

**TOWN OF SULLIVAN'S ISLAND
DESIGN REVIEW BOARD**

**REGULAR MEETING MINUTES
Wednesday, December 20, 2023**

A regular meeting of the Town of Sullivan's Island Design Review Board was held at 4:00 p.m. at Town Hall. All requirements of the Freedom of Information Act were verified to have been satisfied. Present were Board members Beverly Bohan, Bunky Wichmann, Heather Wilson, Phil Clarke, Tal Askins, and Ron Coish.

Town Council Members present: Scott Milliment.

Staff Members present: Charles Drayton, Planning and Zoning Director, Max Wurthmann, Building Official, and Jessi Gress, Business Licensing and Building Permit Technician.

Media present: No members of the media were present.

Members of the public: Mr. Bryant McCulley, property owner of 2630 Goldbug Avenue; Ms. Cindy Ewing, property owner at 2514 I'On Avenue; David Russell, property owner at 1102 Middle Street; Ms. Julia Medich, property owner at 1650 Poe Avenue.

CALL TO ORDER: Ms. Bohan called the meeting to order at 4:00 p.m. and stated that the press and public were duly notified pursuant to State Law and a quorum of Board Members were present.

- I. **APPROVAL OF THE NOVEMBER 15, 2023 MINUTES:** Mr. Wichmann made a motion to approve the November 15, 2023 Design Review Board Meeting Minutes. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

- II. **PUBLIC COMMENT:** Mr. Scott Milliment, property owner of 2902 Brownell Avenue, reminded the Board that the LUNR Committee, Planning Commission and Town Council are currently in the process of modifying the Zoning Ordinance and suggested leaning towards the new revisions when reviewing the items on this agenda.

- III. **PROCESS FOR DESIGN REVIEW:** Ms. Bohan reviewed the meeting process for the Design Review Board which is as follows:
 - Statement of matters to be heard (Chair announcement)
 - Town staff presentation (5-minute limit)
 - Presentation by applicant (10-minute limit)
 - Town staff final statement (if needed)

- Board Q & A (may occur at any point during hearing)
- Public comment closed
- Board deliberation and vote

IV. HISTORIC DESIGN REVIEWS:

Ms. Wilson recused herself from the application regarding 2630 Goldbug Avenue (Exhibit 1).

2630 Goldbug Avenue: R. Bryant McCulley, homeowner, requested preliminary approval the RS-District historic dwelling unit special exception to allow a new single-family home construction as a second dwelling unit on this Traditional Island Resource property with requests to renovate and relocate the historic cottage on the lot with side setback and second story side façade setback relief (PIN# 529-06-00-090).

Mr. Drayton stated that this is the DRB’s third review of this project; the applicants are seeking the Board’s preliminary approval to remove the later additions to the cottage so that original historic structure remains, and that the reduction brings the total square footage of the cottage to under 1200 square feet, making it eligible to move forward with the special exception the BZA approved; the applicants have proven to this Board that the later additions are not part of the historic character defining elements of the historic cottage.

Mr. Drayton stated that the applicant is seeking relief along the side setback and second story side façade setback to create as much separation as possible between the historic cottage and the new home and to accomplish the owner’s program for their home. The applicant also needs relief for the additional accessory structure height; this was not recognized on the application, but it is being presented as a relief request for the final approval. The request is for a 20-foot-tall accessory structure; the roof pitch needs to be annotated to ensure it meets the 7/12 necessary to permit 18-foot-tall accessory structures; if the pitch does meet the requirement, then the DRB may grant up to a 20% increase from the 18-foot height, allowing a 21-foot, 6-inch-tall accessory structure. As such, the applicant’s relief request for the accessory structure height of 20 feet represents an 11% increase. The request allows for the ridge heights of the historic ADU, the accessory structure, and the 2 east-facing gables to all be uniform.

Mr. Drayton stated that staff recommended preliminary approval if the Board finds the proposed relief requests, including the accessory structure height, would help enhance or maintain neighborhood compatibility and that the plan adheres to the SIS Historic Guidelines.

Ms. Elizabeth Drake, applicant representative, presented his application to the Board.

Mr. Bryant McCulley, property owner at 2630 Goldbug Avenue, stated that they started this process about 6 to 7 months ago and with the help of the Design Review Board they have managed to preserve the historic nature of the home and keep the massing to the minimum. Mr. McCulley stated that the following neighbors are in favor of the application; property

owners of 2720 Goldbug Avenue, 2672 Goldbug Avenue, 2624 Raven Drive, and 426 Station 26th street.

The Board was in favor of the application presented.

Mr. Wichmann made a motion to grant final approval for the application presented. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2524 Middle Street: Brent Fleming, of B. W. Fleming Architect, requested final approval of the proposed plans to restore the historic cottage on this Sullivan's Island Traditional Island Resource property (529-08-00-008).

Mr. Drayton stated that this is the DRB's second review of this project. The scope of the work proposed does not require any relief from the Board; the applicant is only seeking the Board's approval to renovate and restore the cottage to a habitable space. The plans show the removal of the later addition to the cottage so that only the original historic structure remains. The Board needs to determine that the addition, though it is potentially more than 50 years old, is not historic to permit its removal. Additionally, the Board should determine that the front facade changes to the porch and entry stairs are not historic, character-defining features and that the removal and replacement of the original chimney does not destroy the historic integrity of the home.

Mr. Drayton stated that the applicant is seeking final approval, and staff recommended that the Board grant final approval for the rehabilitation if the Board finds the treatment proposed will retain the historic character and follow the guidance from the SIS Guidelines.

Mr. Fleming presented his application to the Board.

No public comment was made.

The Board was in favor of the application presented.

Ms. Wilson asked that the architect get additional pictures of the existing windows to be filed with town staff.

Mr. Wichmann made a motion to grant final approval for the application presented. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2513 I 'On Avenue: Eddie Fava, of E.E. Fava architects, requested a conceptual review for the proposed renovation work to this Sullivan's Island Landmark property, with historic exemption requests for additional principal building square footage and principal building coverage area (PIN# 529-10-00-037).

Mr. Drayton stated that This is the DRB's first review of this project; the applicant is proposing a delicate touch for the renovations of this important historic structure; the minor changes proposed to the facades would only impact some of the non-original materials in the home. The second story balcony would be modified to remove the double doors and install a single door with sidelights. The non-historic double windows on each of the wings would be replaced by new 6 over 6 windows to match the historic windows. The second story dormer would be extended towards the I 'On Avenue side of the house to accommodate a use change for the second story square footage, from storage into an office. The non-historic porch on the I 'On side would be reconstructed with a roof overhang, a chimney, and wider steps on either side of the porch. From above, the home has a trident form with courtyards between each of the wings and the central prong; in order to accommodate better flow within the historic portion of the interior and not impact the existing interior design, the applicant is seeking to fill small portions of each of the courtyards to create a hallway corridor that connects between the wings and to the interior rooms of the main body of the house. Two small enclaves of the screen porch would be infilled to create a harmonious flow between the remodeled bedrooms and the repurposed bathrooms; the home is currently laid out as a multi-unit building, and the kitchens on each wing would be converted into ensuite bathrooms off the previously mentioned bedrooms.

Mr. Drayton stated that to accommodate the proposed renovation project the applicant is seeking modest increases in relief to the home's existing non-conforming square footage and coverage area. The proposal would increase the principal building square footage from 4,529 sf to 4,738 sf, a 219-sf increase, and the principal building coverage area from 4,014 sf to 4,206 sf, an increase of 192 sf. These modest increases are only 4.6% and 4.6%, respectively. The applicant has elected to request these discretionary increases through the historic exemptions found in Section 21-43 rather than to utilize the increases afforded in the principal building square footage and coverage area sections (Sections 21-27 and 21-25, respectively). The historic exemptions allow the Board to exempt up to a 50% of the principal building's square footage and/or coverage area from the calculations, and the applicant is only seeking to exempt 5% of this home's square footage and 5% of its coverage area to legitimize the renovations and additions. If the applicant had considered the non-historic discretionary increases, they would have been a 15% increase (existing condition is 10% over standard) to principal building square footage, and a 26% increase (existing condition is 20% over standard) to principal building coverage area.

Mr. Drayton stated that staff recommended consideration of the applicant's historical analysis of the structure, the delicate touch, and modest requests to provide feedback that improves and moves the project towards approving plans.

Mr. Fava presented his application to the Board.

No public comment was made.

Ms. Cindy Ewing, property owner at 2514 Ion Avenue, stated that Mr. Fava did a wonderful job with this design but has concerns about the windows on the Ion side of the property. Ms. Ewing suggested more of a contemporary window treatment to be in keeping with the neighborhood and preserve the historic nature of the home.

Overall, the Board was in favor of the applicant's job in preserving the historic nature of the home and asked for the applicant to provide more details and information on the proposed windows and asked that the applicant keep in sync with the historic nature of the structure. The Board felt that the applicant was headed in the right direction.

1118 Osceola Avenue: Eddie Fava, of E.E. Fava architects, requested a conceptual review to restore and relocate the house on this Sullivan's Island Landmark property and to connect and relocate another home, from another parcel within the Stella Maris Church campus, to the rear of the historic house on the property (523-07-00-083 & -084).

Mr. Drayton stated that this is the Board's initial review of this project; the applicant has detailed the proposed plans for the Schill House renovations, showing the historic features versus the non-historic features, included details of the renovations, the treatments for the historic features, and the lot coverages that the project proposes. The plans would alleviate 2 non-conformities on the campus: 1) The heated and cooled square footage that is below FEMA flood regulations would be removed, and 2) The removal of the second structure, the Shamrock, from the parcel where Stella Maris is located and its marriage with the Schill House, making the 2 houses into one structure conforms with the special exception rules for religious institutions in the RS District. There are no relief requests associated with this project; the only consideration is that of the historic appropriateness of the proposed work. To that end, it should be noted that the relocation of the Schill House would make its historic façade more visible and better oriented to the street, and the attachment of the Shamrock via a covered porch located on the rear of the Schill House is the least intrusive façade to use for the connection, and the two structures could be easily separated in the future if there were a desire to bring the Schill House back to its original form, a form that its worth noting, the house does not maintain currently.

Mr. Drayton stated that staff recommended preliminary approval of the request for the proposed relocations and renovations, since the plans are detailed and prepared for permitting, if the Board finds that the design is in character with the historic property, satisfies the SIS Guidelines for siting "additions" in an historic setting, and meets the Standards for Neighborhood Compatibility.

Mr. Fava presented his application to the Board.

Ms. Bohan stated that town staff received two letters from the public regarding this application (Exhibits 2 and 3).

Mr. David Russell, property owner of 1108 Middle Street, asked that the Board not approve the relocation of the structure because the applicant wants to move it to install a parking lot which would contain 78 parking spaces. Mr. Russell felt that the parking lot installment will attract more beach goers to the area creating more traffic, littering, and other problems that his quiet neighborhood is not in favor of. Mr. Russell stated that his neighbors, The Morris' and Tompkins family, are also not in favor of the proposed parking plan. Mr. Russell stated that this lot is zoned in a residential area which prohibits the use of a parking lot so the Board should consider denying this application.

Mr. Drayton stated that the potential parking plan is not in the purview of the Design Review Board. The applicant will need to go before the Board of Zoning Appeals to get approval for the parking lot.

The Board asked the following questions:

1. What is the purpose of moving the structure to the neighboring lot?
2. Do the two structures need to be connected to allow for the additional parking space?
3. If the structure stayed in its current location, would the applicant still be able to move forward with the parking plan?
4. What is the timeline for the house relocation? Is there a reason for moving the structure?

Mr. Fava responded by stating that the purpose of the house relocation is to allow for the space for the parking lot. Mr. Fava stated that if the parking lot does not get approved, they plan to use the space as a green space for the church. The two structures do not need to be connected, but felt it is helpful for access and space. Mr. Fava stated that if the structure stays in its place, they would not be able to get the parking lot and/or the proposed green space. Mr. Fava stated that they would like to get the structure moved as soon as possible as the owners have the intent to use the structure for storage or any other sort of need for the home.

Even though the parking plan is not in the purview of the Board, the members felt that the applicant should come before the Board with a full and completed plan set for the proposed lot to help better understand the purpose of the relocation. Ms. Wilson suggested also studying the hyphen between the two structures. She felt as though it seemed too close together and it might look better and be beneficial if it was connected in a different way or further apart. The Board suggested providing a historic analysis of the structure considering it seems to have modifications to its original features.

Ms. Wilson made a motion to grant preliminary approval for the application presented provided that the applicant study the hyphen between the two structures, provide a historic analysis of the structure, and present a full master plan of the two lots. Mr. Wichmann seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2602 Atlantic Avenue: Edward Heavy, of Charleston Homeworx, requested final approval to replace six (6) windows in this Traditional Island Resource home (529-10-00-033).

Mr. Drayton stated that This property is an historic Traditional Island Resource property (Historic Survey Card #440) located just outside of the Atlanticville Local and National Register Historic Districts; the Atlanticville Local Historic District is adjacent to the property on the I 'On Avenue side. The historic home was constructed around 1900 and underwent extensive renovations in around 1975 and 2019. In 2019 the 6 windows that are in question were meticulously refurbished and returned to their locations in the home as part of the CoA issued by the DRB to permit the renovation and addition work to the home. Staff caught the contractor in the act of replacing those 6 windows without a permit or a CoA in October; a stop work order was issued, but staff did allow the homeowner to keep the new windows that had been illegally put in place to remain until the Board could review the project, so that the owner would not have unsecured openings to his home in the interim. As noted in the contractor's submittal to the DRB, which include the plans submitted to the DRB for approval in 2019, the 6 windows in questions were and are clearly noted with "Repair Existing Window" on each of window locations on the plans.

Mr. Drayton stated that staff recommended the historic windows to be refurbished and placed back on the home in their historic locations in concert with the SIS Guidelines.

Mr. Brandon Gaskins, attorney representation for the property owner, presented his application to the Board.

Ms. Cindy Ewing, property owner at 2514 Ion Avenue, stated that this house was gutted during the renovation period and even though it is a traditional island resource, it lost most of it historic nature during the renovation and because of that the Board should grant approval of the replacement of the six windows.

Mr. Randy Friedman, property owner of 2602 Atlantic Avenue, stated that him and his wife are aware that they purchased an historic home and have every intent of maintain and keeping up with that historic status however these six windows he felt were in need of replacement. Mr. Friedman stressed that with not having hurricane appropriate windows it effects his homeowner's insurance dramatically and sees no reason why the Board wouldn't grant approval of the window replacement.

Ms. Bohan stated that town staff received public comment regarding this application (Exhibit 4).

The Board felt as though it is their duty to preserve the historic natures of the historic homes on Sullivan's Island. The Board felt that these six windows can be repaired and there is no need to replace them.

Mr. Wichmann made a motion to deny the proposed application. Ms. Wilson seconded this motion. All were in favor. None opposed. Motion passed unanimously.

Mr. Wurthmann asked what the Board would suggest regarding the two windows that have already been removed. The Board felt that they to should be placed back and repaired accordingly.

V. NON-HISTORIC DESIGN REVIEWS:

Mr. Clarke recused himself from the application regarding 3209 Marshall Blvd (Exhibit 5).

3209 Marshall Boulevard: Kevan Hoertdoefer, of Kevan Hoertdoefer Architects, requested a conceptual review for demolition of the existing home and construction of a new home, with requests for side setback and second story side façade setback relief, as well as additional principal building square footage, principal building coverage area, and third story square footage (PIN# 529-12-00-107).

Mr. Drayton stated that this is the DRB's initial review of this project, and the applicant is seeking a conceptual review from the Board. As the application indicates, there are 5 sections of the ordinance from which the applicant is seeking relief:

- The side setback relief will be a matter for the BZA, since the proposed relief would reduce the setback beyond the minimum 10-foot requirement.
- The lot coverage relief is sought essentially due to the ocean encompassing the majority of the lot; they are requesting a 14.3% increase, which is well below the maximum request.
- The principal building square footage request is for nearly maximum relief; they are seeking a 23.9% increase; if the lot were not encumbered the proposed square footage of the home would be below the standard and would request no relief.
- Given the site constraints, the proposed square footage is compacted on the site, and the resultant request for additional third story square footage is to maximize the additional area that can be permitted for a third story.
- Although there are many curves in the design there is a first story wall that would exceed the 30-foot maximum without an articulation; thus, there is a request for a 42-foot-long wall on the eastern façade.

Mr. Drayton stated that staff recommended preliminary approval of the design, contingent on the BZA approval of the side setback hardship, if the Board find that the relief requests are warranted for the design and that the design meets the Standards for Neighborhood Compatibility.

