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TOWN OF SULLIVAN'S ISLAND  
DESIGN REVIEW BOARD

BEFORE: STEVE HERLONG, CHAIRPERSON  
DATE: April 17, 2014  
TIME: 6:00 PM  
LOCATION: Town of Sullivan's Island  
2050-B Middle Street  
Sullivan's Island, SC 29482  
REPORTED BY: LORA L. McDANIEL,  
Registered Professional Reporter

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1 APPEARANCES:

2

3 STEVE HERLONG, CHAIRPERSON

4 DUKE WRIGHT, BOARD MEMBER

5 MARK HOWARD, BOARD MEMBER

6 RHONDA SANDERS, BOARD MEMBER

7 BILLY CRAVER, BOARD MEMBER

8 JOE HENDERSON, ZONING ADMINISTRATOR

9 KAT KENYON, PERMIT TECHNICIAN

10 RANDY ROBINSON, BUILDING OFFICIAL

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1 & Associates are requesting approval of side setback

2 relief in accordance with Section 21-22. The DRB

3 reviewed this project on December 18, 2013 and issued

4 relief for principal building coverage, impervious

5 coverage, principal building square footage and

6 foundation height.

7 This evening, the applicant is requesting

8 relief for 4'2" in the required 25-foot side setback.

9 The applicants are proposing 17 percent of that.

10 DRB, of course, has the authority to issue 25 percent

11 relief. Staff recommends approval provided the

12 design of the home meet the standards for

13 neighborhood compatibility there before you,

14 Mr. Chairman.

15 **MR. WRIGHT:** Is the applicant here?

16 **MR. ROMANO:** John Romano for Herlong &

17 Associates. Just to give you a brief overview of the

18 project, it is 813 Middle Street. It is at the end

19 of Sullivan's Island, at the corner of Middle Street

20 and Star of the West. Looks out onto the harbor and

21 Fort Sumter.

22 The property is a little bit strange.

23 It's a wedge-shaped property so it tapers out towards

24 the street. We're asking the Board for relief from

25 the side yard setback on the south side of the

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1 **THE CHAIRPERSON:** It is 6:00 p.m. on April

2 17th, and this is the Thursday meeting, April 17th,

3 of the Sullivan's Island Design Review Board. And

4 the Freedom Of Information requirements have been

5 met. And the board members in attendance are Duke

6 Wright, myself Steve Herlong, Mark Howard, Rhonda

7 Sanders and Bill Craver.

8 The first item on the agenda would be the

9 approval of the minutes from the January 15th

10 meeting.

11 **MR. WRIGHT:** So moved.

12 **MR. CRAVER:** Second.

13 **THE CHAIRPERSON:** We have a second. Is

14 there any discussion? All in favor of approval?

15 (Ayes by all board members).

16 **THE CHAIRPERSON:** Approved.

17 So the first item on the agenda is 813

18 Middle Street. And I'm going to be recusing myself

19 and turning it over to Duke.

20 **MR. WRIGHT:** The first item, 813 Middle

21 Street. Joe, will you give us an overview.

22 813 MIDDLE STREET

23 **MR. HENDERSON:** Thank you, Mr. Chairman.

24 Item C-1 is regarding a requested new construction

25 located at 813 Middle Street. The applicant, Herlong

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1 property. DRB can grant, like Joe said, 25 percent

2 modification. We're asking for a 17 percent

3 modification.

4 Currently we're at 25 feet on the side

5 yard setback. We're looking to encroach 4'2" in this

6 area, just on the pool side. And all we're really

7 trying to do is get access from this first level deck

8 down around the pool, into to the second level deck.

9 In total, it's 81 square feet that's going to be put

10 into the setback. And a portion of that are stair

11 treads that are below six feet, which is allowed to

12 encroach in setbacks.

13 It's really just a small amount that's

14 needed. We feel the design kind of really improves

15 the harbor side elevation because it pulls the

16 railings back away from this main elevation and more

17 into the side yard, so it's really not as visible

18 from the harbor.

19 It started to necessary to encroach into

20 the setback just because of the shape of the

21 property. It's that tapered shaped, that wedge shape

22 that pushes the design in at the harbor side. It's

23 actually 150 feet from corner-to-corner of the

24 property line on the street side and the front side

25 of the property.

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1 When you get down to the rear harbor side  
2 of the property, you're at 86 feet. These dash lines  
3 are going to represent the setbacks and the  
4 encroachments of the setback. It's a fairly common  
5 request. A lot of properties around Sullivan's  
6 Island typically have stairs going down into the side  
7 yard setback. That was really the only issue for the  
8 side yard setback.

9 And I also want to bring up a few changes,  
10 small modifications that we made to the elevations.  
11 The north and south elevations we added bluebird  
12 screens, mainly just for privacy. There's a fixed  
13 bluebird screen off of the north side covered porch  
14 and the south side covered porch and optimal screens  
15 just for privacy, off the master bedroom, off the  
16 living room, kitchen.

17 Another small change was the stairwell  
18 windows. Originally it was about half that size. We  
19 increased it to wall-to-wall, floor-to-ceiling  
20 height. It fits a little bit better with the mullion  
21 pattern. The way the window is broken up, it's a  
22 little bit more traditional. We're showing four.

23 We're also adding solar panels on the  
24 south elevations. I talked to Joe about this  
25 earlier. We didn't think it was an issue mainly

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1 because that's south elevation is so heavily screened  
2 from the existing plantings. It's not beachfront, so  
3 it wouldn't be viewed by the public. That's it.

4 **MR. HENDERSON:** I can also pass around the  
5 December 13th approval with the stairs inset within  
6 the building envelope meeting the setbacks. You need  
7 to see it.

8 **MR. HOWARD:** I like. This is the final  
9 approval?

10 **MR. HENDERSON:** Yes, sir.

11 **MR. HOWARD:** I was just curious about why  
12 you were changing the walkway from the final  
13 approval. Enlarging the pool, I suspect?

14 **MR. ROMANO:** That was the main reason was  
15 the pool standing from edge-to-edge of the deck and  
16 not really having a great way, just because the site  
17 got so narrow, to get down off this lower level –  
18 off this upper level to the lower level.

19 We do think it works a little bit better  
20 than what was proposed, what was approved actually  
21 just because it pulls the railings back away from  
22 that harbor side elevation.

23 **MR. HOWARD:** What is the height of the  
24 wall at the spa level?

25 **MR. ROMANO:** At the spa level, I think it

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1 is four feet. I have to double check that. These  
2 last three treads are under the six-foot elevation.

3 **MR. WRIGHT:** Discussion? Public comment?  
4 There's no public comment.

5 Any further board discussion?  
6 **MR. CRAVER:** I move to approve it.

7 **MR. WRIGHT:** Hear a second?  
8 **MS. SANDERS:** I have one comment. I think  
9 it's beautiful. I wish I had the problem of 86-foot  
10 wide being the narrowest. I think it's amazing that  
11 size of a yard you can't meet within the guidelines.  
12 I think it's within the guidelines, so yeah. Looks  
13 beautiful.

14 **MR. WRIGHT:** Do we have a second.  
15 **MS. SANDERS:** Second with my comments.

16 **MR. WRIGHT:** Discussion? All in favor?  
17 (Ayes by all board members.)  
18 **MR. WRIGHT:** Opposed? None. Thank you.  
19 2307 ATLANTIC AVENUE  
20 **THE CHAIRPERSON:** The next item on the  
21 agenda is 2307 Atlantic Avenue. Joe, can you explain  
22 that to us, please.

23 **MR. HENDERSON:** This next item is C-2.  
24 This is a requested new home construction for 2307  
25 Atlantic Avenue. The applicant, Beau Clowney Design,

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1 are requesting preliminary design, review and  
2 approval. They are requesting during this  
3 presentation relief on second story side setback,  
4 principal building square footage and principal  
5 building foundation height.

6 Just to run through these very briefly,  
7 the total principal building square footage is 4,750.  
8 They're requesting 14.2 percent relief.

9 Second story side setback, requesting 100  
10 percent relief. And the applicant will show you the  
11 elevations.

12 The foundation height, they're requesting  
13 one foot, which is the maximum permitted. Staff  
14 recommends approval of the project provided the home  
15 and the design meet the standards for neighborhood  
16 compatibility with regard to size, placement, et  
17 cetera. I give it to you.

18 **MS. CAMPBELL:** I'm Kate Campbell with Beau  
19 Clowney Design.  
20 **MR. QUARLES:** Jim Quarles with Beau  
21 Clowney.  
22 **MS. CAMPBELL:** This house is for a family  
23 that's moving here full-time. They've got a young  
24 daughter. And they're really interested in, you  
25 know, incorporating a lot of what makes Sullivan's

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1 Island great. Vernacular texture and design that's  
 2 grounded in Caribbean influences as well. We've  
 3 really strived to use that as a starting point for  
 4 our design on this property.  
 5 The house -- the lot is actually fairly  
 6 large and long. So we really wanted to take  
 7 advantage of the length of the lot and start to  
 8 stretch the volumes for dramatic pieces along the  
 9 length of the lot in order to have light and air come  
 10 in from all sides. So the circulation perception  
 11 kind of through the design, moves you through the  
 12 house.  
 13 You're starting out on the front of the  
 14 house, worked it, making this a very small-in-scale  
 15 volumes, more cottage-like. One story piece here on  
 16 the front with a one story porch that connects the  
 17 front yard and the backyard. So when you walk up on  
 18 this porch, you can actually look back down into the  
 19 pool garden.  
 20 As you progress back through the house,  
 21 the circulation takes you back to the main living  
 22 space in the back. And then the porch opens up to  
 23 the ocean on the back side. Really, just stretching  
 24 the programmatic pieces along the circulation supply  
 25 and letting light come in from the windows on all

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1 sides.  
 2 Some of the images that we were looking at  
 3 with the volumes on the front, particularly where  
 4 some of these images from the islands and Barbados  
 5 and Mustique and having a very solid bottom to them.  
 6 And then turning into more of a frame structure on  
 7 the top. And also using the use of shutters and  
 8 other details to just really bring the scale of the  
 9 house down on the front, on the street side, more in  
 10 keeping with the island architecture. So you can see  
 11 that here.  
 12 We have masonry volume. Masonry here,  
 13 changing to cedar shape and lap siding as you  
 14 progress back to the back of the site.  
 15 Using carefully proportioned roof volumes  
 16 and other connections in order to just bring the  
 17 scale of the house down. We're restricted by flood  
 18 here and height restriction here. Kind of making  
 19 everything work proportionately. Making roof lines  
 20 more in keeping with traditional architecture.  
 21 The square footages, I think James was  
 22 going to talk about that.  
 23 **MR. QUARLES:** Joe, you did mention 4,750.  
 24 Since submitting, we've been working with the client,  
 25 kind of fine-tuning the floor plan. If it's okay

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1 with you, we would like to seek approval for a house  
 2 that has 4,537 square foot. That is 18.65 percent of  
 3 our allowable 25 percent over. That does increase  
 4 our principal square footage of 2,784. That's still  
 5 much lower than our 33, almost 3,400 allowable on our  
 6 principal building coverage. If that's okay to seek  
 7 approval.  
 8 **MR. HOWARD:** Can I ask where you are doing  
 9 this expansion?  
 10 **MR. QUARLES:** Sure. We are -- actually,  
 11 the house really does not change that much. We're  
 12 adding -- we're kind of shifting this stair out into  
 13 this space right here. No further than -- it's  
 14 actually much shallower than this line right here.  
 15 So about right in here there's a stair. Instead of  
 16 having just a trace there, it's a switchback. And  
 17 then this volume just gets a little bit bigger. That  
 18 gets us that extra 200 square feet in the building  
 19 once you stack that.  
 20 **MS. CAMPBELL:** Once we move -- we had  
 21 to pull --  
 22 **MR. HOWARD:** That's the front?  
 23 **MS. CAMPBELL:** This is the front of the  
 24 house.  
 25 **MR. HOWARD:** You're moving further towards

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1 Atlantic?  
 2 **MS. CAMPBELL:** Further towards Atlantic.  
 3 **MR. QUARLES:** Yeah.  
 4 **MR. HOWARD:** How many feet?  
 5 **MR. QUARLES:** Two feet.  
 6 **MS. CAMPBELL:** Also, pulling that stair  
 7 volume out. That basically increased -- the square  
 8 footage went towards the bedroom, had an increase of  
 9 stair coming out in front. It really didn't change  
 10 any of this.  
 11 **MR. QUARLES:** No, it didn't. it's just  
 12 our bedrooms were just a little bit too small for the  
 13 client's wishes.  
 14 **MR. HENDERSON:** Does that affect your  
 15 request for relief on the second story?  
 16 **MR. QUARLES:** Actually it breaks it up a  
 17 little bit more.  
 18 **MR. HENDERSON:** Doesn't lengthen it?  
 19 **MR. QUARLES:** Just breaks it up.  
 20 **MS. CAMPBELL:** No, you end up with the  
 21 volume coming out here where before we have this long  
 22 wall. Stair line is going to bump out this way.  
 23 **MS. SANDERS:** These numbers change a  
 24 little bit? By 10 percent?  
 25 **MS. CAMPBELL:** 2 percent.

