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4 MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

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DATE: June 17, 2009

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TIME: 6:00 p.m.

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LOCATION: SULLIVAN'S ISLAND TOWN HALL

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1610 Middle Street
Sullivan's Island, SC 29482

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

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A P P E A R A N C E S

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DESIGN REVIEW BOARD MEMBERS:

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6 PAT ILBERTON - Chair
STEPHEN HERLONG - Vice Chair
7 DUKE WRIGHT - Secretary
BETTY HARMON - Member
8 FRED REINHARD - Member
JON LANCTO - Member

9 BILLY CRAVER - Member

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13 ALSO PRESENT: Kat Kenyon - Administrative

Andy Benke - Town Administrator

14 Trenholm Walker - Attorney

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1 MR. ILDERTON: It is 6:00. The Design
2 Review Board of Sullivan's Island will meet where we are
3 meeting, June 17th, 2009. And Duke Wright and Pat
4 Ilderton and Steve Herlong and Betty Harmon and Fred
5 Reinhard and Jon Lancto and Billy Craver are in
6 attendance. The Freedom of Information requirements
7 have been met for this meeting.

8 The items on tonight's agenda are --

9 Duke, do you want to --

10 MR. WRIGHT: Well, I move that we move
11 agenda Item 3 to follow Item 5 and finish up 1, 2, 4 and
12 5.

13 MR. ILDERTON: Do I hear a second?

14 MR. CRAVER: Second.

15 MR. ILDERTON: Any discussion? Everybody in
16 favor?

17 MR. WRIGHT: Aye.

18 MR. ILDERTON: Aye.

19 MR. HERLONG: Aye.

20 MS. HARMON: Aye.

21 MR. LANCTO: Aye.

22 MR. REINHARD: Aye.

23 MR. CRAVER: Aye.

24 MR. ILDERTON: So do we have the
25 approval of the minutes? Did everybody like those?

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1 MR. CRAVER: I move for approval.

2 MR. REINHARD: Second.
3 MR. ILDERTON: Discussion? Everybody in
4 favor?
5 MR. WRIGHT: Aye.
6 MR. ILDERTON: Aye.
7 MR. HERLONG: Aye.
8 MS. HARMON: Aye.
9 MR. REINHARD: Aye.
10 MR. LANCTO: Aye.
11 MR. CRAVER: Aye.
12 MR. ILDERTON: So the first application is
13 1220 Middle Street, addition/alteration. Andy?
14 MR. BENKE: The application that you have
15 before you is for conceptual approval to connect the
16 main house to the garage. As I read it, it's to
17 convert -- elevate the garage slightly and convert that
18 to a bedroom.
19 This is a landmark structure in the
20 district. When I discussed this with Randy, it looks
21 like it meets the lot coverage requirements, and Randy
22 was very comfortable with the application as submitted.
23 And that is all I have.
24 MR. ILDERTON: Great. Thank you. Yes, sir?
25 MR. BERRY: Carl Berry, representing the
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1 owner.
2 You have the drawings in front of you.
3 I have a little board that is the same thing you have in
4 front of you, so if I can -- is it all right to step up
5 here?
6 MR. ILDERTON: Sure.
7 MR. BERRY: What we are doing is the
8 existing house has a wraparound porch, and at some point
9 in time they partially enclosed some of that porch and
10 added a kitchen on the back of that house, and then the
11 existing garage is about 16 feet away from that
12 addition.
13 And what we are doing is the existing
14 garage had, at one time, had some living space above it.
15 There is only like a 6-foot 8-foot clearance -- 6 foot 8
16 inches of headroom underneath the garage.
17 So what we want to do is twofold; is
18 raise that living space up on the garage, raise it up a
19 couple of feet to give us more headroom in the garage
20 itself, and then link the two together to have a little
21 living room space, and add stairs that will access from

22 the garage and the living room up to the new master
23 bedroom, which is what we are adding upstairs above the
24 garage.

25 So it's basically a simple link between

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1 the existing and the garage. We are keeping a low
2 profile roofline with the addition, have a small porch
3 in the front and just some windows on the back.

4 And we are trying to keep it as clean
5 and simple as possible. I have photographs of the
6 existing house, if that helps, if you-all need that.

7 Have you-all been by there?

8 MR. HERLONG: Yes.

9 MR. BERRY: And we are trying to keep it as
10 clean and simple as possible.

11 MR. ILDERTON: Any public comment on this
12 application? The public comment section is closed.

13 Andy, anything else to add?

14 MR. BENKE: No, sir.

15 MR. ILDERTON: Duke, what do you think?

16 MR. WRIGHT: I have no problem with it. I
17 have a couple -- several questions. The house and the
18 garage now are vinyl siding.

19 MR. BERRY: It's a mix.

20 MR. BENKE: The garage is vinyl siding and
21 part of the existing house is wood, is that correct?

22 MR. BERRY: No.

23 MR. BENKE: It's all vinyl?

24 MR. BERRY: It's all vinyl.

25 MR. WRIGHT: I think it's all vinyl, which

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1 is fine, but it's a shame that the house is vinyl sided.

2 It should have its original siding, in my view.

3 I assume -- is this, the connector,

4 going to be vinyl siding?

5 MR. BERRY: That was the intent, was to
6 match -- yeah, match what is there, yes.

7 MR. WRIGHT: And the windows are old
8 windows, six-over-six wood windows. Are you going to
9 retain those?

10 MR. BERRY: We are going to be -- those are
11 new windows we are putting in.

12 MR. WRIGHT: They will be six over six?

13 MR. BERRY: Correct, to match what is there
14 now. So we are going to match the original house as
15 much as possible.

16 MR. WRIGHT: It's a wonderful little house.
17 I'm fine. No further questions.

18 MR. ILBERTON: Yeah, I don't have a problem
19 with that. I think it spreads out the mass and breaks
20 it up with that first floor and that connection. I
21 don't see any particular difficulty with it. Steve?

22 MR. HERLONG: No. Again, in the plan, it's
23 treated very much like a link between the existing
24 historic structure and the garage, which -- is that
25 garage historic?

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1 MR. BERRY: No. It's 1950-ish.

2 MR. HERLONG: But the structure is listed as
3 historic in some way.

4 MR. BENKE: Yes, it is.

5 MS. KENYON: It's a landmark structure. You
6 have it on the survey there.

7 MR. BERRY: 1910, somewhere around there,
8 the original house. And I think --

9 MR. HERLONG: But the way it's treated as a
10 link, as we have discussed in the past, linking it makes
11 it easily removable if you are not altering the historic
12 structure. All of that works very well.

13 And I guess my only question is
14 regarding the materials -- which I guess comes with the
15 final, maybe more discussion about that.

16 As a historic structure we want to be
17 consistent, I guess, on how we treat the materials. I
18 think we have talked about historic structures needing
19 to be sided with wood and not vinyl, or wood and not
20 Hardiplank even.

21 So we might need to pay attention to the
22 ordinance regarding the final selection of materials.

23 MR. BERRY: What we are going to do is leave
24 what is on the --

25 MR. HERLONG: Leave up front what it is.

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1 MR. BERRY: Correct.

2 MR. HERLONG: But I'm not sure how we would
3 treat --

4 MR. BERRY: The linking?

5 MR. HERLONG: -- the new to a historic
6 structure. I just think we might want to all review the
7 ordinance to determine how that is correctly handled to
8 meet the ordinance. That is all.

9 MR. BERRY: Okay. We will look at that.

10 MS. HARMON: I notice on here you are asking
11 for final. It's blacked out. Or is this just
12 conceptual?

13 MR. BERRY: This is a conceptual. No, that
14 was someone else. Those are my marks, conceptual.

15 MS. HARMON: I like it, and I am also
16 concerned about the wood versus the vinyl. But you only
17 show us one side elevation.

18 MR. BERRY: Yes. The back side is very,
19 very similar. It's just the wraparound porch with tile
20 wrapped together.

21 This is conceptual. I just wanted to
22 make sure we were on the right track before we proceeded
23 too far with it. I will show the other elevations the
24 next submittal.

25 MS. HARMON: So you will show us what is on
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1 the other side?

2 MR. BERRY: Absolutely.

3 MR. ILBERTON: Fred?

4 MR. REINHARD: It works well as a link. I
5 agree with Steve that, because it's new construction,
6 that we should be consistent about not using vinyl on
7 new construction.

8 Some day someone may want to take the
9 vinyl off of the old building and then you would have a
10 match. Hopefully, it's wood underneath.

11 Also, you are calling for new windows in
12 the room over the garage, which is an existing
13 structure, but those are shown as nine over nine. They
14 are not six over six like the ones on the connector.

