

TOWN OF SULLIVAN'S ISLAND
BOARD OF ZONING APPEALS

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MEETING BEFORE: ELIZABETH TEZZA, CHAIRPERSON

DATE: March 10, 2016

TIME: 6:00 PM

LOCATION: Town of Sullivan's Island
2050-B Middle Street
Sullivan's Island, SC

REPORTED BY: Priscilla Nay
Certified Shorthand Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 APPEARANCES :

2 ELIZABETH TEZZA, CHAIRPERSON
3 CARLIN TIMMONS, BOARD MEMBER
4 PETER RICHARDSON, BOARD MEMBER
5 JAMES ELLIOTT, BOARD MEMBER
6 JODY M. LATHAM, BOARD MEMBER
7 JOE HENDERSON, ZONING ADMINISTRATOR
8 RANDY ROBINSON, BUILDING OFFICIAL
9 ELLEN MILLER, TOWN CLERK
10 SUMMER EUDY, ESQUIRE

11 ALSO PRESENT :

12 AUSSIE GEER
13 TOM PROCTOR
14 MATT WILKS
15 ALLEN PORTER
16 JOSIE ABRAMS
17 JASON FOWLER
18 DIANA BROWDER
19 RICK BROWDER
20 BILLY RICHARDSON
21 DREW HARRIS
22 ARTIE PERRY

23 (INDEX AT REAR OF TRANSCRIPT)
24
25

1 THE CHAIRPERSON: I'd like to call this
2 meeting of the Board of Zoning Appeals to order.
3 Ellen, have the Freedom of Information requirements
4 been met?

5 MS. MILLER: They have.

6 THE CHAIRPERSON: Thank you. The first
7 item on the agenda is the approval of the minutes
8 of February the 11th. I was not at that meeting
9 and I would like to thank Summer for chairing that.
10 I was out of town.

11 Do I hear a motion for approval of the
12 February 11th minutes?

13 MS. TIMMONS: I so move.

14 THE CHAIRPERSON: Is there a second?

15 MS. LATHAM: Second.

16 MR. ELLIOTT: All in favor, signify by
17 saying aye.

18 (All board members stated aye.)

19 THE CHAIRPERSON: The minutes are
20 approved. Before we proceed, I want to let the
21 Board know that Summer Eudy has tendered her
22 resignation from the Board. She has enjoyed her
23 time, but it has interfered a bit with her practice
24 of law from which she makes a living. So I will
25 submit that to the zoning administrator.

Now we will take the applicant and participant oath. So anyone planning on speaking before this Board this evening, please stand.

Audience and staff
being first duly sworn, testified as follows:

THE CHAIRPERSON: Thank you.

1726 ATLANTIC AVENUE

THE WITNESS: We will now proceed to the variance request. The only variance request on our agenda is 1726 Atlantic Avenue. I will ask Joe Henderson to present for the town.

MR. HENDERSON: Thank you, members of the Board. Agenda Item D-1 is a variance request for 1726 Atlantic Avenue. The property owner and applicant, Mr. Tom Proctor, is here to request a dimensional variance. This is from zoning ordinance Section 21-22(E)(1).

This is the section of the ordinance that requires a rear setback over 25 feet from the rear property line. The applicants are requesting 9 feet 4 inches or a 37 percent feet variance reduction for that 25-foot setback. Just to give you a little background on this property, the owners are requesting to construct an addition toward the back of the property.

1 So I'll point that out here on the
2 aerial photograph. So this is the subject property
3 here. It's bound to the north by -- on Ion Avenue,
4 to the south by Atlantic. The addition would come
5 off the back here.

6 During the DRB meeting in August of
7 2015 they received approval from the DRB to remove
8 a carport here and build an addition within the
9 confines of the town setback regulations or the
10 side setback regulations. They received that
11 approval.

12 They moved forward and contracted an
13 engineer who told them that if they didn't remove
14 this carport and construct the addition on this
15 portion of the house that it would trigger the FEMA
16 50 percent rule and require demolition of
17 essentially the entire bottom portion of the
18 structure and perhaps even the entire structure to
19 elevate it.

20 In short, staff feels that because of
21 this fact and several others cited in your packets
22 that this justifies the issuance of the dimensional
23 variance. We recommend approval of it.

24 THE CHAIRPERSON: Before I ask for
25 comment from the applicant, I want to review our

1 rules for public comment. This is how we will
2 handle public comment: In every case the zoning
3 administrator will present for the town. Then the
4 applicant may present.

5 The Board will then ask questions of
6 the zoning administrator and the applicant. We
7 will then ask for public comment. When public
8 comment is closed then the Board discusses without
9 public comment. We will ask the applicant and
10 zoning administrator questions, but we will not
11 have interjections from the public while we close
12 public comment.

13 So that will be to speak now or forever
14 hold your peace. I don't want there to be any
15 misunderstanding. We will handle each variance and
16 special exception exactly like that. Now, I will
17 ask if there's anyone to present for Tom Proctor,
18 the applicant.

19 MR. HENDERSON: I'm sorry. I would add
20 that I just handed out the worksheet for the
21 statutory requirements to issue a variance. On the
22 first page is a blank one. On the second page is a
23 staff recommendation for achieving those
24 requirements.

25 THE CHAIRPERSON: Thank you, Joe.

1 MS. ABRAMS: I'm Josie Abrams and I'm
2 the architect for the Proctors. I've been working
3 with them for a couple of years on this project.
4 Do you mind if I get closer to the scene?

5 MR. HENDERSON: No, not at all. This
6 is your application. Let me know what you want me
7 to do with it.

8 MS. ABRAMS: Perfect. Is there a page
9 just prior to this one, like a site diagram? That
10 one. That's perfect. Great.

11 So this is kind of rotated. This is
12 Atlantic Avenue and this is Ion Avenue. The
13 existing home built in the 1950s has actually been
14 under ownership of one family, the Proctors, since
15 the beginning. So it's kind of in a unique and
16 special condition.

17 At the time we're told anyway that the
18 rear setback was five feet further out; so over the
19 course of their ownership the setback has come in.
20 You know, if you were building -- it's a modest
21 home. It's 1,250 square feet. If you were
22 building this home today you would might consider
23 at least -- as their architect, I might consider
24 placing it a little more strategically on the site
25 to maximize the buildable footprint.

1 So I might have moved it all the way
2 over to one side or the other. As you can see,
3 kind of typical at that time. It's very, you know,
4 logically located from the center of the lot, but
5 the limitations that's created for adding a little
6 more square footage is we're bumping in the
7 setbacks within 9 and 11 feet in all directions.

8 We can go to the next slide, if you
9 don't mind. Thank you. So as Joe had mentioned we
10 actually after numerous, you know, iterations and
11 have come up with a modest proposal to create one
12 additional bedroom and some covered parking for
13 them on the site located off to the side.

14 My concept was to extend the hip roof
15 just straight across to incorporate that addition
16 and then a slight addition in the front. We got
17 the DRB approval, but as Joe had mentioned when we
18 got into working with the structural engineer the
19 issues with -- we had to remove a large portion of
20 that wall to make that connection, an internal
21 connection.

22 What that did was it changed the load
23 pattern. So this hip roof kind of transfers all of
24 its load down to that existing wall. So with all
25 this new framing coming and bearing on that

1 existing hip what -- this is how I understand the
2 engineering -- what that did was create a new load
3 path that was going to have to be picked up here,
4 which meant, you know, excavating below the
5 existing shallow foundation to underpin it.

6 Another issue with additions is you're
7 going to have differential. Anything on this site
8 is going to have new foundations. So also bringing
9 that new roof to bear also meant reframing across
10 the top of most of this roof, which they'd already
11 replaced a few years ago anyhow.

12 Then we start getting into, as Joe
13 said, 50 percent improvement rules where we were
14 exceeding cost-wise 50 percent of the value. So
15 our structural engineer advised us that an addition
16 that touched the existing building in a smaller
17 area would be more cost effective and structurally
18 simpler to do where he can kind of float the
19 foundation over and just kind of touch mentally.

20 So that's where we came up with the
21 proposal that you see now where we would do -- I
22 called it the semidetached option. It is still
23 connected internally with heated square footage in
24 this little connection with the spiral stairs down
25 to the ground and then we would do parking for one

1 year car and then one bedroom and some unheated
2 storage above. So the first floor has one bedroom.
3 So now the first floor would have two bedrooms and
4 then that would allow us to create a pool still
5 within the setback. Then we'll look to reroute.

6 We'll keep the curb cut but reroute the
7 driveway in there. In so doing we can change the
8 paving and probably improve our impervious/pervious
9 ratio. So that's kind of a win in that sense.

10 As you can see, some issues that we've
11 come to is that the site line kind of sits not
12 parallel to the house. So when we push up in there
13 we get this sort of diagonal cut. So it's not that
14 we're asking to encroach across the entire expanse
15 of the rear setback. We're really just looking for
16 this dimension right there.

17 THE CHAIRPERSON: What is that
18 dimension?

19 MS. ABRAMS: That's a good question.
20 Let me grab my floor plan. Right. Nine in that
21 direction. You're asking for the width. Is that
22 correct?

23 THE CHAIRPERSON: Uh-huh, the width.

24 MS. ABRAMS: Let me grab that. Sorry.
25 It's in my other set of plans here.

1 THE CHAIRPERSON: It looks like 22.

2 MS. ABRAMS: Correct. You've got it.

3 THE CHAIRPERSON: I can add.

4 MS. ABRAMS: You beat me to it. We can
5 go onto the next line. That's just kind of a
6 closer up look where you can see where we're going
7 with that addition and the next slide.

8 MR. HENDERSON: First floor?

9 MS. ABRAMS: Yes. So that's ground
10 floor and then up to the first floor. So this is
11 our existing building right here. We would hang up
12 a small closet off the side. Then this is the new
13 addition with unfinished attic storage, one bedroom
14 and a bathroom, with a little connector and then
15 keeping, of course, the porches that are so
16 integral to Sullivan's Island living.

17 If you'll go to the next slide, that's
18 just kind of what I had demonstrated to you before.
19 I forget the slide was in here. This is the
20 proposed new roof that proved to be so challenging
21 on the loads. Okay.

22 So elevation-wise and kind of keeping
23 -- I think we've argued, too, our hardship and then
24 this other point of, you know, not having an
25 adverse affect on the neighborhood. Our last DRB

1 presentation the Board had kind of applauded us for
2 wanting to do, you know, kind of a bit of a
3 facelift to the -- you know, to the older brick
4 structure. This is very simple.

5 So as you'll see from the Atlantic
6 Avenue island view, here is where the new addition
7 will be. We'll just design it very much in keeping
8 with tons of these types of little, you know, front
9 wings or rear wings you see across Sullivan's
10 Island. It will give it a little island aesthetic
11 and it will have a very nice porch.

12 So the new addition will kind of cover
13 some of that older structure. Then view from the
14 south, you know, you'll see just kind of tucks off
15 behind it on sort of two balanced little pavilions
16 with wood siding.

17 THE CHAIRPERSON: I like the different
18 roof lines.

19 MS. ABRAMS: Yeah. It kind of changes
20 it up a little bit and gives it kind of more of an
21 island esthetic. This is just some photographs
22 that sort of help you graphically look at the site.

23 This is that existing carport. You can
24 see how close we are to the neighbor's shrubbery.
25 At the same time, this is the neighbor's house

1 right here. So, you know, our feeling is a small
2 little two-story modest projection isn't really
3 going to have too much impact on the side.

4 You can kind of see that relationship
5 whereas if we built on there a lot today we
6 probably would have done this as well. We would
7 have come all the way to the allowable side setback
8 and kind of take advantage of that. There goes
9 that relationship with their neighbor.

10 Then sort of the same view here. You
11 know, a lot of the homes adjacent to them are
12 elevated with parking beneath and we don't have
13 that option for parking. So this new addition will
14 allow us to park underneath and maximize footprint
15 on the site.

16 Okay. Then these are some more
17 photographs along the Ion side. Again, I'm just
18 sort of showing you other houses that have sort of
19 maximized what they could get out of their
20 buildable area by, you know, full parking
21 underneath and building closer to the side setback.

22 So we our feeling is we're not -- you
23 know, we shouldn't have an adverse effect in trying
24 to create porches and siding in keeping with the
25 esthetic of the street.

1 THE CHAIRPERSON: Okay. Y'all have any
2 questions for the applicant? Very, very thorough
3 presentation. Thank you.

4 MS. ABRAMS: Thank you.

5 THE CHAIRPERSON: Is there anyone in
6 the public who would like to make a comment about
7 this application?

8 (No response.)

9 THE CHAIRPERSON: Okay. We will close
10 the public comment. The variance request is now
11 open for discussion or motion.

12 MS. TIMMONS: I have read it over
13 carefully and I'm familiar with the house. I think
14 it's a great project. So...

15 THE CHAIRPERSON: Since so many houses
16 are being knocked down to build a new one, we
17 really do appreciate when residents renovate or
18 redo an existing structure.

19 MR. PROCTOR: A lot of fun times in the
20 house.

21 THE CHAIRPERSON: Our newest members?
22 I usually ask if anyone has any comments or
23 questions.

24 MR. ELLIOTT: Not any comment. I
25 looked through everything. I'm relatively new to

1 the island, but riding around and seeing what's
2 been constructed relatively recently this is in
3 keeping with that, I think.

4 MS. TIMMONS: So I'm ready to make a
5 motion and I'm not going to have to stumble thanks
6 to Joe.

7 THE CHAIRPERSON: Okay.

8 MS. TIMMONS: So I would like to move
9 that the variance be granted, that the application
10 by the Proctors' dimensional variance from Zoning
11 Ordinance 21-22(E)(1), the rear setback requirement
12 be granted.

13 In our findings, Number 1, there are
14 extraordinary and exceptional conditions pertaining
15 to the particular piece of property in that the
16 house was constructed prior to the adoption of the
17 current front, rear, and side yard setback
18 requirements. The home was built on grade and now
19 is considered a pre-FIRM structure that is built
20 before FEMA regulations.

21 Number 2, these conditions do not
22 generally apply to other property in the vicinity
23 in that the home was located in the center of the
24 parcel. Current zoning setback requirements would
25 effectively prohibit any addition of living space

1 or covered parking area without causing substantial
2 structural modifications.

3 Three, because of these conditions the
4 application of the zoning ordinance to the
5 particular piece of property would effectively
6 prohibit or unreasonably restrict the utilization
7 of the property in that the substantial structural
8 modifications would in effect trigger the FEMA 50
9 percent rule, that is the valuation of work to the
10 value of the home, and require elevation of the
11 entire home causing loss of the existing first
12 floor of living space.

13 Number 4, the authorization of a
14 variance will not be of substantial detriment to
15 adjacent property or to the public good and the
16 granting of the variance will not harm the
17 character of the location because the location of
18 the addition and the requested encroachment of
19 9 feet 4 inches will be in the foreground or rear
20 yard area, only visible from the secondary frontage
21 of Ion Avenue. It will be reviewed for
22 architectural neighborhood compatibility by the
23 Design Review Board.

24 THE CHAIRPERSON: Thank you, Carlin.
25 Is there a second?

1 MR. ELLIOTT: Second.

2 THE CHAIRPERSON: Thank you. Is there
3 any further discussion? All in favor of the motion
4 signify by saying aye.

5 (All board members stated aye.)

6 THE CHAIRPERSON: All opposed?

7 (No response.)

8 THE CHAIRPERSON: The variance is
9 granted.

10 MS. PORTER: Thank you very much.

11 CAFE MEDLEY, LLC, DBA GOGOGREENS

12 THE CHAIRPERSON: We now move to
13 special exception requests. The first is Cafe
14 Medley, LLC, doing business as GoGoGreens. Mr.
15 Henderson, will you present for the town?

16 MR. HENDERSON: Okay. Thank you,
17 Elizabeth. Agenda Item E-1 is a special exception
18 request. It's a special exception reevaluation
19 for a property at 2213-C Middle Street. This is
20 Cafe Medley, LLC doing business now as GoGoGreens.

21 Mr. Artie Perry and Drew Harris, the
22 current owners of Cafe Medley, LLC are requesting
23 an assessment and reevaluation of what the BZA and
24 DRB approved in October of 2014. This is the
25 initial issuance and approval of those regulations

1 required to exceptions 21-178 and 2150(C)(2).

2 During the final order issued by the BZA it was
3 stated during that motion that any substantial
4 changes to either the business arrangement, the
5 design, or the menu should have to come back and be
6 presented and reviewed by the BZA. So that's what
7 we're doing today.

8 We have Drew and Artie here. What I
9 would like to do is just simply walk through or go
10 through the conditions that we approved initially
11 for Cafe Medley and have the applicants reiterate
12 and, I guess, elaborate on some of the changes that
13 they have made on the site.

14 THE CHAIRPERSON: Okay. What I want to
15 point out for our new members because this is the
16 first time you will have heard one of these coffee
17 shop exception -- special exceptions. We have only
18 granted three so far and so this is a request to
19 basically renew -- to grant a new special exception
20 because of the change of ownership.

21 So in the staff report the last three
22 pages is the actual review -- the special exception
23 that we granted in October of 2014. So you might
24 want to look at that as we review it because this
25 is a very, very specific ordinance with a -- a

1 specific ordinance. So...

2 MR. HENDERSON: So in order to issue a
3 special exception for the coffee shop use, which is
4 what we did, it's a two-step process. You have to
5 go through the standard BZA findings. There are a
6 total of four.

7 They are requirements for reviewing
8 things such as setbacks, fences, vehicular traffic
9 patterns, off-street parking. All these things
10 haven't changed for the current use. So what I
11 will do is scroll down to Step Number 2 which are
12 the findings or conditional requirements to operate
13 this kind of use on Sullivan's Island.

14 To start out with, the coffee shop use
15 is defined here. It requires that the core
16 business be explained by the applicant and the
17 ancillary noncore items be shown or demonstrated to
18 the board members. They have to demonstrate that
19 they're still selling light meals, soup,
20 sandwiches, salads, baked goods, ice cream, cheese
21 plates, and that nothing will be cooked requiring a
22 hood system.

23 So if you guys want to step forward and
24 just kind of give us a little -- an idea of what
25 GoGoGreens is doing today and how that's changed

1 from Cafe Medley --

2 MR. HARRIS: I'm Drew Harris. Should I
3 just address the menu or go piece by piece and --

4 THE CHAIRPERSON: Just the menu and
5 then go to the next one because this is --

6 MR. HARRIS: Sure. The biggest change
7 to the menu honest was that at Cafe Medley --
8 originally our biggest items were breakfast items,
9 coffee, wine, beer, light sandwiches and salads.
10 The difference now is there's no ice cream, no
11 pastries. There's no deserts.

12 We have actually removed items where
13 those core items are still remaining. So still
14 breakfast, still coffee. We have added more
15 smoothies to become an item.

16 The ancillary items are still the same,
17 bottled beverages and stuff like that. There's
18 still nothing that requires the -- there's still
19 nothing that requires the system and it is
20 basically the same core and ancillary items. We
21 have actually removed some.

22 MR. HENDERSON: So the interior and
23 exterior changes have been made also. So what
24 you're looking at here is the dining area. I think
25 the kitchen has been changed substantially.

1 They're still meeting the requirement for seating
2 of 25 total seats and we have 10 inside. Let's
3 see. We have a site plan here.

