

0001

1

2 MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

3

4

5

6

7

8 DATE: November 18, 2009

9 TIME: 6:00 P.M.

10 LOCATION: SULLIVAN'S ISLAND TOWN HALL

1610 MIDDLE STREET

11 Sullivan's Island, SC 29482

12

13

14

15

16

17

18

19

20

21 REPORTED BY: TRISHA RARICK

22 CLARK & ASSOCIATES, INC.

P.O. Box 73129

23 Charleston, SC 29415

843-762-6294

24 WWW.CLARK-ASSOCIATES.COM

25

0002

1 A P P E A R A N C E S

2

3

4 DESIGN REVIEW BOARD MEMBERS:

5

PAT ILBERTON - Chair

6 DUKE WRIGHT - Secretary

BETTY HARMON - Member

7 JON LANCTO - Member

FRED REINHARD - Member

8 BILLY CRAVER - Member

9

10 ALSO PRESENT: Kat Kenyon - Administrative

Randy Robinson - Zoning Administrative

11

12

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0003

1 MR. ILDERTON: This is the November 18th,  
2 2009 meeting of Sullivan's Island Design Review  
3 Board. It is now 6:00. Members in attendance are  
4 Duke Wright, Pat Ilderton, Betty Harmon, Jon Lancto,  
5 Fred Reinhard and Billy Craver. Approval of the  
6 2009 -- or October minutes.

7 MR. WRIGHT: I move the October 21st  
8 minutes be approved as written.

9 MR. ILDERTON: A second?

10 MR. REINHARD: Second.

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

13 MR. WRIGHT: Aye.

14 MS. HARMON: Aye.

15 MR. REINHARD: Aye.

16 MR. LANCTO: I need to abstain. I wasn't  
17 there.

18 MR. CRAVER: I need to abstain. I wasn't  
19 here either.

20 MR. ILDERTON: Well, I guess we can still  
21 vote on them. I don't know.

22 MS. HARMON: Yeah.

23 MR. ILDERTON: 2420 Myrtle.

24 MR. ROBINSON: Okay. 2420 Myrtle Avenue,  
25 the application is in front of me. This one was at  
0004

1 last month, a site visit which you-all did a little  
2 while ago. The application is in front of you.  
3 They're asking for some principal buildings square  
4 footage, extra square footage of 304 square feet,  
5 which they are allowed to get under the historic  
6 exemptions.

7           They're also asking for some impervious  
8 coverage. I believe they have some things to bring  
9 forward on that about those exemptions. I don't  
10 know if you-all want to talk about that, but --  
11 let's see, they're asking for some side yard  
12 setback, I believe 100 percent on that, and some  
13 side-to-side setback relief.

14           Other than that, I'll leave it up to them.

15           MR. ILDERTON: Great. Thank you. Kate?

16           MS. CAMPBELL: I guess the application is  
17 a little bit different from the one from last month.  
18 The house -- previously, we were asking to push the  
19 existing house back 20 feet off the road and over.  
20 I'm not sure exactly how far. But now, we're  
21 actually proposing to bring the house 10 feet closer  
22 to the road so it will actually only be about 10  
23 feet back from where it currently is.

24           And we also have shifted the house left on  
25 the lot about three feet from where we previously  
0005

1 had it to center it up in the lot more to keep it  
2 centered in the lot. As for the overages we're  
3 asking for, the -- we're hoping actually that the  
4 impervious coverage we're going to get down -- at  
5 the previous submittal, we were asking for 100  
6 percent because we hadn't really worked out what the  
7 landscaping was going to be. Since that submittal,  
8 we've brought it to 48 percent on the historic  
9 exemptions, which is 304 square feet -- 332 square  
10 feet.

11           However, the owners are very interested in  
12 using a lot of pervious materials, and so we're  
13 actually hoping that that number will go down even  
14 further from that point.

15           Let's see, I guess we're just kind of  
16 asking for guidance on where that existing house is  
17 going to be located based on this submittal -- this  
18 proposal for where it's located so we can move  
19 forward.

20           MR. ILDERTON: Great. Thank you. Is  
21 there any public comment to this application? Yes,  
22 sir?

23           MR. FAVA: My name is Eddie Fava. I live  
24 next door, and I am in support of the application.  
25 I think they're doing a wonderful job. My one  
0006

1 concern, as I noted to both groups and Michael, is  
2 the impervious surface, and would just respectfully  
3 request that that be within the allowable limit  
4 without a request for an overage. We have a little  
5 bit of a water problem there, and admittedly lines a  
6 lower lot, and I'm just concerned of how that will  
7 affect it when it's done.

8 MR. ILDERTON: All right. Public comment.  
9 Any other public comment on this application?  
10 Public comment section is closed. Randy, anything  
11 else to add?

12 MR. ROBINSON: Kate, did you-all figure  
13 the garage into the impervious surface?

14 MS. CAMPBELL: Uh-huh.

15 MR. ROBINSON: That's exempt, just to let  
16 you know, because the house is not -- you're not  
17 able to park under the house.