15 MR. BERRY: Well, that might be a mistake on
16 my part. We are going to match the six over six here.
17 Good point.

18 MR. REINHARD: That's it.

19 MR. ILBERTON: Jon?

20 MR. LANCTO: I think everybody has covered
21 my concerns there.

22 MR. ILBERTON: Billy?

23 MR. CRAVER: I don't have a problem with it
24 at all. I don't have a problem with vinyl. I think
25 vinyl is good. I have vinyl on my house.

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1 MR. ILBERTON: Do I hear a motion?

2 MR. REINHARD: I move for approval.

3 MR. ILBERTON: Second?

4 MR. WRIGHT: Second.
5 MR. ILDERTON: Discussion? Everybody in
6 favor?
7 MS. HARMON: For conceptual approval.
8 MR. REINHARD: Conceptual approval.
9 MR. ILDERTON: Right. All right. Everyone
10 is in favor. Thank you, sir.
11 MR. BERRY: Thank you for your time.
12 MR. ILDERTON: All right. 1402 Middle
13 Street, accessory structure.
14 MS. KRELL: Do you want me to just start
15 talking?
16 MR. ILDERTON: No, not yet.
17 MR. BENKE: This is an application for a
18 4-foot fence on the side, 4-foot fence in the front and
19 a 5-foot fence in the rear.
20 Basically, the fence goes around the
21 entire property and the accessory structure. This is
22 not a historic structure and it is not in the district.
23 And, basically, it looks to me like one of those items
24 that Randy will be able to approve once the ordinance --
25 MR. ILDERTON: I assume that's going to --
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1 is that going to happen?
2 MR. BENKE: We will ratify in July, that
3 third reading.
4 MR. ILDERTON: Good.
5 MR. BENKE: So I don't see any problem with
6 this. Randy is okay with it.
7 The only thing I didn't see, I don't see
8 a detail on the fence per se, what it would look like.
9 I think you have the same drawing that I do. So I don't
10 know really what the fence is going to look like.
11 MS. KRELL: Sorry about that, you-all.
12 MR. BENKE: But, otherwise, it looks okay.
13 MR. ILDERTON: You can -- yes, ma'am, you
14 can make your presentation.
15 MS. KRELL: Sally. Do I need to say
16 anything?
17 MR. ILDERTON: Not really.
18 MS. KRELL: I would like to put a fence
19 around my property. There is a picture of it.
20 MR. ILDERTON: We may have some questions
21 about it.
22 MS. KRELL: I will do whatever you would
23 like me to do.

24 MR. ILDERTON: Great. Is there any public
25 comment on this application? Public comment section
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1 then is closed. And nothing else to add, I'm sure.

2 So what does the board think? Billy?

3 MR. CRAVER: Put up a fence.

4 MR. ILDERTON: Jon?

5 MR. LANCTO: Good to go.

6 MR. ILDERTON: Fred?

7 MR. REINHARD: I like the picture. If
8 that's the fence, then I'm all right with it.

9 MS. HARMON: And the gates will match the
10 fence?

11 MS. KRELL: Yes, ma'am, of course.

12 MS. HARMON: Okay. I'm fine with it.

13 MR. ILDERTON: I am fine, also. Duke?

14 MR. WRIGHT: I'm okay with it.

15 MR. HERLONG: Fine.

16 MR. ILDERTON: Do I hear a motion?

17 MR. WRIGHT: I move that we approve it as
18 submitted.

19 MR. CRAVER: Second.

20 MR. ILDERTON: Everybody in favor?

21 MR. WRIGHT: Aye.

22 MR. ILDERTON: Aye.

23 MR. HERLONG: Aye.

24 MS. HARMON: Aye.

25 MR. REINHARD: Aye.

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1 MR. LANCTO: AYE.

2 MR. CRAVER: Aye.

3 MR. ILDERTON: Great. Thank you, ma'am.

4 2672 I'on, new construction.

5 MR. BENKE: We have got the zoning standards
6 compliance worksheet. It looks to me like this
7 application is requesting a 1-foot increase allowance
8 over base flood elevation. Looking at the drawings, I
9 believe base flood is at 15 feet.

10 The ordinance allows for three feet,
11 which would take it to 18, and they wanted 19 total. It
12 would make the total structure at 34 feet.

13 This is not a historic structure -- or
14 this is new construction. Sorry. It's not in the
15 district. Again, the request is one foot on height at
16 base flood. It's a request for final.

17 There is no increase in the square

18 footage of the new structure over the previous
19 structure. And I think that is all. Randy was
20 comfortable with it.

21 I think there are some pictures in your
22 package there that will show this structure -- the old
23 structure. You have the drawings of the new structure,
24 and then some of the homes around it so you will get a
25 feel for how this extra foot may or may not impact the
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1 neighborhood.

2 MR. ILDERTON: Great. Thank you. Is the
3 applicant here? Yes, sir?

4 MR. RHODES: I'm Sammy Rhodes. I'm the
5 contractor on this project. I am representing Art. Art
6 Kepp (phonetic) is right here. He's the homeowner.

7 I hope everyone got to read the letter
8 from the architect, which is Art's brother. It kind of
9 explains our situation.

10 Right now the ordinance reads we can
11 only be three feet above base flood, which will make our
12 height underneath our garage seven feet. Our car is
13 6-1/2 feet. And once we do a garage opener, a door
14 opener and all, there is going to be no room underneath,
15 functional and all.

16 We would like to park our cars
17 underneath so they will be out of view. We don't want
18 to try to get a second structure or anything, so we
19 think this is the only way that it could come about.

20 We have done a lot of research of the
21 neighbors, and we kind of fall right in line with
22 everybody else. We are not asking for anything way out
23 of tune with the neighborhood.

24 Is there anything else you want to add?

25 MR. KEPP: This is going to be our
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1 residence. We are renting here now, but this is where
2 we want to live, and we are trying to do something that
3 fits into the neighborhood.

4 MR. ILDERTON: Great. Thank you, sir. Is
5 there any public comment to this application? Public
6 comment section then is closed. Anything to add, Andy?

7 MR. BENKE: No, sir.

8 MR. ILDERTON: Fred, what do you think?

9 MR. REINHARD: I like it. I particularly
10 like the fact that the principal building square footage
11 is within our code allowance, as I understand it. It's

12 4,104 is the allowable and it's 4,073, so -- is that
13 right?

14 MR. BENKE: Yes.

15 MR. REINHARD: I'm all right with it. I
16 like it.

17 MR. ILDERTON: Great. Jon?

18 MR. LANCTO: You have a nice design.
19 Nothing really there except for that foot, and that is
20 fine with me.

21 MR. ILDERTON: Billy?

22 MR. CRAVER: I'm good with the foot.
23 Welcome to the neighborhood.

24 MR. ILDERTON: Betty?

25 MS. HARMON: I'm fine with it.

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1 MR. ILDERTON: Steve?

2 MR. HERLONG: I am as well. I think it's
3 very nice. It is not a lot of two-story wall -- no
4 two-story wall sections in the house. Very nice.
5 Am I missing a sheet? Did we get an
6 I'on Street elevation?

7 MR. WRIGHT: No.

8 MR. HERLONG: That seems a little bit
9 unusual that there is no I'on. There is three sides in
10 here. I just feel like I might have missed a sheet.

11 MR. WRIGHT: No, there is no south
12 elevation.

13 MR. HERLONG: Three sides.

14 MR. RHODES: The I'on Street is the front of
15 the house, which is --

16 MR. ILDERTON: That is a fairly important --

17 MR. RHODES: I have one right here.

18 MS. KENYON: Are you sure you don't have a
19 Page 8?

20 MR. WRIGHT: No, I don't have one. Page 8
21 is not --

22 MR. HERLONG: Again, I have no -- I think
23 it's great that it appears lower to the ground. I am
24 assuming we can allow -- we are able to approve that one
25 foot and it's not a problem for the DRB to approve that

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1 one-foot height.

2 MR. RHODES: That is what we were told
3 you-all were able to.

4 MR. REINHARD: You can't put an eight-foot
5 garage door under that house unless you have that one

6 more foot of height. It's not out of the norm in terms
7 of ground to first-floor level. So I'm good. It's
8 practical.

9 MR. RHODES: You can keep that one.

10 MS. KENYON: It was in this there. I just
11 didn't make a copy. Sorry, guys.

12 MR. ILDERTON: I like the idea that it's a
13 story-and-a-half structure, too. I was hoping that that
14 was going to be the case, and it is, and I like it.
15 It's fine. Duke?