4 THE CHAIRPERSON: I was confused about
5 the seats that are right outside. They said it
6 wouldn't block pedestrian traffic across that deck.
7 It looked like it would block it.

8 MR. HENDERSON: That's right. One of
9 our previous requirements was that the egress for
10 the entire building is from these stairs here and
11 also an ADA-accessible ramp or it's a lift.

12 MR. HARRIS: It is a wheelchair lift.

13 MR. HENDERSON: Wheelchair lift, and
14 you have to maintain four feet of passage to get
15 into the other tenant's spaces. So that is a
16 requirement.

17 MR. ELLIOTT: What side is that on?

18 THE CHAIRPERSON: It is in the middle.

19 MR. ELLIOTT: The steps go to ---

20 THE CHAIRPERSON: Middle Street.

21 MR. HENDERSON: That's right. Middle
22 Street is right here. The lift is over on this
23 side. So there's four feet of passage between
24 these four chairs.

25 MR. HARRIS: Between basically where

1 the two tables are set up by the post with the
2 railing. Then the center post is holding the roof
3 line.

4 MR. HENDERSON: Yes. So there's a
5 two-top here, two-top, and then two more out here,
6 a total of --

7 MR. HARRIS: Twelve. Space or seats?

8 MR. HENDERSON: Total seating of 25
9 seats.

10 MR. HARRIS: Right, between inside and
11 out.

12 MR. HENDERSON: The exterior seat space
13 can't exceed 25 percent of what we have. In the
14 interior they're showing 18.25 percent so they meet
15 that requirement of the ordinance.

16 THE CHAIRPERSON: So where are the
17 seats for the two tables that are right up against
18 the window?

19 MS. TIMMONS: They are inside that line.
20 They're inside the roof. They don't go out in the
21 wheelchair --

22 MR. HARRIS: Previous one. Other way,
23 Joe. So what we've done --

24 THE CHAIRPERSON: The chairs are
25 mobile. They're not fixed.

1 MS. TIMMONS: Right. But they can be
2 moved. Exactly. Yes.

3 MR. HARRIS: But they're also not --
4 what happened is this picture doesn't show --
5 which I should have taken one of the whole deck.
6 The way it was previously is the walkway was
7 actually against the building.

8 MS. TIMMONS: Right.

9 MR. HARRIS: That was the egress.
10 We've moved that walkway so it is in between the
11 two seating areas because that's where the walkway
12 is for High Thyme. I --

13 THE CHAIRPERSON: Okay. I was getting
14 ready to ask if that was direct and --

15 MR. HARRIS: That's a direct line now.
16 Can I use the drawing?

17 THE CHAIRPERSON: Sure.

18 MR. HARRIS: I'll just scroll back.
19 Thank you.

20 THE CHAIRPERSON: It's not going to
21 give you the mouse.

22 THE WITNESS: So the wheelchair lift is
23 here. The stairs are here. This is High Thyme
24 space down here. This is Body Garden up here.
25 When you go up the wheelchair lift and make that

1 left turn or come up the stairs and make that left
2 turn now it's a direct turn here. That's actually
3 where the -- that's actually where right-of-way is
4 for High Thyme is as well.

5 Now this egress continues all the way
6 across whereas before it would come here and then
7 you'd have to come up, cut up, and go over. Now
8 it's just a straight line.

9 THE CHAIRPERSON: Okay.

10 MR. HENDERSON: Why don't you hang out
11 here. So the next thing: Hours of operation are
12 still from 6:00 AM to 10:00 PM, no outdoor
13 speakers, no kitchen exhaust system requiring DHEC
14 inspection.

15 MR. ELLIOTT: Joe, does that mean they
16 don't actually cook anything?

17 THE CHAIRPERSON: No. They can cook,
18 but they can't have -- it's not a kitchen that's
19 rated with a hood. So they don't have a big
20 cooktop.

21 MR. HARRIS: Right. DHEC regulates
22 certain types of equipment and usage have to have a
23 hood system and we don't. We had a full DHEC
24 evaluation post-renovation per some of the changes
25 we made, especially with the kitchen with the

1 approval of everything.

2 MR. ELLIOTT: So they look at your menu
3 and --

4 MR. HARRIS: They actually come out for
5 a site visit. They actually come to the site.

6 MR. HENDERSON: But you can use kind of
7 a convection-type oven and things like that?

8 MR. HARRIS: You can, but we're not.
9 But you can. Yeah. I believe the co-op uses a
10 convection-type oven and stuff like that as long as
11 it doesn't require a full hood system, which is
12 what a full restaurant ---

13 THE CHAIRPERSON: Which they are not.

14 MR. HARRIS: Right.

15 MR. HENDERSON: The final requirement
16 is they not exceed 15 percent alcohol sales and we
17 verify that on an annual basis through their
18 permitting process. They have applied for an
19 alcohol license. GoGoGreens has, I think.

20 MR. HARRIS: With the percentage of
21 ownership change the state requires approval of the
22 Cafe Medley, LLC alcohol license from me to Artie.

23 MR. ELLIOTT: Medley had one?

24 MR. HARRIS: Right. It will still be
25 Cafe Medley.

1 THE CHAIRPERSON: The owner is still
2 Cafe Medley. The owner has changed. That's why --

3 MR. HARRIS: When the partnership
4 agreement changes you have to make certain things
5 with the State. So...

6 THE CHAIRPERSON: So the sign says
7 GoGoGreens, but it is owned --

8 MR. HARRIS: Cafe Medley, DBA.

9 THE CHAIRPERSON: GoGoGreens is a
10 member of Cafe Medley?

11 MR. HARRIS: Is a member of Cafe
12 Medley.

13 MR. ELLIOTT: And the alcohol license
14 that was with Medley just sort of transfers over?
15 It's sort of the same --

16 MR. HARRIS: More or less. What it is,
17 because there's that ownership change we don't have
18 to prove all of the requirements again. We just
19 have to show the partnership agreement has changed.
20 Then they do the background check on the new
21 partnership and -- I can't have a felony DUI
22 basically.

23 MR. ELLIOTT: And you can still sell
24 the same wine and beer and whatever it was?

25 MR. HARRIS: Yes. Absolutely. It's

1 beer and wine only and it's on-premise.

2 THE CHAIRPERSON: I don't think we
3 allow liquor through the coffee shop ordinance.
4 We don't allow liquor. It's just beer and wine.

5 MR. HENDERSON: Just beer and wine.
6 Any questions?

7 THE CHAIRPERSON: I don't think so.
8 This is the first -- we've seen -- we've seen three
9 of these and this is the second time for this one.
10 Carlin and I are well-versed in the coffee shop
11 ordinance. So if you do have any questions about
12 it we are -- as a general explanation the coffee
13 shop ordinance is limited.

14 There's only room for one more on the
15 island because it's defined within the core
16 commercial district and they cannot exist within
17 300 feet of each other.

18 MR. HENDERSON: That's right.

19 THE CHAIRPERSON: So there's only one
20 more area which a coffee shop could actually be
21 located and apply for a special exception.

22 MR. ELLIOTT: Doesn't it seem to you
23 that the new shop is pretty much operating the
24 same as the old shop? I mean, I guess the food
25 might change a bit, but the items are basically

1 in the same category?

2 MS. TIMMONS: And there's no longer a
3 wall of wine.

4 THE CHAIRPERSON: Because they're
5 here they still -- obviously they still fall within
6 the same parameters for a coffee shop. They are
7 here because we officially have to grant the
8 special exception to them again because of the
9 ownership change.

10 MS. TIMMONS: So my question would be
11 in -- in like making the motion is the motion to is
12 approve -- you know...

13 THE CHAIRPERSON: Can we make the same
14 motion?

15 MS. TIMMONS: I had the motion from
16 before and I would just make the same motion and
17 attach those conditions that -- this assumes all of
18 the local state and federal laws are being met.

19 MR. HENDERSON: I think would that
20 would be fine in compliance with those sections
21 cited in the Agenda Item. That's fine.

22 MS. TIMMONS: Okay. You want me to do
23 it again? This is like my night.

24 THE CHAIRPERSON: Does she have to read
25 all four and a half pages?

1 MR. Richardson: No. That's fine. I
2 don't think so.

3 MS. TIMMONS: I'm going to use what
4 Jimmy -- okay. So I move that we grant the special
5 exemption based on Ordinance Sections 21-178 and
6 21-50(C)(2) to Cafe Medley, LLC doing business as
7 GoGoGreens pursuant to the application packet and
8 the oral testimony conditioned on -- conditioned on
9 this special exemption is granted to this
10 particular application and should the business stop
11 operating -- in other words, go out of business for
12 a period of over 90 days -- the special exemption
13 will expire.

14 Further, this assumes compliance with
15 all applicable Town of Sullivan's Island permits
16 and approvals and compliance with all applicable
17 federal regulations such as ADA and all state
18 regulations such as alcohol permitting, DHEC,
19 et cetera.

20 THE CHAIRPERSON: Thank you, Carlin.
21 Is there a second?

22 MS. LATHAM: Second.

23 THE CHAIRPERSON: Is there any further
24 discussion? All in favor, signify by saying aye.

25 MR. ELLIOTT: Aye.

1 (All board members stated aye.)

2 THE CHAIRPERSON: All opposed?

3 (No response.)

4 THE CHAIRPERSON: Special exception is
5 granted.

6 MS. TIMMONS: Yes. Straightforward.

7 MR. HARRIS: Thank you.

8 2668 GOLDBUG AVENUE

9 THE CHAIRPERSON: Our next item of
10 business is a special exception for 2668 Goldbug
11 Avenue. First, I'll ask Joe to present on behalf
12 of the Town.

13 MS. EUDY: While he's doing that I'm
14 just going to unroll this.

15 MR. HENDERSON: Okay. Thank you. This
16 is Agenda Item E-2. This a Special Exception at
17 2668 Goldbug Avenue, Alvin Porter. The applicant
18 and property owner is requesting approval for the
19 RS District Historic Special Exception allowing an
20 accessory dwelling unit with that historic
21 structure.

22 This is in accordance with Zoning
23 Ordinance Section 21-20(C)(2), Section 21-178,
24 BZA conditions for issuing the special exceptions.
25 Just to give you some background on this incentive,

1 it's provided by the ordinance to encourage
2 property owners to preserve and invest in historic
3 properties, to discourage demolitions of small
4 historic structures, and to incentivize by allowing
5 a second dwelling unit to be built on the same
6 property that exists with a historic structure.

7 Let's see. In order to approve this
8 special exception within the RS District it's a
9 three-step process. So the first step is the
10 Design Review Board must grant a conceptual
11 approval that the historic home is either
12 designated as historic or can be modified enough to
13 be designated as historic.

14 Step Number 2 is that the BZA review
15 the conditions for issuing a special exception and
16 insure that the project meet the conditions of the
17 previously mentioned sections. We reviewed some of
18 those just a minute ago.

19 Then finally the DRB has to give final
20 approval to the project, the final design for the
21 historic structure, and also the second dwelling
22 that's built on the site. On December 16th, 2015
23 the applicants made their first presentation to the
24 DRB as a conceptual review and they granted
25 conceptual approval provided multiple modifications

1 be made to the existing structure. Currently that
2 structure is not designated as historic, but
3 instead it's listed as altered on our historic
4 list. So it's not historic but could be modified.
5 That's the official language from the survey
6 document provided by a consultant, David Schneider.

7 So I'll just run through some of the
8 changes required of the applicant in order to be
9 designated as historic. The front porch must be
10 restored. The nonoriginal addition on the rear
11 elevations should be removed.

12 Vinyl siding should be removed and
13 replaced with hardie Board or cementitious fiber or
14 wood siding. Remove all nonoriginal aluminum or
15 vinyl windows and replace with period windows. The
16 chimney --- the original chimney should be restored
17 and the metal roof design should be maintained.
18 Also, possible modification of the front deck
19 should be required.

20 So as I mentioned before, we have a
21 process that we must go through in order to grant
22 approval of a Special Exception. So before getting
23 into this, I would turn it back over to you,
24 Elizabeth. If you have any questions you can ask
25 or have the applicant present.

1 I think that when making the motion
2 we'd want to go through these items and, one by
3 one, determine if they are acceptable.

4 THE CHAIRPERSON: Okay. They're in
5 your staff report. Okay. So we need to think
6 about these four items as we listen to the
7 applicant present. Okay.

8 MS. EUDY: Joe, the variance -- did you
9 want to present a variance portion, too? I mean,
10 I'm happy to present it, but --

11 MR. HENDERSON: Well, in this request
12 with the special exception a variance is not
13 needed. As a condition of granting the special
14 exception --

15 MS. EUDY: So that can be granted
16 within the special exception?

17 MR. HENDERSON: Yes.

18 MS. EUDY: Okay. Because it's in
19 zoning district. Okay. I can talk about it from
20 that perspective.

21 MR. HENDERSON: Why don't we just --
22 let me just back up and give a little background
23 here. Okay. So here is the site layout. Let me
24 get this correct. So here is the historic
25 structure.

1 Here are the nonoriginal additions that
2 will be removed. The footprint for the new
3 construction is here. The dotted lines are the
4 setbacks, the required setbacks for the district,
5 and the build-to line, is that --

6 MS. EUDY: It's shown on there. The
7 current build-to line or the build-to line is the
8 original -- or by the ordinance. Yeah. I can
9 point that all out very specifically. I've got
10 some color-coded charts.

11 MR. HENDERSON: So required of -- if
12 you were to develop single family home, not taking
13 advantage of the special exception, we have a
14 regulation in the zoning ordinance that prohibits
15 any home from going closer to the marsh than the
16 furthest lying structure on that block.

17 So this home here on this corner lot
18 sets the standard for this build-to line. The
19 purpose of that build-to line looks a little
20 crooked on my rendering. The purpose of the
21 build-to line is to preserve a view, shape
22 corridor, for your neighbors.

23 You don't want to have somebody build
24 out too far. So on this block it is a very unique
25 situation because in 2008 a variance was issued for

1 this property, this vacant property, to allow the
2 encroachment past this build-to line and to be
3 build here because there's a large stand of trees,
4 of live oaks.

5 They said in order to preserve these
6 trees we'll allow you to build here. The adjacent
7 property owner later on was also allowed to
8 encroach beyond this build-to line and receive a
9 variance to the build-to line because there was
10 also a large tree here. So there was also an
11 encroachment here.

12 Now, this is a special exception to the
13 ordinance. Essentially you're allowing the
14 creation of its own zoning -- its own zoning
15 district, its own set of zoning regulations, by
16 issuing the special exception. So the reason for
17 it is that we're preserving this structure here.

18 We're allowing a second structure to be
19 built elsewhere on the lot. So if you're going to
20 allow a second structure to be built on this lot by
21 default you're allowing the encroachment past that
22 build-to lot. So that's a condition of issuing the
23 special exception.

24 There is no variance needed. By
25 definition of the special exception it allows you

1 to deviate from the normal regulations of the
2 ordinance. So that's why you don't need a variance
3 from the zoning ordinance.

4 THE CHAIRPERSON: And explain. The
5 Board of Zoning Appeals in prior decisions granted
6 the variances on both sides over this property to
7 go past the build-to line?

8 MR. HENDERSON: That's right.

9 THE CHAIRPERSON: So both of those
10 properties received variances?

11 MR. HENDERSON: And those are
12 dimensional variances different from the special
13 exception.

14 THE CHAIRPERSON: But with the same
15 result?

16 MR. HENDERSON: That's right, with the
17 same results.

18 THE CHAIRPERSON: It would be the same
19 result. It's just those are variance requests. If
20 we grant a special exception it wouldn't -- would
21 not require a variance request. That's a good
22 explanation. Thank you.

23 MR. HENDERSON: That's exactly right.
24 So if we go back to the site plan -- this is the
25 most recent site plan, right?

1 MS. EUDY: Correct.

2 MR. HENDERSON: The build-to line --
3 the house on the end of the block is here, the
4 furthest portion. So that line comes right up
5 here. This entire structure -- we actually issued
6 permits recently for this house to be built and
7 they're going to constructing it pretty soon.

8 It is completely in front of the
9 build-to line and this one -- I believe a portion
10 or the back portion of the house and also the pool
11 is there.

12 THE CHAIRPERSON: Pool.

13 MR. HENDERSON: So we're showing the
14 proposed new construction being, I guess,
15 completely past the build-to line aside from the
16 front porch. Is that correct?

17 MS. EUDY: Correct.

18 MR. HENDERSON: It is mainly right at
19 the front facade of the house.

20 MR. ELLIOTT: Say that again. The
21 entire house is going to be beyond the point?

22 MS. EUDY: The front porch will not
23 be --

24 MR. HENDERSON: The line goes right --
25 this is actually a porch element. I could turn to

1 architectural renderings. Let's see. So this is
2 the front porch.

3 MS. EUDY: Right there.

4 MR. HENDERSON: So this is the front
5 porch. So the build-to line would go --

6 THE CHAIRPERSON: Right there.

7 MR. HENDERSON: Right there. There's a
8 pecan tree right in front of that and I think that
9 was one of the reasons to push it past that. The
10 linear distance between the -- this point, the edge
11 of the porch, and the back of the historic
12 structure is --

13 THE WITNESS: I'm sorry. I didn't hear
14 the first part.

15 MR. HENDERSON: The distance between
16 the new construction and the historic house, what
17 is that?

18 MS. EUDY: It is 60 -- give me a
19 second.

20 MR. HENDERSON: Sixty-eight?

21 MS. EUDY: Yeah, and two inches.

22 MR. HENDERSON: Sixty-eight and two
23 inches.

24 MS. EUDY: It's from the back of the
25 actual house, not that porch thing that's going to

1 be taken off.

2 THE CHAIRPERSON: That's the pecan tree
3 right there. It's right up to that treeline.

4 MR. HENDERSON: That's right. So here
5 is the line. You can see that a little better now.

6 THE CHAIRPERSON: Okay. Thank you,
7 Joe. Summer, will you please present.

8 MS. EUDY: My name is Summer Eudy. I
9 either met or know all of you guys. I am here on
10 behalf of the applicant, Allen Porter. I am a
11 lawyer, but I'm not necessarily here as a lawyer.
12 I'm here based on my personal interest and
13 experience with this project.

14 We have been working on it since
15 January of 2012 when Allen bought the property. Do
16 you have a pointer? It's not a big deal. I'm
17 going to pass out a couple of things to maybe make
18 this easier.

19 You guys got in your packet a really
20 small version of both the plans for the new house
21 and the cottage. Now, the only thing that is
22 different -- the cottage is not in here. The site
23 plan is slightly different.

24 We made a couple of changes to it, a
25 couple of concessions, but also added more detail.

1 I tried to add everything I could think of as far
2 as setbacks and whatnot and then added the other
3 two structures so you could see them. So I'm going
4 to pass those out.

5 The second page is the site plan. It
6 will be easier to see. I've got obviously a big
7 version right here. Then to go along with that I
8 didn't have them printed big, but the cottage
9 renovation is in here and with that new site plan.
10 I took it and I color-coded it because I think it
11 will make it easier showing some of these setbacks.
12 So that's on Page 2.

13 MS. TIMMONS: Thank you.

14 MS. EUDY: Lastly, just for reference,
15 I've got the yellow property as ours. Where it
16 juts out further than the other two properties,
17 that's the marsh side. You can see Goldbug Avenue
18 down there at the bottom.

