

1
2
3
4
5 MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

6
7
8
9
10
11 DATE: November 16, 2011
12 TIME: 6:00 p.m.
13 LOCATION: SULLIVAN'S ISLAND TOWN HALL
14 1610 Middle Street
15 Sullivan's Island, SC 29482
16
17
18
19
20

21 REPORTED BY: TERIL HORIHAN
22 NCRA REGISTERED PROFESSIONAL REPORTER
23 CLARK & ASSOCIATES, INC.
24 P.O. Box 73129
25 Charleston, SC 29415
843-762-6294
WWW.CLARK-ASSOCIATES.COM
Teri@Clark-Associates.com

1 MR. WRIGHT: Okay. It's 6 p.m. on
2 November 16th, 2011. I'll call the Design Review
3 Board meeting to order. Members present are Billy
4 Craver, Kelly Messier, Rhonda Sanders, Jon Lancto,
5 and Duke Wright. The Freedom of Information
6 requirements have been met to this meeting.

7 Items on the agenda are, first,
8 approval of September 2011 minutes. If you recall,
9 we deferred those last time because nobody had seen
10 the minutes. Do I hear a motion?

11 MR. CRAVER: I move we approve.

12 MR. LANCTO: Second.

13 MR. WRIGHT: All in favor?

14 ALL: Aye.

15 MR. WRIGHT: Okay. Approval of the
16 October 2011 meeting minutes, which was last
17 meeting. Everybody get a chance to look at those?

18 MS. MESSIER: I haven't got them.

19 MR. WRIGHT: Did you send those out?

20 MS. MESSIER: I don't get her e-mails.

21 MS. SANDERS: I can forward them to
22 you.

23 MR. CRAVER: Your computers don't like
24 each other, huh.

25 MS. KENYON: No. Comcast -- our

1 APPEARANCES

2
3
4 DESIGN REVIEW BOARD MEMBERS:

- 5 DUKE WRIGHT - Secretary
6 KELLY MESSIER - Member
7 JON LANCTO - Member
8 BILLY CRAVER - Member
9 RHONDA SANDERS - Member

10 ALSO PRESENT:

- 11 Kat Kenyon - Permit Tech/DRB Applications
12 Randy Robinson - Chief Building Official/
13 Zoning Administrator
14
15
16
17
18
19
20
21
22
23
24
25

1 computers don't --

2 MR. LANCTO: I wasn't here.

3 MS. SANDERS: I have seen them.

4 MR. WRIGHT: Do I hear a motion --

5 MR. CRAVER: I move we approve.

6 MS. SANDERS: Second.

7 MR. WRIGHT: All in favor?

8 MR. LANCTO: I abstain.

9 MR. WRIGHT: Got three approvals. Is
10 that good enough?

11 Okay. Jon has to leave early, so I'm
12 going to motion that we move the fifth item,
13 2420 Jasper, to the first item tonight. And Kelly
14 Messier has to recuse herself. Do I hear a
15 motion -- or do I hear a second to that motion?

16 MR. CRAVER: To amend the agenda to
17 move that up? Yep, so moved.

18 MR. WRIGHT: All in favor?

19 ALL: Aye.

20 MR. WRIGHT: So, Randy, 2420.

21 MR. ROBINSON: 2420 Jasper Boulevard.

22 This is new coming before you-all. Again, it has
23 been before you-all, I believe, three times, and
24 you-all gave final approval to the original plan.

25 They've made some changes. They're coming back to

1 you.

2 It is a new design to a historical
3 structure. It is in the national registered
4 historic district. This property, this structure
5 was previously approved by you-all for a second
6 structure on the lot, but as you-all know, a second
7 structure on a lot must also go to the Board of
8 Zoning Appeals for approval.

9 And the sequence here -- I'm going to
10 try to give it to you. If I say something wrong,
11 you-all tell me what -- you know, if I get the
12 sequence wrong.

13 But it came to you-all, I believe, for
14 conceptual approval. You-all approved it. It went
15 to Board of Zoning Appeals. Board of Zoning
16 Appeals looked at it and they sent the applicant
17 back for more information. They didn't feel they
18 had enough information to rule on it at that time.
19 The next application came back to you-all for
20 preliminary approval. You-all approved it.

21 MS. KING: It was between preliminary
22 and final that we went to BZA.

23 MR. ROBINSON: Oh, it was? Okay. And
24 I don't know why, but anyway, that's how it ended
25 up shaking out. But finally it went back to --

1 Let me just read --

2 MR. WRIGHT: Excuse me. Randy, what's
3 the date of that BZA meeting?

4 MR. ROBINSON: July 14th, 2011.

5 21-178 under special exception has
6 different things that the Board of Zoning Appeals
7 has to look at. You-all have to look at different
8 things, and they have other things that they need
9 to look at for special exception status.

10 One of their items, the one that they
11 cited in the minutes and in the motion was 21-178,
12 C4. And the proposed use shall be compatible with
13 existing uses to the extent that such use will not
14 adversely affect the level of property values,
15 general character, or general welfare of the nearby
16 area. They felt that the second structure on the
17 lot, having two structures would be detrimental to
18 the general character of the neighborhood, and
19 that's why it was denied.

20 What they're coming to you-all with
21 today, tonight, is they've taken the two structures
22 and connected them by a screen porch enclosure.
23 From my standpoint, that would make it one
24 structure. They would no longer be able to rent
25 the historical structure. The historical structure

1 you-all had approved it the final approval, and
2 then it went back to Board of Zoning Appeals for
3 Board of Zoning Appeals to give it special
4 exception status, and the Board of Zoning Appeals
5 ruled and let me read the motion that was made by
6 the Board of Zoning Appeals.

7 The motion was made by Susan Middaugh,
8 seconded by Elizabeth Tezza, that the request for a
9 special exception for use as a historic home on
10 accessory dwelling as presented in the plans
11 submitted today be denied because the plans do not
12 meet all four tests required under section 21-178,
13 specifically with respect to 21-178, C4. The
14 submitted plan is detrimental to the general
15 character of Myrtle Avenue. The primary dwelling
16 faces Myrtle Avenue instead of addressing Jasper
17 Boulevard as required in the zoning ordinance. The
18 house front is also placed close to Myrtle Avenue
19 with the minimum required setback.

20 This gives the appearance of a
21 subdivided lot that is out of character for a
22 neighborhood where homes all face the ocean, and
23 the Myrtle Avenue homes face the backyards of their
24 Jasper Boulevard neighbors. And the motion was
25 carried unanimously by the board.

1 cannot have a kitchen. And it cannot be rented.
2 Did I say that?

3 MR. CRAVER: You did.

4 MR. ROBINSON: I did. There must be a
5 deed restriction placed on the property that it
6 will never be rented and never used as a separate
7 dwelling. That's the third thing.