16 MR. WRIGHT: I like it, too. I think it
17 enhances the neighborhood, including Billy's house.

18 MR. CRAVER: With my vinyl siding. I know
19 you are just jealous.

20 MR. WRIGHT: I think it's very nice.

21 MR. ILDERTON: Do I hear a motion?

22 MR. REINHARD: Move for approval.

23 MR. CRAVER: Second.

24 MS. KENYON: Final.

25 MR. REINHARD: Move for final approval.

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

3 MR. WRIGHT: Aye.

4 MR. ILDERTON: Aye.

5 MR. HERLONG: Aye.

6 MS. HARMON: Aye.

7 MR. REINHARD: Aye.

8 MR. LANCTO: Aye.

9 MR. CRAVER: Aye.

10 MR. ILDERTON: Thank you, sir.

11 MR. RHODES: Thank you.

12 MS. KENYON: And that was my fault. I had
13 it, the others didn't.

14 MR. WRIGHT: You have it?

15 MS. KENYON: Yes, I have it.

16 MR. ILDERTON: All right. 2708 Goldbug.
17 Andy?

18 MR. HERLONG: I will recuse myself from
19 this.

20 (Mr. Herlong recused himself.)

21 MR. BENKE: This is a continuation from last
22 month. It's an application to remove the structure from
23 the historic list, and also relocate or reposition the
24 structure on the lot in order to square it up, as I
25 understand.

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1 Last month you heard from David
2 Schneider and, to some extent, from the applicant about
3 the intentions here.

4 There was also a request to enclose the
5 house by the Town to protect it from the weather, and
6 that has been done by the applicant. And I think that
7 is all that has transpired since last month.

8 The Town did ask Trenholm Walker to be
9 here in the event that the board had any questions for
10 legal guidance.

11 MR. ILDERTON: Great. Thank you.

12 MR. BENKE: That is all I can say.

13 MR. ILDERTON: All right. Applicant? Yes,
14 sir?

15 MR. HELLMAN: Brian Hellman. I am here on
16 behalf of Tim Cook, who is going to join me in this
17 presentation.

18 And probably more has happened over the
19 past month than Andy's initial presentation would state,
20 and that's -- I'm not placing any fault with Andy.

21 Technically, we had initially applied
22 for a relocation or a demolition of a historic
23 structure, not to actually take it off of the list.

24 And David Schneider spoke about that.
25 And part of it was important, what David presented to

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1 the board, particularly on Page 7 of his analysis of the
2 property was that the structure had been moved in the
3 past.

4 So we think probably in the late -- we
5 don't know if it was in the late 1970's when Randy
6 presented last time. I don't know if you recall. There
7 was some foundation work that he had presented at the
8 end. And I don't know if anyone has the minutes from
9 the last meeting, but -- very good.

10 I think it was towards the end when
11 Randy spoke. And he mentioned that there was a -- a
12 building permit had been pulled in the late '70s, and it
13 was to do foundation work.

14 As part of the renovations to this
15 property, and the improvements that were actually
16 approved by this board on January 18th of 2008, this
17 structure is going to have to be lifted up and the
18 foundation is going to have to be replaced.

19 We think that, in doing that -- or,

20 actually, what Mr. Cook is going to talk about is that
21 when he lifts the structure up he can actually, if he
22 twists it a little bit, he can sort of preserve exactly
23 what exists, no need to demolish, relocate, which was
24 the application of the prior month.

25 And, in doing so, we submitted last, I
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1 guess for this meeting, some proposed drawings. Which
2 if you compare to what was already approved, you will
3 notice -- and we will go through and show you here.

4 Are these the ones?

5 MR. COOK: Yes.

6 MR. HELLMAN: This might show it a little
7 better. If you look at these drawings, you can see --
8 this is what the board approved in January of 2008. And
9 these are some minor modifications that Mr. Cook
10 submitted for the board to look at this month.

11 And if you notice, basically everything
12 you see right here, in terms of the line drawings, more
13 or less fit. The only thing that has happened here is
14 he has taken the existing structure -- and he's going to
15 have to lift it to replace the foundation.

16 The foundation, and Tim can describe it
17 better than I, is not built to modern standards. It's
18 actually built out of cinder block, which is, very
19 likely, not historic.

20 The cinder blocks aren't filled. There
21 is no rebar. Some of them are, actually, in very
22 dangerous shape and sinking.

23 So what his thought was is when he lifts
24 the structure, he turns it a little bit, and he ends up
25 with what we have here. And I'm going to let Tim walk
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1 you through these drawings.

2 But I think, just to clarify anyone's
3 preconceived notions, the opportunity that exists here
4 is not to demolish the structure, but to actually make
5 some minor modifications, change orders for those of you
6 in the construction business, to make Tim's wife happy
7 with the bathroom design that comes out of the
8 structure.

9 So I am going to let Tim talk a little
10 bit about what he's doing -- what he would like to do to
11 the structure. And, hopefully, we get the board's
12 approval on that, and this will be the last of the --
13 what is this now -- 12 times.

14 MR. COOK: My name is Tim Cook. I'm the
15 property owner at 2708 Goldbug. I would like to thank
16 everybody, once again, for allowing us to present this
17 application.

18 And let me point out that we are not
19 asking for anything additional, square footagewise or
20 coveragewise, than what was previously approved. We are
21 identical to what was previously approved as far as that
22 is concerned.

23 Since this is a very sizeable investment
24 for my wife and I, we worked on a plan after the
25 previous approval in January of '08 to try to make the
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1 house a little bit more livable inside and outside.

2 The current configuration of the
3 existing house doesn't allow a lot of livable space on
4 the marsh side of the lot, which is the primary reason
5 that we purchased the lot. It wasn't a very inexpensive
6 lot, but that was why we bought it.

7 So, in doing so, we tried to make the
8 pool area, the deck area and, predominantly, the master
9 bedroom closet area and bath area a little bit more
10 pleasing.

11 My wife couldn't quite get her hands
12 around having skewed angles within the house, both
13 interior and exterior. And the new portion of the house
14 is parallel to the side property lines. And the
15 existing house is at a seven-degree angle off of that,
16 so it's 97 degrees rather than 90.

17 So we were trying to determine how the
18 space was going to be used, and we didn't really like
19 the way it was approved. Generally, we liked it, but it
20 was difficult to envision living in it.

21 So as part of constructing the house,
22 and part of the demolition that we have already done, we
23 had structural engineers go out and investigate the
24 foundation.

25 And basically the piers are set on cow
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1 patties, just concrete poured into the ground, and the
2 piers placed on top of those. And they are not
3 reinforced with concrete, nor the cells are not filled.
4 So it's substandard for a house of this caliber to leave
5 that in place.

6 So during construction we will have to
7 raise the house up. And what we are asking is to pull

8 the house forward 27 inches and then rotate it by seven
9 degrees to make all the rooms square at right angles.

10 It says, part of the redesign, some of
11 the rooms have been relocated in different parts of the
12 house. The chimneys have changed. We have eliminated
13 some screen porches along the back, and shifted the pool
14 accordingly to accommodate the redesign.

15 The top elevation is what we are
16 proposing, and the bottom elevation is what was
17 approved. So from the street you see very little
18 change.

19 To try to accommodate the shifting, we
20 had to take out this bath area that was part of the
21 original porch. And what was approved was to bring part
22 of the porch back to a porch. It's been enclosed, I
23 think in the late '70s, as a part of what Randy
24 indicated was in the building permit.

25 So the whole front porch area would

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1 become a porch again. So that accommodated the link
2 that is now part of the master bathroom.

3 Here is rear. Rear elevations, all the
4 building. The maximum building heights that we had
5 approved before are the same. That has not changed. We
6 are actually about at least ten feet below the maximum
7 building height, and that was part of the condition of
8 receiving the previous approval. So this is -- the rear
9 elevation in this master bedroom area stays the same.

10 We changed some windows and doors
11 around, but it looks very similar. The chimney is
12 relocated to the master bedroom and porch deck area, and
13 this makes for a more workable outside living area.

14 This is the west elevation on the Geer's
15 side of the property. Everything remained the same. We
16 had to shorten this connection. It's basically a
17 hallway from the main living area to some bedrooms. So
18 to shorten that down, the windows went from five to
19 three. The windows in this area changed because of the
20 living area change of use. And the back porch area and
21 chimney changed, but it looks very similar to what was
22 previously approved.

23 And this side is on the Hiers' side of
24 the property, on the east side, which indicates the
25 rotation of the house right here.

0027

1 Here is the existing house as it sits

2 now, and here is the rotated house as we propose to have
3 it shifted.

4 The same change right in this area. The
5 link was shortened up, so rather than five windows it's
6 three windows. The garage area and the front portion
7 would remain the same.

8 This back area changed slightly. This
9 wall facade got a little bit shorter. This link right
10 here got a little bit longer with the rotating of the
11 house, but the actual heated facade right here shortened
12 by a foot. So it's a little bit less facade to my
13 neighbor.

14 So we would certainly appreciate the
15 board's favorable consideration of our request, and
16 would love to answer any questions.

17 MR. ILDERTON: Is there --

18 MR. COOK: Additionally, we have provided
19 plans to the neighbors directly adjacent to us and have
20 had phone discussions with them, and I think they went
21 pretty well.