19 Bear with me just a second. All right.
20 What you can see right here is 2668 Goldbug Avenue.
21 That's the cottage -- the existing cottage as it
22 looks today. Allen purchased the property in 2012.
23 You can kind of see it sits on the back of the
24 island, on the marsh. You can see the Intracoastal
25 Waterway.

1 He purchased it. That's a street view
2 from Google maps. You can see the neighbors to the
3 right. I think in that picture their house is
4 under construction and then the neighbors to the
5 left. Both of those two properties got the
6 variance Joe was talking about earlier.

7 Just to kind of orient yourself,
8 2668 is us. To the left 2662 is the McNaughton
9 property if I refer to it as that and 2672 to the
10 right is the Browder property. That's an aerial
11 view of what -- the same thing that I gave you.

12 What is significant about this is
13 Allen's lot is .864 acres. So it's pretty large.
14 It's is probably one of the larger lots on the
15 island, which means you could build a pretty big
16 house on this lot if you knock down that little
17 cottage. There were actually plans to do that.

18 This property was in the Brown family
19 since 1951. Mr. Brown actually brought us the deed
20 paperwork. I tried to scan it and I couldn't but
21 his father -- I just think this is neat. His
22 father brought the property for \$7,000 and his --
23 and the mortgage is on here, too.

24 His payment was \$75 as month. That's
25 pretty neat. He bought it in 1951. It stayed in

1 the Brow family until 2010. In 2010 another guy
2 bought it and had plans to demo the cottage and
3 build a big fancy house on it, which I'm sure would
4 have been nice, but it would have been sad.

5 This is my second attempt to save a
6 little house on the island. I live at 3004 Middle
7 Street. We have a little cottage there that we
8 renovated and actually added a porch.

9 It's actually an old brick house, but
10 we had to come the Board and get a variance. We
11 added a porch and made it look like it belongs on
12 the island. So hopefully it's going to stay for a
13 long time just like this house.

14 Anyway, when Allen purchased the
15 property he -- no offense to him -- had no vision
16 for the cottage. It was in very, very bad
17 condition, especially on the inside. There was a
18 lot of junk.

19 I'm flipping through to get to what I'm
20 talking about. That just shows how much further
21 this property sticks out towards the marsh than the
22 neighboring properties. I'm going to jump forward
23 real quick and then I'm going to go back. Oops.
24 How do I go back? Can you do -- back, back, back.
25 Back. Okay.

1 There was a new survey --- a new
2 historic survey done in 2007. This is just the
3 first page. Then at the bottom I put where they
4 addressed 2668 Goldbug and said that it was altered
5 but restorable.

6 The main issues with this house are
7 that it's got vinyl siding and windows that clearly
8 are not historic, all of which we plan to change.
9 I brought this stuff if you can bear with me. This
10 is a photo that Mr. Brown brought us.

11 He was real excited when he found out
12 that the property got sold from whom he sold it to
13 and that we were going to try to save the house and
14 restore it. He's actually seen the interior
15 renovations that we've done.

16 This picture is from December 1961 and
17 unfortunately it's got that line through it. You
18 can see it's substantially the same then as it is
19 now. That double window to the right is now just
20 one big window. That is the door that is on the
21 house right now, which I think is pretty cool.

22 This is Mr. Brown sitting on the side
23 steps to the house and you can see right here --
24 this is the house and this is a cottage that was to
25 the right where the Browders live.

1 It's funny because that's obviously
2 long gone. There was a brick rancher put there.
3 It's gone and now the Browders live there, but I
4 just think that's pretty cool to show. Here is a
5 couple of other pictures. It's kind of dark, but
6 you can see where the driveway was dirt and Goldbug
7 Avenue was dirt.

8 You can see the house progress. He
9 brought us these pictures, too. You can see where
10 the windows got changed out at some point and the
11 house is starting to change, but at the same time
12 it's staying substantially the same. Here again,
13 this is a Brown family picnic. I hear Mr. Brown
14 used to have the best Halloween parties on the
15 island.

16 Then you can see here where he started
17 to build the deck that sits on the front of the
18 cottage right now, which is going to be modified.
19 It's very wide. It's going to be changed. All of
20 that is within the purview of the Design Review
21 Board, but we're happy to answer questions about
22 that and our proposal for the modifications is in
23 your packet.

24 These are some nasty pictures of the
25 inside at one point. You can see they're kind of

1 dark on -- as they come up on here that there was
2 so much junk under this house. It was insane. It
3 took weeks to clear it out and that's just some
4 pictures of that going on. That's what the cottage
5 looked like when we got it and got our hands on it
6 in April of 2012.

7 We did a lot to the interior but were
8 trying to do it on a budget because we didn't know
9 if we were going to, you know, get in front of you
10 guys and get this special exception, but that was
11 the point when we started the renovation. So we
12 did minor changes on the outside but tried not to
13 spend too much money before we knew if we could
14 actually really save it for the long haul.

15 This is going in right when you step in
16 that door that I said had been on there since at
17 least 1960. By the way, Mr. Brown does tell us
18 that when his father purchased the property in 1951
19 it was as those pictures show. So we're informed
20 and believe the cottage has been on the island
21 since at least the mid to late '20s.

22 So if it was modified, you know,
23 between the '20s and 1951 it really has not been
24 majorly modified since then. So really any
25 modifications themselves are technically historic

1 at this point. That's as you step in there. This
2 is when we got it. The bright purple was great.

3 This is what it looks like now or as
4 the renovation was going on. If you'll bear with
5 me, that's the -- looking the other way in that
6 same little room obviously at Christmas.

7 This was the kitchen when we got it.
8 This is the kitchen now, living room when we got
9 our hands on it. This is the living room now.
10 Sorry, these are so dark.

11 THE CHAIRPERSON: And the molding, that
12 must be original?

13 MS. EUDY: Yeah. There's all wood. It
14 looks like drywall when you walk in, but it's
15 smooth. We had to have it smoothed out a little
16 bit. These are the floors that were in there. Mr.
17 Brown said they were in there when they went in.
18 We refinished those.

19 This was the back bedroom. It was
20 really nasty when we got a hold of it. It had a
21 glue on the floor and was a drop ceiling that had
22 leaked and whatnot. This is the bedroom now.

23 This is -- I kept this light fixture
24 and painted it. Anyway, this is a little breakfast
25 area. In the back bedroom this bright pink was

1 really nice and this is what it looks like now.

2 Anyway, I just wanted to give you some background
3 on why this is so special to both Allen and I.

4 We have really worked hard on it and he
5 now has come to love it and does not want to see it
6 go. We are asking for this special exception.

7 There are two ordinances that apply in this
8 situation, 21-178 and 21-20

9 MR. HENDERSON: So what I can do now is
10 simply go through each one of these requirements
11 beginning with 21-178 and for the Board to consider
12 those. So the first of the BZA requirements --
13 this is a statutory -- state statutory requirement
14 in order to issue a special exception.

15 We first must make a finding that
16 adequate provision has been made such as setbacks,
17 fences, and buffered or planting strips to protect
18 the adjacent properties from possible adverse
19 influence of the proposed use, such as noise,
20 vibration, dust, glare, odor, traffic, congestion,
21 and similar factors.

22 Number 2: Vehicular traffic and
23 pedestrian movement on adjacent roads must not be
24 be hindered or endangered. Off-street parking
25 and loading areas shall be adequate in terms of

1 location, amount, design, and construction to serve
2 the proposed use. The proposed use shall be
3 compatible with existing uses to the extent that
4 such use will not adversely affect the level of
5 property values, general character, or general
6 welfare of the nearby area.

7 MS. EUDY: Okay. You want me to
8 address those?

9 MR. HENDERSON: Sure.

10 MS. EUDY: The way I read this is that
11 it really -- so I think a lot of the special
12 exceptions some about with the commercial district
13 more so than necessarily the residential district.
14 Some of these things I feel like more apply to the
15 commercial district because -- certainly I'll
16 address them, with adequate provision made first,
17 setbacks, fences, et cetera.

18 We will be within all of the setbacks
19 that would normally apply to this lot other than
20 what we mentioned earlier, that variance. I'm
21 going to address that in detail in just a little
22 bit.

23 Certainly we don't feel that our
24 request is any different than the two neighboring
25 lots who we're sandwiched by and then obviously

1 landscaping, fencing, all of those things will be
2 addressed just like any other residential property.
3 I don't expect there to be any crazy parties or
4 noises coming from the house, but if there are I'm
5 sure the police would be called.

6 I think that is one thing that I do
7 want to address. When you have two homes on the
8 property the historic cottage gets designated as an
9 accessory dwelling unit. There has to be either
10 one owner or if there is like an LLC or multiple
11 owners everybody has to share in the same
12 percentage of ownership.

13 Then somebody's got to live in that
14 second home, the big -- I call it the bigger home.
15 We refer to them as little bug and big bug. But in
16 that home that has to be like the owner's primary
17 residence. So that the little house can be rented
18 out.

19 It cannot be rented on short term
20 rentals. It's --- you know, only a
21 month-to-month, you know, longer term rental like
22 would apply to any other house on the island other
23 than those that are grandfathered in with the
24 short-term rental license. You know, if somebody
25 is concerned that they're going to be some rowdy

1 tenants I can assure you that would not happen. I
2 doubt that Allen Porter who is one of the most
3 particular people I know will ever rent the
4 property.

5 If he did I think it would probably be,
6 you know, later on for a caregiver or something
7 like that. Certainly he's not going to be renting
8 it to frat boys. I don't think noise or anything
9 like that will be an issue.

10 All of those conditions -- those
11 restrictions have to go as deed restrictions with
12 the property when the special exception is granted.
13 Vehicular traffic and pedestrian movement, again I
14 don't think that's going to be a problem. Again,
15 you'd have a vehicle or two there and I don't think
16 that would be any different from anywhere else.

17 There will be driveway and parking for
18 both the big house and the little house. I really
19 just want to address Number 3 as well. And then
20 Number 4, the proposed use shall be compatible with
21 the existing uses to the extent such use will not
22 adversely affect the property values, general
23 character, or welfare of the nearby area.

24 Obviously this is all going to be
25 residential. The two adjacent lots got the same

1 variance or essentially the same variance to build
2 further back. If anything, if, say, the house
3 was torn down -- because it's not protected right
4 now -- it can be torn down.

5 If it was torn down and another house
6 was built by the granting of the two adjacent
7 variances he's really the one that's been affected
8 because now he's back further and so you could --
9 you know, argue, you know, property value and all
10 of that. I don't think it's really applicable in
11 this situation.

12 So those are the four qualifications
13 under 21-178. If anybody has any questions on
14 those I can answer them or we can move an on and do
15 questions later.

16 MR. ELLIOTT: I had a quick question on
17 whether or not it can be torn down.

18 MS. EUDY: It can be torn down. The
19 house is not on the sort list and it is not
20 protected. If Mr. Porter had had his way
21 originally it would have been torn down, but now
22 it's fixed up and we hope to prevent that.

23 With that being said, if this special
24 exception was not granted based on our application
25 we would be in a position or Allen would be in a

1 position to have to tear down the house because
2 it's -- it's a small house. It's got one bathroom
3 that literally attaches to the living room. It's
4 not practical for a family to live there long term.

5 So, you know, the likelihood that it
6 would be removed if this was not granted is very
7 high. Obviously the property owner that owned it
8 between Mr. Brown and Allen was going to tear the
9 house down.

10 MR. PETER RICHARDSON: So what is the
11 structure that's drawn between the cottage and the
12 main house? What is this?

13 MS. EUDY: It's just grass. There is
14 no structure. That portion on the back that's
15 shaded is going to come off. That's a porch right
16 now. There will not be anything there. I'm going
17 to address the site plan in a minute.

18 MR. HENDERSON: So the second step to
19 granting the special exception is to make the
20 findings from 21-20(C)(2). This states that
21 permission -- in order to build the second
22 structure the BZA must answer that the applicant
23 confirmed the deed restrictions will be placed on
24 the lot. Summer brought some of those up. The lot
25 has to remain in single ownership and every owner,

1 member, partner, shareholder of the unit must have
2 the same percentage of ownership in the historic
3 structure as in any other structure.

4 Let's see. Every owner, member,
5 partner shareholder must have the same control over
6 all structures and the historic structure if used
7 as an accessory dwelling unit and if it is to be
8 rented out as long term rental has to be owner
9 occupied. You mentioned that. Town staff verifies
10 that by contacting the Office of RMC.

11 We insure that a four percent
12 assessment is made to that. So the owner has to
13 justify that to the county in order to rent that
14 out long term. They have to have a business
15 license as well.

16 MS. EUDY: Right.

17 MR. HENDERSON: So there's a system of
18 checks and balances there. I'll let you address
19 those.

20 MS. TIMMONS: I've got a question. I
21 had put my note in there, that it may be rented
22 long term. However, I thought the principal
23 building must be owner-occupied.

24 MR. HENDERSON: Yes.

25 MS. EUDY: The cottage.

1 MS. TIMMONS: Yes, because in our lots
2 notes it didn't say principal billing.

3 MR. HENDERSON: I'm sorry. It is the
4 principal building.

5 MS. EUDY: I think that was in the
6 summary or the statute, what the ordinance says or
7 would state.

8 MS. TIMMONS: Yes.

9 MS. EUDY: You can't live in the little
10 cottage and rent the big one, although that might
11 make you a lot of money.

12 MR. HENDERSON: There are some other
13 conditions of this section. It had to have been
14 used as a dwelling before. It has to have 1,200
15 square feet or less of heated space. No separate
16 utility service or meters can be placed on the
17 accessory dwelling unit.

18 The Design Review Board must also make
19 findings that the height, scale, mass and placement
20 of the second structure on the lot is compatible.
21 This is verbatim as stated in red here. The Design
22 Review Board may impose stricter limits on height,
23 setback size, and coverage other than those zoning
24 standards, but I maintain that the Board of Zoning
25 Appeals has to also approve the site where the new

1 construction is situated on the lot. So I'll let
2 you --

3 MS. EUDY: I'll just run through those
4 real quickly. Obviously, it was used as a dwelling
5 and you and I have discussed that at length. I'm
6 probably getting on your nerves about that. It's
7 1,200 square feet.

8 It is our position that the ordinance
9 states -- there is two places in the zoning
10 ordinance where these qualifications are talked
11 about in the special exception section and a
12 designation section as well as in the historic
13 structure designation section. They're identical,
14 word for word.

15 It specifically says that the cottage
16 or the historic structure has to be 1,200 square
17 feet heated square feet or less. It is our
18 position that this house as it stands is 1,200
19 square feet or less. I have measured it myself. I
20 was very conservative. I went all the way to the
21 wall, not even baseboard.

22 There was -- gosh. Back in the '80s or
23 early '90s there was a property survey done and it
24 was just an exterior survey. So the property -- it
25 shows it at like 1,300 square feet and I'm sure

1 they just ran around the exterior and did that.

2 Number 1, it is our position that the ordinance is
3 clear and it says interior heated square footage
4 for a reason. It says it in two places.

5 Those are the only two places in the
6 whole zoning ordinance where square footage is
7 referred to as heated square footage and I think it
8 is probably for that reason, you know, so you have
9 some definition of that word. I think if, you
10 know, a court were to look at it, you know, they'd
11 say you read the ordinance. You take its plain
12 reading. You know, if it's unambiguous that's what
13 you go by.

14 I think that's unambiguous. We're
15 within that. That being said, if you look at the
16 little packet that I handed you that says the
17 cottage renovation -- it's got that site plan that
18 I colored on. You can see that we've got a couple
19 of different proposals.

20 These are within the purview of the
21 Design Review Board and they will be looking at
22 these next week. They have already looked at the
23 project one time, but we didn't have this done.
24 That was kind of a conceptual, hey, do y'all like
25 this idea.

1 Now the proposals are to either leave
2 the cottage as is and the -- and I think it's on
3 Page E-2 that's -- and to change the arrangement of
4 the windows and doors and put some faux columns on
5 the front just to make it, you know, a little bit
6 cuter. That front deck is shown as is but it
7 actually will be made smaller.

8 The other proposal just really
9 quickly is two pages before that. It would be to
10 actually remove the front two rooms. There's a --
11 that purple room that you saw when you originally
12 walked into the cottage is like the entryway and
13 then there's a very bedroom beside it.

14 This proposal would take those two
15 rooms off, add a screened porch and actually -- and
16 we -- we came up with that because of the DRB kind
17 of liked that idea. They stated that it kind of
18 looks like it's could have been a porch although we
19 had no evidence of that.

20 Our evidence is that it has been like
21 this since 1951. But we could pull that off, put a
22 screen porch and the benefit to that is it would
23 take some square footage off and we could add a
24 little bit bathroom. This house has one bathroom
25 and one closet. That would be helpful but it would

1 take it down to a two bedroom as opposed to a three
2 bedroom cottage.

3 MR. HENDERSON: There is the addition.

4 MS. EUDY: That would make the houses a
5 little bit closer together but not substantially.
6 Can you bring the four prongs back up?

7 MR. HENDERSON: I'm sorry. The
8 PowerPoint?

9 MS. EUDY: Yours. Yeah. Did I address
10 everything?

11 MR. HENDERSON: These are the deed
12 restrictions. These are the requirements. Those
13 are all the conditions.

14 MS. EUDY: Right, and I'm going to talk
15 about the site plan in just a minute. Obviously
16 you're willing to put all the deed restrictions on
17 there that we're supposed to. Can you bring my
18 PowerPoint back up?

19 MR. HENDERSON: Sure.

20 MS. EUDY: Can I borrow the pen?

21 MR. HENDERSON: Sure.

22 MS. EUDY: So that was the special
23 exception we went through. I had those same thing
24 on my PowerPoint. I'm going to talk about this
25 next section in terms over the variance.

1 Like Joe pointed out at the beginning,
2 we don't technically need the variance if the site
3 plan and the special exception is approved by you
4 guys. So you kind of understand what we're doing
5 different than you know what is normally regulated
6 on that -- I'll explain it in terms over the
7 variance.

8 So we don't have to talk about the
9 requirements for a variance. Generally the
10 requirements for a variance include that there is a
11 hardship on the property, that -- you know, that is
12 the basis for the variance request. Obviously, our
13 hardship would be that there is a little cottage
14 that we're trying to save on the front of the
15 property.

16 The two neighbors when they -- they
17 have to go through this variance process to get
18 theirs. Then the neighbors to the left, 2662, the
19 McNaughtons, that variance was granted in 2008. It
20 was granted based on the fact that there is a big
21 mound on that property with oak trees.

22 With that being said, you could
23 technically put a house on the front of that
24 property. I'm not being critical of the Board, but
25 that's -- you know, technically you could. It is a

1 hardship because you can't, you know, see through
2 to the marsh. But technically a house could be
3 built. And they -- that variance -- that is this
4 property right here. Okay.

5 This is proposed structure that's
6 already been permitted, about to go up. So it
7 is -- like Joe mentioned earlier this build-to line
8 which we would -- where they were getting a
9 variance from there all the way -- the whole
10 structure in front of the build-to line, that mound
11 is back here where you're seeing these trees.
12 Otherwise they're within the setbacks as we would
13 be. And then the -- let's see.

14 That's what I just talked about. This
15 is their site plan and some little renderings of
16 what they're building and then the variance on the
17 other side to the right is 2672 Goldbug. It was
18 granted in June, June 2013. I actually sat on the
19 Board of Zoning Appeals at that time.