18 MS. CAMPBELL: Oh, okay.

19 MR. ROBINSON: So the garage is completely  
20 exempt from the impervious surface.

21 MS. CAMPBELL: So then we won't be asking  
22 for it then.

23 MR. ROBINSON: Yeah. You may not be  
24 asking for anything after -- when you take the  
25 garage out.

0007

1 MS. CAMPBELL: Right. Okay.

2 MR. ILDERTON: Great. That's great.

3 MR. ROBINSON: That's my only problem.

4 MR. ILDERTON: Great. Duke, what do you  
5 think?

6 MR. WRIGHT: I'm curious. One thing that  
7 strikes me is that the submittal says, lot size is  
8 roughly 22,000 square feet. That looks like a lot  
9 larger lot.

10 MR. ROBINSON: That's what everybody says.

11 MS. CAMPBELL: Yeah.

12 MR. WRIGHT: It really does. I'm curious.  
13 It's a nice, pretty lot.

14 MS. CAMPBELL: Survey says --

15 MR. CLOWNEY: A survey was done.

16 MS. CAMPBELL: Yeah. A survey was done.

17 MR. WRIGHT: It's amazing.

18 MR. CLOWNEY: September '09.

19 MR. WRIGHT: No. I personally don't have  
20 any trouble with it. I think it's a very

21 interesting, nice design that preserves the  
22 integrity of the house. So at this point, I'm fine.  
23 This is a preliminary?

24 MS. CAMPBELL: Uh-huh.

25 MR. ILDERTON: Still preliminary?

0008

1 MS. CAMPBELL: Well, I mean --

2 MR. WRIGHT: It was a conceptual last  
3 time, wasn't it?

4 MS. CAMPBELL: Conceptual last time. We  
5 went for preliminary this time because we had to be  
6 on the agenda for the site visit. So that's the  
7 only reason why we went for preliminary. Otherwise,  
8 we probably would have gone for -- we're planning to  
9 go for final next month.

10 MR. CLOWNEY: The next time will be final.

11 MS. HARMON: For it to be discussed, we  
12 had to get it on the agenda.

13 MR. ILDERTON: Yeah. I don't have a  
14 problem with what they're proposing now. I think it  
15 looks real good. I do want to mention because it  
16 was brought up, looking at last meeting on that  
17 chimney was -- expressed an interest in wanting to  
18 keep that, and it's definitely not historic, I mean  
19 relatively new brick the way they put that chimney  
20 in there. Would be a -- I think a difficulty trying  
21 to keep that -- that's not historic at all to the  
22 house at all. So I don't see that as an issue, and  
23 so I'm also in favor of it. Betty?

24 MS. HARMON: The problem I have is the  
25 front door being a French door. She said you-all

0009

1 wanted to have a French door, and I think -- there  
2 is one French door that you're going -- that will be  
3 opened up when -- I mean shown when the porch is  
4 opened up?

5 MS. CAMPBELL: Uh-huh.

6 MS. HARMON: But you don't actually show  
7 that front door as being a French door.

8 MS. CAMPBELL: The French door is a single  
9 door, and it's the two openings on either side.

10 MS. HARMON: On either side? Okay.  
11 That's good. That's fine, but I didn't want the  
12 front door to be --

13 MS. CAMPBELL: Oh, no. The front door is  
14 going to be a single door.

15 MS. HARMON: All right. I'm fine with it.

16 MR. REINHARD: With skylights?

17 MS. CAMPBELL: No, no. With shutters.

18 It's a single front door.

19 MR. ILDERTON: Jon?

20 MR. LANCTO: Yeah. I liked it. I walked

21 around, and it looks like this is going to maintain

22 the -- return to the original structure and more

23 true look for the island. And I think pushing it

24 back a little is going to be more in character with

25 the rest of the houses along there. So I like that,

0010

1 and I -- I think it's fine.

2 MR. ILDERTON: Okay. Fred?

3 MR. REINHARD: Me too. I like it. I

4 think the street presence is really very, very nice.

5 Just the right number of steps up to the deck. It's

6 all opened up now.

7 MR. ILDERTON: Great.

8 MR. REINHARD: My question is, what's

9 going to change between now from the preliminary to

10 final? What are you going to do?

11 MR. CLOWNEY: Well, that was one thing I'd

12 like to say. I'm Beau Clowney, in case you need to

13 know. The one design change that we've made, just

14 to keep you up-to-date if we do have to come back,

15 is that the fireplace in that middle volume of the

16 three has swung around to Eddie's side of the house.

17 As before, it was in that volume kind of breaking

18 up, but we've pushed it back over to that side.

19 So that's really the only design change

20 that we've made. We'll just be presenting

21 computer-generated documents. So I mean, I don't

22 know. Can we go for final?

23 MR. ILDERTON: I don't know if we could

24 adjust everything to where this could be final.

25 MR. CLOWNEY: We would like that.

0011

1 MR. ILDERTON: Well, yeah. Why go through

2 all this administrative hoopla for nothing? I mean

3 why do all this nonsense?

4 MR. CLOWNEY: That would be great.

5 MR. REINHARD: I would support that.

6 MR. ILDERTON: Okay. Great. Billy, do

7 you have anything to add?