Mr. Hoertdoefer presented his application to the Board.

No public comment was made.

The Board was in favor of the applicant's presentation and thanked them for keeping the circular nature of the existing structure.

Ms. Wilson made a motion to grant preliminary approval provided the contingency of the approval from the BZA and to provide a study showing the existing structure in comparison to the proposed project. Mr. Askins seconded this motion. All were in favor. None opposed. Motion passed unanimously.

1302 Cove Avenue: Kate Campbell, of Beau Clowney Architects, requested final approval to renovate and elevate the roof to provide additional living space, with a request for additional principal building square footage (PIN#523-07-00-126).

Mr. Drayton stated that This is the DRB's initial review of this project; it is a straightforward request with minimal visual impacts to the neighborhood, but it is also a large relief request; the applicant is seeking 744 additional square feet above the standard allowed for the parcel. This represents a 24.8% increase in principal building square footage. There are no other considerations before the Board. The applicant has highlighted all of the proposed changes to the approved plans and has included all of the details required for a final approval.

Mr. Drayton stated that staff recommended final approval should the Board find that the updates made to the design maintain the Standards for Neighborhood Compatibility.

Ms. Campbell presented her application to the Board.

Ms. Bohan stated that town staff received public comment regarding this application (Exhibit 6 and 7).

The Board was in favor of the application presented.

Ms. Wilson made a motion to grant final approval for the application presented. Mr. Clarke seconded this motion. All were in favor. None opposed. Motion passed unanimously.

1650 Poe Avenue: Charlie Miraziz, of Drafted Architecture, requested final approval to add a second story addition to this existing home, with a request for second story side façade setback relief (PIN# 523-08-00-009).

Mr. Drayton stated that this is the DRB's initial review of this project; the applicant is making only a single request, for second story side faced setback relief. The current design hides the FROG within the gabled roof over the garage, but the plan creates a true second story and creates a second story wall that would be 29 feet 2.5 inches long without an additional setback. Therefore, the applicant is seeking 100% relief from the 2-foot second story setback required for wall lengths greater than 10 feet.

Mr. Drayton stated that staff recommended granting final approval of the project design if the Board considers that the design conforms with the Standards for Neighborhood Compatibility.

Mr. Miraziz presented his application to the Board.

Ms. Julie Medich, property owner of 1650 Poe Avenue, stated that she and her husband have spoken to the neighbors, and they are in favor of the application.

The Board was in favor of the application presented.

Ms. Wilson made a motion to grant final approval for the application presented. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

VI. COMMERCIAL DESIGN REVIEWS:

2213 Middle Street, Units 2 & 3: Aaron Ede, of Architecture Plus SC, LLC, requested final approval to complete the interior upfit combining the two units into a single commercial space, with modest changes to the front and rear elevations (PIN# 529-09-00-118).

Mr. Drayton stated that this is an initial review for exterior façade changes to a building in the Town's commercial corridor on Middle Street. The applicant is seeking to make minor changes to support the upfit for a new coffee shop business to occupy the space; the BZA has already approved the special exception to Allow the use.

The proposed modifications to the front façade, visible to the general public from the Middle Street right of way, include replacing the existing windows with new windows and adding a bar counter below the window to the left of the new double front doors. The window openings would not be altered; they would just be replacing the existing windows. The bar counter would allow those seated at the exterior bar window to receive service directly from the "coffee bar" area. New doors would replace the existing that were used to access the space when it was separated by a demising wall; the demising wall is being removed and the 2 units are being converted into a single unit for the coffee shop, so new doors are needed. In the rear the applicant is proposing to place a walk-in cooler and a storage shed onto the rear porch of the building; these changes are not visible from the right of way and do not extend or add to the impervious coverage of the parcel since they are being placed on the existing porch.

Mr. Drayton stated that staff recommended final approval of the request if the Board finds the minor changes that are proposed will not negatively impact the Community Commercial District.

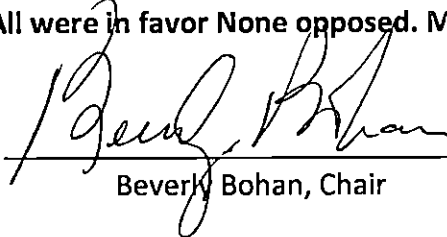
Mr. Ede presented his application to the Board.

No public comment was made.

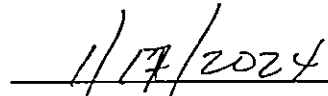
The Board was in favor of the application presented.

Mr. Coish made a motion to grant final approval for the application presented. Ms. Wilson seconded this motion. All were in favor. None opposed. Motion passed unanimously.

VII. ADJOURN: Ms. Wilson made a motion to adjourn at 7:15 pm. Mr. Askins seconded this motion. All were in favor None opposed. Motion passed unanimously.



Beverly Bohan, Chair



Date



RECUSAL STATEMENT

Member Name: Heather Wilson

Meeting Date: December 20, 2023

Agenda Item: 1 Section: E Number: 1

Topic: 2630 Goldbug Avenue

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

[Signature]
Member Signature

12/20/23
Date

[Signature]
Signature of Official

12/20/23
Date



From: david russell <davidrussell1102@gmail.com>
Sent: Tuesday, December 5, 2023 10:02 AM
To: DRB; Jessi Gress; Charles Drayton
Cc: Jamie Brownlee; David Russell; Mr. Page Morris; Zyb; e@eefava.com
Subject: Objection to parking lot at 1118 Osceola Ave.

CAUTION: > This email originated from outside the Town of Sullivans Island. Do not click links or open attachments unless you have verified the sender and know the content is safe.

To: Design Review Board Members

This objection is submitted by David Russell and Jamie Brownlee, who reside at 1102 Middle Street, and by Page and Page Morris, who reside at 1106 Middle Street. Both of our homes back up to Osceola Avenue, and our driveways abut Osceola across from the subject property, 1118 Osceola. All three properties are within the Moultrieville Historic District, and all three are zoned RS (single family residential).

We understand that, as submitted to the DRB at this point, the plan to transform 1118 Osceola is limited to relocating and connecting two buildings, and we do not object to that plan. But the buildings are only part of an overall plan for a 78-space parking lot surrounding the buildings on what is now and has been historically a grass lawn with trees and shrubs. As would any resident in similar circumstances, we object to the construction in our neighborhood of what would be one of the largest parking lots on Sullivans Island.

We have several objections, as set forth below, but first we want to say that Father McInerny has been our good neighbor for many years, and we mean no disrespect to him or his congregation.

Consistent with the DRB’s mission, within the zoning ordinances, to ensure neighborhood compatibility (especially in historic districts), to prevent the overcrowding of land, to protect the low-density and residential character of the Island, and to promote and protect the Island’s historic character and natural environment, we object to the proposed parking lot for the following reasons:

First, parking lots are strictly prohibited in neighborhoods, like ours, that are zoned RS. See Zoning Ordinance 21.143.C(1).

Second, a parking lot, whether 78 spaces or less, would be totally incompatible with the character of our neighborhood.

Third, whereas now the lot at 1118 Osceola is a verdant lawn, a parking lot, with or without cars and trucks, would be an unsightly commercial-like feature in derogation of a residential area.

Fourth, inevitably the parking lot would turn into a magnet for off-island beachgoers in an area that already suffers from over-crowding. For decades we have experienced first-hand that, while some beachgoers are respectful of our neighborhood and properties, many others are disrespectful and leave behind trash in the form of beer cans, food wrappings, dirty diapers, etc. And then there is always some who, whether they have been drinking on the beach or not, are unpleasantly noisy and disorderly. A big parking lot would only magnify these nuisances, especially with the planned entrance/exit off of Osceola.

Lastly, approval of a parking lot in a designated residential and historic area would set a bad precedent for other protected areas of the Island. The door would be open for anyone to install a multi-vehicle parking lot around their home.

We realize that the parking lot issue is not technically before the DRB at this time, but we wanted to convey our objections at this point in case the building relocation plan ultimately depends on approval of the parking lot.

Respectfully submitted,
David Russell and Jamie Brownlee
Page and Page Morris

Design Review Board Members,

Please accept this email as our objection to the planned parking lot at 1118 Osceola Avenue. We are in full agreement with the objection email sent by David Russell and Page Morris earlier this week. Please let us know if you have any questions or need additional information from us.

Sincerely,

Jason & Kristen Tompkins

1102 Osceola Avenue

803.727.5383



RECUSAL STATEMENT

Member Name: Phil Clarke

Meeting Date: December 20, 2023

Agenda Item: 6 Section: F Number: 1

Topic: 3209 Marshall Blvd.

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ Professionally employed by or under contract with principal

_____ Owns or has vested interest in principal or property

_____ Other: Previously employed / construction

[Signature] _____ 12/20/23 _____
Member Signature Date

[Signature] _____ 12/20/23 _____
Signature of Official Date

Exhibit C

To the DRB;

My wife and I built 1312 Cove Ave after Hurricane Hugo and have lived there since 1991. At that time there were only single story brick houses on Cove Ave, save the house adjacent to me at 1318 Cove Ave. Over the years since, all of those houses on both sides of our short street have been replaced with elevated 2 story structures. We were a little disappointed that house at 1302 Cove, the subject of this email, was built 20 years ago as an elevated single floor home with a very large attic. We felt it was not quite in keeping with the others that had been built.

Recently Jeremy and Rachael Anspach purchased 1302 Cove Ave and are now planning to enclose the attic space and make other changes that would transform the house into a more of an elevated 2 story home. We have reviewed the plans for this renovation and whole heartedly endorse this project. The changes they want to make would improve the structure, add value to the neighborhood and enhance the quality of life on Sullivan's Island by having another young family that lives full time on our wonderful island.

Jay Keenan CCIM

843 224 1227

jay.keenan@pcpsc.com

Palmetto Commercial Properties

Sent from my iPad

Exhibit A

I have no objection to a proposed
Renovation. Plans for the home of Jeremy Anspach house on cove Avenue . Which is next-door to mine.

E. Mikell Carroll
1308 cove avenue

Exhibit 4

Moore & Van Allen

December 14, 2023

E. Brandon Gaskins
Attorney at Law

T 843 579 7038
F 843 579 8738
brandon.gaskins@mvalaw.com

VIA FIRST CLASS MAIL & EMAIL

Town of Sullivan's Island
Design Review Board
c/o Charles Drayton, III
2056 Middle Street
Sullivan's Island, SC 29482
cdrayton@sullivanisland.sc.gov

Moore & Van Allen PLLC

78 Wentworth Street
Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

Re: 2602 Atlantic Avenue

Dear Board Members and Mr. Drayton:

I represent Randolph Friedman, who is the owner of 2602 Atlantic Avenue, with respect to his request for a Certificate of Appropriateness to replace six existing windows with modern hurricane resistant windows on the south side of his home, which has been designated a Traditional Island Resource historic property. In support of that request, we submit the below information that demonstrates that the Certificate of Appropriateness should be granted because the project satisfies all applicable criteria under the Town's ordinances.

I. SUMMARY

The Certificate of Appropriateness to replace six original windows at 2602 Atlantic Avenue should be granted because their replacement will neither impact the historic character of the property nor noticeably change its exterior appearance.

The property was first designated as historic by the Sullivan's Island Design Review Board (the "DRB") in 2008 based primarily on the property's historic connection to Judge J. Waties Waring. Since then, the DRB has considered applications with respect to the property on multiple occasions, and it has never made any findings that the original windows are important to the historic character of the property. In fact, the DRB approved the replacement of several other original windows when the home was substantially altered in 2019.

Although that alteration maintained six of the original windows, those six windows are now failing. They have accumulated unsightly mold that will take thousands of dollars to restore, while also providing minimal protection from hurricanes. Not only do the original windows fail to provide adequate protection, they are also forcing Mr. Friedman to incur approximately \$30,000 in additional insurance costs per year.

Charlotte, NC
Charleston, SC

Because of these issues, Mr. Friedman now seeks to replace the original windows with hurricane resistant windows that will have the same shape, design, size, and color as the original windows. As a result, the project will not affect the home's historic character or exterior appearance, but it will reduce costs and add protection that will help ensure that the home can be preserved as an historic property for years to come. Therefore, the project meets all of the criteria under the Town's ordinances, and we respectfully request that the DRB approve the application for a Certificate of Appropriateness.

II. FACTUAL BACKGROUND

The home located on 2602 Atlantic Avenue was first built in the early twentieth century, likely between 1900 and 1920. As originally constructed, the home was a 1.5 story frame rectangular beach cottage. Vinyl siding was added to the exterior in 1975, and the home was altered again in 1990 with the enclosure of the main porch. In 2019, the home was altered significantly with, among other changes, the addition of a new wing, replacement of the vinyl siding, and replacement of all but six of the original windows. (Ex. 1 – Photo of 2602 Atlantic Ave.)

The home has never been located within the Town's historic district. Notably, 2602 Atlantic Avenue was not identified as an historic property when the Town conducted historic site surveys in 1987 and 2002-03. Instead, the designation as an historic property did not occur until 2008, after then-owner, Dr. John Selby, applied for the designation.

As Dr. Selby later explained, he applied for the historic property designation after discovering that the home had been the summer beach cottage of Judge Julius Waties Waring, who is best known for issuing several judicial decisions that struck down or challenged segregationist practices and laws in the 1940s and 1950s. (Ex. 2 – DRB Mtg. Minutes, May 20, 2015, pp. 7-8, 13.) According to Dr. Selby, the historic property designation was “a nice way to honor” Judge Waring. (*Id.*)

The application for historic designation was considered at the DRB's meeting in April 2008. (Ex. 3- DRB Mtg. Minutes, Apr. 23, 2008.) At that meeting, the Town's zoning administrator explained that the home was recommended for historic designation because it was a good example of a traditional island residence built in the early 20th century that was characteristic of the island itself. (*Id.*) The zoning administrator also stated that the property did not contain elements of design, materials, or craftsmanship that would make it worthy of an historic designation under that criterion. (*Id.*) During the discussion, the Town's historic preservation consultant supported the historic property designation, but he did not reference the windows in any manner, much less state that they contributed to the historic character of the home. (*Id.*)

Ultimately, the DRB approved the designation of 2602 Atlantic Avenue as an historic property based on the following three criteria: (1) Criterion 1 - Has significant inherent character, interest, or value as part of the development or heritage of the Town, state, or nation; (2) Criterion 3 - Is associated with a person or persons who contributed significantly to the culture and development of the Town, state, or nation; and (3) Criterion 4 – Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the Town, state, or nation. (*Id.*) Thus, the DRB's historic designation was primarily based on the home's association with Judge Waring.

In 2015, Dr. Selby petitioned the DRB to remove the property's historic designation. (Ex. 2 – DRB Meeting Minutes, May 20, 2015, pp. 3-33.) During the DRB meeting in which his request was considered, Dr. Selby explained that the sole reason that he requested the designation for the home was its connection to Judge Waring but that he now wanted the designation removed because the property was unsafe. (*Id.* at pp. 7-8, 13.)

The DRB, while sympathetic to Dr. Selby's concerns for safety, rejected his request. (*Id.* at pp. 15-33.) During the consideration of the request, not one person referenced the windows in any manner. (*Id.* at pp. 3-33.) Instead, most of the discussion regarding the property's historic character was centered on the home's connection with Judge Waring, with one member stating that leaving the designation on the property would ensure that a future buyer could renovate the house and remake it so that Judge Waring's "history remains on the island." (*Id.* at p. 27.) Other members on the DRB explained that it would be "very liberal" in approving proposed alterations to the home in the future. (*Id.* at pp. 30-33.)

Dr. Selby later sold 2602 Atlantic Avenue, and in 2019, the subsequent purchaser, Jack McSpadden, sought and obtained a Certificate of Appropriateness from the DRB to make major renovations and additions to the home. (Ex. 4 – DRB Mtg. Minutes, Jan. 16, 2019, pp. 1-3; Ex. 5 – DRB Mtg. Minutes, March 20, 2019, pp. 6-7.) The proposed renovations included adding an additional wing, removing the enclosed front porch panels, and removing the vinyl and aluminum siding of the home. (*Id.*) The proposal also included replacing all of the original windows except six on the south side of the home.