1 **MR. QUARLES:** Our percentage is 18.65  
2 percent of the allowable 25 percent. We're still  
3 underneath our maximum request.  
4 **MS. SANDERS:** It's conceptual anyways.  
5 **MR. HENDERSON:** I've also asked -- are you  
6 finished?  
7 **MS. CAMPBELL:** Go ahead.  
8 **MR. HENDERSON:** I've asked the applicants  
9 to describe a little bit about how they're going to  
10 meet the requirements of 21-23. This is relating to  
11 the setbacks with RC1 zoning district. The  
12 requirement -- there's a provision, a build-to  
13 provision that requires that the new construction not  
14 go any further out towards RC2 zoning district than  
15 any other structure on the block.  
16 Kate has done some renderings to show us  
17 some various options of that.  
18 **MS. CAMPBELL:** As you know, on the RC1  
19 district, you can't go any further out than the  
20 furthest house back. This block -- on the block,  
21 this block is a bit of anomaly. We have this  
22 property, which is 2319 Atlantic, which is actually  
23 further forward than the 30-foot required rear  
24 setback off the lot line.  
25 There are two options we've been kind of

1 to put their house. They would have it within their  
2 right to go out to the 30-foot setback line. This  
3 house is what dictates the furthest house out.  
4 We're still kind of working that out with  
5 the client; just, you know, getting a gauged reaction  
6 from neighbors and also the board on that.  
7 **MR. WRIGHT:** This is conceptual  
8 application anyway?  
9 **MS. CAMPBELL:** It is. We would love to  
10 get final.  
11 **MR. WRIGHT:** I understand. You're doing  
12 it. It may be ours.  
13 **MR. HOWARD:** How old is the home is this  
14 one that's close to the critical line.  
15 **MS. CAMPBELL:** I think it's '70s.  
16 **MR. HOWARD:** This is prior to this  
17 amendment. It really doesn't interplay. It wouldn't  
18 be allowed to be rebuilt there.  
19 **MS. CAMPBELL:** It would be allowed to be  
20 built, I believe, on the 30-foot setback line,  
21 wouldn't it?  
22 **MR. CRAVER:** It would be restricted by the  
23 next closest.  
24 **MS. CAMPBELL:** If you tore this house down  
25 then it would be the next closest.

1 kicking around with the owner. They want to, you  
2 know, obviously be neighborly to their adjacent  
3 neighbors. This is their property, these are two  
4 different schemes. Their adjacent neighbor is back  
5 here and here. This is the property that goes  
6 further out than the 30-foot setback line, which is  
7 this line right here.  
8 So their biggest concern with being kind  
9 of the newer house in the block -- this was built in  
10 the '70s. This was in the '90s. I think this was  
11 earlier than that -- is taking advantage of being  
12 able to go further out but also not being egregious  
13 about it. We kind of came up with two different  
14 options for them to chew on.  
15 I've been speaking with Joe and Randy  
16 about it, is either taking the house all the way out  
17 to the 30-foot setback line, which they would be in  
18 their right to do because of this house being further  
19 out, or taking the average of this furthest house out  
20 and the second furthest house out, which is 2313  
21 Atlantic.  
22 And we submitted it with the average,  
23 which is a little bit further back. The client's  
24 biggest concern is what happens when or if this house  
25 gets added on to or taken away is where they're going

1 **MR. CRAVER:** Another house -- while this  
2 one exists, another house is built on 30-foot  
3 setback, then that would be the standard.  
4 **MS. CAMPBELL:** Exactly, which actually, if  
5 you look up the block, this is the house that we're  
6 speaking about. These houses up here are all close,  
7 as close or slightly less close than this guy. It  
8 would continue that line. It's a little bit of  
9 anomaly that we're not used to dealing with when the  
10 house is further out than the setback line.  
11 **MR. CRAVER:** Because of the other  
12 direction.  
13 **MR. HENDERSON:** Actually these come out as  
14 well.  
15 **MR. CRAVER:** Those aren't all the way down  
16 to the highwater mark.  
17 **MR. HENDERSON:** Right.  
18 **MS. CAMPBELL:** Those are also restricted  
19 by the furthest house back. All of the houses are  
20 restricted by furthest house back on the block.  
21 **MR. HENDERSON:** Randy and I recommended,  
22 because this change was done recently in the past  
23 couple of days, that Kate kind of solicit some input  
24 from the neighbors. We did have one neighbor come  
25 in, and he reviewed the submittal that you-all

1 received several weeks ago. If there are changes, we  
2 think you should run that by the adjacent property  
3 owners.

4 **THE CHAIRPERSON:** I gather that the  
5 adjustment must be around five feet?

6 **MS. CAMPBELL:** Nine feet.

7 **MR. QUARLES:** Nine feet.

8 **MS. CAMPBELL:** It's either 30-foot off the  
9 lot line or 39, which puts it directly equal distance  
10 between this house and this house.

11 **MR. HOWARD:** When the adjustments -- what  
12 do you mean by the adjustments

13 **MS. CAMPBELL:** Meaning moving it back.

14 **THE CHAIRPERSON:** All the way out or  
15 further back to the average?

16 **MS. SANDERS:** Does that include all  
17 properties?

18 **MR. HENDERSON:** Mark, this is what -- this  
19 is what was proposed in the application. And this is  
20 moving the building footprint and also the decks and  
21 porches forward. You said eight feet?

22 **MS. CAMPBELL:** Nine feet.

23 **MR. HENDERSON:** Nine-foot difference  
24 between this point and that point. The gentleman  
25 came in. --

1 like it was from 1920.

2 **MR. CRAVER:** Which one looks like 1920.

3 **MS. CAMPBELL:** The one on the corner,  
4 2301.

5 **MR. HENDERSON:** 2102, 2307 are both  
6 historic structures.

7 **THE CHAIRPERSON:** 2301 is not.

8 **MR. WRIGHT:** Is that one historic?

9 **MR. HENDERSON:** I'm not sure.

10 **MR. WRIGHT:** The chances of house being  
11 taken out and newly built is pretty good over the  
12 next few years, I imagine.

13 **MR. CRAVER:** I don't see Brent Heffron  
14 selling 2313 anytime soon. I don't see him tearing  
15 it down. 2301, that could happen.

16 **MR. HOWARD:** I'm not sure we should  
17 concentrate strictly on just this block as the  
18 presence that stands throughout the island. The  
19 reason for the bar, the amendment is there. It's  
20 just not this block really in terms of long-term,  
21 that's the point.

22 **MS. CAMPBELL:** I think the clients are  
23 open to both options. I think it's more of exactly  
24 what Billy said, they're concerned -- they like where  
25 it is, but they're concerned that somebody could come

1 **MR. CRAVER:** They're saying they don't  
2 mind it being back. They're concerned their view is  
3 going to get cut off because the two houses adjacent  
4 to them are small enough that they can end up being  
5 torn down and could go all the way to the 30-foot  
6 line.

7 **MS. CAMPBELL:** As long as this house is in  
8 existence.

9 **MS. SANDERS:** Or the one or two over.

10 **MR. CRAVER:** Right. Because otherwise,  
11 they would end up being the standard.

12 **MS. CAMPBELL:** Right, correct. Exactly.

13 **MR. CRAVER:** That house, the one that's on  
14 the line, survived Hugo. Unless man tears it down,  
15 the likelihood of God getting rid of it is probably  
16 slim.

17 **THE CHAIRPERSON:** Are the house on either  
18 side of this, are they historic or not?

19 **MS. CAMPBELL:** I don't believe this one is  
20 historic. The one to the right is built in 1990.

21 **MR. CRAVER:** The Heffron house is not;  
22 that was built after Hugo. That one is after Hugo.  
23 The Baker's house might be, though.

24 **MS. CAMPBELL:** Charleston County said it  
25 was 1920. The addition on the front does not look

1 and build further out in the long run. It is going  
2 to be their full-time house for however long.

3 **MR. CRAVER:** They have the no good deed  
4 goes unpunished issue.

5 **MS. SANDERS:** Which is the truth.

6 **MS. CAMPBELL:** I don't know if there's  
7 anything with this approval that would apply to other  
8 properties as well or whether it's some kind of  
9 agreement like we were talking about earlier that the  
10 neighbors have.

11 **MR. CRAVER:** I'll tell you, the only thing  
12 I can think of that you could do would be to go to  
13 the other two neighbors and tell them y'all are  
14 willing to build on that line, if they would be  
15 willing to restrict their deeds so that anybody  
16 buying from them can't build in front of them.

17 **MS. CAMPBELL:** Build up to that line.

18 **MR. CRAVER:** Other than that, you get no  
19 assurances.

20 **MS. CAMPBELL:** Right.

21 **MS. SANDERS:** Good luck with that one.