8 MR. CRAVER: I like it. I -- I think that

9 it has got the right character. I love the sort of  
10 low, spread-out feeling as opposed to a big box. I  
11 mean it -- the massing is, you know, just what I  
12 think we have been looking for as long as I have  
13 been involved in doing all of this stuff so --

14 MR. ILDERTON: Great.

15 MR. CRAVER: -- I'm not sweating the  
16 details on this. Let's go with it.

17 MS. CAMPBELL: Thank you.

18 MR. ILDERTON: All right. Do I hear a  
19 motion?

20 MR. REINHARD: I'd like to move for final  
21 approval.

22 MR. ILDERTON: Do I hear a second?

23 MR. CRAVER: Second.

24 MR. ILDERTON: Discussion? Everybody in  
25 favor?

0012

1 MR. WRIGHT: Aye.

2 MR. REINHARD: Aye.

3 MS. HARMON: Aye.

4 MR. CRAVER: Aye.

5 MR. LANCTO: Aye.

6 MS. CAMPBELL: Thank you.

7 MR. ILDERTON: 1771. Whenever you want to  
8 start.

9 MR. ROBINSON: Okay. 1771 Atlantic  
10 Avenue, Poletti residence. It is not a historical  
11 structure. It's not in the historic district.  
12 They're asking for -- in the use of Board of Zoning  
13 Appeals Board a de minimis increase in their square  
14 footage. They're allowed 3,378 square feet.  
15 They're asking for 64 more square feet of increase.  
16 They're asking for that increase and, let's see,  
17 principal building coverage increase of  
18 eight percent, which is 183 square feet.

19 There's a little thing in here that -- an  
20 explanation of why they need it. One of the things  
21 that they need to do is prove neighborhood  
22 compatibility, get this -- I looked it over --  
23 looked over some of the houses in the neighborhood.  
24 The next-door house -- house next door is 5,400  
25 square -- 4,500 square feet. This is the smallest

0013

1 lot in that block of houses.

2 The house next door, which there isn't a

3 house there now, it's just an empty lot, they can  
4 build 4,000 square feet since it's a half-acre lot.  
5 So in looking at all the houses in the neighborhood,  
6 I come up with about an average of about 3,500. So  
7 I don't think there's a problem with granting this.

8 In front of you is plans for the house.  
9 It can't be seen from the street, so I just leave it  
10 up to you-all.

11 MR. ILBERTON: Great. Yes, sir.

12 MR. CLOWNEY: I might be able to elaborate  
13 on some of that. But the main thing about this is  
14 also you can't see it from the street, but we're  
15 trying to do the right thing. I think the main  
16 thing that is driving the train on this is the fact  
17 that they want an elevator, and it is a reverse  
18 floor plan house. There were some things that were  
19 done early on that we see as being sort of clumsy in  
20 the design with the roof line, and we see that this  
21 addition would be a really nice way to kind of  
22 correct that.

23 The other thing that addition does is it  
24 kind of helps bring the scale down. You'll notice  
25 we sort of pulled this down and broke down the  
0014

1 materials as opposed to just being a big chunk of  
2 box. It's now something that incorporates another  
3 material and is elongated, so the panels help to do  
4 that.

5 If you look at this too, this also gives  
6 you -- begins to speak to, you know, something --  
7 hopefully the correct way to add to a house like  
8 this as opposed to just slapping something around.

9 Just in terms of the size of the addition,  
10 it's 380 square feet, the addition, give or take --  
11 384. And then as far as any other overages, go  
12 ahead, Brent, just tell them.

13 MR. FLEMING: Yeah. Randy, you touched on  
14 this as well. The building coverage we're asking  
15 for, an eight-percent variance, which is 183-square  
16 feet and a variance -- a two-percent variance on the  
17 building square footage, and that's 64 square feet.  
18 Anyway, that's just an attempt, because it is a  
19 reverse floor plan to get additional square footage  
20 in that main living area on the second floor.

21 MR. ILBERTON: Great. Thank you. Is  
22 there any public comment? This public comment



23 section is closed, and do we need anything to add or  
24 anything?

25 MR. ROBINSON: Nothing.

0015

1 MR. ILDERTON: Billy, anything?

2 MR. CRAVER: I don't have a problem with  
3 it.

4 MR. ILDERTON: All right. Fred?

5 MR. REINHARD: So, basically, they're here  
6 because of the 64-square feet. It's not a -- it's  
7 not really a design issue that they're here for.

8 MR. ROBINSON: Right.

9 MR. REINHARD: If it hadn't been for the  
10 64-square feet, they wouldn't be here?

11 MR. ROBINSON: That's correct.

12 MR. REINHARD: Okay. Can I still say  
13 something about the design?

14 MR. ROBINSON: Sure.

15 MR. REINHARD: I kind of like -- and this  
16 is just my opinion. I kind of like the -- if you  
17 look at the bottom picture, the right-hand element  
18 of the house which is two story, which is stucco --

19 MR. CLOWNEY: Sure.

20 MR. REINHARD: -- at the bottom, I kind of  
21 like that better than the introduction --

22 MR. CLOWNEY: The gable?

23 MR. REINHARD: No. Well, I like the  
24 gable, but the introduction of the clabbered siding  
25 is something that's totally foreign to the rest of

0016

1 the house.

2 MR. CLOWNEY: Uh-huh.

3 MR. REINHARD: And I would just ask you to  
4 take another look at that. That's all I have to  
5 say. I'll support it.