The DRB first considered Mr. McSpadden's application in January 2019. During that meeting, the Town's planning director explained the home was best known as the summer home of Judge Waring. (Ex. 4 – DRB Mtg. Minutes, Jan. 16, 2019, pp. 1-3.) Neither the planning director nor any members of the DRB discussed the preservation or replacement of the existing windows. (*Id.*) Although the DRB generally had positive comments about Mr. McSpadden's design, it deferred the matter until he could incorporate certain revisions suggested by the DRB, none of which related to the original windows. (*Id.*)

The DRB considered Mr. McSpadden's revised design and application in its meeting in March 2019. (Ex. 5 – DRB Mtg. Minutes, March 20, 2019, pp. 6-7.) After considering the revisions to the design, the DRB approved the application for the Certificate of Appropriateness. (*Id.*) Again, there was no discussion regarding the preservation or replacement of the original windows. (*Id.*)

After the Certificate of Appropriateness was issued, Mr. McSpadden completed the additions and alterations to the home. Overall, the home, with its altered design, has 50 windows. Of those, six are single-pane windows believed to be from the original home constructed in the early 20th century, and the other 44 are modern high-impact, hurricane resistant windows. During the renovations, the six original windows were temporarily removed and restored and then reinstalled.

In 2023, Mr. McSpadden sold 2602 Atlantic Avenue to Randolph Friedman. After purchasing the home, Mr. Friedman noticed that the six original windows were failing and becoming discolored

from black mold. (Ex. 6 – Photos of Molding Windows.) Additionally, Mr. Friedman was concerned that the original single-pane windows would be vulnerable to damage from hurricanes, thereby making the entire home more susceptible to major damage.

Mr. Friedman also discovered that maintaining the original six windows would impose a significant financial burden on him. The fact that the windows are already failing only four years after they were restored makes it likely that the windows will need to be removed and restored approximately every three to four years, at a cost of approximately over \$7,000 per window each time. Also, the original windows limit the insurance carriers who are willing to insure the home, and his annual home insurance premium is approximately \$30,000 higher than it would be if the windows are replaced with hurricane resistant windows.

To address these issues, Mr. Friedman decided to replace the six original windows with hurricane-resistant windows, which match the size, shape, design, and color of the original windows. These windows do not noticeably change the exterior appearance of the home, but they add considerably more protection from hurricanes and mold, while also reducing the financial burden of maintaining the historic home.

As a result, Mr. Friedman began the process of replacing the six original windows; however, he was not aware that the Town would require a Certificate of Appropriateness to replace them. Once the Town discovered the work in progress, it issued a stop work order and instructed Mr. Friedman to seek the Certificate of Appropriateness, which is the subject of the present application.

Although Mr. Friedman stopped work, the Town did not require him to remove two of the replacement windows that had already been installed prior to the issuance of the stop work order. Those two windows, located on the rear of the house, are barely noticeable from the street. (Ex. 7 – Photos of Windows A-B.) Of the four remaining windows that Mr. Friedman wishes to replace, they are largely obscured from street view by trees and shrubbery, and one is on the porch obscured by a dark screen. (Ex. 8 – Photos of Windows C-F.) Overall, it is very unlikely that pedestrians and drivers passing by the house would be able to notice any change in the exterior appearance of the home if the Certificate of Appropriateness is granted and the original windows are replaced.

III. DISCUSSION

Under the Town's historic preservation ordinances, the DRB alone is responsible for making the determinations of whether a property should be designated as historic and for issuing Certificates of Appropriateness for work upon historic properties. Town Code §§ 21-94(C) & 21-97(B)(3). The DRB's determination of whether to grant a Certificate of Appropriateness is based on whether the application meets the criteria set forth in § 21-97(C) of the Town's zoning code. Mr. Friedman's proposed project meets each applicable criterion, which are set forth and addressed below.

A. The replacement of the original windows satisfies all applicable criteria for a Certificate of Appropriateness because the windows are not important to the historic character of the home and because the new windows will not noticeably change the exterior appearance of the home.

1. Consistency of the proposed work with the applicable HP Overlay District regulations (§ 21-97(C)(1))

This criterion is inapplicable because 2602 Atlantic Avenue is not located within an HP Overlay District.

2. Consistency of the proposed work with the regulations of the underlying zoning district (§ 21-97(C)(2))

The replacement of the windows is consistent with the underlying zoning district, which does not regulate the replacement of windows. Furthermore, the work does not change the orientation or location of the home, encroach upon any setbacks or buffers, or change the existing use of the property. Therefore, the project satisfies this criterion.

3. Consistency of the proposed work with the findings adopted by the Town Council in designating HP Overlay District (§ 21-97(C)(3))

This criterion is inapplicable because 2602 Atlantic Avenue is not located within an HP Overlay District.

4. For an historic property, consistency of the proposed work with the findings in designating it a historic structure, or comparable record of findings from a state or federal listing (§ 21-97(C)(4))

This criterion is inapplicable because 2602 Atlantic Avenue is not located within an HP Overlay District.

5. For an historic property, consistency with the following ten preservation standards, and the most recent version of the Secretary of the Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (§ 21-97(C)(5))

As a threshold matter, it is doubtful that the Secretary of the Interior's Standards for the Treatment of Historic Properties (the "SIS Standards") apply to the replacement of the original windows of the home.

Under the SIS Standards, the first step in historic preservation is "to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character." (Ex. 9 - SIS Standards p. 29.)

When this step is taken with respect to 2602 Atlantic Avenue, it becomes clear that the original windows, while old, do not define the building's historic character.

Instead, the record evidence demonstrates that the primary factor contributing to the property's historic character is its connection with Judge Waring. This connection was the sole factor that motivated Dr. Selby to apply for the historic property designation. Not only was this connection the reason why the DRB originally granted the historic designation, it was also the reason why the DRB refused to remove the designation in 2015.

To a lesser extent, the DRB also seemed to be motivated by the home being of the typical general design of early 20th century island beach cottages with a rectangular shape and appendage. However, the Town's zoning administrator explained that this was a general design that did not include any elements of design, materials, or craftsmanship that represented significant innovation. In other words, there is nothing significant about the architectural design or materials of the original windows.

Importantly, the DRB has never made any findings that the windows or their component materials have contributed to the historical significance of the home. Although the property has been the subject of review by the DRB on at least four occasions, the windows have never been identified as defining the historic character of the property during the DRB's consideration of the various applications with respect to the property. In fact, the DRB implicitly recognized that the original windows are not important to the historic character of the property when it approved the removal and replacement of other original windows in 2019.

Put simply, there is nothing about the original windows that are important to and define 2602 Atlantic Avenue's historic character. If the windows are replaced, the home's connection to Judge Waring will remain. Similarly, the replacement of the windows will not affect the home's general style as a traditional island beach cottage, as the previous owners have restored the home closer to its original fabric and Mr. Friedman is committed to maintaining the property in that state. Therefore, the original windows must not be retained to preserve the home's historical character.

Moreover, even if the windows could be considered as contributing to the home's historic character, the SIS Standards do not necessarily require that they be retained. Instead, the SIS Standards recognize that replacement of original materials may not be warranted in all cases. For example, the SIS Standards advise that "[r]esilience to natural hazards should be addressed as part of a Preservation project." (*Id.*) "If foreseeable loss, damage, or destruction to the building or its features can be reasonably anticipated, treatments should be undertaken to avoid or minimize the impacts and to ensure the continued preservation of the building and its historic character." (*Id.* at p. 24.) Similarly, the SIS Standards provide that new sustainability treatments, such as energy-efficient features, may be added to update existing features where they will have minimal impact on the historic character of the building. (*Id.* at p. 29.)

Here, replacing the windows with hurricane resistant windows will make the home more resilient to natural disasters, such as hurricanes and other storms, which in turn makes it less likely that the home will suffer more extensive damage that could threaten the entire structure. Similarly, the

dual-paned replacement windows have a higher condensation rating that will more effectively prevent the windows from molding and likely reduce the potential that the home's residents will be exposed to potentially toxic mold. Also, replacing the windows with modern, energy-efficient windows will help ensure that the home utilizes sustainable features that reduce energy consumption at a time when the world is struggling to combat climate change and reduce fossil fuel usage.

- a. Using a property as it was used historically or giving a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships (§ 21-97(C)(5)(a))*

The project meets this criterion because the property will continue to be used as a residence, just it has been used historically.

- b. Retaining and preserving the historic character of a property; avoidance of the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property (§ 21-97(C)(5)(b))*

For the reasons stated above, the project meets this criterion. The historic character of the property primarily arises from its connections with Judge Waring. The historic character of the home is secondarily tied to its traditional island beach cottage style, but not to any of its specific components. As such, there is no nexus between the windows and the historical character of the home, as confirmed by the DRB's prior approval of the removal and replacement of other original windows in 2019. Therefore, the proposed project retains and preserves the historical character of the property without removing any distinctive materials.

- c. Avoiding changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings (§ 21-97(C)(5)(c))*

The replacement of the windows does not create a false sense of historical development, and the application satisfies this criterion as a result.

- d. Retaining and preserving changes to a property that have acquired historic significance in their own right (§ 21-97(C)(5)(d))*

There have been no changes to the property that have acquired historic significance in their own right, and this criterion is, therefore, inapplicable.

- e. Preserving distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property (§ 21-97(C)(5)(e))*

As stated above, the original windows do not utilize any distinctive materials, features, finishes, construction techniques, or examples of craftsmanship that characterize the property. Although the

DRB has considered 2602 Atlantic Avenue on four separate occasions, it has never indicated that there is anything distinctive or important about the windows. As a result, this criterion is not applicable.

f. Repairing rather than replacing deteriorated historic features; or where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials (§ 21-97(C)(5)(f))

Again, there has never been any finding that the original windows are an historic feature of the property. To the extent that they could be considered historic features, though, the replacement windows will have the same size, shape, design and color as the original windows, as well as match the design and color of the other 44 windows that are presently in the home. While the replacement windows will not utilize the same wood framing as the original windows, the material of the replacement windows will be stronger and more resistant to deterioration, condensation, mold, and wind. Overall, the replacement windows will not noticeably change the exterior appearance of the property, but they will provide additional protection, which increases the likelihood that the home can avoid damage from storms and other hazards.

g. Utilizing the gentlest means of chemical or physical treatments (§ 21-97(C)(5)(g))

This criterion is inapplicable because the replacement of the original windows does not involve chemical or physical treatments. However, if the original windows must be retained, they will be subjected to recurring chemical and physical treatment to remove the mold that continues to grow. Eventually, these treatments will likely deteriorate the original materials and make them more susceptible to physical damage during the removal and treatment process.

h. Protecting and preserving the archeological resources in place, and if disturbing, mitigation measures will be undertaken (§ 21-97(C)(5)(h))

This criterion is not applicable because there are no archeological resources on the property.

i. Not destroying historic materials, features, and spatial relationships that characterize the property; differentiating the new work from the old and making it compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment (§ 21-97(C)(5)(i))

The original windows do not utilize historic materials, features, or spatial relationships that characterize the property. Furthermore, the replacement of the original windows does not involve any changes to size, scale, proportion, and massing of the property, in general, or the windows, specifically. The replacement windows have the same style, size, shape, and color as the original windows have, and the project will not noticeably change the exterior appearance of the home. Therefore, the project satisfies this criterion.

- j. Undertaking new construction in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired (§ 21-97(C)(5)(j))*

This criterion is inapplicable because the project does not involve new construction.

In sum, the established criteria for approving a Certificate of Appropriateness either favor Mr. Friedman or are inapplicable. Therefore, the DRB should grant the Certificate of Appropriateness.

B. The Certificate of Appropriateness should be granted because maintaining the original windows is not economically feasible.

The Town's ordinance requiring the Board to apply the SIS Standards necessarily requires the DRB to consider both the economic and technical feasibility of each project. (Ex. 11 - SIS Standards p. 2 ("The Standards will be applied taking into consideration the economic and technical feasibility of each project.") (citing 36 CFR § 68.3).)

When this guideline of the SIS Standards is applied to the project, it becomes clear that maintaining the original windows is not economically feasible. As explained above, although the windows were recently restored approximately four years ago, they are already failing and collecting mold. As a result, they either need to be replaced or restored again. Restoring the original six windows will cost over \$7,000 per window each time, and restoration is reasonably expected to be required every three or four years. More significantly, maintaining the original windows adds an additional \$30,000 per year to Mr. Friedman's insurance premium. Over the next 15 years, the cost of maintaining the windows and insuring the home with the original windows could likely exceed \$500,000, while replacing them will only cost approximately \$20,000. On top of that, the least costly option of replacing them also provides additional protection from storms and other safety benefits, which will help ensure that the historic home does not suffer serious damage from a hurricane or other natural hazard in the future.


Under these circumstances, the significant financial burden of maintaining the original windows outweighs any marginal benefit that preserving them could provide. While historic preservation is a laudable goal, it should not be sought so rigidly that it defies common sense or imposes extreme costs that discourage owners from seeking historic designations of their properties. In other words, historic preservation must be balanced with practical solutions. Here, allowing the replacement of the original windows will advance the ultimate goal of protecting the historic nature of the home by making it more secure and less expensive to maintain in the future. Thus, these factors also favor approving the Certificate of Appropriateness.

IV. CONCLUSION

As the DRB has recognized on multiple occasions, the historic character of 2602 Atlantic Avenue arises from its association with Judge Waring and its style as a traditional island beach cottage. Although the DRB has considered the property repeatedly over the past 15 years, it has never

found that the home's original windows or their materials are important to the property's historic character. In fact, in 2019, the DRB approved the removal and replacement of several other original windows. Although six of those windows were preserved when the property was renovated at that time, those windows are now failing and providing minimal protection from storms, while also adding significant, unnecessary costs. Given these circumstances, the DRB should approve the Certificate of Appropriateness to replace the original windows with new windows that will provide additional protection and significantly reduce the costs of maintaining the historic home without noticeably changing its exterior appearance.

Sincerely,



E. Brandon Gaskins

Enclosures: As Stated.

EXHIBIT 1

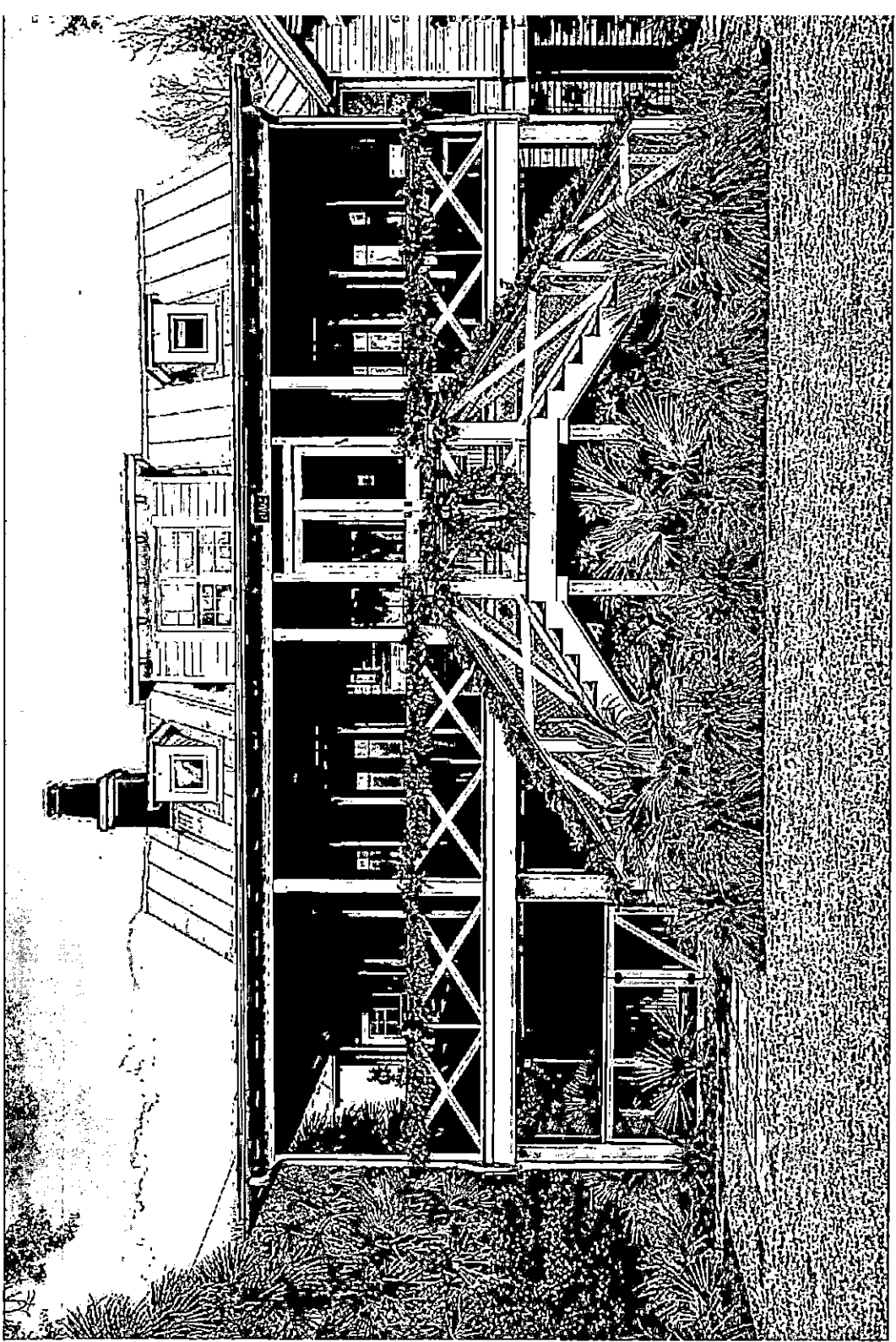
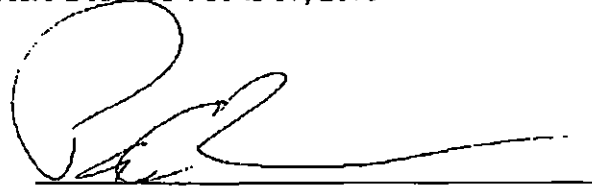


EXHIBIT 2

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 JUNE 17, 2015

A handwritten signature in black ink, appearing to read 'Pat Ilderton', written over a horizontal line.