22 **MR. CRAVER:** You're talking about building  
23 a long, slender structure. You don't really  
24 foreclose a whole lot of -- you're not restricting  
25 them a whole lot by doing that. One thing if you

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1 were talking about really tiny building envelope but  
2 you're not. It would be worth a shot. They're both  
3 very reasonable people. Of course, they might be  
4 unhappy with the fact you're building as far forward  
5 as you are.  
6 **MS. CAMPBELL:** I think Mr. Heffron talked  
7 to Randy.  
8 **MR. ROBINSON:** Brent came in and talked to  
9 me.  
10 **MR. CRAVER:** Was he okay?  
11 **MR. ROBINSON:** He was okay. He was kind  
12 of lukewarm when he found out where it was, provided  
13 they didn't go any further, you know. Like you say,  
14 reasonable people.  
15 **MR. CRAVER:** Yeah.  
16 **MS. CAMPBELL:** Yeah.  
17 **MR. WRIGHT:** That's something that we  
18 can't deal with.  
19 **MR. HOWARD:** I don't know what height.  
20 We've got multiple decks and a porch. I assume one  
21 of them at least is grouped. I don't know what the  
22 level is. I'm assuming --  
23 **MS. CAMPBELL:** It's mainly one story on  
24 the back.  
25 **MR. HOWARD:** This one square porch has a

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1 roof.  
2 **MS. CAMPBELL:** Is here, yeah.  
3 **MR. HOWARD:** I don't know whether that  
4 would, you know, if view is what we're talking, maybe  
5 the roof could be negated, maybe something less. I  
6 mean, we've got four porches. We're in the  
7 conceptual design phase. Seems like a lot of  
8 porches. Really, our entertainment area appears to  
9 be on the side of the home, around the pool; isn't  
10 it.  
11 **MS. CAMPBELL:** It's kind of in multiple  
12 locations. The way that their programmatic elements  
13 work, they wanted to have a couple areas to basically  
14 enjoy all parts of their property. The ocean porch  
15 is all about the ocean view, catching the ocean  
16 breezes and going back down into the courtyard.  
17 **THE CHAIRPERSON:** Excuse me. Let's try to  
18 have one conversation at a time. It makes it kind of  
19 hard to track the history.  
20 **MS. SANDERS:** I was asking -- sorry to  
21 interrupt. I was asking Joe if they could put the  
22 house all the way up to the front. I guess my  
23 question is, 2319 is way forward. Several more  
24 further down that are as close to the line. If that  
25 were to go away, they could still do it because of

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1 those others; right.  
2 **MR. HENDERSON:** It's within the block.  
3 **MS. CAMPBELL:** Just these four properties.  
4 **MS. SANDERS:** You have one non-conforming,  
5 more or less, and it's non-conforming.  
6 **MR. HENDERSON:** Pretty much.  
7 **MS. SANDERS:** Does the fact it's  
8 non-conforming make any difference?  
9 **MR. CRAVER:** You can only go to the  
10 30-foot line. If they want to really protect their  
11 interest, they either get an agreement and do deed  
12 restrictions on the other two pieces or take their  
13 chance or go to the 30-foot line.  
14 **MS. CAMPBELL:** That's kind of the  
15 quandary.  
16 **MR. CRAVER:** It's not a quandary.  
17 **MR. HENDERSON:** After talking to the  
18 adjacent neighbors, they might be fine with it. We  
19 prefer that be explored, and they be notified.  
20 **MS. CAMPBELL:** Yeah.  
21 **MR. HOWARD:** I was just trying to give you  
22 some design options. Maybe less deck, lower deck.  
23 More concentration on the side versus entire length.  
24 We have elongated house, then added more and more  
25 depth. Since we're in the conceptual stage, just try

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1 to reconsider the layout and what we've done here as  
2 a suggestion.  
3 **THE CHAIRPERSON:** Let me move forward with  
4 the discussion and ask for any public comments. Is  
5 there any public comment on this?  
6 **MS. RUTLEDGE:** We can't see it.  
7 **THE CHAIRPERSON:** Come on around, take a  
8 look, if you like.  
9 **MS. RUTLEDGE:** I don't think any of us can  
10 see it.  
11 **MR. HOWARD:** Are you a neighbor?  
12 **MS. RUTLEDGE:** Yes. I'm sitting here  
13 looking at the back of all these things. How are we  
14 going to have -- I can see it's small. It needs to  
15 come up to the front. I was just wondering, move it  
16 back some.  
17 **MR. WRIGHT:** I don't understand your  
18 question.  
19 **MS. RUTLEDGE:** I didn't have a question.  
20 **MR. WRIGHT:** Or your point.  
21 **MS. RUTLEDGE:** I was just saying, if it  
22 was larger, then it could be further back so everyone  
23 in the room can see.  
24 **MR. CRAVER:** You're talking the easel, not  
25 the house.

1 **MS. RUTLEDGE:** The drawing. If it was  
 2 bigger, everyone can see it.  
 3 **MS. SANDERS:** I love the design.  
 4 **MS. RUTLEDGE:** I think it's beautiful.  
 5 **MR. CRAVER:** I do, too. I think it's  
 6 great.  
 7 **THE CHAIRPERSON:** Is there any other  
 8 public comment? If not, Joe, do you have any  
 9 additional comments?  
 10 **MR. HENDERSON:** No, sir.  
 11 **THE CHAIRPERSON:** I'll now open it up for  
 12 the board to discuss even though we have been. Maybe  
 13 we'll just go down the line. Billy.  
 14 **MR. CRAVER:** I like it, and I would give  
 15 it, you know, I mean, I'd go ahead and blow it on  
 16 through. Since you might have to move it a little, I  
 17 would give it conceptual approval.  
 18 **MS. SANDERS:** I agree. I agree. That was  
 19 easy.  
 20 **MR. HOWARD:** As usual, your firm does  
 21 lovely work. And I like the house. I am concerned  
 22 about the neighbors. I'm just speaking. And the  
 23 whole concept, I mean, that you build further out,  
 24 they lost their view. And beachfront, of course, is  
 25 an expensive view at this point. It's something that

1 straight vertical piers. It looks more like carved  
 2 masonry.  
 3 **MR. HOWARD:** That's it.  
 4 **THE CHAIRPERSON:** Duke.  
 5 **MR. WRIGHT:** I'm okay with the design.  
 6 Fine. I don't think we can speculate on the future,  
 7 on what neighbors might do. I don't think we can  
 8 restrict the design, if it meets the standards of the  
 9 zoning ordinance. So I'm okay with that. That's  
 10 just a side comment.  
 11 **MR. CRAVER:** I agree with your side  
 12 comment. It's not up to us to rewrite the ordinance.  
 13 **THE CHAIRPERSON:** I think it's an  
 14 excellent design. I think it has a very low impact.  
 15 And I agree with Duke's comments as well and  
 16 certainly would approve this here.  
 17 Any further discussion?  
 18 **MR. CRAVER:** I make a motion we give  
 19 conceptual approval.  
 20 **MS. SANDERS:** Second.  
 21 **MR. HENDERSON:** Can I have one  
 22 clarification?  
 23 **THE CHAIRPERSON:** Yes.  
 24 **MR. HENDERSON:** Are we requesting  
 25 conceptual approval of the revised rendering being

1 I think needs to be preserved.  
 2 I think some effort needs to be made to  
 3 retain the neighbors' view. And I just wouldn't even  
 4 want to start a rush closer, the next block and the  
 5 next block. I would just ask you -- you're in your  
 6 conceptual, I like what you've done. I like the  
 7 house. I wonder if we can't think outside the box  
 8 and fix this problem so that the view of the  
 9 neighbors is retained.  
 10 **MS. CAMPBELL:** I think just to speak to  
 11 that directly, there is definitely Mr. and  
 12 Mrs. Devine's intention to be neighborly and take it  
 13 into account. I think that's why we submitted it  
 14 further back than 30 feet, so that the whole issue of  
 15 what the neighbors could do in the future is what is  
 16 kind of concerning them. I see your point.  
 17 **MR. HOWARD:** One other thing, when you  
 18 were going through your discussion, you said solid  
 19 bottom.  
 20 **MS. CAMPBELL:** It can't be solid bottom.  
 21 It's masonry.  
 22 **MR. QUARLES:** Stucco masonry with woven  
 23 lattice in-fill.  
 24 **MS. CAMPBELL:** Slightly bigger piers maybe  
 25 than you see with kind of carved detailing than just

1 pushed all the way up to the 30-foot setback?  
 2 **MR. CRAVER:** Is your revised all the way  
 3 to the 30-foot setback?  
 4 **MS. CAMPBELL:** I think it's more of a  
 5 discussion. I mean, I guess, without speaking with  
 6 the neighbors, I don't know how we want to handle  
 7 that.  
 8 **MS. SANDERS:** Approved conceptual as  
 9 submitted. Conceptual means it's coming again;  
 10 right?  
 11 **MR. HENDERSON:** That's right.  
 12 **MS. CAMPBELL:** As submitted is the average  
 13 setback.  
 14 **THE CHAIRPERSON:** Which is this?  
 15 **MS. CAMPBELL:** Nine feet back.  
 16 **MR. HOWARD:** You'll supply us these  
 17 options on the next drawing. We will know where it's  
 18 sitting.  
 19 **MS. CAMPBELL:** Yeah.  
 20 **MR. HOWARD:** In comparison with the  
 21 neighbor.  
 22 **THE CHAIRPERSON:** Is the motion to accept  
 23 the floor plan with the additional square footage?  
 24 **MR. CRAVER:** The motion is to approve the  
 25 floor plan with the additional square footage and



1 subject to them coming back and telling us where they  
2 want to place it exactly. I'm not saying as placed.  
3 I'm saying subject within the ordinance coming back  
4 and saying where they want to place it. I think  
5 that's their call.

6 **MS. CAMPBELL:** Precisely.

7 **THE CHAIRPERSON:** Did that receive a  
8 second?

9 **MS. SANDERS:** Second.

10 **THE CHAIRPERSON:** Is there any more  
11 discussion on that motion? All in favor?

12 (Ayes by all board members).

13 **THE CHAIRPERSON:** None opposed.

14 **MS. CAMPBELL:** Thank you very much.

15 **MR. QUARLES:** Thank you guys.

16 OBSTINATE DAUGHTER RESTAURANT

17 **THE CHAIRPERSON:** The fourth item on the  
18 agenda is the Obstinate Daughter Restaurant.

19 **MR. HENDERSON:** Thank you, sir.

20 **THE CHAIRPERSON:** Joe, can you tell us  
21 about this submittal.

22 **MR. HENDERSON:** Agenda item C-3 is  
23 relating to an existing restaurant Obstinate  
24 Daughter. Gibson Architect is requesting approval of  
25 a parking plan alteration, landscaping and hard scape

1 issue.

2 **MR. HENDERSON:** Sure. I think that also  
3 the intent is to show how many parking spaces are  
4 provided for exclusively those patrons of that  
5 business. The spaces they pick up in front will be  
6 open to the general public.

7 **MR. CRAVER:** Right, right. In addition to  
8 the revision of the site plan, the parking plan  
9 proposed is also a circular bench or seating for  
10 patrons waiting for a table; also, a bench located at  
11 the foot of the stairs. And also where the parking  
12 spaces were removed, they're presenting the  
13 installation of pervious pavers. And this is to be  
14 used for, I guess, an open area for folks to stand  
15 around and wait.

16 Staff at the moment cannot permit tables  
17 or chairs to be placed in this area. The maximum  
18 seating is required to be inside the restaurant. And  
19 there's no allowed expansion of that. So at this  
20 point, no seating can be placed there where those  
21 parking spaces are.

22 **MR. HOWARD:** Why is that? Why can't they  
23 put seating there?

24 **MR. HENDERSON:** That expands the use.  
25 This restaurant is considered a non-conforming use,

1 design modifications. And essentially the project  
2 architect, Anthony Carmola, who is representing the  
3 owner and property, submitted to staff about a month  
4 ago a letter that was drafted by SCDOT that  
5 prohibited the approved perpendicular parking spaces  
6 in front of the restaurant. This reduces the removal  
7 of these parking spaces required. That brings the  
8 total count down from 16 to 12 parking spaces  
9 on-site.

10 This plan was approved about a year ago by  
11 the DRB, which is required by the ordinance. And so  
12 staff would like to revisit the plan --

13 **MR. CRAVER:** They removed four parking  
14 spaces?

15 **MR. HENDERSON:** Yes, sir.

16 **MR. CRAVER:** Now there are three new  
17 parking places on the street. So the net loss is  
18 really one.

19 **MR. HENDERSON:** That's true; however, the  
20 ordinance requires review of provided on site.

