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4 MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

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DATE: October 15, 2008

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TIME: 6:00 p.m.

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LOCATION: SULLIVAN'S ISLAND TOWN HALL

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1610 Middle Street

Sullivan's Island, SC 29482

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23 REPORTED BY: NANCY ENNIS TIERNEY, CSR (IL)

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A P P E A R A N C E S

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4 DESIGN REVIEW BOARD MEMBERS:

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PATRICK ILBERTON - Chair

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STEPHEN HERLONG - Vice Chair

DUKE WRIGHT - Secretary

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BETTY HARMON - Member

FRED REINHARD - Member

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BILLY CRAVER - Member

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ALSO PRESENT: Kat Kenyon - Administrative

13 Kent Prause - Zoning Administrator

Randy Robinson - Building Official

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1 MR. ILDERTON: This is the October 15th,
2 2008 meeting of the Sullivan's Island Design Review
3 Board. It's now 6:00.

4 The members in attendance are Duke
5 Wright, Pat Ilderton, Steve Herlong, Betty Harmon, Fred
6 Reinhard and Billy Craver. The Freedom of Information
7 requirements have been met for this meeting.

8 The items on tonight's agenda are,
9 first, the approval of the September 2008 minutes. How
10 does everybody like them?

11 MR. WRIGHT: I move the minutes of the
12 September meeting be approved as written.

13 MR. HERLONG: Second.

14 MR. ILDERTON: Discussion?

15 (Ms. Betty Harmon left the room.)

16 MR. ILDERTON: Everyone in favor?

17 MR. WRIGHT: Aye.

18 MR. ILDERTON: Aye.

19 MR. HERLONG: Aye.

20 MR. REINHARD: Aye.

21 MR. CRAVER: Aye.

22 MR. ILDERTON: We will wait a little bit
23 until Betty gets back.

24 (Ms. Harmon re-entered the room.)

25 MR. WRIGHT: I move that we amend the agenda

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1 for this evening's meeting to discuss the draft proposal

2 for a change to the ordinance for approval of minor

3 alterations and minor projects or changes to a design
4 which has received a certificate of appropriateness.

5 MR. ILDERTON: Second?

6 MR. CRAVER: Second.

7 MR. ILDERTON: Everyone in favor?

8 MR. WRIGHT: Aye.

9 MR. ILDERTON: Aye.

10 MR. HERLONG: Aye.

11 MS. HARMON: Aye.

12 MR. REINHARD: Aye.

13 MR. CRAVER: Aye.

14 MR. ILDERTON: So the agenda is so changed.

15 Betty, would you like to be included in
16 approving the minutes? Were you happy with the minutes?

17 MS. HARMON: Yes.

18 MR. ILDERTON: So the first and the only
19 item on tonight's -- well, actually, the first item on
20 not tonight's agenda, but the amended agenda, is 1655
21 Middle Street, alteration.

22 Kent?

23 MR. PRAUSE: The property is within the
24 historic district; however, it's not designated as a
25 historic resource.

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1 It's for an alteration of conceptual
2 approval as follows: A minor alteration to the second
3 level rear of the existing structure to allow a shed
4 dormer and relocation of the existing roof deck to
5 proposed location as per plans submitted.

6 There is a note that there will be no
7 changes proposed to request in regarding square footage
8 or lot coverage or impervious coverage, et cetera, as
9 you can see on the request form that there are no
10 changes to any of the zoning standards that apply in
11 that regard. And you have received a set of plans that
12 show the second level and the existing and the proposed
13 amendment.

14 One thing that I think would probably be
15 a good idea for you to at least address is there is a
16 provision in the code in the R-S zoning district that
17 doesn't even deal with the historic buildings, or
18 singly-listed historic buildings or buildings in a
19 historic district, and that is Section 21-39(a) and (b)
20 on Page 21 of the regulations that regards roof decks
21 and roof gazebos.

22 And it basically says that roof decks

23 and roof gazebos increase your principal building's mass
24 and scale and are often an incompatible design feature.

25 And B goes on to say, roof decks and

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1 roof gazebos should be designed to be an integral part
2 of roof structure in order to diminish their impact.

3 And there is also a Section C that
4 states this is a design guideline not binding on the
5 applicant. The Design Review Board may encourage the
6 use of this guideline for achieving greater neighborhood
7 compatibility as described in Article 12, which would,
8 seemingly, be an integral component in approving
9 alterations to a building in the historic district, too.

10 And also under 21-95(e), 1 through 8,
11 their findings -- these are on Page 43 -- that actually
12 Council should make in either creating or modifying the
13 boundaries of the overlay district.