8 MR. CRAVER: So you're a public
9 official who remembers the third thing.

10 MR. ROBINSON: Yeah. It took me a
11 minute, but I remembered it.

12 But anyway, there will have to be --
13 they will have to put a deed restriction on it that
14 they won't rent the structure, and it will be up to
15 you-all whether you-all feel that this is -- meets
16 neighborhood compatibility because it's -- I mean,
17 in effect, it's a new application coming to
18 you-all. It's a different structure.

19 MR. WRIGHT: Was the denial by the BZA
20 on the 14th of July due to the fact that the -- was
21 it, it had to do with the orientation of the new
22 structure or the fact there were two structures?

23 MR. ROBINSON: Both.

24 MR. WRIGHT: Both.

25 MR. CRAVER: He said both in there.

1 MR. ROBINSON: In their motion, it was
2 both. It was facing -- they felt that it was
3 facing Myrtle Avenue, and it was two structures on
4 a lot, and there's not two structures on a lot in
5 that particular block.

6 There was a lot of opposition from
7 neighbors. I think you have a copy of that in
8 front of you. There's a letter from Mr. Fava.
9 He's got many of the neighbors that have signed
10 this letter. And Kat's got a copy of you-all's
11 meeting, I believe, in there also where you-all
12 approved it before.

13 MS. KENYON: I don't know if I've got
14 that.

15 MR. WRIGHT: It's still not approved by
16 the BZA?

17 MR. CRAVER: But the BZA is -- if they
18 do this and we approve it, BZA has no standing on
19 it?

20 MR. ROBINSON: That's correct. That's
21 correct. If this -- the only time BZA gets
22 involved is if there is a second structure on a
23 lot. By installing the connection in between the
24 two structures, you now have one structure on a
25 lot, and it does not have to go to Board of Zoning

1 separate landscape DRB issue. So we just have it
2 on the plans to show where we're proposing it, but
3 that would -- we would be asking for an exception
4 at a different DRB.

5 MR. ROBINSON: And I'm here to answer
6 any questions, if you have any questions.

7 MR. CRAVER: Can I see your copy of the
8 letter?

9 MR. ROBINSON: Sure.

10 MR. WRIGHT: Okay. Applicant
11 presentation, please.

12 MS. KING: Again, I'm here to present
13 2420 Jasper. As Randy mentioned, this came for
14 conceptual, preliminary, and final approval and got
15 approval by the DRB. The BZA did not approve it,
16 again, for the two houses on the lot.

17 As you saw in the letter, there were
18 words like condominiumizing the property, which was
19 never the intent of the owner, and they're happy to
20 keep this as one piece of property. The one thing
21 that they really wanted to do previously was
22 respect the historic house and keep it separated.
23 But with that said, we have connected it with a
24 screen porch, again, to kind of keep this part as
25 the lower, one-story piece that it currently is and

1 Appeals for special exception status. It's all in
2 you-all's court.

3 MR. WRIGHT: Take a moment to read
4 these letters, Randy.

5 MS. SANDERS: What about the setback on
6 the recreation -- the pool?

7 MR. ROBINSON: The pool is -- they have
8 it 10 feet from the property line, and that will
9 need to be reduced down to 15 feet because it's a
10 recreational accessory structure. Recreational
11 accessory structures have to meet the setbacks of
12 the house.

13 MS. SANDERS: So that would be
14 something that we have to determine, not BZA, or
15 you determine or --

16 MR. ROBINSON: No. I determine the
17 setbacks. So they would have -- there would have
18 to be some kind of design change in that. You-all
19 can either -- if you-all want to, you-all can give
20 me the latitude to make that change. I have the
21 latitude to make that change, if they wanted to
22 turn the pool or make it a little bit shorter, a
23 design change like that is within my power.

24 MS. KING: We discussed that at the
25 last DRB too and said we would present that as a

1 not impact the design.

2 We're doing an addition to the rear,
3 and we've made some minor modifications. We
4 understand Mr. Fava was concerned about the rear
5 entry doors appearing to be more like an
6 entranceway, like a front of a house.

7 And, again, as one structure, the
8 entrance is still at Jasper. The historic house is
9 still intact from the front. It still looks the
10 same. And we're doing this addition to the rear.
11 So we've added double doors to appear more like
12 porch doors. There aren't sidelites. It's a
13 little more porch like anyone else. And then we've
14 also turned the stairs to address the parking.

15 Let me show you -- this is Kelly
16 Messier's original landscape plan, represented last
17 time. This does not show the houses connected. We
18 haven't had her go through the redesign process
19 yet.

20 But as you can see, we had the stairs
21 originally going straight into the street and
22 flaring. We have now turned those stairs, as
23 you'll see on the elevation, to turn and address
24 the parking area, because this will be the area
25 that they'll be parking. This is where they're

1 going to add the garage to the property and have a
2 rear driveway.

3 So we would be eliminating kind of that
4 front entryway that addresses the street and more
5 putting it as a rear porch and addressing the
6 parking.

7 Again, from the street fronts, they're
8 virtually the same. We have just made those minor
9 modifications. We think it definitely adds value
10 to the property. It's only a one-and-a-half story
11 house. We don't want to overpower the Jasper
12 Street historic area, and we're just staying within
13 the setbacks that are allowed. So we're not asking
14 for any relief in any direction.

15 And one thing I wanted to also show you
16 in this landscape plan is that we've broken it up
17 with trees and different deck heights and levels to
18 make sure that we're bringing it back down to the
19 ground and that we're trying not to overpower this
20 little structure and that we've got trees and
21 shrubs and things breaking this apart.

22 And we really want to make sure that
23 this historic structure is respected on the front
24 of Jasper and that we can still build a
25 reasonably-sized house and addition to what is

1 correct?

2 MS. KING: Right.

3 MR. WRIGHT: Then what are we looking
4 at on the right side?

5 MS. KING: This is a billiard room.

6 MR. WRIGHT: Is that the room right
7 behind the screened porch?

8 MS. KING: Screened porch, correct.

9 MR. WRIGHT: And it's essentially this
10 room.

11 MS. KING: Correct.

12 MR. WRIGHT: All right. Any questions?

13 MR. CRAVER: No. You get the public's
14 input?

15 MR. WRIGHT: Yes, public comment period
16 is now open. Eddie?

17 MR. CRAVER: Wanted to hear what the
18 public had to say before I comment.

19 MR. FAVA: And thank you. I'll try to
20 be quick, like I said. I know you-all have seen
21 this several times, but there is some information
22 that was before the zoning board that I think would
23 play well. And I probably can just do it quicker
24 if I just read this.

25 But -- Dear Design Review Board

1 currently existing.

2 Just as, you know, an aside, again,
3 we're certainly adding value to this. But the
4 Kitchins, the owners, have been before the board
5 three times. This was approved. And they're
6 really excited to get started. They bought this
7 property over a year ago. And so we would hope
8 that the DRB would continue to support this project
9 and approve it so that they could begin
10 construction here on the island. Thank you.