21 **MR. CRAVER:** I got it. I'm just trying to  
22 get an idea of the actual impact on parking. And if  
23 you lose four but you can park three cars on the  
24 street in front of where those four were, the net  
25 loss is one parking space. That's the practical

1 according to the ordinance. An expansion of tables  
2 and seats would essentially expand that  
3 non-conforming use. We dealt with it several years  
4 ago with the board of zoning and appeals. They made  
5 the decision that this use could not be expanded.  
6 We'd like to be very clear with the removal of these  
7 parking spaces --

8 **MR. CARMOLA:** I'll talk a little bit more  
9 about that. It's a different board that we need to  
10 address that.

11 **MR. HENDERSON:** We'd like to establish  
12 very clearly, when you remove these parking spaces,  
13 it's just an open area and cannot have tables and  
14 chairs and placed out --

15 **MR. CARMOLA:** Yet.

16 **MR. HENDERSON:** -- on the property at this  
17 point.

18 **MR. CARMOLA:** Yet.

19 **MR. HENDERSON:** That's right. The  
20 background behind that is we're considering currently  
21 to allow a cafe ordinance or another land use  
22 designation, and we are going through that process  
23 right now.

24 **MR. CRAVER:** That would impact this  
25 property?

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1           **MR. HENDERSON:** There's a space below  
 2 that's going to be a retail-type establishment. From  
 3 what I understand, the owners of the property might  
 4 like to convert that into a cafe, if it's allowed by  
 5 ordinance.  
 6           **MR. CARMOLA:** We just want to be very  
 7 clear --  
 8           **MR. CRAVER:** The commission is considering  
 9 that type of ordinance?  
 10           **MR. HENDERSON:** They have for the past  
 11 four months. They have been considering and drafting  
 12 language for the cafe ordinance.  
 13           **MR. CRAVER:** What property would that cafe  
 14 ordinance affect? Just this property or the whole --  
 15           **MR. HENDERSON:** There's three or four that  
 16 would be affected. We think -- that depends largely  
 17 on how you allow this land use designation. There's  
 18 several conditions they're considering which could  
 19 allow lots of cafes. And then you could change the  
 20 language to limit the number of cafes. That's really  
 21 what they're going through and studying right now.  
 22           We just want to state on the record this  
 23 area cannot be used for tables and chairs at this  
 24 moment. And that's all I have, Mr. Chairman.  
 25           **THE CHAIRPERSON:** Okay, go ahead.

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1           **MR. CARMOLA:** There's a lot of history. I  
 2 think, based on the SCDOT requirement, they  
 3 discourage us backing out on to Middle Street, and we  
 4 kind of discourage that as well. The traffic is a  
 5 little bit faster down here.  
 6           As Mr. Craver said, the net loss is one,  
 7 although technically these three spaces out in front  
 8 are public uses. But, I mean, let's be practical.  
 9 For the most part, they're right in front of the  
 10 restaurant and most of the people in front, they'll  
 11 use it as the restaurant space.  
 12           Since it's been open for the last three or  
 13 four weeks, we've been noticing the waiting problem.  
 14 And so we wanted to introduce a waiting bench around  
 15 this tree that helps alleviate people kind of waiting  
 16 on the steps and also give them a bench underneath  
 17 the stairs. I think you might have seen that, in  
 18 this manner. And mimic that bench around the tree as  
 19 well. That's really waiting for the restaurant.  
 20           **MR. HOWARD:** We really shouldn't be  
 21 considering this.  
 22           **MR. CARMOLA:** It's waiting area, it's not  
 23 tables and chairs seating for the restaurant.  
 24           What are we going to do out front? We  
 25 don't want to just leave it pine straw and have the

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1 yew trees in the pots. I think what we're trying to  
 2 do is -- we had to revise the parking. What are we  
 3 going to do? You need to come in front and show up,  
 4 what we are proposing on doing.  
 5           This hard scape landscape, pervious paver  
 6 area is something we're in anticipation of what we  
 7 just talked about. It's hard for us to design for  
 8 something that we don't know what's going to happen.  
 9 We don't want this to be a sodded area of landscaping  
 10 and bushes that's this far off the property line. We  
 11 want to potentially give it some use.  
 12           If we're not allowed to put tables and  
 13 chairs, then we could potentially use that for some  
 14 private permitting parties that we would have to get  
 15 a conditional permit for from time to time. We could  
 16 do something there.  
 17           If not, it could also be a gaming area for  
 18 those that wait 20, 30-minute wait for the  
 19 restaurant.  
 20           The other thing that we want to introduce,  
 21 since we had to change the parking, was these yew  
 22 shrubs that are out in front. Right now we have them  
 23 in temporary pots. We didn't want to plant them in  
 24 the ground yet since we need -- since we want to get  
 25 approval for it. Our thoughts are to plant these

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1 four to five-foot tall bushes and create a  
 2 semi-private hedge, not a complete screening in front  
 3 of the building here but a hedge that will allow some  
 4 privacy for those people inside, not only the patio  
 5 but inside Beer Cats Sweet Shop that is eventually  
 6 going to be. It helps screen the parking along the  
 7 street. Helps screen the noise from the inside.  
 8           I know there's been some back and forth  
 9 about, well, it looks like you're trying to screen  
 10 the building. No, that's not what we had in mind.  
 11 We were actually thinking about what's going on the  
 12 inside and how to make that a little bit better.  
 13 With that, that's what we're proposing to do in lieu  
 14 of losing the four on-site parking spots.  
 15           **THE CHAIRPERSON:** Is there any public  
 16 comment?  
 17           The public comment section is closed.  
 18           Joe, do you have any additional comments?  
 19           **MR. HENDERSON:** I would just add two  
 20 points here. Mark, you asked about the seating here  
 21 and here. I think that the seating for the  
 22 restaurant for patrons waiting to be seated is kind  
 23 of an incidental and supportive use to the restaurant  
 24 and not an expansion of that use for folks that are  
 25 eating or dining there. I think that would be

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1 allowed by the ordinance.  
2 **MR. HOWARD:** It was never in the parking  
3 zone?  
4 **MR. HENDERSON:** Well, I think it's just --  
5 it's a standard feature of a restaurant to have a  
6 place for folks to sit down and wait for table.  
7 **MS. SANDERS:** Not serving.  
8 **MR. HENDERSON:** They're not consuming any  
9 commodity. They're not sitting down. I really think  
10 this would be okay by the ordinance.  
11 Likewise, the gaming area, you know, I  
12 think the games would be okay. You see that as  
13 fairly standard to have a place to play games out  
14 front for kids.  
15 I would add, however, the yew trees should  
16 be placed on private property, not in public  
17 right-of-way, if they are put out here. I think  
18 initially they were being placed out here in the  
19 right-of-way. We should clearly -- we should clearly  
20 define where they're going to be placed.  
21 **MR. CARMOLA:** I think you're right. I  
22 think we're on a unique piece of property here where  
23 there's a bit -- everywhere else along the island,  
24 there's a little bit of green between the road and  
25 the sidewalk. Just in front of ours, the sidewalk

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1 goes right up on the curb. It's kind of reversed  
2 here.  
3 We talked to Joe about it. We would like  
4 to put it in the right-of-way. We understand we need  
5 to put it on the property, that's what we need to do.  
6 **MR. HENDERSON:** That's all I have.  
7 **THE CHAIRPERSON:** I have one question for  
8 the board. This is in front of us. Is the seating,  
9 the waiting seating, that's not really for us to  
10 approve? It's just there.  
11 **MR. HENDERSON:** I think that any change --  
12 this project, the entire project received a  
13 certificate of appropriateness. Any change to this  
14 site, I think, is a modification of that certificate.  
15 **MR. CRAVER:** We have to approve the  
16 modification of the certificate.  
17 **MR. HENDERSON:** I think the site changes  
18 have to be approved. And also, in addition to that,  
19 the parking plan is being changed. The ordinance  
20 specifically requires DRB to approve that.  
21 **MR. CRAVER:** Okay. So if we were going to  
22 grant everything that they're talking about, we would  
23 be approving the layout the way it sits now. We  
24 would be approving the seating that they're  
25 requesting, and we would be approving amending their

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1 parking plan to the number of spaces that they have.  
2 **MR. HENDERSON:** Yes, sir.  
3 **MR. CRAVER:** Those three things.  
4 **MR. HENDERSON:** That's it.  
5 **THE CHAIRPERSON:** Duke, do you have any  
6 comment?  
7 **MR. WRIGHT:** I'm just curious. The  
8 seating area, the circular seating, is that around a  
9 tree?  
10 **MR. CARMOLA:** (Moves head up and down.)  
11 **MR. WRIGHT:** Lot of trees there as I  
12 recall. That's nice. I like that.  
13 **MR. CARMOLA:** We took into account, trying  
14 to far away from that tree, let it be light on the  
15 way in, nothing on the ground.  
16 **MR. DUKE:** I'm fine.  
17 **MR. CRAVER:** I like that. I think it  
18 looks good.  
19 **THE CHAIRPERSON:** Mark.  
20 **MR. HOWARD:** I have one comment. I don't  
21 know quite why the Highway Department -- the owner is  
22 to be told forget it. We have perpendicular parking  
23 the entire commercial district. Why is this one  
24 building not subject to that? I don't understand how  
25 it even came up.

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1 **MR. CARMOLA:** It came up because, in our  
2 situation, the uniqueness of our property and where  
3 we're located, we're not located with the rest of the  
4 restaurants. We talked a lot with Joe and Randy  
5 about the speed of the traffic coming down the  
6 street.  
7 And during the construction process, I  
8 mean, they're not going 50 miles an hour down the  
9 street, but they are going faster. When they get  
10 to what we'll call the restaurant block, people start  
11 to slow down a little bit.  
12 I'm not saying -- I'm not saying I like to  
13 perpendicularly park in the restaurant district and  
14 then have to back out, whether it's a golf cart or a  
15 car. I think that's dangerous to pedestrians and  
16 other cars. We think it's going to be a little  
17 dangerous coming out here, pulling out into speedier  
18 traffic. And parallel parking would just be a better  
19 way to do it ourselves.  
20 **MR. CRAVER:** I like this rather than  
21 having perpendicular spots in that location. And the  
22 net loss of one space doesn't bother me, not in that  
23 area.  
24 **MR. HOWARD:** I actually agree with you.  
25 The problem I have, if this is good for you, I don't

1 know why we're allowing this parking all down the  
 2 rest. You're talking about speeding, all of these  
 3 properties are still within the same speed zone.  
 4 **MR. CRAVER:** Not really. When you get to  
 5 the commercial area, it goes to 20 miles an hour.  
 6 **MR. HOWARD:** This is in the commercial.  
 7 **MR. HENDERSON:** I can address that.  
 8 **MR. HOWARD:** Is the speed limit in front  
 9 of Home Barbecue the same as the speed limit in front  
 10 of this building?  
 11 **MR. HENDERSON:** Probably not much  
 12 difference. I think they speed up slightly when they  
 13 hit this area.  
 14 **MR. HOWARD:** Not them. I'm saying the  
 15 speed limit is the same.  
 16 **MR. CRAVER:** When the lights are flashing,  
 17 it's 20 miles an hour in the restaurant district.  
 18 **MR. HENDERSON:** That's right.  
 19 **MR. CRAVER:** Out here it's --  
 20 **MS. SANDERS:** It's 25 until you hit.  
 21 **MR. CRAVER:** 25 until you hit that.  
 22 **MR. HOWARD:** You see where I'm coming  
 23 from? You're saying this is a safer way to go. I  
 24 don't disagree.  
 25 **MR. HENDERSON:** It changes to 25 right