14 And they list certain features of
15 buildings that are to be included in that, which while
16 it doesn't specifically say that you have to review
17 these to any alterations of existing buildings in there,
18 it still gives you the flavor for the type of findings
19 that are supposed to be utilized by Council in creating
20 and altering districts; so therefore, could conceivably
21 have bearing on your review of changes to buildings in
22 those districts.

23 And I think it would be probably
24 important, at least for nothing else, to just sort of
25 address those issues on the record when you get to it.

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1 That's it.

2 MR. ILDERTON: Great. Thank you.

3 Eddie?

4 MR. FAVA: Yes, sir. Thank you. Sorry to
5 have everybody come out for this one item tonight, so
6 I'm glad you amended the agenda so I'm not the only one
7 you have to talk to. But, Eddie Fava with E.E. Fava
8 Architects.

9 And it is a very simple kind of
10 renovation and modification, to be perfectly honest.
11 You can see the house from here if you step out front.
12 It's two or three doors down, 1655 Middle Street.

13 The work that Jerry and Susan Callahan
14 had asked us to take a look at really is confined to the
15 second level, where they have their master bedroom area
16 presently, and the rear section of that.

17 So I will flip to that, and feel free to
18 look at the photos. And this is not visible from the
19 street, but that is what is there presently, and I think
20 everybody will agree not particularly attractive.

21 And the part of that that is visible
22 from the front presently, you see it's kind of lopsided
23 off to one side. There is an asphalt shingle roof and
24 whatnot.

25 And what we had been proposed -- or have
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1 proposed to do is, with the renovation, is simply just
2 raise the rear section of that roof, which is presently
3 part of the gable, just lift it up as a shed so that it
4 ends up that the proposed version of the deck is to the
5 center. It's smaller.

6 We certainly acknowledge that it's not
7 something that would be encouraged in any new
8 construction or whatnot. But it is an existing element,
9 minimally visible and, again, not particularly
10 attractive.

11 We think the gesture and the direction
12 we are going improves upon that, and we would ask for
13 your approval of it.

14 The rear, again, which is not visible,
15 would be of this nature, but just a shed roof which
16 increases the height of that space but doesn't increase
17 any square footage. And that allows them to still have
18 a deck again, which would be minimally visible, but at
19 least balanced on the center of house. Again, it's not
20 a historic house in any way, shape or form.

21 Now, one other thing, and it is
22 addressed, I think, on the drawings. But, Kent, just so
23 I make sure it is a part of that, I listed on that
24 application that they did want to change the roof to a
25 5V crimp roof, which would be a part of this, if that's
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1 okay.

2 And I would be happy to answer any
3 questions that you-all have. And if I didn't put that
4 on the proper page, I listed it under the materials of
5 the second.

6 MR. PRAUSE: I see that.

7 MR. FAVA: So that may have been my error.
8 But, again, if there are any questions.

9 MR. ILDEBERTON: Thank you. Is there any
10 public comment? Public comment section is closed.

11 Kent, anything else?
12 MR. PRAUSE: Nothing else.
13 MR. ILDERTON: Randy?
14 MR. ROBINSON: No.
15 MR. ILDERTON: Duke, what do you think?
16 MR. WRIGHT: I have no trouble. I think
17 it's an improvement. The deck is there, as he says.
18 It's a re-created deck and works on the rear of the
19 house, and I think the 5V crimp roof will improve the
20 appearance of the house, so I have no trouble with it.
21 MR. ILDERTON: Those are my sentiments
22 exactly. Steve?
23 MR. HERLONG: I agree. I think by centering
24 that deck on the back, and the fact that that deck now
25 sits on the shed roof, it diminishes its impact. And
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1 the fact that it's on the rear of the house, I have no
2 trouble at all with this submittal.
3 MS. HARMON: I agree with the other three.
4 MR. ILDERTON: Fred?
5 MR. REINHARD: I like the -- I think the
6 dormer works very well with that gable roof. And I see
7 you added a fireplace, which also fits in pretty nicely.
8 It kind of balances the existing dormer that is there.
9 And it's really going to pop with that 5V crimp roof.
10 And I also think, since you have to take
11 the old deck down in its entirety, this is a good
12 opportunity not to have that unpleasant looking thing up
13 there. And I have always been kind of against add-on
14 decks and exposed staircases, so it's not personal.
15 MR. FAVA: Not at all.
16 MR. ILDERTON: Billy?
17 MR. CRAVER: I think it's an improvement.
18 They obviously could leave it where it is now and it
19 would stay there for as long as it stayed and didn't rot
20 off. So improving it certainly helps, and it's in the
21 back. I don't have a problem with it at all.
22 MR. ILDERTON: Great. Do I hear a motion?
23 MR. WRIGHT: I move that the application be
24 approved as submitted.
25 MR. HERLONG: I second it.
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1 MR. ILDERTON: Everybody in favor?
2 MR. WRIGHT: Aye.
3 MR. ILDERTON: Aye.
4 MR. HERLONG: Aye.