11 Do you have any questions?

12 MR. LANCTO: Which house will the new
13 kitchen be in?

14 MS. KING: It will be in the addition.

15 MR. LANCTO: In the addition.

16 MR. WRIGHT: The south elevation facing
17 Jasper, which you submitted --

18 MS. KING: Uh-huh.

19 MR. WRIGHT: -- is a little bit -- and
20 I'm happy about the lights there, so it wouldn't
21 show up too much. But what are we looking at --
22 the three windows are in the main new structure,
23 well back --

24 MS. KING: Correct.

25 MR. WRIGHT: -- behind the pool,

1 members -- I'm sorry. Eddie Fava, 2424 Myrtle. I
2 live across the street.

3 A version of this application before
4 you has been reviewed by SIDRB and was, in fact,
5 approved, but specifically contingent on review and
6 approval by the SI zoning board.

7 The meetings happened on three
8 different occasions, June 9th, where it was
9 deferred for insufficient information, on July
10 14th, where it was unanimously denied, and October
11 13th at a special rehearing because they weren't
12 happy with the denial and asked that the board
13 would rehear it. They did, and it was denied
14 again.

15 The critical issue at hand is the
16 ability not only to set a second home on the
17 property, but more and perhaps more importantly the
18 compatibility with the Atlanticville Historic
19 District. It's a fragile neighborhood, and it's in
20 the process of changing, and we're open to that.
21 But the issue is the compatibility within the
22 Atlanticville Historic District and the
23 neighborhood.

24 Per the drawings submitted with this
25 letter, which I've shown to the zoning board, just

1 so everybody can get a kind of clear eye on it,
 2 this is Jasper. This is Myrtle. The lot in red is
 3 the lot in question.
 4 And all we're trying to plan out is,
 5 particularly in this area, it's a very
 6 well-established and historic pattern where all of
 7 the larger homes and the main buildings are toward
 8 the front of the lots, and there's a green belt
 9 along the back of the lots.

10 And it's pretty much the standard
 11 throughout here. So if you're on the front of that
 12 street, you're looking at green space. Again,
 13 we're open to the change, but a very clear and
 14 long-established pattern sets principal buildings
 15 at the street of their address and smaller
 16 compatible secondary buildings to the rear of the
 17 lot, thus maintaining valuable green space and what
 18 we term beach side manners, you're looking at
 19 somebody's rear yard rather than another house like
 20 Daniel Island.

21 Additionally, for the standards in the
 22 ordinance, section 2130 of the design standards
 23 that you-all rule on, on double frontage lots, the
 24 principal building's primary facade shall be
 25 oriented toward the ocean unless the principal

1 Myrtle Avenue buildings should be reoriented at the
 2 very least perpendicular to Myrtle, as your design
 3 ordinance -- or if not, at least facing the beach,
 4 as your design ordinance stipulates and requires.
 5 Most importantly in either case, the
 6 Myrtle buildings should be at a distance
 7 significantly greater from Myrtle Avenue than what
 8 is shown on the present application. It's closer
 9 than any other building on that street of -- that
 10 is a principal building, and sets a pattern where
 11 they'll be across the street from each other and
 12 much like driving through a suburban neighborhood,
 13 which all of us are afraid and don't want to lose.

14 This can certainly be easily
 15 accomplished in a manner that respects the historic
 16 neighborhood, the residents, and its history.
 17 Please on behalf of all of the neighbors in the
 18 area, as evidenced within the attached petition,
 19 listen to the zoning board's advice, adhere to
 20 their ruling, which you deferred, and deny this
 21 application requiring subsequent proposed design to
 22 comply with that.

23 And I believe you have some of the
 24 letters. The only other one that you may not have
 25 is from Ms. Fortenberry. I don't know if you have

1 building is replacing one oriented otherwise.
 2 We understand that that may not be
 3 particularly practical in this application, but
 4 Ms. King is a talented architect. And some of the
 5 zoning board suggestions were just turn it this way
 6 to allow more of the green space. I mean, that
 7 simple.

8 And we understand respecting the new
 9 building. We've all done it. I've done it at my
 10 house. The owner across the street, who's not
 11 happy with this also, has done it with their house.

12 The zoning board has been respectfully
 13 deferred to by the Design Review Board. And the
 14 Design Review Board's approvals were specifically
 15 contingent on the zoning board looking for their
 16 input. They delivered, not once, but twice a
 17 resounding denial of the application.

18 And, clearly, the loophole that allows
 19 the structures to be connected and considered,
 20 quote, unquote, one house, although it is, in fact,
 21 two, has been taken advantage of in the latest
 22 version. Even if the two homes are disguised as
 23 one, the significant concerns that you wanted to
 24 hear addressed by the zoning board were addressed.

25 The direction, in return, was that

1 a copy of that one. I would like to put that in
 2 the Design Review Board record, if you don't.

3 Lastly, I'm just going to read that and
 4 put that to you as well, but this is --
 5 (Reporter interruption.)

6 MR. FAVA: This is from Yvonne
 7 Fortenberry, and her mother and family live at 2420
 8 Jasper (sic).

9 Dear board members, it's come to my
 10 attention that you have an application before you
 11 for 2420 Jasper requesting approval to use the
 12 historic structure on the property as an accessory
 13 dwelling and building a new larger structure to the
 14 rear facing Myrtle, resulting in two separate
 15 dwellings on this property with separate frontages.

16 I'm writing to request that you deny
 17 this application, as the plan is out of character
 18 with the historic building pattern of this area of
 19 the island and particularly Myrtle Avenue. The
 20 historic building pattern is the placement of main
 21 houses facing Jasper with their rear yards facing
 22 the fronts of houses on Myrtle Avenue.

23 She goes into some other stuff and
 24 winds up with, this is of much concern because my
 25 family has resided on Myrtle Avenue since 1960 and

1 has enjoyed the character of the neighborhood for
2 51 years. This proposed plan would negatively
3 impact our property and damage the historic
4 streetscape and building pattern. I respectfully
5 request that this application be denied.

6 And per the previous zoning board
7 meetings, there are a total, I think, 22 signatures
8 of people in the area, again, all of which were
9 very concerned with the application. Had no doubt
10 that something is going to happen there and they
11 welcome it, but just asking the applicant to please
12 comply with the patterns and the Design Review
13 Board to listen to the advice that was sought after
14 contingent on their approval with the zoning
15 approval. Thank you.

16 MR. WRIGHT: Randy, refresh my memory,
17 please, on when and what this board approved prior
18 to June in terms of a second structure on this
19 property. I don't remember, frankly.

20 MR. CRAVER: We approved the design
21 without the new screened porch. We approved two
22 structures. We found -- we said that it was all
23 compatible and that it worked. And we heard --
24 with all due respect, we heard your argument, and I
25 see these other papers you have here, but I don't

1 don't want a second home on the property?