22 MR. ILDERTON: All right, sir.

23 MR. REINHARD: Would you put that south
24 elevation back up, please? Just move that one sheet.
25 Thanks.

0028

1 MR. ILDERTON: Is there public comment to
2 this application? Yes, sir, Mr. Hiers?

3 MR. HIERS: Yes. I'm Jimmy Hiers, the
4 next-door neighbor. And I certainly hope that we are,
5 as Tim does, I hope we are coming to the end of this
6 long process. We certainly are looking forward to
7 having the house built and some neighbors next door.

8 My one concern at this point is that
9 this house has been gutted. It's really just a shell.
10 And if the house is shifted, I think I would like to ask
11 the board if they could address some way to ensure that
12 the house doesn't collapse.

13 If the house collapses then -- suppose a
14 wall comes down and the roof comes down. Then you are
15 looking at a demolished structure.

16 And one thing Tim said, he said when he
17 bought the lot. If I'm correct, he didn't buy the lot.
18 He bought a lot with a house on it and it was on the
19 historic list.

20 So that is my one concern, that we
21 have -- we signed off on these plans, I think, over a

22 year ago, and somehow the plans were put on hold, and
23 the main issue became removing the house from the list
24 and then demolishing the house, and I think that has
25 been before you-all a number of times.

0029

1 So that is a question that I think
2 should be taken seriously. Because if the house is
3 destroyed in shifting, I don't think the board has any
4 control over what happens there. This is not in the
5 historic overlay district, and I think the neighborhood
6 would probably not be able to have the input that we
7 have into keeping this structure as a historic
8 traditional island resource.

9 So we are certainly open to the idea
10 that maybe something has to be done, but how do you
11 ensure that the house doesn't -- isn't demolished during
12 the shifting, which could certainly happen. So thank
13 you.

14 MR. ILDERTON: Thank you, sir. Roy?

15 MR. WILLIAMS: Roy Williams, 2513 I'on. I
16 have a sense of déjà vu in being here and talking about
17 this house. It seems like it has been ongoing forever.
18 It's sort of like a recurring nightmare.

19 My main concern is that the changes that
20 are made will result in neighborhood compatibility. I
21 was at a number of presentations and they sound hopeful.
22 Every time I ride by it, it almost looks like less of
23 the house is there.

24 And I am concerned about demolition by
25 neglect. I just hope nothing happens that this house

0030

1 won't just -- that it's not there the next time I drive
2 by, and that what is actually built, according to these
3 plans, will fit in with the views of the neighbors.
4 They have to live there and look at it, and people like
5 me who ride by there occasionally.

6 MR. ILDERTON: Thank you. Yes, sir?

7 MR. McSWEENEY: I'm Gray McSweeney. I live
8 at 2402 Jasper. We just finished up our renovation back
9 in December. And the house that we have is
10 approximately 100 years old, and was actually in a very
11 livable condition.

12 After the renovation and realizing the
13 structural defects after we started going into it, you
14 can now go up and touch the flooring in three rooms, one
15 bathtub and two sinks that we didn't have to replace.

16 And so I certainly understand you-all's
17 concerns. But I just wanted to say, from personal
18 experience, that when you go into these things you don't
19 know what you are getting into when you open up a
20 100-year-old structure. I had mine inspected before we
21 built it. We did everything we could, but you just
22 don't know.

23 And I am a licensed general contractor.
24 I have been in construction for quite awhile. I haven't
25 done a whole lot, but I do have a good bit of experience
0031

1 with it.

2 And when Tim's house was opened up and I
3 saw what he was dealing with, I think that there is
4 going to be very little of it that is not going to have
5 to be replaced. You just can't get around it.

6 And I understand everyone's concerns,
7 and I have been on both sides of these things, but the
8 reason why the house is sitting the way it is is because
9 it's a difficult issue to deal with right now.

10 And so I just wanted to state that, that
11 I hear both sides, and I understand, but I hope that
12 there is a good compromise that can come about here.
13 But, anyhow, I appreciate your time.

14 MR. ILDERTON: Great. Thank you. Is there
15 any other public comment? Yes, sir?

16 MR. HAYNES: Ashley Haynes, 2720 Goldbug. I
17 just think it makes perfect sense to square it up and
18 that the plans should be approved as submitted.

19 MR. ILDERTON: Thank you, sir. Yes, ma'am?

20 MS. GEER: I'm Aussie Geer. I live at 2702
21 Goldbug. I am on the other side of Tim's property.

22 The DRB has continually wanted to save
23 this house. You have made decisions for four straight
24 years that require that this house be incorporated in
25 whatever the plan was.

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1 The house had been cared for lovingly
2 for decades by the previous owners, and right now it's
3 not being cared for at all. It was in good condition
4 when it was purchased, and right now it's a structure
5 which needs immediate attention to repair it.

6 Truly, if it were to be shifted at all
7 right now in its gutted state, I have no doubt that it
8 would collapse. The DRB has the ability to make this
9 cottage the charming typical Sullivan's Island building

10 that it was.

11 The owner can be required and asked to
12 restore the house to reflect what it was when it was
13 first protected by the ordinance, and what it was when
14 it was purchased most recently.

15 I don't believe the house in its current
16 state of neglect can spare to be shifted even a small
17 amount. The owners have been told repeatedly by the DRB
18 that the original house has to be in the design, as it
19 was in the design that a year and a half ago you-all
20 approved.

21 Since it's going to have to be done, I
22 request that you might consider having the house
23 restored structurally, completely, the exterior, since
24 there is a plan in place, and the interior walls that
25 might be weakened, before you will consider any further
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1 changes at all to those original approved plans.

2 Then you would be able to see
3 structurally if it is sound now to make the shift and
4 then you could consider it. This would ensure that this
5 house will survive and that our neighborhood will
6 continue to be protected by the DRB's umbrella of
7 neighborhood compatibility. If we lose this house, we
8 will lose that protection and our neighborhood will be
9 changed. Thank you.

10 MR. ILDERTON: Thank you. Is there any
11 other public comment? Yes, ma'am?

12 MS. RICHARDSON: I sent a letter. Will it
13 be read?

14 MR. ILDERTON: Yes, ma'am. Public comment?
15 The public comment section then is closed except for the
16 letters. I have two letters to read.

17 Design Review Board, Pat Ilderton,
18 Chairman; 2708 Goldbug Avenue. "I reside at 2678
19 Goldbug Avenue, which is two doors down from 2708
20 Goldbug Avenue, and I request this letter to be brought
21 to the attention of the Design Review Board members.

22 "Once again, I strongly object to this
23 historic house being moved at all. The proposed plan
24 hides it from view entirely. There is not room behind
25 the house when the sand hill and the trees are replaced

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1 to put all the stuff shown on the plans submitted this
2 time. The natural barrier, sand hill and trees, on the
3 back side which was previously addressed at one of the

4 many meetings which has come before the Design Review
5 Board has still not been replaced as discussed at last
6 month's meeting, thereby still making the rest of the
7 neighborhood subject to hurricane winds and waters.

8 "A variance of any kind for this
9 property should not be allowed. I thought the
10 neighborhood had come to a reasonable agreement for an
11 addition to this house; however, it appears the owner is
12 still not satisfied and will not be satisfied until he
13 can completely tear it down or let it completely fall
14 down by intentional neglect. The large house proposed
15 is totally out of context in this quiet family oriented
16 neighborhood, one of the few remaining such areas. The
17 plans show two west side views and no east side view.

18 "How many times do we have to attend
19 meetings on this? Is there no limit to how many times a
20 person can continually come before the DRB and keep
21 changing their mind on what they want to build? It
22 appears Town Council needs to revise the DRB ordinance
23 immediately to keep our island neighborhoods the way
24 they are and preclude this continual harassment of our
25 neighborhoods by new property owners who move here
0035

1 because they like the island, then want to change
2 everything their way so they can sell it for the
3 almighty dollar.

4 "As I have addressed this board multiple
5 times before in writing and in person on this issue, I
6 still believe the proposed house is extremely large,
7 approximately one-and-one-half times or more of those on
8 either side of it. It does not fit the neighborhood,
9 and now has the sand hill and trees behind it totally
10 destroyed, thereby cutting into the protection from any
11 storm winds for the neighborhood.

12 "The sand hill should be replaced, as
13 should the trees which were destroyed, and a lien placed
14 against the property owner, as well as a stiff fine for
15 destroying them to begin with. I still also have
16 concerns with the size of the structure should there be
17 a fire due to many very old and very large oak trees in
18 the neighborhood. Sincerely, Elizabeth B. Richardson,
19 2778 Goldbug."

20 The second letter --

21 MR. COOK: Mr. Chair, if I may object to
22 some of the statements that were made in that letter.

23 MR. ILDERTON: When we are finished.

24 This is from David A. Geer, III, 2702
25 Goldbug. "I have a business engagement out of town and
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1 am not able to attend this meeting. Please read this in
2 my absence.