5 MS. HARMON: Aye.
6 MR. REINHARD: Aye.
7 MR. CRAVER: Aye.
8 MR. ILDERTON: Thank you, Eddie.
9 MR. FAVA: May I ask a question just for
10 procedural? Is this something that has to come back
11 again when you do something of this nature?
12 MR. ILDERTON: What did you -- what was
13 the --
14 MR. PRAUSE: He asked for conceptual. I
15 would be inclined, from what I have heard, to think that
16 this board would give you final, but it's been asked for
17 conceptual.
18 MR. CRAVER: Can I make a motion that we
19 give him final approval?
20 MR. WRIGHT: Second.
21 MR. ILDERTON: So moved. Discussion?
22 Everyone in favor?
23 MR. WRIGHT: Aye.
24 MR. ILDERTON: Aye.
25 MR. HERLONG: Aye.

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1 MS. HARMON: Aye.
2 MR. CRAVER: Aye.
3 MR. ILDERTON: Anyone opposed?
4 MR. REINHARD: Opposed.
5 MR. FAVA: May I ask one more question?
6 Sorry. Because this time next month I have to do the
7 same type thing, and I have been much more used to
8 downtown and you will ask for the lesser of the three.
9 But with the next one, can I ask for
10 what I want? So if I go for final -- it's a new
11 construction.
12 MR. WRIGHT: Oh, it's not this project? You
13 are on a new project?
14 MR. FAVA: No, sir. This is for next.
15 MR. HERLONG: I would check with Randy. A
16 new project, new construction, you probably need to do
17 the two steps.
18 MR. PRAUSE: Is this the one that we talked
19 about that they are asking for modifications?
20 MR. FAVA: No, sir. I mean, it's around the
21 corner on -- again, just a new --
22 MR. PRAUSE: So it's in the district and
23 it's a historic --
24 MR. FAVA: No, sir. It's not in the

25 district and not a historic house at all. It's a vacant
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1 lot.

2 MR. PRAUSE: So the only reason they are
3 coming --

4 MR. FAVA: The only reason it's coming is
5 because it's one of the, like, side setbacks for
6 that --

7 MR. PRAUSE: You are asking for
8 modifications?

9 MR. FAVA: Yes, for some modifications. And
10 can I just ask for final on it?

11 MR. ILDERTON: Yeah. I would think --

12 MR. FAVA: Well, I mean, I will leave it up
13 to these gentlemen.

14 MR. ILDERTON: Since it's a relatively small
15 thing, we would probably consider final.

16 MR. PRAUSE: I think it's the one that is a
17 second floor side setback that you-all haven't turned
18 down yet.

19 MR. ILDERTON: Right.

20 MR. FAVA: Thank you all very much. Have a
21 good evening. Thank you.

22 MR. ILDERTON: What about discussion of --

23 MR. WRIGHT: Did everyone receive -- this is
24 the second one. I don't know. Pat wasn't here when we
25 went around the first time. I think -- Fred, were you

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1 here when we did the first review of this?

2 MR. REINHARD: No, I was not.

3 MR. WRIGHT: You were here?

4 MR. CRAVER: I was here.

5 MR. WRIGHT: And just to refresh everyone's
6 memory, we were talking about a proposed change or
7 addition to the zoning ordinance to make provisions for
8 changes after an approval of a C of A, minor changes.
9 And depending on the nature and scope of the work, we
10 would involve one or two members of the Design Review
11 Board working with staff to approve it.

12 We had a discussion regarding possibly
13 listing a few examples of what might be included in this
14 proposed change, and then I have added to that.

15 Do you have anything to add to that?

16 MR. HERLONG: Well, just for anyone that
17 wasn't here, we discussed that there is a definite need
18 to help homeowners work through minor changes to a set

19 of pre-approved plans, or a set of plans that have
20 received a certificate of appropriateness. And, also,
21 for during construction when you discover an
22 inconsistency in the drawing, trying to get that
23 resolved quickly.