6 MR. CLOWNEY: Okay.

7 MR. ILDERTON: Jon?

8 MR. LANCTO: I'm the opposite. I like  
9 the -- I think that it's too monolithic in the  
10 appearance right now, so I -- if we're looking at  
11 the design of it, I think that adding a different  
12 finish on the outside is going to improve the looks  
13 of that house. I'm all in favor of that.

14 MR. ILDERTON: Great. Betty?

15 MS. HARMON: I'm okay with it the way it  
16 is.

17 MR. ILDERTON: I am also fine with it.

18 MR. WRIGHT: Yeah. I'm fine with it.

19 What does the term reverse plan mean?

20 MR. CLOWNEY: The kitchen and the living  
21 is all on the top floor. The bedrooms are  
22 underneath. Just totally reversed.

23 MR. WRIGHT: Okay. I'm fine with it.

24 MR. ILDERTON: Great. All right. Do I  
25 hear a motion?

0017

1 MR. CRAVER: Move for approval.

2 MR. ILDERTON: Second?

3 MR. WRIGHT: I'll second.

4 MR. ILDERTON: Discussion? Everybody in  
5 favor?

6 MR. WRIGHT: Aye.

7 MR. REINHARD: Aye.

8 MS. HARMON: Aye.

9 MR. CRAVER: Aye.

10 MR. LANCTO: Aye.

11 MR. ILDERTON: All right.

12 MR. CLOWNEY: Thank you very much.

13 MR. ILDERTON: 1019 Middle Street is  
14 deferred. 2320 Ion, new construction is deferred.  
15 2724 Atlantic, accessory structures.

16 MS. KENYON: Can we put 1814-A Ion before?

17 MR. ILDERTON: Oh, do we have to have a  
18 meeting? I thought that's staff approved. That's  
19 fine. We can.

20 MR. ROBINSON: Yeah. Because I couldn't  
21 really give staff approval on anything.

22 MR. ILDERTON: Okay. We'll do 1814 Ion.  
23 Alterations is what we want?

24 MR. ROBINSON: That's correct.

25 MR. ILDERTON: Okay.

0018

1 MR. WRIGHT: Did I sleep through 2724?

2 MR. ILDERTON: No.

3 MS. KENYON: They're not here. They  
4 should be here any time.

5 MR. ROBINSON: Yeah. He actually said he  
6 might not be here until about 6:30.

7 MR. ILDERTON: Okay.

8 MR. ROBINSON: So if we can give him a  
9 little more time to get here.

10 MR. ILDERTON: Okay. We're doing 1814

11 Ion. Randy, what do you got?

12 MR. ROBINSON: Okay. 1814 Ion, give me a  
13 second to pull that packet out. The reason I  
14 couldn't give staff approval on this is this  
15 structure, it's -- to start with, it's in the  
16 historic district.

17 MR. ILDERTON: Right.

18 MR. ROBINSON: It's not listed as  
19 contributing. It's a nonconforming structure. In  
20 other words, there's two structures on this lot.  
21 There's actually three occupancies on this lot.  
22 That's the house on Middle Street, and then there's  
23 the house on Ion Avenue. The house on Ion Avenue is  
24 a duplex. You can't add living space to a  
25 nonconforming structure.

0019

1 So in the ordinance, it states that the  
2 Design Review Board will make a determination as to  
3 whether a -- let's see. Let's go to page 15 of the  
4 ordinance. Principal building coverage, it states,  
5 in cases of interpretation of enclosed principal  
6 building coverage area, the Design Review Board  
7 shall determine what portion of the enclosed  
8 principal building coverage area shall be included  
9 or excluded in the calculations.

10 So if the Design Review Board feels that  
11 this design is not enclosed space, then we can allow  
12 it -- I can allow him to do it. If the Design  
13 Review Board feels that is an enclosed space, then I  
14 can't allow him to do it because it's a  
15 nonconforming structure, and now he's adding onto a  
16 nonconforming structure. So that's what I need  
17 you-all to make the determination of, whether this  
18 is -- number one, whether it's enclosed space or  
19 not.

20 MR. ILDERTON: Right.

21 MR. ROBINSON: If it's not an enclosed  
22 space, then do you-all like the design and is it  
23 okay in the historic district?

24 MR. ILDERTON: Right. Okay. I see. All  
25 right. Thank you. Yes, sir?

0020

1 MR. LYNCH: Sorry, I didn't bring all the  
2 fancy designs. I feel like I went to class and  
3 didn't bring the right stuff. I do have some  
4 pictures in the back. It's a screened porch --

5 MR. ILDERTON: If you could just state  
6 your name.

7 MR. LYNCH: Yes. Bill Lynch, owner.

8 MR. ILDERTON: All right. Great. Go for  
9 it, Bill.

10 MR. LYNCH: Thank you, sir. I think in  
11 the back there's a couple of pictures, and it's the  
12 screened-in porch that I love. Sits right in front  
13 of the lighthouse. I love the lighthouse and the  
14 breezes. Unfortunately, there's -- it sits right up  
15 against the dirt, and between the rain and the dirt  
16 that comes through the fully-screened panels on both  
17 sides, there are two sides on the inside that abut  
18 the house. I just get a lot of rain and mud and  
19 everything through there.