3 "As a resident living next door to the
4 above-mentioned property, I request that the Design
5 Review Board require that there are assurances that if
6 the structure as it is currently situated is shifted and
7 damage occurs in the process, that there is not a means
8 to declare the structure demolished.

9 "The issue has always been about
10 neighborhood compatibility and how a proposed structure
11 would fit in the neighborhood. If the structure is
12 demolished while being shifted, then the property will
13 come under the ordinance guidelines of a vacant lot and
14 any structure could be built provided it meets the
15 ordinances and setbacks as stated for a vacant lot.
16 This then opens the possibility that a structure could
17 be built that would not fit neighborhood compatibility."

18 All right. We will have some time for
19 discussion on points. That ends that. And is there any
20 other points here, Andy?

21 MR. BENKE: To speak to the topography issue
22 for a minute. It's my understanding Randy does have a
23 good survey of the entire lot, including the sand hill.
24 There is an inventory of what was removed, and
25 absolutely the contractor would need to return the hill

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1 to the proper elevation. And I also believe that the
2 certificate of appropriateness originally issued has
3 expired. Is that right?

4 MS. KENYON: Yes, sir.

5 MR. BENKE: As well as the building permit
6 for the repairs on the cottage. Is that right?

7 MS. KENYON: Right, and there was no
8 building permit pulled.

9 MR. BENKE: For the new structure?

10 MS. KENYON: For the new structure.

11 MR. ILDERTON: Thank you. Billy, do you
12 want to start?

13 MR. CRAVER: I want to make sure I know what
14 we are -- so they are asking to be able to shift the
15 house seven degrees and then approve the new plans. And
16 is this final approval on these new plans?

17 MR. COOK: Yes, final.

18 MR. CRAVER: So I guess if we were to
19 approve it, if the house just fell apart they would have
20 to put it back together because that would be the plans
21 we approved, isn't that right?

22 I mean, we are not approving if it falls
23 apart you get to come back and say it fell apart. You
24 would have to put it back together.

25 So I don't have a problem with -- I

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1 mean, David Schneider, I don't think there is any magic
2 to this house being canted seven degrees on that lot.
3 So I don't have a problem with shifting it seven degrees
4 to make it work, and I don't have a problem approving
5 the plans as they submitted it.

6 I would have a problem if it fell apart
7 and they came back and said now that it has fallen apart
8 we want permission to let it go.

9 So I would be willing to approve it the
10 way they have done it, but that means to do it according
11 to the plans.

12 MR. ILDERTON: All right. Great. Jon?

13 MR. LANCTO: Yes. After listening to David
14 Schneider, and I had some time to think about this, and
15 I went by and looked at the house, and I think that
16 David Schneider is right. I don't think that that house
17 should have been on the historic list to start with.

18 So I know people are emotionally
19 attached to the looks of that house. But if we are just
20 looking at the facts, I don't believe it should have
21 been there.

22 Now, Mr. Cook has gone through a great
23 deal of expense to try to incorporate that structure
24 into the new design, which I think is great to try to
25 compromise with the neighbors, and I think shifting the

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1 house is a good idea. I think it works better that way,
2 and I think he should get his permit based on that new
3 design.

4 MR. ILDERTON: Fred?

5 MR. REINHARD: Am I to understand that the
6 previously approved scheme has expired?

7 MS. KENYON: Yes.

8 MR. HELLMAN: We disagree it expired.

9 MR. REINHARD: So this is a total brand-new
10 submittal?

11 MR. HELLMAN: If I may, we object to the

12 fact that it has expired. There is a two-year right
13 under the Vested Rights Act.

14 The one-year provision in the Sullivan's
15 Island ordinance we believe, under the Vested Rights Act
16 as the State has passed it, is invalid. It's a two-year
17 vested right, not a one-year vested right. It's a final
18 approved plan. Thank you.

19 MR. WALKER: If I may respond to that?

20 MR. ILBERTON: Yes.

21 MR. WALKER: Mr. Hellman did bring that to
22 my attention. He alerted me that they would assert that
23 the Vested Rights Act gifts a two-year life to the
24 original certificate of appropriateness. It may, it may
25 not. There are some exceptions.

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1 And for them to have that claim, I think
2 he's absolutely right, the Vested Rights Act applies,
3 but there has to be strict compliance with whatever was
4 approved, and there might be a question about that.

5 However, I don't know that we need to
6 get into that because they are here today asking,
7 essentially, for a new request, and I assume that this
8 would replace the previously approved application.

9 Although they are reserving rights, I
10 would think in the event of a turndown, in the event you
11 are approved, this would become the operative
12 certificate of appropriateness, right?

13 MR. HELLMAN: That is correct, that if this
14 weren't approved, that the old plans would still
15 survive.

16 MR. WALKER: So there would only be a debate
17 about the life of that first approval if you turn this
18 down. So I don't think we need to get there right now.

19 MR. REINHARD: It's important to me, because
20 we approved the first submittal. And I think that we
21 should stand by that first approval and not entertain
22 another application.

23 MR. HELLMAN: This is an extended
24 application. Mr. Reinhard wasn't here for the first
25 half of it. It was my understanding from what Kat said,

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1 and what was discussed at the last meeting, that Mr.
2 Reinhard wasn't supposed to participate in discussions
3 because he wasn't --

4 MR. ILBERTON: I don't think Mr. Reinhard,
5 nor the board, should be left, because you-all wanted to

6 continue under your direction --

7 MS. KENYON: And it was Mr. Lancto that
8 wasn't here.

9 MR. ILDERTON: -- in that the board would be
10 compromised by not having Fred's input. You-all set
11 this whole thing up by having -- spanning two meetings,
12 which is unusual, and we agreed to it, okay?

13 And unless there is a legal precedent
14 that he can't participate, I think he ought to be able
15 to participate.

16 MR. WALKER: Well, in this instance I think
17 new information has been presented, too, that was not
18 presented last month, so I really see this as the
19 presentation on the application. You heard certain
20 information that is available in the minutes.

21 But it's not as though it's being
22 debated solely on the record of the May meeting. What
23 is being requested is based on new drawings that are
24 being presented for the first time. So I don't think he
25 would be excluded from the discussion simply because of
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1 what has been presented for the first time.

2 MR. HELLMAN: The rules say that.

3 MR. ILDERTON: Well, I want you to
4 participate.

5 MR. REINHARD: Okay.

6 MS. KENYON: He was here and voted on the
7 first approval for the certificate of appropriateness.

8 MS. HARMON: That's right.

9 MR. HELLMAN: I was only bringing this up
10 because at the last meeting there was a provision that
11 was stated that is in the board's rules or the bylaws
12 that state because we started the meeting at the last
13 time, and I appreciate the board doing that, that a
14 person could not participate, because what we did was we
15 added to the existing application.

16 And the rules provide that if you are
17 not here to hear the first part, you can't hear the last
18 part, and that is in the board's rules. I'm not making
19 this up. I apologize if I'm raising an issue here. I
20 am not doing this --

21 MS. HARMON: We actually only talked about
22 the house being historic. We didn't really get into the
23 drawings. So, as far as I'm concerned, this is a
24 totally different application.

25 MR. WALKER: Brian, I have an application

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1 dated May 22, 2009 that has these drawings. And so I
2 thought these were the drawings -- this is the
3 application that the board is acting on right now.

4 MR. HELLMAN: Well, we were told to make
5 that submittal in addition to because there were some
6 modifications that were discussed with the property.
7 I think the minutes would show that from the last
8 meeting.

9 MR. WALKER: But this appears to be a
10 separate application with the drawings.

11 MR. HARMON: We didn't discuss the drawings.

12 MR. ILDERTON: Mr. Hiers, do you have
13 something to say?

14 MR. HIERS: I wanted to ask, if I could
15 point out, I believe that the last time the application
16 was submitted at the last meeting, the brief description
17 of the project and scope of the work to be performed was
18 to demolish the structure. And the applicant asked at
19 that time let's just have a continuance to the next
20 meeting, and they are asking for something different
21 now.

22 MR. ILDERTON: Right. Thank you.

23 MR. WALKER: Right. I agree with what the
24 board has said, that this is a different application.
25 If you deny this, then I think the applicant can argue

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1 for the demolition of the structure, which was the
2 application that was before you last time, because that
3 was continued. But they have ordered it so that you
4 consider this one first. Because if you grant this,
5 than everything else is moot.

6 MR. CRAVER: Right.

7 MR. ILDERTON: Right.

8 MR. CRAVER: I agree.

9 MR. ILDERTON: Fred, do you want to keep on?

10 MR. REINHARD: Sure. Whether or not I can
11 vote or become disenfranchised, I want to render an
12 opinion with respect to this new proposed application.
13 I like the old one better.

14 And the information that we have in this
15 packet is so incomplete that there is no way I could
16 consider for final approval, particularly when that
17 drawing right there, which we are seeing for the first
18 time, is not even in this set.