24 Usually that involves about a month
25 delay because we have to wait for a submittal and then
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1 wait for a meeting. Like on the example I had, at the
2 last meeting someone was requesting to go from the
3 approved 8-foot doors to a 6'8" door with a transom on a
4 new home in the historic district, and they had to wait
5 about six weeks in order to get something that simple
6 approved.

7 Basically, that is like an automatic
8 type of approval. Of course, we would allow something
9 like that to happen. It's a new home.

10 And so we were looking for ways to allow
11 Randy to have the ability to, when he's absolutely sure
12 this board would have no issue with something, to
13 approve it.

14 Currently, the ordinance does not allow
15 that in any way. So Randy has to be very careful what
16 he can tell a homeowner. This allows him a method of
17 approving something and having that recorded.

18 The other part of this document was a
19 sheet that we had developed that they fill out, and so
20 it's recorded for everyone to know that someone came in,
21 requested a change and you approved that change. I
22 don't know if we have that here with us tonight.

23 MR. WRIGHT: We do. Why don't you make a
24 copy.

25 MR. HERLONG: That will make sure everybody
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1 knows what is happening. There is a record of someone
2 came in and requested, whether it was approved, or
3 whether Randy said that could be a split vote, it needs
4 to come to the board next month.

5 Basically, he can approve it or send it
6 to this board. That way we are not putting Randy in any
7 uncomfortable position to not approve something.

8 MR. ROBINSON: Or I can involve two members
9 of the board if I feel like it's a touchy situation. If
10 I'm kind of on the edge, I can involve two members of
11 the board to help make that decision. If I'm not
12 completely comfortable with it, then I can involve some

13 members.

14 MR. ILBERTON: Right.

15 MR. HERLONG: And, basically, we read
16 through what we wrote. The three of us tried to put
17 something on paper. Everybody looked at it, and I guess
18 we are just wondering did we get the flavor of what we
19 discussed or not. That is my question.

20 MR. CRAVER: I think so. One of the big
21 issues that we identified was if Randy were to turn the
22 person down, then what sort of recourse do they have,
23 and you end up with an appellate issue.

24 And so it appears that what you have
25 done here is that you either approve it -- or he

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1 approves it or says it's got to come to the full board.

2 So it's saying, you know, use good
3 judgment where you are sure, even with the two board
4 members, where you are sure and approve it. When in
5 doubt, you know, let it come to the board.

6 I think that the chances of running
7 afoul of an appellate right are slimmer now. I guess
8 the members of the community -- and I haven't looked at
9 the ordinance -- members of the community have the right
10 to appeal a decision of the board. So they are then not
11 involved in that issue.

12 I don't know how that -- because if you
13 approve something, if it's in this -- if it's in here
14 and we make a decision and it's approved, since it's a
15 public hearing thereon, you know, the community is on
16 notice that a decision has been made.

17 And I believe -- I know that with the
18 zoning board -- I mean the, yeah, the BZA, there is an
19 appellate procedure there. And I assume there is one
20 here, too, that any aggrieved member of the public has
21 30 days --

22 MR. PRAUSE: There is.

23 MR. CRAVER: -- to appeal a decision of this
24 board to the Circuit Court.

25 MR. PRAUSE: There is.

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1 MR. CRAVER: So I don't know how we deal
2 with that issue with your approval. But you have that
3 issue when you-all make decisions on a daily basis on
4 anything, so I wouldn't -- I wouldn't stop this
5 procedure based on that.

6 MR. ROBINSON: Somebody, Kent, correct me if

7 I'm wrong, but if we make a decision and somebody is
8 aggrieved by that decision, they have 30 days in which
9 to -- finding out about that decision in which to appeal
10 to the Board of Zoning Appeals. And, if they do, then
11 all work stops and they have to go to the board.

12 So that is a chance that the applicant
13 is taking; that they go to start their project, and if
14 somebody has a problem with it, they can apply to the
15 Board of Zoning Appeals and appeal our decision, or my
16 decision or Kent's decision.

17 MR. PRAUSE: It goes to the Board of Zoning
18 Appeals if it involves a zoning standard. If it
19 involves a matter which is under you-all's discretion
20 and it's an administrative decision that we make, it's
21 appealed to you-all.

22 I don't know how it would work where you
23 have just sort of a subcommittee of the Design Review
24 Board with just two members. Because are they then
25 acting in the stead of the Design Review Board?

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1 MR. REINHARD: And what if they don't agree?

2 MR. CRAVER: Then it won't get decided. It
3 will come to us.

4 MR. PRAUSE: Then it goes to the full board.
5 That is the only issue I would -- if our town lawyer
6 says it's okay, then it's okay.