20 Knowing that we've been working on this
21 I recused myself so I did not speak or vote on that
22 project. This was the site plan that was presented
23 when the Browders got their variance. This right
24 here is the -- that build-to line that the
25 ordinance creates that, you know, is supposed to

1 keep all the properties in line. Obviously the one
2 on the other side had already been granted. But
3 this is the build-to line they used to say, okay,
4 we need so many feet from that. So we used that
5 same build-to line.

6 We took it off of their plans, put it
7 on ours, and that's what's shown on their our
8 plans. In their presentation the Board included
9 that they were going to build this structure around
10 this huge live oak. The live oak was their
11 hardship again, although it sort of created a
12 hardship or, you know, you couldn't get back as far
13 towards the marsh as maybe you wanted to or if a
14 house could be built on the front of that property.

15 I actually showed you a picture of one
16 that was there before and one was torn down to
17 build this. They were all on the front of the
18 property. While it was argued as a hardship both
19 of those lots had variances granted that could have
20 had houses build on the front.

21 We obviously can't built on the front.
22 We have a house there we're trying to preserve.
23 There were some other representations and about
24 square footage and whatnot made the Board. One in
25 particular is that this section back here behind

1 the build-to line would be one story. And I'm
2 going to talk about our property in a minute.

3 We're also doing a one-story structure
4 and we're happy to make that representation part of
5 our -- part of the motion granting the variance,
6 that structure -- that part of the structure --
7 I'll show it to you in a minute -- will be
8 one-story. That representation was made with this
9 property.

10 However, the structure on the back is not
11 one story. There is an attic -- attic -- on that
12 second -- on top of that first floor. So it's
13 raised up which was permitted and then one-story
14 which is permitted and an attic on top of it.

15 It's an attic with three or four
16 beautiful windows overlooking the marsh. I don't
17 know whether it's used as an attic or not. I went
18 in there when it was being constructed.

19 There's steps walking up to it. It
20 doesn't have a ladder that pulls down to go to the
21 attic, but I don't think there should have been an
22 attic at all. It was a representation to the Board
23 it should have been one story and it clearly could
24 be something used for something besides an attic if
25 they wanted it to be.

1 So that is the house as it sits now
2 right there. And so this is the front, the side.
3 And then that one story or proposed one-story
4 portion going across the back is back there, but
5 you can't see it. That's their site plan.

6 This right here -- I can't make it
7 bigger, but that's the back of the house. So you
8 can see the windows that I was talking about that
9 were in the attic. So those are the two variances.
10 The Browders do have a pool. It's within the --
11 the setbacks that would be allowed for them to have
12 a variance for that.

13 What is significant about those three
14 properties is that these are in the RC-2 zoning
15 district which is marshfront property. The setback
16 on the rear of a marshfront property is 30 feet
17 from the property line or the critical line,
18 whichever is further landward. So actually on the
19 McNaughton property it changes.

20 Here is the critical line, kind of
21 going right here. If you look on the color-coded
22 thing that I gave you, this is where it's really
23 going to come in handy. That yellow is the
24 critical line. So you can see it crosses over the
25 income McNaughton property.

1 So, you know, they would have to be
2 either 30 feet from the critical line or whichever
3 one is further. We're about 40 feet. Actually
4 that dotted line so you know is not color-coded.
5 It runs -- it's just showing 30 feet from the
6 critical line so you can see that.

7 Then, for instance, on the Browder's
8 property -- their property line is the pink line
9 on here. Ours is the red. The McNaughtons' is
10 the blue. The Browders' is the pink. So their
11 critical line is away out far in advance, you know,
12 marshside of their property.

13 So their setback is 30 feet from that.
14 That's what we're talking about. When we're
15 talking about a variance we're talking about from
16 the build-to line but within that 30 feet foot
17 section everybody is compliant with that. It is
18 pertinent because you want don't want to end up too
19 close to the critical line.

20 I wanted to make it clear we are not
21 looking for any variance to be closer to the
22 critical line than what we would be allowed anyway.
23 So, let's see. If you look -- I'll just kind of
24 explain our site a little bit better. This is the
25 historic cottage like we discussed.

1 This is the portion of this porch thing
2 that's coming off and then you've got -- what did
3 we say it was?

4 MS. LATHAM: 68 --

5 MS. EUDY: 68 feet two inches from the
6 back portion of the house. So if this addition was
7 added it's barely going to pop it out past that.
8 It's going to essentially be the same. Sorry.
9 It's kind of hard to look at. It might be easier
10 on your bigger site plan.

11 This is the proposed structure. So
12 this front portion right here is the front porch.
13 That is all front porch. You can see -- this is
14 the house right here, the front porch. All of that
15 is front porch.

16 So you've got a little bit of the house
17 right here and then this -- these are just some,
18 you know, rooms, entryway and two side rooms and
19 then this is the main area of the house, living,
20 dining, and kitchen. Then all of this is a back
21 porch, a one-story back porch.

22 So then this right here going from
23 where like the porch starts this way that is the
24 master bedroom, a bath. That is the one-story
25 structure. That's the biggest part of our variance

1 and most of what's going past the house to the
2 right, past where they built to. So that will be
3 one story. Obviously it has to be raised up but
4 that section will be one-story. It won't have
5 anything above it, you know, attic or anything like
6 that.

7 MR. HENDERSON: So this is all
8 elevated? Elevated one-story here?

9 MS. EUDY: Correct, the L.

10 THE CHAIRPERSON: And it opens up to
11 that porch?

12 MS. EUDY: Correct. So that portion of
13 the portion is actually skinnier and the section
14 coming off the living room a little bit larger.

15 THE CHAIRPERSON: On E-4 you can see
16 it. A good idea for the footprint of the house.

17 MS. EUDY: I should have said this
18 earlier. Allen is here and so is Matt Wilks, the
19 engineer who draw these plans. He is an engineer,
20 but he also has architect capabilities; so he is
21 one-stop shop. He is really good and has done all
22 of this for us.

23 That's what has been interesting for us
24 about this build-to line. If you read the
25 ordinance -- I don't know if y'all did before you

1 came in here, but it is kind of a confusing
2 section. It is very subjective as to where it
3 necessarily goes. That's why we used the -- you
4 know, Matt is an engineer and he's like, I like
5 hard numbers. I like to know exactly where it's
6 going to be, but that's why we took -- was used for
7 the Browder's property.

8 Anyway, we would end up if we were
9 requesting a variance billion asking for it,
10 81-foot 8-inch variance on the right of the
11 property and an 81-foot 2-inch variance on the
12 left. That build-to line --

13 THE CHAIRPERSON: It another a
14 little --

15 MS. EUDY: It's diagonal.

16 THE CHAIRPERSON: Very slightly
17 diagonal.

18 MS. EUDY: Right. So if you look at
19 the one I color-coded the green is the one I would
20 argue that is set by the McNaughton property and it
21 is diagonal. What is difference about our -- I
22 think this is significant. What was submitted
23 originally and what's on these printed site plans
24 is that we did move the house back a little bit
25 under two feet back towards the road.

1 So we made some concession there. We
2 moved it back and it's 1 foot 6 inches or 8 inches
3 or something like that. We also made sure that we
4 were not in front of the build-to line created by
5 the McNaughton residence which went -- and then we
6 lined up our property with the McNaughton residence
7 which because that new build-to line -- or they're
8 both diagonal.

9 That new build-to line is referred to
10 a diagonal, we're 4.6 inches behind the McNaughtons
11 on the property when the house is, you know,
12 perpendicular to the property line. Going back
13 to -- about this build-to line being a little
14 subjective, when Matt took the build-to line from
15 the Browders' site plan, put it on there, and then
16 put their house as built on there it actually shows
17 them about 30 feet.

18 They've got a 28-foot variance and puts
19 them about 30 feet. So it is a little bit
20 subjective but they're a little bit further forward
21 of that technical variance and the McNaughtons
22 obviously -- I don't know what -- theirs was
23 granted a little bit differently but they're
24 essentially at 80-plus feet on there.

25 THE CHAIRPERSON: I was getting ready

1 to ask you the --

2 MS. EUDY: Right. So you know one
3 thing that I've failed to point out is that the
4 reason that we are building further back is
5 because, one, you've got two houses on the same
6 property. We're trying to create a look like it's
7 two different properties because, you know, you
8 could add a half-acre lot with my lot and like
9 that lot.

10 You know, if you build that second
11 house up on that cottage it's going to totally
12 defeat the purpose because you're just going to see
13 one joint structure with the little thing on the
14 front and it's going to look all connected. We're
15 trying to make the appearance that that structure
16 is sitting there, different and the second house is
17 back there.

18 You know, we talked to some -- we
19 interviewed several architects and people suggested
20 moving the cottage around. I was very much against
21 that. Some other people that I've talked to on the
22 island are against that because if you move it then
23 it's not sitting where it was and it's, you know,
24 1920 whatever and sometimes that's necessary but
25 it's not necessary on this property.

1 We also have a pecan tree that was
2 pointed out earlier. It is right here in the
3 center of the property. So the second house sits
4 back behind that tree. It's not much. I believe
5 Matt gave me the number.

6 It is -- the house -- that's why the
7 steps are not in the center right there. The house
8 is only 9 feet 10 inches from the center of the
9 house base of that pecan tree. It is not far.
10 Then you've got the branches and all of that.

11 Even if that tree was not there it
12 would not make good sense to put the two houses on
13 top of each other. Two, with all the other special
14 exceptions on the island you will see that the
15 houses are as far as apart as they can be or either
16 they're set off from each other.

17 This is a skinny lot so it wouldn't
18 make sense to set it off. If we did that then
19 you'd have to have a variance on the side setbacks.
20 These are just some pictures. There is opposition
21 to what we're trying to do from the neighbors.

22 I have not talked to them directly,
23 but it is my understanding that the Browders don't
24 particularly like that the house is going to be
25 that far back. It's is my understanding that

1 they're -- this is from their conversations with
2 Allen and the Town -- that their position may be --
3 and they can speak more to it -- that the house is
4 not historic. I don't think they have any evidence
5 of that. We have clearly shown that it is.

6 They're concerned about their
7 previously in their back yard. I totally get that,
8 but they didn't bring their project to us when they
9 built and said, hey, is it okay that we you know
10 take the privacy from your backyard when we get our
11 variance. I just don't think that that's a
12 consideration in something like this.

13 You can't say, you know, somebody's
14 privacy in their back yard is more important than
15 somebody else's. They I think are also concerned
16 about their view through Allen's yard from their
17 house. You know, up on their porch they can see
18 diagonal and you can see both the Ben Sawyer and
19 the Ravenel Bridge.

20 I understand that. Again, that's not a
21 basis for denying a special exception request or a
22 variance request. Allen 's property happens to go
23 out further into the marsh than theirs does. So
24 the town owns the property in front of their -- the
25 marshside property in front of the Browders' house.

1 Again, I don't think that any of the
2 concerns thus far that I have heard from the
3 opposition -- and I think there are other people
4 besides the Browders -- that those are the only
5 ones that I know of specifically. I have not heard
6 any legal basis for denying the special exception
7 request.

8 The variance request if it was
9 different and apart and in fact with the -- you
10 know, if we were looking at this solely from a
11 variance standpoint I think the fact that both of
12 the neighboring properties have had the same
13 variance granted almost effectively renders that
14 portion of the zoning ordinance moot as to this
15 little section of the island because Allen would
16 then be the one that at the disadvantage.

17 So even if the little house was gone I
18 think he'd have a legal argument building back from
19 that build-to line when -- while I know that -- I
20 do understand that the decision by the Board of
21 Zoning Appeals do not necessarily set precedent.

22 Okay. Then there -- like I said, there
23 is opposition, but we also have support from a
24 number of town residents. I've gotten some of that
25 stuff up on the PowerPoint and I've gotten some

1 e-mails, some of which went directly to Joe. You
2 may or may not have seen them, but I would like to
3 read three of the e-mails we've gotten, the first
4 of which is from Bachman Smith.

5 Bachman is on Town Council. He was
6 previously on the Board of Zoning Appeals and he
7 lives -- his address is technically Jasper but his
8 house backs up to Goldbug. He enters the property
9 from Goldbug. That's where his driveway is. They
10 kind of live in their back yard on Goldbug where
11 their pool is, not up on the front on busy Jasper.

12 He wrote this e-mail on March 2nd to
13 Joe: Joe, please share my support as a nearby
14 resident on Goldbug for the special exception and
15 variance requested by Allen Porter as owner of
16 2668 Goldbug. At this time it is not clear that I
17 will be able to attend next Thursday's BZA meeting
18 when this will be discussed and so I want to make
19 my feelings known.

20 I have seen the application, design
21 layout, and lot coverage information and believe
22 the variance requested and the efforts taken to
23 have the cottage designated as historic and be a
24 special exception fall within the Town's desire
25 to preserve the historic stock by allowing this

1 variance if the special exception for the historic
2 designation is granted. So all in one we're
3 creating this little zoning district.

4 The newer house will be sufficiently
5 separate from the historic structure to allow to it
6 have its own identify, if you will, thereby
7 furthering the Town's desire to preserve its
8 historic roots while allowing for esthetically
9 pleasing newer construction to compliment rather
10 than detract from the historic nature or the
11 cottage.

12 Thinking back to my own time on the
13 BZA, I recall a similar variance request for the
14 residence located to the right of 2668 as you face
15 the marsh -- which is how I've been referring to
16 it. At the time the owners of the lot made a
17 well-reasoned plea to locate their new house closer
18 to the marsh in order to preserve a large oak.

19 I do not see any difference between the
20 two requests and I hope that the neighbors will not
21 object to Allen's request, just as he did not
22 object to their request. I would make the
23 suggestion that if the requested variance is
24 granted that the motion doing so somehow address
25 the portion of the house closest to the marsh must

1 be one-story or somehow height limited which I
2 addressed. The idea is to avoid a situation like
3 was seen with the house to the right where the
4 variance was granted based on the representations
5 that the same -- that the same -- marshward, he
6 says, if I can make up that word -- portion of the
7 house would be one story but was not built as was
8 represented to the BZA. Bachman Smith, IV.

9 Then another e-mail that went to Joe
10 today was from Marshall Stith. He was the former
11 mayor of the island. He was actually the mayor
12 when they put this ordinance in place allowing the
13 historic designation and the Special Exception.
14 Then he took advantage of it because he had a
15 little cottage that is teeny-tiny on his lot.

16 Anyway, he built a second home. Dear
17 Joe, I'm writing to you and the Board of Zoning
18 Appeals in support of the request of Allen Porter
19 for a special exception and variance on the
20 property located at 2668 Goldbug. The cottage in
21 question had been in existence on Sullivan's Island
22 all my life.

23 I know that the Brown family owned and
24 occupied this house from the early 1950s until
25 Butch Brown sold it a few years ago. The cottage

1 is very similar in size and shape to the homes in
2 which many older island residents, including
3 myself, were raised. The small cottages were and
4 are an integral part of the fabric of Sullivan's
5 Island's history and character.

6 They are rapidly disappearing. We
7 should be doing all we can to save rather than
8 destroy these structures. I believe the intent of
9 council when creating the intent the historic
10 preservation ordinance was to save such structures.
11 There must have been an oversight at the time the
12 historical structure survey and inventory were
13 conducted.

14 In my opinion this cottage met the
15 qualifications and should have been included in the
16 inventory of structures significant to the island's
17 history. I respectfully ask the Board give every
18 consideration to Mr. Porter's request and grant the
19 special exception and variance. Thank you for your
20 time and your service to our community.

21 Then there's one more just to kind of
22 save time because I know I've been long-winded, but
23 this is kind of a complicated request. We had
24 another one from Pierce Cauthen who lives at 2714
25 Jasper. That property also backs up to Goldbug.

1 He's showing his support. He has reviewed the
2 plans and thinks that the request if granted is
3 similar to other ones and would better the
4 neighborhood compatibility.

5 I just want to again reiterate that if
6 this project does not go forward as -- this is a
7 big piece of property and you can build almost a
8 6,000 square foot house, single family house on the
9 property. So I think that what we're trying to do
10 is much more in character with what most of the
11 island would want.

12 The intent was when Town Council passed
13 this ordinance to put this incentive in place to
14 preserve these structure. Otherwise, we wouldn't
15 have a lot of the ones we still have. All of
16 the square footage and lot coverage will be in
17 compliance with the setback regulations with the
18 DRB to approve the modifications to the historic
19 structure next week hopefully.

20 Anything you would approve tonight
21 would be conditional based on their -- their
22 granting permission as well as Joe and Randy being
23 the policemen in making sure that all of those
24 conditions are enforced. Thank you. I'm sorry I
25 was long-winded.

1 MS. LATHAM: I have a question. The
2 build-to line is basically set by the property that
3 has the line that's furthest back as we are talking
4 distance at this point. Under those terms, I know
5 we're not talking about a variance, but why is a
6 variance even an issue?

7 We've got another structure. When are
8 those decisions made and how often are they
9 reviewed? It would seem to me now the build-to
10 line had been set by this property to the left
11 that's further back than the structure she
12 proposed.

13 MR. HENDERSON: That's a good question.
14 All the building variances issued to the build-to
15 line do not set precedent for any build to
16 requests. Those are specifically stated in the
17 final orders when granting variance.

18 MR. HENDERSON: You don't.

19 MS. LATHAM: But when will they
20 reestablish a build-to line? We're never going to
21 review that?

22 MR. HENDERSON: No.

23 MS. EUDY: I agree with you.

24 MR. ELLIOTT: Because it's a variance
25 it doesn't change the build-to line?

1 THE CHAIRPERSON: Right.

2 MS. LATHAM: Right. But when you go
3 back to do the plan to do a build-to line, if
4 you've got all these variances beyond it, then
5 isn't it basically a moot point? Because, you
6 know, if the point was to preserve the view for
7 this guy over here and it's already -- you've
8 got -- so he should be allowed now to move.

9 MR. HENDERSON: I agree it sets a
10 dangerous precedent to grant variances like this.

11 MS. EUDY: And those two all are
12 already granted and I think that -- you know, I'm
13 not trying to threaten, but, you know, if this
14 wasn't granted I think that, you know, Allen would
15 have some good arguments to make on appeal.

16 MS. LATHAM: But other parts of the --
17 I know this is not applicable also, but other parts
18 of the island -- I know we have properties where
19 they actually are encroaching critical line with
20 the building and they built right up to the
21 critical line when they build Thompson Avenue.

22 MR. HENDERSON: Not recently.

23 MS. EUDY: They build to a build-to
24 line, but good points all around.

25 THE CHAIRPERSON: We don't make the

1 zoning ordinances. We --

2 MS. LATHAM: I just wondered if at
3 something point the build-to line changes as time
4 goes on.

5 THE CHAIRPERSON: Not according to our
6 current ordinance.

7 THE CHAIRPERSON: That could be a
8 current recommendation, but fortunately we just
9 have job of granting Special Exceptions and
10 variances.

11 MS. EUDY: Right. Again, the variance
12 isn't really even applicable if you grant the
13 Special Exception based on the site plan but it's
14 easier to talk about it in those terms because of
15 what's gone on in this block.