1 spaces because the restaurant had to get the  
 2 approval, the encroachment permit approval.  
 3 Does that make sense? They had to -- DOT  
 4 had to authorize a permit for the new driveway going  
 5 in, right? I think there was some work that was done  
 6 on the apron.  
 7 **MR. CARMOLA:** Yeah, there was a little bit  
 8 of work done here. But, in essence, the SCDOT kind  
 9 of scared us a little bit: Whoa, whoa, that's not  
 10 approved. What if someone has had -- God forbid if  
 11 someone had two drinks, just two drinks, they back  
 12 out and cause an accident. It can be developed into  
 13 something a lot more than they bargained for.  
 14 **MS. SANDERS:** I would be a lot more  
 15 worried down the rest of the district, not your  
 16 issue. It's planning.  
 17 **MR. CARMOLA:** Eventually that can happen  
 18 down here.  
 19 **MS. SANDERS:** You may be a blessing in  
 20 disguise.  
 21 **MR. CARMOLA:** Maybe.  
 22 **MR. HOWARD:** I just want to be sure. It  
 23 seems to me we were being told the State Highway  
 24 Department says you can't do this. If that's the  
 25 case, then we can't do that. If this is just a

1 about here where you come into the commercial  
 2 district.  
 3 **MR. HOWARD:** You're saying it goes from 20  
 4 to 25?  
 5 **MR. CRAVER:** When you get down to  
 6 restaurant row, it goes down to 20 when the lights  
 7 are flashing. And you have pedestrian signs and  
 8 crosswalks, formal pedestrian signs and crosswalk in  
 9 the restaurant district. It's really a different  
 10 animal.  
 11 **MR. HENDERSON:** SCDOT was required to make  
 12 Duke conduct an inspection of this property because  
 13 there were encroachment permits requested in order to  
 14 reestablish the restaurant use. They came out  
 15 on-site and did the inspection and they were forced  
 16 to recognize that reestablishing this use would  
 17 basically put these four perpendicular parking spaces  
 18 back into operation. And when they identify a  
 19 violation, they have to act on it. They have to  
 20 issue that letter.  
 21 The commercial district on the other hand  
 22 never stops. It's continually being used by private  
 23 property owners and the public. Actually those  
 24 spaces go right over the property line. So I think  
 25 DOT saw an opportunity to get rid of these parking

1 proposal for safety, I actually approve it. I like  
 2 it better. I kind of wish we did it all down the  
 3 rest of the way down the commercial district. I  
 4 guess that's the point I was trying to make.  
 5 I don't want to be buffaloed; well,  
 6 Highway Department says you have to when that's  
 7 actually not the case; it's not a law that we have to  
 8 do.  
 9 **MR. HENDERSON:** They did. They jumped at  
 10 the chance to enforce their arms manual and said we  
 11 aren't going to -- we're going to force you to get  
 12 rid of these because you're doing work out here and  
 13 we can do that: They jumped at the chance to enforce  
 14 their regulations.  
 15 That's fairly typical in order to get rid  
 16 of a curb cut. If a property has four curb cuts like  
 17 the gas station up here. They have eight curb cuts.  
 18 If that gas station wants to do improvements to their  
 19 site, they'll say: We'll give you an encroachment  
 20 permit if you get rid of four of these curb cuts here  
 21 and bring your site more into compliance.  
 22 In order for them to get what they want  
 23 from DOT, they will try to get compliance on certain  
 24 things on that property. Does that make sense?  
 25 **MR. HOWARD:** Yeah.

1 **MR. HENDERSON:** They have the authority to  
2 do that.

3 **MR. HOWARD:** Salt, there's been bunch of  
4 major renovation within the commercial district  
5 without changing the parking.

6 **MR. CRAVER:** We aren't going to be able to  
7 change any of that.

8 **MR. WRIGHT:** We don't want to go there.

9 **THE CHAIRPERSON:** Rhonda, do you have any?

10 **MS. SANDERS:** I have one question, just  
11 because somebody is going to ask it. We originally  
12 approved the plans. I think it's beautiful for  
13 number of seats, for number of parking spaces.  
14 Obviously, that's not going to change.

15 But if we had known that then, would it  
16 have been restricted and how much?

17 **MR. CARMOLA:** If what would've been  
18 restricted?

19 **MS. SANDERS:** Before y'all started  
20 construction, before we approved the plans, we knew  
21 at that time that DOT was going to take the spaces  
22 away.

23 **MR. CARMOLA:** This is the original plan  
24 from Atlanticville, which had 14 parking spots. The  
25 plan we did before this had 16. We've taken -- let's

1 **MR. CARMOLA:** On our property. Right here  
2 in the front. That's why I showed you a picture of  
3 where they're located right now. Right in the front.

4 **THE CHAIRPERSON:** In the commercial  
5 district or the residential district, this Board does  
6 not normally see or approve any planting of plants;  
7 isn't that not correct?

8 **MR. HENDERSON:** I think it's the Board's  
9 task to approve all site conditions in order to give  
10 a certificate of appropriateness for commercial

11 properties, period. It's very clear in the ordinance  
12 that commercial properties are different from  
13 residential properties. Residential properties, if  
14 you allow a project relief on a certain provision --  
15 setbacks, square footage -- then you're required to  
16 ensure that design and that development is in keeping  
17 with neighborhood compatibility. It doesn't exclude  
18 specifically landscaping anywhere in the ordinance  
19 for commercial properties.

20 I think it does fall under purview of the  
21 Board to review all changes to commercial properties.

22 **THE CHAIRPERSON:** Do I hear a --

23 **MR. CRAVER:** I make a motion that we  
24 approve the new layout as it exists with the parking  
25 plan. That we approve the bench and the seating

1 see, 16 spots. We took one away. We have 15. So we  
2 have less seats, less square footage than  
3 Atlanticville restaurant.

4 **MS. SANDERS:** That's all.

5 **MR. CARMOLA:** And we're providing --

6 **MS. SANDERS:** I just like to have a good  
7 answer like that.

8 **MR. CARMOLA:** I had to talk it through to  
9 get it out.

10 **MS. SANDERS:** People complain we're not  
11 doing our job. I'd like to have an answer. Thank  
12 you.

13 **THE CHAIRPERSON:** Billy, any more  
14 comments?

15 **MR. CRAVER:** No. Ready to make a motion.

16 **THE CHAIRPERSON:** I think this is actually  
17 an improvement as well. It's safer and actually  
18 looks much more.

19 **MS. SANDERS:** Go down the boulevard and  
20 change it.

21 **MR. CARMOLA:** We'll work on that.

22 **MR. HOWARD:** Are we doing the parking?

23 **MR. CARMOLA:** I asked Joe. I asked you  
24 this. I can ask for the planting of yew trees.

25 **MR. HENDERSON:** On your property.

1 around the tree. That we approve the planning of the  
2 yew trees on the property, not on the right-of-way.

3 I'm missing something. Did I leave something out?

4 **MR. CARMOLA:** The benches are fine. The  
5 pavers.

6 **MR. CRAVER:** The way I submitted it.

7 **THE CHAIRPERSON:** Do I hear a second?

8 **MS. SANDERS:** Second.

9 **THE CHAIRPERSON:** Any comment on the  
10 motion? All in favor.

11 (Ayes by all board members).

12 **THE CHAIRPERSON:** Any opposed? None  
13 opposed.

14 1401 MIDDLE STREET

15 **THE CHAIRPERSON:** We are now on the fifth  
16 item, that would be 1401 Middle street.

17 **MR. HENDERSON:** Mr. Chairman, yes, sir.  
18 This is the one. Mr. Vince Graham, the applicant and  
19 property owner, is requesting approval of a pool, two  
20 accessory structures, placement of arbor in between  
21 those two structures and other hard scape  
22 modifications for this property. It's considered  
23 Sullivan's Island landmark structure, listed under  
24 399, Survey Card 399.

25 Essentially the pool was to be 18 feet by

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1 18 feet. The two structures, each structure is to be  
 2 64 square feet and 15 feet tall. And as I said,  
 3 arbor placed directly in between the two of them.  
 4 Staff recommends approval of this project  
 5 provided it complies with Secretary of Interior  
 6 Standards or Standards for Historic Properties that  
 7 we have listed in the ordinance.  
 8 And Mr. Graham is here to show us some  
 9 elevations.  
 10 **THE CHAIRPERSON:** Vince.  
 11 **MR. GRAHAM:** Yes. How are y'all?  
 12 **THE CHAIRPERSON:** We're just fine.  
 13 **MR. GRAHAM:** Y'all have the elevations in  
 14 your packet.  
 15 **MR. HOWARD:** Are these two different  
 16 businesses?  
 17 **MR. GRAHAM:** They're just different  
 18 elevations. The buildings are identical. They're  
 19 just eight-by-eight wood buildings. That's it right  
 20 there, Steve. This is just interior, how it's put  
 21 together. This is how it will look on the exterior.  
 22 **MR. HOWARD:** This says roof, feeting, this  
 23 says copper.  
 24 **MR. GRAHAM:** That's just the framing for  
 25 the roof.

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1 **MR. HOWARD:** I got you.  
 2 **MR. GRAHAM:** Simple vertical board.  
 3 Cypress, leave it unpainted to age, which would match  
 4 the porches on the back of the house. And copper  
 5 roof as shown on each one. It would just be -- it  
 6 will be about, I think, about 60 feet off the Poe  
 7 Avenue side property line, and about 60 feet from the  
 8 house.  
 9 Joe pointed it out right there.  
 10 **MR. HENDERSON:** Let me measure that out.  
 11 Vince, this is 60 feet.  
 12 **MR. GRAHAM:** Roughly about right there.  
 13 **THE CHAIRPERSON:** The setback would be 25  
 14 feet?  
 15 **MR. HENDERSON:** Right here.  
 16 **THE CHAIRPERSON:** Way behind the setback.  
 17 **MR. HENDERSON:** Yes, sir.  
 18 I would point out this is -- I'm sorry.  
 19 Did you want to continue?  
 20 **MR. GRAHAM:** I'm happy to. One thing Joe  
 21 expressed a little concern about was -- forgive this  
 22 drawing. I pulled this together this afternoon.  
 23 This is the back of the addition on the church that  
 24 exists. And I just overlay these two buildings in  
 25 front of them.