7 MR. REINHARD: I think your comment
8 about -- if he feels like it's a yes, he can say yes and
9 it's a done deal. Instead of saying no, which is the
10 appeal thing, instead of saying no, he says you have to
11 take that to the board. That is not a no. That is what
12 you meant, right?

13 MR. CRAVER: Well, I think you are dealing
14 with 90 percent of the issue, because the other 10
15 percent is a member of the public who would come in and
16 say I don't want him to do what Randy has allowed him to
17 do. And if you had posted my yard, given me notice that
18 something was going on, I would have come to this
19 meeting and had my opportunity to be heard in the public
20 forum.

21 But since you did it in this summary
22 fashion, it's a decision at the building official's
23 level, I didn't have that notice, I didn't know about
24 it. But that happens -- you-all make decisions all the
25 time, and the world can't stop growing. I think we

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1 covered that.

2 MR. REINHARD: The key word is minor.

3 MR. CRAVER: Right. No, no, I understand
4 that.

5 MS. HARMON: I think it's a good idea. But
6 I think if we are going to protect the people that could
7 come, the town people, because this says minor, that I
8 think we ought to, rather than just saying minor, what
9 does minor mean? I mean, define that.

10 You know, we all have different
11 definitions. You remember what Bill Clinton said about,
12 well, it depends on what "it" is. Well, that depends on
13 what minor is.

14 MR. CRAVER: I'm not touching that one.

15 MS. KENYON: Go ahead, Billy, go ahead.

16 MS. HARMON: So I think that is where we are
17 going to get into trouble.

18 MR. CRAVER: I think he has to use his
19 judgment on that. He knows what -- I would be surprised
20 if out of 100 decisions that he makes that he would be
21 wrong on 1 out of 100, and I am happy to live with that.

22 MR. ILDERTON: Yeah, I agree.

23 MR. REINHARD: I agree.

24 MR. ILDERTON: Just think of all the time
25 everybody is going to save, us and the clients, or the
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1 applicants.

2 MR. REINHARD: I think we need to trust his
3 ability to determine what is minor.

4 MR. CRAVER: I agree with that.

5 MR. HERLONG: And let's remember, this --

6 MR. ROBINSON: If it's not that minor, I am
7 not going to feel comfortable with it.

8 MR. REINHARD: Exactly.

9 MR. CRAVER: It would be one thing if you
10 had just been hired yesterday and we didn't know you.

11 MR. HERLONG: Well, what we are doing is we
12 are going to be giving this to Council. Council then
13 has to give it back to the Planning Commission, and then
14 it goes back to Council. You know, this is just
15 starting it.

16 MR. REINHARD: Can we talk about the
17 necessity for having -- or the criteria for having two
18 members of the DRB? I think that just complicates
19 things. If it's minor, he should be able to handle it.
20 Why pull a subcommittee into it?

21 MR. ILDERTON: I agree. I think he ought to
22 be able to handle it, too. I mean, I think if you think
23 it's borderline, you need two members or something like
24 that.

25 MR. REINHARD: What do the two members
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1 contribute? What if it's me and Billy and we disagree
2 on everything?

3 MS. HARMON: Then it has to come before the
4 board.

5 MR. REINHARD: I know, but it doesn't help
6 him at all.

7 MR. ILDERTON: Yeah, that's true. I think
8 he just ought to be able to make the call.

9 MR. CRAVER: Yeah, I agree with that. I
10 think you are right. You make a decision, and if you --

11 MR. ROBINSON: If somebody doesn't like
12 it -- I would say that I would warn every person that
13 asks for a decision like this that it could be
14 overturned and they would have to go to the board
15 anyway. I don't know how many people might do that.

16 MR. REINHARD: All you are going to do is
17 say yes. How could they not like that? You are either
18 going to say yes or go to the board.

19 MR. ROBINSON: Yes. That's true.

20 MR. REINHARD: I think, as I recall,
21 thinking back when we put this together with Randy and
22 Steve and myself, what we are trying to do is cover
23 Randy and not cause him to be out on the point on all of
24 these. That is why -- isn't it, Steve?

25 MR. HERLONG: That is true. We didn't want
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1 Randy to be making a decision that for some unforeseen
2 reason somebody had an issue with the way we thought a
3 DRB member and Randy, or two members and Randy, or Randy
4 polls two members for a decision just seemed like
5 additional research into the issue just to make you more
6 comfortable with the decision. That was the intent.