2 MR. FAVA: No. They don't want --

3 MR. CRAVER: This petition says, we
4 don't want a second home on the property.

5 MR. FAVA: The plans, as presented,
6 they did not support, sir. And nothing is changed
7 except the --

8 MR. CRAVER: Just hang on a second.
9 The Sullivan's Island Atlanticville residents
10 listed below are among many that hereby state their
11 opposition to granting the DRB approval, and the
12 BZA special exception request is being reheard
13 before you this evening before -- before you this
14 evening before you this evening --

15 MR. FAVA: Yes, sir.

16 MR. CRAVER: -- regarding permission
17 for a second home on the property. Please consider
18 this in conjunction with all previously submitted
19 names and letters of objection to this request. So
20 they're objecting in this to a second home.

21 MR. FAVA: No, sir. They were
22 objecting to the plan as submitted.

23 MR. CRAVER: I'm just reading what it
24 says. Okay? So you don't have to argue.

25 MR. FAVA: No, sir.

1 see any other neighborhood people here, and I like
2 to see people or I like to see their signatures and
3 not just lists of names.

4 MR. FAVA: Well, there are those
5 signatures, so I don't know if you've got the right
6 sheet. The first one --

7 MR. CRAVER: Are these signatures?

8 MR. FAVA: No, sir. Then you don't
9 have the whole sheet.

10 MR. CRAVER: Okay. Well, maybe I
11 don't. That would be great.

12 MR. FAVA: That was the first meeting,
13 and it was short notice, so a lot of them couldn't
14 attend but gave me their approval to list their
15 names. So I wasn't claiming them as signatures,
16 but you could check with any of them, and they
17 agreed. Those were the signatures at the second
18 meeting when they got wind that it was coming
19 around for a rehearing.

20 And there's another one of these.
21 There's a total of 22 or 23. And if I could, last
22 point was that I think the approval with the DRB
23 was specifically noted on the record contingent on
24 zoning approval.

25 MR. CRAVER: So they're saying they

1 MR. CRAVER: I'm reading what they're
2 saying here. We're beyond the second home. We're
3 now with a single home. And the issue we have is
4 how much we're going to tell these people how they
5 have to redesign what we've already approved or
6 whether or not we stand with the approval we gave.

7 We basically approved the way they had
8 designed it. And from our standpoint, that was
9 neighborhood compatibility and everything else.

10 Just for me, I am hard pressed to come
11 back and say that, now, what I thought was
12 compatible with the neighborhood before isn't
13 compatible now because I think it is. I think it
14 works.

15 I'm sorry that the BZA didn't approve
16 it because I like the idea of being able to have
17 two relatively small houses on a piece of property
18 here. It's part of what the planning commission
19 scheme was to allow -- to keep the character of old
20 houses that were small houses. And I'm sorry that
21 the BZA didn't approve it. I think it's a mistake.
22 I would approve this as submitted.

23 You know, and it's not just adding that
24 link. They've got to completely change the
25 character of what's going on here. They don't get

1 a second house. They don't get a second kitchen.
2 They don't get something they can rent out. So it
3 isn't just, add a link and everything is the same;
4 it's a substantial change. And it makes it a
5 single house.

6 So, I mean, I disagree with the BZA,
7 and I understand that. But I would approve it the
8 way it is. That's my two cents.

9 MR. WRIGHT: Rhonda?

10 MS. SANDERS: What is total heated
11 square footage?

12 MS. KING: It should be on the
13 application. I don't have it in front of me.
14 Sorry.

15 MS. SANDERS: Says building coverage
16 area, 3,995. Is that --

17 MS. KING: No.

18 MS. SANDERS: And then it says
19 principal building, but that's 4,056. But that
20 doesn't include -- I don't think that includes the
21 historic --

22 MS. KING: No. The historic structure
23 gets a credit. So it should be listed on the
24 historic -- let's see here. The total principal
25 building square footage is 4,056; however, if you

1 MR. WRIGHT: That one?

2 MR. FAVA: Yes, sir.

3 MR. WRIGHT: Okay. Thank you.

4 MR. FAVA: Yes, sir.

5 MR. WRIGHT: I wasn't sure.

6 MR. LANCTO: Do you have anything else
7 you want to --

8 MS. SANDERS: No.

9 MR. ROBINSON: So has this plan been
10 changed as far as the footprint of the --

11 MS. KING: The middle section has been.

12 MR. WRIGHT: Randy, here. I've got, I
13 think, both plans there.

14 MS. KING: Okay.

15 MR. ROBINSON: That section in there?
16 So that's what's been increased?

17 MR. WRIGHT: The page under it, Randy,
18 is the original.

19 MR. ROBINSON: Original, okay.

20 It's okay with me, I mean, as far as
21 the allowable square footage. They are given an
22 exemption of 50 percent of the square foot of the
23 historical structure in lot coverage and principal
24 building square footage.

25 You-all still have to approve the

1 look on the following sheet with the historic
2 credit, we get a credit for the historic structure,
3 so you're not including the full square footage of
4 the historic structure in that 4,056.

5 MS. SANDERS: Right. So the total
6 square footage is --

7 MS. KING: So I think it comes to 51
8 something. You add that 803 to it. I mean, that
9 893 to it, so --

10 MS. SANDERS: And, Randy, the
11 impervious coverage was fine. I mean, I'm --

12 MR. ROBINSON: That will be checked at
13 plans review, but they do get 50 percent for
14 principal building coverage, not impervious
15 coverage. They still have to meet the impervious
16 coverage requirements.

17 MS. SANDERS: So that's your job?

18 MR. ROBINSON: And that'll be something
19 that they do when they come in --

20 MS. KENYON: The original plan?

21 MR. ROBINSON: The plan that was
22 approved at the last meeting. Sorry.

23 MR. WRIGHT: Eddie, which property are
24 we talking about here?

25 MR. FAVA: This one right here.

1 design, but the square footages are automatic. I
2 mean, that's a given. It's not like an increase
3 that you-all have to give. You-all are allowed 20
4 percent, but you don't have to because this is an
5 historical structure, and if you add to historical
6 structure, you get 50 percent of the square footage
7 as an automatic increase.

8 MS. SANDERS: I agree with Billy. I
9 mean, you-all -- I wasn't here, but apparently,
10 you-all have all approved this already. I think it
11 eats up a lot of green space, but like I said,
12 you-all have already approved all that, and it's
13 within the guidelines from what I understand.

14 MR. WRIGHT: Jon?

15 MR. LANCTO: Yeah. When I look at the
16 standard by which we judge neighborhood
17 compatibility compared to the standards that the
18 Board of Zoning Appeals judges neighborhood
19 compatibility, their subsection -- or section
20 21-178, C4, and we looked at it under section
21 21-111, sections A, B, C, D, E, F, G, H, and I.

22 I mean, we had a much more
23 comprehensive review of the neighborhood
24 compatibility. Heard Eddie's comments. I've been
25 by the site. I've looked at it. I understand what

1 Eddie is saying, but I don't feel like with the
2 vegetation on this lot that it's going to have
3 nearly the impact on that neighborhood that the
4 Board of Zoning Appeals is insinuating that it will
5 have.