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1 Keep in mind that these little buildings,  
 2 as I said, roughly 60 feet back from the property  
 3 line. And then face of this building is another 60  
 4 feet back. So it's not completely -- this is  
 5 accurate. This is the same scale. You're seeing  
 6 these in the foreground; these in the background.  
 7 **MR. CRAVER:** If you're inclined to look  
 8 from Poe, you would look through, see those two  
 9 buildings, superimposed against the big building?  
 10 **MR. GRAHAM:** Right. There's a pretty  
 11 thick line of Palmettos along that back property  
 12 line, too.  
 13 **MR. HENDERSON:** I would add that there is  
 14 a utility easement that comes on the property.  
 15 That's to serve this gravity line that cuts through  
 16 all of these properties here. So the pool is going,  
 17 abutting this portion of the gravity line and also  
 18 the access easement along this line. But all  
 19 construction is required to stay out of the easement  
 20 And also, any eaves that are coming off of  
 21 this -- you're proposing eaves -- that would have to  
 22 stay out of the easement as well.  
 23 Our water and sewer manager requested, if  
 24 at all possible, you could bring the pool back  
 25 slightly towards Poe to give a little turn radius for

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1 the equipment that has to go back there and service  
 2 the lines.  
 3 I think you're legally obligated to just  
 4 stay out of that easement. You can push the edge of  
 5 your pool deck right up to the easement if you want  
 6 to. He wanted me to request that.  
 7 **MR. GRAHAM:** Yeah, we can look at that.  
 8 There's also an apron around the pool, which you can  
 9 drive over.  
 10 **MR. WRIGHT:** In-ground pool?  
 11 **MR. GRAHAM:** Yes, sir.  
 12 **MR. HENDERSON:** It's a big truck. It's a  
 13 big expensive truck. At any rate, we can talk later  
 14 about that.  
 15 **THE CHAIRPERSON:** Is there any public  
 16 comment on this application? Public comment section  
 17 is closed.  
 18 Joe, do you have any final comments?  
 19 **MR. HENDERSON:** No, sir.  
 20 **THE CHAIRPERSON:** Rhonda, do you have any  
 21 comments, questions?  
 22 **MS. SANDERS:** Not really. I mean, I live  
 23 fairly close by. Is it a rental?  
 24 **MR. GRAHAM:** I've rented it from time to  
 25 time. It's primary home. I'm moving back in this

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1 summer.  
2 **MS. SANDERS:** I don't know how, honestly,  
3 the addition got approved. I think it kind of takes  
4 away from the historic structure. I wasn't here  
5 then.  
6 **MR. CRAVER:** Actually, it's pretty snazzy  
7 addition when you get in it.  
8 **THE CHAIRPERSON:** Any other comments?  
9 **MR. CRAVER:** It's the tact I'm going with.  
10 **THE CHAIRPERSON:** Mark, do you have any  
11 comments?  
12 **MR. HOWARD:** I would say the design  
13 doesn't irritate the existing design. And we have no  
14 neighbors. I suspect it would be fine with me.  
15 **THE CHAIRPERSON:** Duke?  
16 **MR. WRIGHT:** No, I'm fine.  
17 **THE CHAIRPERSON:** Billy?  
18 **MR. CRAVER:** I'm good.  
19 **MR. WRIGHT:** It will improve the area.  
20 **MR. HOWARD:** I would like for you to  
21 consider, if you put it in the proposal, that we do  
22 listen to the Town's wishes about pushing it forward.  
23 I mean, an easement is an easement. You never  
24 envision one day they may come through there and rip  
25 up that pipe.

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1 **MR. GRAHAM:** Well, I mean -- they've used  
2 it from time to time to clean out the sewer line. To  
3 inspect it anyway.  
4 **MR. HOWARD:** If that's a request, I'd like  
5 for you to --  
6 **MR. GRAHAM:** Yeah.  
7 **MR. HENDERSON:** The equipment is  
8 continually changing, getting bigger, you know. It's  
9 just good to provide that access for the size of this  
10 equipment. Just something to think about.  
11 **MR. GRAHAM:** Right. In the long run, it's  
12 my understanding they're going to try to move that.  
13 **MR. HENDERSON:** They've been talking about  
14 it for many years from what I understand. They need  
15 to do it. This is a large utility, divides these  
16 properties. As long as it's there, anything can  
17 happen.  
18 **MS. SANDERS:** You've checked with the  
19 pervious-impervious, whatever numbers?  
20 **MR. HENDERSON:** They meet the minimum  
21 standards for impervious.  
22 **THE CHAIRPERSON:** Did I hear a motion?  
23 **MR. CRAVER:** Move we approve it.  
24 **THE CHAIRPERSON:** Any second?  
25 **MR. WRIGHT:** Second.

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1 **THE CHAIRPERSON:** Any discussion on the  
2 motion? All in favor?  
3 (Ayes by all board members).  
4 **THE CHAIRPERSON:** Any opposed?  
5 None opposed.  
6 **MR. HENDERSON:** Thank you, Vince.  
7 2830 MIDDLE STREET  
8 **THE CHAIRPERSON:** The next item on the  
9 agenda is 2830 Middle Street. Joe.  
10 **MR. HENDERSON:** Mr. Chairman, this is D-2,  
11 regarding an existing historic structure located at  
12 2830 Middle Street. Heather Wilson, the applicant,  
13 is requesting a conceptual design review of her  
14 elevations and site plan. And this is for a special  
15 exception, special historic exception located within  
16 the RS district. This special exception, obviously,  
17 is intended to preserve the historic structures by  
18 allowing an increase in density. These property  
19 owners, if they receive the Design Review approval  
20 from this Board and also the Board of Zoning Appeals,  
21 they would be allowed to have two dwelling units on  
22 the property.  
23 The Board is required to determine that  
24 the historic cottage remains under 1,200 square feet,  
25 and the Board also is required to find that the

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1 height, scale and massing of the new construction is  
2 appropriate for the property and also the surrounding  
3 neighborhood.  
4 **THE CHAIRPERSON:** Heather.  
5 **MS. WILSON:** I'm representing the  
6 Pritchards, who have recently bought this property  
7 and have renovated this historic cottage. That  
8 renovation is complete.  
9 They've now decided they'd like to have  
10 their primary residence here. So it's very  
11 conceptual, but the massing is what we've been  
12 concentrating on. It's got three streets to address  
13 as well as considering the massing of the historic  
14 cottage.  
15 This has to be even with the relief of one  
16 foot, which we would like to ask for, for the  
17 finished floor. Still have finished floor that's two  
18 feet higher than this. We're already kind of  
19 competing with that ridge height to try and not  
20 overwhelm this house.  
21 We pushed it this far, as far as we can  
22 this way in order to give this breathing room. It's  
23 nice as you come down this way especially that this  
24 has that view of intact cottage, original cottage.  
25 This is actually a garage with a small

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1 office above. We broke this massing up so that this  
 2 width kind of picks up on the width here, brings down  
 3 this.  
 4 The model is a little unclear. That's an  
 5 open breezeway connection.  
 6 This one story piece is a porch, as is  
 7 this. It's two bedrooms and a bathroom upstairs.  
 8 And downstairs in this main mass is their primary  
 9 living-kitchen-dining and living and this is the  
 10 master. This is mud room and pantry space.  
 11 The house is under 3,000 square feet.  
 12 About 2,100 square feet of heated space. As Joe  
 13 said, this is the 1,100 square feet. So we're in  
 14 compliance with everything in terms of coverage, lot  
 15 covering, impervious, setbacks, et cetera. I think  
 16 that's pretty much it.  
 17 **MR. WRIGHT:** Beautiful little cottage.  
 18 **MS. WILSON:** It's really great.  
 19 **THE CHAIRPERSON:** Any public comments?  
 20 Public comment section is closed.  
 21 Joe, any other comments?  
 22 **MR. HENDERSON:** No other comments, no,  
 23 sir.  
 24 **THE CHAIRPERSON:** Duke, do you want to --  
 25 **MR. WRIGHT:** This is a conceptual

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1 **MS. WILSON:** It is.  
 2 **MR. WRIGHT:** -- application. I think it's  
 3 fine. I walked around there today. There's some  
 4 nice trees. Again, we don't want to get into  
 5 landscaping. You're going to be able to save some of  
 6 these trees.  
 7 **MS. WILSON:** Most of them are outside the  
 8 setback. They would like to keep this private.  
 9 **MR. WRIGHT:** Couple very nice trees there.  
 10 I'm fine with the project as proposed.  
 11 **THE CHAIRPERSON:** Mark.  
 12 **MR. HOWARD:** This becomes a rental unit,  
 13 the cottage?  
 14 **MS. WILSON:** No, just a guest house. Her  
 15 daughter lives in England, comes for some visits in  
 16 summer.  
 17 **MR. HOWARD:** It could be a rental.  
 18 **MR. HENDERSON:** Legally, the ordinance  
 19 allows for a long-term rental on the condition that  
 20 the owner is living in the main house. That's one  
 21 requirement.  
 22 **MR. HOWARD:** The owner has to be living in  
 23 the main house. Then that becomes long-term rental.  
 24 From the conceptual that you presented, for some  
 25 reason, the little garage unit really becomes

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1 compound-looking to me, like a compound. I don't  
 2 know whether -- I don't know whether a different roof  
 3 line would change it.  
 4 Other than that, I'm fine. It doesn't  
 5 connect the two buildings as well as I wish it would.  
 6 It looks like it actually divides it into a compound.  
 7 **MS. WILSON:** Connects these two or --  
 8 **MR. HOWARD:** The cottage and main house,  
 9 it just seems to me that becomes -- I don't  
 10 understand, they're like a separate compound.  
 11 **MS. WILSON:** That's why we're here so  
 12 early is to get your feedback as to how to address  
 13 it. My approach was thinking that I did want it -- I  
 14 wanted to get this as deferential as possible in  
 15 massing, to make them separate and let this really --  
 16 with landscaping here and this being fenced with the  
 17 pool, it would be nice for this to really appear as  
 18 if it's still the cottage for that property, you  
 19 know, what I mean, instead of the bigger house. I  
 20 think this has a great street presence the way it's  
 21 set up now on that corner. Just so I understand,  
 22 you're suggesting more --  
 23 **MR. HOWARD:** I have a problem with the  
 24 roof line.  
 25 **MS. WILSON:** This one?

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1 **MR. HOWARD:** This is the garage?  
 2 **MS. WILSON:** Correct.  
 3 **MR. HOWARD:** Why does it have to be this  
 4 tall?  
 5 **MS. WILSON:** They need a home office. It  
 6 doesn't have to be that tall. We could look at  
 7 putting -- it was getting more program out of this,  
 8 to keep the house as small as possible and as simple  
 9 as possible.  
 10 **MR. HOWARD:** First look to me, I just  
 11 thought it divided the property and made it a bit  
 12 more like a wall compound. That's my only comment.  
 13 **MS. SANDERS:** I'm good.  
 14 **THE CHAIRPERSON:** Billy?  
 15 **MR. CRAVER:** I like it. I think it looks  
 16 neat. Sally, you need to move back to the island.  
 17 **MS. SALLY:** Moving back. Can't get it out  
 18 of my veins.  
 19 **THE CHAIRPERSON:** I like it, too. I think  
 20 you're pulling visual elements and scale elements  
 21 from the existing cottage. I'm sorry, Mark, that's  
 22 one of the favorite part is that little --  
 23 **MR. CRAVER:** I really like that.  
 24 **THE CHAIRPERSON:** Scale point of view, it  
 25 just ties it all together.



1 **MR. HOWARD:** Six of one, half dozen of the  
2 other.

3 **MR. CRAVER:** Might come down and steal it.

4 **THE CHAIRPERSON:** Any final comments?

5 **MR. CRAVER:** Move we approve it  
6 conceptually.

7 **MR. WRIGHT:** Second.

8 **THE CHAIRPERSON:** Any discussion on the  
9 motion? All in favor?

10 (Ayes by all board members)

11 **THE CHAIRPERSON:** Any oppose? None  
12 opposed.

13 **MR. HENDERSON:** The next step in this  
14 project is to go to the Board of Zoning Appeals and  
15 make a presentation for special exception.

16 322 STATION 19

17 **THE CHAIRPERSON:** The next item on the  
18 agenda is 322 Station 19.

19 **MR. HENDERSON:** Hal Coste, the applicant,  
20 is requesting a certificate of appropriateness and  
21 approval of an existing tree house. It was  
22 constructed at 322 Station 19. Just a little  
23 background on this, staff issued a stop work order on  
24 this property for moving forward with the  
25 construction without permit, without building

1 it total of 30.

2 **MR. HENDERSON:** 30 feet. The DRB is  
3 required to consider this for certificate of  
4 appropriateness for two reasons. It's an accessory  
5 structure. And it's also a historic property. It's  
6 a Sullivan's Island landmark. The highest level of  
7 preservation should be given to this property, and  
8 it's listed under Survey Card 233. And I'll leave it  
9 at that and pass around some photographs of the  
10 treehouse in color.

11 **MR. CRAVER:** I think we got them.

12 **MR. HENDERSON:** Mr. Chairman, I'll defer  
13 to you.

14 **MR. COSTE:** It's a treehouse. I admit I  
15 may have gotten a little carried away. This was a  
16 wing-it situation. Although there are no specific  
17 law -- no specific ordinances saying treehouse in the  
18 Section 134, I think it is, it's been classed as an  
19 accessory structure.

20 Having said that, it's there. And I am  
21 applying for a certificate of appropriateness to  
22 continue on, to get a height variance from the BZA.

23 It's under the total accessory, total  
24 square footage for accessory structures. I don't  
25 believe that the fact -- well, it is. The platform

1 permits.

2 It is still posted and active on the  
3 property; however, we've allowed some structural, I  
4 guess, improvements to shore up the foundation for  
5 security reasons. These are temporary improvements  
6 due to weather. We felt as though it needed to be  
7 done.

8 Staff has determined that this structure  
9 is an accessory structure. The terms of Section  
10 21-138 deems that any accessory use or structure that  
11 has a roof on it is to be considered an accessory  
12 structure.

13 Just to give you some lot coverage  
14 requirements, the structures, impervious surface:  
15 The impervious surface calculation for the entire lot  
16 is required to be 30 percent. We calculated 6,454.  
17 With the treehouse construction, it falls at 5,424,  
18 which means they meet that requirement.

19 Currently, the height of the treehouse is  
20 16 feet from grade, bottom.

21 **MR. COSTE:** Platform.

22 **MR. HENDERSON:** Platform is 16 feet from  
23 grade. And the top of the ridge, roof ridge is at  
24 what height?

25 **MR. COSTE:** Another 14 feet, which makes

1 is 16 feet above ground level. The tree dictated  
2 that. So total from ground to peak of the roof is 30  
3 feet. The treehouse itself that sits on a platform  
4 is only 14 feet tall.

5 My thoughts were that it can't be govern  
6 by the same rules as a grounds-base accessory  
7 structure; it's a living structure in a tree.

8 I've been through the -- a structural  
9 engineer looked at it, and I've got a stamped  
10 structural engineer's report saying that it's -- the  
11 way I've got this constructed is well supported by  
12 four legs and a tree itself. It's designed so a wind  
13 load will let it slip a little bit. There is a  
14 little channel in the movement so it's designed to  
15 move with the wind load.

16 I've got -- also I've got a certified  
17 arborist report there that says, in this case, it  
18 might actually help the tree.

19 Now I didn't design -- I didn't start this  
20 with the thought in mind to help the tree. But, in  
21 Hurricane Hugo, this tree was the only one that  
22 survived in my yard. There are two main trunks,  
23 landscapers call them co-dependent stems.

24 There was a structure around the bottom of  
25 this tree that wouldn't let it tip all the way over

1 during Hurricane Hugo. After that, it leaned about  
2 10, 12 degrees towards the house.

3 This structure that the treehouse on this  
4 platform actually adds a counterweight on the other  
5 side as well as tying the two co-dependent stems  
6 together. The arborist's opinion that it doesn't  
7 hurt the tree, and it actually may, in this case,  
8 help the tree a little bit.

9 I'm a licensed builder. I built it  
10 myself. I have a structural engineer's report,  
11 arborist's report. There are four other treehouses  
12 on Sullivan's Island that I want to point out here.  
13 And these by the way -- I apologize. My printer  
14 screwed up. That one and that one are same one,  
15 taken from a different angle.

16 The fourth one, that is on 25-something  
17 Raven, I think. I've got a picture of that, if  
18 anybody cares to see it. That's what's existing  
19 around the island.

20 As for what my neighbors think about it, I  
21 have got about 50 signatures on a letter of support.  
22 And the ones that are checked here are my immediate  
23 neighbors.

24 It's near to but not attached to my back  
25 deck. So the access would be off my back deck.

1 about it. And I said: Well, I've seen treehouses  
2 around, maybe they're on the photoboard. I haven't  
3 seen that. Ride my bike back from Stella Maris  
4 church, coming down Thompson. I think people have  
5 three guys van or something there on deep water. All  
6 of a sudden, I look and I see a ladder going up. I  
7 see a treehouse, and I see a roof.

8 I come flying in his yard: They got one  
9 down the street. I think Hal, as he says,  
10 independent contractor. If I was doing it, I would  
11 have two-by-four piece of plywood, just across here,  
12 makeshift one. Hal being a general contractor and  
13 doing that and know he's going to do it first class.

14 Speaking of the historic district, Hal  
15 gave me a book that he and Susanna Miles had written  
16 about the history of Sullivan's Island, Isle of  
17 Palms. It's great. I know how many generations go  
18 back and the Coste family. We're blessed to be next  
19 door to him.

20 For 15 years, I've heard the sanders and  
21 the saws, that's his livelihood. That's his hobby.  
22 He makes sure it's done in a particular way and a  
23 first class way. We're 1,000 percent for it.  
24 Hopefully, I'll get a chance to take my grandchildren  
25 up in there soon. Thank you.

1 And this was -- I started this thing in a  
2 kind of wing-it situation. I did not have any plans  
3 when I started. As it stands right now, it is not  
4 attached to my house, but I have -- this is very  
5 temporary now. I have a 12-foot step ladder standing  
6 on my deck that I access it from.

7 Should I get permission to proceed with  
8 this thing, I'm planning on doing something like an  
9 independent -- this is -- this is a picture of a  
10 ladder at Southern Lumber with rails on it that could  
11 theoretically be something like this; independent  
12 stair system. It could be wood or metal standing  
13 next to the treehouse platform off my back deck.  
14 That's basically it.

15 **THE CHAIRPERSON:** Is there any public  
16 comment?

17 **MR. DEBRUX:** Yes, sir. Hi, my name is  
18 Sumter Debrux. I live at 1903 Back Street, next door  
19 neighbor to Hal. Our side yards are next to each  
20 other.

21 I see the construction project going on  
22 from my den. I see the treehouse from my back deck.  
23 I see the treehouse, and my wife and I love it.  
24 We're 1,000 percent for it.

25 I saw the stop work on it. I asked Hal

1 **THE CHAIRPERSON:** Any other public  
2 comment? Public comment section is closed.  
3 Joe, any final comments?

4 **MR. HENDERSON:** Yes, sir, I would like to  
5 point out a couple things, stems from some of the  
6 pictures you have up before you. The one on the top,  
7 right-hand corner is actually a project that was  
8 reviewed and approved by this Board in 2006. It was  
9 a presentation made by an architect and/or a firm.  
10 I'm not sure if it was an engineering firm.

11 There was another one here at 1502  
12 Thompson. In 2008 it was given approval by this  
13 Board and also given a variance.

14 **MR. COSTE:** That's the one that's not on  
15 there. That's missing.

16 **MR. HENDERSON:** They received a variance  
17 for encroachment into the rear and side setbacks for  
18 this one. In both of these cases, though, I'd like  
19 to point out that these structures did not exceed 15  
20 feet in height. That was actually a condition  
21 applied for this structure that received a variance  
22 by the Board of Zoning Appeals to limit the height at  
23 15 feet because it's an accessory structure. All  
24 accessory structures are limited to 15 feet in  
25 height.

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1 Keep that in mind when considering what  
2 Mr. Coste is presenting, which is a structure that  
3 begins at 16 feet and goes up to 30. The fear of  
4 staff, this would set precedent in allowing  
5 treehouses widespread, to not be limited by height  
6 restrictions and able to go before Board of Zoning  
7 Appeals.  
8 The other thing that I would like to point  
9 out, to address the gentleman's concern, I drove  
10 around the island, taking pictures of treehouses. I  
11 built one when I was a kid. I built one for my kids.  
12 And that was just in an afternoon, about 30 minutes.  
13 Just drove around. And we don't have any regulations  
14 that sends guys like me after your kids who are  
15 hammering up boards in the trees. I don't think  
16 that's necessary.  
17 I think that zoning can address  
18 everything. This is what I remember a treehouse  
19 being when I was a kid. I'm not sure if this is a  
20 normal treehouse. I understand the neighbors might  
21 not be in opposition to what Mr. Coste is doing.  
22 Zoning regulations are there for the larger  
23 community. We haven't solicited input from everyone.  
24 I guess just to summarize, we have these  
25 regulations, these height restrictions on accessory

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1 structures for a reason. If you do approve this  
2 treehouse with a roof structure, and it exceeds 15  
3 feet in height, then it will require a variance to be  
4 issued for it where you would have to demonstrate  
5 hardship. Just a little background on variances.  
6 I'll leave you with that.  
7 **THE CHAIRPERSON:** Okay. Billy, you want  
8 to start?  
9 **MR. CRAVER:** I think it's a neat-looking  
10 treehouse. I would approve it as an accessory  
11 structure. Let him go get his variance.  
12 **THE CHAIRPERSON:** Rhonda?  
13 **MS. SANDERS:** I'm thinking. Can you skip  
14 me and come back to me.  
15 **THE CHAIRPERSON:** Sure. Duke.  
16 **MR. WRIGHT:** I looked at it, and it's  
17 from, an aesthetic point of view, it's very well  
18 done. And it's pretty well-hidden from Station 19,  
19 and I think from the neighborhood. So I think it's  
20 pretty nice. I think it is very unique.  
21 With regard to the precedent issue, I  
22 think we have to deal with these on a case-by-case  
23 basis. Certainly we are not the authority on height  
24 variance. I'm okay with it.  
25 I didn't realize -- I've seen the other

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1 treehouses, and I remember the one on Raven that we  
2 dealt with several years ago, which is still there  
3 and very nice. I'm okay with it.  
4 **MR. CRAVER:** I think the engineering plan  
5 sort of helps me in the fact that I get the notes  
6 from the construction; it's safe. It would be  
7 different than if I were sticking a few four-by-fours  
8 in the ground and it was going up that high.  
9 **MR. WRIGHT:** One question I have regarding  
10 the access, you mentioned the rolling ladder that you  
11 see at Home Depot and everywhere else. Is that what  
12 you would use?  
13 **MR. COSTE:** That's a concept. Like I say,  
14 I have no designs. I have no firm plans or  
15 structural engineer reports when I started it. I  
16 would like to keep it, whether this is made out of  
17 wood or it will be the appropriate running rise, the  
18 appropriate -- it will be a ship's ladder.  
19 **MR. WRIGHT:** So you can move it away.  
20 **MR. COSTE:** Yeah, it will be non-attached  
21 so there's nothing continuous from the deck to the  
22 treehouse.  
23 **MR. WRIGHT:** I suppose that we should  
24 scold Mr. Coste for doing this before the Board  
25 approved it. I suspect, had it come to the Board for

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1 approval, the Board would've approved it before the  
2 fact rather than after the fact because I think it's  
3 so well done. That's a personal opinion.  
4 **MR. CRAVER:** I think your opinion probably  
5 works with more than just one of us.  
6 **THE CHAIRPERSON:** Duke, I basically agree  
7 with everything you said. As you did say, the only  
8 concern is the issue of setting a precedent. As you  
9 said, I think it should be, in a case like this, done  
10 on a case-by-case basis. Having said all that,  
11 that's going to be the most difficult part of the  
12 entire process is getting that variance. That's the  
13 uphill battle right there.  
14 **MS. SANDERS:** I'm ready now.  
15 **THE CHAIRPERSON:** I'll turn it over to  
16 you.  
17 **MS. SANDERS:** I will be the one that  
18 differs on this. I think, first of all, if it had  
19 come to us -- first of all, I think it should come to  
20 us with a set of plans, with variance, page 2 height  
21 limitation. We would not be allowed or permitted to  
22 give variance on height. We don't have that much.  
23 **MR. CRAVER:** We're not doing that.  
24 **MS. SANDERS:** We should have. If he had  
25 done the right thing and come to get a permit, it

1 would've come here for a variance. We would not have  
2 been able to grant that.