16 THE CHAIRPERSON: It's the same result.
17 Do y'all have any questions?

18 MR. ELLIOTT: I do. Is the little
19 house an historic house or not?

20 MR. HENDERSON: It is not historic yet.
21 It is not designated as historic.

22 MR. ELLIOTT: Then how does the
23 district historic special exception rules apply?

24 MR. HENDERSON: There is specific
25 language that allows the designation of a

1 structure. That's based upon -- there is a process
2 establishing the ordinance that allows the DRB to
3 designate a structure as historic.

4 MR. ELLIOTT: So that's what's
5 happened?

6 MR. HENDERSON: That is what's happened
7 during conceptual approval. They presented a plan
8 and the DRB required modification to that historic
9 preservation plan. They said we believe that this
10 should be designated as historic, but we want to
11 see these changes.

12 We want specific changes. They'll have
13 to demonstrate if they meet the approval of the DRB
14 in order to be designated. Then, of course,
15 staff will require that that be implemented on that
16 structure, you know, that the siding be changed,
17 that -- so that work will have to be done in order
18 to allow them to move forward with the new
19 construction.

20 MS. LATHAM: So we're saying all the
21 modifications to make it what the Design Review
22 Board would call a historic structure must be made
23 in entirety before they break ground for these
24 larger properties? For the larger building?

25 MS. EUDY: I don't know if it's that,

1 but to get permitted on the whole project you've
2 got to be making all these changes. I think that's
3 something that Joe and Randy would be policing as
4 they went. In other words, if it was clear that
5 the intent was not -- I don't think -- I mean, you
6 could do the work at the time same time arguably or
7 something like that.

8 MR. HENDERSON: It's my thought that we
9 could issue the permits for both the modifications
10 to the historic structure and the new construction.
11 However, if they needed to not do the changes to
12 the historic structure that would be subject to
13 violating that and it would be a misdemeanor
14 offense.

15 We would take legal action against them
16 until they complied with the requirements of these
17 boards and commissions. So there's not a chance of
18 that happening.

19 MS. EUDY: And like some people that
20 have houses that are -- or little cottages they
21 live in on their property while they build the
22 house and then they demolish, there's a process for
23 that. So I guess, you know, that could potentially
24 even apply. You know, it wouldn't be a demolition.
25 It would be a restoration.

1 Yes, all these approvals have to be --
2 like if the DRB does not approve this then your
3 approval would basically be moot. I do want to
4 address the question about whether it's historic
5 really quick.

6 Just to be clear, Number 1, once all of
7 this is granted it will be historic. It will be
8 protected. So it won't ever be able to be torn
9 down. That's huge.

10 Number 2, this amended survey from 2012
11 that Schneider Historic Preservation, LLC did as
12 a -- what's the word I'm looking for -- consultant
13 to the town does list this property as potentially
14 qualifying as historic meaning that it's, you know,
15 over the 50 years old. It just says altered but
16 restorable.

17 So I think that's what gives if DRB or
18 partially -- I'm not saying if you weren't on this
19 list you couldn't make argument, but that's kind of
20 what gives the DRB the go-ahead to say, yes, this
21 is historic. If you look at the structure clearly
22 that chimney and the roof -- the old metal standing
23 seam roof are elements that would be found on
24 historic houses.

25 THE CHAIRPERSON: I want to point out

1 that our -- if we approve a special exception it
2 is within the condition that they get special final
3 approval from the DRB. We're the middle of the
4 process, which is not nice because sometimes we
5 don't come in until after the DRB process. We're
6 actually inserted into the middle of this process.

7 MS. LATHAM: I have one more concern
8 because we're talking -- you know, you have
9 presented and you have made statements that you are
10 assuring that X percentage will be beyond the
11 current build-to line will be one story, et cetera.
12 The premise where she -- and we're talking about an
13 example where the BZA made a variance, went ahead
14 and after approved a variance where they said again
15 we're going to build a one-story.

16 We've had more than one person comment
17 that they built a two-story, an attic with three
18 windows, et cetera. How is that -- I mean, how was
19 that not policed or caught in the permitting part?

20 MS. EUDY: Can I address that? Go
21 ahead.

22 MR. HENDERSON: To answer your
23 question, it's actually -- the way we consider that
24 element is a one-and-a-half story element. So it
25 is not a solid two story element.

1 Randy, you may be able to elaborate on
2 that a little bit more.

3 MR. ROBINSON: Right. It has dormers
4 in it, but it is completely within the roof line.
5 There are air conditioning units and ductwork
6 running through that space. It is not living space
7 in that attic area. There are no electrical
8 receptacles up there. I made sure when that house
9 was built that area was an attic.

10 MS. LATHAM: So you were policing it
11 within --

12 MR. ROBINSON: Yes, ma'am. There is no
13 second-story element. It may look like it from the
14 outside but when you go inside it the -- there is
15 no flooring up there, there is no wallboard up.
16 There are studs.

17 There is an air conditioning unit on
18 the right hand side, big air conditioning unit on
19 the left-hand side. If anything has been done up
20 there's it's been done illegally.

21 MS. EUDY: I'm not saying it has or
22 hasn't been. I haven't been in there since it was
23 finished. I think the difference is those were
24 representations made to the Board. I think during
25 my time on the Board we learned some lessons from

1 that particular application and some others we had
2 when representations were made. If you don't make
3 them part of the final order they're hard to
4 enforce. That's where they got into looking at
5 what they're looking at.

6 It is not technically a second story,
7 but what we are saying we will point put on ours
8 and what Bachman specifically wants and indicated
9 in that e-mail is we are going to say this is
10 one-story. It is not one and a half story. It is
11 not where we're going to go in there and finagle.
12 It's going to be a room with a ceiling and a roof.

13 MR. ELLIOTT: Does it have a site
14 height? Is there an assertion that you'd say it
15 would only going to be "X" height?

16 MS. EUDY: Do we know the height? I
17 don't know the exact height.

18 MR. WILKS: Matt Wilks. I don't know
19 the exact height. It is elevated by eight feet --
20 eight or nine feet up. It is a 10-foot ceiling and
21 a 10 or 12 pitch, is probably another 10 feet.

22 THE CHAIRPERSON: Look at --

23 MR. WILKS: You 'd have to look at the
24 elevation.

25 MS. EUDY: And I think you remedy that

1 by saying -- which was not done in some of our
2 prior applications, but we've been -- we had been
3 doing that going forward that the approval is
4 specifically based on this application and these
5 renderings.

6 MS. LATHAM: So that's the total
7 structure? This --

8 THE CHAIRPERSON: This is what she's
9 talking about.

10 MS. LATHAM: This part is.

11 THE CHAIRPERSON: It another just --

12 MR. ELLIOTT: Can you tell how high? I
13 can't.

14 MS. LATHAM: It's 33 --

15 MS. TIMMONS: This portion or this
16 portion?

17 MS. EUDY: Yes, ma'am.

18 MS. TIMMONS: That's what I'm looking
19 at.

20 MS. LATHAM: It's like 22.

21 MR. ELLIOTT: It's 22 feet. So is your
22 stipulation it will be 22 feet in height with the
23 one-story deal?

24 MS. EUDY: Whatever is shown on these
25 plans. That's what it will be. We are fine

1 putting in a stipulation in the final order that
2 the height will be placed on what's been presented.

3 MS. LATHAM: What is the total square
4 footage?

5 MS. TIMMONS: 4,100 heated. It's on
6 there and another thousand, I guess, except for the
7 porches. Where did I see it? I saw it. I was
8 looking for that.

9 MS. EUDY: First floor is 578 and the
10 second floor is 1536.

11 MS. TIMMONS: It's not a real house is
12 being saved.

13 THE CHAIRPERSON: Can we have the
14 engineer's name.

15 MS. EUDY: Matt Wilks.

16 THE CHAIRPERSON: Matt Wilks for the
17 record.

18 MR. HENDERSON: Summer, what is the
19 total distance of encroachment of the house past
20 the build-to line? You gave the measurement?

21 MS. EUDY: The original build-to line
22 that was created by the normal ordinance that's 81
23 feet and 8 inches on the right -- oh, no. On the
24 left and 81 feet two inches on the right. One
25 sides side is less than the other.

1 MS. TIMMONS: What I'm reading is 4,114
2 heated square feet and then just over 2,000 square
3 feet in front and rear porches total.

4 MS. EUDY: Again, it is in compliance
5 with the --

6 THE CHAIRPERSON: You're in compliance
7 with the all the setbacks?

8 MS. EUDY: Right, the footprint
9 allowed.

10 MR. HENDERSON: Coverages.

11 MS. EUDY: Coverages. That's the word.

12 THE CHAIRPERSON: Any more questions?

13 MS. TIMMONS: There are a lot of little
14 historic houses that are underneath a lot of vinyl
15 siding. I'm one of them. You could take off the
16 vinyl siding and take off the addition and we'd be
17 on that list.

18 None of those little sergeant's quarters are
19 protected because they've all been -- almost all of
20 them have been changed up so much.

21 MS. EUDY: One was torn down beside of
22 you not long ago.

23 MS. TTIMMONS: Right, and it had tongue
24 and groove all along, all over the place.

25 MR. HENDERSON: And that was a

1 questionable call and I think Randy felt the same
2 when they were not included. They were categorized
3 as altered.

4 MS. LATHAM: The derelict structure
5 sort of next to the water tower, is that protected?
6 I love that little house. I think that little
7 house --

8 MS. EUDY: At the corner of 25?

9 THE CHAIRPERSON: Yes. 25. It is the
10 Bischoff house. It is.

11 MS. LATHAM: It is protected? I love
12 that little house. I'd love to get my hands on it.

13 MS. EUDY: Me, too.

14 THE CHAIRPERSON: Okay. I want to go
15 ahead. Thank you, Summer, for your very thorough
16 presentation. I'm now going to open it up for
17 public comment. If anybody else would like to
18 speak, please stand up and say your name for the
19 record and your address.

20 MR. GEER: I'm Aussie Geer. I live at
21 2702 Goldbug, three houses down from Mr. Porter.
22 I'm here really speaking not about the historic
23 house. It's about the placement of the second
24 structure in relation to everybody else who lives
25 up in the two blocks.

1 The house immediately to his left, the
2 woman who got the variance, was somebody I know.
3 It was because of the large strand of oak trees.
4 She wanted to build on the other side and one of
5 the reasons that it was approved was it preserved
6 the look for the people on the island of a that
7 huge strand of trees.

8 We didn't have a house that blocked
9 that. If you drive down our two blocks you see the
10 Goldbug tree. My house has got seven live oaks,
11 huge live oaks in it. That's kind of what our
12 neighborhood is about and we have -- that's why
13 that house is stuck where it is.

14 The Browders when they -- they went to
15 the neighbors and they asked about moving out the
16 tree and everybody understood that. I do have a
17 problem with the placement, the site plan, of this
18 house. The house on -- next door to me fairly
19 recently was -- it has an historic cottage on it.

20 They did a renovation to the cottage.
21 They actually did move it slightly. They did a
22 beautiful new house, but they kept it smack in line
23 with everybody else on the block. You can stand
24 out there and you can just -- right down. Not one
25 of us sees somebody jutting out in front of anybody

1 else and it's kind of tradition on Sullivan's
2 Island along either front beach or back beach.

3 You kind of stay in line. If you had
4 to go out a little bit that's one thing. You know,
5 when you've got two that are coming up they could
6 at least, I feel, stay fairly lined up. I think
7 that I know we keep saying it won't set a
8 precedent. I think psychologically it will set a
9 precedent.

10 I'm on top of the largest sand dune on
11 the beach and I have seven live oaks and when I'm
12 dead and gone somebody will build on that lot. I
13 would hate to think my neighbors who so carefully
14 built this brand new house in keeping with the
15 neighbors on each side could then have somebody
16 plunk a house down on either side and say, well,
17 further down just a few houses down they're all
18 forward.

19 So, you know, we're just kind of lining
20 up with them. I hope you just consider the site
21 plan. Thank you.

22 THE CHAIRPERSON: Thank you. Anyone
23 else who would like to speak?

24 MR. BILLY RICHARDSON: Yes, ma'am. I
25 am Billy Richardson, 2678 Goldbug. This is my

1 neighbor. This is my neighbor. Okay. I think the
2 whole problem here is with the placement of the
3 house, as she says. There seems to be no problem
4 because -- I say no problem because that yard had a
5 tremendous pecan orchard in the back. Okay. The
6 whole pecan orchard has been cut down.

7 The stumps were ground up except one
8 tree. That's the tree that they referred to that
9 you can't move the house forward on account of that
10 one tree. What is one more pecan tree?

11 The man that owned the house, Mr.
12 Brown, brought those trees from Lake City, grafted
13 them and planted every one of them in there. They
14 were cut down between Friday afternoon and Sunday
15 afternoon with an outfit out of Summerville.
16 Nobody from the Town was around so they did what
17 they wanted to.

18 I mean, I don't care about the trees.
19 They don't care about the pecans anymore. They
20 say, oh, let's cut them down, but the tree
21 ordinance to me is nothing anymore. It's
22 ridiculous that you cannot move this house forward
23 on account of one pecan tree.

24 Furthermore, that back deck on that
25 house was put on illegally without a permit and the

1 back bedroom that they showed you a while ago that
2 was a one-bedroom and that is a new addition on
3 this house back in the '60s.

4 I've been here all my life and I'm 69
5 years old. The street was dirt. There was a ditch
6 back there we played in. Yeah. We set it on fire
7 a couple of times, but we had to put it out.

8 You know, I feel that if the house were
9 moved a little bit forward, take off the addition,
10 take off that front porch -- that house had a
11 six-by-six front porch with the steps coming off of
12 the front. Take off the additional -- the only
13 room on the back was the one on the right-hand
14 side. That was a bedroom.

15 The new bedroom on this side was added
16 in the 60s. Okay. Take that off. Take the front
17 porch off. Put it back original and then cut the
18 tree down. Move the house forward.

19 Now, a good example of this is to go
20 down and look at Mr. Eddie Pritchard's house on
21 2830 Mill Street. He has a historic house in the
22 front. He has a swimming pool between the two
23 houses. He has a new house in the back and he has
24 parking for approximately six cars back there. He
25 has no problem.

1 You know, I just don't understand why
2 there's such a problem. I don't think that you
3 would have a problem if they cut the one tree down,
4 move the house forward where you're not sitting
5 here and everybody else is sitting back here
6 blocking up everybody.

7 You know, it's true your view is out
8 the back of your yard, but you don't have to look
9 into a wall all day long. You know, I mean, I live
10 next to the Browders. Their house sticks out
11 beyond mine. I can still see the Cooper River
12 Bridge. I can still see the Ben Sawyer Bridge. I
13 can still see the river.

14 There has to be something here to be a
15 happy medium. You know, I don't -- you know, it's
16 not -- it's not a no bill situation but -- and in
17 the long run the DRB gave them the okay last week
18 it was or last month to do something with the house
19 historic, but there has been absolutely nothing
20 done.

21 THE CHAIRPERSON: Okay. Thank you,
22 Mr. Richardson. I'm going to -- in answer to some
23 of the concerns you raised I'm just going to say
24 that the Board of Zoning Appeals has absolutely
25 nothing to do with the renovation of the house.

1 MR. BILLY RICHARDSON: I understand
2 that.

3 THE CHAIRPERSON: From a historic
4 standpoint all of those decisions are made by the
5 DRB. They have already presented in their
6 application that the addition on the back of the
7 deck on the back of the started cottage or the
8 currently existing cottage is going to be removed.

9 MR. BILLY RICHARDSON: That should also
10 include the bedroom on the back because that is not
11 part of the original house.

12 THE CHAIRPERSON: You need to go to the
13 design Board and talk about it because we are not
14 going to talk about renovations to the cottage.
15 That's not in our purview. We won't be talking
16 about that because the Design Review Board has a
17 responsibility for those determinations.

18 We are just making a decision on who
19 to grant a special exception so the DRB work can
20 continue. So we're not going to have any -- we do
21 not make decisions about what has to happen to that
22 cottage for it to be restored to a historic
23 structure.

24 MR. BILLY RICHARDSON: Well, just like
25 I say, he's already cut down the whole pecan

1 orchard. The only tree on the back of the lot is
2 one palmetto. Everything else has been cut.

3 THE CHAIRPERSON: We do not get into
4 the tree ordinance either.

5 MR. BILLY RICHARDSON: The only other
6 thing is cut down the tree, grind down the stump,
7 and when you renovate this house move the house
8 forward to be at least back in line with the back
9 of their house, not blocking the view.

10 THE CHAIRPERSON: Thank you for their
11 suggestions. Is there anyone else to speak?

12 MS. BROWDER: We're the famous
13 Browders.

14 THE CHAIRPERSON: State your name,
15 please, if you are going to speak.

16 Ms. BROWDER: Diana Browder, 2672
17 Goldbug, and my husband Rick is here, too. I'm
18 sorry, but I think a lot of misrepresentations have
19 been made tonight about us and our relationship
20 with Mr. Porter. We have had a good relationship
21 with Mr. Porter and we have never said that cottage
22 is not historic.

23 I don't know anything about what's
24 historic or what's not on this island and we have
25 never opposed two houses, one house or two houses.

1 I mean, we don't oppose him having a historic
2 cottage. We don't oppose him having a second
3 house. The only thing we do oppose is the location
4 of the second house and that's -- from day one we
5 when we've talked about it it's just been the
6 location of the second house.

7 We just asked him to move it forward so
8 it wasn't so far back. It essentially is in our
9 back yard and we just asked him to move it forward.
10 That has always been the conversation.

11 That's the conversation I've had with
12 Randy and Joe when I've been asking questions
13 about, you know, what the special exception means,
14 what the process is, what's being requested, you
15 know, who approves it. So to start at the
16 beginning with the variances, the house to the left
17 has a variance that was granted in 2008.

18 We didn't purchased our property until
19 2013. That was, you know, done before we ever got
20 there. I didn't even know it still had that
21 variance until it was purchased, until someone just
22 recently purchased it. I think this is now the
23 third owner since that variance was granted.

24 MR. HENDERSON: I think so.

25 MRS. BROWDER: I don't think that Allen

1 had -- I don't think he knew that variance carried
2 forward. I don't know. He purchased this house in
3 2012. We when we came to the BZA with our initial
4 request to get around that tree -- when we
5 purchased that lot we did not realize we had a
6 44-and-a-half-foot oak tree with a tremendous
7 canopy, with like a 30-foot canopy right in the
8 middle of our yard at the build-to line because it
9 was full of trees.

10 The picture Summer showed you of that
11 cottage -- that was not the house that was on that
12 lot when we purchased it. That house has long been
13 gone. The family still owned it, but what was on
14 that lot was a brick ranch. I still have the
15 report. It was infested with asbestos.

16 There was nothing to be saved from that
17 house. We couldn't raise it. We couldn't renovate
18 it. We couldn't do anything except tear it down.

19 It was in deplorable shape. We did go
20 through the process of stripping it. We had
21 someone come out and take out the copper wire and
22 the steps and everything that could be used again
23 to be more green. We did go through that process
24 of having that done to the cottage -- not cottage.
25 It wasn't a cottage.

1 It was a brick ranch before we took it
2 down. When we went to the BZA we did not have our
3 full plans like Mr. Porter has. We just had a
4 general idea of how we wanted the house to look and
5 what we thought it might be what.

6 Our architect presented for us and
7 kind of showed her vision of where we thought
8 things would be. Our idea with getting around that
9 tree was to have one piece of our house, a single
10 section of our house, that could capture the full
11 view versus -- because of the canopy of that tree I
12 don't -- I don't have any house plan.