PAT ILBERTON, CHAIRMAN

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

DUKE WRIGHT, SECRETARY

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TOWN OF SULLIVAN'S ISLAND
DESIGN REVIEW BOARD

HEARING BEFORE: PAT ILBERTON, CHAIRPERSON
DATE: May 20, 2015
TIME: 6:00 PM
LOCATION: Sullivan's Island Town Hall
2050-B Middle Street
Sullivan's Island, SC
REPORTED BY: LORA L. MCDANIEL,
Registered Professional Reporter

A. WILLIAM ROBERTS, JR. & ASSOCIATES

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APPEARANCES :

PAT ILDERTON, CHAIRPERSON
DUKE WRIGHT, BOARD MEMBER
STEVE HERLONG, BOARD MEMBER
MARK HOWARD, BOARD MEMBER
DONNA WEBB, BOARD MEMBER
RHONDA SANDERS, BOARD MEMBER
BILLY CRAVER, BOARD MEMBER
JOE HENDERSON, ZONING ADMINISTRATOR
RANDY ROBINSON, BUILDING OFFICIAL
KAT KENYON, PERMIT TECHNICIAN

(INDEX AT REAR OF TRANSCRIPT)

1 THE CHAIRPERSON: This is the May 20, 2015³
2 Sullivan's Island Design Review Board. It is now
3 6:00. Members in attendance are Duke Wright, Pat
4 Ilderton, Steve Herlong, Mark Howard, Donna Webb, and
5 Rhonda Sanders.

6 Freedom of Information requirements have
7 been met for this meeting tonight. Items on
8 tonight's agenda, approval of the minutes. Do I hear
9 a motion?

10 MS. SANDERS: Motion to approve.

11 THE CHAIRPERSON: Second?

12 MR. HOWARD: I'll approve.

13 THE CHAIRPERSON: Discussion? Everybody
14 in favor?

15 (Ayes were stated by all board members.)

16 2602 ATLANTIC AVENUE

17 THE CHAIRPERSON: Joe, 2602 Atlantic.

18 MR. HENDERSON: Yes, sir. Agenda item C-1
19 is a historic designation review request from the
20 Board. The applicant and property owner, Mr. John
21 Selby, is here requesting approval to have his home
22 removed from the historic designation list.

23 Just to give you a little background on
24 this issue, originally the town's historic
25 preservation consultant, David Snyder, did not deem

4
1 this property as historic. He deemed it as altered
2 in 2003 when he originally -- I guess during one of
3 his historic surveys.

4 Mr. Selby and his wife petitioned the DRB
5 on April 23, 2008 and requested that this property be
6 placed on the historic designation list for various
7 reasons. During that meeting, the DRB found that
8 this property met three of the criteria from Section
9 21-94, which is required by the zoning ordinance to
10 be deemed historic property. It has to meet one or
11 more of the eight stated criteria in that section of
12 the ordinance.

13 The board found that this property had
14 significant or inherent character interest or value
15 as part of the development for heritage of the town,
16 state or nation.

17 Found number three, that the property is
18 associated with a person or persons who contributed
19 significantly to the culture and development of the
20 town, state or nation. Finding that J. Waties
21 Waring, who opened the Democratic primary in South
22 Carolina for blacks, held this as his summer home.

23 And then they found that number four,
24 criteria number four, exemplified cultural,
25 political, economic, social, ethnic, and historic

1 heritage of the town, state or nation.

2 So tonight the DRB must make findings of
3 fact to approve or deny the request to remove this
4 property from the historic designation list by
5 finding that it meets or does not meet these criteria
6 from the zoning ordinance.

7 I have several pictures here of the house
8 and can hand those out and can entertain any
9 questions.

10 MR. HOWARD: The age of the house?

11 MR. HENDERSON: The consultant felt that
12 it was from the 1920s or possibly earlier.

13 Originally in 2003 --

14 DR. SELBY: You have this copy here?

15 MR. HENDERSON: This is the deed?

16 DR. SELBY: That was when it was sold and
17 when it was built and everything else.

18 MR. HENDERSON: It has listed here 1923.

19 DR. SELBY: Recorded in Charleston County.

20 MR. HENDERSON: David Snyder originally
21 determined that it was so severely altered --

22 DR. SELBY: 1920 it says built. The lot
23 was owned before that. It was surveyed in April
24 1899.

25 MR. HENDERSON: He mentioned several

1 things; front porch added to the structure facing
2 Atlantic Avenue that was covered with vinyl siding or
3 maybe metal siding in the 1970s; is that correct?

4 DR. SELBY: Yes, or 1880s, not sure when.
5 Vinyl siding and all that was earlier, yes, in the
6 '70s. We bought the house in '75.

7 MR. HENDERSON: The house still has the
8 metal or vinyl siding on it?

9 DR. SELBY: Now it does. It didn't when
10 we bought it.

11 THE CHAIRPERSON: Great. Thank you. Yes,
12 sir, John.

13 DR. SELBY: I apologize for not standing
14 up. I have to use a cane and it's too awkward for
15 me.

16 First thing I would like to emphasize, I
17 am guilty, and I'm the one that made a mistake. And
18 I'm also the one that asked for you to put it on the
19 historic list, so it's all my fault, and I should
20 take the blame.

21 But I'm trying to explain now why I feel
22 it was a mistake. I also feel that other people have
23 made a mistake in their lives before, and I will have
24 to accept this as my mistake and just hope it can be
25 changed.

1 Why we had bought the house was because of ⁷
2 the location, location, location. It was the
3 beautiful location. My wife said we have to have
4 that house even though it was very shabby looking.
5 It didn't look very liveable.

6 And she said we can fix it up. And we
7 fixed it up with the vinyl siding and so forth.
8 Concrete flooring under the house, which was all
9 dirt, under the garage, and put in a driveway which
10 was all dirt, building a sidewalk to it, building a
11 chain link fence around it.

12 So we got to where it was liveable. And
13 the person that I bought it from said: Where is your
14 real house going to be? This is a beach house.

15 And we didn't understand that. I had
16 never lived in South Carolina before. I never lived
17 near the ocean. So to me this was perfect because of
18 the location.

19 And I said this is where we're going to
20 have a permanent house, even though it didn't have
21 any central air or heat and all that kind of stuff.
22 We were very happy with the house. I never
23 expected -- we kept working on it, fixing things that
24 needed to be fixed.

25 We got to love the house more and more.

1 We lived there for forty years. So somewhere, and I^B
2 don't exactly remember when, I bought this book and
3 saw in this book -- if you want to look at it -- that
4 this had been a beach house -- first, the man, Judge
5 Waring, was such a hero to me after reading that
6 book. And then I found out this used to be his
7 summer beach cottage. I knew he had a house -- I
8 didn't know it until I read this book, and I saw all
9 the things that he had done.

10 I thought: This is amazing. This is the
11 property that he used to live on.

12 So I went down to the Charleston County,
13 got all the details on it to make sure that this
14 really was recorded. If you read that book, even be
15 more impressed, I think. So I asked my wife about
16 it. She says why not. We're going to live here
17 forever. And it would be a nice way to honor him.

18 So I came to you and asked you to put it
19 on the historic list. And I thought it was a smart
20 idea at the time.

21 Why do I not think so now? Well, because
22 I have looked back. We hadn't lived there very long
23 before we had a major fire in the bedroom. We had to
24 call the fire department to put it out. They had to
25 change the electric wiring because it was so old.

1 And then we started having other electric
2 wiring problems in the living room. And upstairs we
3 had to close off some more electric wiring. So I
4 knew that the house had a little -- I would say we
5 had at least four major fires that needed a fire
6 truck.

7 And I think that -- I knew that. My wife
8 knew that. And we have a handicapped daughter and
9 dogs and cats and everything. We realized that there
10 are safer houses to live in than this. We were
11 pretty much -- more and more we lived there, we knew
12 all the little tricks and trades about it.

13 I can't tell you how many times the roof
14 leaked. It wasn't really the roof; it was all the
15 connections, the metal connections in the roof where
16 they -- where those pipes that come in through the
17 roof make. And they would leak into the bathroom
18 upstairs and then from the bathroom upstairs to the
19 dining room, to a bedroom, the dining room
20 downstairs.

21 And one time the pipes all froze. And we
22 were taking a vacation, and all the pipes broke. So
23 we had to put in all new pipes. An we put in all
24 that new stuff that's better than what it used to be.
25 More and more we began to know more and more about

1 the house. And we still love the house.

2 And then in the last few years, the house
3 has even more problems with the roof leaking then.
4 It's a tin roof. It's been there since the house was
5 built. And it's been treated regularly. But the
6 little side issues where it comes in through the side
7 of the holes around the roof into the windows so we
8 had to plasticize all the upstairs windows. And it's
9 gotten so you can't open any of the windows. Very
10 few of the windows of the house can be open now.

11 Recently, everybody has rodents and a lot
12 of rodent problems. A squirrel got into the attic
13 and she was pregnant. It was terrible time getting
14 her out of there. We had to close off more
15 electrical circuits at that time. We got her out of
16 there. And then some rats started coming in under
17 the house, and they caused a fire in the stove. And
18 we had to call the fire department for that to put it
19 out.

20 We tried every way possible to ward off
21 the area where the rats were getting in, but they
22 seemed always to find another place. And one of them
23 died in the stove. After we found -- the best thing
24 to help us was to buy a couple of cats. And the cats
25 loved to go after the rats. And I think that did

1 more to prevent the rats than any of the other things
2 that I had done trying to get --

3 All these things were happening to the
4 house, and I realized that it was pretty much, too
5 much to cope with. I didn't realize it was so much
6 until my wife died. We were married 60 years. This
7 was the house we both wanted to die in. I never did
8 think about the future. I do think when I presented
9 to you this idea, all I was thinking about was Judge
10 Waring.

11 The mistake I made was I didn't realize,
12 even though I have left the house in my Will to the
13 children, what it would mean to somebody who took
14 over the house and all the problems that they would
15 have. And whether my children take over the house
16 and they're either going to do it or I'm going to
17 sell it to somebody else this year. So it's
18 definitely going to be in somebody else's hands.

19 I feel guilty not letting them have the
20 privilege of tearing the house down if they feel it's
21 dangerous. I do think the reason I can go for as
22 long as I did was because I began to learn all the
23 things that were likely to break and where they were
24 going to break. And we got an awful lot of help from
25 people like the Ildertons and everybody else for

1 fixing things. I made good contact with other
2 helpers.

3 But I really do feel guilty now giving the
4 house to my children which they want, I think.
5 They're not sure yet. I haven't made that decision.
6 It's up to them. Either I'm going to give it to them
7 or I'm going to sell it to somebody.

8 And I want them not to tear the house down
9 but to have the privilege of tearing the house down
10 if they feel like it has to be, if they can't control
11 things. I really think that day is going to come. I
12 feel very guilty about passing this house on to
13 somebody else.

14 I have moved with my handicapped daughter
15 to the Franke home 'cause I couldn't handle it
16 anymore and even with all the help that I was
17 getting. And it was good help, I just couldn't keep
18 up with it.

19 And I have to get your approval, and I
20 didn't realize that I would have to go through this
21 much -- I wasn't thinking ahead that far. That even
22 if I left it in my Will to the children, but I'm not
23 going to now. For some reason I'm living too long.
24 Since that's not happening, I'm going to have to give
25 it to them or I'm going to have to sell it to

1 somebody. I didn't realize the handicap I was
2 putting them under by saying this is your house but
3 you have to -- if you want to tear it down and
4 rebuild the house, you're not allowed to. I didn't
5 realize that situation would ever come up.

6 Now it's come up, and now I know I've made
7 a mistake. I feel very guilty about it, and I'm just
8 hoping that you will allow me some kind of privilege
9 to these future owners, if they can do what they want
10 to with that house.

11 As far as I was concerned, when I asked
12 for this to be made historic, it was the location.
13 And I thought it was very good for Sullivan's Island;
14 I thought it was very good for Judge Waring, who I
15 think really, at least when I was looking at the
16 situation, much deserving of some kind of more credit
17 than he was getting.

18 He's been getting more and more credit
19 recently, but he wasn't getting much credit then. I
20 thought it was a good way of getting some credit. I
21 still think he deserves the credit. I just don't
22 like the idea of passing the house on to somebody
23 else who I know is going to have some major problems.

24 THE CHAIRPERSON: Great. Thanks, John.

25 DR. SELBY: I think it could be called

1 dangerous. It's up to the person living there to
2 decide. I strongly feel that some people probably
3 wouldn't think it was dangerous. I do. I don't
4 know.

5 I would like to have the people to have
6 the house. Whether it's my son -- actually my son,
7 my handicapped daughter, and another son. That they
8 would have the choice, if they wanted to, to tear it
9 down.

10 And I know now, I didn't realize then when
11 I did all this, that they would not have a choice. I
12 feel very limited and very guilty about the whole
13 thing.

14 THE CHAIRPERSON: Great. Thank you, John.
15 Joe, is it correct to say, if this was
16 taken off the list, that the house could be basically
17 demolished without any kind of limitation; just
18 making an application for demolition --

19 MR. HENDERSON: That's correct.

20 THE CHAIRPERSON: -- and it would be
21 demolished if it's taken off the list.

22 MR. HENDERSON: Yes, sir.

23 THE CHAIRPERSON: Duke, you want to start
24 this?

25 MR. WRIGHT: No.

1 THE CHAIRPERSON: I'll start it. I'll
2 start it if you want.

3 MR. WRIGHT: I will. I remember this back
4 in '08 when the application was made to put it on the
5 list. And we deliberated long and hard on the board.

6 DR. SELBY: That's why I thought maybe you
7 would be able to realize that, and that I had made a
8 mistake.

9 MR. WRIGHT: I understand that, Doctor.
10 And I'm very sympathetic with your situation, quite
11 frankly. I think we need to deal with one major
12 issue, and that is a precedent of allowing an
13 historic structure, house to be demolished unless
14 there are really extenuating circumstances.

15 I'm not sure that I can reach those
16 circumstances yet, although I haven't made a decision
17 myself how to vote on this. I think we need to all
18 hear each other's views.

19 THE CHAIRPERSON: Good. I know this house
20 very well. I know this gentleman very well. I
21 revere this man very much. If there's anything I
22 could do to ease his constitution and feelings, I
23 would do it, if I could.

24 Both Steve and I have done houses and,
25 quote, renovations but they're practically just new

1 houses. Taking these wonderful old Sullivan's Island
2 houses and redoing them, adding significant additions
3 to them. And in many ways and in most ways, they're
4 better than if you had -- the product is better than
5 if you had a brand new house to turn out with.

6 As far as devaluing the property, this
7 house, in my opinion, being the fact it's sitting on
8 the property does not devalue it.

9 DR. SELBY: I'm not worried about the
10 money.

11 THE CHAIRPERSON: Right. If there's
12 nobody in it then, you know right now, anybody moving
13 into it is going to do an extensive renovation
14 structurally, roof-wise, whatever else and
15 mechanically, everything. It would be made safer
16 then and all and probably transformed.