3 **MR. HENDERSON:** It actually would not have  
4 come to this Board because staff would have denied  
5 the plans because it's an accessory structure that  
6 exceeds the height limitations. You guys would've  
7 never seen it.

8 **MS. SANDERS:** It's historic. You know, I  
9 love to wing-it too. I appreciate building, and I  
10 get excited about stuff. I don't think we can say,  
11 well, you know what? We all like you, this is great  
12 building and, you know, we're just going to make this  
13 work. That's saying: Oh, I can just go build  
14 something and beg forgiveness, even if it's taller  
15 than my own house. I think it's a bad precedent, I  
16 really do.

17 I do think it overpowers your house. I  
18 think it's really cool. I think it's a mistake by  
19 this Board to okay something that Joe is saying  
20 would've never been approved at the staff level and  
21 never come here without it meeting guidelines. We  
22 cannot grant exceptions or variances on that kind of  
23 height. It's not even in our purview.

24 **MR. HENDERSON:** That's right. I think the  
25 intent of presenting it to this group is to simply

1 So a treehouse cannot connect to the deck, which is,  
2 I think, the reason for the temporary or rollable set  
3 of stairs.

4 **MR. COSTE:** I know we're trying to find  
5 some -- I am trying to find a loophole around this  
6 thing. If it's not approved, I'll -- at this point  
7 dismantle it. And I can -- I think my next thought  
8 would be to put it on a trailer on the ground or  
9 bring it down to the ground and complete it there and  
10 put it on wheels. Then it becomes a trailer.

11 **MR. HENDERSON:** I will add this. If the  
12 roof is removed, then it becomes just --

13 **MS. SANDERS:** Treehouse.

14 **MR. HENDERSON:** -- a deck. It's not  
15 considered an accessory structure. If the Board of  
16 Appeals does not issue the variance for the height  
17 increase, is there an alternative --

18 **MR. COSTE:** Here's something.

19 **MR. HENDERSON:** -- that you could explain  
20 to the Board and require -- not require you to come  
21 back here for another review of your treehouse? Does  
22 that make sense?

23 **MR. COSTE:** Something just occurred to me,  
24 something that Tom Hires said to me a while back. He  
25 was a former Board member. He was saying that a case

1 get the aesthetic feedback to the Board of Zoning  
2 Appeals. And it was my thought in early meetings  
3 with Hal in saying that, you know, I think everybody  
4 wants him to have a treehouse. We probably all had  
5 treehouses. So let's start there with just an  
6 aesthetic review.

7 Is this appropriate for this historic  
8 property behind this non-conforming structure, behind  
9 this historic structure. Is it appropriate? Do you  
10 have a problem with that? I think he will handle the  
11 regulation piece in front of the Board of Appeals.

12 **MS. SANDERS:** I think if you drop it ten  
13 feet or whatever, so you could take a boardwalk  
14 straight from your porch -- I know it's a lot harder  
15 than just dropping it. You said it has some wiggle  
16 room for the wind. Maybe it could be lowered.

17 **MR. HENDERSON:** It cannot be connected to  
18 this structure. This is considered a legal but  
19 nonconforming structure and cannot be expanded.  
20 That's why it can't connect to the deck; is that  
21 correct?

22 **MR. COSTE:** Yeah.

23 **MR. HENDERSON:** That's been the staff  
24 determination for several years we made that. It's a  
25 legal, nonconforming structure, can't be expanded.

1 came up like this a while back; that the Board -- and  
2 I don't know if it was this same Board or not --  
3 granted a time limit on the structure; therefore, it  
4 became a temporary structure. If I say I'm going to  
5 tear it down in ten, 15 years.

6 **MR. HENDERSON:** I don't think we can do  
7 that. We have to make sure --

8 **MR. CRAVER:** My approach was that I would  
9 approve it as is, but it's still subject to the Board  
10 of Zoning Appeals figuring out how they can approve  
11 it.

12 If you can jump over that fence, I agree  
13 with everything you said. I still vote to approve  
14 it.

15 **MR. HENDERSON:** Or an alternative design.  
16 Would that be okay with you?

17 **THE CHAIRPERSON:** I have a question. You  
18 said, if it didn't have a roof, it wouldn't be an  
19 accessory structure, and it could stay because it  
20 would be a deck. Is that true?

21 **MS. SANDERS:** That's the reason you apply  
22 for a permit.

23 **MR. HENDERSON:** We don't have a regulation  
24 that addresses treehouses. Like I said before, we  
25 don't have anything that requires me to go out and

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1 find a 12-year-old working in a tree, nailing boards  
2 up into a tree. We do have something that regulates  
3 decks and accessory structures.  
4 I think that the sticking point here is  
5 that it has a roof, and that roof is going over 15  
6 feet. I think if the roof were removed, and you were  
7 left with a treehouse with a ladder that accesses  
8 that from grade and not from your non-conforming  
9 structure or deck, I think that would be in  
10 compliance with the current zoning ordinance.  
11 I'm sorry if that wasn't a direct answer  
12 to your question. I think that's an accurate one.  
13 **MS. RUTLEDGE:** Would a roof less steep  
14 help.  
15 **MR. HENDERSON:** No, because the bottom of  
16 the --  
17 **MS. SANDERS:** -- is higher than.  
18 **MR. CRAVER:** 15 feet.  
19 **MR. HENDERSON:** The bottom of this is in  
20 excess of the maximum height for sheds or accessory  
21 structures. This bottom is already over the 15 feet.  
22 **THE CHAIRPERSON:** There is some relief the  
23 Board can grant on that accessory structure.  
24 **MR. HENDERSON:** Two feet. Go to 20.  
25 **MS. SANDERS:** Not 14. That's what I'm

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1 saying. If you had this application, we wouldn't be  
2 able to. We wouldn't be allowed to. It's not in our  
3 purview to approve accessory structure. That's what  
4 I'm trying to get at.  
5 **MR. HENDERSON:** If the plans were  
6 submitted to staff, then I would've said, no, this  
7 violates the ordinance. Then you would've had to  
8 appeal my decision to the Board of Zoning Appeals.  
9 **THE CHAIRPERSON:** What are you asking the  
10 Board to do here? What kind of ruling are you  
11 looking for? Do we aesthetically approve this or  
12 would we make a motion to approve this as submitted,  
13 which as you say we can't do because it couldn't have  
14 come before us.  
15 **MR. CRAVER:** Make a motion to approve it,  
16 submit it as to the aesthetics of the plan. And if  
17 he can get a variance to allow him to do it --  
18 **MR. HENDERSON:** That's right. It's just  
19 like a new construction coming to the DRB and  
20 requesting aesthetic approval before it goes before a  
21 variance for the setback, which is very common. They  
22 get a conceptual review and approval of elevations  
23 before you do the full-blown drawings. Then the  
24 applicant would go before the Board of Zoning and  
25 Appeals and receive variance for the regulation. In

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1 my mind, it was the same process.  
2 **MS. SANDERS:** Don't we also need the  
3 second page, setback and height?  
4 **MR. HENDERSON:** The only thing that really  
5 pertains to this was the lot coverage. Was the lot  
6 coverage. And he meets that regulation according to  
7 his survey. It's a similar process that we deal with  
8 already, in my view of it.  
9 **MR. WRIGHT:** We're dealing with the  
10 aesthetics only?  
11 **MR. HENDERSON:** Yes.  
12 **MR. WRIGHT:** And compatibility. As I said  
13 earlier, I think it's very nice looking  
14 aesthetically, notwithstanding the violation of the  
15 ordinance, which is not our purview.  
16 **MR. CRAVER:** I make a motion that we  
17 approve the aesthetics of the treehouse as submitted,  
18 and it's subject to him getting approval of the Board  
19 of Zoning Appeals.  
20 **MR. WRIGHT:** Is that a motion?  
21 **MR. CRAVER:** That was a motion.  
22 **THE CHAIRPERSON:** That was a motion.  
23 **MR. WRIGHT:** Second.  
24 **THE CHAIRPERSON:** Any discussion about  
25 that motion? Apparently not.

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1 **MR. HENDERSON:** I'm sorry. Really sorry.  
2 Any other design for a treehouse. You mentioned  
3 you're okay with any other design for a tree.  
4 Alternative design.  
5 **MR. CRAVER:** We approve the aesthetics and  
6 any variations on the design.  
7 **MS. SANDERS:** As a final?  
8 **MR. CRAVER:** What the hell, yeah. You can  
9 put that in the minutes.  
10 **THE CHAIRPERSON:** Did you second?  
11 **MR. WRIGHT:** I second the amendment.  
12 Subject to the approval of BZA.  
13 **THE CHAIRPERSON:** All in favor say aye.  
14 (Three board members state aye.)  
15 **THE CHAIRPERSON:** All oppose?  
16 **MS. SANDERS:** Oppose. I can't vote on  
17 something that's not a complete application that we  
18 would, for anybody else --  
19 **MR. CRAVER:** I understand that.  
20 **THE CHAIRPERSON:** It's a three-to-one  
21 vote.  
22 **MR. CRAVER:** That works.  
23 **THE CHAIRPERSON:** What does that give you?  
24 That's a majority?  
25 **MR. WRIGHT:** That's a quorum.

1           **MR. CRAVER:** We had a quorum when we  
 2 started the meeting.  
 3           **MS. SANDERS:** What y'all are doing at DRB,  
 4 people doing things without permits, build things six  
 5 feet.  
 6           **MR. CRAVER:** Tell him it's my fault.  
 7           **MR. COSTE:** Thank you-all for your time.  
 8           (The meeting was adjourned at 7:50 p.m.)  
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**CERTIFICATE OF REPORTER**

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3           I, Lora McDaniel, Registered Professional  
 4 Reporter and Notary Public for the State of South  
 5 Carolina at Large, do hereby certify that the  
 6 foregoing transcript is a true, accurate, and  
 7 complete record.

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

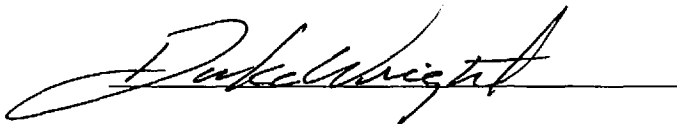
11           Witness my hand, I have hereunto affixed my  
 12 official seal this 2nd day of May, 2014 at  
 13 Charleston, Charleston County, South Carolina.

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 Lora L. McDaniel,  
 Registered Professional Reporter  
 My Commission expires:  
 September 18, 2016

THE DECISIONS OF THE DESIGN REVIEW BOARD SHALL BE EFFECTIVE IMMEDIATELY UPON THE APPROVAL OF THE CERTIFICATE OF APPROPRIATENESS. THESE MINUTES WILL BE USED AS AN OFFICIAL RECORD TO THE DECISIONS MADE UPON RATIFICATION.

SIGNED, SEALED AND DELIVERED THIS DAY OF MAY, 2014

A handwritten signature in black ink, appearing to read "Duke Wright", written over a horizontal line.

DUKE WRIGHT, SECRETARY

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WILLIAM CRAVER