13 I didn't realize I was going to have to
14 have it here, but the house -- the canopy of that
15 tree -- we would have a narrow piece of our house
16 if we stopped at the build-to line because that
17 canopy would have impeded us so we built kind of
18 a "C" around that tree so we could have one piece.
19 So when we presented it, it was a single story
20 structure to be back there.

21 So the ridge height we presented at
22 that BZA meeting of that roof line still the same.
23 That did not change. We did not build a second
24 story back there. We did after designing the house
25 decided that we needed some storage instead of

1 having a vaulted ceiling up to the top. We needed
2 some for our HVAC. Because our house is so
3 long and it's not a box we have five different
4 HVAC systems because you can't build on top of each
5 other so we have to have different systems.

6 We had to put a ceiling in our living
7 room. You can come over tomorrow. It is full of
8 HVAC. It is unfinished. It is storage. There is
9 no floor, no walls. It's insulation like Randy
10 said.

11 It went to permitting. Randy and Joe
12 approved the permit. We weren't trying to put
13 anything over on anyone. It does have some dormers
14 to give some light because we have two single light
15 bulbs in there. That's all we were allowed to have
16 it does have some dormer windows. We don't use it
17 as a space.

18 My kids go in there and play around,
19 but it's not a furnished, finished space. We
20 certainly weren't trying to put anything over on
21 anyone. We did talk to Allen before we applied for
22 that variance.

23 MR. PORTER: That's not true.

24 MS. EUDY: I called you.

25 MR. PORTER: That's not true.

1 THE CHAIRPERSON: You're talking to me.

2 MS. EUDY: I'm sorry.

3 THE CHAIRPERSON: You're talking to the
4 Board.

5 MS. BROWDER: Anyway, our variance is
6 10 feet, less than 10 yards. That's what we
7 requested. That's what he were granted. You know,
8 as far as I know it's 28 feet.

9 Summer said it might be 30. I don't
10 know. Our architect did the plans. Joe and Randy
11 approved it. We had a single piece to get a single
12 piece to get around that tree.

13 I think it is important to know the
14 McNaughtons even though they didn't get the
15 variance -- their variance to be back and behind
16 that build-to line is restrictive. They're allowed
17 to build 3,240 square feet heated with porches is
18 their total. That's their max, right?

19 MR. HENDERSON: I think so. Did you
20 say 38?

21 MS. EUDY: No. 3240.

22 MS. BROWDER: The order says 3,800?

23 MR. HENDERSON: That's right. Final
24 order says 3,800.

25 THE WITNESS: Okay. So Mr. Porter is

1 suggesting a much larger structure, broader.

2 That's going to be behind the build-to line. They
3 were granted that variance but with restrictions.

4 THE CHAIRPERSON: It was with
5 restrictions because that's how they presented it
6 to -- I was at the Board at that time and it's
7 based on how they present because when we -- when
8 we approve a variance or a special exception we
9 base it on the plans as presented. So -- and
10 that's neither here nor there because it doesn't
11 set a precedent but your point -- we know your
12 point.

13 MS. BROWDER: Like you said, our
14 variance and their variance -- both said it didn't
15 set a precedent for -- there is no build-to line.
16 The build-to line is still the same. We have
17 requested 28 feet, less than 10 yards and were
18 granted that variance and that's what we built
19 within.

20 We didn't need a variance for our pool.
21 It is not raised. It is in the ground. It meets
22 all the setbacks.

23 So with regards to the Special
24 Exception -- and I was reading through this and I'm
25 not an attorney and I'm not an expert in ordinances

1 and I don't necessarily understand all of these.
2 So his new structure does not meet the setbacks
3 which is what Part 1 of C, adequate provisions
4 made for items such as setbacks, because there is a
5 setback of the build-to line.

6 THE CHAIRPERSON: That's not what we
7 they're talking about there. They're talking about
8 the setback lines from the property lines. But
9 that's --

10 MS. BROWDER: Okay. Then we also just
11 object to it because it is essentially in our back
12 yard. The majority is in our back yard and affect
13 our property value. It affects our value, our
14 property value.

15 I don't know that you necessarily have
16 privacy anymore. I mean, houses are close together
17 you get window treatments. I mean, privacy is not
18 necessarily an issue. But it's just looking at his
19 house in our back yard. We just ask that he move
20 it forward.

21 We're fine with two houses. We're fine
22 if he builds one house as large as he can build it
23 on that lot. You know, we're not trying to dictate
24 or have any type of input for any of that. And it
25 just seems like with a special exception or

1 exceptions where it says the Design Review Board
2 can impose stricter limits on heights, setback,
3 size and coverage than most of those presenting
4 standards.

5 I did go to that DRB meeting in
6 December more for my own informational purposes to
7 understand, you know, who approves what and how it
8 gets done. You know, we're trying to navigate all
9 of this as well. So they did talk about the
10 placement of that house and there were no
11 conclusions given.

12 Their motion did not include anything
13 to the placement and they referred back to it as a
14 BZA issue but that they will then review it later.
15 So it was something that they talked about whether
16 or not it was appropriate to put that house that
17 far back. That's in the minutes from that meeting.

18 So we did have -- my architect did this
19 for me just because I think a visual is powerful.

20 THE CHAIRPERSON: You can bring it
21 forward. So this is -- this is the build-to line.
22 Okay. This is our house. This is their -- this is
23 Mr. Porter's house and this is the house that's
24 being granted the variance. Our architect is the
25 architect for this house as well.

1 It just happens to be the same
2 architect. So this is all kind of shrouded in
3 trees and shrubbery and then there is that house
4 and this is how much farther back it will be. Then
5 this, which is something we looked at in terms of
6 where there is another kind of aerial view -- sorry
7 -- from the other side -- can you see?

8 From the other side of -- here is our
9 house. Here is the proposed construction for
10 theirs and there is this one. This is looking are
11 the marsh. If you were on a boat, looking from the
12 marsh, here is ours. Here is the other one.

13 There is Mr. Porter's house. This is
14 if you are -- I'm sorry. This is if you're
15 standing in our back yard. This will be our view
16 over to the side there of how far back it is.

17 Then I just wanted to show -- well,
18 this was what -- this is -- this is the where the
19 proposed -- if you're standing on the inside
20 portion of his porch where his pool will be, this
21 will be his view kind of to the left where the
22 McNaughtons are. The only reason I'm showing this
23 is he's basing his site plan based off of their
24 variance. If you move it back 40 feet it's still
25 the same view. It is still looking out left. You

1 have a huge -- I mean they have all of these trees,
2 a huge arm of tree shrouding their house.

3 Our only request is we're not -- two
4 house or one house is fine, but we just ask that --
5 I just think where he's putting it is excessive and
6 unnecessary and --

7 MR. HENDERSON: Let me get a copy of
8 that for the record.

9 THE CHAIRPERSON: Excuse me. We're not
10 going to have a discussion. All comments are
11 addressed to the Board. No discussion between the
12 public is going to be allowed here. So if you have
13 something to say, you need to stay stand and say
14 your name and address and address the BZA.

15 MS. BROWDER: So really it is just a
16 consideration. We understand he's going to have to
17 be behind the build-to line because you can't fix
18 fit two houses and look as nice as you want it to.
19 I just don't think he needs to be 60 feet back.

20 I mean 30 feet, 35 to -- you know,
21 30 to 40 feet in between those two houses seems
22 to be plenty of space to have enough light and
23 separation and so that's -- we're asking for
24 consideration of the neighbors that it not be
25 so far back.

1 THE CHAIRPERSON: All right. Thank
2 you. Would anyone else that would like to speak?
3 Mr. Richardson, I'm going to let Mr. Porter speak.

4 MR. BILLY RICHARDSON: I've got
5 something I want to give you.

6 MR. PORTER: Both properties beside me,
7 both lots, have got ordinances that weren't
8 necessary because the lots were visible and
9 affected my property either way. I mean, if you
10 could go back further towards the critical line and
11 move it up it would be parallel with the neighbors
12 to the left of me.

13 I rode around the island and looked at
14 a bunch of the special exceptions. All the houses
15 are separated on purpose to look like two different
16 structures. That's the goal here.

17 My neighbors didn't come to me and ask
18 me if I was worried about my view when they built
19 their house at all. I don't see the difference,
20 what the difference is.

21 THE CHAIRPERSON: Mr. Richardson you
22 wanted to say something else?

23 MR. BILLY RICHARDSON: Yes, ma'am.
24 I've got a piece of paper I wanted to give you.
25 There is a state road these people -- I know a lot

1 of you don't look at these maps, but some of you
2 do. If you look at the lot number right here, this
3 is a state road. It's platted in 1926 and it comes
4 through here. It's never been opened. It's
5 closed.

6 There's no filing to say when the road
7 was closed and what happened to the property. With
8 any state road that's closed or any county or city
9 road the property is supposed to be sold at public
10 auction. This is the not the first time this has
11 come up between -- on this map.

12 THE CHAIRPERSON: And which lots does
13 this affect? The lot we're talking about right
14 now?

15 THE CHAIRPERSON: 114. 114 and a half.

16 MS. EUDY: Which other lots?

17 MR. BILLY RICHARDSON: Do what?

18 MS. EUDY: Where is it?

19 MR. BILL RICHARDSON: Right here.

20 MS. EUDY: It affects all these lots.

21 MR. BILLY RICHARDSON: It affects the
22 whole block. It's never been laid out or open or
23 nothing like that.

24 This is a state map. It's not a state
25 map. It's come up before. We have had another

1 piece of property and it had to be in court and
2 the judge upheld the property.

3 THE CHAIRPERSON: Okay. Thank you,
4 Mr. Richardson. Any other comments?

5 MS. EUDY: I would like to respond on
6 behalf of the applicant.

7 THE CHAIRPERSON: Okay. I'll let you
8 respond for the applicant.

9 MS. EUDY: First of all, if we move the
10 house back 40 feet as proposed by Mrs. Browder I
11 think that essentially puts the houses too close
12 together. There's no reason to do that. The
13 arguments that she has made are not any legal
14 arguments that render this special exception
15 invalid based on what's been presented.

16 She talked about the fact that if this
17 is done it will affect her view and her property
18 value. Essentially, that's what she did to Allen's
19 property when she built where she built. She
20 could -- I never suggested that they save the brick
21 rancher.

22 It was, I agree, in horrendous
23 condition but a house could have been built on the
24 front of that lot. I think it's great they didn't
25 tear the oak down. They couldn't tear the oak down

1 but their house goes around it. So it doesn't
2 necessarily present the oak, you know, for the
3 neighborhood. I mean, the oak is behind the front
4 portion of their house. You can kind of see maybe
5 a little bit of it over to the right.

6 Also -- and I addressed this previously
7 but with all things other things being equal. If
8 we didn't have this build-to line the Browders
9 could not build as far forward as Allen Porter and
10 the McNaughtons. Their property line sets their
11 RC-2 setback and that is 30 feet from their
12 property line. So they really cannot go much past
13 that pool.

14 Actually, I think that line just past
15 the pool shows the 30 feet from their property
16 line. So you've got the property line, 30 feet,
17 that line, and their pool. So they wouldn't be
18 able to build that far back. We're not violating
19 that setback.

20 In fact, we are 42 -- our property line
21 is forward of the marsh, past the critical line,
22 and we are on that little section that just out on
23 the right of the property, 42 feet from the
24 critical line.

25 THE CHAIRPERSON: Okay. I see where

1 the critical line is.

2 MS. EUDY: Right. The dotted line
3 shows 30 feet back and we're another 40 feet from
4 there. Obviously the other portion of the house is
5 back and neither Allen nor the Browders needed
6 variances for their pools. They're in compliance.
7 That would just be a staff issue.

8 We did not oppose their variance. We
9 talked about it. We felt like it just was not the
10 right thing to do. We did not want to create bad
11 relations.

12 Allen can speak to this more if he
13 wants to. Yes, the two neighbors have had a good
14 relationship up until this point. But, you know,
15 the opposition that we face we don't think is
16 legally justifiable and we feel like we're within
17 the bounds of what's permitted under the
18 ordinances.

19 And they're correct that they didn't
20 their full set of plans in front of the Board, but
21 I think that when I sat here and listened to it and
22 clearly when Bachman sat here and listened to it we
23 thought that -- and I didn't vote on it but he
24 thought it was going to be a real one-story
25 structure and that was why I made those comments

1 more specifically so that say we're saying it's one
2 more story than saying, you know, anything about
3 them.

4 I want to make that point. And then --
5 and you guys address this, but the DRB will have
6 the purview over the cottage renovations. But that
7 bedroom that is on the back is not original by any
8 means. I think even by Mr. Richard's indication is
9 it's been there since the '60s. So it in itself
10 would be historic. You have additions to historic
11 cottages as long as you're not over 1,200 square
12 feet.

13 MR. BROWDER: Rick Browder. I would
14 say if the members haven't seen these houses that
15 have the variances they don't get a true sense of
16 why they got a variances and it's really hard to
17 vote on this without really seeing it.

18 The lot to the left had a massive berm.
19 It's one of the biggest berms on the island. It's
20 not buildable anywhere except at the front of the
21 street or this area where they were approved years
22 ago and that variance stayed in play. If you
23 haven't seen that it's hard to -- it is not a flat
24 bend like these pictures and then our house --
25 again it's apples and oranges.

1 It's apples and oranges. What they're
2 asking in this variance, call it what you will, but
3 is completely -- it's an apples and oranges. It's
4 less than 10 yards versus an entire house being set
5 back to the build-to line. The build-to line is
6 not the build-to line. It's not a new build-to
7 line. That's the ordinance.

8 Okay. So everything outside of that is
9 a variance or a special exception. I didn't know
10 if the newest members understood the rationale of
11 that.

12 MS. LATHAM: I understand. My question
13 applied to a different issue.

14 THE CHAIRPERSON: Right. I do want to
15 point that those of us that are on the Board of
16 Zoning Appeals do go by and look at the properties.
17 You might not see us, but we do go back by and look
18 at the properties that are under application to
19 the BZA.

20 If there is not any more public comment
21 I would like to close public comment so the Board
22 can now start to discuss this. This might be more
23 exciting than the debate that's currently going on.
24 Okay. So public comment is officially closed.

25 MS. LATHAM: I think less tacky and

1 more civilized for sure.

2 THE CHAIRPERSON: Yes, because we're
3 being recorded.

4 MS. LATHAM: So are they.

5 THE CHAIRPERSON: If we have a question
6 of any property owner or a presenter then we will
7 always -- although it's closed to public comment,
8 you will see that we will probably ask staff
9 questions. So we may begin deliberations. I was
10 on the Board for both of the -- I believe for both
11 of the variances that were granted.

12 MS. TIMMONS: This is the second.

13 THE CHAIRPERSON: It was -- we knew
14 that the front of both lots were buildable, but
15 there were special conditions on the property.
16 There was no site line to the marsh on the
17 McNaughton property and the oak -- we definitely --
18 yes, it was the preliminary design or the
19 conceptual plans for the Browders.

20 Nobody likes to see an oak tree cut
21 down and I don't think the commission would have
22 let them cut it down. So there are unique and
23 exceptional conditions we have discovered over our
24 years on almost every single lot on this island.
25 So that is why variance requests and special

1 exceptions come into play. There are no two lots
2 that are exactly alike except for the block that I
3 live on because it was -- the hotel was cut up in
4 exact -- in an exact grid. So I'm just would just
5 like to open with that, that --

6 MS. LATHAM: I have one question and
7 it's neutral. The comment about the orchard of
8 pecans, now, I looked at this property when it was
9 on the market back in 2012. Okay. I don't
10 remember there being pecan trees there.

11 When are you saying that these trees
12 were cut down and by whom? Because, I mean, as
13 long as I've known this property prior to his
14 purchased there weren't trees there. It came
15 across as you were saying that they had in the dark
16 of night cut the trees down like a year ago.

17 MR. BILLY RICHARDSON: He cut them down
18 after he bought it, Friday afternoon, Saturday and
19 Sunday.

20 MS. LATHAM: Joe, do we know if that's
21 true?

22 MR. BILLY HENDERSON: I don't think we
23 have any documentation on that.

24 MR. BILLY RICHARDSON: Don't need to
25 have any documentation on it. Nobody was there.

1 The police weren't around.

2 MR. PETER RICHARDSON: He's not saying
3 Mr. Porter cut them down. The person before
4 Mr. Porter cut them down.

5 MS. LATHAM: That was my question. The
6 trees were already gone before the property was
7 purchased. So it's not that they cut down all but
8 one pecan tree.

9 MR. BILLY RICHARDSON: Oh, no. The
10 trees were on the property when he bought the
11 property. The only pecan tree left is one that
12 he's talking about in a drawing. That tree is
13 approximately the same size. All the rest was on
14 there that were planted and he cut them down with
15 the reason being he told everybody in the
16 neighborhood he didn't want anything between him
17 and the water.

18 MR. HENDERSON: It would be a past
19 zoning violation and I don't any it's relevant to
20 our discussion for this.

21 THE CHAIRPERSON: It is not relevant to
22 our discussion.

23 MR. PETER RICHARDSON: The real issue
24 seems to me is the build-to line and the variance
25 or the exceptions that the adjoining neighbors have

1 had have been hardships that anybody who goes down
2 Goldbug can sort of understand. I mean, those oak
3 trees are magnificent. I find it hard to see where
4 the hardship is on this property. It can't be one
5 pecan tree.

6 THE CHAIRPERSON: I don't think that's
7 the hardship, that they're arguing the hardship is
8 creating a space around the historic cottage or the
9 cottage that they're asking for historic
10 designation. So if you look at the other -- one
11 the properties that was referenced was the
12 Pritchard's house. That lot is not as big.

13 They kind of had to place the house
14 where it was. That actually came to us for a
15 variance, for a special exception. So my point is
16 I don't think it's the pecan tree.

17 The pecan tree happens to be in
18 existence and sitting there and so they cited the
19 house right behind it but as I understand the
20 hardship issue is --

21 MR. RICHARDSON: Keeping 60 feet?

22 THE CHAIRPERSON: Keeping space. We'll
23 then have to cut down another tree. So -- I mean,
24 we're looking at the relative merits of the plan as
25 presented. So...

1 MR. ELLIOTT: You don't know how far
2 the house is from the historic cottage, I presume?

3 THE CHAIRPERSON: He said -- is it
4 at 28.

5 MR. HENDERSON: 28, 30.

6 THE CHAIRPERSON: So this is 60.

7 MR. ELLIOTT: My big thing is I don't
8 think the variance on either side creates a new
9 building line.

10 MS. LATHAM: That wasn't -- my question
11 wasn't how we did that.

12 MR. ELLIOTT: No. For the record, I'm
13 just staying to the extent someone is arguing those
14 two variances can't be built. I don't think that's
15 accurate. The fact that the previous boards gave
16 that variance doesn't change the no-build line.
17 The question I have is I guess -- and I guess
18 Summer may have to answer this.

19 How was it determined that 60 feet
20 would be the appropriate distance from the historic
21 house to the new house or the new structure?

22 MS. EUDY: Number 1, we think it's
23 reasonable. Number 2, that house was situated
24 behind that pecan tree. It was a little bit
25 further back and we thought it was -- we moved it

1 close back as we could. If you're looking at a
2 general -- when you're talking about two houses
3 being in front of one another you have a 25-foot
4 front yard setback. So you've got 25 and 25.
5 That's 50.