17 There's countless houses, one on Pettigrew
18 being built right now, almost finished, that was on
19 the historic list that was done. There's the house
20 we did for the Colbert family on front beach. It was
21 historic. Both the houses -- one Steve did on
22 Goldbug on the back, the Vogel. Great structures.

23 None of these houses would be, in my
24 opinion, as interesting and well done had those
25 original structures not had to be dealt with, with

1 that property. They have much more life to them and
2 vibrancy.

3 Knowing the house doesn't depreciate the
4 property, and it does have, as you so well pointed
5 out, does have more sole significance to it with
6 Judge Waring's connection to it, it would be tough
7 for me as much as I would do anything for this man
8 almost, it would be tough for me to say I want to see
9 this house disappear from the island.

10 I think my company has worked on it enough
11 to know that it could be brought back to life or
12 renovated or made safer or whatever. There's a way
13 to do it. I'd have a hard time, John, voting to see
14 that house disappear, both from my personal point of
15 view, also from the historicism of Sullivan's Island.

16 I don't know that -- I'm not so sure that
17 house gone from that property, the house would be --
18 the property would be worth less. I think you might
19 be in error in thinking this is a problem house, in
20 my opinion. I think you might be looking at it from
21 a point of view of --

22 DR. SELBY: Having lived there for forty
23 years.

24 THE CHAIRPERSON: Yeah.

25 DR. SELBY: Before there was a problem.

1 THE CHAIRPERSON: Well, I know. I worked¹⁸
2 on it. I know it's a difficulty.

3 DR. SELBY: I know it's dangerous.

4 THE CHAIRPERSON: I would have a hard time
5 voting to see that house demolished, which is
6 essentially what this vote would open up to. Steve.

7 MR. HERLONG: Well, I tend to agree with
8 Pat. Personally I'm just finishing a renovation of a
9 cottage that probably was in very similar condition
10 to your cottage. It's over on Station 19 where we
11 live.

12 And the bones of the structure were -- you
13 could see what was originally there. Very similar to
14 your cottage, but it had gone through a lot of
15 alterations. And we took it back and tried to make
16 it look as original but making it more functional.

17 DR. SELBY: Make it more safe.

18 MR. HERLONG: It became more safe.

19 I think your house, this structure can
20 become a safe and valued structure because it's old.
21 It's part of the historic fabric of the island.

22 I think, when I see people that come
23 through the renovated house that we -- the renovated
24 portion of the house we have, you can just see
25 there's a -- there's a smile on their face because we

1 preserved something that was historic on the island,
2 and that character is in that house, although on the
3 exterior portions of it, it certainly have been
4 altered.

5 I feel like the island would lose
6 something valuable if the house -- if we took it off
7 the list, I'm afraid a buyer would come in and,
8 without considering things, would demolish and want
9 to build a new house. And I think we would all lose
10 something.

11 DR. SELBY: I think you are -- I think it
12 is going to burn down.

13 MR. HERLONG: I think there might be ways.
14 You might have to protect it in some way. Take the
15 electricity off. I understand the dilemma. I really
16 do. There may be options where this house, depending
17 on the square footage, could become a cottage, and
18 another modern house could be built on the property
19 as well. So there are potential advantages to having
20 an older house on a property.

21 I think the fact that there is a potential
22 fire danger is a problem. I think that's hard for
23 the board to use that fact as a reason to say this
24 should be taken off the historic list. That's a
25 tough call I think we have. I think it could set

1 another precedent for somebody else wanting to come
2 ask for the same thing.

3 And another option, when we would have
4 these type of issues come before the board in years
5 past, one consideration might be to post-pone any
6 judgement and call next month's meeting at the house
7 so that we can actually see it, walk through it to
8 determine whether or not it's historic character is
9 still there or not. Just to be completely fair.

10 (Billy Craver entered the room.)

11 DR. SELBY: The danger of things
12 happening.

13 MR. HERLONG: Pardon?

14 DR. SELBY: Such as burning down after
15 four major fires.

16 MR. HERLONG: I get that's a problem. I
17 don't see that is telling me whether it's historic or
18 not. That's a different issue.

19 DR. SELBY: Which is more important?

20 MR. HERLONG: Well, I think they're just
21 two different issues. So I'm having trouble thinking
22 that it should be taken off the list. I think, if
23 anything, we should call next month's meeting and see
24 the house, put our own eyes on it to really see the
25 interior character, see whether any of us think it's

1 historic or not.

2 THE CHAIRPERSON: Thank you. Mark.

3 MR. HOWARD: Though I have only seen it
4 from the exterior, so the interior might change your
5 mind. In 2003, this surveyor said it was not
6 historic?

7 MR. HENDERSON: That's correct.

8 MR. HOWARD: The history we're talking
9 about is due to Judge Waring's ownership?

10 MS. SANDERS: That's not all.

11 MR. HOWARD: That's what I'm trying to
12 clear up.

13 MR. HENDERSON: There are three criteria
14 that it met. If you look on the worksheet behind
15 your agendas, I've highlighted those three criteria.
16 One of them pertain to a certain person, place or
17 time in history.

18 MR. HOWARD: Your original surveyor said
19 it's not historic.

20 MR. HENDERSON: He did a general
21 assessment. I think he did his windchill survey from
22 the road and saw --

23 THE CHAIRPERSON: It wasn't scientific.

24 MS. SANDERS: He didn't have access.

25 MR. HENDERSON: He saw the vinyl siding

1 added to the exterior. He saw the enclosure of the
2 porch. I don't think he did a very in-depth
3 evaluation.

4 MR. HOWARD: It's obviously an old home.
5 There's been a lot of changes. Like Steve just said,
6 if you eliminate some of the added porches, you may
7 end up with a cottage and even a greater potential.

8 Speaking of the precedent here, the
9 on-and-off of the historic list is just a matter of
10 Design Review Board. So we have precedent that
11 properties have been taken on and off?

12 MR. HENDERSON: Not since I have been
13 here. Randy, do you know of any properties that have
14 been taken off of the list?

15 MR. ROBINSON: Yes.

16 MR. CRAVER: Yes, absolutely.

17 MR. ROBINSON: Only one I can think of --

18 MR. CRAVER: Barkley's house.

19 MR. ROBINSON: Barkley's house off
20 Atlantic Avenue.

21 MR. HOWARD: Not often?

22 MR. HENDERSON: Sounds like just one since
23 2005.

24 MR. ROBINSON: That's the only one I can
25 think of.

1 MR. CRAVER: I can tell you when the
2 planning commission put --

3 DR. SELBY: Why was that one taken off the
4 list?

5 MR. CRAVER: --- created the historic
6 district and put the houses on the list, it was done
7 very quickly because there was a feeling that too
8 many houses were being torn down. And the whole
9 discussion was, you know, we can review this later.
10 We're not really reviewing all these things now. And
11 if somebody has a problem with it, they can come in.
12 They can make their case and get off the list.

13 And there was a lot of concern at the time
14 that, once you were on that list, you would never get
15 off of it regardless of whether you were really
16 historic or not historic.

17 I'm inclined to look really closely at it
18 when somebody comes in. It really affects the value
19 of their property.

20 THE CHAIRPERSON: I don't think that's the
21 case in this case. Taking this out does not increase
22 the value of that property. Taking this house off
23 does not increase the value of that property, which
24 certainly would have no bearing on our decision
25 anyway, the value or not value.

1 And I remember the Barkley house and just²⁴
2 remember the very next meeting I shot my mouth off
3 and said: We made a mistake last meeting. I just
4 want to go on the record and say that. About taking
5 the Barkley house off.

6 It was a lot of political pressure put on
7 us. We caved back when the Barkley house because of
8 that. I just want to go on record. I remember that.
9 And I caved, too. I went on the next meeting. I
10 made that statement just to make myself feel a little
11 bit better anyway.

12 Value can't be a consideration of any
13 time. I don't think we can consider the
14 depreciation. I really do think this house -- I
15 probably think it adds value, but it doesn't really
16 decrease the value of this property as far as sitting
17 on the property.

18 MR. CRAVER: You can't change it to the
19 extent you can change a house that's not on the list.

20 THE CHAIRPERSON: There have been
21 extensive changes. Look what we let the Colbert
22 house do. We let them take that, turn it completely
23 around. It was majorly changed, but it still has
24 some historic presence the way it was done. And a
25 great house.

1 Just like the one on front beach at the
2 end of Pettigrew. We kept that and a huge addition.
3 It really doesn't look too bad from the beach or from
4 the road. It looks like okay. Big, I mean, the
5 addition and all. We were able to preserve something
6 in that. Anyway.

7 DR. SELBY: My understanding from my
8 standpoint, this has nothing to do with the looks or
9 the value. It has to do with safety as far as I'm
10 concerned.

11 THE CHAIRPERSON: Donna.

12 MS. WEBB: Bringing it down to the issues,
13 we can't, like you said, make a judgment on value or
14 safety. The issue is deciding if the property is of
15 historical significance enough to preserve it. And I
16 like Steve's idea of actually seeing a little bit
17 more about the property. I'm surprised that David
18 missed this one on the initial mapping of historical
19 properties. They answered the questions about how it
20 was done fairly quickly. And without being able to
21 see inside, you can't really tell, aside from what
22 you have.

23 MR. CRAVER: We haven't seen inside any of
24 the houses when we put them on the list. Again, it
25 was done very quickly.

1 THE CHAIRPERSON: He put it on the list.
2 Snyder put it on this list. I don't know if he went
3 inside the houses or anything. He may have.

4 MR. CRAVER: When I say put it on the
5 list, when the planning commission said these are all
6 the houses that are going to be designated as
7 historic houses and these are the areas that are
8 going to be designated as historic. We used Snyder's
9 study.

10 THE CHAIRPERSON: Yeah, we used Snyder's.

11 MR. CRAVER: We didn't do any analysis to
12 see if any of it was correct.

13 THE CHAIRPERSON: I agree.

14 MR. CRAVER: It just was done.

15 THE CHAIRPERSON: I agree.

16 MR. HERLONG: For the board's knowledge,
17 there was a time when there were -- I don't know if
18 it was a dozen homes came back before the review
19 board, and I forget how many were deemed historic.
20 Some we might've said were altered. I don't think
21 everything came before us.

22 MR. CRAVER: Most of them.

23 MR. HERLONG: Most of them, maybe a few
24 didn't and were considered altered. That was a large
25 group of homes. As opposed to when you had yours, it

1 was a single event, one home.

2 THE CHAIRPERSON: Rhonda, do you want to
3 weigh in.?

4 MS. SANDERS: Sure. Dr. Selby, I think
5 you did not make a mistake at all. I think what you
6 did was incredible. This was not originally put on
7 the list. You went and made efforts to have it
8 reviewed by Mr. Snyder and by the board to have it
9 put on the list because of this person, because of
10 the house, because it is historic.

11 And I know you might not feel an
12 attachment to it right now, it doesn't feel safe to
13 you, but I concur with Duke and with Steve and with
14 Pat. This house -- somebody is not going to come in
15 and live in it like it is. It's not safe probably.
16 They're going to come in and redo it and remake it so
17 that man's history remains on this island.

18 You can leave a legacy on this island
19 because of what you did. I don't think it was a
20 mistake at all. I think it was tremendous.

21 DR. SELBY: Thank you.

22 THE CHAIRPERSON: Thank you. Good point.
23 Billy.

24 DR. SELBY: I don't feel that way myself
25 now. I feel guilty.

1 MS. SANDERS: Passion for justice.

2 MR. CRAVER: I wasn't here at the
3 beginning of presentation. I would have to look at
4 it very closely before I -- go look at it, go see it
5 before I made a decision to either take it off or say
6 we need to leave it.

7 MS. SANDERS: I understood a professional
8 did do that. Snyder. Did he not do that when he
9 came back, when it was requested to be put on the
10 historic back in 2008?

11 MR. HENDERSON: He took a tour of the
12 house, and he made a recommendation based upon his
13 walk-through of the house. What could be done to the
14 porch. You could remove the enclosure of the porch.
15 You could remove the siding. He made the
16 recommendation that it is indeed historic. He would
17 remove it from its altered -- from what's stated in
18 that document there, which is that it's altered.

19 MS. SANDERS: In these minutes, he backed
20 it up with all four arguments you said in these
21 minutes. It was put on the historic register at that
22 time because he made his professional point. And the
23 DRB voted on it. And it's a precedence and
24 consistency. This is the whole purpose of this
25 board. That's why this board and this ordinance was

1 created.

2 THE CHAIRPERSON: All right. Do I hear a
3 motion?

4 MR. WRIGHT: Let me make -- I don't want
5 to kick the can down the road because we need to make
6 a tough decision. Steve's point -- this is not
7 unprecedented. We have visited sites as a board to
8 make sure that everyone is comfortable with the
9 decision. That may be something that we might want
10 to do in this case. We've done that several times
11 over the years.

12 MS. SANDERS: Slippery, slippery slope.

13 MR. WRIGHT: I walked around the property
14 today, under it and around it. It is deplorable
15 right now. It needs a lot of work probably; hazards.
16 I think that's something that we can't make judgement
17 on. Unless an act of God could destroy the house, if
18 lightning strikes.

19 MS. SANDERS: We are not God.

20 THE CHAIRPERSON: Are we going to come to
21 a different decision by doing this? Like you said,
22 are we just kicking the can down the road and
23 prolonging it.

24 MR. WRIGHT: I don't think I would.

25 THE CHAIRPERSON: I don't think I would

1 either.

2 MR. WRIGHT: I was here when it first came
3 to the board.

4 THE CHAIRPERSON: I don't mind doing that.
5 If somebody wants to make a motion to do that, I'll
6 do that. And we can look at it. I feel strongly
7 probably it's not going to go -- it's probably not
8 going to pass to be taken off.

9 MR. WRIGHT: Looking at the house today as
10 I did -- all of you probably walked around it and
11 looked at it. In terms of compatibility of the
12 neighborhood, there are some historic structures
13 right in the immediate neighborhood. There are some
14 relatively new houses. Trying to determine whether
15 that historic house, your house, could be relocated
16 on the lot with a newer house built behind it, that
17 could happen. That's not out of the question.
18 That's been done before.

19 In terms of someone who might want to
20 preserve that house and build a new house, that's an
21 option that a buyer could do. I don't think by
22 leaving it on the list, we're not diminishing the
23 value of that property.

24 THE CHAIRPERSON: This board historically
25 has not been difficult for people that want to do

1 extensive renovations and additions to historical
2 properties. We've really been quite liberal in what
3 people could do with their historic property. We're
4 not -- we haven't been a great obstacle to people
5 coming in and making -- having a large addition put
6 on or whatever.

7 MR. CRAVER: I would agree with that. In
8 the last number of years, we've been a lot more
9 accommodating to people, trying to help them. In the
10 earlier years, it was very difficult.

11 THE CHAIRPERSON: There were a couple of
12 screwy board members on there.

13 Does anyone want to make a motion?

14 MS. SANDERS: I make a motion we keep the
15 house on the historic list.

16 THE CHAIRPERSON: Do I hear a second?

17 DR. SELBY: One thing I would like to
18 emphasize again is safety. If you could be much more
19 liberal in things that you wanted to do to make sure
20 the house was safe. I think people could live with
21 that. I just don't want to leave the house that I
22 really don't think is safe, which I think should be
23 condemned like the house next door after Hugo. I
24 think would be better torn down.

25 If people are more liberal with your

1 ability to remodel and refix and redo the house and
2 making it more safety house, that I think would be a
3 real reason. If you couldn't do that then -- if you
4 could do that, I would be not so badly hurt by the
5 fact that you couldn't tear it down.

6 THE CHAIRPERSON: I think we're going on
7 record by our discussion that we definitely would
8 be --

9 DR. SELBY: Very liberal.

10 THE CHAIRPERSON: Yes, we've already had
11 that discussion.

12 DR. SELBY: And very strong.

13 THE CHAIRPERSON: And very much would
14 support that idea.

15 DR. SELBY: Any changes.

16 THE CHAIRPERSON: Exactly.

17 DR. SELBY: Even if it was historic.

18 THE CHAIRPERSON: Right, right. I think
19 we've gone on record today in this discussion to
20 state exactly that. Do I hear a second to Rhonda's?

21 MR. HOWARD: I'll second.

22 THE CHAIRPERSON: Discussion? Everybody
23 in favor of her motion?

24 (Ayes stated by Mr. Wright, Mr. Ilderton,
25 Mr. Herlong, Mr. Howard, Ms. Webb, Ms. Sanders.)