19 So based on the fact that it's

20 incomplete and totally different from what we approved
21 before, I wouldn't be in favor of it at this time.

22 MR. COOK: I'm sorry. Which drawing is not
23 in there?

24 MR. REINHARD: The Herlong drawing is not in
25 this packet.

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1 MR. COOK: Well, this is the previously
2 approved plans. That was in the packet in January of
3 '08. But this drawing is in your packet. All I'm doing
4 is just demonstrating the difference between the two.

5 MR. REINHARD: Right. There is a
6 difference. If you look at the roofline above the
7 porch, in the Herlong drawing there is a line that shows
8 that there is a difference between the porch roof and
9 the main roof of the building.

10 MR. COOK: There is.

11 MR. REINHARD: That line doesn't exist in
12 the upper drawing, which means the roof has been
13 modified.

14 MR. COOK: No. This represents the way the
15 roof looks now. The roof is kind of sloped. So what
16 Mr. Herlong did was adjusted the pitch about two or
17 three feet down from the current ridge.

18 So I have also adjusted it, but I don't
19 have a change in pitch on this facade. I just have it
20 right at the ridge line.

21 MR. REINHARD: So you are telling me that
22 that is the original roofline?

23 MR. COOK: This roofline right here?

24 MR. REINHARD: Yes.

25 MR. COOK: I adjusted it so it would match

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1 the portion here.

2 MR. REINHARD: So it's not the original
3 roofline?

4 MR. CRAVER: But it's what is in what was
5 submitted. The proposed new plans are what is here.
6 What is below is what was submitted in January of '08.

7 MR. COOK: That is correct.

8 MR. CRAVER: So as long as what is on the
9 top half of the set of plans is what is here, then he
10 has submitted -- we do have what was submitted and what
11 is shown up there. The bottom is just for comparison
12 purposes.

13 MR. COOK: Just so you could see that it

14 hadn't changed that much.

15 MR. CRAVER: So we do have the plans.

16 MR. ILBERTON: Do you have anything else,
17 Fred?

18 MR. REINHARD: That is it.

19 MR. ILBERTON: Betty?

20 MS. HARMON: I think we ought to leave it
21 the way it is. Last January, when I went by there, I
22 was looking -- I was talking to the renter who said -- I
23 asked his permission to walk around the property. And
24 he said, well, he had to move out by the 15th or
25 something like that because it had been sold.

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1 And so now you are saying you and your
2 wife are going to live in that property?

3 MR. COOK: It had not been sold.

4 MS. HARMON: He said it was going to be sold
5 so he had to move out by the 15th.

6 MR. COOK: He moved out because he didn't
7 pay rent.

8 MS. HARMON: So what you are saying now is
9 you and your wife are going to live there?

10 MR. COOK: That is what we plan to do. I
11 own several properties on the island, and that is the
12 most likely one.

13 MS. HARMON: So you are saying this is not a
14 spec house?

15 MR. COOK: Well, I'm not a spec builder.
16 But that is the most likely place that we are going to
17 end up.

18 MS. HARMON: So it's really up in the air?

19 MR. COOK: So I plan to build that house.

20 MS. HARMON: Well, I know you plan to build
21 the house, but I was asking do you plan to live there.

22 MR. COOK: We plan to live there. If you
23 own a house and live there two years, there is tax
24 advantages. So, yes, that is the plan.

25 MS. HARMON: I think there has just been a

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1 lot of manipulation going on, and I'm concerned about
2 the neighbors. I want them to be happy. And that is
3 why I'm on this board, so I can voice my opinion. And
4 that is my opinion, that we need to work with the -- and
5 I don't think that that house needs to be moved.

6 MR. COOK: Is it important for the property
7 owner to be happy, also?

8 MS. HARMON: I beg your pardon?
9 MR. COOK: Is it important for the property
10 owner to be happy, also?
11 MS. HARMON: Yes. But you knew when you
12 bought the house that it had a historic house on it.
13 MR. COOK: Well, I have been to the board
14 numerous times, and the first time I came to the board
15 everybody was inclined to allow me to move the house
16 forward. I came back with that plan and it got denied.
17 And numerous times I have come back at
18 the direction of the board and, apparently, feel that I
19 was misled. And this is the plan that we came up with.
20 And it was okay when it got approved, and we have
21 improved it so we like it now.
22 What got approved previously was
23 approved. I was out of town. It got approved at a
24 meeting. And I said, well, I've got to get something
25 approved. So we went ahead and submitted it and got it
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1 approved.
2 And now that we are looking at it as a
3 place that we are going to reside with our four
4 children, which is in this family-oriented neighborhood,
5 that neighbors have pointed out, we needed to rework it
6 to make it livable.
7 If I'm required to build a house that
8 was approved out of haste previously, it sounds like
9 it's out of vengeance, not out of what is good for the
10 neighborhood. I am the property owner. If you are
11 making me build a house that my family doesn't like and
12 my wife doesn't like, is that the purpose of this board?
13 MS. HARMON: But you presented it for
14 approval, for a certificate of approval, and you got it.
15 MR. COOK: Is that the purpose of this
16 board, though? So we looked at it seriously and
17 modified it.
18 MS. HARMON: We approved it as it was. And
19 I think that it was gutted, and I think that was
20 inappropriate.
21 MR. COOK: That is part of the construction.
22 No wall was in the same place. No wall, no door,
23 nothing was in the same place interior. I can't -- why
24 do I keep it?
25 MS. HARMON: Somebody tore it down and it
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1 shouldn't have been demolished. In fact, that was a

2 nice -- I have been in that house many times, so I know
3 about that. But, anyway, my opinion is that we should
4 not accept this.

5 MR. ILBERTON: Thank you. I had dinner in
6 this house about 30 years ago. The owners were friends
7 of mine at the time. And it was just a light frame
8 structure, metal roof. I think that was before it
9 had -- I think it had creosote post foundation then, and
10 then sometime after that it was sold and had the new
11 foundation put underneath it.

12 But it was precisely the kind of
13 buildings I think that the historic designation means
14 to -- and I apologize for not agreeing with you, Jon,
15 but I think it is exactly what we are here to protect,
16 those kind of structures, those old Sullivan's Island
17 structures that represent what Sullivan's Island was and
18 is, and try to keep as much as we can knowing that, you
19 know, properties have gotten expensive and people want
20 to do things. I'm a builder and I understand all of
21 that.

22 But it definitely should be protected.
23 It deserves to be on the historic list, in my mind.
24 There is no question about it. The people that lived in
25 it before, Oliver and Mr. Bjorkston (phonetic) -- I
0051

1 thought it was a charming house. I was in it once or
2 twice, not very much, but I thought it was a charming,
3 very livable house that they sold. It's not much of a
4 house now, but it was when it was sold. I would have
5 lived in it. It had that kind of charm.

6 So I would hate to see, through either
7 manipulation or whatever else, this whole thing go down
8 the tubes. Obviously, something drastic is going to
9 have to be done to the house. I mean, it's in no shape
10 now, and we need to make a decision to at least put
11 something back. If it stays like it is, it degrades the
12 neighborhood anyway. It has degraded it even if there
13 was another house up there.

14 So I am torn. I don't know that the
15 house couldn't be cantered, because I agree the
16 foundation is probably not much. But I think the
17 original look of the house, whatever that is -- and I
18 tell you, I couldn't even tell you what it is now it's
19 been so long since the first application -- should be
20 tried to be restored in fact.

21 And if there needs to be a large

22 addition for livability or salability, I think the
23 neighbors have already agreed generally to that. It's
24 awfully long and massive, but we agreed to it awhile
25 back, so I don't think we can back off of that.

0052

1 Trenholm, what would be -- I guess the
2 Town has no process if they go in there and all of a
3 sudden, oh, man, it just falls over because the guy
4 doesn't know what the hell he's doing, whatever that guy
5 is building it, and it just falls over and disappears,
6 there is nothing other than this board -- if they ever
7 came before this board again, there is nothing we could
8 do, is that correct, the Town could do or anything else?

9 There is no -- other than maybe a civil
10 lawsuit from the Town towards the owners or something
11 like that. I mean, I don't know. I mean, is there any
12 provision to make sure that this structure is actually
13 going to get back there in some measure?

14 MR. WALKER: There is never any assurance
15 when you grant a certificate of appropriateness that it
16 is going to be followed. The enforcement of it is up to
17 the Town, and it's up to the property owner to abide by
18 it.

19 You would, though, with your authority
20 to impose conditions, I would suggest have the ability
21 to impose conditions on this approval where you would
22 entertain it.

23 The conditions could be that it be
24 shored up in such a fashion that at the time it's canted
25 that it remains intact, or other conditions like that

0053

1 that assure that it's an absolute essential condition of
2 the approval that the structure, the historic structure
3 be intact and that steps be taken ahead of time, and
4 even to the extent that you could have a requirement
5 that Randy inspect it before they turn it, or something
6 like that.