20 The intent is not to change any square  
21 footage or change any living space or increase the  
22 enclosed space. What I'd really like to do is try  
23 to get some kind of control over dirt and rain  
24 coming in there. When I bought the property, the  
25 one thing left by the previous owner was a big long  
0021

1 squeegee with a three-yard wide -- or three-foot  
2 wide thing for pushing everything out, which gave me  
3 the general impression that this gets wet, and it  
4 does.

5 My hope is to get the -- there's an area  
6 along the bottom three feet where there's already an  
7 existing support structure of framing that if I were  
8 to be able to get the bottom filled in, I think I  
9 could keep most of the dirt out. And if I could  
10 change some of the screened segments to something  
11 other, that would look a little cleaner and less  
12 framed-like.

13 Because right now, it just kind of looks  
14 like you got just four-by-fours that are crossing  
15 each other and sitting there. So a little bit of  
16 trim, and then some area to kind of keep some of the  
17 wind down without having to change the concept of  
18 the screened porch being a screened porch.

19 MR. ILDERTON: All right. Thank you. Is  
20 there -- I guess public comment. There's no public  
21 comment, I'm sure. Randy, anything else to add?

22 MR. ROBINSON: Nothing else to add. It  
23 would -- there is something else to add. If I could  
24 just get Mr. Lynch to tell me, in this floor plan,

25 is this a window right here? It just isn't labeled.  
0022

1 MR. LYNCH: It would mirror-image the  
2 window on that side, but I'm willing to move things  
3 around without, whatever it takes to kind of cut  
4 the --

5 MR. ROBINSON: So this one in this floor  
6 plan, this one on the corner here that's not labeled  
7 is a window. So it would be window, window, screen,  
8 window, window, screen, screen, screen and then a  
9 window. And this is a solid wall, and this is the  
10 wall of the house for the door and windows.

11 MR. ILBERTON: Okay. Jon, you want to  
12 start off?

13 MR. LANCTO: Okay. While reading through  
14 the code here, the principal building coverage area  
15 says it excludes areas covered only by exterior  
16 porches and decks, and this is an exterior porch,  
17 right?

18 MR. ROBINSON: Uh-huh.

19 MR. LANCTO: So my interpretation of the  
20 code as it's written is that's excluded from the  
21 coverage -- building coverage area. So going back  
22 to your Design Review Board, C-2, cases of  
23 interpretation of those building coverage area,  
24 design review board shall determine what portion of  
25 the enclosed building coverage area shall be

0023  
1 included or excluded in the calculations.

2 So I would think that that would --  
3 without setting a bad precedent, say that we can  
4 exclude that in the coverage area of the calculation  
5 and therefore allow this to make the building more  
6 liveable. So I would be in favor of it in that  
7 case.

8 MR. ILBERTON: All right. Fred?

9 MR. REINHARD: This is a slab concrete --  
10 concrete slab that's on grade?

11 MR. LYNCH: And has tile.

12 MR. REINHARD: Is it raised up? Is there  
13 any air space underneath?

14 MR. LYNCH: No. It's slabbed with some  
15 tile.

16 MR. LANCTO: Basically, it's a patio  
17 that's been screened in?

18 MR. LYNCH: You know, it's a 1966

19 property, so it's hard to really say.  
20 MR. REINHARD: But it's not a porch? It's  
21 not raised up, there are no -- it's a patio?  
22 MR. LYNCH: Correct. Yes, sir. It is a  
23 concrete slab and it is about two feet below.  
24 MR. REINHARD: Is this visible from the  
25 street, from the main street?

0024

1 MR. LYNCH: From the main street, you  
2 would see the kind of upper five feet. The lower  
3 area, you don't see.  
4 MR. REINHARD: It's up to you.  
5 MR. ILDERTON: Billy?  
6 MR. CRAVER: Sounds good to me.  
7 MR. ILDERTON: Betty?  
8 MS. HARMON: It's fine with me.  
9 MR. ILDERTON: It is fine with me.  
10 MR. WRIGHT: Okay.  
11 MR. ILDERTON: All right. Do I hear a  
12 motion?  
13 MR. LANCTO: I'll make a motion.  
14 MR. ILDERTON: Do I hear a second?  
15 MR. CRAVER: Second.  
16 MR. ILDERTON: Everybody in favor?  
17 MR. WRIGHT: Aye.  
18 MR. REINHARD: Aye.  
19 MS. HARMON: Aye.  
20 MR. CRAVER: Aye.  
21 MR. LANCTO: Aye.  
22 MR. ILDERTON: All right. Thank you, sir.  
23 MR. LYNCH: Thank you.  
24 MR. ILDERTON: All right. Back to 17 --  
25 no 2724 Atlantic Avenue, accessory structures.

0025

1 MR. ROBINSON: I'm going to do the same,  
2 kind of go on this -- we need some determination  
3 as --  
4 MR. ILDERTON: Okay. Go for it.  
5 MR. ROBINSON: Again, what we have here is  
6 a treehouse or -- let me start at the beginning. We  
7 have a traditional island resource. It is not in  
8 the historic district. Mr. Phillips built a -- or  
9 brought out an accessory structure and built a  
10 treehouse. When the treehouse was going up, we had  
11 a complaint from one of the residents in the area,  
12 and we went and stopped work on it. And he -- told

13 him he needed to come to the Design Review Board for  
14 permission before he got a permit to build these  
15 things.