6 Usually there's a road in between them.
7 So that's another whatever -- how long a road is.
8 That would be even more. We thought it was
9 reasonable based on the site and we were well
10 beyond RC-2 critical line, 30-foot setback. You
11 know, it's just a totality of the circumstances.

12 MR. ELLIOTT: And what I gained from
13 that statement is it was not a distance that the
14 engineer or the -- slash -- architect came up with,
15 but it was what you guys preferred?

16 MS. EUDY: He came with it based on the
17 site.

18 MR. ELLIOTT: The engineer did?

19 MS. EUDY: Yes.

20 MR. PETER RICHARDSON: Based on the
21 pecan tree.

22 MR. ELLIOTT: I'm just thinking.

23 MS. TIMMONS: And I'm looking at it and
24 thinking if you were doing like a planned
25 neighborhood you would have things stepped so that

1 everybody could have the best view. It looks like
2 things are sort of like this. If that one was
3 moved back 20 feet so you had 40 feet -- you know,
4 I'm just talking.

5 It wouldn't be quite as far out there.
6 I mean it's still going to be out there with the
7 Browders. But looking down, his is not going to
8 change. It's still going to have a great view.

9 You can plant whatever mitigation you'd
10 have to do for the pecan tree and in my opinion
11 having a house close to the little house, all those
12 little houses are close together. I mean I look
13 at -- don't talk to me about privacy where we are.

14 In terms of a big house next to a
15 little house or a little houses close together --
16 so, you know -- but I have sympathies with both
17 situations, you know. I mean, I really do.

18 MS. EUDY: And it is slightly stepped
19 back. It's five feet behind.

20 MS. TIMMONS: Yeah. I'm thinking major
21 step back. So you could step back and their -- I
22 mean, who knows who what will go in 50 years from
23 now. That's where I would look at it at
24 compromise. But, you know, let's just...

25 THE CHAIRPERSON: Site lines are

1 normally thought of as straight back and not on a
2 diagonal.

3 MS. LATHAM: Everybody had a great
4 view. If you stand -- no matter who you are, if
5 you stand and turn like this, you're going to see
6 your neighbor house, you know. That's -- that's
7 the way it is. I mean, asking to not see anything
8 then you need to go out and buy you an island.
9 That being said, you know...

10 THE CHAIRPERSON: I used to be by the
11 ocean and the marsh and nobody asked me what I
12 thought. I've lost my beach view.

13 MR. PETER RICHARDSON: Past the build
14 line is what you're looking at.

15 MR. HENDERSON: Past the build-to line,
16 this is 60.

17 THE CHAIRPERSON: Could I ask that all
18 cell phones please be turned on vibrate? Thank
19 you.

20 MR. HENDERSON: Then this is 50. Here
21 is the build-to line. That's 80 from the leading
22 edge of the house closest to the marsh. That's 70.
23 That's 60. That's 50.

24 We're talking this sliding house back
25 would be here, here, and here. So here's your line

1 of sight and there it is and there it is. Let's
2 see. That would be 30 feet from the leading edge
3 of the house. So just I gives you a changing
4 perspective of how sliding the house back would
5 change.

6 MS. EUDY: And you can still see.

7 MR. ELLIOTT: Sliding the house this
8 way?

9 MR. HENDERSON: So that's 10 feet, 20,
10 30.

11 MR. ELLIOT: Then you take up the
12 space.

13 MR. PETER RICHARDSON: I mean there are
14 other ways to deal with that. And Mrs. Browder had
15 a demonstration of the site lines.

16 MS. LATHAM: What is the standard depth
17 of the third acre lot on the island? 100 feet?

18 MR. ROBINSON: Probably about 150 feet.

19 MS. LATHAM: Okay.

20 MR. ELLIOTT: Can you use that ruler
21 to determine how high -- I'm not sure how high
22 that -- I mean, one story can be as high as you
23 want.

24 THE CHAIRPERSON: Depends on the roof.

25 MR. ELLIOTT: The roof ridge

1 determines how high the structure it is.

2 MR. WILKS: The Full size, it's a
3 quarter -inch.

4 MS. LATHAM: You can see it right here.

5 MR. ELLIOTT: There's another one.

6 MS. TIMMONS: There's the drawing. Keep
7 going.

8 MS. EUDY: Right here.

9 MR. ELLIOTT: Yes. That's it.

10 MR. HENDERSON: Okay. So there's
11 nothing that lines up with that.

12 THE CHAIRPERSON: Try not to talk over
13 even other because court reporter is probably
14 having difficulty.

15 MR. HENDERSON: So that is just over
16 26, 26 and a half feet to the top of the ridge. Am
17 I looking at that the right way?

18 MR. WILKS: Yes. That's about right.

19 MR. HENDERSON: That would be 26 and a
20 quarter. That's at the top from that lot 26 and a
21 quarter.

22 THE CHAIRPERSON: Joe, can you tell us
23 if the DRB made any recommendations with regard to
24 siting of the house?

25 Were there any recommendations or

1 suggestions or comments?

2 MR. HENDERSON: One Board member, Billy
3 Craver, did express that the applicant should
4 address that, consider the placement of the house.
5 Ultimately they threw it to the BZA.

6 THE CHAIRPERSON: How nice of them.

7 MS. LATHAM: Of course they did.

8 MR. HENDERSON: But they did express in
9 that meeting -- and I think Mr. Wilks was at that
10 meeting and they did bring that up, that the
11 placement of the structure should be addressed from
12 that presentation.

13 MR. WILKS: Right. I think if I
14 remember correctly they were saying that that was a
15 setback issue that wasn't part of the DRB or
16 something to that effect, that it was more of a
17 BZA.

18 MR. HENDERSON: That's right, and I
19 would challenge that. I think it falls in the
20 purview of both boards to make that decision.

21 MS. EUDY: I would say that, too, this
22 is not the site plan they saw. The one they saw
23 had a different structure for the McNaughtons. It
24 was the actual structure that was proposed in 2008
25 as opposed to 2016 and it didn't have all the

1 elements of the Browder's property. It didn't have
2 all of these setbacks and property lines and all of
3 those things to show that it was in compliance in
4 all of their ways.

5 MR. HENDERSON: And the change was
6 made, two feet.

7 MS. EUDY: Right.

8 MR. HENDERSON: You expressed to that.
9 So, yeah, to her point it's has changed since
10 December.

11 THE CHAIRPERSON: To historic structure
12 and all the setbacks are met?

13 MR. HENDERSON: By two feet.

14 MS. EUDY: Correct.

15 MR. HENDERSON: So we can revert back
16 to the standard. The question is whether the
17 project as presented meets compliance with 21-178
18 and I believe we have justified the rest of the --
19 of 21-20(C).

20 MS. EUDY: Correct.

21 MR. HENDERSON: So we are left with
22 meeting these conditions.

23 MR. RICHARDSON: Joe, we're looking
24 at special exception and we're not looking at
25 variance?

1 THE CHAIRPERSON: Correct.

2 MR. HENDERSON: Special exception. And
3 these are the required finding in order to grant
4 that.

5 MR. RICHARDSON: We know they don't
6 meet the setback.

7 THE CHAIRPERSON: The build-to line is
8 not considered a setback. It's a different issue.
9 They meet all the setbacks.

10 MR. ELLIOT: I think the question is
11 the first one: Adequate provision is made for such
12 items such as setback, fences and buffered or
13 planting strips to protect adjacent property from
14 possible adverse influence.

15 So it doesn't say -- to me it doesn't
16 say you've had have to meet the setbacks. You can
17 consider what the setbacks are, but you also have
18 to consider the impact of what the structure is
19 going to be on their neighbors. It seems to me
20 that first rule gives you a subjective -- it
21 subjective.

22 We can take into consideration the
23 adjacent owners and the impact that the structure
24 is going to have on them at the scene.

25 THE CHAIRPERSON: Right. We can't

1 increase setbacks, though.

2 MR. ELLIOTT: I understand that, but
3 the read way I read that rule is, however, you can
4 look at that. At least that's how I see it.

5 MR. HENDERSON: And I would agree with
6 that.

7 THE CHAIRPERSON: What did you say?

8 MR. PETER RICHARDSON: Number 4 also
9 and that's very subjective.

10 MS. TIMMONS: Yes.

11 THE CHAIRPERSON: I mean, an example,
12 when you build your house in the center of your lot
13 and then you are -- the property next door builds
14 right to the setback and they are allowed to it do
15 it. We do have personal property rights.

16 We have rights as personal property
17 owners and on this island. You can't control that.
18 My -- the house next to me was -- my grandparents
19 and the Simmons built houses at the same time and
20 we could see on each other's porches. We used to
21 waive and we'd chat.

22 Well, they hold the sold the house.
23 After Ms. Simmons died they planted this huge
24 palmetto tree so we can't see onto their porch.
25 That's fine, but the Simmons built up to their lot.

1 So, as Carlin said, there is no privacy
2 right on the this island anymore. You can't even
3 build a stockade fence. You know, there had to be
4 a sight line of fences. So, you know, it's to
5 create open spaces instead of closed spaces.

6 So it's a juggling act as to, you know,
7 what your property right is as opposed to the
8 privacy right of the person next door. It's a very
9 subjective thing.

10 MR. PETER RICHARDSON: So why is this
11 even here at the meeting if there's no setback
12 issue?

13 MS. EUDY: Special exception.

14 THE CHAIRPERSON: What they're asking
15 for is a special exception.

16 MS. LATHAM: For two houses.

17 THE CHAIRPERSON: Two houses on the
18 lot.

19 MR. ELLIOTT: So they don't need the
20 variance.

21 THE CHAIRPERSON: The reason that the
22 special exception exists is to protect historic
23 cottages on this island, whether they've already
24 been designated as such or whether they're
25 requesting designation. It was put in place

1 because before this special exception you could
2 only have one house on the lot. That was it and
3 then Town Council in its wisdom, I think --
4 because I grew up on this island, too.

5 I'm a native. My parents lived in our
6 house right now I live where I was born. We've
7 always had dependencies or little connected
8 dependencies on this island. You saw them all over
9 the place. Hugo took a lot of them away and other
10 storms.

11 This ordinance was put into place so
12 that you could have two houses on the lot, that one
13 would be smaller, and it would help retain the
14 character of this island. So that's why this
15 special exception actually exists. So what they're
16 trying to do is just what this ordinance was
17 designed to do.

18 The siting of the house is a question
19 obviously that's been brought up, but the special
20 exception was put into place for just this reason.
21 We have granted --

22 MR. ELLIOTT: And what these guys are
23 saying is if you don't grant this the alternative
24 is to tear the house down because we can -- because
25 it's not --

1 THE CHAIRPERSON: A family can't live
2 in that house. So an alternative to the special
3 exception is for the house to be torn down and
4 that's what the previous property owner -- I'm just
5 stating facts.

6 MR. ELLIOTT: Absolutely.

7 THE CHAIRPERSON: I'm just stating the
8 opinion. You know, that's what's happening. In
9 the past two weeks I drove by how many lots, gone,
10 and I'm -- and they were the older -- some of them
11 weren't that old, but some of them were the older
12 cottages.

13 It just breaks my heart. I'm
14 surrounded by huge houses now. There's three
15 original houses in our little row.

16 MR. PETER RICHARDSON: So why then did
17 Design Review think it was up to this committee to
18 place these?

19 MS. EUDY: Because you grant the
20 special exception.

21 THE CHAIRPERSON: Because we grant the
22 special exception.

23 MS. TIMMONS: We could grant the special
24 exception and say, DRB, you do something about this
25 sighting on this house.

1 THE CHAIRPERSON: We can do that
2 because they have thrown it to us. You don't think
3 you can do that?

4 MR. ELLIOTT: I'm just thinking out
5 loud. You would have to grant it, but it would be
6 special exception. The special exception would be
7 another entity would -- the DRB would have to --
8 give some input on where the structure could sit
9 and how big it is and that sort of thing.

10 MS. EUDY: They've already said they're
11 not going to.

12 THE CHAIRPERSON: If it's behind that
13 build-to line it would come back to us.

14 MS. EUDY: Can I address --

15 THE CHAIRPERSON: I'm going to let
16 Summer address that.

17 MS. EUDY: Talking about the private
18 property rights, I just wanted to make sure I made
19 it clear you would try to mitigate how far we were
20 going by having the single structure going back the
21 majority of it. That line and if you go over to
22 most inward or landward point of the critical line
23 is 12 feet 6 inches.

24 That portion of the critical line is on
25 the other side of the property. So if you look at

1 there structure in the part of the structure that's
2 actually going back the critical line gets further
3 towards the marsh. Actually, we are back further
4 than the 12 feet from our setback.

5 So, I mean, we're -- we're probably --
6 I mean, I'm just guesstimating looks at this at a
7 minimum 40 -- let's see. That's 42. 47 to foot 50
8 feet for where we could have been.

9 We could have come in here and showed
10 this house to the critical line and we are trying
11 to not be -- will be unable and we think based on
12 the totality with the circumstances with this
13 property that is reasonable.

14 The Browders and the McNaughtons or
15 whoever requested the original variance for the
16 McNaughton property thought that their application
17 was reasonable based on their circumstances and
18 that's how they presented it. This is how we -- we
19 are presenting it and it's not as -- if somebody
20 wants to use the word excessive it's certainly not
21 anywhere as excessive and it could have been.

22 MR. HENDERSON: I would like to address
23 the question as to whose responsibility it is to
24 determine the placement of the new construction.
25 I'll direct your attention to this. The use -- of

1 these are the BZA requirements, that you shall be
2 compatible with the existing uses so it doesn't
3 affect the property values or general character.
4 So that's your neighbors.

5 You guys need to decide the appropriate
6 placement of the house. The DRB as well must find
7 that the height, scale, mass, and placement of the
8 second structure are appropriate to and compatible
9 with the lot on which it's sited and the character
10 of the historic structure and neighborhood. So
11 both are required to make sure. They have to.

12 MS. EUDY: And they have said...

13 MR. HENDERSON: So they could take your
14 determination and challenge it. I think it is up
15 to both groups to figure this out, the appropriate
16 placement of the structure.

17 MS. LATHAM: I have a question. It
18 appears --

19 MR. HENDERSON: I think I responded to
20 them when they tried to shirk the responsibility to
21 you guys. As I said, it is your responsibility.

22 THE CHAIRPERSON: But it is also their
23 responsibility. So we have joint responsibilities.

24 MR. ELLIOTT: Can you go back to the
25 other one?

1 MR. HENDERSON: Yes.

2 MS. LATHAM: It appears to me that the
3 portion of the house which is -- which is two
4 stories is parallel with or further back from the
5 build-to -- the variance line for the Browders.

6 MS. EUDY: Correct.

7 MS. LATHAM: Okay.

8 MS. TIMMONS: Yes. It's all part. Yep.
9 Yep.

10 MR. ELLIOTT: Well, what that rule says
11 for the BZA is the proposed use shall be compatible
12 with the existing uses to the extent that such will
13 not be adversely affected. I don't read that as
14 saying we can tell them to move one way or the
15 other. We just say if what they have proposed is
16 compatible.

17 That's beyond -- that's our question
18 and then the other Board can determine if they can
19 move it forward or back or lower the height or
20 what-have-you. That's the way I read it.

21 MS. EUDY: I don't think they're zoning
22 options.

23 THE CHAIRPERSON: Joe.

24 MR. HENDERSON: I mean, I would say
25 adequate provision is made for items such as

1 setbacks, fences, buffering, planting strips. I
2 think in general all the regulations that apply to
3 building that use need to be compatible with the
4 surrounding area. That's kind of how I read it. I
5 think some guidance should be given to the DRB in
6 this case.

7 MR. PETER RICHARDSON: Setback there
8 doesn't necessarily mean legal setbacks.

9 THE CHAIRPERSON: Yes, it is.

10 MR. ELLIOTT: Yes. Well, it's got to
11 be defined somewhere in the statute.

12 THE CHAIRPERSON: The setbacks are set.

13 MR. PETER RICHARDSON: Yes, they are,
14 but I don't believe --

15 THE CHAIRPERSON: That is what it's
16 referring to.

17 MS. EUDY: 25 feet on the front, 15 on
18 the side.

19 THE CHAIRPERSON: That's what's
20 referring to the side setbacks in the ordinance for
21 those particular lots. It's not all subjective --
22 the setback is not subjective. It's objective. It
23 is defined in the ordinance.

24 MR. PETER RICHARDSON: If we're at this
25 meeting to decide whether or not to approve an

1 exception, the exception being the historic second
2 house on the property, this is irrelevant because
3 they meet all the --

4 THE CHAIRPERSON: They do meet the
5 requirements. Don't they?

6 MR. PETER RICHARDSON: Yes. So...

7 THE CHAIRPERSON: We do have the
8 ability to put conditions on the special exception.
9 One condition be will be -- well, if we grant -- if
10 we granted the special conditions exception one
11 condition would be that the DRB -- in order for the
12 special exception to be legal and binding the
13 Design Review Board would have to give a final
14 approval for the historic reservation plans.
15 Preservation, not reservation.

16 MS. TIMMONS: Right.

17 MS. EUDY: That would still be required
18 anyway.

19 THE CHAIRPERSON: Right. I know. I
20 understand that, but we still have to make our --
21 we still have to make our special exception
22 contingent on that even though it's -- we are a
23 quasi-judicial Board. We have to be extremely
24 careful when we make our motions because there are
25 orders that we have to sign.

1 MR. ELLIOTT: Well, it would so me
2 like -- well, my thought is we want to -- I'm
3 inclined to grant a variance or grant the request.

4 MS. EUDY: Special exception.

5 THE CHAIRPERSON: Special exception.

6 MR. ELLIOTT: Special exception. It's
7 just further back than I'm comfortable with
8 agreeing to.

9 MR. PETER RICHARDSON: Yes. Me, too.

10 MR. ELLIOTT: So if I had my way it
11 would be grant the request for the exception but
12 the home can only go past the no-build line a
13 certain number of feet.

14 MS. EUDY: But that's not what's
15 presented and you can't do that without our
16 agreement.

17 MR. PETER RICHARDSON: It could be
18 neighborly.

19 MS. EUDY: Well --

20 MR. ELLIOTT: Well, then we should move
21 to vote and accept or reject based on --

22 MS. EUDY: Can I make one comment
23 because up Summer's comment --

24 THE CHAIRPERSON: She has commented
25 because she is the only applicant and she is

1 describing certain things on the drawings for us.

2 But, yes, I will let you comment.

3 MR. BROWDER: Yes. Thank you. I would
4 just comment that as far as -- it's really about at
5 adversely affecting -- and when we had our variance
6 we didn't have anyone to make enough want to
7 continue to the meeting. There are several people
8 here at the meeting plus there are other neighbors
9 that contributed to the architect's fee, drawing
10 these plans so I mean it adversely affects enough
11 people to have, you know, this meeting, to have
12 this much discussion. So there is a more adverse
13 effect.

14 MS. EUDY: We felt like there was an
15 adverse effect when they did what they did but we
16 were trying to be neighborly and not create this
17 situation.

18 MR. PORTER: That's exactly what I
19 tried to do.

20 MS. EUDY: I agree it is not apples and
21 apples. It is apples and oranges like Mr. Browder
22 said earlier. This property is lot bigger and it's
23 a lot different. I think one of the most important
24 things on this island is saving historic
25 structures.