7 I think you could get very specific in
8 your conditions that would do the best, in your
9 judgment, to ensure that it's going to be intact at the
10 time it's moved.

11 MR. ILDERTON: Great.

12 MR. WALKER: So you can write it however you
13 want to do it as a condition.

14 MR. ILDERTON: Great. And we might be able
15 to attach a -- Randy could withhold the CO unless all of

16 those conditions are met, any conditions?

17 MR. WALKER: Yes. That is a little
18 different question.

19 MR. ILDERTON: I mean, then in the building
20 process, all of a sudden a year down the road when it's
21 about done, and five or six things they have just sort
22 of said screw you, we are going to build what we want --

23 MR. WALKER: Well, I don't want to get into
24 the hypotheticals of what if they didn't do other
25 things. I think I would suggest to stick close to the
0054

1 issues before the board.

2 But, yes, you are right, there is an
3 obligation on the property owner to construct per what
4 is approved. And, if they don't do that, then the Town
5 would have a variety of enforcement vehicles, and one of
6 them might be withholding the CO until it's built in
7 conformance with the approved plans that are a part of
8 the certificate of appropriateness.

9 MR. ILDERTON: Thank you.

10 MR. ILDERTON: Yes, sir?

11 MR. HELLMAN: Mr. Cook has actually met with
12 Randy about this very issue, about making sure that if
13 the application being entertained tonight, if it were to
14 be approved, how to make sure that the structure would
15 survive any type of -- even if it's lifting it up, but
16 to make sure that it's shored up exactly like Mr. Walker
17 has discussed.

18 And certainly we would have no issue
19 with the condition of -- I fully agree that it's within
20 this board's purview to attach conditions to any type of
21 approval, and certainly we would work with Randy before
22 any type of work was done on the property to make sure
23 that it survives.

24 MR. ILDERTON: Great. Duke, do you have any
25 questions or --

0055

1 MR. WRIGHT: Yes. The board approved a set
2 of plans in January or February of '08 that I think were
3 also blessed by the neighbors. I see no reason to
4 change that plan and risk probably the issue of the
5 building falling down when you start moving it. So I
6 stand by the original approval of the board in 2008.

7 MR. HELLMAN: Actually, the structure has to
8 be lifted and moved whether it's turned seven degrees or
9 not turned seven degrees.

10 MR. WRIGHT: I understand.

11 MR. HELLMAN: The structure is going to have
12 to be lifted. It is going to have to be moved so the
13 foundation can be built. The only thing that is
14 changing here is a very minor change, and it makes the
15 house so livable.

16 I mean, it would really be a tragedy not
17 to approve this. And if you look at the drawings, it's
18 so close to what was previously approved, but it works
19 so much better. Please put yourself in Mr. Cook's
20 position.

21 MR. ILDERTON: All right. Personally, what
22 I would like to see is the house put back like it was.
23 And I wouldn't mind it being canted a little bit, as
24 long as it was actually properly done by a licensed
25 house mover and somebody that knows what the heck they
0056

1 are doing and not some jackleg.

2 But I would like more of the original
3 design if it's going to make it easier -- because I just
4 don't think it's going to appreciably change much if
5 it's shifted a little bit -- if it's going to make it
6 easier for the design and the livability of the house if
7 it is shifted a little bit.

8 But I would like to see the original
9 house be rebuilt, which is essentially what is being
10 proposed, that this structure that we saw there four
11 years ago, whenever the heck it was before it was
12 destroyed, is put back the way it was, and then this
13 substantial addition is put on it.

14 That is what I would like to see,
15 although that's not even what we are even -- it's like
16 we have three different ideas going on here.

17 So I don't think I could vote for what
18 is being proposed here; although, I say I'm not even
19 sure what the original structure, just sitting here,
20 what the original structure looked like exactly because
21 it's been so long and we -- I don't know. There is
22 probably pictures of verification.

23 But I could live with it shifting just a
24 little bit, because the foundation is going to have to
25 be replaced, because it is going to have to be moved and
0057

1 jacked up by a house mover.

2 But I would want -- I really like the
3 original drawings, like you say, Fred, better than the

4 other one. I don't know why. That might not even be
5 what it was originally. I don't know, you know.

6 So, all of that being said, I don't know
7 if we have -- is there is any kind of motion that
8 anybody wants to make that we could all -- well, I don't
9 know if we are going to agree on anything.

10 MR. CRAVER: I would like to make a motion
11 and see where it goes.

12 My motion is that we approve the
13 application to allow the structure to be moved seven
14 degrees, subject to the condition that it be properly
15 shored up to assure that the structure is not delayed
16 but it is preserved.

17 So the essence of it is to allow it to
18 be moved that seven degrees. It has to be moved to deal
19 with the foundation, so it's going to be moved. The
20 seven degrees --

21 MR. ILBERTON: Well, it has to be jacked up.

22 MR. CRAVER: Right. It will need the
23 shoring up to even do that, though.

24 MS. HARMON: I like Pat's idea about making
25 sure that the house that's -- that the original house is

0058

1 fixed and then --

2 MR. ILBERTON: First of all, we have a
3 motion. Is there a second? We can discuss it. If we
4 want -- I mean, if there is a second to that, and we can
5 modify, or we can vote it down or vote it up, yes or no
6 or whatever. So there is a motion on the floor.

7 MR. WALKER: May I request a clarification?

8 MR. CRAVER: Sure.

9 MR. WALKER: Are you also, as part of that
10 motion, intending to approve the new design as well as
11 the shifting of the house, or only the shifting of the
12 house?

13 MR. CRAVER: No, to approve the new design,
14 which includes the shifting of the house.

15 MR. ILBERTON: Great. Thank you.

16 MR. LANCTO: I second that.

17 MR. ILBERTON: All right. Now we have
18 discussion time here.

19 MR. LANCTO: Pat, I think if we just modify
20 this motion to handle the aspect of returning the house
21 back to its original condition, if in some way we could
22 quantify what that is, and I think we have bridged over
23 some of your concerns.

24 MR. ILDERTON: Well, if we can't get our
25 questions answered, we could also do preliminary
0059

1 approval of some aspect of this as opposed to final
2 approval.

3 Now, they may not want that, but we may
4 be able to give preliminary approval based on more
5 information that we may dig up or they may dig up
6 between now and the next meeting. That is just an idea.

7 MR. REINHARD: Well, I think that is a good
8 idea --

9 MS. HARMON: I do, too.

10 MR. REINHARD: -- because there is not
11 enough information in this application that explains
12 exactly what is going to happen to that old house. The
13 restoration of that old house is paramount to this
14 issue, as far as I'm concerned.

15 MR. ILDERTON: And I agree.

16 MR. REINHARD: And in order to communicate
17 to this board what you intend to do to the house with
18 respect to roof lines, windows, doors, railings,
19 porches, eaves, all of those things that are called
20 restoration, those very important details, we need
21 drawings in order to qualify that.

22 MR. ILDERTON: So can we modify to have the
23 preliminary approval of what the -- are we preliminarily
24 approving the new -- well, we are talking about really
25 the preliminary approval of the new set of plans,

0060

1 because the old set of plans have already been approved.

2 MR. CRAVER: I am willing to modify my
3 motion to make it preliminary approval of the new design
4 and the application to allow the structure to be moved
5 subject to the condition that I laid out. And then I
6 would add, and subject to bringing back more detailed
7 plans about -- just more detailed plans about the
8 structure in order for the board to be able to consider
9 giving final approval.

10 MS. HARMON: Detailed plans of the old
11 structure, the historic structure.

12 MR. CRAVER: Well, it's all the things,
13 materials, you know, the details --

14 MR. REINHARD: The restoration details of
15 the old structure.

16 MS. HARMON: Right.

17 MR. WRIGHT: Part of the, as I remember back

18 when we approved this, part of -- in fact, a critical
19 part of it was preservation of the existing structure.

20 MS. HARMON: Right.

21 MR. WRIGHT: I could change my position to
22 agree to the new design, but I still think we need to
23 focus on preservation of the existing structure insofar
24 as possible.

25 MR. CRAVER: Well, I think they have to come
0061

1 back with the plans. I think preservation versus
2 restoration, I mean I'm not sure we can preserve a piece
3 of wood that is rotten. It will just end up being
4 replaced.

5 But I think knowing what the plans are,
6 and knowing what the materials are and everything else,
7 what they are planning to do to put it back in the shape
8 that it was -- you know, to restore it, will allow us to
9 make a decision at that point.

10 MR. WRIGHT: Last month Mr. Schneider in his
11 comments said -- and I am reading the minutes here -- at
12 some point they stop being a historic building anymore
13 and they have become a replica of a historic building.

14 Well, we have some replicas of historic
15 buildings on this island that we have approved over the
16 last four years that are pretty good.