6 And I think it does look nice. I think
7 that it's going to be a nice addition, so I would
8 stand behind our previous decision on that.

9 MR. WRIGHT: Okay. I agree. I stand
10 by our previous decision, and I think the design
11 has -- redone goes a long way to reduce -- let me
12 see that -- to minimize the impact of a larger
13 addition to the existing structure.

14 MS. KENYON: Randy.

15 MR. WRIGHT: Randy?

16 MR. ROBINSON: Yes, sir.

17 MS. KENYON: Anything else?

18 MR. ROBINSON: I have no other
19 comments.

20 MR. WRIGHT: Any other comments?

21 MR. CRAVER: So can I ask a question?
22 Randy, if -- are they going for final approval
23 tonight?

24 MS. KING: Yes.

25 MR. CRAVER: So if we give them final

1 (Off-the-record discussion.)

2 MR. WRIGHT: Okay. Shall we move on?
3 The next item is 2913 Brownell. Randy?

4 MR. ROBINSON: I'll be right with you.
5 2913 Brownell is coming before you-all. They're
6 asking for an accessory structure on the rear.
7 It's an existing structure. The addition on the
8 rear is a deck with pool addition in the back, and
9 then they're enclosing two separate parts of the
10 porch on the front.

11 It's not in the historical district.

12 They are not asking for any increases in square
13 footage -- well, they are. They are asking for a 7
14 percent increase in principal building coverage and
15 a 92 percent increase in principal building square
16 footage. The square footage will go up to 4,181
17 square feet.

18 I don't have any objection with this
19 application, and I'll save any other comments till
20 after the applicant presents.

21 MR. WRIGHT: Okay. The applicant's
22 presentation?

23 MR. HEINLEN: I'm Rodd Heinlen with
24 Steve Herlong's office, and we're representing
25 Susan and David Heller at 2913 Brownell. Third row

1 approval, any -- you know, you still look at all
2 the numbers and everything when you get final plans
3 and all that kind of stuff to make sure of the --

4 MR. ROBINSON: I will, to make sure
5 that all the impervious surface requirements and
6 the principal building square footage, all that is
7 within our ordinance.

8 MR. CRAVER: And setback issues like
9 with the pool and all that stuff, you're -- you-all
10 will fix all of that?

11 MR. ROBINSON: If you're okay with me
12 changing that. I do have that within my purview,
13 if you give that. And you gave me that authority
14 or counsel gave me that authority about a year ago
15 to make minor design changes to a plan, so I can do
16 that.

17 MR. CRAVER: Okay.

18 MR. WRIGHT: Do I hear a motion?

19 MR. CRAVER: I move we approve -- give
20 final approval to the plan as submitted.

21 MR. LANCTO: I second that.

22 MR. WRIGHT: Discussion?

23 All in favor?

24 ALL: Aye.

25 MR. WRIGHT: Unanimous.

1 house, down towards the Breech Island side of the
2 island. The orientation of the house is like this
3 with the ocean in back. Most of the work that
4 we're going to do is back here.

5 We're asking for some relief on the
6 principal building coverage, which as you know is
7 the heated square footage in the footprint, and
8 we're also asking for some relief on the principal
9 building square footage.

10 The house was built in 1999. It was a
11 spec house. They bought it shortly after that.
12 They use it as a vacation home, and they'd just
13 like to do some improvements to it. So what we're
14 asking for is to enclose the covered porch here to
15 expand the master bedroom and bath, to enclose the
16 covered porch here to create a mud room and expand
17 the pantry, and to expand over to this side to
18 create a small bathroom for the pool.

19 The pool is going to be raised. It's a
20 V-16 zone. We're going to do a screened porch here
21 with a fireplace, stairs will go down to grade, and
22 then the stair will come up to a walkway that gives
23 them access to a lookout area here.

24 You can see on the back elevation we're
25 creating a concrete wall that comes up 42 inches

1 above that deck to give them a backdrop for that
2 pool. We're creating the screened porch here with
3 lattice below, have the open tail rafters above,
4 stairs are coming up to an existing porch.

5 And then we're creating a walkway to
6 provide some sort of sun screen on the first floor
7 level but that also gives them access to the
8 lookout deck above.

9 The side elevation, you can see where
10 the steps are coming up, the addition of the small
11 bathroom on that floor, and the lattice below. I
12 think that's it. Again, we're asking for some
13 relief on the principal building coverage and the
14 square footage. I'll take any questions.

15 MR. WRIGHT: Questions?

16 MS. SANDERS: Nope.

17 MR. WRIGHT: Kelly, do you want to
18 start?

19 MS. MESSIER: It looks fine to me. I
20 just had a couple comments. It appears that --
21 with the lot coverage, that you guys are going to
22 have to remove the existing driveway --

23 MR. HEINLEN: Right.

24 MS. MESSIER: -- to make it conform.

25 And I just have a question. I mean, Randy, when

1 for -- to get to the pool?

2 MR. HEINLEN: For the pool.

3 MS. MESSIER: So you don't have a
4 fence?

5 MR. HEINLEN: Well, the pool is raised.

6 MS. MESSIER: Yeah, but you're going to
7 have to fence at the steps.

8 MR. HEINLEN: We'll have a gate at the
9 steps, yeah.

10 MS. MESSIER: It looks good to me.

11 MR. WRIGHT: Rhonda?

12 MS. SANDERS: I'm good.

13 MR. WRIGHT: Jon?

14 MR. LANCTO: I'm good.

15 MR. WRIGHT: Billy?

16 MR. CRAVER: I'm good.

17 MR. WRIGHT: I failed to note if there
18 was any public comment. There's no public here to
19 speak of, so I assume there's not. And I'm okay
20 with it. So do I hear a motion?

21 MR. CRAVER: I move we approve it as
22 submitted.

23 MR. WRIGHT: Do I hear a second?

24 MS. MESSIER: Second.

25 MR. WRIGHT: Discussion?

1 there's two curb cuts, even if they have to remove
2 it, they can still put the two curb cuts back?

3 MR. ROBINSON: No. Once a curb cut is
4 gone, if it's removed by intent or neglect -- it's
5 a nonconformity if you have two curb cuts. If a
6 nonconformity is removed by intent or neglect, it's
7 gone. So if they remove these actual curb cuts
8 from the property line to the street, they go away,
9 and they only get one.

10 MS. MESSIER: Well, actually, they
11 probably don't have to remove the portion in the
12 right-of-way, do they?

13 MR. ROBINSON: No, they don't. They
14 could.

15 MS. MESSIER: I mean, they really
16 just -- because that doesn't count into the lot
17 coverage, so they really just need to remove --
18 they could maintain them, which I assume they want
19 to.

20 MR. HEINLEN: I think so. We haven't
21 gotten that far yet on the landscaping, but I think
22 they wanted to keep the same shape.

23 MS. MESSIER: Yeah. I mean, it's --
24 you guys have got the park under on both sides,
25 so -- and you'll just have a gate or something

1 All in favor?

2 ALL: Aye.

3 MR. HEINLEN: Thank you.

4 MR. WRIGHT: 2918 Marshall, add/alter.

5 MR. ROBINSON: Oddly enough, this one
6 backs up to the other one, just about. They're
7 kind of catty-corner to each other. This
8 structure, they're also putting in a pool in the
9 rear yard. They have some design changes to the
10 house. I believe that the only change to the
11 footprint of the house is going to be maybe some
12 steps coming out of the side. Am I right, Rodd?

13 MR. HEINLEN: And I don't even think
14 we're changing that.

15 MR. ROBINSON: Yeah. Okay. So,
16 basically, the footprint is staying the same. They
17 intend to add some porches and fill some porches.
18 It's just a design change.

19 They are asking for some relief on
20 principal building square footage and principal
21 building coverage. They're asking for the full
22 principal building coverage relief of 100 percent
23 and 92 percent of the principal building square
24 footage.

25 I don't have a problem with this one.

1 The other house next door to this one is probably
2 larger than this one, and it's -- so it fits in
3 with the neighborhood. All the homes in that
4 neighborhood are large homes, so I'll just leave it
5 up to Rodd to do his presentation, and then save
6 any comments for after that.

7 MR. HEINLEN: This one, I think you-all
8 have a photograph of the house, and you will
9 recognize the house at the end of the island, I'm
10 sure. It's very different than most of them.

11 We're representing Diane and Paul
12 Neuhoff. They had the home built for them back in
13 1990, have lived there off and on since then. It's
14 second row.

15 What we're asking for, again, is the
16 principal building coverage relief and the
17 principal building square footage. The orange
18 indicates the two-story covered screened porch
19 that's already there. We'd like to enclose the
20 first floor and make that heated.

21 And then the green represents where we
22 would like to do -- join a covered porch on either
23 side and just create a flat deck up above. We also
24 want to do an in-ground pool, which gets us within
25 the impervious lot coverage, so that's not an issue

1 meets the lot coverage. And if you look back at
2 the footprint on the survey, I mean, they have the
3 house already at 3,882 square feet. And by the
4 time you add on these additions and the pool,
5 you're up to 4,960 square feet, so --

6 MR. HEINLEN: For the impervious
7 coverage or --

8 MS. MESSIER: Yes.

9 MR. HEINLEN: The driveway is
10 impervious now. Excuse me. It's pervious now.

11 MS. MESSIER: No. But just -- I mean,
12 look at the survey that John Wade did, this right
13 here. 3,882 and steppingstones. One of the
14 reasons -- I mean, I can check some of these
15 numbers, that I think this thing is bigger is
16 because they built this big concrete apron around
17 the house, and that's increasing the lot coverage.

18 So I don't know. I mean, that's just
19 my first question is I don't think -- I'm not sure
20 this thing complies. And apparently, this walk's
21 also being considered impervious, and I assume
22 you're probably going to remove that.

23 Other comments I have is this doesn't
24 really show where the pool patio is going to go.

25 MR. HEINLEN: There is no pool patio

1 up tonight.

2 The home is a T configuration on two
3 stories, and a one-story back here. So it spreads
4 out over the lot, and that's why -- that's why the
5 numbers seem high with the 92 percent and the 100
6 percent on that. But as Randy said, we're using
7 the covered porches to increase that heated square
8 footage, and then we're trying to create the
9 symmetry here.

10 It's going to be -- this is the house
11 facing the ocean now. This is the proposed. We're
12 going to change the railings out to cable railings
13 and sort of a cross configuration. Side elevation,
14 we see here. Really not a lot that changes on it.
15 Again, the background -- the backyard in-ground
16 pool, and we're asking for final approval on that.

17 MR. WRIGHT: Okay. Thank you.

18 Any public comment? No public comment.
19 Jon?

20 MR. LANCTO: I'm good with it.

21 MR. WRIGHT: Rhonda?

22 MS. SANDERS: It looks nice.

23 MR. WRIGHT: Kelly?

24 MS. MESSIER: I have a lot of comments.
25 I'm sorry. I'm not exactly sure that this thing

1 because of the coverage.

2 MS. MESSIER: Okay. Well --

3 MR. HEINLEN: What we did is we sized
4 the pool to the maximum that we could get for
5 pervious coverage.

6 MS. MESSIER: There could be a patio.
7 It just has to be pervious.

8 MR. HEINLEN: Right, right.

9 MS. MESSIER: But where you've drawn
10 these chairs in here, that's not allowed in the
11 rear setback. Isn't that correct, Randy? The
12 whole pool area has to --

13 MR. ROBINSON: That's correct.

14 MS. MESSIER: -- be in -- I mean, I
15 know it's just the --

16 MR. ROBINSON: Well, the pool does.
17 But they can have this lawn furniture out there
18 provided there isn't any patio. If they're
19 sitting -- the lawn furniture is sitting on grass,
20 that's okay. It's only like a patio or a deck,
21 something like that, that is recreational, would
22 have to be in setbacks. But if they put any kind
23 of impervious surface back here, they would.

24 MR. HEINLEN: Uh-huh. Well, I guess
25 we're not bringing that up tonight.

1 MS. MESSIER: Okay.
2 MR. HEINLEN: The impervious coverage.
3 When we permit it, we'll make sure that we're
4 within that. If we have to take walkways out and
5 get it so it works.

6 MS. MESSIER: I just have a question
7 because I'm not exactly sure, but when you're --
8 when they talk about the front setbacks and
9 stuff -- because, see, this house already is closer
10 to the front setback than it's supposed to be, but
11 it looks like you guys pushed the decks back so
12 that they're -- they meet the 25 feet. But it says
13 something in the guidelines that --

14 MR. ROBINSON: Doesn't have to.
15 MR. HEINLEN: I think we're allowed to
16 come out to the nonconformity.

17 MR. ROBINSON: They're allowed to come
18 out to the extent of the nonconformity.

19 MS. MESSIER: Okay.

20 MR. ROBINSON: You can extend the
21 nonconformity, provided you don't increase the
22 nonconformity.

23 MS. MESSIER: Well, it wasn't
24 increased, but there was something in there about
25 along the front, that something couldn't be more

1 MS. MESSIER: But they're adding to
2 their --

3 MR. ROBINSON: You can add -- provided
4 you're not increasing the nonconformity, you can go
5 out to the sides.

6 MR. CRAVER: Okay.

7 MS. MESSIER: There may be more of the
8 house nonconforming. Before, there was just a
9 little piece that didn't conform. Now -- I mean,
10 now, there's a wider piece that doesn't conform.

11 MR. CRAVER: But that's the 50 percent
12 rule. I mean --

13 MR. ROBINSON: No. It really isn't.

14 MR. CRAVER: Isn't it? Well, if you
15 went beyond 50 percent, you would have to bring the
16 whole thing into conformity.