1 We're trying to do the right thing and
2 they're -- you know, that's why this ordinance is
3 in place to give incentive and part of this
4 building -- you know the second house is an
5 incentive. He does not have to say save this house
6 and it has -- I have kicked, screamed, jumped up
7 and down to make this happen and I'm not -- I mean,
8 I'm being serious.

9 He was not going to save it. He was
10 going to knock it down. You know, if we can't do
11 this project in a reasonable way where these houses
12 are done right, you know, I don't know how much
13 more saving I can do.

14 THE CHAIRPERSON: Okay.

15 MR. HENDERSON: If --

16 THE CHAIRPERSON: Okay. Wait just a
17 second. I want to ask a couple of questions before
18 you --

19 MR. HENDERSON: I would just define
20 the -- the BZA's role in approving special
21 exceptions: In approving a special zone the Board
22 of Zoning Appeals may attach to it reasonable terms
23 and conditions as it may consider necessary to
24 accomplish the intent of this article and this
25 entire zoning ordinance.

1 So I think that the BZA has
2 considerable authority in granting special
3 exceptions and determining what's appropriate,
4 what's not appropriate. I think in the past that's
5 applying relief to setbacks. That is modifying
6 buffering strips.

7 When there is no landscaping required
8 in the ordinance the BZA as the authority to say we
9 think you should plant a row of shrubs here. So
10 you have a considerable amount of authority here to
11 do what you want.

12 THE CHAIRPERSON: Do we have the
13 authority to move the building forward as a
14 condition that we would approve a special exception
15 if --

16 MR. HENDERSON: With the condition that
17 the footprint is moved one way or the other.

18 THE CHAIRPERSON: Now, next question:
19 When the DRB gets it for its final siting --
20 because we don't do that. We don't do the final
21 approvals they can be less -- they can be more
22 restrictive with regard to setbacks, but they can't
23 be less restrictive?

24 Would that be a generally accepted
25 statement?

1 MR. HENDERSON: Upon approval of the
2 special exception and application shall be made for
3 a certificate of zoning compliance which shall be
4 forwarded to the zoning administrator to the Design
5 Review Board.

6 That doesn't explain whether the DRB
7 would have to just hands down accept your
8 recommendation. They, too, have to authorize the
9 side and placement and mass of the structure. I
10 suppose they could reject it and send it back.

11 THE CHAIRPERSON: So what I'm getting
12 at is any conditions that we might place on the
13 sighting of the house could technically be
14 overruled by the DRB?

15 MS. TIMMONS: I don't think so.

16 MR. HENDERSON: Randy, do you have any
17 experience with that?

18 MR. ROBINSON: I wasn't listening.

19 MS. EUDY: I just wanted to make clear
20 as the applicant that if you guys -- I don't
21 necessarily think that y'all arbitrarily are saying
22 move it back 10 or 20 or 30 feet is what -- what
23 you're entitled to do but if you so choose to make
24 a motion and approve it based on that -- Number 1,
25 I would like to step out and talk to the property

1 owner first. Number 2, I want to make clear that
2 just because it's granted here cause doesn't make
3 the whole -- you have to have the DRB approval and
4 the BZA approval.

5 So if it's granted here I don't think
6 this is binding on us until we have the DRB
7 approval. So I just want to make that clear, that
8 you know, if it's not granted -- if the special
9 exception is granted it is conditional. Just like
10 it's conditional on us, it's conditional on the
11 town and we're not binding ourselves to this prior
12 to DRB approval.

13 In other words, if you say move the
14 house 30 feet and we decide, hey, we're not going
15 in front of DRB because Allen's, like, I'm do not
16 doing this based on --

17 MR. HENDERSON: Right.

18 MS. EUDY: We're not bound.

19 THE CHAIRPERSON: And I -- you know, I
20 would like to grant the special exception because I
21 would like the cottage to be saved and there has
22 been -- there have been occasions in the past where
23 the BZA and the DRB -- you know, we're not always
24 quite sure of the final authority though we have
25 final authority on the actual zoning, which is the

1 special exception. So they can't -- they can't go
2 forward. Unless we grant the special exception
3 they can't go forward with historic designation for
4 the house.

5 MS. EUDY: I think they could. We were
6 actually scheduled to go in front of them last
7 month again. It would be conditional -- just like
8 your granting is --

9 THE CHAIRPERSON: We're going to grant
10 it conditional on their approval or they would have
11 to grant it conditionally on our approval. There
12 are at least two boards looking at this.

13 MS. EUDY: Correct.

14 THE CHAIRPERSON: That's -- you know,
15 I'm all for saving cottages.

16 MS. TIMMONS: Me, too. Me too.

17 MR. HENDERSON: We, are too.

18 MS. TIMMONS: I'm for putting a
19 condition on it to move it back towards -- a little
20 bit.

21 THE CHAIRPERSON: We're getting ready
22 to make a motion.

23 MR. ELLIOTT: I'd like to, but I just
24 want to do something in this.

25 MS. LATHAM: I want to go home.

1 MR. ELLIOTT: If the wording is not
2 correct I would move for a vote on Allen Porter's
3 approval for the RS district historic special
4 exception in accordance with zoning section --
5 Zoning Ordinance Section 21-21(C)(2) and Zoning
6 Ordinance 21-178. Now, with the --

7 THE CHAIRPERSON: Okay. With the
8 condition --

9 MR. ELLIOTT: With the condition that
10 the structure be approved forward to the street 15
11 feet.

12 MS. EUDY: Towards the street.

13 MS. TIMMONS: Towards Goldbug.

14 MR. HENDERSON: I would express the
15 leading edge -- the rear-most facade of the house,
16 is what we're concerned with, the facade being
17 back? I think that's how you word it. Excuse me.

18 MR. ELLIOTT: Moved towards Goldbug 15
19 feet.

20 MS. EUDY: That the most marshward side
21 of the house move be moved back 15 feet? Is that
22 what --

23 MR. ELLIOTT: That's what I'm trying to
24 say.

25 MS. TIMMONS: I'll second it.

1 THE CHAIRPERSON: Don't second it yet.

2 MR. ELLIOTT: That's a good question,
3 but we were looking at the plat and trying to
4 determine what makes sense.

5 MR. PETER RICHARDSON: What would like
6 make it here? The site lines were ---

7 MS. LATHAM: It just seems, you know,
8 that it -- it gets you half way through the
9 autopsy.

10 MS. EUDY: Elizabeth, I wanted to make
11 a comment before this is voted on. We need to step
12 outside and talk about this.

13 THE CHAIRPERSON: Are you going to pull
14 it?

15 MS. EUDY: I might or I might let it
16 get voted on and appeal it, but I need to talk
17 about that.

18 THE CHAIRPERSON: Let's see what the
19 motion is. I can't stop the --

20 MS. EUDY: I understand. I just want
21 to before there's a vote.

22 MS. LATHAM: My grandfather who was a
23 judge used to say if nobody's happy you've made the
24 right decision.

25 MS. EUDY: What happened to private

1 property rights?

2 THE CHAIRPERSON: Okay. Restate your
3 motion, please, and please make a condition of
4 your motion that with the condition that the DRB
5 issue final approval of the historic preservation
6 plans with -- and it's is on the bottom of Page 2.

7 MR. ELLIOTT: Yes, ma'am. I'll try.

8 THE CHAIRPERSON: And we give lots of
9 grace when you're making the motion. We have joint
10 motions sometimes.

11 MR. ELLIOTT: And lots of instruction I
12 need.

13 THE CHAIRPERSON: Joe is always happy
14 to tell us what we missed.

15 MR. ELLIOTT: I move for a vote on
16 Allen's Porter's application to --

17 THE CHAIRPERSON: You have to have say
18 a vote to approve or disapprove. We're either
19 approving the special exception or denying the
20 special exception.

21 MR. ELLIOTT: All right. Then I move
22 to approve Allen Porter's request for approval for
23 the RS district Historic special exception in
24 accordance with Zoning Ordinance Section
25 21-20(C)(2) and Zoning Ordinance Section 21-178

1 with the understanding that the DRB must still
2 grant final approval of the final design
3 modifications.

4 However, I would put on the vote for
5 approval the requirement that the structure -- what
6 I called the rear structure, which is facing the
7 marsh, be moved towards Goldbug 30 feet.

8 MS. LATHAM: 30 feet?

9 MR. ELLIOTT: That's my motion.

10 THE CHAIRPERSON: Is there a motion?

11 MR. PETER RICHARDSON: Would you want
12 to say in consideration of general welfare of the
13 nearby area?

14 MR. ELLIOTT: Sure, and to be
15 compatible with existing uses and adjacent
16 structures and adjacent properties.

17 THE CHAIRPERSON: Is there a second?

18 MR. PETER RICHARDSON: I would vote for
19 25 feet.

20 THE CHAIRPERSON: You can't say that.
21 You have to say second or stay silent. If there's
22 not a second that motion fails. For lack of a
23 second, I'll ask for another motion.

24 MS. TIMMONS: Why don't you restate it
25 for 20 feet? Could you do that?

1 MR. ELLIOTT: Do I have to restate the
2 whole thing over again?

3 THE CHAIRPERSON: No. You can just say
4 you reduce it.

5 MS. EUDY: You can amend it.

6 MR. HENDERSON: You can amend it to
7 20 feet.

8 THE CHAIRPERSON: But what I'm going to
9 tell you -- before we vote I'm going to allow the
10 applicant and his presenter to leave the room and
11 decide whether or not they want to withdraw.

12 MR. ELLIOTT: Then I would restate the
13 motion but amend it to require the structure to be
14 20 feet rather than 30.

15 THE CHAIRPERSON: Okay. Is there a
16 second?

17 MR. PETER RICHARDSON: Second.

18 THE CHAIRPERSON: There's second and
19 we're going to take a brief recess --

20 MS. EUDY: Off the record.

21 THE CHAIRPERSON: -- off the record.

22 (A recess transpired.)

23 THE CHAIRPERSON: Okay. We are now out
24 of recess. There is going to be no more public
25 comment except I may ask a question. Are you going

1 to go forward before you vote?

2 MS. EUDY: This is our position: We'll
3 concede 10 feet if the Board would consider
4 amending the motion and the second to 10 feet.
5 Otherwise, we are going to pull the application and
6 we don't know if it will be resubmitted. The
7 property owner may go in a different direction and
8 remove the cottage.

9 MR. PORTER: I'd like to say something.

10 THE CHAIRPERSON: You're the owner, so
11 I'm going to let you speak.

12 MR. PORTER: My neighbors, when they
13 went to build their house, didn't come to me. I
14 left two trailers in the yard for two years up
15 until two weeks and now all of a sudden the boat
16 trailer disappears and I get all this resistance.
17 They gave me no courtesy whatsoever when they were
18 building their project. Zero. They weren't
19 concerned about my view at all.

20 MS. EUDY: In addition, I would like to
21 again point out Bachman Smith sat on this Board.
22 He reviewed this set of plans. He was good with it
23 placed where it was. He voted on both variances.
24 Our concession is 10 feet. If the Board won't
25 amend we're going to pull our application.

1 THE CHAIRPERSON: We're going to -- up
2 for discussion. Now, no more public comment at all
3 from anybody because we are approaching the longest
4 meeting ever. Is it 10 o'clock? Something like
5 that.

6 MS. LATHAM: I'm good with the 10 feet.

7 MR. ELLIOTT: I'm not amending it.

8 THE CHAIRPERSON: If you're not going
9 to amend it then do you want to withdraw?

10 MS. EUDY: I think that's unfortunate
11 because I think some of the other members would
12 vote on it. So I would like to see how a vote
13 would go on this, but he's put me between a rock
14 in a hard place. I don't know how it's going
15 to carry.

16 So if that's how the Board wants to be
17 we'll pull the application and the cottage may not
18 exist soon. That's a shame.

19 THE CHAIRPERSON: All right. So the
20 special exception -- we're not finished here. The
21 special exception is withdrawn. We do have one
22 more item for consideration. We have to elect --
23 we haven't done this because we haven't all been
24 here and some of us haven't had meetings or we
25 haven't had meetings for lack of applications.

1 MR. HENDERSON: Summer, can we have a
2 copy of that for the records?

3 MS. EUDY: Can you take one of the
4 small copies? Can I get all the stuff back, too?
5 I don't care about those. Just the plans.

6 MR. HENDERSON: Thanks.

7 THE CHAIRPERSON: So we need to elect a
8 chair and a vice chair. We actually haven't had a
9 vice chair, but I do believe we should have one in
10 the absence of the chair. So the floor is open for
11 nominations.

12 MR. PETER RICHARDSON: I nominate
13 Elizabeth as the chair.

14 MS. LATHAM: I second.

15 THE CHAIRPERSON: Are there any other
16 nominations?

17 MS. MILLER: Who seconded that?

18 MS. LATHAM: I did.

19 THE CHAIRPERSON: All those in favor
20 signify by saying aye.

21 (All board members said aye.)

22 THE CHAIRPERSON: Opposed?

23 (No response.)

24 THE CHAIRPERSON: Do I hear any
25 nominations for vice chair?

1 MR. PETER RICHARDSON: I would nominate
2 Carlin for vice chair.

3 MR. ELLIOTT: Second.

4 THE CHAIRPERSON: Oh, that's awesome.
5 I won't even ask for any other nominations. All in
6 favor, signify by saying aye.

7 (All board members said aye.)

8 THE CHAIRPERSON: If there are no
9 further comments from the public this meeting is
10 adjourned.

11 (The meeting was adjourned at 9:18 PM.)
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CERTIFICATE OF REPORTER

I, Priscilla Nay, Court Reporter and Notary Public for the State of South Carolina, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further 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 28th day of March, 2016 at Charleston, Charleston County, South Carolina.



A handwritten signature of Priscilla Nay in cursive script.

Priscilla Nay,
Court Reporter
My Commission expires
December 2, 2021

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Errata Sheet

NAME OF CASE: In Re: Board of Zoning Appeals

DATE OF DEPOSITION: 3/10/2016

NAME OF WITNESS: Meeting

Reason Codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

Page _____ Line _____ Reason _____

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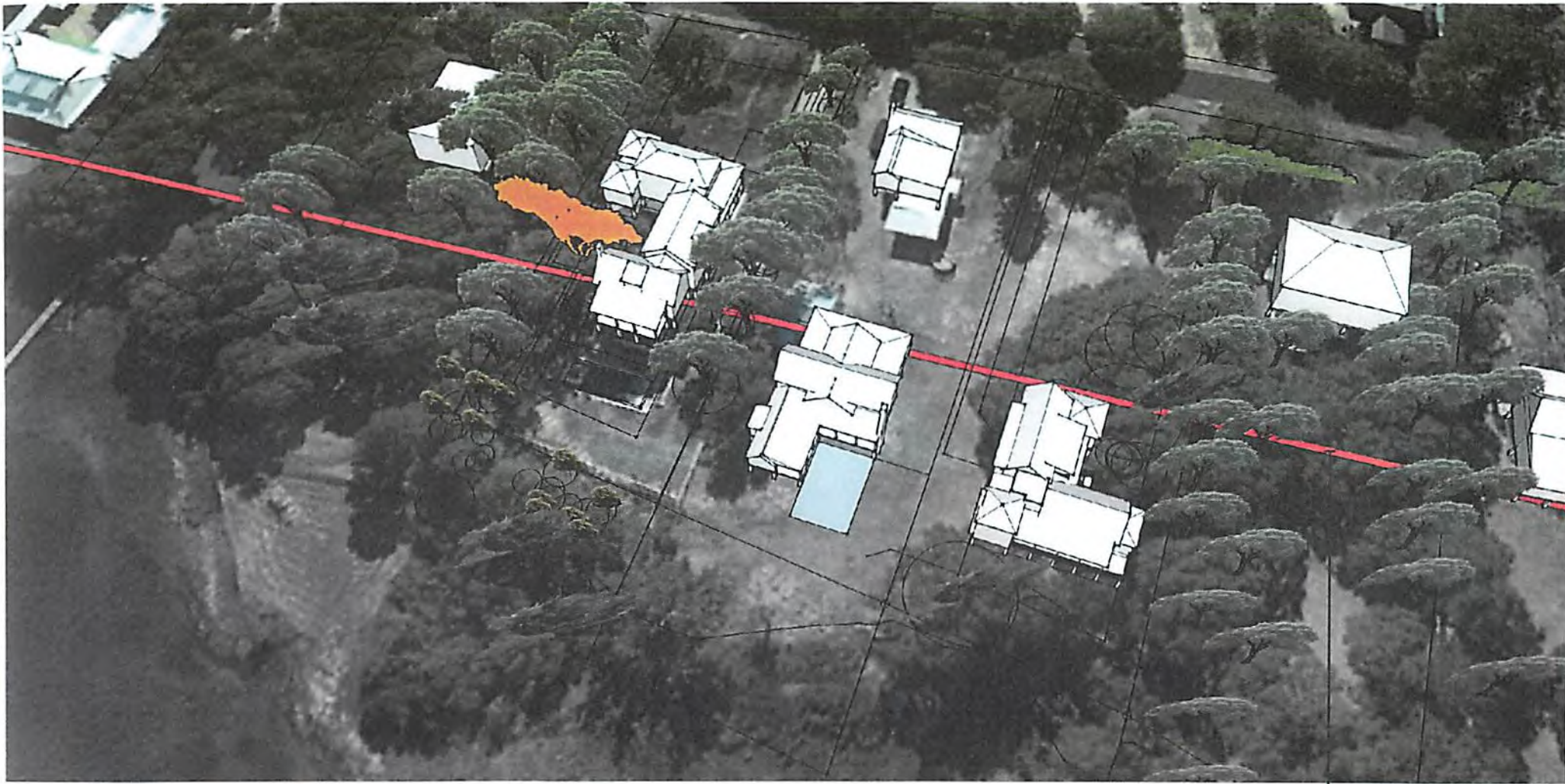


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COPY

Current "build to" line set by 2650 Goldbug Avenue

Presented by Diana Browder
3/10/16 BZA Meeting

Regarding 2668 Goldbug S.E.



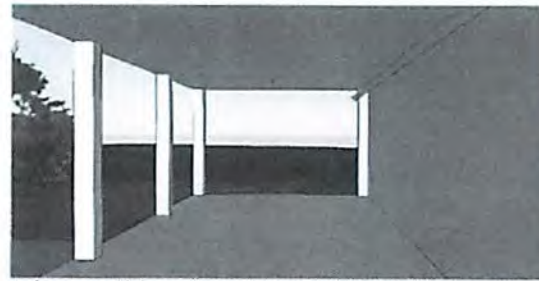
aerial view of station 26 1/2 to station 27



view from marsh



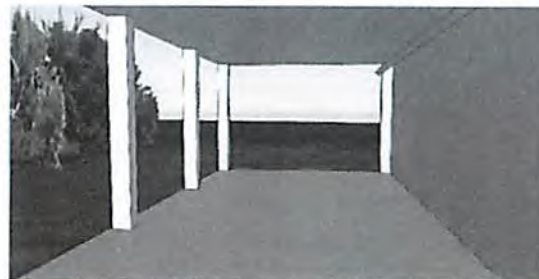
view illustrating the distance between existing cottage and proposed build



view from interior porch looking towards marsh at the proposed 81'-8" from "build to" line



pedestrian view standing at "build to" line looking west



same view with house moved 40' 0" from the "build to" line

COPY