17 MR. CRAVER: Right.

18 MR. WRIGHT: I mean, I can cite about five
19 of them that I visited today just to make this point.
20 So if it's a replica of the existing cottage that we are
21 trying to preserve, I am okay with that.

22 MR. CRAVER: I'm okay with that.

23 MR. WRIGHT: As long as the integrity of
24 that building, you can still see what was there in the
25 beginning. So maybe we are talking about -- I think we

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1 are getting closer here.

2 MR. CRAVER: I agreed to amend my motion.
3 Do you continue your second of my amended motion?

4 MR. LANCTO: Yes. I second the amended
5 motion.

6 MR. ILBERTON: Let's have the motion again.
7 Can you read --

8 MR. CRAVER: It was the same as my first,
9 but it said subject -- it made it preliminary approval,
10 but then it also said a second subject to, and that was
11 them bringing back more detailed plans for us to

12 understand the restoration of the old structure
13 including the materials and, I guess, just more details.
14 MR. ILDERTON: I think the owner and their
15 architect need to be clear what the board expects. I
16 think what the board expects, and what we are talking
17 about, is basically the restoration of the original
18 structure, and to basically look like what it did
19 originally and to be restored that way, with the
20 subsequent addition that has been drawn. I think that
21 is what we are talking about, right?

22 MR. REINHARD: Yes.

23 MS. HARMON: I would go along with that as
24 long as they restored the house the way it was.

25 MR. ILDERTON: Great. So we have a motion
0063

1 and seconded. So everybody in favor?

2 MR. REINHARD: I have a question. I want to
3 be absolutely sure I understand this. This is
4 preliminary approval of the new plan, which basically --
5 this is not a motion, this is a clarification -- which
6 basically allows them to move the house 7-1/2 degrees?

7 MR. CRAVER: That's it.

8 MR. REINHARD: Cutting right on down to the
9 meat, that's what it is.

10 MS. HARMON: Right.

11 MR. CRAVER: And in order to get final
12 approval, they have to come back with more detailed
13 plans.

14 MR. REINHARD: So we are not approving
15 either one of those pictures, either the old one or the
16 new one?

17 MR. ILDERTON: Well, not entirely.

18 MR. CRAVER: We are giving preliminary
19 approval to the new set of plans.

20 MR. REINHARD: But the new set of plans, as
21 shown in the elevation, the southern elevation, differs
22 from the original one, and I'm not sure if either one of
23 them represent a restoration or a replication of what
24 the house used to look like. So I'm --

25 MR. ILDERTON: That is what I'm saying. We
0064

1 are going to be clear that this preliminary approval is
2 preliminary. It is a general approval. It is not a
3 specific approval. It is not a complete approval.

4 But are approving it expecting that the
5 original house be restored the way it was when it was

6 first purchased.

7 MR. REINHARD: So the big change then is the
8 7-1/2 degrees?

9 MR. CRAVER: That's the essence.

10 MR. REINHARD: Are you okay with that?

11 MR. CRAVER: Oh, yeah. What we are doing is
12 we are saying it's okay to move it the 7-1/2 degrees,
13 but come back and show us that you are going to really
14 restore the property.

15 MR. REINHARD: There you go.

16 MS. HARMON: Well, it's seven degrees, I
17 think.

18 MR. CRAVER: Seven.

19 MS. HARMON: Well, let's get it right on the
20 record.

21 MR. CRAVER: Seven degrees is what they
22 said.

23 MR. ILBERTON: And that doesn't need to be
24 in the motion, Trenholm, as far as this board's
25 expectations of the next set of plans?

0065

1 MR. CRAVER: Because we still have the final
2 approval to deal with.

3 MR. WALKER: I think what needs to be in the
4 motion is that it's clear that this is preliminary, and
5 it's clear that final is conditioned on the board's
6 approving the revised design or more refined design, and
7 you have stated what your intent is, but I don't think
8 it needs to be a part of the motion because you can turn
9 it down.

10 MR. ILBERTON: Right. Exactly.

11 MR. CRAVER: I think the motion is good the
12 way it is. I think we can turn it down next time if we
13 don't like it.

14 MR. ILBERTON: Andy?

15 MR. BENKE: I'm a little uncomfortable with
16 the general language after proper shoring. I don't know
17 who is supposed to make that determination. We
18 certainly don't have an engineer on staff.

19 I mean, if the builder has, you know,
20 some plans for shoring, I think at least the Town should
21 have the ability to take it to somebody for a second
22 opinion. I just don't know if we are qualified to make
23 the determination of what is proper.

24 MR. CRAVER: I think the only question that
25 I would have is if they don't shore it up, and if it

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1 doesn't survive, they would have to restore it. If it
2 falls down, they have to build it back the way it was,
3 because that is what is being approved.

4 If we give final approval next time, and
5 it falls apart, they have to make a replica.

6 MR. HIERS: Why? There is no historic house
7 if it falls apart.

8 MR. CRAVER: The answer is because that is
9 the design that has been approved by this board, and
10 it's the design -- at that point it will be -- if we
11 approve it at the next meeting, give final approval
12 based on a set of detailed plans, and it falls down when
13 they move it, they have to build it back the way it was.

14 Now, if they go in to do the work on it
15 now and find that every board in there is totally rotten
16 and has to be replaced, we end up with a replica anyway,
17 but it's at least what was there. I mean, it ends up
18 being a replica, but we get the design and the old
19 house. It's not the materials.

20 MS. HARMON: Well, as Pat said earlier,
21 there are plenty of people out there, if you don't get a
22 jackleg, that knows how to shore that house up without
23 it falling totally apart. And so he should make sure
24 that that is what --

25 MR. CRAVER: I guess my only point is is if

0067

1 they don't -- and I agree with you. The Town shouldn't
2 be in a position where it's passing judgment on whether
3 or not they have properly shored it up. If it falls
4 apart, they have to build it back. Humpty Dumpty didn't
5 work in this case. They have to build it back.

6 MR. BENKE: The only thing I feel is that
7 after proper shoring just implies that somebody makes
8 that determination, or you say that if it falls and then
9 you replicate it.

10 MR. LANCTO: I think it just clarifies that
11 we want it to be shored up. If they don't do that, then
12 it's just one more nail in the coffin.

13 MR. CRAVER: If they don't do it, then they
14 didn't properly shore it up. If they properly shore it,
15 it won't fall down.

16 MR. WALKER: Well, the other option you have
17 is if they didn't properly shore it, they don't have
18 approval for anything.

19 MR. CRAVER: And that would be the case.

20 MR. LANCTO: Until it's rebuilt.
21 MR. ILDERTON: All right. We have a motion
22 on and we have discussion finished, I think. How about
23 a vote?
24 MS. HARMON: Well, put what we are
25 approving.
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1 MR. WRIGHT: Yes. Would someone restate the
2 motion, please?
3 MS. HARMON: Trenholm, would you like to do
4 the honors?
5 MR. CRAVER: Nancy is going to read it.
6 (Record read as follows by court reporter:)
7 "MR. CRAVER: I would like to make a motion
8 and see where it goes. My motion is that we approve the
9 application to allow the structure to be moved seven
10 degrees, subject to the condition that it is properly
11 shored up to assure that the structure is not delayed
12 but it is preserved. So the essence of it is to allow
13 it to be moved that seven degrees. It has to be moved
14 to deal with the foundation, so it's going to be moved.
15 It's going to be moved anyway."
16 MR. CRAVER: But then I think I added to it
17 later.
18 MS. KENYON: You made it preliminary.
19 (Record read as follows by court reporter:)
20 "MR. CRAVER: To approve the new design,
21 which includes the shifting of the house."
22 MR. CRAVER: Well, there should be one later
23 on to make it preliminary.
24 (Record read as follows by court reporter:)
25 "MR. CRAVER: I am willing to modify the
0069
1 motion to make it preliminary approval of the new design
2 and the application to allow the structure to be moved
3 subject to the condition I laid out. And then I would
4 add, and subject to bringing back more detailed plans
5 about -- just more detailed plans about the structure in
6 order for the board to be able to consider giving final
7 approval."
8 MR. CRAVER: I think that's fine.
9 MR. ILDERTON: All right. Everybody in
10 favor?
11 MR. WRIGHT: Aye.
12 MR. ILDERTON: Aye.
13 MS. HARMON: Aye.

14 MR. REINHARD: Aye.
15 MR. LANCTO: Aye.
16 MR. CRAVER: Aye.
17 MR. ILBERTON: Great. This meeting is
18 adjourned.
19 (The hearing was concluded at 7:20 p.m.)

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0070

1 STATE OF SOUTH CAROLINA)

2)

COUNTY OF CHARLESTON)

3

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

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

10 Witness my hand, I have hereunto affixed my official
seal this 27th day of June, 2009, at Charleston,
11 Charleston County, South Carolina.

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24 _____
Nancy Ennis Tierney
CSR (IL)
My Commission expires

