a historic structure.

23 MR. CRAVER: What about doing something like
24 this? If you left (a) with what was there and you took

25 out the denied, and then you had a (b) that said

0051

1 something like the Design Review Board shall have the
2 authority to create and amend from time to time a list
3 of items that are, quote, minor alterations and minor
4 projects or changes to a design.

5 So that instead of having council have
6 to approve that list, you give the DRB the authority.
7 And then you are going to hit the 80/20 issue there,
8 that 80 percent of the things are going to fall within
9 that list.

10 And then it can be a fluid thing, but it
11 can be -- and then the public has notice of the specific
12 kind of things that can be changed by staff.

13 MR. PRAUSE: The thing that Randy had, I
14 believe, the City of Charleston, they had, what, the
15 authority to, by resolution, name certain things that
16 could be either -- what was delegated purely to staff,
17 or did they have this subcommittee?

18 MR. ROBINSON: No. It was purely to staff,
19 with City of Charleston staff.

20 MR. PRAUSE: But it's similar to what you
21 said, Billy. Through a resolution of the board they
22 created this list.

23 MR. CRAVER: They created the list and can
24 amend it from time to time. Because I would bet over
25 time there would be things that, I mean, you constantly

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1 add to. But you might take away from it as you
2 determine that there may never be a certain kind of
3 accessory structure that isn't going to have some
4 controversy associated with it.

5 So, Duke, I will give you this with my
6 scribble on it.

7 MR. WRIGHT: I have that part already.

8 MR. HERLONG: And maybe that every quarter
9 Randy comes and we add on the agenda a few items you
10 would like for us to discuss putting on the list,
11 because you have seen more questions and more issues
12 come up.

13 MS. HARMON: This application from the one
14 downtown, it says -- I like this part of it -- all
15 applications for alterations to Category 1 and 2
16 structures are to be considered by the board and are not
17 included in the above sections for 1, 2 and 3. So these
18 three things can be done -- approved by staff, but not
19 all of them.

20 MR. CRAVER: Pat, what is your feeling about
21 this whole --

22 MR. O'NEIL: I think -- Pat O'Neil. I'm a
23 member of Town Council and the chairman of the Real
24 Estate Committee.

25 I think this is something much needed.

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1 And, obviously, you-all have taken a very thoughtful
2 approach to it.

3 A couple of things I scribbled down.

4 Anything you could do to better or more precisely define
5 minor alterations, minor projects, changes to a design,
6 I think would be good.

7 Having said that, Billy, I was writing
8 down something similar to what you were saying right
9 when you started saying it.

10 So I agree that if there is a way for us
11 in the ordinance to state that the board can establish a
12 list of sort of specific types of changes that could be
13 approved with this mechanism, consistent with whatever
14 that definition becomes, you know, it keeps it out of
15 our hands, keeps it out of the planning commission hands
16 and, you know, everybody is happy.

17 I agree with the idea of not allowing
18 the abbreviated procedure to deny somebody just for
19 various reasons. I have not considered the impact on
20 neighbors who might wish to appeal. That may be where
21 the removal and addition of items to this list can take
22 care of that.

23 If somebody thinks, oh, rafter tails is
24 a minor issue, and they don't know that it's going up
25 across the street from Ms. Harmon, then they might

0054

1 remove that from the list if they get a complaint that
2 that's a significant feature.

3 But there are so many other things, you
4 know, that -- somebody shouldn't have to come before the
5 DRB if they want to change the shutter dogs.

6 One question I would have is -- well,
7 two questions I would have. One is, in these situations
8 where you have said town staff alone or in conjunction
9 with the subcommittee, who gets to decide? Does the
10 staff make that decision or --

11 MR. WRIGHT: My thought was that staff would
12 make that decision if that was above their pay grade,
13 kind of -- simply stated.

14 MR. O'NEIL: So at the staff's discretion.
15 You might want to say that in here.

16 MR. WRIGHT: That is a good point to make it
17 clear.

18 MR. O'NEIL: Another question -- you know, I
19 don't know if we need to specify in here, but you might
20 want to think about who designates the two-person staff.

21 Does Randy each time pick an ad hoc
22 subcommittee? Which there might be some merit to based
23 on who he knows he can get ahold of most quickly. On
24 the other hand, that could lead some people to say that
25 leads to an inordinate authority given to Randy.

0055

1 MR. CRAVER: Why don't we add a (c) and just
2 say the DRB shall, from time to time, designate a
3 standing two-member subcommittee to work with the town
4 staff.

5 MS. HARMON: Well, I would be willing to be
6 one of those permanent ones for the next three years,
7 anyway, since I don't work. I work, but not --

8 MR. O'NEIL: She works for free.

9 MR. ROBINSON: Nothing against what Betty
10 said, but I think it ought to rotate. I think you ought
11 to have Betty and Jon on there one month, and then the
12 next month it should be Jon and Billy, and then it ought
13 to be Billy and Duke, and all rotate like that so there
14 is different people on that -- those two people.

15 MS. HARMON: There could be one permanent
16 and one rotating.

17 MR. PRAUSE: But then you might run into
18 issues with, at least, Pat and Steve.

19 MR. HERLONG: We can't be on the committee
20 because of something we are doing. They might have to
21 get approval when we are on the committee, the rotating
22 committee. It needs to be somewhat flexible.

23 MR. ROBINSON: There could always be a third
24 person.

25 MR. PRAUSE: An alternate.

0056

1 MR. ROBINSON: Right. Steve, Betty, Jon,
2 and then it just moves around the table that way, and
3 then you always have two people to call.

4 MS. HARMON: How are you going to work out
5 if they can't come? What are you going to do then?
6 Because when we try to get together to visit these
7 houses, it's a big deal to try to get everybody
8 together.

9 MR. PRAUSE: Would you necessarily have to
10 meet?

11 MR. ROBINSON: A lot of times you wouldn't
12 have to meet.

13 MR. HERLONG: I could receive an e-mail and
14 say somebody had a question about moving a window six
15 inches. I have a record. I take these with me. I look
16 at it. I e-mail back. I would have no trouble with
17 that. It could be just that easy for some of these
18 things, other than trying to find a meeting day and
19 meeting time.

20 MR. LANCTO: Only two members there is the
21 same effect as not having any members there because --

22 MR. PRAUSE: It's not a quorum.

23 MR. CRAVER: Not a quorum.

24 MS. HARMON: Not a quorum.

25 MR. LANCTO: I still have a problem with

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1 what point of that is --

2 MR. ROBINSON: Let me tell you in my mind
3 what it is. If I go to -- there is a decision that has
4 to be made about a window moving over six inches. It's
5 really something that really doesn't need to come to the
6 board.

7 I could make that decision, but I want a
8 little backup. I want to call a couple of board members
9 and say how do you-all feel about this, you know? And
10 you-all say you don't have a problem, I approve it.

11 MR. LANCTO: You might as well just have one
12 board member there in that situation.

13 MR. HERLONG: In the case of a nonhistoric

14 condition, maybe Randy or one person. In a historic
15 condition, maybe run with two.

16 MR. CRAVER: You can't have a committee. If
17 you have a committee, it's a committee of the body. And
18 if the committee meets, you have to give Freedom of
19 Information Act. You can't have a committee meet
20 without giving FOIA. So I think you can designate --

21 MR. HERLONG: Members, but they are on a
22 committee.

23 MR. WRIGHT: You can't have a subcommittee
24 meet without --

25 MR. CRAVER: You can't. That is why a lot
0058

1 of times you end up having the committee be a committee
2 of the whole because you have to give Freedom of
3 Information Act notice and compliance.

4 MR. O'NEIL: Can you say, rather than
5 calling it a committee, the town staff alone or in
6 consultation with two members of the board?

7 MR. CRAVER: Two members of the board. And,
8 you know, I would have the board designate three members
9 that are those three members, and if they get ahold of
10 any two of them, and that those people would rotate.

11 MR. O'NEIL: Two members of the board from a
12 group of three selected by the board.

13 MR. LANCTO: That doesn't qualify as a
14 committee?

15 MR. CRAVER: I say it's not a committee. I
16 take that position. And if we end up with a problem
17 with it, we change it at some point.

18 MR. O'NEIL: One last thing I had, since you
19 asked for my comments. You may regret it.

20 I have some concerns about just an
21 across-the-board statement that accessory structures
22 could conceivably be approved through this means.

23 I mean, you know, accessory structures
24 is more than fences. It could be a garage or a
25 workshop, 750 square feet. And we have seen some -- I
0059

1 mean, we now permit much bigger accessory structures
2 than we used to, and I'm not sure that I would consider
3 that minor.

4 MR. HERLONG: Right. I don't think any of
5 us would. And anybody that wants to build a 750 square
6 foot garage, it wouldn't get past Randy. But we
7 probably should clarify it, you know, figure out what is
8 minor.

9 Mr. O'NEIL: I mean, you do have a laundry
10 list under accessory structures that you could choose
11 from.

12 MR. ROBINSON: We could go down that and say
13 inground pools, fences outside of the historic district,
14 even a gazebo outside of the historic district up to 200
15 square feet or something like that.