17 MS. MESSIER: No, this isn't -- this
18 isn't -- that's with --

19 MR. ROBINSON: That's only with FEMA
20 requirements.

21 MS. MESSIER: Yeah. That's nothing to
22 do with this.

23 MR. CRAVER: Okay. I thought that was
24 all zoning, that if you -- if you improve a
25 house --

1 than 20 feet tall. And I guess just my question
2 was, how does that relate to this second-floor
3 deck? I mean, where do you measure the 20 feet?
4 Do you measure to the floor or to the railing?

5 MR. ROBINSON: It would be -- this
6 would be a nonconforming structure, so if they fit
7 into that --

8 MS. MESSIER: Okay. So everything --

9 MR. ROBINSON: -- center section that
10 goes up and comes across, provided they don't go
11 outside of that plane, they are not increasing the
12 nonconformance.

13 MS. MESSIER: This is really just sort
14 of a crazy just general thing, but this really
15 doesn't make sense. If we're telling people that
16 when they have to build new houses that they have
17 to conform to this, and then we've got a
18 nonconforming, and we're saying, well, you can just
19 make it worse because it's already there. I mean,
20 I don't know, I mean, that's just a general --

21 MR. CRAVER: But I don't think it's
22 making it worse. I think that's why you can't
23 exceed the nonconformity. You can't go further out
24 or higher up or further to the side than the
25 existing nonconformity. Isn't that right?

1 MR. ROBINSON: It's not -- our
2 ordinance doesn't say anything about improving. It
3 says if it's damaged or it's --

4 MR. CRAVER: Just the damaged part?
5 Okay.

6 MR. ROBINSON: Yeah. It's just the
7 damaged part.

8 MR. CRAVER: Learn something new every
9 day.

10 MR. ROBINSON: Welcome to the club.

11 MR. CRAVER: I drafted it.

12 MS. MESSIER: Do you understand what
13 I'm saying though?

14 MR. ROBINSON: Yes. We were quite
15 confused as to why that was in the ordinance like
16 that, but it was what it was. And it was --
17 counsel was okay with it when it was passed.

18 MS. MESSIER: Well, just so I know for
19 the future, the thing on the setbacks where it
20 says, you know, that it can't be over 20 feet high.
21 I mean, does that count -- do you count that to the
22 floor of the deck or to the railing?

23 MR. ROBINSON: I would count it to the
24 railing. Anything that extended beyond that
25 setback of the existing nonconformity would be a

1 violation -- would be extending the nonconformity
2 and would have to go back behind that. Even if
3 somebody went and put railings on top of their
4 house, they can't go above 38 feet, so --

5 MS. MESSIER: Yeah. Because this -- I
6 mean, if you just look on like page 13 on the front
7 yard setback, I mean, tell me if I'm just reading
8 this wrong. For any portion of a principal
9 building height exceeding 20 feet, the portion in
10 excess of 20 feet shall be set back from the front
11 yard setback an additional one foot for every one
12 feet of increased height above 20 feet.

13 MR. ROBINSON: That's correct.

14 MS. MESSIER: So but you're saying that
15 does not apply to this because --

16 MR. ROBINSON: There's already a
17 nonconformity there.

18 MS. MESSIER: Okay. Yeah, I don't
19 know. It just doesn't -- it just seems to me that
20 you would try to make -- and I think we're only
21 probably talking about a foot difference. That's
22 not really that different. But, you know, why you
23 wouldn't try to make the house conform.

24 I went over and looked at this site,
25 and there's a lot more driveway than is shown on

1 But, you know, without sort of looking
2 at all of that -- that's just for you guys to be
3 aware of when you, you know, go to the next step.

4 MR. HEINLEN: Okay.

5 MS. MESSIER: But other than that, it
6 looks good.

7 MR. ROBINSON: And, Kelly, let me just
8 read the section. It's in 21-151 under
9 nonconforming structures.

10 MS. MESSIER: What page are you on?

11 MR. ROBINSON: I'm on page 70 of the
12 ordinance.

13 MS. MESSIER: Okay.

14 MR. ROBINSON: And you've got a good
15 point. Rodd, you may have a problem.

16 MR. HEINLEN: What's that?

17 MR. ROBINSON: Well, you know, it does
18 say, structural alterations including enlargements
19 are permitted if the structural alteration does not
20 increase the extent of the nonconformity. That's
21 number one. Number two says, when a structure is
22 nonconforming when it encroaches into required side
23 or rear yard setbacks, this provision shall be
24 interpreted as allowing other portions of the
25 structure to be expanded out to the extent of the

1 this plan, and the driveway is all pervious.

2 MR. ROBINSON: It's a new driveway,
3 yes.

4 MS. MESSIER: But, you know, they've
5 got a loop in the front. They've completely
6 obstructed the right-of-way where you can't use it.
7 It comes out way more in the back. This is all
8 paved in the front.

9 And there was just another thing in
10 here that was talking about how parking areas were
11 supposed to be, you know, 20 foot to the rear of
12 the front facade. That seems to me you could put
13 quite a lot of cars in there, and I'm not exactly
14 sure if that's the homeowner's intent or not. Is
15 this house used as a rental at all?

16 MR. HEINLEN: No, no. They've owned it
17 for 22 years. The -- I mean, I don't know about
18 what exists there now and if that was permitted or
19 what, but --

20 MS. MESSIER: Well, I guess just my
21 general comment, besides the impervious lot
22 coverage, if you actually look at this total area
23 of all this paved thing and what may be paved here
24 in the future, you're probably pushing that 50
25 percent green space number.

1 existing encroachment. As long as there is no
2 greater encroachment in the setback.

3 When a structure is nonconforming
4 because it encroaches into a required front yard
5 setback, this provision shall be interpreted as
6 prohibiting other portions of the structure from
7 being expanded out to the extent of the existing
8 encroachment. So --

9 MS. MESSIER: That would mean --

10 MR. ROBINSON: That would mean if those
11 decks on the second floor do not fit into the 20
12 feet up and then the 45-degree angle back, they
13 couldn't be there.

14 MR. HEINLEN: What is the front yard
15 setback here?

16 MR. ROBINSON: 25 feet.

17 MR. HEINLEN: So we're within that.

18 MR. ROBINSON: You're within that. It
19 looks like you're within that with the edge of the
20 deck.

21 MR. HEINLEN: Right.

22 MR. ROBINSON: But what I'm considering
23 is when you go up 20 feet in the air, do those
24 decks and handrails encroach into that 45-degree
25 angle? And if they do, you can get relief from the

1 Design Review Board.

2 MS. MESSIER: Do you know what the
3 height is to that railing?

4 MR. HEINLEN: You know, 20 feet. Do we
5 have a scale? Randy, do you have a scale?

6 MR. ROBINSON: I do.

7 MS. MESSIER: I was just looking at
8 this elevation here.

9 MS. SANDERS: That's 32-and-a-half. It
10 would have --

11 MS. MESSIER: Well, I mean, you figure
12 this is basically around 10, 20. It's probably
13 like around 23.

14 MR. HEINLEN: 22, maybe 22 and a couple
15 inches. If that railing is set back up there
16 enough to fall within the 45 degree, what would we
17 have to -- we'd have to set it back two feet, I
18 guess, to be within that.