7 MR. ILDERTON: There could be some
8 disagreement. I mean, I would say you could go to the
9 chairman, but you are not going to necessarily want my
10 opinion on if I think it's the right thing either. So,
11 I mean, as far as --

12 MR. REINHARD: Well, that makes more sense
13 then having two different people.

14 MR. ILDERTON: At least you would have

15 somebody else looking at it.
16 MR. REINHARD: One person.
17 MR. ILDERTON: I don't mind.
18 MR. REINHARD: I would be okay with the
19 chairman.
20 MR. ILDERTON: And I am not always going to
21 be the chairman.
22 MR. REINHARD: It doesn't matter.
23 MR. ILDERTON: That is what I'm saying. I'm
24 just saying --
25 MR. REINHARD: The chairman does represent

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1 this DRB. I would be okay with that. But having two
2 arbitrary members doesn't make a lot of sense to me.

3 MR. WRIGHT: And if the chairman doesn't
4 think it's -- if the chairman believes it should go to
5 the board, then you make that decision and say let's go
6 to the board with it.

7 MR. REINHARD: Exactly, exactly.

8 MR. CRAVER: I'm comfortable with either
9 having it be the chairman, or just taking that out
10 completely so it's just the staff on all of them.

11 Randy, if you think it helps you to be able to talk to
12 the chair --

13 MR. ROBINSON: In some instances it will be
14 good for me to make a phone call.

15 MR. ILDERTON: And in some, not. Some you
16 are going to feel comfortable with.

17 MR. ROBINSON: If it's an inground pool at
18 Station 32 and I've come to you--all before, what is
19 the problem? What is wrong with issuing a permit on
20 that?

21 MR. REINHARD: But here is what is needed
22 with the chairman. If the chairman says, I don't know,
23 you are going down, you know, a slippery slope there,
24 maybe you better bring it to the board, and then you
25 have a second thought and you say, you know, I think I

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1 will send it to the board. That is the nice thing
2 about -- then the chairman is really supporting you.

3 MR. ILDERTON: Then you have --

4 MR. REINHARD: It's helping you make the
5 decision.

6 MR. ILDERTON: And you have the third
7 support of the board, even though it's not a board.

8 MR. WRIGHT: One of the things that we have

9 to consider here is inside a historic district or
10 historic properties, obviously, are going to be much
11 more touchy to deal with than a garden-variety change.
12 And would that still apply, just Randy and the chairman?

13 MR. CRAVER: I would think so. Everywhere
14 where it has "two people", just put "the chairman".

15 MR. WRIGHT: Okay.

16 MS. HARMON: Duke, down here where it says
17 the DRB may choose to develop a list of accessory
18 structures, we have right here now just examples of what
19 it could be.

20 We also need to -- I think we should say
21 garages and sheds and workshops, anything that has a
22 roof and walls, unless it's a doghouse, has to come
23 before this board.

24 MR. WRIGHT: Where are you going with that?

25 MS. HARMON: Down here at the end.

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1 MR. WRIGHT: I understand what you are
2 saying. Why do you --

3 MS. HARMON: Well, you are just giving
4 examples now. You don't say what you would do about
5 garages, sheds or workshops, et cetera.

6 MR. WRIGHT: Well, I think when we put that
7 in we were throwing a bone to somebody that wanted
8 examples, weren't we?

9 MR. HERLONG: Yes.

10 MR. REINHARD: But aren't accessory
11 structures defined in the ordinance?

12 MS. HARMON: Yes.

13 MR. REINHARD: That is what it is.

14 MS. HARMON: Well, here, trellises, fences
15 and gazebos and such comes before the board, I think.

16 MR. HERLONG: That paragraph doesn't seem to
17 create any need for any action. It's just a paragraph
18 of suggestions, it seems to me. From a legal point of
19 view, what does that paragraph make one do? I mean, it
20 just --

21 MR. CRAVER: It allows this board to create
22 the list.

23 MR. HERLONG: But it doesn't take a
24 homeowner and make them -- it doesn't change anything.

25 MS. HARMON: Well, if all of this is

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1 already --

2 MR. WRIGHT: I would be comfortable with

3 taking that paragraph out completely, myself.

4 MS. HARMON: Okay.

5 MR. WRIGHT: It might muddy the waters.

6 MR. REINHARD: It conflicts with the
7 ordinance.

8 MR. ILDERTON: It could be just saying the
9 same thing over.

10 MR. WRIGHT: Because, as Fred says, there is
11 a list in the ordinance that says accessory structures.
12 Why don't we just take it out?

13 MS. HARMON: That sounds good to me.

14 MR. HERLONG: The question then, once we
15 have this exactly the way we want it, is are we going to
16 allow, Duke, to make these adjustments and then we let
17 you -- how do we get it to Council?

18 MR. WRIGHT: I think the chairman probably
19 has to write a short letter to Council.

20 MR. PERKIS: That would be my suggestion.

21 MR. WRIGHT: Just forwarding this as a draft
22 of a proposed change to the ordinance.

23 MR. PERKIS: I would suggest he send it to
24 Paul and to Pat O'Neil, past chairman of the real estate
25 committee. That is who it would go through.

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1 MR. CRAVER: Are there any accessory
2 structures that we want Randy to be able -- like light
3 fences, I mean, don't we want him to be able to deal
4 with those?

5 MR. HERLONG: He may find someone who
6 submitted a fence that is made out of plastic, and there
7 is just something strange looking going on, and he could
8 say I think that maybe needs to go to the board. Maybe
9 it's a material issue that seems out of place, who
10 knows.

11 MR. CRAVER: Right. But, I mean, right now
12 all of that has to come to the board, doesn't it?

13 MR. PRAUSE: Yes.

14 MR. CRAVER: So if it was an all wood, white
15 picket fence, it's sort of a no-brainer for him, so
16 there isn't anything odd about it.

17 MR. HERLONG: He approves it.

18 MR. ILDERTON: He approves it. That is what
19 this would do.

20 MR. CRAVER: I guess the question is are we
21 going to leave this in just like it is or --

22 MS. HARMON: I thought we took it out.

23 MR. HERLONG: We just thought we should take
24 that last sentence out, the last two sentences out.

25 MS. HARMON: The last paragraph.

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1 MR. WRIGHT: The last paragraph.

2 MR. CRAVER: So where does that leave us
3 with respect to the fence issue?

4 MS. HARMON: It will stay as it is.

5 MR. WRIGHT: You mean in the ordinance?

6 MR. CRAVER: In the ordinance. So that
7 Randy could not approve someone doing a fence?

8 MR. WRIGHT: Why not?

9 MR. ROBINSON: Yes, I could.

10 MR. PRAUSE: Just if it's not in a historic
11 district on historic property. If it is in the historic
12 district on a historic property, then, no, it comes to
13 you-all.

14 MR. CRAVER: Right now in the ordinance you
15 can approve fences not in the historic area?

16 MR. ROBINSON: No, we can't.

17 MR. PRAUSE: All of those come to you-all.

18 MR. CRAVER: Okay. I'm missing something
19 completely then. So if you take this paragraph out,
20 then he can't approve any fences?

21 MR. ROBINSON: No. Look under C.

22 MR. PRAUSE: Fences and accessory
23 structures.

24 MR. REINHARD: Fences are an accessory
25 structure as defined in Section 21.

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1 MR. CRAVER: Oh, okay. Thanks.

2 MR. HERLONG: So what this has done
3 different from, I think, what we wrote originally, it
4 says only accessory structures not in a historic
5 district can be approved by staff. Any accessory
6 structures in a historic district has to come to this
7 board still. Is that not what this is going to say?

8 MR. PRAUSE: Well, when you look at B above,
9 it said inside the historic district or to a historic
10 property.

11 MS. HARMON: Outside the district.

12 MR. HERLONG: But it doesn't say anything
13 about accessory structures.

14 MR. PRAUSE: Right. But, I mean, why would
15 you say that you could make -- well, there again, I
16 guess what the definition of a minor alteration or a

17 minor project is.

18 MR. HERLONG: To clarify, we should
19 somewhere say -- if we are meaning to say that accessory
20 structures inside a historic district could also be
21 approved, it needs to say it. Or if they are all to
22 come before the DRB, it should say that.

23 MR. PRAUSE: I agree with that. I think so.

24 MR. ROBINSON: The point of this is to help
25 people in a bad situation get through a little bit

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1 quicker.

2 Say they have an alteration to make to a
3 property or something, or it's a no-brainer outside of
4 the district. These accessory structures in a historic
5 district aren't really holding anybody up, you know, and
6 I believe they all should come before the board.

7 MR. IDLERTON: And they probably should come
8 before the board.

9 MR. ROBINSON: I don't want to make
10 decisions in the historic district.

11 MR. HERLONG: They should come before the
12 board, or we lose control of some things.

13 MR. ROBINSON: That doesn't hold anybody up.

14 MR. HERLONG: So what we should say maybe,
15 to clarify, is in B, all accessory structures inside the
16 historic district must come to the DRB.

17 MR. WRIGHT: All of them should.

18 MS. HARMON: Historic properties.

19 MR. WRIGHT: Wait a minute. Accessory
20 structures and changes may be reviewed by town staff
21 along with the chairman of the DRB.

22 MR. HERLONG: Accessory structures as
23 defined in section whatever, and changes, may be
24 reviewed. No.

25 MR. CRAVER: I don't think so. I think B

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1 stays the way it is. I would leave the accessory
2 structures in the historic district line and historic
3 property out of it.

4 MR. HERLONG: But I think to clarify in C
5 somewhere it should say, just so that next year you read
6 this and we can't -- it's unclear about accessory
7 structures inside a historic district.

8 MR. CRAVER: I don't think so, not from a
9 statutory construction standpoint. I mean, if you are
10 giving -- this is giving permission to deal with

11 something other than the way it is in the ordinance,
12 otherwise. And so, if it's silent on it, you don't have
13 permission to do it.

14 MR. REINHARD: That is what I say.

15 MR. CRAVER: That is a pretty normal way to
16 do that.

17 MR. HERLONG: Okay.

18 MR. ILDERTON: So do we have a revised
19 version now?

20 MR. WRIGHT: The only changes we have, I
21 think, is consultation with the chairman as opposed to
22 consultation with two members, or two members or two
23 members.

24 MR. REINHARD: And the deletion of the last
25 paragraph.

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1 MR. WRIGHT: And the deletion of the last
2 paragraph.

3 MR. ILDERTON: And we will send that to --

4 MR. WRIGHT: So do you want to review that
5 one more time next month?

6 MR. CRAVER: No. I make a motion that you
7 fix it and get it going to Town Council as a
8 recommendation.

9 MR. REINHARD: I second that.

10 MR. ILDERTON: Discussion? Everybody in
11 favor?

12 MR. WRIGHT: Aye.

13 MR. ILDERTON: Aye.

14 MR. HERLONG: Aye.

15 MS. HARMON: Aye.

16 MR. REINHARD: Aye.

17 MR. CRAVER: Aye.

18 MR. CRAVER: Thank you guys for doing that.
19 I know that was a lot of work.

20 MR. PRAUSE: Can I make one suggestion?
21 That was good, but you may need to change some other
22 stuff in like 21-100 and 21-97 that deals with
23 certificate of appropriateness in the historic district
24 that would be at odds with this. But that could be
25 fixed, easily, just by making a reference to an

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1 exception in this section.

2 Do you agree with that?

3 MR. CRAVER: Yes.

4 MR. PRAUSE: Just so it's all compatible

5 with each other.

6 MR. WRIGHT: What are you saying? Does that
7 language need to be in here?

8 MR. CRAVER: Do we need to say --

9 MR. PRAUSE: I think that can be fixed as it
10 goes through the process.

11 MR. CRAVER: If we added that here, we could
12 just say notwithstanding other provisions of this
13 ordinance to the contrary?

14 MR. PRAUSE: Yeah. But, I mean, from a
15 practical matter, I think it would be good if they
16 were -- where it's mentioned that there is something
17 contrary, just put it there, too, to say, you know,
18 notwithstanding these provisions, these others in this
19 section control, just so there is consistency.

20 And, you know, not to drag it out, but
21 you don't want somebody coming in and saying, well,
22 heck, it says something different over here in this
23 section.

24 MR. WRIGHT: Where does that need to be
25 done, do you know?

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1 MR. PRAUSE: Right offhand, I would say
2 21-100 and 21-97. Those are inside the HP overlay
3 district. You-all discussed the 21-100 before. That
4 deals with just maintenance repair and interior
5 projects. And maybe just make a reference to this new
6 21-109(f)(8).

7 MR. WRIGHT: In those sections?

8 MR. PRAUSE: Right. Exactly. But I don't
9 even know if you-all would need to deal with it. It
10 could be done as it goes through the process.

11 MR. REINHARD: A housekeeping thing.

12 MR. PRAUSE: Right.

13 MR. WRIGHT: Okay. Good. We will make our
14 list and write a letter.

15 MR. ILBERTON: All right. Do we all like
16 it?

17 MR. CRAVER: Beautiful.

18 MR. ILBERTON: The meeting is adjourned.

19 (The hearing was concluded at 6:40 p.m.)

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1 STATE OF SOUTH CAROLINA)

2)

COUNTY OF CHARLESTON)

3

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

7

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

9

Witness my hand, I have hereunto affixed my official
10 seal this 20th day of October, 2008, at Charleston,
Charleston County, South Carolina.

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Nancy Ennis Tierney

CSR (IL)

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My Commission expires

April 6, 2014

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