16 MR. LANCTO: Playground equipment.

17 MR. ROBINSON: Yeah, playground equipment
18 outside of the historic district and just make up a

19 list.
20 MR. O'NEIL: Is your idea that you would --
21 each month there would be a report to the board of what
22 changes were approved via this mechanism?
23 MR. HERLONG: Well, there would be a list of
24 these. There would be a group of these, and maybe
25 that's something that --
0060
1 MR. O'NEIL: So you would have that fed back
2 to you so you could see what --
3 MR. HERLONG: It probably ought to come
4 through when we see the minutes, maybe, or something
5 like that --
6 MS. HARMON: Have all of them attached to
7 the minutes.
8 MR. HERLONG: -- the amount of detail that
9 is going on.
10 MR. LANCTO: So they are not pending at that
11 point? They are already approved?
12 MS. HARMON: Right. When they come to the
13 copy of the minutes, right?
14 MR. O'NEIL: We would obviously need to send
15 those to the Planning Commission. But if you wish to do
16 this, then I would say, after you make whatever changes
17 that result from tonight's discussion, send it to us and
18 ask us to consider sending it to the Planning Commission
19 for review.
20 I think the more -- again, you don't
21 want to get into being so concrete that every time we
22 decide all fences with pickets this far apart can be
23 considered minor. We don't want to have to change the
24 ordinance. But anything you can do with that definition
25 of what is minor and what are changes, I think it would
0061
1 help council with this idea.
2 MR. HERLONG: I think, also, that regardless
3 of location should come out. The accessory structures
4 not in the historic district or not on historic property
5 shall be the --
6 MS. KENYON: I don't think they should be
7 attached to the minutes. The minutes are the meeting.
8 Unless you are going to discuss every one, they have no
9 place being there.
10 MR. HERLONG: They should be probably in our
11 packets.
12 MS. KENYON: Right. But they shouldn't be
13 attached to the minutes.
14 MR. HERLONG: In the packets.
15 MS. KENYON: Right.
16 MR. HERLONG: Duke, we have more work to do.
17 MR. WRIGHT: Well, we have another month to
18 do it.
19 MR. O'NEIL: I thank you all for this.
20 MR. WRIGHT: Oh, it's fun.
21 MR. O'NEIL: It will make this whole process
22 somewhat less distasteful for the people that are trying
23 to use it. And we are not here, contrary to what some

24 people think, we are not setting this up just to be
25 difficult. We would rather not be difficult when we can
0062

1 avoid it.

2 MR. WRIGHT: We are trying to make it easier
3 on the staff to do their job, and not encumber the
4 owners, architects or builders with a lot of bureaucracy
5 that delays their work.

6 MR. O'NEIL: Since I'm here, I don't know if
7 anybody mentioned it, but our building inspector
8 celebrated his 20th year of service to Sullivan's
9 Island.

10 (Applause.)

11 MR. ROBINSON: Isn't that amazing.

12 MR. CRAVER: He has to buy everybody beer.

13 Is that --

14 MR. ROBINSON: I guess.

15 MR. O'NEIL: It didn't work last night.

16 You-all have better luck than I probably do.

17 MR. ROBINSON: I just paid for my own and
18 got out of there.

19 MR. WRIGHT: Did the town give him a free
20 ARC membership?

21 MR. ROBINSON: I'm not old enough yet. I'm
22 getting there, though.

23 MS. HARMON: Duke, I think this would be a
24 good start for the list.

25 MR. WRIGHT: I don't want to do that. I

0063

1 think we ought to do --

2 MR. HERLONG: We looked at that and tried,
3 and many of those things deal with commercial
4 applications.

5 MR. WRIGHT: I don't think it applies.

6 MS. HARMON: When we talk about repairs and
7 replacements, I mean --

8 MR. HERLONG: We can talk. The meeting is
9 adjourned. All in favor of a motion to adjourn the
10 meeting?

11 MR. WRIGHT: Aye.

12 MR. HERLONG: Aye.

13 MS. HARMON: Aye.

14 MR. LANCTO: Aye.

15 MR. CRAVER: Aye.

16 (The meeting was adjourned at 7:30 p.m.)

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1 STATE OF SOUTH CAROLINA)

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COUNTY OF CHARLESTON)

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I, Nancy Ennis Tierney, Certified Shorthand Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that said hearing was taken at the time and location therein stated; that the hearing was recorded stenographically by me and were thereafter transcribed by computer-aided transcription; and that the foregoing is a full, complete and true record of the hearing.

I certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 22nd day of September, 2008, at Charleston, Charleston County, South Carolina.

Nancy Ennis Tierney
CSR (IL)
My Commission expires
April 6, 2014