1 MR. CRAVER: I'm opposed.

2 THE CHAIRPERSON: One opposed.

3 MR. CRAVER: To be consistent with my vote
4 last time we got a house.

5 MS. SANDERS: That's what we want,
6 consistency.

7 THE CHAIRPERSON: Thanks, John. I'll be
8 glad to look at that house if you want me to.

9 DR. SELBY: I'm getting rid of the house.
10 I would like to tell them, whoever, whether it's my
11 children, they'll let me know this month if they
12 don't want it. They want me to sell it. That they
13 know you're very liberal.

14 THE CHAIRPERSON: Yes, sir, exactly.

15 MR. HOWARD: I think we just want to
16 maintain the flavor.

17 3308 JASPER BOULEVARD

18 THE CHAIRPERSON: 3308 Jasper Boulevard.

19 MR. HENDERSON: Mr. Chairman, agenda item
20 D-1 is a certificate of appropriateness request for
21 historic property. This is 3308 Jasper Boulevard.
22 Herlong & Associates are requesting conceptual
23 approval for this new construction.

24 The applicants are requesting relief to
25 the zoning standards for principal building square

EXHIBIT 3

2602 Atlantic Avenue. This
25 particular site, I know when we actually looked at
0009

1 in 2003, we did not survey it because we couldn't
2 get access to it, and if you notice in the
3 photograph, the porch has been enclosed on it. And
4 it really, from the street, it was difficult to
5 really assess it. This was one property owner that
6 had responded favorably and allowed us to come tour
7 the house, and we discovered that there's actually
8 a great historic house in here, and the porch is
9 intact behind this enclosure, and most of the
10 features of the historic house are still there.

11 Basically it's just a simple one-story
12 rectangular framed island cottage with a side-gable
13 roof. It was constructed circa 19 -- the tax
14 assessor says 1920, but we guessed it's probably a
15 little earlier than that. Integrity, other than
16 the porch enclosed, the building is relatively
17 intact. The dormer looks like it may have been
18 modified, the center dormer may have been modified
19 at some point, but as I said, essentially the
20 building appears to be pretty much as it always was
21 with the exception of that porch enclosure. And
22 this one was recommended a category two,
23 traditional island resources.

24 Let me just speak to that briefly.
25 Most of these are going to be sort of a smattering
0010

1 of all these categories. Unfortunately, on the
2 Island we don't have a lot of what you'd call, you
3 know, real high-style architecture. We have
4 traditional island resources, this is why that
5 category's called that. They're island cottages
6 generally built -- the ones we will be talking
7 about tonight are generally built in the early 20th
8 century. Although on the Island proper we have
9 them dating back to the mid-19th century.

10 So they're primarily -- let me just
11 kind of walk through these real quickly, and I will
12 kind of go through it once here, and I'll touch on
13 the ones -- on the other ones as we go through
14 them.

15 Has significant inherent character
16 interest or value as part of the development or
17 heritage of the town, state, or nation. Generally
18 speaking, again, the significance to these things
19 are that they are what they were, they were beach
20 houses. They were island houses. So they're part
21 of that tradition and pattern of historical
22 development on the Island. So that pretty much is
23 sort of a blanket that they'll all fall under.

24 The presence of an event significant in
25 history, in National Register terms, we look at
0011

1 events in a couple different ways. We look at
2 events as being like a battle, something that

3 happened. We also look at longer sort of processes
4 of time. Again, the idea of the Island being the
5 predominant resort area for the town of Charleston,
6 city of Charleston, as part of the historical
7 development of the Island. So to some extent, that
8 significance in history also applies to a lot of
9 these building.

10 . Associated with the persons -- or
11 persons in contributing significantly in the
12 culture and development of the town, state, or
13 nation, this may apply in some cases, but again
14 because of the methodology reviews on these
15 surveys, other than the 1987 survey, we did not get
16 into any site specific research to actually look
17 into the history of the property. We didn't
18 interview property owners, et cetera. So if we
19 knew about those historic associations from the '87
20 survey, obviously in 2003, that would have been
21 part of our evaluation, but in this survey, since
22 most of these properties had not been surveyed
23 previously, we just don't know. I mean, it might
24 be the fact that this applies, but I can't think of
25 a single case where it would apply to any of these

0012

1 properties.

2 Number 4, exemplifies the cultural,
3 political, economic, social, ethic, or historic
4 heritage of the town, state, or nation. Again,
5 this relates to that second one about history.
6 Again, these are all sort of representative of that
7 broad pattern of development on the Island.

8 Number 5, individually or collection of
9 resources and bodies distinguishing
10 characteristics, type, period, or style specific of
11 architecture or engineering. This isn't going to
12 apply a great deal, but again, it -- normally when
13 people look at this, they think about high-style
14 architecture like if you were downtown, a Georgian
15 house or something like that, that's a real good
16 example of something that's well-known.

17 On Sullivan's Island it might be that
18 it's a particularly good example of a traditional
19 island residence. You know, a rectangular house
20 with an appendage -- you know, with the flanking
21 rear appendages or pyramidal roof appendages,
22 things like that. That could be a characteristic
23 on the Island itself.

24 Six, contains elements of design,
25 materials, or craftsmanship, which represents

0013

1 significant innovation. Probably not going to see
2 that in any of these resources tonight. It's not
3 just, you know, very rarely does that come up on
4 island properties although it does at times.

5 Seven, represents an established and
6 familiar usual feature of a neighborhood or town.
7 This is one of those standards where it's real hard

8 to get a real grasp on it because there's not a lot
9 of meat to that. What is familiar and familiar to
10 who, and over what period of time? You could argue
11 that the egg house fits this description or even
12 the Dunleavy's Tavern. So this was one sort of
13 adds a little bit of -- adds a little bit of flex
14 to your criteria. And certainly all of these
15 properties would met this. They're all familiar to
16 their neighborhood.

17 And then eight, has yielded or may be
18 likely to yield information important in prehistory
19 or history. Generally speaking, this is an
20 archeological line in most ordinances and most of
21 these properties we have no way of knowing whether
22 this would apply.

23 So generally speaking, I think what
24 you're going to find, unless I say otherwise, I
25 think it will be easiest to clarify and say that

0014

1 most of these properties, as we go through, are
2 going to be related to that broad period of
3 historical development, and showing, you know, the
4 development and types of properties that were built
5 on the Island during this historic period.

6 So then you're looking at one, two, and
7 four mostly, unless we have anything specifically
8 on any of the others.

9 MR. ILDERTON: Thank you. Kent, do you
10 have anything to add?

11 MR. PRAUSE: No. Well, just basically
12 that when you go through it, and I'm sure Trenholm
13 will echo this too, that just make sure that you
14 make some findings in reference to at least one or
15 more of these various characteristics because those
16 are the criteria that you utilize to make that
17 determination.

18 MR. ILDERTON: All right. I don't see
19 a property owner or representative here. I know
20 this person has asked to be included, so they may
21 very well have chosen not to show up.

22 Is there a property owner here? Is
23 there any public comments?

24 MR. WILLIAMS: Yes, sir. Roy Williams,
25 2513 I'on. Talking with people who live in some

0015

1 these houses, this was the summer cottage of J.
2 Waites Waring who opened the Democratic primary in
3 South Carolina for blacks. So that puts the house
4 in a special category, and I think that should be
5 kept in mind. That he opened the voting for blacks
6 in South Carolina.

7 MR. ILDERTON: Thank you, sir. Any
8 other public comment? Public comment section is
9 closed.

10 MR. WALKER: Mr. Chairman, and I
11 apologize for interrupting, when it comes time for
12 a motion, as Kent was saying, I think it would be

13 good to put in the motion, either approve or
14 disapprove, and state at least one of the reasons
15 in the ordinance, and that alone would be enough to
16 constitute a finding if it passes.

17 MR. ILBERTON: Anything else on this
18 particular one that we need to ask?

19 MR. SCHNEIDER: Other than the fact that
20 it was actually a very interesting house because it
21 has a lot of historic character that you just never
22 would have known if you hadn't gone through it.

23 MR. ILBERTON: Property owner is not
24 here. Comment section is closed. Do I hear any
25 board discussion or a motion? This individual

0016

1 wants this on the historical list.

2 MR. CRAVER: Did the individual say
3 that they want it or that they want to oppose it?

4 MS. KENYON: No. The first three I
5 received -- I sent out letters. The first three
6 are people that said, yes, they wanted this on the
7 list. The next nine I received a, no, they did not
8 want it. The next three, I received absolutely no
9 replies at all. And I have tried different
10 addresses and calling, and I just couldn't get a
11 response.

12 MR. ILBERTON: Okay. What's everybody
13 think?

14 MR. CRAVER: Well, I listened to Mr.
15 Schneider go through these things, and I'm sorry
16 that the owner isn't here and that the owner has
17 said they want on the list, because my inclination
18 would be not to include this structure. Because
19 what I heard Mr. Schneider say is -- I went down
20 each one of them -- is that there really isn't
21 anything on here that you can really hang your hat
22 on and say, this is it.

23 Maybe what Mr. Williams came up with
24 would fit in one of the categories, but I mean to
25 say that it's significant because it's a beach

0017

1 house, I mean, that's the essence of what he was
2 saying, is not a good reason. That doesn't cut it
3 for me. To say -- I mean, he focused on the event
4 in history, but there was no event noted, and it
5 has to be a significant event. He said, that it
6 was significant.

7 I mean, I listened to it, and I'm
8 sitting here going, okay, give me a real hock here
9 to say that there is something historically
10 significant about this house, and I didn't hear it.
11 He said, three is not -- doesn't work on this one.
12 Four is one, but it represents a broad pattern of
13 development, but that isn't a reason to add this
14 specific house to the list. I mean, I just -- I
15 think that we're forcing houses that don't belong
16 on the list, and we water down what is considered
17 to be an historic house. And you go down the whole

18 list, Number five doesn't apply a great deal.
19 Number six, I mean, no, it just doesn't apply.
20 Number seven, not a lot of meat to this. Number
21 eight, archeological line of reasoning is not
22 really applicable.

23 I mean, I'm wide open to considering
24 adding houses that make sense. This one doesn't
25 make sense to me. Now, I mean, we can force them
0018

1 all on, but I wouldn't do that. I think that's
2 watering down the historic standard if we sit there
3 and say, well, just because they want to get on,
4 we're going to put them on. When listening to that
5 analysis, and these people aren't going to contest
6 this, but any lawyer listening to that could have
7 taken that and ripped it to pieces if we were to
8 make a decision to put it on, and they wanted to
9 challenge it. I mean, that's just my view.

10 MR. SCHNEIDER: Could I make a quick
11 response? I think it will be helpful in
12 understanding some of this stuff as we go on.
13 Actually, I would say that this does apply to 1
14 through 4, 5, and 7. And again, you know, it's not
15 like I'm pulling this out of a hat. I have been
16 doing this for 27 years. I've got professional
17 qualifications in historic preservation, you know,
18 according to the National Park Service Guidelines.
19 If you look back at this multiple property
20 documentation form we did for the National
21 Register, it defines this very context. It talks
22 about these very types of buildings. "If this
23 particular building is not historic, then I don't
24 know one that is."

25 MR. CRAVER: Well, I think that there
0019

1 are a lot that are on this list that are.

2 MR. SCHNEIDER: There probably are.

3 MR. CRAVER: Right.

4 MR. SCHNEIDER: This particular one --
5 actually is one of the ones that I would certainly
6 recommend. It's probably on the National Register
7 already.

8 MR. CRAVER: I mean, listening to what
9 you said, if this one is one of the most historic,
10 then I think we've got issues. I mean, I didn't
11 hear a strong case for making this an historic
12 house.

13 MR. SCHNEIDER: I was asked to make a
14 very short presentation.

15 MR. CRAVER: I understand that.

16 MR. SCHNEIDER: If you would like, I'll
17 go back through this --

18 MR. CRAVER: No. I mean, I'm
19 commenting based on what I heard. And so you
20 know --

21 MR. WALKER: Well, part of this too,
22 and I apologize for interrupting, is that we

23 understood this to be one that wanted to go on the
24 register. And so Mr. Schneider kept his comments
25 at a minimum because it was believed to be

0020

1 uncontested.

2 MR. CRAVER: Right. But I think we
3 still have to make a real valid analysis of the
4 house and of what's put on the table. And I think
5 it's a mistake for us to just say, they want to be
6 on it, and put them on it without us doing a full
7 analysis.

8 MR. ILBERTON: Correct. Thank you.
9 Cyndy?

10 MS. EWING: I would be inclined to put
11 it on the list.

12 MR. ILBERTON: Fred?

13 MR. REINHARD: I haven't heard the
14 testimony. I'm going to defer comment on that.

15 MR. ILBERTON: Betty?

16 MS. HARMON: I think that there are
17 enough of these criteria for me, when I checked
18 this house out today, that it should be on the
19 list.

20 MR. ILBERTON: Steve?

21 MR. HERLONG: While I look at the
22 structure, I see that it seems to be sitting on
23 its -- maybe its original foundation in its
24 original location. However the porch has been
25 altered, however, that could probably be brought

0021

1 back to original. Looks like at least two of the
2 dormers are possibly original, and there really are
3 no additional elements or appendages that have
4 altered in any way the basic form and shape of the
5 turn of the century home. So for that reason, I
6 think I would put it on the list.

7 MR. ILBERTON: Thank you. I know this
8 house. I've worked on it over the years with the
9 Selbys, and even though it's got -- I think it's
10 got metal siding, it's got original windows, or at
11 least somewhat original windows, that are left, and
12 I would say if this house was missing, which it
13 could be bulldozed, I suppose, if we didn't put it
14 on the list, but my remembrance of the house, and
15 more importantly, the people that have been in it
16 for so many years, the Selbys, I would miss that.
17 So I think it's important that it's on the list.

18 MR. WRIGHT: I think it should be put
19 on the list, and I think if we want to drill down
20 to specifics, which I don't think we need to do on
21 the criteria, we could find reason for it to be on
22 the list. So I would support it being added to the
23 list.

24 MR. WALKER: Even though the owners
25 consented, Mr. Craver is right, there needs to be a

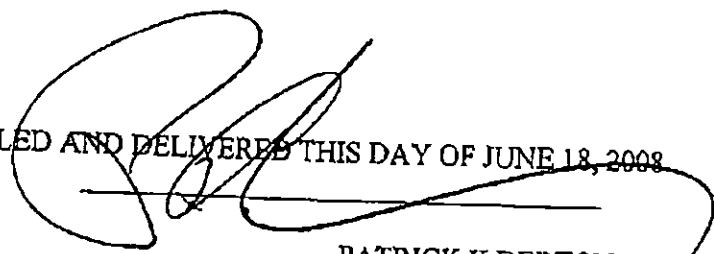
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1 determination that it satisfies criteria in the

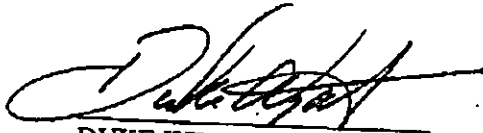
2 ordinance. So if you make a motion to approve, it
3 should state the reasons why.
4 MR. ILDERTON: Right. Do I hear a
5 motion?
6 MS. EWING: I move that we approve this
7 house for the historic list. For -- can I just go
8 over the numbers? For number one, inherent
9 character, and associated with a person who
10 contributed to the culture, so number three and --
11 one and three.
12 MS. HARMON: I would like to add number
13 4 to that.
14 MR. WALKER: Why don't you add that to
15 your motion, so we don't have to go through and an
16 amendment to the motion.
17 MS. EWING: I would like to make a
18 motion that we add this to the historic list based
19 on number one, number three, and number four.
20 MR. ILDERTON: Do we hear a second?
21 MS. HARMON: I second.
22 MR. ILDERTON: Discussion? Everybody in
23 favor?
24 MR. WRIGHT: Duke Wright.
25 MR. ILDERTON: I, Pat Ilderton.
G023
1 MR. HERLONG: I, Steve Herlong.
2 MS. HARMON: I, Betty Harmon.
3 MS. EWING: I, Cyndy Ewing.
4 MR. CRAVER: No, Bill Craver.

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 JUNE 18, 2008

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

PATRICK ILBERTON, CHAIRMAN

A smaller, stylized handwritten signature in black ink, with a prominent loop at the beginning and a horizontal stroke at the end.

DUKE WRIGHT, SECRETARY

EXHIBIT 4

**TOWN OF SULLIVAN'S ISLAND
DESIGN REVIEW BOARD**

**REGULAR MEETING MINUTES
Wednesday, January 16, 2019**

A regular meeting of the Town of Sullivan's Island Design Review Board was held on the above date at 6:00 p.m. at Town Hall, 2056 Middle Street. All requirements of the Freedom of Information Act were verified to have been satisfied. Present were Board members Beverly Bohan, Ron Coish, Linda Perkis, Rhonda Sanders and Bunky Wichmann.