19 MS. MESSIER: I think it -- it meets --
20 because you've, I don't know, indented the thing,
21 it meets the 25. So I think what the thing says,
22 if it's up 22 feet -- I don't know -- how far did
23 you have to step back for every one foot that's
24 over did it say?

25 MR. ROBINSON: One foot. It's a

1 conform, which would look a little bit odd if it
2 didn't line up with the columns below. So
3 design-wise, that's probably where the railing
4 ought to go.

5 MS. MESSIER: I don't have a problem.
6 I was just really sort of doing my thing looking at
7 all these setbacks. I wasn't trying to pick on
8 you, Rodd.

9 MR. CRAVER: I appreciate you doing it.
10 I'd rather us do it right and give the relief than
11 do it wrong and have a -- you know, and have
12 somebody come back later and say, well, you-all
13 didn't enforce it with him.

14 I mean, I don't have a problem with the
15 design, and I don't have a -- I'm good with all
16 that. But, Kelly, I appreciate your sharpening the
17 pencil and having a keen eye on that because I'm --

18 MR. ROBINSON: Good eye, because I was
19 going by the --

20 MR. CRAVER: My eye isn't that keen.

21 MR. ROBINSON: I was going by the --
22 that you're allowed to increase, but until I went
23 to the ordinance, I didn't realize that third
24 section was in there on the front.

25 MR. WRIGHT: Before you -- let's talk

1 45-degree angle. So it would be one foot back for
2 every foot up. And the Design Review Board can
3 grant up to a 15 percent modification in that.

4 What is the 15 percent? Do you take it from the
5 45-degree angle, or do you take it in height, or do
6 you take it -- where do you take it from?

7 So Kent and I did some numbers with
8 this earlier, and it was pretty much, no matter how
9 you did it, it was the same thing provided you
10 didn't do it with all of them. But let's see. So
11 it's 20 feet, so you get about a three-foot
12 increase.

13 If you-all want to give a 23-foot
14 increase to that, that would be fine. It would be
15 up to you-all if you wanted to give that increase.
16 And you-all could give that now.

17 MS. MESSIER: The good thing about the
18 railing is it's pretty see-through, so, you know, I
19 don't --

20 MR. ROBINSON: I would -- if you-all
21 would put that in your motion, it would be good if
22 you grant that 15 percent increase.

23 MR. HEINLEN: I mean, you know, if we
24 don't get granted that, I guess what we would do is
25 we'd move that second-story railing back to

1 about a motion that addresses Kelly's point and
2 gives the architect latitude to make adjustments --

3 MR. CRAVER: So --

4 MR. WRIGHT: -- in a nonconforming
5 situation.

6 MR. CRAVER: I guess it would be --

7 MS. MESSIER: Well, before we make a --
8 can we talk about it before we make a motion?

9 MR. WRIGHT: Yeah. That's what I'm
10 doing. Let's don't make the motion yet. Let's
11 talk about it.

12 MS. MESSIER: Okay. But, I mean, I'm
13 okay with -- we can grant it the way it is with
14 that 15 percent flexibility; is that correct?

15 MR. ROBINSON: That's correct.

16 MS. MESSIER: Okay.

17 MR. ROBINSON: Provided it's at 23
18 feet. Provided it's at 25 feet back and 23 feet
19 tall, you're okay. Or you could give a decrease
20 the other way, which is a 22-foot setback, and then
21 it would end up being the same thing when it got up
22 there.

23 MS. MESSIER: Okay. So when we do make
24 a motion, we need to just say that if we like the
25 decks okay, that we're providing that relief for

1 the height setback issue.
 2 MR. ROBINSON: Correct.
 3 MR. CRAVER: Up to 15 percent relief
 4 for the height setback issue. Is that --
 5 MR. ROBINSON: That's correct.
 6 MR. CRAVER: Okay.
 7 MR. WRIGHT: Kelly, thank you for
 8 that -- discovering this. And this is an
 9 interesting discussion, because my experience after
 10 five years on this board is if we don't get a
 11 motion clearly defined, we end up going around the
 12 axle many times.
 13 MS. MESSIER: It actually makes me feel
 14 better about it.
 15 MR. WRIGHT: So this is a draft we're
 16 talking about.
 17 MS. MESSIER: But it makes me feel
 18 better about the ordinance to see that they
 19 actually are trying to protect the front setback.
 20 I mean, the -- you know --
 21 MR. WRIGHT: Anybody want to make a
 22 stab at a motion?
 23 MR. CRAVER: I move we approve as
 24 submitted and that we grant up to a 15 percent
 25 relief from the front setback. I think that's it.

1 MR. HEINLEN: Right.
 2 MR. WRIGHT: Yes, yes. Both final.
 3 MR. HEINLEN: Both final. Okay. Thank
 4 you.
 5 MR. WRIGHT: Thank you.
 6 Any further discussion?
 7 Meeting is adjourned. Thank you.
 8 (The hearing was concluded at 7:16
 9 p.m.)
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 MS. MESSIER: Can I just add, and that
 2 the new decks need to comply to the 25-foot
 3 setback, but we were giving relief on the height
 4 to, I guess it's the 23 feet.
 5 MS. SANDERS: Second.
 6 MR. WRIGHT: Is that a clear enough
 7 motion? Everybody understand the motion?
 8 Would you re-read the motion, please?
 9 (The reporter read back from page 53,
 10 line 23 to 25.)
 11 MR. WRIGHT: Do I hear a motion --
 12 we've got the motion. Second.
 13 Any discussion?
 14 All in favor?
 15 ALL: Aye.
 16 MR. WRIGHT: Unanimous.
 17 MR. HEINLEN: Thank you. One thing on
 18 the Heller job, the one I did before, I don't think
 19 it was clearly marked that that approval was for
 20 final approval. Are you-all okay with that? It
 21 wasn't marked on that application.
 22 MR. CRAVER: The application was for
 23 final approval.
 24 MS. MESSIER: Okay. Now, is this one
 25 final too?

1 REPORTER'S CERTIFICATE
 2
 3 I, TERI L. HORIHAN, Registered Professional
 4 Reporter and Notary Public in and for the State of
 5 South Carolina at Large, do hereby certify that I
 6 correctly reported the within-entitled matter and
 7 that the foregoing is a full, true and correct
 8 transcription of my shorthand notes of the
 9 testimony and/or other oral proceedings had in the
 10 said matter.
 11 I further certify that I am neither related
 12 to nor counsel for any party to the cause pending
 13 or interested in the events thereof.
 14 Witness my hand, I have hereunto affixed my
 15 official seal this 26th day of November, 2011, at
 16 Charleston, Charleston County, South Carolina.
 17
 18
 19
 20 Teri L. Horihan
 21 Registered Professional Reporter
 22 My commission expires
 23 January 17, 2017
 24
 25