16 My questions on this one are under  
17 recreational uses, there's two categories. One  
18 category is an accessory structure, and then you  
19 have accessory recreational uses. And the second,  
20 recreational facility is a pool, a tennis court,  
21 basketball court or large play equipment.

22 If it's a recreational -- if it's  
23 determined that this treehouse is large play  
24 equipment, it has to meet the setbacks of the house.  
25 If it's not large play equipment, it can be within  
0026

1 six feet of the property line, or it can be within  
2 ten feet of the property line and you-all can  
3 decrease that setback by 40 percent to make it 60  
4 feet from the property line.

5 Right now, it sits four feet from the  
6 property line. If it is not large playground  
7 equipment, if you-all just determine that it's small  
8 or medium playground equipment, it doesn't need to  
9 meet any setbacks at all. Because it isn't -- I  
10 guess you-all have determined that it's not really  
11 an accessory structure.

12 And then with the shed that's sitting in  
13 the back, it has to be 10 feet from the property  
14 lines, rear and side. But you-all can decrease that  
15 by 40 percent, which would make it six feet from  
16 each property line. It also needs to be 30 feet  
17 from the street. But you-all can decrease that by  
18 40 percent, which would make it 18 feet from the  
19 street.

20 So -- and I believe that accessory shed is  
21 closer than 30 feet from the street. I'm not quite  
22 sure. Mr. Phillips and I talked this morning. He  
23 was going to go out and measure it and find out  
24 exactly how far it was from the pavement. But he  
25 may need some decreases. So we have basically two  
0027

1 cases here in front of us.

2 One is the treehouse, is it large  
3 playground equipment, and then the other one is the  
4 shed. And we probably kind of need to take them  
5 kind of separately so we can determine what each one  
6 of them is and where it needs to be.

7 MR. ILDERTON: Great. Thank you. Yes,  
8 sir?

9 MR. PHILLIPS: May I pass out some  
10 supplemental information?

11 MR. ILDERTON: Go ahead. State your name.

12 MR. PHILLIPS: Gene Phillips, owner of  
13 2724 Atlantic Avenue.

14 MR. ILDERTON: Great.

15 MR. PHILLIPS: Dealing with the treehouse  
16 first. There was an old treehouse up there when I  
17 bought the property. It was back in 2002 or 2003.  
18 It was for the make-shift treehouse that the prior  
19 owners built and hammered all the stuff into the  
20 tree directly, and it's kind of lopsided and  
21 certainly the rails were not up to code. It was  
22 dangerous. I wouldn't let my son, Will, go up there  
23 by himself. It kind of broke my heart to not let  
24 him go up there. I only went up there -- I would  
25 only allow him to go up there if it was with me or  
0028

1 with his mother going up there.

2 So for his birthday in June, I decided to  
3 remove the old treehouse and build one for his  
4 birthday. And I first want to apologize. I didn't  
5 know I needed a permit to build a treehouse. So my  
6 apologies on that. So, you know, we built the  
7 treehouse in June, and as Mr. Robinson mentioned, I  
8 guess what I'm asking for is on the third page of  
9 this diagram here, it's four foot, two inches. The  
10 closest -- the closest part of the bottom deck of  
11 the treehouse is four foot, two inches, and we could  
12 trim off two feet to make it six feet from the  
13 lateral boundary from 2724 Atlantic.

14 If that's what this required, then we'll  
15 be happy to do that. And if it can be the way it  
16 is, that would be fine. If we need to cut it back  
17 then -- now, I checked with the neighbor today. She  
18 signed -- on Page Number 2, she signed a letter  
19 saying she didn't have any problem with the  
20 treehouse or the shed. She's the immediate  
21 neighbor, the only one really affected.

22 It's basically almost done. There's just  
23 a little bit of lattice work. I took another  
24 picture of it today. It's like -- almost the  
25 last -- it's the second to last page. It's a little  
0029



1 bit of lattice work on the other side that we still  
2 need to do, and -- but we -- I can live without that  
3 added on there.

4 I want to mention that the builders did  
5 this as a favor. They didn't charge me. I paid for  
6 the lumber. It was a favor for my son because I'm  
7 going through a court situation with my son. And --  
8 but he took extreme care to go around the tree, not  
9 to harm the tree. There's no nails in the tree.

10 There's still a bunch of old nails and wood attached  
11 to the tree from the prior owners. I mean it is  
12 nailed to the -- you know, makeshift.

13 So we're either going to remove those  
14 nails or cut them off, whatever is safest for the  
15 tree. The neighbor, Jeanne, her biggest concern was  
16 the tree, and I have obviously concern for the tree  
17 too. I love that oak tree. So we've taken a lot of  
18 care to not harm the tree. Everything is cut around  
19 it. I mean it's really -- they did a really nice  
20 job on it.

21 And so, anyway, what I'm asking for either  
22 if it can stay the way it is, or if whatever --  
23 obviously whatever the Board recommends, or if we  
24 can just maybe cut it back to six feet from the  
25 property line, because we could accomplish that  
0030

1 without a big problem.

2 And then on the playhouse -- the shed,  
3 initially bought this Christmas of last year. It's  
4 been there for almost a year. Initially bought it,  
5 you know, thinking of sort of a playhouse thing, but  
6 it's really a multi-use shed right now. It's got  
7 some garden equipment, got some toys stored in  
8 there, and I'm going to use it as a doghouse as well  
9 because I work a lot.

10 So I don't like keeping my dog in the  
11 house all the time. So I think it's kind of cruel.  
12 So I want to keep her in the yard, but she's -- she  
13 can jump really high. So I'm going to get an  
14 invisible gate, one of these buried invisible gates  
15 and keep her outside.

16 And then I'm going to let her sleep in  
17 there, just rest in there, get out of the sun and be  
18 able to get on the porch and stuff. So I'm going to  
19 use it sort of as a doghouse, you know, storing some  
20 lawn equipment and storage of toys and stuff. And,

21 of course, he still likes to play in it. So it's  
22 kind of a multi-use shed.

23 This drawing here, I went out and measured  
24 it exactly, and this is a little different from what  
25 I put on my application. It's exactly ten foot, six  
0031

1 inches from the boundary -- the lateral boundary of  
2 2720. So I think that's in compliance with the  
3 ten-foot rule.

4 The section here towards Ion Avenue, the  
5 street, it is 24 foot from the edge of the pavement.  
6 It's eight foot, six inches from the edge of the  
7 shed to the fence, and the fence to the edge of the  
8 street pavement is 15, 6 inches. So it's 24 foot.  
9 So I guess what I'm asking on that -- you know, this  
10 thing sitting on blocks. It was built in Goose  
11 Creek, and they just came and put it there. So it  
12 can be moved if you need me to move it somewhere. I  
13 can move it wherever you want me to move it.

14 Or what I'd like -- what I'm asking for is  
15 if -- I think the requirement is 30 feet, and it's  
16 24 feet. So I guess I'm asking if you can -- if we  
17 could decrease it to 24 feet. I don't need this 18.  
18 It's 24. So I guess that's what I'm asking for on  
19 that. And there's also the neighbor directly across  
20 at 2724.

21 There's really only two neighbors  
22 affected, 2720 Atlantic right next door and Alice  
23 across the street, and she's signed the letter as  
24 well on the second page that she didn't have a  
25 problem with the treehouse or the shed. And you  
0032

1 can't hardly even see any of it from the street, and  
2 there's a lot of vegetation right there and stuff.

3 So -- and then I did take a photograph  
4 just to show you that -- I know I don't know if it's  
5 applicable or not, but the last photograph, it's a  
6 little kind of a house-shed thing that's four houses  
7 up the road from me showing that there are other  
8 little shed-house things, you know, in the  
9 neighborhood.

10 MR. ILDERTON: Great. Thank you. Great.  
11 Randy, anything to add?

12 MR. ROBINSON: No. I don't.

13 MR. ILDERTON: Duke?

14 MR. WRIGHT: I really don't have any

15 trouble with this. I mean it's after the fact  
16 maybe, but I think if the neighbors don't have a  
17 problem with it, I think it's a rather attractive  
18 treehouse. I recall we approved a treehouse once  
19 before somewhere. I do have trouble with the color  
20 of the shed. I think if you can -- if that shed  
21 could be painted to be more in conformance with the  
22 colors of the decking around the tree, I think that  
23 would substantially reduce the sore-thumb effect of  
24 that shed.

25 But other than that, I'm okay.

0033

1 MR. ILDERTON: Thank you. I don't have a  
2 problem with it. It would be a shame to -- I think  
3 we'd have to outlaw all treehouses on Sullivan's  
4 Island, since we've got lots -- too many other  
5 things on Sullivan's Island already. And the  
6 10-foot setback was -- most of my building career  
7 was the setback, and it seemed to work awfully well.  
8 I was never in favor of doing the crazy  
9 perambulations and difficulties that the zoning  
10 people drew up for the 30 to 20 to 15, that it looks  
11 this way or that, or that's ridiculous.

12 I'd like to go back to the 10-foot  
13 setback, what has been here, I say, most of the time  
14 I have been on Sullivan's Island. So I don't have a  
15 problem with the setback of the shed either. So  
16 that's what I think. Betty?

17 MS. HARMON: I don't have any problem with  
18 it. I'm just glad to know that you're not in the  
19 dog house.

20 MR. ILDERTON: All right. Jon?

21 MR. LANCTO: What's the picture of the  
22 green shed here?

23 MR. PHILLIPS: That's the neighbor's  
24 property four houses closer or, you know, up the  
25 road.

0034

1 MR. LANCTO: 2702 Atlantic?

2 MR. PHILLIPS: Yeah.

3 MR. LANCTO: So how close is that shed to  
4 the road?

5 MR. PHILLIPS: I don't know. It looks  
6 like it's further than mine.

7 MR. LANCTO: Closer to the road?

8 MR. PHILLIPS: Looks like it's further

9 away from the road.

10 MR. LANCTO: Further away from the road?

11 MR. PHILLIPS: Yeah. I think it's a  
12 smaller -- I'm just guessing. I was going to  
13 measure it, but I didn't want to intrude on the  
14 property. But it looks like theirs is setback  
15 further than mine for sure. I mean they probably  
16 have 30 feet. I don't know. But I mean it's almost  
17 falling down. It's cute. I like that. I just  
18 wanted to show that there was another -- but I don't  
19 know the exact measurement of how close it is.

20 MR. LANCTO: The two neighbors, you said  
21 these are the people that live on either side of  
22 you, or is there one on one side and one across the  
23 street, the two that signed this?

24 MR. PHILLIPS: The two that signed, the  
25 one -- the 2720, Jeanne, she lives immediately --  
0035

1 that's, you know, the closest one.

2 MR. LANCTO: Okay.

3 MR. PHILLIPS: And then across the street  
4 is the other one that signed, and so they can kind  
5 of see it. The other neighbors can't even see it,  
6 but I think that -- they're from Pennsylvania.  
7 They're not home. They're rarely there. They  
8 haven't said anything to me. I don't even know how  
9 to contact them because they're -- I think it's a  
10 vacation home for them.

11 MR. LANCTO: Okay. Looks good to me then.

12 MR. ILDERTON: Fred?

13 MR. REINHARD: I just see two temporary  
14 structures that can be moved in a weekend. I don't  
15 have any problem with it.

16 MR. CRAVER: I don't have a problem at  
17 all. It's an improvement on the treehouse. In  
18 fact, I know the person who built the old one and  
19 nailed nails in the tree. He's somebody in this  
20 room. I'm not going to tell you who it is.

21 MR. ILDERTON: Do I hear a motion? Go  
22 ahead.

23 MR. ROBINSON: In your motion, if you can  
24 just make sure that the motion includes that this is  
25 not large playground equipment.

0036

1 MR. ILDERTON: Right.

2 MR. CRAVER: Let me ask a question though.

3 The 24 feet from the pavement, it wouldn't be 24  
4 feet from the right-of-way, because the right-of-way  
5 goes beyond the pavement. And so is it 24 feet --  
6 does the distance have to be from the pavement or  
7 from the right-of-way?

8 MR. ROBINSON: The ordinance -- the way  
9 the ordinance is written, and it was -- I'll try to  
10 give you the reason it was written like this. It  
11 was written that just accessory structures could be  
12 10 feet from the real property line, but in no case  
13 could it be any closer than 30 feet from the street  
14 pavement.

15 The idea was if there was a property with  
16 a street pavement, and the property line, the same  
17 thing, with no -- basically no right-of-way, then  
18 these sheds couldn't be right up on the road.

19 MR. CRAVER: Okay.

20 MR. ROBINSON: So it pushed them a little  
21 bit in. And actually, at the time that this  
22 ordinance was passed, there was one or two or three  
23 Council people that really had a problem with this  
24 ordinance changing because of that fact. So we  
25 added that little part into the ordinance to keep  
0037

1 these sheds or garages farther from the street and  
2 just for that reason. But you-all can allow it to  
3 be 18 feet, because you can allow a 12-foot decrease  
4 in that 30 feet.

5 MR. ILBERTON: So there were a few people  
6 on Council who were really worried about this, huh?

7 MR. ROBINSON: There were.

8 MR. ILBERTON: Whoa, man. I'll tell you  
9 what. They got --

10 MR. ROBINSON: Actually, they're not here  
11 anymore, but anyway -- but there were a few people  
12 that were -- there was one in particular that was  
13 very worried about these sheds being closer to the  
14 street, and two more were going to go along with  
15 him. And it was -- the ordinance was not going to  
16 get passed, so we threw this in at the last minute,  
17 and they went, okay, well, we'll pass it, and that's  
18 what happened.

19 MR. CRAVER: So I make a motion that the  
20 treehouse is a small playground equipment, that  
21 the -- and that the two structures as they are  
22 situated are within the allowable limits. And to

23 the extent the limits need to be adjusted to make  
24 them allowable, we -- those adjustments are made.

25 MR. ILDERTON: Great. Do I hear a second?

0038

1 MR. REINHARD: Second.

2 MR. ILDERTON: Discussion? Everybody in  
3 favor?

4 MR. WRIGHT: Aye.

5 MR. REINHARD: Aye.

6 MS. HARMON: Aye.

7 MR. CRAVER: Aye.

8 MR. LANCTO: Aye.

9 MR. ILDERTON: All right. Thank you, sir.

10 MR. PHILLIPS: Thank you.

11 MR. ILDERTON: We are adjourned.

12 (The meeting concluded at 6:45 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

0039

1 REPORTER'S CERTIFICATE

2

3 I, TRISHA G. RARICK, Court Reporter and Notary Public in  
4 and for the State of South Carolina at large, do hereby  
5 certify that I correctly reported the within-entitled matter  
6 and that the foregoing is a full, true and correct  
7 transcription of my shorthand notes of the testimony and/or  
8 other oral proceedings had in the said matter.

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

12 Witness my hand, I have hereunto affixed my seal this 27th  
13 day of November, 2009, at Charleston, Charleston County,  
14 South Carolina.

15

16

TRISHA G. RARICK

17

Court Reporter  
My Commission Expires  
APRIL 19, 2019

18

19

20

21

22

23

24

25