Town Council members present: Mark Howard

Staff members present: Joe Henderson, Director of Planning/Zoning Administrator, Randy Robinson, Building Official and Jessi Gress, License and Permit Technician.

Members of the public present: Jack and Ruth Ann McSpadden at 2602 Atlantic Avenue.

- I. **CALL TO ORDER:** Beverly Bohan called the meeting to order and stated that the press and public were duly notified pursuant to State Law and a quorum of Board Members were present. There were no known members of media present.

APPROVAL OF MINUTES: Mr. Wichmann made a motion to approve the December 19, 2018 Design Review Board Meeting Minutes. Ms. Perkis seconded this motion. All were in favor. None opposed. Motion passed unanimously.

- II. **PUBLIC INPUT:** No public input was made.

III. **HISTORIC PROPERTY DESIGN REVIEW**

2602: Atlantic Avenue: Bronwyn Lurkin, applicant, requested conceptual approval to alter a Traditional Island Resource by removing nonoriginal elements, adding a new one-story addition and to reorient the front yard of the home toward l'On Avenue. Modifications are requested for the side yard setback and an historic exemption was requested for principal building coverage. (TMS# 529-10-00-0333)

Mr. Henderson stated that this property is identified as a Traditional Island Resource by survey card #440, which is part of the 2007 supplemental survey. This home was significantly modified in 1975 and 1990, however, the structure maintains a sufficient degree of historic fabric. This is best known as the summer home of Judge Waties Waring who presided over several important civil rights cases during his judicial tenure. Dr. Selby, previous owner, petitioned the Design Review Board in 2015 to have the property removed from the Historic list, which was denied. The property owner requested to conduct a historic renovation which includes removal of the

enclosed front porch panels, and converting to an open porch design. The applicant requested to have the home be relocated 5' to the southwest. One story addition was requested for the north and east façades. Removal of 100% of the non-original vinyl and aluminum siding was proposed. The applicant also requested that the deck and stairs on Atlantic are to be removed for an entrance staircase design more indicative of the Island.

Mr. McSpadden at 2602 Atlantic Avenue stated that he and his wife are pleased to attend the first Design Review Board meeting to restore their home at 2602 Atlantic Avenue. Mr. McSpadden stated that over the past forty years he and his wife have purchased several historic townhomes in New York. They are attracted to taking historic homes and turning them back into vibrant residences. He stated that their goal is to preserve all historic aspects of this home while improving the existing infrastructure to meet building codes. He stated that they are planning to preserve all trees located on the property and do not have any intention of removing them. He stated they are delighted to become part of the Sullivan's Island community and thanked the Board for their time.

Mr. Henderson reviewed Section 21-30 which refers to the orientation of the principal building. This stated that principal buildings with street-oriented "front doors" contribute to the sense of "neighborliness" of the island; having consistent front yard orientation, reduces the possibility of accessory structures being located inconsistent with the pattern of development. In order to allow the pool on the Atlantic side (which is traditionally the front yard of this property); they would need to have a re-orientation granted by the Design Review Board.

Mr. Wichmann stated that he believes that the homeowners are doing a great job with taking a historic property and giving it the love it deserves. He also stated that the presentation before them was put together really well. The Island tradition is that the front of the house faces the ocean. He believes that removing the chain link fence is a great idea. Mr. Wichmann stated that the applicant should provide more information as far as the orientation of the property.

Ms. Perkis stated that she has mixed feelings about this presentation because she likes that it is being kept at one story but does not believe you can add a master addition to cover or hide the existing historic cottage. Mr. Henderson stated that there is no standard in our Zoning Ordinance that prohibits them from building an addition to the front façade, however, there are several historic preservation standards that speak to keeping the original historic materials, and spatial characteristics of a designated historic structure. Ms. Perkis disagrees with having the pool located in the front yard as being presented. If there was a way to put the pool on the I'On side of the property we could move forward with this plan. Ms. Perkis believes that this application does not meet standards for neighborhood compatibility and the Board should not move to approve this application.

Mr. Coish stated that the applicant did a very good job with the presentation of the home in keeping the Island feel. He stated that he has concerns about the location of the pool and the reorientation of the front façade. He also stated that he is concerned about the size of the master suite located on the Atlantic side. He believes that it needs to be a little smaller so it

does not take away from the existing historic structure. Mr. Coish suggested locating the pool on the l'On side and shrinking the master addition.

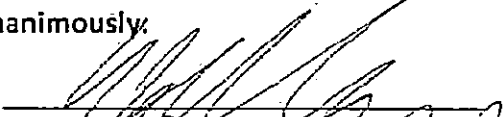
Ms. Sanders stated that this is a beautiful design. She believes that it will be helpful to have a map of the properties surrounding the applicants to prove the benefit of the re-orientation. Ms. Sanders suggested moving the home forward instead of re-orienting the structure and that way you can put the pool in the backyard.

Ms. Bohan stated that she agrees with the Board. She believes the applicant did a great job with her presentation and the overall concept is well received. Ms. Bohan stated her biggest objection would be the pool location in the front yard and maintaining Atlantic as the front façade of the house and for those reasons the application/project should be revised.

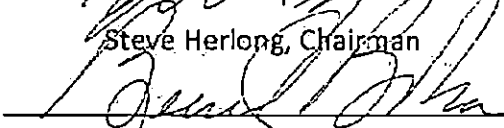
Ms. Perkis made a motion to defer this application until the applicant can come back with revisions made by the Board and that the applicant provide more details as to what materials are to be used for this structure. Mr. Wichmann seconded this motion. All were in favor. None opposed. Motion passed unanimously.

IV. **ITEMS FOR DISCUSSION:** Ms. Perkis made a suggestion to revisit the historic designation list and to go through the Island to possibly add them to the historic list. Mr. Henderson stated that a property owner, Town Council or the DRB can recommend addition to the historic designation list. The historic surveys would describe what initially disqualified the subject property from inclusion in the Historic Preservation List. Before the DRB considers designation of a property, the property owners must be notified that their home is being reviewed and considered to be designated historic through and body of the Town of Sullivan's Island. Ms. Bohan asked the property owners of 2602 Atlantic, Mr. and Mrs. McSpadden, if as historic property owners would they be interested in purchasing some kind of plaque or emblem from the Town to put on their home to symbolize the historic significance of their property. Mr. McSpadden stated yes this would be something that he would be interested in. Mr. Henderson stated that the Town could look into and do some research into both of these projects.

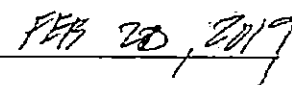
V. **ADJOURN:** Mr. Wichmann made a motion to adjourn the meeting at 7:02pm. Ms. Perkis seconded this motion. All were in favor. None opposed. Motion passed unanimously.



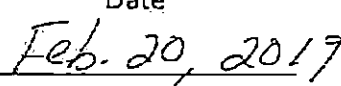
Steve Herlong, Chairman



Beverly Bohan, Vice-Chairman



Date



Date

RECUSAL STATEMENT

Member Name: STEPHEN HERLONG
Meeting Date: 16 JAN 2019
Agenda Item: Section C Number: 2
Topic: 17602 ATLANTIC AVE

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

- Professionally employed by or under contract with principal
 Owns or has vested interest in principal or property
 Other: _____

Date: 16/Jan/2019 _____
Member

Approved by Parliamentarian: _____

EXHIBIT 5

TOWN OF SULLIVAN'S ISLAND DESIGN REVIEW BOARD

REGULAR MEETING MINUTES Wednesday, March 20, 2019

A regular meeting of the Town of Sullivan's Island Design Review Board was held on the above date at 6:00 p.m. at Town Hall, 2056 Middle Street. All requirements of the Freedom of Information Act were verified to have been satisfied. Present were Board Members Beverly Bohan, Ron Coish, Steve Herlong, Linda Perkis, Rhonda Sanders, and Bunky Wichmann.

Town Council Members present: Chauncey Clark

Staff Members present: Joe Henderson, Director of Planning/Zoning Administrator, Randy Robinson, Building Official, Max Wurthmann, Building Inspector, and Jessi Gress, License and Permit Technician.

Members of the public present: Cindy Ewing, Blane Ewing; Roy Williams, Derek Wade, Roy Williams, Steve Sadler, Nancy Geckler, Cynthia Holmes, Linda Norton, Deloris Schweitzer, and Dick Ebel.

- I. **CALL TO ORDER:** Mr. Herlong called the meeting to order and stated that the press and public were duly notified pursuant to State Law and a quorum of Board Members were present. There were no known members of media present.
- II. **APPROVAL OF MINUTES:** Mr. Wichmann made a motion to approve the February 20, 2019 Design Review Board Meeting Minutes. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.
- III. **PUBLIC INPUT:** No public comment was made.
- I. **EXECUTIVE SESSION:** Mr. Wichmann made a motion at 6:05 p.m. to go into Executive Session to discuss legal advice regarding Design Review Board policies and procedures. Mr. Coish seconded this motion. All were in favor. None opposed. Motion passed unanimously.

Mr. Herlong made a motion to adjourn from Executive Session at 6:56 p.m. No votes or actions were taken during Executive Session.

IV. MINOR ALTERATIONS AND SMALL ADDITIONS:

1424 Thompson Avenue: Phil Clark, applicant, requested approval to alter a previously authorized Certificate of Appropriateness (COA) for a new home design. Modifications are

Mr. Herlong recused himself from applications 2702 Jasper Boulevard and 2602 Atlantic Avenue (Exhibits 2 and 3).

2702 Jasper Boulevard: Sandlapper Design Group, applicants, requested conceptual approval to alter a Sullivan's Island Landmark by adding a one-story addition to the east elevations of the home. Modifications are requested for side setbacks and principal building coverage. (TMS# 529-07-00-018)

Mr. Henderson stated that on February 20, 2019, the Design Review Board voted to continue the design review, requesting that the project architect identify the original siding type for the main house. The owner, Jason O'Leary, inspected the home and identified that there is asbestos between the vinyl siding and any wood found below. Removing the asbestos would involve an mitigation for public health reasons. The siding on the 2015 renovation is fiber cement lap siding, roughly 6 ½" exposure. The property is identified as a Traditional Island Resource by History Survey Card #43 and maintains a unique element of pyramidal pavilions (gazebo ends) which were a distinctive element of Sullivan's Island architecture. The applicant is requesting the following:

- 730' square foot addition along side of the home to create a mother-in-law suite. Setback from the front façade by 23' feet
- Constructed around the existing live oaks (arborist health assurance and maintenance plan required). Setback relief will allow placement flexibility.

No public comments were made.

The Board agreed that the applicant did a good job in taking the time to investigate what is underneath the siding. They believe the applicant fulfilled the requests that were asked of them in the February 20, 2019 Design Review Board Meeting.

Mr. Wichmann made a motion to approve this application for conceptual approval. Mr. Wichmann amended the motion to approve this application for final approval. Ms. Sanders seconded this motion. All were in favor. None opposed. Motion passed unanimously.

2602 Atlantic Avenue: Bronwyn Lurkin, applicant, requested conceptual approval to alter a Traditional Island Resource by removing nonoriginal elements and adding a one-story addition. Modifications are requested for the side yard setback and historic exemption for principal building coverage. (TMS# 529-10-00-033)

Mr. Henderson stated that this property is identified as a Traditional Island Resource by Historic Survey Card #440, which is part of the 2007 supplemental survey. The home was significantly modified in 1970 and 1990, however, there remains a significant degree of historic fabric. The homeowners of this property are conducting an historic renovation which includes the removal of the enclosed front porch panels, and converting to an open porch design. The house is to be relocated to the southwest as per revised plans. The one-story addition was requested for the

north and east façades. Removal of the 100% non-original vinyl and aluminum siding is proposed. Deck and stairs on Atlantic are to be removed for an entrance staircase design more indicative of the Island. On January 16, 2019 the Design Review Board deferred the applicant, making the following requests for a subsequent presentation:

- Required removal of the pool from the Atlantic Avenue side of the property;
- Identify the type of siding original to the house. This should inform the type of siding being requested (wood clapboard requested);
- Recess the projection of the addition back (to the north) from the façade of the historic home.

Ms. Lurkin stated that the square footage of the structure has been reduced by about 200 square feet since the last meeting on January 16, 2019, so they only asked for the historic exemption and principal building coverage.

Roy Williams, the property owner of 2513 l'On Avenue, stated that he likes the idea of the application being presented. He stated that he believes Ms. Lurkin did a good job retaining the historic significance.

The Board agreed that the applicant listened to the recommendations that were given in the January 20, 2019 Design Review Board meeting and that the application was done well.

Mr. Wichmann made a motion to approve this application for final approval. Ms. Sanders seconded this application. All were in favor. None opposed. Motion passed unanimously.

Mr. Coish recused himself from the 2220 l'On Avenue application (Exhibit 4).

2220 l'On Avenue: Alice Lanham, applicant, requested preliminary approval to rehabilitate a Traditional Island Resource by removing non-original additions and adding a new addition and deck. Modifications are requested to the design standards for side setbacks and side façade articulation. (TMS# 529-09-00-028)

Mr. Henderson stated that his property is designated a Traditional Island Resource by Historic Survey Card #188. The structure is considered altered and contains multiple non-original additions and FEMA noncompliant space below Base Flood Elevation, which is proposed for reuse. The Design Review Board reviewed the proposed renovation plans on October 17, 2018, making several recommendations for the proposed design:

- Select the roof option that keeps the massing lower;
- Keep the original front façade windows;
- Provide an articulation to the west side elevations, select the option.

Mr. Henderson stated that the applicants were proposing a design that maintains the existing roof height and adds additions to the northwestern elevations. A reconfigured front stair design was proposed with a small deck addition on the eastern elevations. Front porch will modify the railing design and keep the original proportions. The rear gable will change a design modified gable with a long eave. The ground story space was also proposed for removal.

No public comments were made.

Mr. Herlong read letters submitted by Bill Dunleavy, owner of Dunleavy's Pub, and the letter submitted by the Ramsey family (Exhibit 5 and 6).

Mr. Wichmann asked the applicant what materials would be used. Ms. Lanham stated that there will be a slight change in the siding if necessary. Mr. Wichmann believes that the porch pickets need to be made to the building code but thinks that the applicant should keep what is currently on the structure as opposed to replacing it with a new design. Ms. Perkis stated that she believes that the addition should be delineated a little more and recommended changing the materials. Ms. Perkis is concerned about the windows on the porch. She believes that if those windows are removed and French doors are put in there place you are dressing up a historic island home. Ms. Perkis believes the applicant is doing a good job at the direction she is headed into but should try and keep as many items of the home the same. Ms. Bohan stated that preservation vs change is recommended. Ms. Bohan stated that you can take the current materials and make them meet code with some repair work. Ms. Sanders stated that she agrees with Board. Ms. Sanders believes that keeping the porch, front façade, and the stairs are important to keep because they are iconic to this property. Mr. Herlong stated that the proposed rear elevation and the asymmetrical gable looks awkward. He recommended that the applicant reevaluate this and the other recommendations given by the Board.

Ms. Bohan made a motion to approve this application for preliminary approval with the conditions that the applicant refer to the recommendations given by the Board. Mr. Wichmann seconded this motion. All were in favor. None opposed. Motion passed unanimously.

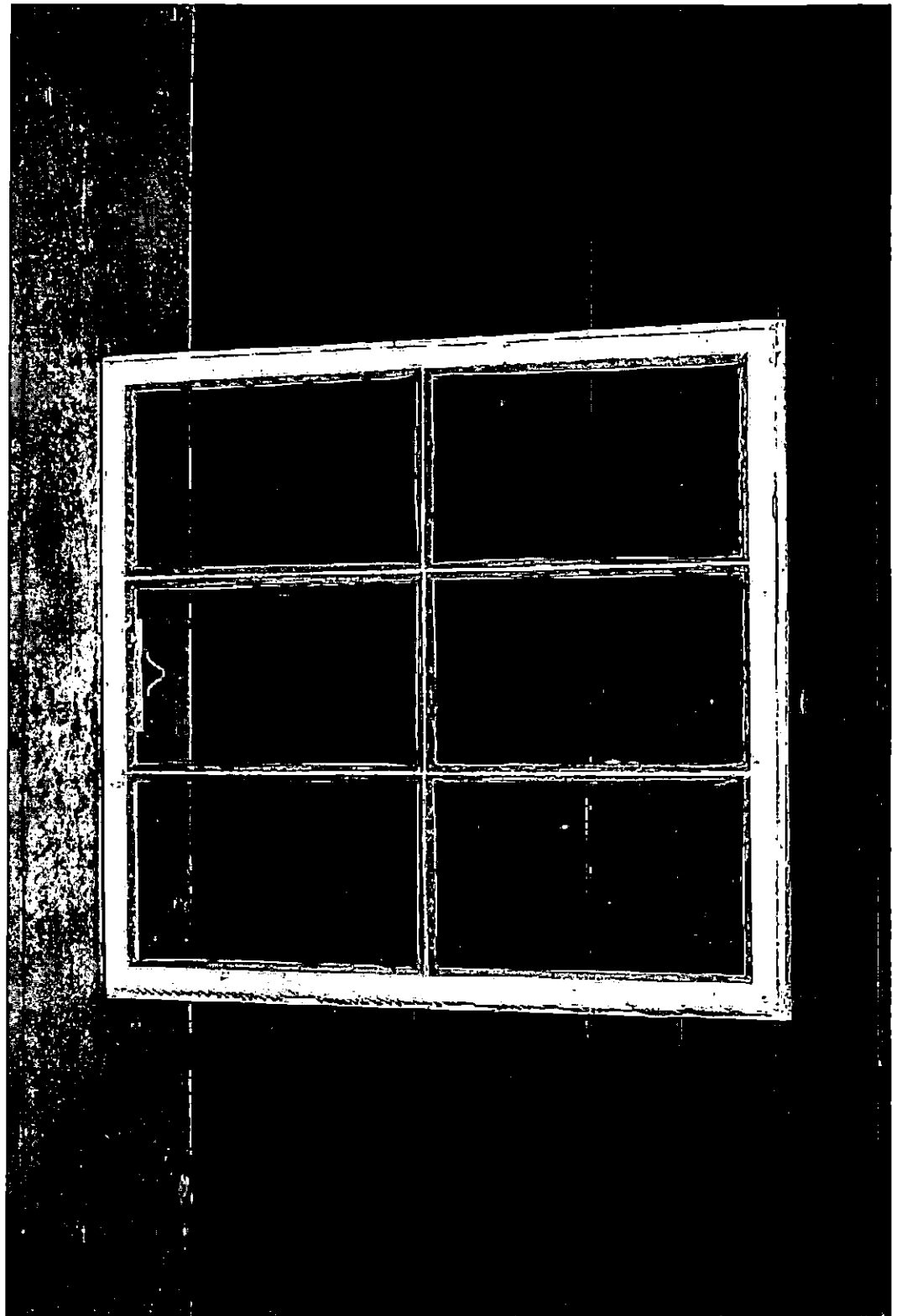
VI. NON-HISTORIC PROPERTY DESIGN REVIEW:

2651 Bayonne Street: Kate Campbell of Beau Clowney Architects, requested conceptual approval of a new home construction with modifications to the zoning standards for principal building square footage, principal building coverage, side setbacks, second story side façade setbacks, principal building side façade and foundation height. (TMS# 529-11-00-070)

Mr. Henderson stated that the existing non-historic home bounded by Middle Street and Station 30 was recently demolished. The new construction would be centered on the property in compliance with the Zoning Regulations.

No public comments were made.

EXHIBIT 6



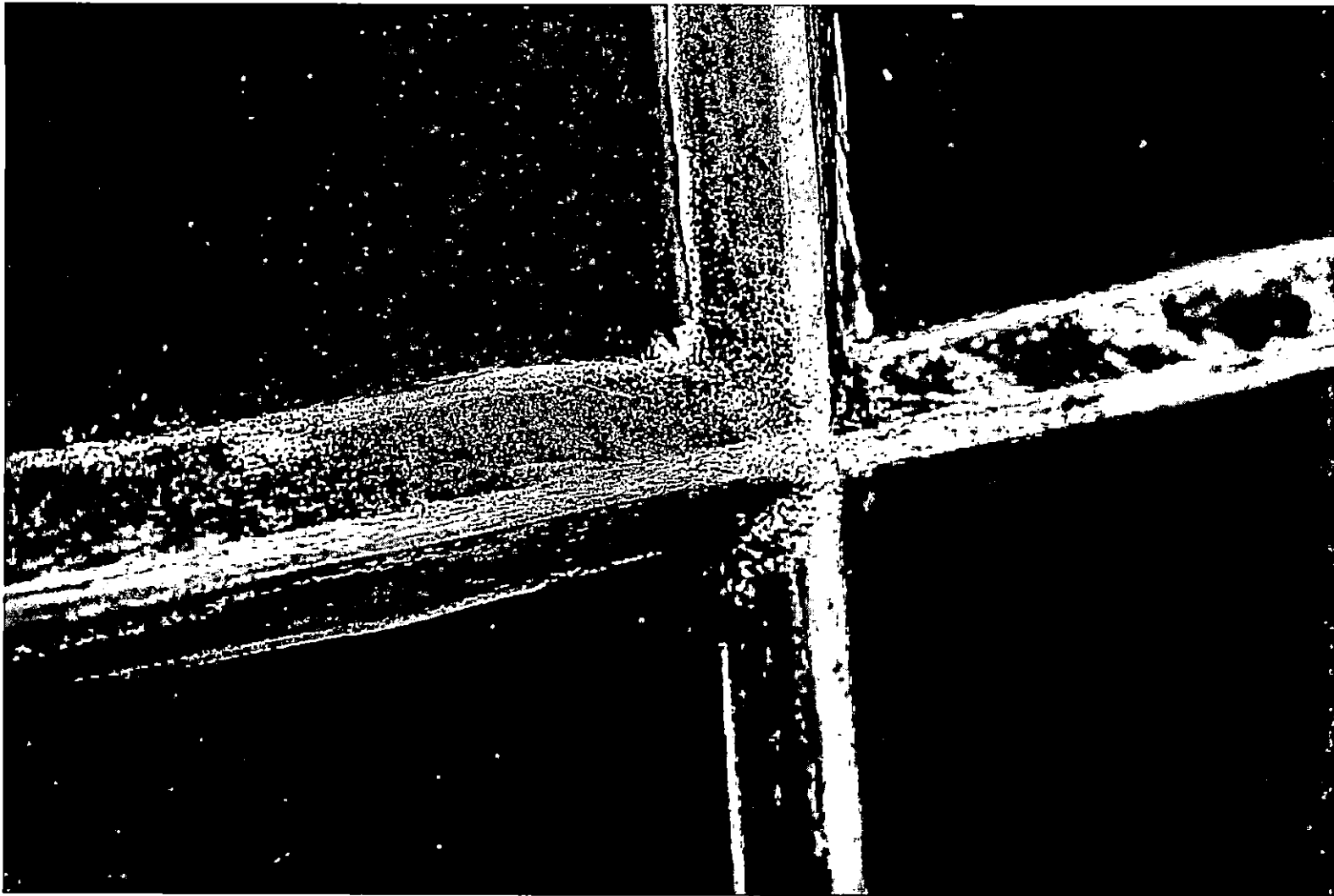


EXHIBIT 7





EXHIBIT 8















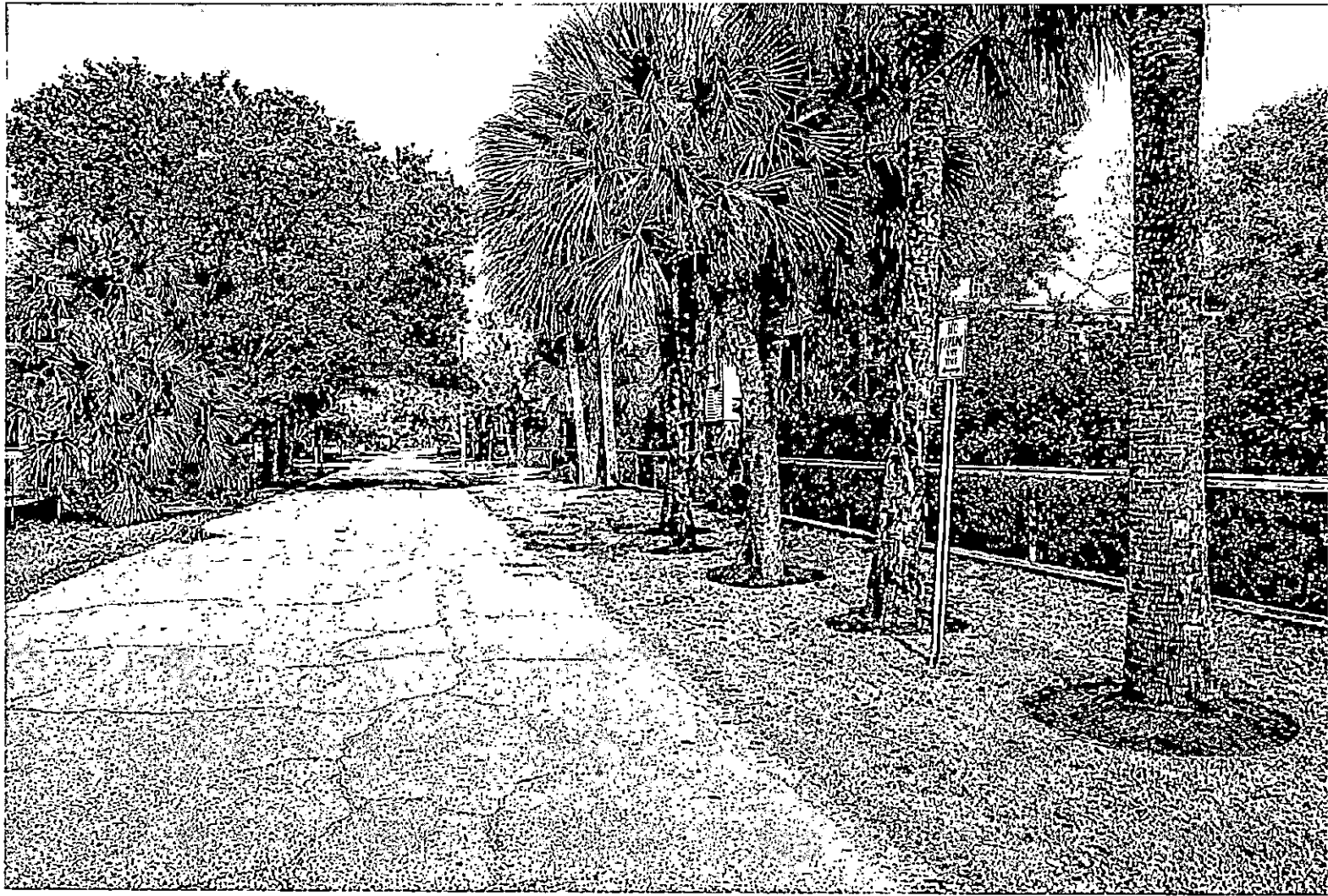










EXHIBIT 9



THE SECRETARY
OF THE INTERIOR'S
**STANDARDS FOR
THE TREATMENT
OF HISTORIC
PROPERTIES**

WITH
**GUIDELINES FOR
PRESERVING,
REHABILITATING,
RESTORING &
RECONSTRUCTING
HISTORIC
BUILDINGS**



U.S. Department of the Interior
National Park Service
Technical Preservation Services

INTRODUCTION

Using the Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction Projects

The Secretary of the Interior's Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. As stated in the regulations (36 CFR Part 68) promulgating the Standards, "one set of standards ... will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available, and interpretive goals, when applicable. The Standards will be applied taking into consideration the economic and technical feasibility of each project." These Standards apply not only to historic buildings but also to a wide variety of historic resource types eligible to be listed in the National Register of Historic Places. This includes buildings, sites, structures, objects, and districts.

Guidelines, however, are developed to help apply the Standards to a specific type of historic resource. Thus, in addition to these Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, there are also guidelines for cultural landscapes, historic lighthouses, historic vessels, historic furnished interiors, and historic covered bridges.

The purpose of *The Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. It is always recommended that preservation professionals be consulted early in any project.

The Guidelines are intended as an aid to assist in applying the Standards to all types of historic buildings. They are not meant to give case-specific advice or address exceptions or unusual conditions.

They address both exterior and interior work on historic buildings. Those approaches to work treatments and techniques that are consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties are listed in the "Recommended" column on the left; those which are inconsistent with the Standards are listed in the "Not Recommended" column on the right.

There are four sections, each focusing on one of the four treatment Standards: Preservation, Rehabilitation, Restoration, and Reconstruction. Each section includes one set of Standards with accompanying Guidelines that are to be used throughout the course of a project.

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.

Resilience to Natural Hazards

The potential future impacts of natural hazards on a historic building should be carefully evaluated and considered. If foreseeable loss, damage, or destruction to the building or its features can be reasonably anticipated, treatments should be undertaken to avoid or minimize the impacts and to ensure the continued preservation of the building and its historic character. In some other instances, the effects may be minimal or more gradual and the impacts unknown or not anticipated to affect the property until some time in the future. In all instances, a building should be maintained in good condition and monitored regularly, and historic documentation should be prepared as a record of the building and to help guide future treatments.

Some impacts of natural hazards may be particularly sudden and destructive to a historic building (such as riverine flash flooding,

coastal storm surge, an earthquake, or a tornado) and may require adaptive treatments that are more invasive. When a treatment is proposed for a building that addresses such potential impacts and will affect the building's historic character, other feasible alternatives that would require less change should always be considered first. In some instances, a certain degree of impact on a building's historic character may be necessary to ensure its retention and continued preservation. In other instances, a proposed treatment may have too great an impact to preserve the historic character of the building. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. Some historic buildings may have been altered previously or be in regions where it has been traditional to adapt buildings frequently subject to damage from natural hazards, such as flooding. All these factors

should be taken into consideration when planning preventive treatments. The goal should always be to minimize the impacts to the building's historic character to the greatest extent possible in adapting the building to be more resilient.



GUIDELINES FOR PRESERVING HISTORIC BUILDINGS

INTRODUCTION

Preservation is the appropriate treatment when the objective of the project is to retain the building as it currently exists. This means that not only the original historic materials and features will be preserved, but also later changes and additions to the original building. The expressed goal of the *Standards for Preservation and Guidelines for Preserving Historic Buildings* is retention of the building's existing form, features, and materials. This may be as simple as maintaining existing materials and features or may involve more extensive repair. Protection, maintenance, and repair are emphasized while replacement is minimized.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment Preservation begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first.

Stabilize Deteriorated Historic Materials and Features as a Preliminary Measure

Deteriorated portions of a historic building may need to be protected through preliminary stabilization measures until additional work can be undertaken. *Stabilizing* may begin with temporary structural reinforcement and progress to weatherization or correcting unsafe conditions. Although it may not be necessary in every

preservation project, stabilization is nonetheless an integral part of the treatment Preservation; it is equally applicable to the other treatments if circumstances warrant.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of Preservation work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and during preservation work.

Repair (Stabilize, Consolidate, and Conserve) Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, *repairing by stabilizing, consolidating, and conserving* is recommended. The intent of Preservation is to retain existing materials and features while introducing as little new material as possible. Consequently, guidance for repairing a historic material, such as masonry, begins with the least degree of intervention possible, such as strengthening materials through consolidation, when necessary, or repointing with mortar of an appropriate strength. Repairing masonry, as well as wood and metal features, may include patching, splicing, or other treatments using recognized preservation methods. All work should be physically and visually compatible.

Limited Replacement in Kind of Extensively Deteriorated Portions of Historic Features

The greatest level of intervention in this treatment is the *limited replacement in kind* of extensively deteriorated or missing components of features when there are surviving prototypes or when the original features can be substantiated by documentary and physical evidence. The replacement material must match the old, both physically and visually (e.g., wood with wood). Thus, with the exception of hidden structural reinforcement, such as steel rods, substitute materials are not appropriate in the treatment Preservation. If prominent features are missing, such as an interior staircase or an exterior cornice, then a Rehabilitation or Restoration treatment may be more appropriate.

Code-Required Work: Accessibility and Life Safety

These sections of the Preservation guidance address work that must be done to meet accessibility and life-safety requirements. This work may be an important aspect of preservation projects, and it, too, must be assessed for its potential negative impact on the building's character. For this reason, particular care must be taken not to obscure, damage, or destroy character-defining materials or features in the process of undertaking work to meet code requirements.

Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a Preservation project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when planning new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

Sustainability

Sustainability should be addressed as part of a Preservation project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. New sustainability treatments should generally be limited to updating existing features and systems so as to have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*. Although specifically developed for the treatment Rehabilitation, the Sustainability Guidelines can be used to help guide the other treatments.

Preservation as a Treatment. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed.