

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J. C. Nicholson, Jr., Circuit Court Judge

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FEB 13 2017

SC Court of Appeals

Trial Court Case No. 2015-CP-10-6186
Appellate Case No: 2016-001530

Thomas S. Tisdale, Park R. Dougherty
and Martha T. Dougherty Appellants,

v.

City of Charleston, City of
Charleston Board of Architectural Review,
Eugene M. Woodward and
Janice S. Woodward Respondents.

RECORD ON APPEAL

VOLUME I

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Thomas S. Tisdale, Park R. Dougherty and
Martha T. Dougherty,

Appellant,

vs.

The City of Charleston, City of Charleston
Board of Architectural Review, Eugene M.
Woodard and Janice S. Woodard,

Respondents

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-6186

ORDER AFFIRMING DECISION OF THE
CITY OF CHARLESTON BOARD OF
ARCHITECTURAL REVIEW

FILED
MAY -4 PM 3:06
J. ARMSTRONG
CLERK OF COURT

This matter is before the Circuit Court on appeal from a decision of the City of Charleston Board of Architectural Review giving conceptual approval for an addition to the residential structure at 107 King Street. Appellants are nearby property owners. Their standing to bring this appeal is not disputed.

gm
On appeal to the Circuit Court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930; Austin v. Board of Zoning Appeals, Town of Hilton Head Island, 606 S.E.2d 209 (S.C. Ct. App. 2004); see also Heilker v. Zoning Bd. of Appeals for City of Beaufort, 552 S.E.2d 42, 44 (S.C. Ct. App. 2001). In this regard, it is well-settled that "the factual findings of the jury will not be disturbed unless a review of the record discloses that there is *no evidence* which reasonably supports the jury's findings." Vulcan Materials Co. v. County of Greenville, 536 S.E.2d 892 (S.C. Ct. App. 2000) (emphasis in original). Further, the Court's review is "strictly limited to the facts and arguments raised to the board. Indeed, the Circuit Court is expressly forbidden from

considering any new facts." Austin, 606 S.E.2d at 214. Additionally, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." Restaurant Row Assocs. v. Horry County, 516 S.E.2d 442, 446 (S.C. 1999). The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, specifically provides that "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

The City of Charleston's ordinances provide some guidance for the Board's decision-making: See Charleston Zoning Ordinances, 54-240(a) ("the Board of Architectural Review shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and the importance to the city.").



In the present case, the decision was a close one. The application was initially deferred. The applicant made some modest changes and came back to the Board. By a 4-2 vote, the BAR gave conceptual approval to the application. The City's architect was at the meeting and set forth the position of staff recommending approval. Although the number of opponents was more than the number of advocates, there were those who spoke for the application and against. It is clear the Board's decision should not be measured by counting the number of voices for a project versus those against.

The addition to 107 King has limited visibility to from the street. There is some visibility of a corner of the addition looking through the piazza and driveway of Mr. Tisdale's home from the right of way on Broad Street. There is also some ability to see a portion of the addition from King Street and an ability to see some portion of the structure over a wall and past the property of a resident if standing on Orange Street. Appellants argue the

Board applied a relaxed standard of review due to limited visibility of the structure from public rights of way. The City agrees there should not be a lower standard of review for structures with limited visibility from the street, but the City does note it only has jurisdiction over the visible portions. Furthermore, the Board denies it applied a relaxed standard due to limited visibility.

Based on a review of the record, it appears the Board decided by a majority vote that the structure was compatible and harmonious with the surrounding structures. This was a proper decision-making standard. Each board member voting to approve the application set forth their reasoning:



Member White: *"You know, harmony is a big consideration . . . But an orchestra is made up of a lot of instruments that are so different from one another, and yet they still can react in harmony. It's not all violins. . . . within this one image . . . from 109 Broad to 1907 Broad and then 105 and 105 1/2 King . . . you have about 150 years of architectural history right there. The Board of Architectural Review was never intended and the ordinance does not read to suggest architectural expression stops at . . . some date on a calendar. What is shown here, in my view, is very sensitive to the height, scale, and mass of the surrounding elements. . . . It's stucco-on-masonry. So is the building its being attached to. The overall percentage of glazing is not astronomically greater than what you might see glazing the south or west façade of a proper single house . . . The height of the building is not so tall as to be out of context or keeping with the surrounding sites . . . I think that Mr. Stockton, who is one of the most well-regarded preservationists and also a long-time member of this board, has correctly identified this building is not out of keeping with the historic district. It has been put on a little diet, which is exactly what it needed . . . It is without arresting effects. It does not substantially alter the streetscape. It does not fall out of harmony with the surrounding buildings . . ."*

Thereafter, board member Harrison directed comments to the use of glass in other projects in the City. She expressed that when you expand a use of a structure, you want to *"add on in a sensitive way that doesn't negatively impact the historic nature of your home or the neighborhood, and for the amount of area that we are talking about, it is extremely nominal. . . . I think this is how it's successfully done."*

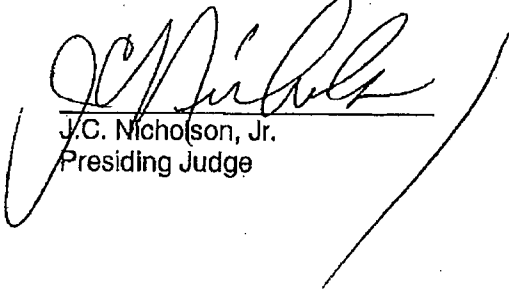
Board member Wallace then stated: *"I think it's evident that over the last 40 years or more, we have had modern architecture integrated into the Old and Historic District, and I don't think this is so blatantly modern that it is out of character or scale . . . not just our [standards] in the City of Charleston, but, for example, the President's Advisory Council on Historic Preservation says that if you do an addition to a historic building, it should look like an addition. . . . That's a national standard . . . accepted by the National Trust for Historic Preservation and other preservation groups . . . for many, many years."*

 Board member Alexander said, *"I would certainly agree with Mr. White . . . there are interpretations to harmony that don't have to reflect the same architectural style as what building you're next to."*

Appellants direct the Court's attention to various passages of the transcript where the limited visibility of the structure from the public ways is discussed. Appellants also point to a discussion between several individuals including a board member and the project architect regarding the structure not being appropriate on Broad Street. As noted above, this Court must review the decision of the Board the same as a jury verdict. The Court is not persuaded these references prove the Board was applying a relaxed visibility standard. Because the Board's jurisdiction is limited to portions of a structure that are visible, it seems reasonable to discuss how much or little of the structure is visible. Likewise, the Board is within its rights to discuss how a structure might be appropriate for one location, but not for another. Further, the comment of one Board member during the debate and discussion of

a project does not fatally undermine the decision of the Board. These passages do not constitute adequate proof the Board applied the incorrect standard or considered improper evidence.

Based on this Court's review of the Record, the decision of the Board of Architectural Review is AFFIRMED.



J.C. Nicholson, Jr.
Presiding Judge

5/4, 2016
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Thomas S. Tisdale, Park R. Dougherty and)
Martha T. Dougherty,)
Petitioners,)
vs.)
)
The City of Charleston, City of Charleston)
Board of Architectural Review, Eugene M.)
Woodard and Janice S. Woodard,)
)
Respondents.)

IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-6186

MOTION TO ALTER OR AMEND
JUDGMENT

FILED
2016 MAY 18 PM 12:51
J. HARRIS
CLERK OF COURT

Petitioners move to alter or amend the Judgment of the Court filed May 4, 2016 (of which they received notice May 5, 2016) pursuant to Rule 59, South Carolina Rules of Civil Procedure; and the Order should be altered or amended in the following particulars, and on the following grounds:

1. The Court's ruling does not address, at all, the third argument made by Petitioners in their memorandum on appeal. That is, that one of the critical reasons for the BAR deferring the application in this case at the first BAR hearing on September 9, 2015 was not addressed at all in the subsequent hearing. For this reason the case should be remanded to the BAR for reconsideration.

More specifically: Mr. and Mrs. Woodard's application was heard by the full BAR on September 9, 2015. It was deferred on motion by board member Wallace because of the height and mass of the proposed addition, and also for the following reasons: "...and that the architecture, while it can be contemporary, should especially reconsider the window wall in the rear of the building." (Emphasis added; see Memo. page 11; 9/9/2015 transcript at p. 44, lines 13-21.) The BAR chair reiterated the conditions of deferral: "We have a motion by Mr. Wallace

for deferral and restudy based on staff comments 1 through 5, reconsider the total footprint, reconsider the height, possibly step back the western elevation and reconsider the window wall." (Emphasis added; see Memo. page 11, and 9/9/2015 transcript at page 44, line 24 to page 45, line 7.)

However, the architecture of the window wall as presented at the final meeting on 10/14/2015 is identical to the architecture previously presented. The only changes made were to the height and mass of the addition. No changes were made to the design itself.

Neither did the BAR, or staff, comment at all at the second meeting about reconsidering the architectural design, even though board member Wallace had been clear in his motion at the earlier meeting, and the chair had restated that the deferral was also to reconsider the "contemporary" design of the window wall. It is obvious that BAR staff and members overlooked this substantive design basis for the earlier deferral.

As argued orally to this court, BAR members are unpaid volunteers who receive no advance preparation for the agenda items they are to consider at most regular meetings. They consider a large number of applications at every meeting. It is therefore not unusual that they would not recall from one meeting to the next every nuance of an application that had been earlier heard by them. Why the BAR staff did not restate the design issue as an item for reconsideration at the second meeting is not known.

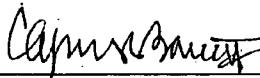
The point to be made, however, is that the contemporary design of the window wall was to be reconsidered at the second meeting and it was not.

This Court should remand the application to the BAR to address reconsideration of the contemporary design of the window wall, as it had voted to do on 9/9/2015. At the very least the Court should address this issue in an amended order so the Petitioners can understand their

options and the reasoning of the Court in denying this ground of their appeal. It is a fundamental precept of parliamentary procedure that the reasons for deferring the case in the first instance should have been fully and completely reported and addressed on the record when the application was revisited at the final meeting.

Respectfully Submitted,

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May 16, 2016

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-10-6186

Thomas S. Tisdale, et al

City of Charleston, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(b), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other

☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Plaintiff's Motion to Alter or Amend Judgment filed on May 18, 2016 is respectfully **denied** without a rehearing.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
N/A

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2117
Judge Code

Date

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
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Thomas S. Tisdale, Park R. Dougherty and)
Martha T. Dougherty,)
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Petitioners,)
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vs.)
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The City of Charleston, City of Charleston)
Board of Architectural Review, Eugene M.)
Woodard and Janice S. Woodard,)
)
Respondents.)
)

IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-6186

SUMMONS

FILED
2015 NOV 13 PM 2:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO THE RESPONDENTS ABOVE NAMED:

You are hereby summoned and required to answer the Petition and Appeal from the Board of Architectural Review in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the Petition and Appeal to the subscriber at **Barr, Unger & McIntosh, 11 Broad Street, Charleston, South Carolina, 29401**, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Petition and Appeal within that time, the Petitioner will apply to the Court for the relief demanded in the Petition and Appeal and a judgment by default will be rendered against you.

BARR, UNGER, MCINTOSH, LLC

Capers G. Barr, III

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November 13, 2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Thomas S. Tisdale, Park R. Dougherty and)
Martha T. Dougherty,)
)
Petitioners,)
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vs.)
)
The City of Charleston, City of Charleston)
Board of Architectural Review, Eugene M.)
Woodard and Janice S. Woodard,)
)
)
Respondents.)
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_____)

IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10- 60186

PETITION AND APPEAL FROM THE
BOARD OF ARCHITECTURAL REVIEW

FILED
2015 NOV 13 PM 2:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Petitioners allege:

1. This is an appeal from a decision of the City of Charleston Board of Architectural Review ("BAR"), made at open hearing on October 14, 2015.
2. In that decision the BAR approved, by a vote of 4-2, an application for an Addition (the "Addition") to the residence at 107 King Street. (The "Subject Property").
3. The Subject Property is owned by Respondents Eugene and Janice Woodard.
4. Petitioners own and live in homes adjoining the Subject Property. Thomas Tisdale resides at 109 Broad Street; and the Subject Property adjoins his residence to the South. In fact, the Subject Property was at one time a dependency, a kitchen house, to the residence at 109 Broad Street.
5. Petitioners Park and Martha Dougherty reside at 111 Broad Street, immediately to the West of the Tisdale home; and the Subject Property adjoins their residence to the South.
6. Accordingly, Petitioners are "affected persons" who have standing to appeal the BAR decision.

7. As will be seen from the full BAR record when it is filed, the Addition to the Subject Property is of a modernist, contemporary design, in stark and striking contrast, and disharmonious with the principal residence on the Subject Property, and in even greater disharmony with the neighboring and adjoining residences, and particularly the homes of the Petitioners Tisdale and Dougherty.

8. Moreover, and in addition to its design disharmony, the Addition dwarfs in scale the principal home on the Subject Property; and it is greatly out of proportion with the homes of Petitioners and other neighboring homes. The Addition's mass will also block present light and air perspectives from the piazzas of 109 Broad Street.

9. Equally importantly, the Addition is visible from public rights of way, and it is within the Old and Historic District or the Old City District, as those terms are used in the City of Charleston Code of Ordinances. ("City Code".)

10. The grounds for this appeal are that the BAR failed to follow and honor its own rules. Thereby, the BAR's decision was arbitrary, an abuse of discretion and made without evidentiary support. Those rules are set forth in the City Code, State Statutes, and in guidelines adopted by the BAR and published on the City's website.

11. More specifically, the rules state:

a. It is deemed essential by city council that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourists and residences alike be preserved; some of these qualities being the continued existence of and preservation of historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design; (City Code Section 54-230.) (Emphasis added.)

b. That such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a district aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city , state and nation. (*id.*) (Emphasis added.)

c. "Exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of a structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from a street or public thoroughfare. (City Code Section 54-231.) (Emphasis added.)

d. The exterior architectural appearance of any structure either more than one hundred years old or...which is within the Old City District and which is visible from a public right of way shall not be changed until after....approval by the BAR. (City Code Section 54-231.)

e. In passing upon an application to ...alter the exterior appearance of any existing structure the BAR shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and the importance to the city. (City Code Section 54-240(a). (Emphasis added.)

f. In passing upon an application for new construction in the Old District the BAR shall consider, among other things, the general design, the character and appropriateness of design, scale of structures, arrangements, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. (City Code Section 54-240(b). (Emphasis added.)

g. The BAR shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously inconsistent with this character. *Id.*

h. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless or disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the structure or with the prevailing character of the neighborhood. (City Code Section 54-240(i)).

12. The decision of the BAR is contrary to law because:

a. As will be readily apparent from a review of the BAR record when filed, the design of the Addition is dramatically modernist and contemporary: the west elevation consists entirely of a large, paneled "window wall", with rigid, angular features in total and obvious disharmony with the principal building on the Subject Property; and in greater disharmony with the prevailing character of the neighborhood, and more specifically with the homes of Petitioners.

b. The scale of the Addition overwhelms and dwarfs the principal structure on the Subject Property and is likewise grossly disproportionate to the prevailing character of the neighborhood, and more specifically the homes of Petitioners. Its mass will block light and air access to the piazzas of 109 Broad Street.

c. The City Code contains at least one discrete requirement with respect to design standards for an addition to an existing building. Section 54-240(i) provides in part:

“...among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:...the absence of unity and coherence in composition not in consonance with the dignity and character of the presence structure (in the case of repair, remodeling or enlargement of an existing structure)...”. (Emphasis added.) Therefore, as a statement of legislative intent, City Council has directly expressed a requirement that the design of an addition be “in consonance”- that is to say, in agreement with and compatible with – the structure to which it attaches.

In this case, rather than seeking consonance with the existing structure at the Subject Property, applicants, and the BAR in its discussion of the application, instead emphasized the discordance of the design. Citing to the President’s Advisory Council on Historic Preservation, the BAR in its discussion (Mr. Wallace) said: “I don’t think that this is so blatantly modern that it really is out of character or scale, but even saying that, if you look at other documents, not just ours in the City of Charleston, but, for example, the President’s Advisory Council on Historic Preservation says that if you do an addition to a historic building, it should look like an addition. It should not mimic the building that is there. That’s a national standard and I think it’s something that has been accepted by the National Trust for Historic Preservation and other preservation groups throughout the United States for many, many years, so I don’t think we, as a board, can say that what’s in the ordinance precludes something like this being done.”

“Something like this”? It would seem to be a fair characterization of Mr. Wallace’s comment that he said, in essence, “well, this is mighty modern, but because it’s not blatantly so, and because we should not mimic the building that is there, we can’t say the

ordinance precludes it.” However, and contrary to his “preclusion” comment, the ordinance provides that disapproval is required where there is not consonance of design.

Even the BAR’s own “Charleston Standards” do not allow for discordance. The Standards provide that, “to respect the authenticity of the historic structure and its context and setting, the new alterations or additions should be clearly discernable from the old. The differentiation may or may not be stylistic, and may be as subtle as a change in building footprint, material, or other means.” (Emphasis added.) The Standards are reconcilable with the caveat of City Council requiring “consonance”. However, believing that the national standards required dramatic differentiation between old and new, the BAR overlooked its charge to seek consonance, and instead focused on and approved a discordant design.

Because the design that was approved in this case cannot be reconciled with the requirement of City Council for consonance, the decision of the BAR was in error, as a matter of law.

d. The BAR erroneously concluded that considerations of design, mass and scale should be differently applied in this case, because the Addition is “not very visible”.

In response to questions from the Board, the applicant’s architect commented, with respect to the question that the mass of the addition overwhelms the mass of the principal residence that “you cannot perceive that in any way from any public right-of-way. And as the Board has expressed over and over again, your concern about what is visible from the public right-of-way. Well, the comparative masses of the two buildings are not. They simply aren’t.”

To which Mr. Dowd, the City’s architect, responded: “Well I would agree with one point and would point out to the board that the mass of the addition relative to the mass of the existing building is really not apparent from any street or right-of-way, and so it should

therefore not be a consideration of the board.” The city architect further commented on the marginal visibility of the Addition as a basis for relaxing the BAR’s consideration of established standards such as relative scale.

The positions articulated by the City architect were in error. In City Code Sections 54-230 and 54-231, City Council clearly expressed the importance of visibility. Nowhere in the City Code does City Council suggest that considerations of scale and mass depend upon the extent to which exterior architectural appearance is visible. The only conclusion to draw from the unambiguous language of the ordinance is that visibility from the street is the component that vests the BAR with jurisdiction to judge architectural appearance. Once jurisdiction is vested, however, the standards otherwise articulated in the Code must apply.

For that matter, in defining “exterior architectural appearance” in 54-231(b), City Council emphasized, among the architectural features, the “type and character of all windows”, that are “visible from a street or public thoroughfare.” The modernistic glass wall proposed in this case, starkly contrasting with the classic designs of 109 and 111 Broad Street, is precisely what is visible from Broad Street, completely overwhelming the historic carriage house to which it is attached. Mass and scale from the same perspective should be no less important.

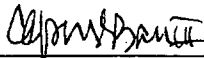
More specifically to this case, the view of the Addition from a Broad Street prospect is one regularly and frequently seen by residents and by tourists alike. (“Tourists” are a specifically emphasized class in Section 54-230, for whose benefit the ordinance was adopted), Broad Street is a regular walking route of residents and tourists; likewise, it is a regular route for tour buses; likewise, it is a regular route for horse tour carriages. Notwithstanding the oblique view of the Addition from the Broad Street perspective, the Addition will be seen by residents and tourists who traffic slowly along Broad Street, permitting vistas of significant time duration.

For the city architect and for the BAR to relax their standards in consideration of the degree of the view from the public right-of-way was error as a matter of law. Because the city architect adopted the same view as the applicant's architect, it must be presumed that the BAR accepted that advice. It was incorrect advice, and contrary to the letter as well as the spirit of the City Code

13. Because the BAR has ignored, or at least has overlooked, the standards legislated by City Council as discussed above, and as will be more fully briefed and argued upon review of the Return to this appeal to be filed by the Respondent City, the decision of the BAR should be reversed.

WHEREFORE, Petitioners pray for judgment reversing the decision of the BAR, and for such further relief as may be appropriate..

BARR, UNGER, MCINTOSH, LLC



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Attorney for Petitioners

Charleston, South Carolina
November 13, 2015

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Thomas S. Tisdale, Park R. Dougherty and)
Martha T. Dougherty,)
Petitioners,)
vs.)
The City of Charleston, City of Charleston)
Board of Architectural Review, Eugene M.)
Woodard and Janice S. Woodard,)
Respondents.)

IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-6186

MEMORANDUM OF PETITIONERS
ON APPEAL

FILED
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JULIE J. ARMSTRONG
CLERK OF COURT

Introduction:

This is an Appeal from a decision of the City of Charleston Board of Architectural Review ("BAR") approving an addition to the Property at 107 King Street, the home of Respondents Eugene and Janice Woodward. (The "Property".) The Appeal (Exhibit 1) was filed November 13, 2015, before Petitioners had obtained a complete copy of the BAR file. This Memorandum will summarize and show the facts of the case with greater clarity, and will more concisely argue the principal legal basis for the appeal.

This is a case of statutory interpretation. The City of Charleston Board of Architectural Review was created to regulate the architectural appearance of structures in Charleston's historic districts by the authority of state statutes. (South Carolina Code Sections 6-29-870, *et. seq.*). The City Code of Ordinances vests the BAR with jurisdiction over all structures that are visible from a street, public thoroughfare or public right-of-way.

In this case the BAR approved a structure easily visible from Broad Street, containing architectural features substantially disharmonious with neighboring homes and with the character

of the historic district south of Broad Street, featuring a 36 panel window wall more suited to an institutional use or, if a residence, one located in a more contemporary neighborhood.

But the overwhelming legal argument is this: The BAR erroneously concluded that because the structure would only be visible from Broad Street at an angle, that the standard of architectural review could thereby be relaxed. The BAR thus improperly created a "barely visible" standard. The Code of Ordinances does not allow for such relaxed scrutiny. The BAR erred as a matter of law in doing so.

Factual Overview:

107 King Street is one lot removed from the southwest corner of King and Broad Streets in the City of Charleston, less than a block from the Charleston Judicial Center. The Property was originally constructed as a kitchen house, a dependency to the home of Petitioner Thomas Tisdale at 109 Broad Street. The Tisdale home was originally constructed in approximately 1774.

An overview of the properties of all parties may be seen on Exhibit 2, attached, an aerial photograph on which 107 King Street is designated "Proposed Demolition". (North is to the left on Ex. 2.) To the north of 107 King Street (left in the photograph) is the Tisdale home at 109 Broad Street. Immediately below the Tisdale home, to the west, is the home of Petitioners Dougherty at 111 Broad Street. A broader aerial perspective is shown on Exhibit 3, in which the Charleston Judicial Center is seen in the top right of the photograph.

The property at issue, 107 King Street: Exhibit 4 is a photograph of the west elevation of 107 King Street. The BAR has approved demolition of the small room in the foreground, and of the chimney. Later exhibits show the proposed addition. Exhibit 5 is another view of the west

elevation of 107 King, also showing the rear of the Tisdale home at 109 Broad. Exhibit 6 shows the east elevation of 107 King Street, as seen from King Street.

The properties of Petitioners: Exhibit 7 is a photograph of the Tisdale home at 109 Broad. The proposed addition will be visible immediately to the rear of the piazzas of the Tisdale home. Exhibit 8 shows the Dougherty home to the right in the photograph, and the Tisdale home to the left. The proposed addition will be visible immediately to the rear of the Tisdale piazzas.

The proposed addition to 107 King Street: Exhibit 9 is an architectural rendering that depicts the proposed addition at issue in this case. Note the mass and height of the addition and its modernistic, incongruous design, inconsistent with every home in the neighborhood. Exhibit 10 is an architectural drawing, depicting the west elevations of the addition and of the Tisdale home, at the top section of the drawing. In the bottom section of the drawing is depicted the south elevations, also showing the Dougherty home to the left. Again, note the incongruous design. The west elevation of the proposed addition is a "window wall" consisting of a bank of 36 square, modernistic windows not appropriate to or in consonance with the Old and Historic District of Charleston.

Visibility from street, public thoroughfare, or public right-of-way: Exhibit 11 is an architectural rendering, showing the perspective of the addition from the Tisdale driveway at 95 Broad. From a slightly farther remove, this rendering also shows the perspective and visibility from Broad Street. Exhibit 12 is a slightly different perspective from the Tisdale driveway, also showing the Daugherty home to the right.

Exhibit 13 is a drawing that depicts visibility corridors and distances from Broad and Orange Streets, respectively, to the proposed addition.

The applications to the BAR: Mr. & Mrs. Woodard first made application to the BAR on August 17, 2015 for the proposed addition. (Exhibit 14). After hearing before the BAR on September 9, 2015 the application was deferred “for a re-study based on staff comments 1-5 and Board comments to reconsider a smaller total footprint, decrease in height and design of ‘window wall’.” The staff comments are attached as Exhibit 15.

A second application was made October 5, 2015 (Exhibit 16), and approved by a vote of 4-2.

BAR colloquy regarding “visibility”:

Attached as Exhibit 17 is a full verbatim transcript of the BAR hearing held in this matter on October 14, 2015. At hearing, there was substantial discussion about the issue of “visibility” of the proposed addition from nearby streets, as follows:

1. By Mr. Epps (Architect for Respondents Woodard): “I’m trying to gather up if I could make a collection of everyone’s concern. First of all, the massing. The comparison of the existing building to the proposal, you cannot distinguish—you cannot perceive that in any way from any public right-of-way. And as the board has expressed over and over again, your concern about what’s visible from the public right-of-way. Well, the comparative masses of the two buildings are not. They simply aren’t. (TR 34, line 24 to TR 35, line 8).
2. By Mr. Epps “The idea that this simple box is inappropriate for the existing house, which is a simple box, is certainly an unfair comment. I don’t know. I showed the visibility from the various points of public space, and simply put, it’s just not evident here that this has any negative impact on the neighborhood or the city whatsoever” (TR 36, line to TR 37, line 5).
3. By Mr. Dowd (Staff Architect for the City of Charleston): “Well, I would agree with one point and would point out to the board that the mass of the addition relative to the mass of any existing building is really not apparent from any street or right-of-way, and so it should not be a consideration of the board. I’d point out a few things I mentioned previously.

Visibility is from the north through the piazza of 109 Broad Street and from the west from Orange Street above the six-foot-high wall and discounting vegetation, and the stepback in plan designed the transitional hyphens are good moves...I think visibility is really the issue here, and have to say that we went out and looked at it on the site, and this is really marginally visible, and the areas that are visible are the areas that are under purview according to the ordinance...so we are recommending conceptual approval with conditions noted and final review by the staff." (TR 38, line 4 to TR 39, line 14).

4. By Mr. Faust (BAR Member): "Anyway, I think it's an inappropriate design because you can see it from the street, it's a curtain wall, and it's totally inappropriate with the neighborhood, and I can't support it" (TR 43, lines 16-20).
5. By Ms. Alexander (BAR Member): "And I'm also reminded on the visibility. We don't ever talk that much about it as much as - - it's not that we should - - I don't - - it's just the visibility is the thing that really draws me back to how much BAR should really have an impact on this design." (TR 49, line 19 - 24).
6. By Chairperson Ewing (Chair of the BAR): "Well, I disagree with you all. I think one of the ways this building should be looked at is that it is a dependency for 109. Were it still attached to 109 we would not allow it to come out to the edge of the piazza. I think the mass is too - - it needs to be tucked back. That's the natural order of those buildings. I understand they have a problem, but when you look at how - - where - - this addition from the air comes almost to there, and then when you look at the plan here, even though it shows that it's back, it's out another six feet or so than where this is. So I'm not quite sure. This stops - - what we're looking at here stops almost to the piazza, and then you look at this plan, it goes out farther. I don't think if this were still one piece of property we would ever have approved this because of height and mass, and I cannot support this application." (TR 50, line 11 to TR 51, line 6).

Applicable City Ordinances: The architectural standards of the City and by which BAR decisions are to be evaluated are set forth in Chapter 54 of the City of Charleston Code of Ordinances. Exhibit 18 is a complete copy of Chapter 54.

The expressed purposes of creating the Old and Historic District and the Old City District are stated in Section 54-230: "It is deemed essential by the City Council of the city that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved; some of these qualities being:

- the continued existence and preservation of historic areas and structures;
- continued construction of structures in the historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design;
- that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a district aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city, the state, and the nation.

The City Code vests the Board of Architectural Review with jurisdiction to regulate architectural features of structures in the Old and Historic District and Old City District that are visible from a public street, a public thoroughfare or a public right-of-way. Section 54-231 provides, for example:

"For the purposes of this article, 'exterior architectural appearance' shall include architectural character, general composition, and general arrangement of the exterior of a structure, including the kind, color and texture of the building material and type and character of all windows, doors, light

fixtures, signs, and appurtenant elements visible from a street or public thoroughfare.”

Significantly, Section 54-231 quoted above sets forth the “type and character of windows” as a noteworthy exterior architectural feature that must be evaluated by the BAR. The windows of the proposed addition in this case bear scrutiny, in particular, because of that provision.

The Code further charges the BAR with the responsibility to consider any proposed structure in the context of its surroundings. Section 54-240, for example, requires the BAR to consider not only the proposed structure, which in this case is an addition, but must do so in light of the “nature and character of the surrounding area, the use of such structure and the importance to the City.”; and further, “the relation of such elements to similar features of structures in the immediate surroundings. The BAR shall not... make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character.” (Section 54-240).

The Code requires disapproval of a proposed structure, because of “...the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure (in case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood (in the case of a new structure). (Section 54-240i).

The Applicable Law:

Scope of Review:

Issues involving the construction of an ordinance are reviewed under a broader standard of review than is applied to reviewing issues of fact. *Mikell vs. County of Charleston*, 386 S.C. 153, 687 S.E.2d 326 (S.Ct. 2009). Although great deference is accorded the decisions of those charged

with interpreting and applying local zoning ordinances, “A broader and more independent review is permitted when the issue concerns the construction of an ordinance. The determination of legislative intent is a matter of law.” *Mikell, supra, citing Charleston County Parks and Recreation Commission vs. Somers, 319 S.C. 65, 459 S.E.2d 841 (1995).*

The true guide to statutory construction is not the phraseology of an isolated section or provision, but the language of the statute as a whole considered in the light of its manifest purpose. *Charleston County PRC vs. Somers, supra; City of Columbia vs. Niagara Insurance Co., 249 S.C. 388, 154 S.E.2d 674 (1967).*

Discussion.

1. **Visibility from a public street, a public thoroughfare, or a public right-of-way.** The cardinal legal error of the BAR in this case was in concluding that the degree of visibility of a structure from a street bears some correlation to the degree of scrutiny to which an application must be regarded. That the BAR acknowledged a relaxed standard because the structure at issue was “barely visible” is apparent from the colloquy restated in the excerpt from the transcript of hearing, stated in the factual overview, above.

Also noteworthy in this respect are exchanges made during the earlier, September 9, 2015 hearing, at which this application was deferred:

a. On that occasion Mr. Dowd, the city architect, stated: “I think there are essentially three issues to consider here; the issue of visibility, the issue of submittal requirements, and the issue of preservation standards and appropriateness of the proposal.

“In terms of visibility, it is visible from the north through the piazza of 109 Broad Street. It is visible from the west, from Orange Street above the 6 foot high wall and without vegetation and it is partially visible from King Street.” (TR 33, line 15 -24).

b. In that first hearing Lou Perella, a King Street neighbor of the Property a spoke against the application. Mr. Perella, who lives at 99 King Street, raised the question whether this design would be approved by the BAR if the building faced King Street below Broad, three doors from where he lives. (TR 19, line 12 to TR 20, line 2).

During the BAR colloquy in its deliberation, D. William Wallace, a BAR member stated:

By Mr. Wallace: "In answer to Mr. Perella's question, if that were on Broad Street, if that were 111 Broad Street instead of the existing house and that façade was there, I would not approve it."

Unidentified Voice: "We wouldn't like it."

Unidentified Voice: "I would not approve it."

The Chairperson: "Mr. Epps. Mr. Epps, this is board time. (TR 41, lines 7-15)

Therefore, it appears that the applicant's own architect would not have designed this 24 panel window wall for a building on Broad Street, itself. Why, then, should it be approved when it is clearly visible from Broad Street?

The intent of City Council in enacting South Carolina Code Sections 54-230, *et. seq.* is specifically stated. Section 54-230 states Council's "Purpose of Creating" the Old and Historic and Old City Districts, to achieve "a harmonious outward appearance of structures" to "preserve property values and to attract tourists and residents alike", achieved by preserving historic areas and structures, and by the "continued construction of structures in the historic styles and a general harmony as to style". The legislative purpose is advanced through the preservation and protection of old or architecturally significant structures "and quaint neighborhoods which impart a district aspect to the City and which serve as visible reminders of the cultural heritage of the city, state and nation."

Nowhere in the ordinance can language be found that suggests that the degree or amount of visibility of architectural features should have any bearing on the design standards that are to be imposed. However, by imposing a “barely visible” standard in its review of this case the BAR has introduced a subjective, ambiguous and slippery scale to an otherwise clear and unambiguous statement of legislative intent. If simple visibility is not sufficient to trigger a full review of the design, then what extent of visibility is required? The answer to the question is that the legislative intent does not support the parsing of degrees of visibility.

Particularly taking into consideration the record exchanges that the design now before the court would not be acceptable on Broad Street, it was error for the BAR to approve it, when it is clear that it is visible from Broad Street.

Moreover, this Court should take notice of the fact that east bound Broad Street traffic at the intersection of King Street is notoriously slow, for both residents and tourists alike. Particularly for tourists, a class of persons specifically identified in Section 54-230 as intended beneficiaries of the ordinance, riding in slow moving horse carriages or elevated tour busses on Broad Street, the proposed addition in this case would look more like a Rite-Aide drug store than it would a structure in harmony and sympathetic with the quaint, traditional and historic neighborhood surrounding 107 King Street.

2. **As a matter of law, the 24 panel window wall designed for the addition in this case violates the expressed purposes and standards of the ordinance.**

Petitioners incorporate, here, the arguments stated in their Petition and Appeal (Exhibit “A”) at Paragraph 12.

3. **The BAR and its staff failed to address a principal condition of the September 9, 2015 deferral.**

The transcript of hearing on September 9, 2015 shows that board member Wallace

moved to defer the application as follows:

By Mr. Wallace: "I move for a deferral based on staff's comments 1 through 5; based on the fact that the addition could possibly be smaller. It needs to be reconsidered for the total footprint of the addition and that it could be slightly less tall as well.

"And that the architecture, while it can be contemporary, should especially reconsider the window wall in the rear of the building."
(TR 44, lines 13-21).

The Chair repeated the motion:

By the Chairperson: "That's the front of the building.
"We have a motion by Mr. Wallace for deferral and restudy based on staff comments 1 thorough 5, reconsider the total footprint, reconsider the height, possibly step back the western elevation and reconsider the window wall.

"That's been seconded by Mr. White. All in favor please signify by saying "aye"." (TR 44, line 24 to TR 45, line 7).

However, the BAR staff did not note the condition to "reconsider window wall". See Staff Comments at Exhibit 15. Neither was the window wall considered at the second hearing. At least, it was in no way modified and contained in the final application the same 36 panel window series as was first presented.

The BAR erred in failing to require reconsideration of the window wall, which is the most offensive architectural feature of the proposed addition.

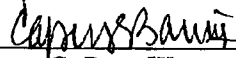
Conclusion.

Unlike many BAR disputes involving differences of opinion as to appearance, a subjective standard, this case presents two significant errors of law by the BAR: The board's adoption of the "barely visible" standard, in contravention of the plain language of the ordinance; and its failure to follow up on a reconsideration of the window wall as it decided at its September 9, 2015 hearing.

For the reasons argued, the decision of the BAR should be reversed. At the very least the case should be remanded to the BAR for reconsideration and to readdress the errors of law as presented.

Respectfully,

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Charleston, South Carolina
March 29, 2016

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IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-6186

EXHIBITS TO MEMORANDUM OF
PETITIONERS ON APPEAL

1. Petition and Appeal;
2. Aerial Photograph, Broad/King Streets;
3. Aerial Photograph, Broad/King Streets;
4. 107 King Street, West Elevation;
5. 107 King Street, West Elevation including Tisdale Property;
6. 107 King Street, East Elevation;
7. 107 Broad Street, (Tisdale);
8. 107 & 109 Broad Street, (Tisdale/Dougherty);
9. 107 King Addition, West Elevation, rendering;
10. 107 King Addition, West/South Elevations, drawing;
11. 107 Broad Street/107 King Street Addition, perspective/view rendering;
12. 107 & 109 Broad Street and 107 King St. Addition, perspective/view rendering;
13. View Corridors and Distances, measured;
14. First Application to the BAR, with deferral;
15. Staff Comments;
16. Second Application to the BAR with approval;
17. Transcript of 10/14/2015 BAR hearing;
18. City Code Sections 54-230, et. seq.

Charleston, South Carolina
March 29, 2016



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IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-

PETITION AND APPEAL FROM THE
BOARD OF ARCHITECTURAL REVIEW

FILED
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JULIE J. HANSTRONG
CLERK OF COURT
BY

Petitioners allege:

1. This is an appeal from a decision of the City of Charleston Board of Architectural Review ("BAR"), made at open hearing on October 14, 2015.
2. In that decision the BAR approved, by a vote of 4-2, an application for an Addition (the "Addition") to the residence at 107 King Street. (The "Subject Property").
3. The Subject Property is owned by Respondents Eugene and Janice Woodard.
4. Petitioners own and live in homes adjoining the Subject Property. Thomas Tisdale resides at 109 Broad Street; and the Subject Property adjoins his residence to the South. In fact, the Subject Property was at one time a dependency, a kitchen house, to the residence at 109 Broad Street.
5. Petitioners Park and Martha Dougherty reside at 111 Broad Street, immediately to the West of the Tisdale home; and the Subject Property adjoins their residence to the South.
6. Accordingly, Petitioners are "affected persons" who have standing to appeal the BAR decision.

7. As will be seen from the full BAR record when it is filed, the Addition to the Subject Property is of a modernist, contemporary design, in stark and striking contrast, and disharmonious with the principal residence on the Subject Property, and in even greater disharmony with the neighboring and adjoining residences, and particularly the homes of the Petitioners Tisdale and Dougherty.

8. Moreover, and in addition to its design disharmony, the Addition dwarfs in scale the principal home on the Subject Property; and it is greatly out of proportion with the homes of Petitioners and other neighboring homes. The Addition's mass will also block present light and air perspectives from the piazzas of 109 Broad Street.

9. Equally importantly, the Addition is visible from public rights of way, and it is within the Old and Historic District or the Old City District, as those terms are used in the City of Charleston Code of Ordinances. ("City Code".)

10. The grounds for this appeal are that the BAR failed to follow and honor its own rules. Thereby, the BAR's decision was arbitrary, an abuse of discretion and made without evidentiary support. Those rules are set forth in the City Code, State Statutes, and in guidelines adopted by the BAR and published on the City's website.

11. More specifically, the rules state:

a. It is deemed essential by city council that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourists and residences alike be preserved; some of these qualities being the continued existence of and preservation of historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design; (City Code Section 54-230.) (Emphasis added.)

b. That such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a district aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city , state and nation. (*id.*) (Emphasis added.)

c. "Exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of a structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from a street or public thoroughfare. (City Code Section 54-231.) (Emphasis added.)

d. The exterior architectural appearance of any structure either more than one hundred years old or...which is within the Old City District and which is visible from a public right of way shall not be changed until after....approval by the BAR. (City Code Section 54-231.)

e. In passing upon an application to ...alter the exterior appearance of any existing structure the BAR shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and the importance to the city. (City Code Section 54-240(a). (Emphasis added.)

f. In passing upon an application for new construction in the Old District the BAR shall consider, among other things, the general design, the character and appropriateness of design, scale of structures, arrangements, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. (City Code Section 54-240(b). (Emphasis added.)

g. The BAR shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously inconsistent with this character. *Id.*

h. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless or disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the structure or with the prevailing character of the neighborhood. (City Code Section 54-240(i)).

12. The decision of the BAR is contrary to law because:

a. As will be readily apparent from a review of the BAR record when filed, the design of the Addition is dramatically modernist and contemporary: the west elevation consists entirely of a large, paneled "window wall", with rigid, angular features in total and obvious disharmony with the principal building on the Subject Property; and in greater disharmony with the prevailing character of the neighborhood, and more specifically with the homes of Petitioners.

b. The scale of the Addition overwhelms and dwarfs the principal structure on the Subject Property and is likewise grossly disproportionate to the prevailing character of the neighborhood, and more specifically the homes of Petitioners. Its mass will block light and air access to the piazzas of 109 Broad Street.

c. The City Code contains at least one discrete requirement with respect to design standards for an addition to an existing building. Section 54-240(i) provides in part:

"...among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:...the absence of unity and coherence in composition not in consonance with the dignity and character of the presence structure (in the case of repair, remodeling or enlargement of an existing structure)...". (Emphasis added.) Therefore, as a statement of legislative intent, City Council has directly expressed a requirement that the design of an addition be "in consonance"- that is to say, in agreement with and compatible with - the structure to which it attaches.

In this case, rather than seeking consonance with the existing structure at the Subject Property, applicants, and the BAR in its discussion of the application, instead emphasized the discordance of the design. Citing to the President's Advisory Council on Historic Preservation, the BAR in its discussion (Mr. Wallace) said: "I don't think that this is so blatantly modern that it really is out of character or scale, but even saying that, if you look at other documents, not just ours in the City of Charleston, but, for example, the President's Advisory Council on Historic Preservation says that if you do an addition to a historic building, it should look like an addition. It should not mimic the building that is there. That's a national standard and I think it's something that has been accepted by the National Trust for Historic Preservation and other preservation groups throughout the United States for many, many years, so I don't think we, as a board, can say that what's in the ordinance precludes something like this being done."

"Something like this"? It would seem to be a fair characterization of Mr. Wallace's comment that he said, in essence, "well, this is mighty modern, but because it's not blatantly so, and because we should not mimic the building that is there, we can't say the

ordinance precludes it.” However, and contrary to his “preclusion” comment, the ordinance provides that disapproval is required where there is not consonance of design.

Even the BAR’s own “Charleston Standards” do not allow for discordance. The Standards provide that, “to respect the authenticity of the historic structure and its context and setting, the new alterations or additions should be clearly discernable from the old. The differentiation may or may not be stylistic, and may be as subtle as a change in building footprint, material, or other means.” (Emphasis added.) The Standards are reconcilable with the caveat of City Council requiring “consonance”. However, believing that the national standards required dramatic differentiation between old and new, the BAR overlooked its charge to seek consonance, and instead focused on and approved a discordant design.

Because the design that was approved in this case cannot be reconciled with the requirement of City Council for consonance, the decision of the BAR was in error, as a matter of law.

d. The BAR erroneously concluded that considerations of design, mass and scale should be differently applied in this case, because the Addition is “not very visible”.

In response to questions from the Board, the applicant’s architect commented, with respect to the question that the mass of the addition overwhelms the mass of the principal residence that “you cannot perceive that in any way from any public right-of-way. And as the Board has expressed over and over again, your concern about what is visible from the public right-of-way. Well, the comparative masses of the two buildings are not. They simply aren’t.”

To which Mr. Dowd, the City’s architect, responded: “Well I would agree with one point and would point out to the board that the mass of the addition relative to the mass of the existing building is really not apparent from any street or right-of-way, and so it should

therefore not be a consideration of the board." The city architect further commented on the marginal visibility of the Addition as a basis for relaxing the BAR's consideration of established standards such as relative scale.

The positions articulated by the City architect were in error. In City Code Sections 54-230 and 54-231, City Council clearly expressed the importance of visibility. Nowhere in the City Code does City Council suggest that considerations of scale and mass depend upon the extent to which exterior architectural appearance is visible. The only conclusion to draw from the unambiguous language of the ordinance is that visibility from the street is the component that vests the BAR with jurisdiction to judge architectural appearance. Once jurisdiction is vested, however, the standards otherwise articulated in the Code must apply.

For that matter, in defining "exterior architectural appearance" in 54-231(b), City Council emphasized, among the architectural features, the "type and character of all windows", that are "visible from a street or public thoroughfare ." The modernistic glass wall proposed in this case, starkly contrasting with the classic designs of 109 and 111 Broad Street, is precisely what is visible from Broad Street, completely overwhelming the historic carriage house to which it is attached. Mass and scale from the same perspective should be no less important.

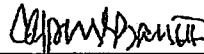
More specifically to this case, the view of the Addition from a Broad Street prospect is one regularly and frequently seen by residents and by tourists alike. ("Tourists" are a specifically emphasized class in Section 54-230, for whose benefit the ordinance was adopted), Broad Street is a regular walking route of residents and tourists; likewise, it is a regular route for tour buses; likewise, it is a regular route for horse tour carriages. Notwithstanding the oblique view of the Addition from the Broad Street perspective, the Addition will be seen by residents and tourists who traffic slowly along Broad Street, permitting vistas of significant time duration.

For the city architect and for the BAR to relax their standards in consideration of the degree of the view from the public right-of-way was error as a matter of law. Because the city architect adopted the same view as the applicant's architect, it must be presumed that the BAR accepted that advice. It was incorrect advice, and contrary to the letter as well as the spirit of the City Code

13. Because the BAR has ignored, or at least has overlooked, the standards legislated by City Council as discussed above, and as will be more fully briefed and argued upon review of the Return to this appeal to be filed by the Respondent City, the decision of the BAR should be reversed.

WHEREFORE, Petitioners pray for judgment reversing the decision of the BAR, and for such further relief as may be appropriate..

BARR, UNGER, MCINTOSH, LLC



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Attorney for Petitioners

Charleston, South Carolina
November 13, 2015

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Thomas S. Tisdale, Park R. Dougherty and
Martha T. Dougherty,
Petitioners,

vs.

The City of Charleston, City of Charleston
Board of Architectural Review, Eugene M.
Woodard and Janice S. Woodard,

Respondents.

IN THE COURT OF COMMON PLEAS

Case No: 2015-CP-10-

CERTIFICATE OF SERVICE

FILED
2015 NOV 13 PM 2:17
JULIE A. BARR III
CLERK OF COURT
BY

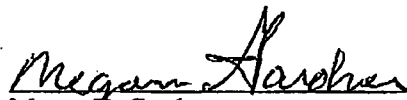
I hereby certify that I have served the Summons and Petition and Appeal from Board of
Architectural Review this 13th day of November, 2015 and addressed as follows:

City of Charleston Board of Architectural Review
Gaillard Center Municipal Bldg.
2 George Street, First Floor
Charleston, SC 29403
(By First Class Mail)

Dennis Dowd
City Architect
2 George Street, First Floor
Charleston, SC 29403
(By E-Mail and First Class Mail)

Hon. Vanessa Turner Maybank
Clerk of Council
80 Broad Street
Charleston, SC 29401
(By Hand Delivery)

Frances I. Cantwell, Esq.
City of Charleston
50 Broad Street
Charleston, SC 29401
(By Hand Delivery)


Megan E. Gardner
Paralegal to Capers G. Barr, III

Charleston, South Carolina
November 13, 2015



107 King

Print Date: 04/20/2015
Image Date: 03/05/2013
Level: Neighborhood

Proposed Demolition

107 King Street

BP 00130



CONTEXT

Blumberg No. 5110

EXHIBIT

3



107 King Street.
West Elevation (Rear Elevation).
1960's 1 Story Addition Approved By BAR for
Demolition.

BP 00118



95 Broad Street. Rear Elevation.
The North Elevation of 107 King Street Was Attached
To 95 Broad Street (As noted on Sanborn Maps).

BP 00120



Shumberg No. 5119

EXHIBIT

6



House w / Piazza At 95 Broad Street (As Indicated on
1884 and 1888 Sanborn Maps). Sanborn Maps Indicate
107 King Street Kitchen House Was Attached To 107
King Street.

BP 00119

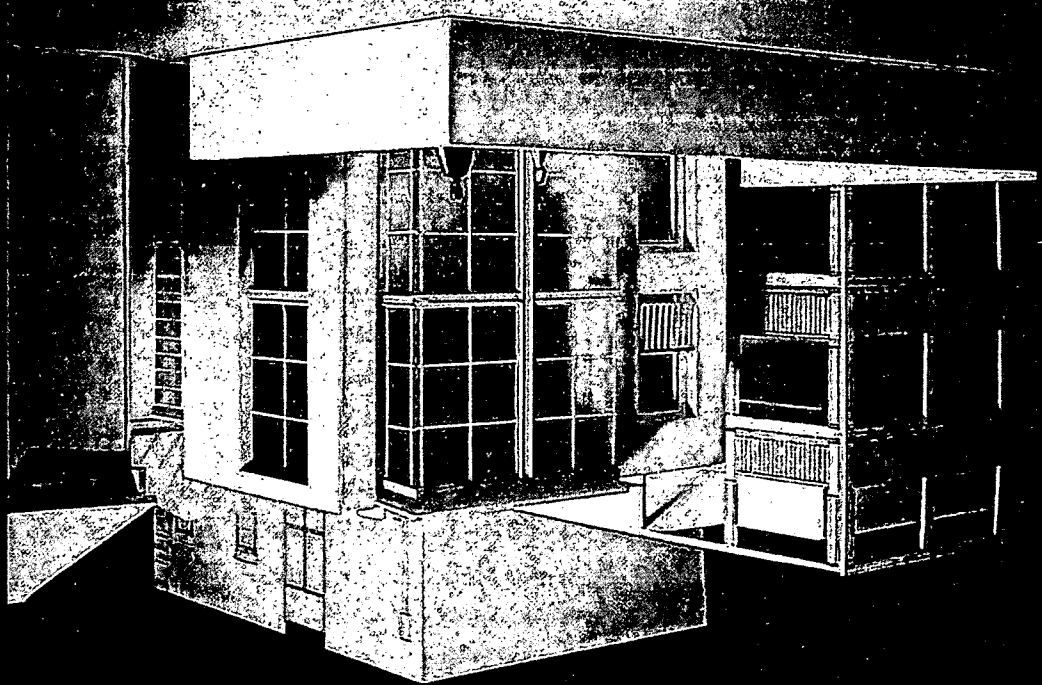


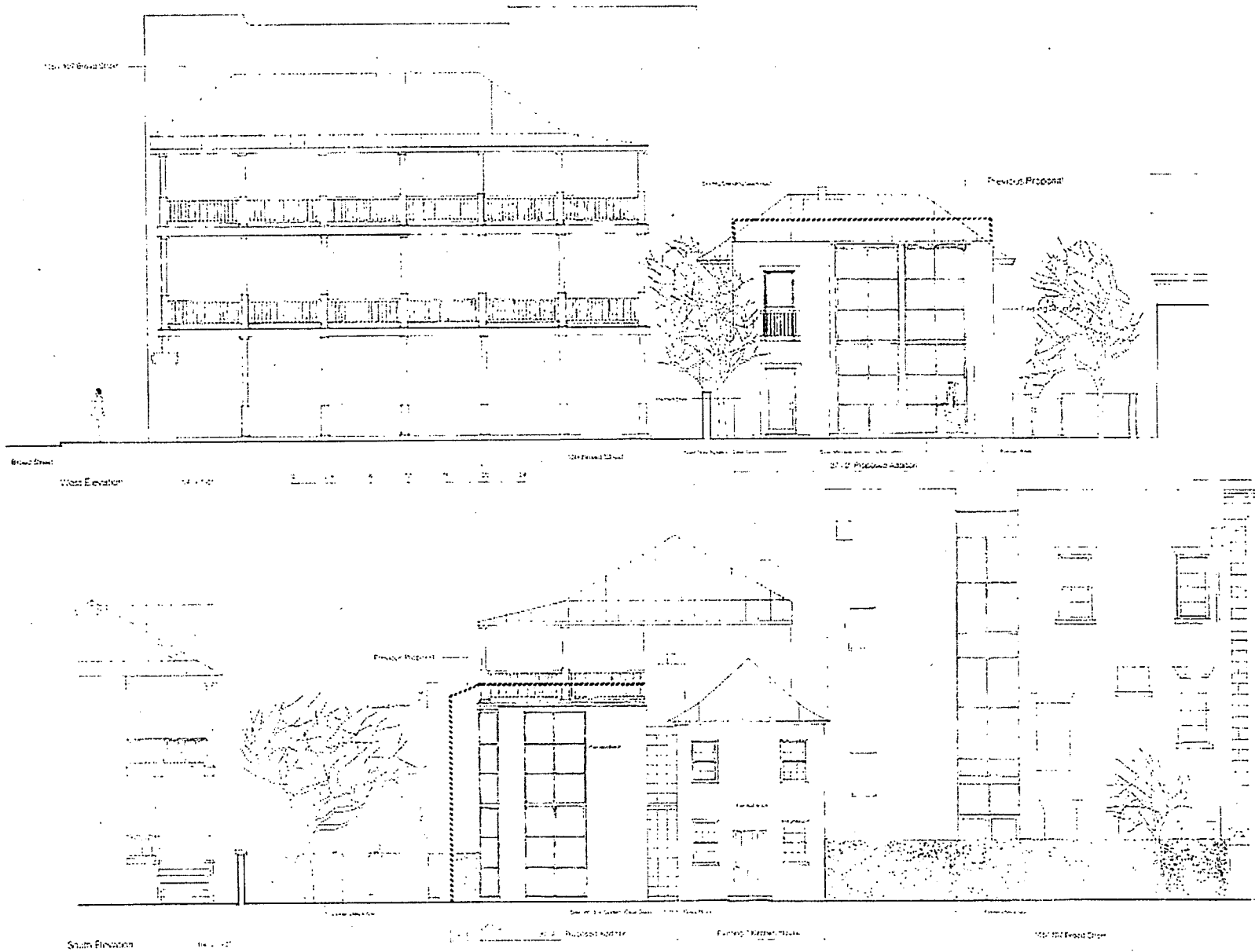
LOOKING SOUTH FROM BROAD

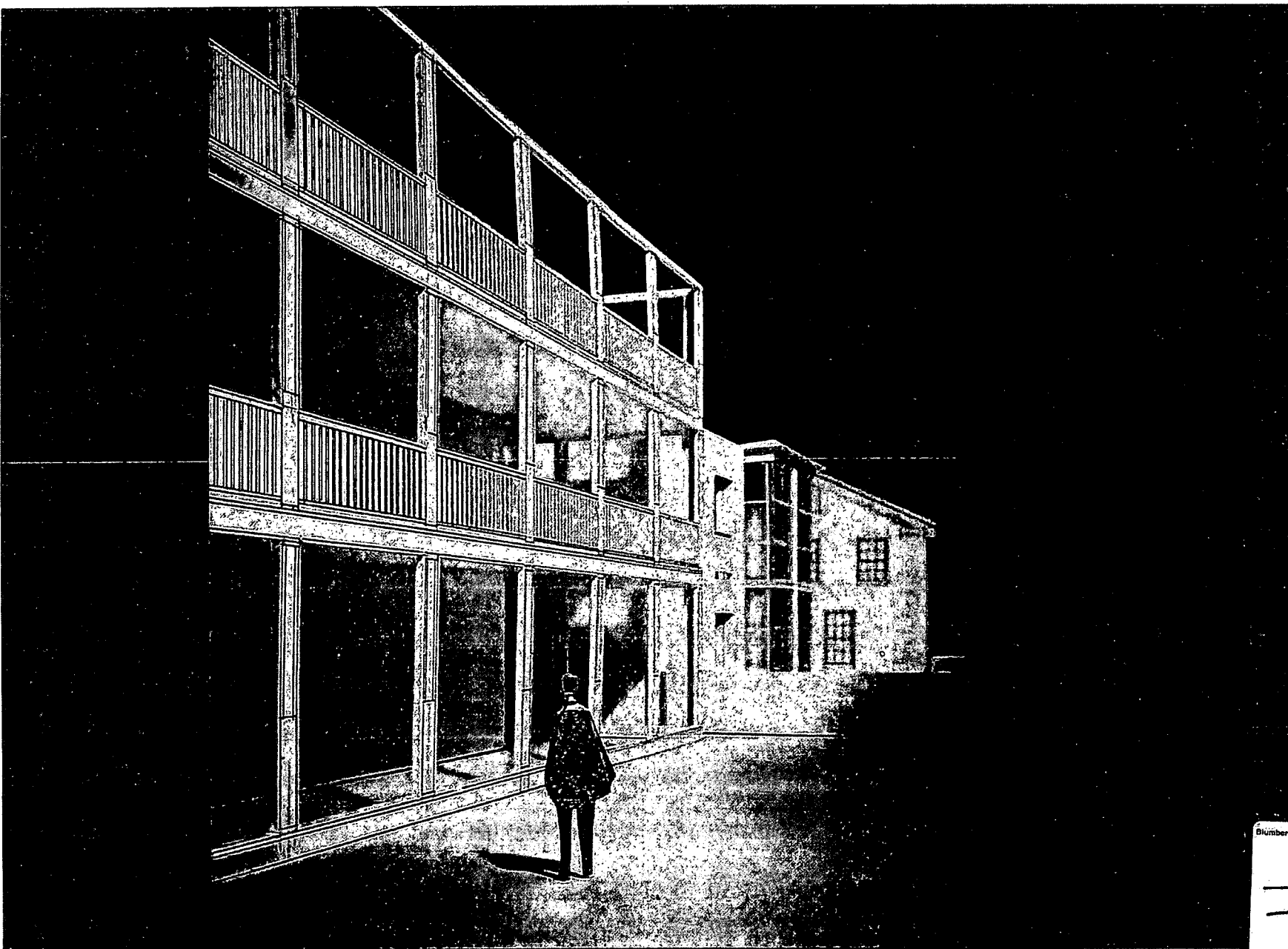
Blumberg No. 5110

EXHIBIT
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EXHIBIT
9
Dunberg No. 5179

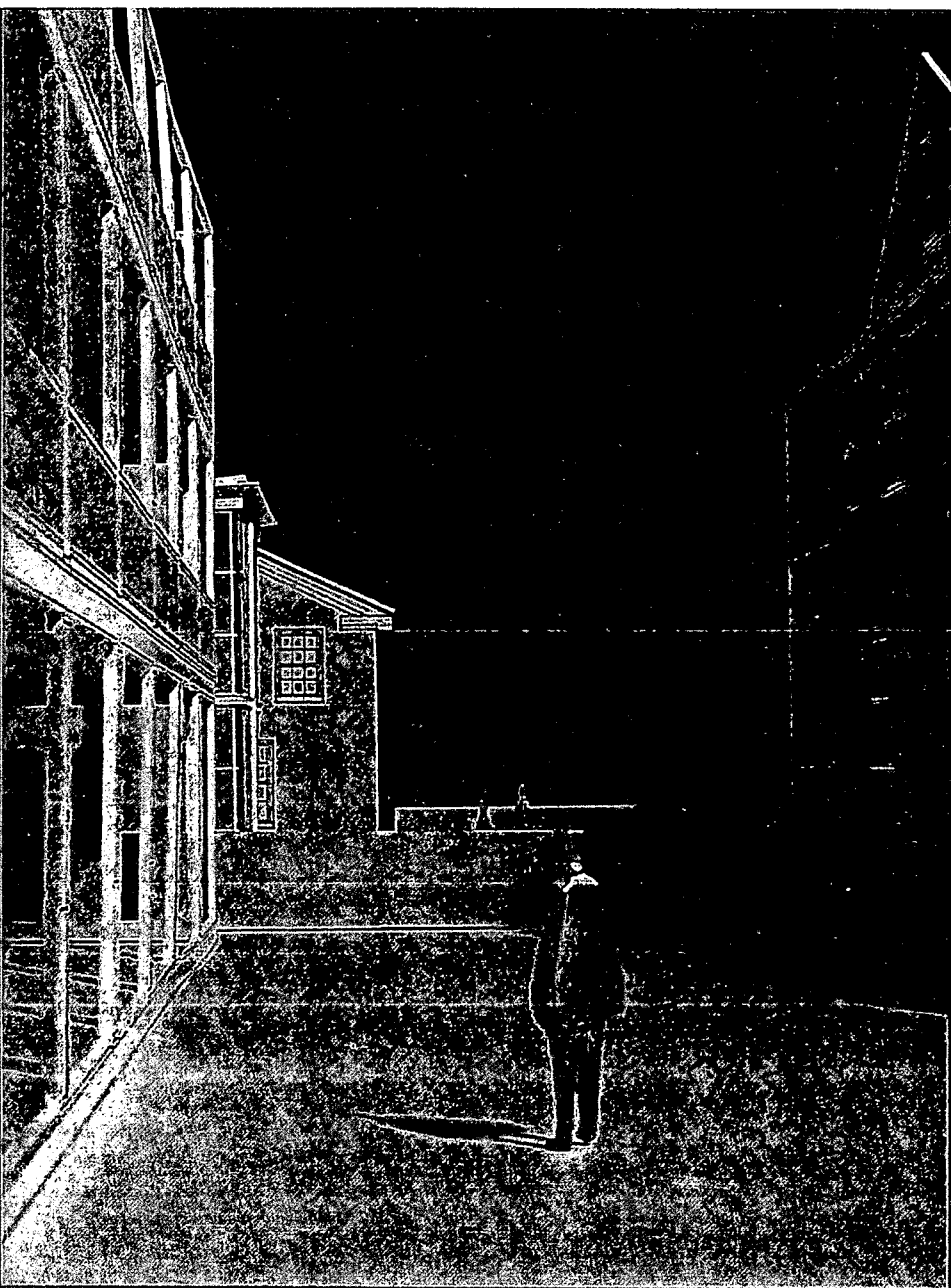






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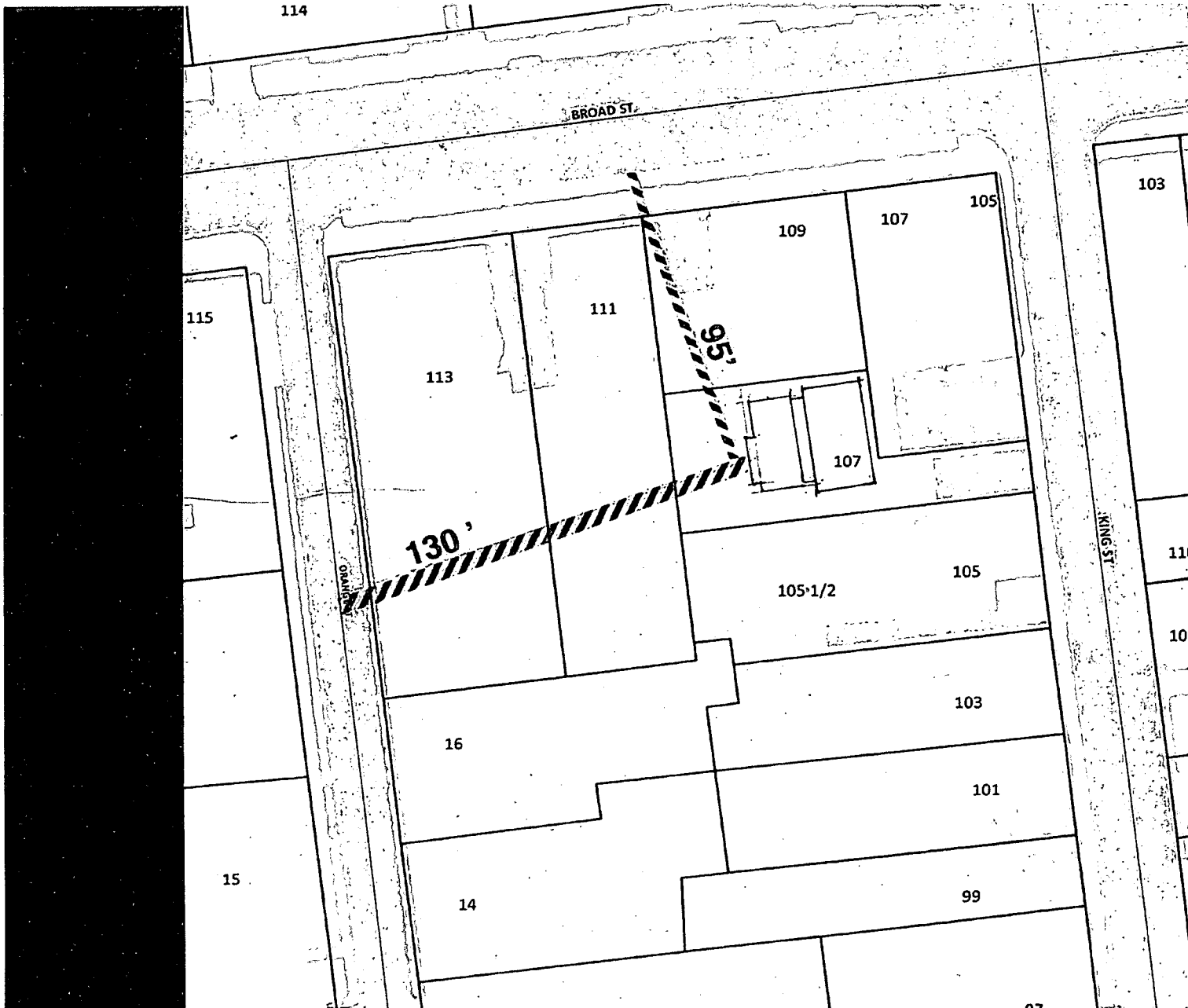
EXHIBIT
11



Blumberg No. 5110

12

EXHIBIT





BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS



CITY OF CHARLESTON
2 George Street

Charleston, South Carolina 29401

843-724-3781

Fax: 843-724-3772

www.charleston-sc.gov/BAR

Property Address: 107 KING STREET		TMS No.: 457-12-04-054
Review request:	For:	Meeting date requested: AUG. 26
☒ Conceptual	☐ New Construction ☒ Alterations / Additions	☐ Appeal Decision of Urban Design Staff
☐ Preliminary ☐ Final	☐ Repairs or repaint with no changes	☐ Color Change ☐ Demolition

Property Owner: GENE WOODARD	Daytime phone: 214-549-6734
Applicant: ROBERT EPPS	Daytime phone: 577-2080
Applicant's mailing address: EPPS ARCHITECTURE • 1 PINCKNEY ST.	
City: CHARLESTON	State: SC Zip: 29401
Applicant's e-mail address: eppsarch@att.net	
Applicant's relationship: ☐ Owner ☒ Design Professional ☐ Contractor ☐ Real Estate Agent/Broker ☐ Other	

In your own words describe what you are requesting: ADDITION TO REAR OF PROPERTY. MINOR MODIFICATIONS TO EXISTING STRUCTURE

Submittal Requirements: See BAR Submittal Requirements supplement for complete information. Zoning / Courtesy TRC approval required prior to making application for review. INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or an authorized representative. I authorize the subject property to be posted and inspected, and the application to be heard by the Board of Architectural Review of the City of Charleston on the date specified.

Applicant's signature: *Robert Epps* Date: **Aug 17**
Print name legibly: **ROBERT EPPS.**

For Office Use Only Below this Point

☒ The Board of Architectural Review has reviewed this request. Its findings are as follows:	
☐ The Urban Design and Preservation Staff has reviewed this request. Its findings are as follows:	
☐ Approval ☐ Denial ☒ Deferral ☐ Approval with the following conditions: Deferral for restudy based on staff comments 1-5 and Board comments to reconsider a smaller total footprint, decrease in height and design of "window wall"	
☐ Final Approval is granted upon fulfillment of the above-specified conditions and is referred to the Preservation Staff for further action.	
☐ Further Action/Final Approval Requires Board Hearing(s)	
Chairman's or Staff's Signature: <u><i>Debra W. Gage</i></u>	App. No.: 159-09-4
Date: 9/9/15	
Arch. Rating:	Const. Date: ☐ Old and Historic Dist. ☐ Old City Dist. ☐ Landmark Dist. ☐ North of Line St.
Date received: 8/17	Fee amount: 200 Receipt no.: 621056 Staff person: SR

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 2 years from approval date.

BP 002



Staff Comments
For
BOARD OF ARCHITECTURAL REVIEW
September 9, 2015

107 King St. :

Staff Comments:

1. There are 3 issues to consider for this project:
 - a. Visibility.
 - b. Submittal Requirements.
 - c. Preservation Standards/Appropriateness.
2. Its visibility is from the north through the piazza of 109 Broad St. and from the west from Orange St. above a 6' high wall and without vegetation. It is marginally visible from King St.
3. The submittal requirements have not been met. Elevations of the north and east sides have not been provided making it difficult to assess the view through the piazza of 109 Broad St. Existing floor plans have also not been provided for comparison of the footprint.
4. There is a lot of mass to the addition, and it is taller than the original kitchen house. Although this is not preferred it will only be minimally perceptible from King St., so that should not weigh heavily in the Board's deliberations.
5. The Charleston Standards require that additions to historic structures be differentiated from the original, and this will certainly be the case with this proposal. The exception to this being the proposal to paint the addition brick white to match the existing.
6. The step back in plan and transitional hyphens are good moves, but we feel that the addition could be much less contrasting stylistically and still be differentiated.

Staff Recommendations:

1. Deferral for additional information per submittal requirements and other conditions noted.

Staff Comments
For
BOARD OF ARCHITECTURAL REVIEW
October 14, 2015

107 King St. :

need to point out to the Board that the mass of the addition relative to the mass of the existing building is not apparent from any street or R.O.W. and should therefore not be a consideration.

Staff Comments:

1. As mentioned previously:
 - a. Visibility is from the north through the piazza of 109 Broad St. and from the west from Orange St. above 6' high wall and without vegetation.
 - b. The step back in plan and transitional hyphens are good moves.
2. A wash on the new brick to differentiate it from the original would be preferable to opaque paint.
3. Otherwise we feel they have satisfied all of the Board's conditions.

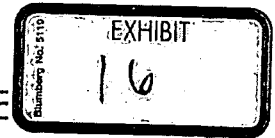
Staff Recommendations:

1. C/A with the conditions noted and FRBS.



BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS



CITY OF CHARLESTON

2 George Street

Charleston, South Carolina 29401

843-724-3781

Fax: 843-724-3772

DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY

www.charleston-sc.gov/BAR

Property Address: 107 KING STREET		TMS No.: 457-12-04-054
Review request: ☒ CONCEPT.	For: ☒ ADDITION & ALTERATION	Meeting date requested: 10/14/15
☐ DESIGN	☐ REVISION	☐ OTHER

Property Owner: GENE WOODARD	Daytime phone:
Applicant: ROBERT EPPS	Daytime phone: 843-571-2080
Applicant's mailing address: 1 PINCKNEY ST.	
City: CHAS.	State: SC Zip: 29401
Applicant's e-mail address: eppsarch@att.net	
Applicant's relationship: ☒ DES. PROJ.	

In your own words describe what you are requesting: **ADDITION & MODIFICATIONS TO REAR OF EXIST. STRUCTURE**

Submittal Requirements: See BAR Submittal Requirements supplement for complete information. Zoning / Courtesy TRC approval required prior to making application for review. INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or an authorized representative. I authorize the subject property to be posted and inspected, and the application to be heard by the Board of Architectural Review of the City of Charleston on the date specified.

Applicant's signature: *Robert Epps* Date: 10/05/15
 Print name legibly: **ROBERT EPPS**

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☒ Board of Architectural Review has reviewed this request. Its findings are as follows:					
Denial Deferral					
the following conditions: Conceptual approval with staff conditions and final review by staff					
-specified conditions and is referred to the Preservation Staff for further action.					
Chairman's or Staff's Signature: <u><i>Robert W. Young</i></u>					App. No.: 1510-14-7
Date: 10/14/15					
Arch. Rating:	Const. Date:	Old and Historic Dist.	Old City Dist.	Landmark Dist.	North of Line St.
Date received: 10/5	Fee amount: —	Receipt no.: —	Staff person: SR		

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 2 years from approval date.

BP 001

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CITY OF CHARLESTON
BOARD OF ARCHITECTURAL REVIEW MEETING

DATE: October 14, 2015
TIME: 4:30 PM
LOCATION: Gaillard Center Municipal Bldg.
2 George Street, First Floor
Charleston, SC
REPORTED BY: MARIE H. BRUEGGER, Registered
Professional Reporter, CRR

A. WILLIAM ROBERTS, JR., & ASSOCIATES
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A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
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1 BOARD MEMBERS: 2 PHYLLIS EWING, Chairperson 3 JANETTE ALEXANDER 4 BOB FAUST 5 ERIKA HARRISON 6 BILL WALLACE 7 JAY WHITE 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 2 1 CHAIRPERSON EWING: Ladies and 2 gentlemen, welcome to the October 14, 2015, 3 meeting of the Board of Architectural Review. 4 My name is Phyllis Ewing, and I'll be 5 chairing the meeting tonight. Other board members 6 are Jay White, Erika Harrison, Bob Faust, Janette 7 Alexander, and Bill Wallace. City staff present 8 are Dennis Dowd, Erin Stubblefield, and Stephen 9 Risse. Peggy Jordan, recorder from the Clerk of 10 Council's office, is here to do the minutes today. 11 (Whereupon, Agenda Items 1 through 6 12 were addressed.) 13 MR. DOWD: Next up, 107 King Street, 14 and this is a request for conceptual approval for 15 new construction of a rear addition and 16 modifications to the existing structure. The 17 building is not rated in Charlestowne, circa 1800, 18 in the Old and the Historic District. 19 So this is the property here, a former 20 kitchen house to 109 Broad, now addressed on King 21 Street. This is looking west from King and 22 looking northwest from King toward Broad and then 23 looking south from Broad and then looking south at 24 No. 109 Broad through the piazza there and then 25 looking east over the wall from Orange Street.
Page 4 1 This is the 1888 and 1902 Sanborns, 2 tell us about the evolution of the kitchen house, 3 and then '44 and '51. 4 The previous motion was a deferral for 5 restudy based on staff comments one through five 6 and board comments to reconsider a smaller total 7 footprint, decrease in height, and design of the, 8 quote, window wall. 9 Staff comments were that we said there 10 were basically three issues: Visibility, 11 submittal requirements, and preservation standards 12 and appropriateness. 13 And the visibility is from the north 14 through the piazza of 109 Broad Street from the 15 west from Orange Street above a six-foot high wall 16 and discounting vegetation. 17 We felt the submittal requirements 18 were not met. Elevations of the north and east 19 sides and existing floor plans had not been 20 provided. 21 We felt there was a lot of mass to the 22 addition, taller than the original kitchen house, 23 which was not preferred, but minimally perceptible 24 from King Street. We asked to reconsider a 25 proposal to paint the addition brick white to	Page 5 1 match the existing, so that there was some 2 differentiation. And finally, the stepback in 3 plan and traditional hyphens are good moves, but 4 we felt the addition could be less contrasting 5 stylistically and still be differentiated. 6 Board comments were that the board 7 didn't see that there were any arresting effects 8 with the design, that the bay is not a glassy 9 wall, it's a bay with large windows. Some felt it 10 was architecturally interesting and takes 11 inspiration from WG Clark's work. Could be a 12 little less stylistically contrasting. Plan could 13 be compacted to address the neighbors' concerns. 14 It should not extend beyond the piazza of 109 15 Broad. And how the neighbor uses the porch is 16 irrelevant. How it relates to 109 Broad is 17 crucial. And the addition is taller than the 18 original, and the project needs to be reduced in 19 height and be smaller in footprint. 20 At this point, I'll turn it over to 21 Mr. Epps for his presentation. 22 MR. EPPS: I'm Robert Epps, here with 23 Jan and Gene Woodard. 24 As Dennis has stated, this was 25 deferred from approximately a month ago, and

Page 6 1 certainly, at that time, there was concern about 2 the visibility of the proposed addition, so I feel 3 that we have addressed that. 4 Now, on this particular image, you can 5 see where the proposed addition, the wall lined up 6 with the piazza of 109 Broad, and the bay window 7 protruded out three feet. 8 Backing up for a moment, this is a 9 very simple building that was a kitchen house, and 10 it has been modified substantially over the years, 11 but under any consideration in today's culture, it 12 would probably be deemed a contemporary building 13 because it is so simple. 14 Now, this is the rear. The one-level 15 addition was a 1960s addition that had previously 16 been approved for demolition by the board. You 17 can see in this image where it is -- or where it 18 was obviously attached to 109 Broad. 19 And again, we want to address the size 20 of this. There's less than 400 net square foot 21 inside this building. As some of you may recall, 22 the previous owner had stated at the last meeting 23 that she lived -- not the previous, but one of the 24 previous owners had stated that she lived here 25 part time, and it was too small for her, just one	Page 7 1 person, so she sold it and moved away. So by any 2 standards, it is a small, small building. 3 Now, just to clarify, a lot of the 4 commentary at the last meeting spoke of glass 5 boxes and curtain walls and various things, so for 6 a moment, I'd like to address what this project is 7 not. It is not a glass box, far from it. 8 Here's a glass box that actually 9 encloses a historic structure in its entirety 10 inside. And this is a glass box to the extreme. 11 But the point is that the bay element on the rear 12 is 50 percent of that rear elevation, so it's a 13 long way from a glass box or a glass wall in this 14 case. 15 And glass walls appear in many 16 instances. Here's one in a very historic building 17 in England, and most people would consider that 18 architecture there, the contemporary architecture, 19 a glass wall. So, again, certainly, 107 King is 20 not a glass wall. 21 Now, this structure some of you may be 22 familiar with on Price's Alley. That's about the 23 same amount of glass in that composition as exists 24 in the bay window of 107, and that's been there 25 since I think the mid '70s. I actually went
Page 8 1 through the house when it was in construction with 2 the architect while I was still in graduate 3 school, I believe. 4 But nevertheless, these so-called 5 contrasting contemporary projects are very quickly 6 absorbed into the environment of the historic 7 district, and they're seldom noticed two years 8 after they're constructed. But no one would find 9 this to be inflammatory, in any sense of the word, 10 and certainly, this is much, much more visible 11 than what we're proposing. It's the same system. 12 Here's one on the corner of the 13 Lenwood and Gibbes. That's either a bay window or 14 an atrium, depending on how you might want to 15 define it, but it's the same window system that 16 we're proposing to use, and it's not quite as 17 large in width as our bay window, but as a bay 18 window atrium, it's actually taller than ours. 19 Now, this is one you're certainly 20 familiar with. It was just constructed a few 21 years ago, but this is one-and-a-half times the 22 amount of glass that we have in our proposal. 23 What's important here, however, is that this is 24 immediately visible from the sidewalk from the 25 street, and ours is not. From Orange Street, you	Page 9 1 have to look over a six-foot brick wall to see it 2 135 feet away. 3 When I inquired about the board's 4 attitude about this project, I was told that the 5 board felt that it was far enough off the street 6 that it was not an imposition, but actually, this 7 is 100 feet off the street on Murray Boulevard. 8 Our proposal is 130 feet from Orange Street and 9 90 feet from Broad Street. And if you'll notice, 10 the parapet wall of the addition is about 11 four-and-a-half feet above the eave line of the 12 existing carriage house, and we were sort of 13 chastised for that. 14 And here's another window wall project 15 two blocks away on King Street. So we're 16 certainly not doing anything that doesn't have 17 precedent in Charleston. 18 As we mentioned before, this was a 19 reference of our project, which was a very strong 20 and rich bay window in a very important house in 21 England, but that was our starting point, quite 22 frankly. 23 But bay windows exist in many styles 24 and architecture genres, but certainly, this, 25 again, is a bay window. And on a different note,

Page 10 1 this is a bay window, a much smaller one, but 2 certainly a bay window. 3 So we have made some changes, we 4 reduced the height, we pulled the addition back 5 in, so from King Street, it's really no longer 6 visible. It's just not perceivable that it's 7 there. Now, from Broad Street, you can see some 8 of it, depending on what angle it is that you're 9 stationed. 10 Obviously, when you're looking at this 11 in an acute angle, the window wall -- not window 12 wall, but the bay window is foreshortened, in 13 other words, everything is drawn tighter. So what 14 you see in the elevation on the drawings is 15 certainly not what you see here. 16 Now, we moved the building back in 17 several feet, and we reduced the glass in the bay 18 window by one-third so that the bay window itself 19 doesn't protrude out any farther than the piazza 20 of 109 Broad. But certainly, even here you've got 21 to look over a brick wall. You're just -- with 22 the foreshortening of the element, you're not 23 seeing that much glass, so to base an opinion on 24 elevations, architecture doesn't exist in 25 elevations. It's three-dimensional.	Page 11 1 Now, as you move a little bit 2 perpendicular to the rear toward 107, you can see 3 that the bay window begins to disappear 4 altogether, so you see -- at the greatest point, 5 you see a little bit of it, but other than that, 6 it diminishes as you move east on Broad Street. 7 Now, from Orange Street, we do have a 8 six-foot wall, so if you would, you can see a 9 little bit of red right there. Well, that's the 10 eave of the roof of the existing house, so based 11 on that, you're only going to be able to see about 12 the top one-third or one-fourth of the bay window. 13 So certainly, the existence of the proposal for 14 the bay window is not a detrimental contribution 15 to the neighborhood or to the city. It's just, 16 quite frankly, not visible. 17 Again, as you see here, it's 18 approximately 130 feet to Orange Street and 19 95 feet, so -- and again, you can see here the 20 heavy broken line represents the previous 21 proposal, and the line here represents the current 22 proposal. 23 What we're asking for is approval, 24 again, noting the heavy broken line as the 25 previous proposal, and this being the current
Page 12 1 proposal. So our request is a very simple one. 2 We think that -- or I think my client deserves the 3 same opportunity as the owners of the project on 4 Price's Alley, the owners of the project on Murray 5 Boulevard, and probably a number of other similar 6 glaze projects in the city. 7 Thank you. 8 CHAIRPERSON EWING: Thank you, 9 Mr. Epps. 10 Board questions? 11 MR. FAUST: I've got one. Mr. Epps, 12 at the last meeting, we asked whether or not you 13 and your clients had talked to the neighbors. 14 MR. EPPS: We talked to or attempted 15 to talk to all the neighbors that would be 16 impacted by this. 17 Mr. Faust, I didn't hear you ask that 18 of any other project here this evening. I don't 19 know what your bias is against this project, but 20 you're being quite unfair to me and to my clients. 21 MR. FAUST: Mr. Epps, I disagree with 22 you on that. This isn't a discussion. 23 The other question is: It's part of 24 the statement in the BAR regulations, number one, 25 encouraging to speak with the neighbors.	Page 13 1 MR. EPPS: And we did. 2 MR. FAUST: And if that's the case, 3 that's all I ask. 4 MR. EPPS: Yeah. 5 MR. FAUST: And I specifically asked 6 it at the last meeting. 7 MR. EPPS: And I answered you then. 8 CHAIRPERSON EWING: Any other 9 questions? 10 Public comment? How many people want 11 to comment? Please raise your hands. Eight. Did 12 I get everybody? So about a minute and a half, 13 and identify yourself. 14 MR. DOUGHERTY: My name is Park 15 Dougherty. I live at 111 Broad Street, and it's 16 right next door, just across the wall from this. 17 And I wanted to say first of all to 18 Mr. Faust's question, I believe your question was 19 has the applicant or Mr. Epps spoken to any of us 20 since the last meeting. I believe that was your 21 question. 22 MR. FAUST: That was my question. 23 MR. DOUGHERTY: And the answer was no, 24 not to this household, 111 Broad Street. The 25 answer is no.

Page 14 1 Secondly, what I'd like to do is read 2 a letter to you from -- that -- Sandy Logan is an 3 architect who also is a former chair of the BAR. 4 Here's what Mr. Logan had to say. 5 CHAIRPERSON EWING: Mr. Dougherty, we 6 have distributed that letter to all board members, 7 and I think there's -- if you would just read the 8 important -- the parts that really stand out, 9 because they've all had a copy of it. 10 MR. DOUGHERTY: All right. I will. 11 What was really clear was that this 12 was a large insertion into a small-scale space, 13 and also, he completely perverted the historic 14 sequencing of residential properties from front 15 house to accessory buildings with the carriage 16 houses being more diminutive than the front houses 17 which they serviced. 18 Lowering the height and depth slightly 19 fails -- lowering the height and depth slightly 20 fails to address the other two components of the 21 conceptual approval: Scale and mass. The scale 22 of the openings in the west wall are quite large. 23 They really are not openings in a wall, they are a 24 curtain wall instead. The main bulk of the 25 addition to which this curtain wall is affixed is	Page 15 1 also monumental in scale, compared not only to the 2 carriage house, but also the rear components of 3 109 and 111 Broad Street. 4 Both of these design decisions are the 5 opposite of what should be proposed. To present 6 as a response to the board's deferral based on 7 height, scale, and mass, this, quote, revision, 8 unquote, which addresses only one of the three 9 components of these three issues is an abject 10 failure. 11 Charleston's residential buildings, 12 regardless of date, have always receded in scale 13 as they go back into the interior of their blocks. 14 This project needs to respect that, and the board 15 should understand that the overall scale of the 16 addition is often off by quite a lot and, as such, 17 will appear to clog up the interior of that 18 particular block, while at the same time loudly 19 proclaiming itself as being a new standard. 20 Samuel S. Logan, architect and former chair of the 21 BAR. 22 CHAIRPERSON EWING: Thank you, 23 Mr. Dougherty. 24 Mr. Stockton? 25 MR. STOCKTON: My name is Robert
Page 16 1 Stockton. I live at 6 Montagu Court. 2 I think this design is a very discrete 3 one. It's not a Frank Gary extravaganza. It's 4 simple, it's discrete, it's elegant, and it does 5 not cause detriment to the existing building. 6 That happened 50 years ago, and if that 7 50-year-old project from the 1960s was before you 8 now, you certainly would not have approved it. 9 And this proposal, on the other hand, is a vast 10 improvement over the existing. I think you should 11 approve it. 12 CHAIRPERSON EWING: Thank you, 13 Mr. Stockton. 14 MR. TISDALE: Madam Chair, members of 15 the board, I'm Thomas Tisdale. I've lived at 109 16 Broad Street, the building closest to the proposed 17 structure, for 45 years. The property that we 18 live in will be most drastically affected by this 19 proposed structure. 20 Now, last time when I was here 21 speaking on this project, I concentrated a lot on 22 the history of the neighborhood and its 23 significance to the City of Charleston and to 24 America. This time what I would like to focus on, 25 very narrowly, is the legal requirements to allow	Page 17 1 you to approve what has been proposed, and I would 2 ask you to pay particular attention to city 3 ordinance of the City of Charleston 4 Section 54-240(b), which I think you're probably 5 very familiar with, but there are two elements of 6 that that this project does not and cannot meet. 7 The first is that you are not allowed 8 by the city ordinance to approve any structure 9 that is not similar in design to its immediate 10 surroundings. There is no way, shape, or form 11 that this structure, as proposed, meets that 12 requirement. 13 The second is that the same statute, 14 Section B, requires that this structure, as 15 proposed, be in harmony with its surroundings in 16 the City of Charleston, its surroundings in the 17 City of Charleston. There is no way that this can 18 legally be approved. 19 So yesterday -- and I submitted this, 20 I think, early this morning to the board -- a 21 letter was written by Joseph H. McGee, and I can 22 read the whole letter, but it's very brief, and I 23 just want to refer to two paragraphs in it. 24 Mr. McGee says that he came and 25 inspected the property, inspected the structure,

Page 18 1 inspected the design, and he says: In my opinion, 2 the addition to 107 King Street is not at all in 3 harmony with the prevailing character of the 4 neighborhood in which it is located. That is a 5 statutory requirement by the City of Charleston. 6 He says it doesn't meet in his opinion. 7 He also says that he, as a member of 8 city council, participated in the creation of the 9 ordinances for the BAR, so he's not a person 10 unfamiliar with what's going on there. 11 The last paragraph in his letter, one 12 sentence says: I suggest that this is yet another 13 instance where a property owner is insensitive to 14 the architectural traditions of the centuries-old 15 area in which the building sits, and there has 16 been no change in this neighborhood since at least 17 1780. So that is what we are faced with in this 18 matter. 19 Now, Mr. Faust has asked whether or 20 not we've had any contact with the architect and 21 anyone else proposing this since the last meeting, 22 and the answer is no. Was there any contact with 23 anyone before the first meeting concerning this 24 matter, the one before this one, and the answer is 25 no.	Page 19 1 CHAIRPERSON EWING: Thank you, 2 Mr. Tisdale. 3 MRS. DOUGHERTY: I want to see if you 4 can go back to the very last picture that was 5 there, if that's possible, the very last one. 6 MR. DOWD: Is that it? Is that what 7 you're looking for, ma'am? 8 MRS. DOUGHERTY: It's the last one 9 that was ended -- the one that ended the last 10 presentation. 11 MR. EPPS: No, my presentation, I 12 think, is what she's looking for. 13 MRS. DOUGHERTY: That one. Yes, that 14 one. That's good. So -- 15 CHAIRPERSON EWING: Identify yourself, 16 please. 17 MRS. DOUGHERTY: Oh, I'm sorry. I'm 18 Martha Dougherty. 19 CHAIRPERSON EWING: Thank you. 20 MRS. DOUGHERTY: I live at 111 Broad 21 Street. 22 And one thing I wanted to say was that 23 yes, this is a very nice design. All of the 24 similar designs that were at -- that he presented 25 in his presentation were also very nice, but they
Page 20 1 also overlooked huge, vast properties where not 2 only does the person in the house have a view, but 3 you don't have somebody butted up next to the 4 glass walls. 5 So our property is right here. I 6 mean, we are -- our property, the wall is from 7 here to here is our porch, and the distance 8 between this glass wall and our porch is probably 9 from, you know, here, so I'll be standing at my 10 porch, and I'll be seeing this glass wall. 11 So these properties are not huge 12 spaces in which to put these types of 13 constructions, particularly if the neighbors who 14 are going to be looking at them are opposed. 15 On this side is probably, you know, 16 maybe from here to here to see -- from the 17 Tisdale's house to the structure that's going to 18 loom over them and block all their breezes. 19 And another point is that this is 20 going to reflect the hot afternoon sun onto us, 21 and it's also going to cook the people who live in 22 there. I don't know if they have thought of that, 23 but it's going to be really, really hot. It's 24 going to be hard to heat and hard to cool. 25 And an example of that is another	Page 21 1 place around town -- I forget the address -- but 2 the people who bought the house, after it had been 3 built, they wanted to tear it down, and they were 4 not allowed by the BAR, but the problem with that 5 glass room was that they could not heat it, and 6 they could not -- could not cool it, and they 7 couldn't use it as a result of that. 8 So my objection is it's too close. 9 It's not -- as far as these policy statements, 10 here is their list of eight -- nine. It says -- 11 the first one says: The historic character of the 12 property should be retained and preserved. I 13 don't feel like the original property, you can't 14 even see it from this view; whereas, before, we 15 had a beautiful view of the little kitchen house. 16 The removal of distinctive materials 17 or alteration -- in this case it's an 18 alteration -- of features, spaces, and spatial 19 relationships that characterize the property may 20 negatively impact a historic character or should 21 be avoided. So that's obviously doing that there. 22 And No. 7, additions or exterior 23 alterations to historic properties should be 24 sympathetic to historic materials. This doesn't 25 look like historic materials to me.

Page 22 1 Historic materials, features, and 2 spatial relationships that characterize the 3 property. The property is not just the house 4 itself, but the little garden that goes with it, 5 which is not that big, and so you're putting this 6 huge structure in a small space. 7 So as far as features, size, scale, 8 proportion, and mass, of course, that's been said 9 ad nauseam in all the letters and everything, so 10 I'm not going to go through all this. 11 But I just hope that you will deny 12 this structure in this spot. I think it would be 13 gorgeous on a marsh and overlook a beautiful view, 14 instead of our porch and where I can lie in my bed 15 and look and see them walking around in their 16 house. 17 CHAIRPERSON EWING: Thank you, 18 Mrs. Dougherty. 19 MRS. BENNETT: Thank you. I'm 20 Adelaida Bennett, representing the Charlestowne 21 Neighborhood Association. 22 I believe you got my comments today, 23 Mrs. Ewing? 24 CHAIRPERSON EWING: I did, and I'm 25 trying to remember if they're -- yeah. They're in	Page 23 1 the packet that we sent out. 2 MRS. BENNETT: Good. So I will just 3 highlight -- 4 CHAIRPERSON EWING: Wait a minute. 5 You're talking about your personal comments or the 6 neighborhood association? 7 MRS. BENNETT: Neighborhood 8 association. 9 CHAIRPERSON EWING: Those came late, 10 and I have a copy of them here, but if you can be 11 as brief as possible -- 12 MRS. BENNETT: I will, certainly. 13 CHAIRPERSON EWING: -- and not 14 repetitious, it'd be great. 15 MRS. BENNETT: Thank you. 16 CHAIRPERSON EWING: Thank you. 17 MRS. BENNETT: So our neighborhood 18 board remains adamantly opposed to this 19 application. The applicant's architect made two 20 trivial gestures of accommodation since this was 21 heard on the 9th of September, but slightly 22 reducing the height and depth of this insensitive 23 transformation of this historic kitchen house 24 fails to address the most egregious problems. 25 In fact, our overarching objection
Page 24 1 that this proposed addition is incompatible and 2 inimical to this historic neighborhood was 3 actually affirmed by the applicant's architect at 4 that first meeting. Questioned by an opponent, he 5 said he would never propose this design for Broad 6 Street. By admitting that, he's made a case 7 against both this design and mass, because this 8 glass-walled edifice could easily be seen from 9 Broad Street. 10 I'm going to briefly list the 11 problems. Number one, this is not an addition; 12 this is a transformation. Now it's a small home 13 on a small lot. The architect proposes to turn it 14 into a large home on a small lot. 15 Number two, this proposal is an 16 invasion of quiet enjoyment of neighborhood 17 property rights. It blocks the views from the 18 piazzas of the neighbor to the north at 109 19 Street. It also proposes an all-glass-window wall 20 which would loom over the private areas of other 21 homes, as has been discussed. This is more than a 22 desire for light; this is an anathema to privacy. 23 MS. HARRISON: I'm sorry. One thing 24 that we do focus in on is the architecture at 25 height, scale, and mass, so issues of privacy,	Page 25 1 light, uses, those are -- that's not directed 2 towards architecture, so if you want to keep your 3 comments towards the design, that would be 4 appreciated. 5 MRS. BENNETT: Certainly. Thank you. 6 This historic neighborhood of 7 small-scale buildings is a community where privacy 8 is respected, and that's all -- I'm not going to 9 go on with that, because a mantra of northside 10 manors does endure. 11 Number three, this is an architectural 12 invasion. Historic residents who spend thousands 13 of dollars sometimes annually to maintain their 14 historic homes will be fronted with this 15 modernistic architectural fortification, both 16 incompatible and out of harmony with the 17 neighborhood and the neighbors. 18 Number four, this is a challenge to 19 the BAR's mission, primary mission, in 20 Section 54-240(I), quoted, which I won't quote for 21 you, in our last submission, to protect our 22 neighborhood. 23 The BAR is already under assault, but 24 here the plain language of the ordinance is clear, 25 and the Charlestowne Neighborhood Association and

Page 26 1 the neighbors of this property support both. To 2 adopt this ordinance to layperson's language, 3 people do not come to or live in historic 4 Charleston to catch glimpses of modern 5 architecture, even if it does look like the work 6 of WG Clark. They come to be immersed in and 7 enjoy our rich history when buildings, landscapes, 8 and streets were in a more perfect human-scale 9 relationship. 10 So I know you face a critical 11 challenge for the future, and that future begins 12 with this 107 King Street application, because as 13 a neighborhood board, we know that there will be 14 many more applications to come that look all too 15 similar. 16 What you do here will set a precedent. 17 Will the BAR stand up and protect the core 18 historic districts pursuant to the ordinances it 19 has at its command? Will the BAR protect the 20 city's history and its economic future, or will 21 Charleston's Historic District be allowed to 22 decline amidst the coming avalanche of proposed 23 out-of-place additions and incompatible 24 conversions? The clear meaning of the ordinance 25 does matter.	Page 27 1 CHAIRPERSON EWING: Thank you. 2 MRS. BENNETT: Please deny this 3 application. It should be denied, not deferred. 4 Thank you. 5 CHAIRPERSON EWING: Thank you, 6 Ms. Bennett. 7 MS. CLARK: Hi. How are you? I'm 8 Farley Clark, and my parents own the house -- I 9 own the house, and I spoke last time regarding the 10 situation. 11 This is a kitchen house, as you all 12 know by now, a dependency, 1790. Kitchen houses 13 are a jewel and a treasure architecturally and 14 also as part of our culture. How many cities do 15 you know in the country have kitchen houses in 16 dependencies? 17 And yes, Mr. Epps is right, I am the 18 owner that wanted to add on a touch to the size, 19 scale, and mass when I moved back to Charleston; 20 however, I would never, ever have put an addition 21 that would be so architecturally out of character 22 as to design, which I don't disagree with 23 someplace else would be fine, as to scale, and as 24 to mass. It is simply not the right design, nor 25 the size, nor the scale for this lot.
Page 28 1 Thank you. 2 CHAIRPERSON EWING: Thank you, 3 Ms. Clark. 4 MR. PELZER: Good evening. I'm Randy 5 Pelzer. I'm a resident of South Battery, in the 6 Charlestowne Neighborhood Association area, and 7 I'm also an attorney. 8 I'd like to add on to what the 9 comments of Mr. Tisdale were about the powers and 10 duties of BAR, particularly in regard to this 11 matter. 12 It always helps us to go back to the 13 cookbook and remember why the BAR was established, 14 and one of the duties that he addressed, which is 15 addressed in other sections, was that new 16 developments/new additions have to be not only 17 compatible with the neighborhood, but additions 18 have to be compatible with what they're being 19 added to. 20 That's very clear in 240(i) of the 21 ordinance establishing the BAR, which says that 22 the absence of approval -- disapproval is required 23 where there's an absence of unity and coherence 24 and composition, not in consonance with the 25 dignity and character of the present structure in	Page 29 1 the case of additions or with the prevailing 2 character of the neighborhood in the case of new 3 structures. 4 We think -- I think -- that this 5 structure is clearly incompatible with not only 6 the neighborhood, but the primary structure to 7 which it's attached. Both of those conditions 8 have to be met for this to receive approval. In 9 fact, the ordinance requires disapproval of this 10 particular structure. 11 Now, he has referred to other 12 structures that had a glass wall. He's referred 13 to 50 Murray Boulevard. We refer to it as the 14 Apple Store. We think the only reason that that 15 could have been approved was at the time, it was 16 set back and not visible because of vegetation. 17 Well, the owners have cleared the vegetation away, 18 the setback is not so far where it's not highly 19 visible from the street, and everyone that passes 20 it by that I've talked to says: How in the world 21 did that get approved? The same mistake should 22 not be allowed to happen with regard to this 23 structure. 24 We do have standards. I know The 25 Beach Company has challenged the constitutionality



Page 30 1 of the BAR ordinance saying that there are no 2 standards, it's all subjective, it all depends on 3 what you think is good architecture, but that's 4 not true. There is the standard of the built 5 environment around this building of this 6 neighborhood. That is the standard, and this 7 building has to be judged by whether it is 8 compatible, whether it is consistent, whether it 9 is coherent with the surrounding neighborhood, and 10 by any measure, this building fails to meet that 11 standard. 12 CHAIRPERSON EWING: Thank you, 13 Mr. Pelzer. 14 MR. GURLEY: I'm Robert Gurley, 15 Preservation Society of Charleston. 16 The Preservation Society was opposed 17 to this design at the last meeting, and we remain 18 opposed. This is very little change. They made 19 some minor nods to reducing height, scale, and 20 mass, and that's all. It's really much too large, 21 by any standard, so it fails on the terms of 22 height, scale, and mass. Also, as we said before, 23 it fails on terms of its architectural direction. 24 And I won't repeat a lot of the great 25 comments that have already been made, but Mrs.	Page 31 1 Dougherty, earlier, mentioned that the examples 2 that Mr. Epps presented, for the most part, had 3 wide, long vistas. Those additions and those 4 designs had lots of room. There's no room here. 5 It's a very intimate context. The context does 6 not support this design direction. The context of 7 this intimate setting dictates that the design be 8 sensitive and cohesive with the surrounding 9 historic architecture. 10 So this design is really very little 11 changed, we think it's very inappropriate for this 12 site, and we ask again that it be denied. 13 Thank you. 14 CHAIRPERSON EWING: Thank you, 15 Mr. Gurley. 16 MR. CODY: Chris Cody, Historic 17 Charleston Foundation. I will be extremely brief. 18 You've heard a lot of very passionate and 19 well-thought-out arguments already this evening. 20 Historic Charleston Foundation is in opposition of 21 this project, and we likewise request that it be 22 denied. 23 Thank you. 24 CHAIRPERSON EWING: Thank you, 25 Mr. Cody.
Page 32 1 Anyone else? 2 We have in the file, which have been 3 circulated, letters from Joseph Peter McGee, 4 Adelaida, on Sullivan's Island -- they just moved 5 out there -- Adelaida and Edward Bennett at 16 6 Orange, Virginia Bush, I believe she's on Water 7 Street, Ann and Thomas Cooper, at 2 Laurens, 8 Cynthia and Charles Corley, 2 King Street, 9 Elizabeth Farley Clark at 4 Bedons Alley, Jamie 10 Frame and David Piotrowski at 83 King Street, 11 Edward Gilbreth at 18 Lamboll, Bobby Hood, who 12 lives across the street at 110 Broad, Virginia and 13 Edward Moore at 93 King, Randy Pelzer at 68 South 14 Battery, Charles and Charlotte Rhoden at 94 Tradd, 15 Sandy Logan -- Mr. Dougherty read his excerpts 16 from his letter -- and after these were all 17 circulated, we had a letter come in from Maurice 18 Thompson at 54 King Street and the one from the 19 Charlestowne Neighborhood Association that 20 Mrs. Bennett just excerpted and read most of. 21 I don't have any letters supporting 22 it. 23 MS. HARRISON: Can I ask a question of 24 the applicant? 25 CHAIRPERSON EWING: Yeah.	Page 33 1 MS. HARRISON: And I'm not asking this 2 question to -- so when I ask it -- 3 MR. FAUST: I'll have my say. 4 MS. HARRISON: Have any of your -- the 5 question was asked of you have you gone out and 6 reached out to your -- have you reached out to 7 the -- to your neighbors, and I probably am about 8 to comment before we go into comment period, but 9 the level of vitriol and the vituperative nature 10 of the comments that I've heard before we get into 11 discussion has really bothered me a little bit 12 because all of your neighbors are sitting in the 13 back, and y'all are sitting in the front. Do 14 y'all even -- have y'all -- have your neighbors 15 actually approached you and said: Hey, can I talk 16 to you? 17 MR. WOODARD: No. 18 MRS. DOUGHERTY: They don't live 19 there. 20 MR. EPPS: In fact -- 21 MS. HARRISON: I'm asking -- the 22 question -- 23 MR. WOODARD: Are you asking us? 24 MS. HARRISON: I'm asking -- I'm not 25 asking you, Mr. Epps.

Page 34 1 MR. EPPS: Oh, okay. 2 MS. HARRISON: I'm asking the 3 applicants. 4 MR. WOODARD: Yeah. The answer is 5 that we don't live there yet because the place is 6 rather small, considerably smaller than we need, 7 just to get our needs taken care of for the two of 8 us, and therefore, it's not livable as it stands 9 right now. 10 MS. HARRISON: But have your neighbors 11 actually just said: Hello, my name is? 12 MR. WOODARD: No, because we're not 13 there, though. It's not that we're there, and 14 they're ignoring us. We're just not there. We're 15 renting an apartment elsewhere in town. 16 MS. HARRISON: Okay. 17 MRS. DOUGHERTY: We did meet after -- 18 MS. HARRISON: I'm asking the 19 applicants. 20 MRS. DOUGHERTY: All right. 21 CHAIRPERSON EWING: Where was I? 22 Mr. Epps, would you like to respond? 23 MR. EPPS: Certainly. 24 I'm trying to gather up if I could 25 make a collection of everyone's concern. First of	Page 35 1 all, the massing. The comparison of the existing 2 building to the proposal, you cannot 3 distinguish -- you cannot perceive that in any way 4 from any public right-of-way. And as the board 5 has expressed over and over again, your concern 6 about what's visible from the public right-of-way. 7 Well, the comparative masses of the two buildings 8 are not. They simply aren't. 9 Now, Dennis, if you would, please, if 10 you would go back to your first image in your 11 presentation before mine, the photograph -- 12 MR. DOWD: It's all one at this point. 13 MR. EPPS: Yeah, that one. Go back. 14 And again, I think there's a certain 15 fairness owed to my client and to me. Mr. Tisdale 16 got up and spoke very elegantly about the ins and 17 outs of the ordinance and about the significance 18 of architecture and how important it is. This is 19 Mr. Tisdale's addition to his office building, in 20 total indifference to 107 King. It's one foot 21 away. And, of course, he and the other 22 gentleman -- 23 You, what's your name, please, sir? 24 MR. PELZER: Randy Pelzer. 25 MR. EPPS: Yeah, Mr. Pelzer. They
Page 36 1 spoke so elegantly about the importance of 2 architecture. 3 Did you oppose this, Mr. Pelzer? Did 4 you? 5 MR. PELZER: Did I oppose that? 6 MR. EPPS: Yes, the addition, this. 7 CHAIRPERSON EWING: Mr. Epps, this is 8 irrelevant. Just make -- you make a statement. 9 You're not here to question people who are 10 attending this hearing. 11 MR. EPPS: Well, I thought I got to 12 respond to their comment. 13 CHAIRPERSON EWING: Responding's 14 different from -- 15 MR. EPPS: Okay. All right. 16 Zoning, the size of the building on 17 the lot. The setback is three feet. We are some 18 25 feet from the rear yard, and the zoning states 19 that the setback is three feet. So the zoning is 20 also about 35 percent of lot coverage. We are I 21 think about 25, maybe a little bit over 22 25 percent. 23 The idea that this simple box is 24 inappropriate for the existing house, which is a 25 simple box, is certainly an unfair comment.	Page 37 1 I don't know. I showed the visibility. 2 from the various points of public space, and 3 simply put, it's just not evident here that this 4 has any negative impact on the neighborhood or the 5 city whatsoever. 6 As far as Mrs. Dougherty is concerned, 7 the idea that, you know, she's concerned about 8 their air-conditioning inside this, in itself, is 9 inappropriate. And the Woodards probably don't 10 want to look into her window any more than she 11 does into theirs, but let's be honest, virtually 12 every house in Charleston is within 15 feet of 13 another house, where if you desire to do so, you 14 can look into that house. So there's certainly 15 nothing unusual or irregularly designed about this 16 structure, so we think it should be dealt on the 17 merits of the architecture. 18 And if you'll look at the architecture 19 on your drawings, the horizontal element of the 20 dividing line between the first and second level 21 and the vertical column down the middle, it's just 22 a continuation of the rhythm of what's on the 23 piazza at 109 Broad Street. So if you look down 24 that line, it's a mere continuation. So if you 25 review it in terms of the architecture, it's a

Page 38 1 very appropriate and elegant solution. 2 CHAIRPERSON EWING: Thank you, 3 Mr. Epps. 4 MR. DOWD: Well, I would agree with 5 one point and would point out to the board that 6 the mass of the addition relative to the mass of 7 the existing building is really not apparent from 8 any street or right-of-way, and so it should 9 therefore not be a consideration of the board. 10 I'd point out a few things I mentioned 11 previously. Visibility is from the north through 12 the piazza of 109 Broad Street and from the west 13 from Orange Street above the six-foot-high wall 14 and discounting vegetation, and the stepback in 15 plan designed the transitional hyphens are good 16 moves. These are things that we ask people to do 17 with additions to historic structures. 18 I think visibility is really the issue 19 here, and I have to say that we went out and 20 looked at it on the site, and this is really 21 marginally visible, and the areas that are visible 22 are the areas that are under purview according to 23 the ordinance. 24 Just a specific thing, we'd like to 25 see a wash on the new brick, as opposed to an	Page 39 1 opaque paint, to differentiate it from the 2 original building. That's good preservation 3 practice. 4 And otherwise, we feel that they've 5 satisfied all of the board's conditions of 6 reducing the height and reducing the footprint. 7 It's marginally visible from the right-of-ways and 8 not unlike some of the contemporary additions to 9 historic structures we've seen executed by WG 10 Clark that fit in pretty well in some pretty tight 11 areas of the city. 12 So we're recommending conceptual 13 approval with conditions noted and final review by 14 staff. 15 CHAIRPERSON EWING: Board discussion? 16 MR. FAUST: Yes, ma'am. Thank you. 17 Mr. Epps, your comment to me when I 18 asked about did you speak with the neighbors, you 19 said I was being unfair and singling out your 20 clients. If you've been to all of the meetings 21 since I was on the board over a year-and-a-half 22 ago, you would know that there were probably a 23 minimum of four or five applications that I've 24 asked whether or not the applicants had talked 25 with their neighbors, because our statement
Page 40 1 strongly suggests that the applicants speak with 2 the neighbors and to show the plans. And I asked 3 you all at the first meeting whether you did that, 4 and you said: Well, we kind of, but we didn't 5 really -- we couldn't get in touch with them. 6 Well, that kind of -- that kind of skirts the 7 issue with me. Then I asked you that. I said 8 would you do that with your new plan and meet with 9 them, and I've heard tonight that you haven't. So 10 to say that -- to say that I singled this out is a 11 total falsehood. 12 We can look at 26-28 Broad Street 13 application, where the neighbors were impacted by 14 the view. I asked -- and again, the reason that I 15 ask that is I ask it when there are 15 people that 16 are opposed to it. I don't ask it of every 17 application. It's in the statement of procedure 18 for the BAR, but I don't ask it for everyone, 19 simply because I don't have 15 people jumping up 20 and opposing your application, plus historic 21 Charleston, plus BAR. I mean, excuse me, 22 Preservation Society. So that's one issue. 23 MR. EPPS: Can I respond? 24 CHAIRPERSON EWING: No. 25 MR. FAUST: No, sir. You're done.	Page 41 1 MR. EPPS: You're incorrect. 2 MR. FAUST: And the other issue was 3 the Sergeant Jasper. That was -- how many people 4 opposed that? I asked if they had talked to the 5 neighbors. There was a presentation on President 6 Street, and I asked -- again, the neighbors were 7 concerned about that. And there were two or three 8 others, and I asked that because that's part of 9 what we do. 10 Your clients indicated that they want 11 to be -- they want to be neighbors. They want to 12 come to Charleston because they think it's a 13 friendly place. This is what friendly people do. 14 Civilized people speak with the people that 15 they're going to live with, and they talk about 16 it, and they talk about their plans and see if 17 there's a compromise. 18 Now, one thing that I did see that I 19 will credit you with is the fact that you did 20 reduce -- you did reduce the size of the building. 21 Mr. Dowd, can you flip back? Go 22 through the -- go through the presentation to 23 where those manor houses were shown, those English 24 manor houses. 25 MR. DOWD: That one?

Page 42 1 MR. FAUST: No. That's not an English 2 manor house. Keep going. Keep going. One more. 3 It's a flat-on elevation That one and that one. 4 Now, those are bay windows, those are 5 bay windows, but they're not curtain walls. 6 You're projecting a curtain wall. 7 I did a house on Gibbes Street 8 probably close to 30 years ago, and I have a 9 galleria. It's an enclosed piazza. I built it. 10 It was a new house. But we have single windows 11 that frame that and had many four-over-four, 12 six-over-six windows in that, and it looks like 13 something like this that's very nice that blends 14 in with the community. Something like this may be 15 conducive to the neighbors and what they would 16 like to see. 17 I think those are the things that you 18 need to think about and not just say, well, it's 19 me out there, I'm going to do it my way, because 20 this is what I think. 21 The other issue that you forget about 22 in the ordinance is that the BAR is in a historic 23 district, and it's an overlay zone, and it 24 specifically says in the overlay zone that you 25 have to approve -- you have to be approved of	Page 43 1 architectural considerations. That's why zoning 2 really doesn't -- 3 CHAIRPERSON EWING: Mr. Faust, could 4 you say why this doesn't do that? 5 MR. FAUST: What's that? 6 CHAIRPERSON EWING: Well, you're 7 giving him the ordinance, but really, if you could 8 make your critique on how it doesn't fit the 9 ordinance, that would help. 10 MR. FAUST: No. I was answering 11 Mr. Epps's question. He said he could build a 12 house all the way to the setback, he could bring 13 it out 25 feet, and I specifically said this is an 14 overlay zone, and the BAR's height, scale, and 15 mass would prevent that. 16 Anyway, I think it's an inappropriate 17 design because you can see it from the street, 18 it's a curtain wall, and it's totally 19 inappropriate with the neighborhood, and I can't 20 support it. Thank you. 21 CHAIRPERSON EWING: Thank you, 22 Mr. Faust. 23 MR. WHITE: I think the project and 24 the concern about the project is much larger than 25 just that one single 15-foot wide by 20-foot tall
Page 44 1 unit of glass. 2 You know, the funny thing about the 3 ordinance is that these words seem so concrete, 4 and you read it, and you read, and it seems so 5 clear. Of course, how could you possibly see a 6 pathway to finding this in compliance with the 7 ordinance? Well, I think it has a lot to do with 8 the way that you interpret the words. 9 You know, harmony is a big 10 consideration. It is the strength and character 11 of the city. But an orchestra is made up of a lot 12 of instruments that are so different from one 13 another, and yet they still can react in harmony. 14 It's not all just violins. 15 Within this one image that's here on 16 my desk, this one Google Map view, we have from 17 109 Broad to 107 Broad and the addition upon it, 18 and then 107 King and then 105 and 105-1/2 King. 19 You have about 140 years of architectural history 20 right there. 21 The Board of Architectural Review was 22 never intended and the ordinance does not read to 23 suggest that architectural expression stops at 24 some line in the sand, some date on a calendar. 25 What's shown here, in my view, is very sensitive	Page 45 1 to the height, scale, and mass of the surrounding 2 elements. It is a very tight block, there is no 3 doubt about that, but that's not really why we're 4 talking about the project. 5 It's stucco-on-masonry. So is the 6 building it's being attached to. The overall 7 percentage of glazing is not astronomically 8 greater than what you might see glazing the south 9 or west facade of a proper single house, 10 especially a grand one. The height of the 11 building is not so tall as to be out of context or 12 out of keeping with the surrounding areas. 13 Especially if the only straight-on view of this 14 elevation is above an existing historic masonry 15 wall, your view is going to be very limited. 16 I just don't -- I just don't see what 17 the great concern is about this project. I think 18 Mr. Stockton, who is one of the most well-regarded 19 preservationists and also a long-time member of 20 this board, has correctly identified this building 21 is not out of keeping with the historic district. 22 It has been put on a little diet, which is exactly 23 what it needed, but it's -- I see a very clear and 24 distinct pathway whereby we can approve this 25 project.

Page 46 1 It is without arresting effects. It 2 does not substantially affect the streetscape. It 3 does not fall out of harmony with the surrounding 4 historic buildings, certainly any more than the 5 addition on 107 Broad does. I can see -- I can 6 see us moving towards conceptual approval for this 7 project. 8 MS. HARRISON: You know, one thing 9 that I have to start with is the fact that this 10 was originally a kitchen house, and obviously, 11 that use as a kitchen house has been abandoned for 12 an extended amount of time, obviously, so now it 13 is a residence. And so when you convert what had 14 a utilitarian use to a residence, life expands, 15 our footprints expand, and so one thing that many 16 of us have had on even our -- on any scale is a 17 desire to add on in a sensitive way that doesn't 18 negatively impact the historic nature of your home 19 or the neighborhood, and for the amount of area 20 that we are talking about, it is extremely 21 nominal. 22 And one thing that has always been 23 stressed is the ability for additions to kind of 24 fade into the background, and one of those 25 techniques has always been to make these hyphens	Page 47 1 and additions classy, and that has been a 2 technique that has been used multiple times, 3 including next door. 4 And I think that is the most telling 5 example as to how we have utilized glass in the 6 city to create space and add on additional square 7 footage, and I think this is probably the most -- 8 this is an appropriate way of adding that 9 additional square footage, but yet diminutively 10 placing it on without adding some, you know, large 11 structure with brick, stucco, cladding. And I 12 think this is ultimately the way you're supposed 13 to try and make something very small and 14 diminutive and hide, and I think this is how it's 15 successfully done. 16 MR. WALLACE: It's kind of 17 interesting. A few months ago, we had requests 18 from someone to redo a house that Rutledge Young 19 had WG Clark make an addition to, and I remember 20 when that came before the BAR -- you talk about 21 how you interpret things. Rutledge Young's 22 mother, Liz Young, came and objected to that 23 addition and said she didn't think it met the 24 requirements of the ordinance, and then we're in a 25 position now that we were asked to change that
Page 48 1 back to something more traditional, and we did not 2 do that. 3 I think it's evident that over the 4 last 40 years or more, we have had modern 5 architecture integrated in the Old and Historic 6 District, and I don't think that this is so 7 blatantly modern that it really is out of 8 character or scale, but even saying that, if you 9 look at other documents, not just ours in the City 10 of Charleston, but, for example, the President's 11 Advisory Council on Historic Preservation says 12 that if you do an addition to a historic building, 13 it should look like an addition. It should not 14 mimic the building that is there. That's a 15 national standard, and I think it's something 16 that's been accepted by the National Trust for 17 Historic Preservation and other preservation 18 groups throughout the United States for many, many 19 years, so I don't think we, as a board, can say 20 that what's in the ordinance precludes something 21 like this being done. 22 And I agree with the comments that 23 Mr. White made. If you took that -- I do agree 24 it's not a bay window. I agree. That's a matter 25 of semantics, I think. But if you took the amount	Page 49 1 of glass that's there and you transformed that 2 into four floor-to-ceiling windows like on a 3 piazza on a house on East Battery, you'd have the 4 same amount of glass, it'd just be in a little bit 5 different shape or a little bit different form. 6 So I think the architect has done what 7 the board asked him to do, to lower the height and 8 reduce the extension beyond the piazza of the 9 building in front of it, and I think it's a 10 reasonable addition at this point. 11 MS. ALEXANDER: I certainly would 12 agree with Mr. White on the Interpret -- there are 13 interpretations to harmony that don't have to 14 reflect the same architectural style as what 15 you're building next to. And I do think there is 16 a right to build. I think that the reduction in 17 the footprint back to the piazza to the -- at 109 18 is the appropriate response. 19 And I'm also really reminded on the 20 visibility. We don't ever talk that much about it 21 as much as -- it's not that we should -- I 22 don't -- it's just the visibility is the thing 23 that really draws me back to how much BAR should 24 really have an impact on this design. 25 The one thing that I do say if this

Page 50 1 project were to go forward is I am and still 2 troubled by the height. I do think that we always 3 talk about subservient buildings, and I'm 4 seeing -- I think I see 20 feet here. I don't 5 know how you lower it, but I think it does need to 6 be lowered, if at all. I think it just -- I think 7 it does need to come down slightly more in respect 8 to the original building, and I think when that 9 happens, then some certain glass proportions 10 should be reviewed as well. 11 CHAIRPERSON EWING: Well, I disagree 12 with you all. I think one of the ways this 13 building should be looked at is that it is a 14 dependency for 109. Were it still attached to 15 109, we would not allow it to come out to the edge 16 of the piazza. I think the mass is too -- it 17 needs to be tucked back. That's the natural order 18 of those buildings. 19 I understand they have a problem, but 20 when you look at how -- where -- this addition 21 from the air comes almost to there, and then when 22 you look at the plan here, even though it shows 23 that it's back, it's out another six feet or so 24 than where this is. So I'm not quite sure. This 25 stops -- what we're looking at here stops almost	Page 51 1 to the piazza, and then you look at this plan, it 2 goes out farther. 3 I don't think if this were still one 4 piece of property we would ever have approved this 5 because of height and mass, and I cannot support 6 this application. 7 MR. WHITE: Well, Madam Chair, with 8 that in mind, I'm going to make a motion for 9 conceptual approval with staff conditions noted 10 and final review by staff. 11 CHAIRPERSON EWING: Is there a second? 12 MR. WALLACE: I'll second the motion, 13 but I would say it wouldn't bother me, based on a 14 comment Ms. Alexander made, if the building was 15 lowered slightly. I think that would be -- that 16 would be fine, but I think it's not overly high as 17 it is, but if the architect could look at that and 18 lower it slightly, that would be good. But I will 19 second the motion. 20 CHAIRPERSON EWING: And that was 21 conceptual review with -- approval with final 22 review by staff? 23 MR. WHITE: Yes, ma'am. 24 CHAIRPERSON EWING: Okay. We have a 25 motion for conceptual approval with final review
Page 52 1 by staff made by Mr. White. 2 MS. HARRISON: With conditions noted. 3 CHAIRPERSON EWING: With conditions 4 noted. 5 MS. HARRISON: Including the review of 6 the height. Well, you want conceptual -- 7 MR. DOWD: Is that a motion? 8 MS. HARRISON: Well, no. I was -- 9 MR. WHITE: No. The height actually 10 was not originally part of my motion. 11 MS. HARRISON: Sorry. I'm sorry. 12 MR. WALLACE: That's why I said I 13 seconded it, but I said if the architect would -- 14 and the owner would like to do that, then that 15 would be -- 16 MR. WHITE: I'm not going to include 17 that, the height issue, with the motion. 18 MR. WALLACE: No. I'm not making that 19 as part of my second. 20 MS. STUBBLEFIELD: With all staff 21 conditions? 22 CHAIRPERSON EWING: Okay. So now it's 23 conceptual approval with conditions noted with 24 final review by staff? 25 MR. WHITE: That's correct.	Page 53 1 CHAIRPERSON EWING: And that was by 2 Mr. White, and it was seconded by Mr. Wallace. 3 All in favor of the motion, please 4 signify by saying aye. 5 MR. WALLACE: Aye. 6 MR. WHITE: Aye. 7 MS. HARRISON: Aye. 8 MS. ALEXANDER: Aye. 9 CHAIRPERSON EWING: We have -- that's 10 Mr. White voted aye, Ms. Harrison voted aye, 11 Ms. Alexander voted for the motion, and 12 Mr. Wallace. 13 All opposed, vote nay. 14 MR. FAUST: Nay. 15 CHAIRPERSON EWING: Chair votes with 16 the nays. So the nay was Bob Faust and the chair. 17 And motion carries. 18 (The proceedings were concluded at 19 8:24 PM.) 20 21 22 23 24 25

Page 54 1 CERTIFICATE OF REPORTER 2 3 I, Marie H. Bruegger, Registered 4 Professional Reporter, Certified Realtime 5 Reporter, and Notary Public for the State of South 6 Carolina at Large, do hereby certify that the 7 foregoing transcript is a true, accurate, and 8 complete record. 9 I further certify that I am neither 10 related to nor counsel for any party to the cause 11 pending or interested in the events thereof. 12 13 Witness my hand, I have hereunto affixed 14 my official seal this 19th day of October, 2015, 15 at Charleston, Charleston County, South Carolina. 16 17 18 19  <i>Marie H. Bruegger</i> 20 Marie H. Bruegger 21 Registered Professional 22 Reporter, CCR 23 My commission expires 24 April 18, 2021 25	

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PART 6 - OLD AND HISTORIC DISTRICT AND OLD CITY DISTRICT REGULATIONS

Sec. 54-230. - Purpose of creating districts.

In order to promote the economic and general welfare of the city and of the public generally, and to insure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the city council of the city that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourist and residents alike be preserved; some of these qualities being the continued existence and preservation of historic areas and structures; continued construction of structures in the historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design; that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a district aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city, the state, and the nation.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-231. - Designation of Old City District and Old and Historic Districts; definitions.

- a. For the purpose of this article, two types of special districts are established, as follows:
 1. Old and Historic District and Old City District. The boundaries of the Old and Historic District and Old City District are as delineated upon the zone map, a part of the zoning ordinance of the city.
- b. For the purposes of this article, "exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of a structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from a street or public thoroughfare.
- c. For the purposes of this article, "structure" shall include walls, fences, signs, light fixtures, steps or appurtenant elements thereof.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-232. - Construction or demolition of structures in districts; permit required; certificate of approval.

- a. No structure which is within the Old and Historic District shall be erected, demolished or removed in whole or in part, nor shall the exterior architectural appearance of any structure which is visible from a public right-of-way be altered until after an application for a permit has been submitted to and approved by the Board of Architectural Review.
- b. No structure in the Old City District that is either more than 50 years old or listed in Categories 1, 2, 3 and 4 on the Inventory Map as adopted by Sec. 54-235 shall be demolished, removed in whole or part, or relocated until after an application for a permit has been submitted to the Board of Architectural Review and either has been approved by it or the period of postponement in the case of application for partial or total demolition hereafter provided for in Section 54-240, d., has expired.
- c. The exterior architectural appearance of any structure, either more than one hundred years old or listed in Groups 1, 2, 3 and 4 on the historic inventory map adopted by 54-235, which is within the Old City District and which is visible from a public right-of-way, shall not be changed until after an application for a permit has been submitted to and approved by the Board of Architectural Review;

provided however, in the designated corridors north of Fishburne and Line Streets all structures shall be reviewed for exterior architectural changes, residential structures with fewer than eight units shall be exempt from this requirement.

- d. Within the Old City District no new structure which will be visible from a public right-of-way upon its completion shall be erected until after an application for a permit has been submitted to and approved by the Board of Architectural Review.
- e. Evidence of the approval required above shall be a certificate of appropriateness issued by the Board of Architectural Review as created herein. Such certificate shall be a statement signed by the chairman of the Board of Architectural Review or administrative officer, as applicable, stating that the demolition or the changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration for which application has been made are approved by the Board of Architectural Review. Provided, however, that repairs and renovations to existing structures which do not alter the exterior appearance and are so exempted by the administrative officer as herein provided need not be approved by the Board of Architectural Review.
- f. Any person requesting a permit under this section and article shall be entitled to a hearing on such request before the Board of Architectural Review.

(Ord. No. 2003-93, §§ 1, 2, 9-23-03; Ord. No. 2012-385, § 2(Exh. B), 10-23-12; Ord. No. 2013-70, § 1, 7-16-13)

Sec. 54-233. - Board of Architectural Review created; composition; appointment and terms of office:

- a. A Board of Architectural Review is hereby established.
- b. The Board of Architectural Review shall consist of seven (7) citizen members and three (3) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. These members shall have a demonstrated interest in, and a competence and knowledge of architecture, landscape architecture and urban design, and shall include at least two (2) registered architects, one (1) professional engineer and one (1) attorney. The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority. The board shall adopt rules of procedure.
- c. The initial terms of three (3) of seven (7) members first appointed shall expire on the date of the first regular City Council meeting in January following their appointment, and initial terms of the other four (4) of the seven (7) members first appointed shall expire on the date of the first regular City Council meeting in January two years thereafter. Following the initial term, the terms of all members shall be four years. No member shall serve more than two successive four-year terms. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Terms of alternate members shall be subject to the same conditions as those of regular members.
- d. The board (excluding alternates) shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the Board of Architectural Review. The board shall adopt rules of procedure in accordance with the provisions of any ordinance adopted pursuant to this chapter.
- e. Meetings of the board must be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its

proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record.

- f. Alternate members, when seated, have all the powers and duties of regular members. Alternate members may always attend meetings but shall only participate in board deliberations and debate, make motions and vote in the absence or voting disqualification of a regular member or the vacancy of a regular member's seat. The alternate member shall continue to serve until a final determination is made in the matter to which the alternate member was initially called to serve.

(Ord. No. 1999-54, § 2A, 4-27-99; Ord. No. 2000-35, § 1, 3-14-00; Ord. No. 2007-60, § 1, 3-6-07; Ord. No. 2012-385, § 2(Exh. B), 10-23-12; Ord. No. 2013-49, § 1, 5-14-13; Ord. No. 2014-17, § 2, 2-11-14)

Sec. 54-234. - Meeting of board.

- a. The Board of Architectural Review may meet at any time upon call of the chairman and, in addition, shall within fifteen (15) days after notification by the administrative officer of the filing of an application for a permit to demolish any structure in whole or in part, hold a public hearing upon each application. At least five (5) days' notice of the time and place of each such hearing shall be given by the administrative officer as follows:
 - 1. In writing to the applicant.
 - 2. In writing to all persons or organizations who have filed an annual written request for such notices and have paid an annual fee, not to exceed twenty-five dollars (\$25.00), to cover the costs involved.
 - 3. By publication in the form of an advertisement in a newspaper of general circulation within the city.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-235. - Adoption of inventory map; procedure for revision.

In order to identify structures within peninsula Charleston south of Highway 17 which should be preserved, maintained and protected in the public interest and to provide guidance for the Board of Architectural Review there hereby is adopted as an official public document the inventory map entitled "Historic Architecture Inventory, 1972-73, Peninsula City, Charleston, S.C.," prepared for the city by Carl Feiss, FAIA, AIP, City Planning and Architectural Associates, and Russell Wright, AIP, consisting of peninsula Charleston south of Highway 17, said additional sheets being dated September 4, 1973, with revisions September 11, 1973, October 16, 1973, November 14, 1973, February 20, 1974 and March 27, 1974, as amended by the inventory map entitled "South Carolina Inventory of Historic Places Survey Report, City of Charleston, S.C." prepared for the city by Geier Brown Renfrow Architects and dated August 1985, and as amended by the inventory entitled "A Historic Architectural Resources Survey of the Upper Peninsula, Charleston, South Carolina" prepared by Brockington and Associates, dated 2004 consisting of the peninsula Charleston north of Line Street and south of Mount Pleasant Street (collectively "Inventory Map"). The original of the said Inventory Map shall be filed in the Department of Planning and Urban Development as a public record and shall be available for public inspection during normal business hours. Based on changed conditions, the Board of Architectural Review from time to time may recommend to the City Council additional revisions of said Inventory Map, but none shall become effective until the Zoning Ordinance has been appropriately amended.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-236. - Guidance standards; maintenance of consistent policy.

https://www.municode.com/library/sc/charleston/codes/zoning?model=ART2LAUSRE_PT60LHIDIOLDIRE

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In order to provide guidance and insight into desirable goals and objectives for the Old City District and the Old and Historic Charleston District or for desirable types of development, and for the maintenance of consistent policies in guiding the building public toward better standards of design, the Board of Architectural Review shall maintain a file containing records of all applications brought before the board for review, the action taken by the board, drawings submitted and amendments of drawings approved pertaining thereto, and drawings and photographs or reproductions thereof showing structures in authentic Charleston character which, in its opinion, may serve as general guides to appropriateness or as expression of objectives to prospective developers or property owners. Such documents shall remain the property of the city but be held in the custody of the Board of Architectural Review.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-237. - Preapplication review of plans by board required; procedure.

Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective property developers, owners or agents shall prepare preliminary scale drawings and outline specifications, including color samples for outside work, for review and informal discussion with the Board of Architectural Review. The purpose of this review shall be to acquaint the developer, owner or agent with standards of appropriateness of design that are required of his proposed development.

The required preapplication review shall not require formal application but does require notice to be given to the administrative officer and subsequent notification of the chairman of the Board of Architectural Review at least ten (10) days before the date of the meeting at which the preliminary drawings are to be discussed. All documents submitted at this meeting shall be in triplicate prepared in a form suitable for filing in a standard size office filing cabinet.

In the case of very minor projects involving repair or alterations to existing structures, the Board of Architectural Review, if the preliminary drawings and other data are sufficiently clear and explicit, may grant preliminary and final approval at one review session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the administrative officer may exempt the application from provisions of this section and approve a permit.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-238. - Contents of application.

Contents of applications for demolition, relocation, new construction, or alterations and/or additions or renovations to existing structures shall include such drawings, photographs or other information as may from time to time be adopted by Resolution of the Board of Architectural Review, copies of which shall be maintained in the Office of Planning, Preservation and Sustainability or such successor office thereto.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-239. - Public notice requirements.

Upon the filing of an application with the Board of Architectural Review for property within the corporate limits of the city of Charleston, the property to which such application applies shall be posted with a sign at least five (5) days prior to any public hearing when the application will be considered and said sign shall specify the appropriate city department to contact concerning information regarding the application. The

Board of Architectural Review shall adopt and implement rules of procedure by which the posting of signing shall be conducted, and may make recommendations to City Council of fees to be charged therefore. Any fee schedule established hereunder shall be approved by City Council.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-240. - Board of Architectural Review; powers and duties.

- a. In passing upon an application to demolish, or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the Board of Architectural Review shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and the importance to the city.
- b. In passing upon an application for new construction in the Old and Historic District or Old City District, the Board of Architectural Review shall consider, among other things, the general design, the character and appropriateness of design, scale of structures, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The Board of Architectural Review shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character.
- c. The Board of Architectural Review may refuse a permit or Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the Old and Historic District, which in the opinion of the Board of Architectural Review, would be detrimental to the interests of the Old and Historic District and against the public interests of the city.
- d. Upon receiving an application concerning the demolition or removal of a structure over fifty years old and within the limits of the Old City District, the Board of Architectural Review, within forty-five (45) days after receipt of the application, shall either approve or deny such application, or find that the preservation and protection of historic places and the public interest will best be served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and notify the applicant of such postponement.
- e. In all applications involving the demolition or partial demolition of a structure, provision shall be made for a public hearing as set forth in this article.
- f. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the Board of Architecture Review may call on the chief building official to provide it with a report on the state of repair and structural stability of the structure under consideration.
- g. Within the period of postponement of such demolition or alteration of any structure, the Board of Architectural Review shall take steps to ascertain what the City Council can or may do to preserve such structure, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Board of Architectural Review shall then make such recommendations thereabout to the City Council as the board may determine to submit.
- h.

In case of disapproval, the Board of Architectural Review shall state the reasons therefore in a written statement to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

- i. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure (in the case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood (in the case of a new structure).
- j. The Board of Architectural Review may refuse to approve a permit for demolition, removal or alteration of any structure within the Old and Historic District or within the Old City District, if it deems the structure of such architectural or historical interest that the removal will be detrimental to the public interest.
- k. The Board of Architectural Review shall have the power to delay for a period of 180 days or deny outright the demolition or removal of a structure over 50 years old in the area bounded to the north by Mount Pleasant Street or the extensions thereof into the waters of the Ashley and Cooper Rivers, to the east by the waters of the Cooper River to the south by the Old City District and to the west by the waters of the Ashley River.
- l. The approval of an application for the use of land by the Board of Zoning Appeals—Zoning or the Board of Zoning Appeals—Site Design shall not deprive the Board of Architectural Review of any power granted to it in this ordinance, or in any manner diminish such powers.

(Ord. No. 1998-148, § 1, 8-18-98; Ord. No. 1999-54, § 4, 4-27-99; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-241. - Powers of board to require repair of structures.

The Board of Architectural Review, on its own initiative, may file a petition with the chief building official requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this article so that such structure shall be preserved and protected in consonance with the purpose of this article and the public safety and housing ordinance.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-242. - Exemptions from article.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure described in section 54-232; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the chief building official shall certify as required by public safety.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-243. - Report to administrative officer; issuance of certificate of appropriateness.

Upon approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the administrative officer stating the basis upon which such approval was made and cause a certificate of appropriateness to be issued to the applicant. If the Board of Architectural Review shall fail to take final action upon any case within forty-five (45) days after the receipt of application for permit, the application shall be deemed to be disapproved, except where mutual agreement has been made for an extension of time limit.

When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the city building inspector, who shall from time to time inspect the alteration or construction approved by such certificate and shall make a weekly report of such inspection to the Board of Architectural Review listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinances of the city.

(Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-244. - Time limitations on certificates of appropriateness.

Conceptual and Preliminary approvals, as may be set out in the Rules of Procedure of the Board of Architectural Review, and Certificates of Appropriateness shall remain valid for two (2) years from the date of approval, unless extended in accordance with Section 54-962 hereof.

(Ord. No. 1999-24, § 1, 3-10-99; Ord. No. 2005-99, § 2, 6-21-05; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-245. - Appeals to Board of Architectural Review.

Appeals to the Board of Architectural Review may be taken by any person aggrieved or by any officer, department, Board or bureau of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Architectural Review a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 1999-54, § 2B, 4-27-99; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-246. - Effect of an appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Architectural Review or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(Ord. No. 1999-54, § 2B, 4-27-99; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-247. - Hearing an appeal.

The Board shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

(Ord. No. 1999-54, § 2B, 4-27-99; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-248. - Appeal from Board of Architectural Review to Circuit Court.

A person who may have a substantial interest in any decision of the Board or any officer or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the Board.

(Ord. No. 1999-54, § 2B, 4-27-99; Ord. No. 2012-385, § 2(Exh. B), 10-23-12)

Sec. 54-249. - Reserved.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Thomas S. Tisdale, Park R. Dougherty and
Martha T. Dougherty,

Plaintiff,

vs.

The City of Charleston, City of Charleston
Board of Architectural Review, Eugene M.
Woodard and Janice S. Woodward,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-6186

CITY OF CHARLESTON'S/CITY OF
CHARLESTON BAR MEMORANDUM
OF LAW

2016 JAN 21 PM 2:24
JULIE J. ARNSTROM
CLERK OF COURT

FILED

This matter is before the Court as an appeal from a decision of the City of Charleston Board of Architectural Review giving conceptual approval for an addition to the residential structure at 107 King Street. Appellants are neighboring property owners. The strict standards that govern such appeals require courts to defer to decisions of local architectural review boards and set up an almost insurmountable hurdle---except where it is evident the Board based its decision on prejudice or improper considerations.

On appeal to the circuit court, the findings of fact by a board of architectural review shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. See S.C. Code Ann. § 6-29-930; Austin v. Board of Zoning Appeals, Town of Hilton Head Island, 606 S.E.2d 209 (S.C. Ct. App. 2004); see also Heilker v. Zoning Bd. of Appeals for City of Beaufort, 552 S.E.2d 42, 44 (S.C. Ct. App. 2001). In this regard, it is well-settled that "the factual findings of the jury will not be disturbed unless a review of the record discloses that there is *no evidence* which reasonably supports the jury's findings." Vulcan Materials Co. v. County of Greenville, 536 S.E.2d 892 (S.C. Ct. App. 2000) (emphasis in original). Further, the court's review is "strictly limited to the facts and

arguments raised to the board. Indeed, the circuit court is expressly forbidden from considering any new facts." Austin, 606 S.E.2d at 214. Additionally, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." Restaurant Row Assocs. v. Horry County, 516 S.E.2d 442, 446 (S.C. 1999). The statute governing BAR appeals, S.C. Code Ann. § 6-29-930, specifically provides that "the findings of fact by the board of architectural review are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. . . . In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law."

The BAR has broad discretion under both the City of Charleston zoning code and the law of South Carolina to approve or disapprove demolitions of existing structures and construction of new buildings. Austin v. BZA, Town of Hilton Head Island, 606 S.E.2d 209 (S.C. Ct. App. 2004); Gurganious v. City of Beaufort BAR, 454 S.E.2d 912 (S.C. Ct. App. 1995). South Carolina appellate courts repeatedly have held that a decision of a board of architectural review is to be given "great deference," such that it must remain "undisturbed if the propriety of that decision is even 'fairly debatable.'" Gurganious, 454 S.E.2d at 915 (quoting Knowles v. City of Aiken, 407 S.E.2d 639 (S.C. 1991) (other internal citations omitted)). Further, courts are "bound" to substantially defer "to the decisions of those charged with interpreting and applying local zoning ordinances," as they are in the best position to interpret, consider and apply those local rules. Id. at 916; Clear Channel Outdoor v. City of Myrtle Beach, 602 S.E.2d 76 (S.C. Ct. App. 2004). "To this end, a court will uphold the decisions of a reviewing body if there is *any evidence* in the record to support its decision." Clear Channel, 602 S.E.2d at 79 (emphasis added). An appellate court is therefore not free to substitute its own judgment for that of the BAR, but rather must affirm the board's decision unless it is clear that the BAR's findings of fact have no evidentiary

support or it has committed an error of law. Id.

The City of Charleston's ordinances provide some guidance for the Board's decision-making: See Charleston Zoning Ordinances, 54-240(a) ("the Board of Architectural Review shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and the importance to the city."); 54-240(i) ("Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure (in the case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood (in the case of a new structure)")

In the present case, the decision was a close one. The application was initially deferred, slightly modified, and then by a 4-2 vote, the BAR gave conceptual approval to the application. The City's architect was at the meeting and set forth the position of staff recommending approval. Although the number of opponents was more than the number of advocates, there were those for and against. Of course, it is clear the Board's decision should not be measured by counting the number of voices for versus those against.

It is clear from the arguments and reasoning of the board members voting with the majority that the majority properly applied the applicable decision-making standards. Each of the Board Members who would ultimately vote for the projects set forth their thoughts:

Member White: *"You know, harmony is a big consideration . . . But an orchestra is made up of a lot of instruments that are so different from one another, and yet they still can*

react in harmony. It's not all violins. . . . within this one image . . . from 109 Broad to 1907 Broad and then 105 and 105 ½ King . . . you have about 150 years of architectural history right there. The Board of Architectural Review was never intended and the ordinance does not read to suggest architectural expression stops at . . . some date on a calendar. What is shown here, in my view, is very sensitive to the height, scale, and mass of the surrounding elements. . . . It's stucco-on-masonry. So is the building its being attached to. The overall percentage of glazing is not astronomically greater than what you might see glazing the south or west façade of a proper single house . . . The height of the building is not so tall as to be out of context or keeping with the surrounding sites . . . I think that Mr. Stockton, who is one of the most well-regarded preservationists and also a long-time member of this board, has correctly identified this building is not out of keeping with the historic district. It has been put on a little diet, which is exactly what it needed . . . It is without arresting effects. It does not substantially alter the streetscape. It does not fall out of harmony with the surrounding buildings . . . " pp. 43-46

Thereafter, board member Harrison directed comments to the height, scale and mass and pointed out that this and other projects have used glass in the city to create space while making it seem small. She expressed that when you expand a use of a structure, you want to "add on in a sensitive way that doesn't negatively impact the historic nature of your home or the neighborhood, and for the amount of area that we are talking about, it is extremely nominal. . . . I think this is how it's successfully done." Pp. 46-47

Board member Wallace then stated: "I think its evident that over the last 40 years or more, we have had modern architecture integrated into the Old and Historic District, and I don't think this is so blatantly modern that it is out of character or scale . . . not just our [standards] in the City of Charleston, but, for example, the President's Advisory Council on Historic Preservation says that if you do an addition to a historic building, it should look like

an addition. . . . That's a national standard . . . accepted by the National Trust for Historic Preservation and other preservation groups . . . for many, many years."

Then Board member Alexander *"I would certainly agree with Mr. White . . . there are interpretations to harmony that don't have to reflect the same architectural style as what building you're next to."*

It is also noteworthy that neither this structure nor the surrounding structures are "rated." (The City of Charleston follows a 1-4 rating system with Category 1 being structures which are Exceptional and must be preserved at all costs to Category 4 which are buildings of architectural value without which the character of buildings in groups 1-3 would be lessened.)

The appellants make much out of comments relating to the somewhat limited visibility of the addition. This was discussed by the Board and by staff. It is certainly true that if a project is not visible from the street or right of way, then the Board has no control over it. However, the Appellants then springboard to the position that once the Board has jurisdiction, then the project should be denied---even if the offensive elements are not visible or minimally visible. This is not what the Board did. The Board did not find the project was offensive but would be allowed because it was not highly visible. However, the Board would not be in error to consider the visibility of the addition from the street or right of way as part of its discussion of harmony with other structures.

For the reasons stated and otherwise appearing in the record, the decision of the Board of Architectural Review should be affirmed.



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Attorneys for City of Charleston and City of Charleston
Board of Architectural Review.

Charleston, South Carolina

January 21, 2016

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Thomas S. Tisdale, Park R. Dougherty and
Martha T. Dougherty,

Plaintiff,

vs.

The City of Charleston, City of Charleston
Board of Architectural Review, Eugene M.
Woodard and Janice S. Woodward,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-6186

**DEFENDANTS' NOTICE OF FILING
TRANSCRIPTS AND BOARD OF
ARCHITECTURAL REVIEW FILE**

FILED
2016 JAN 13 PM 2:38
JULIE J. BASTRO
CLERK OF COURT
BY

PLEASE TAKE NOTICE that the Defendants have this day filed the following

1. City of Charleston, Board of Architectural Review Excerpt of Audio Recording dated September 9, 2015;
2. City of Charleston Board of Architectural Review Meeting of October 14, 2015;
and
3. Board of Architectural Review File.

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Charleston, South Carolina
January 13, 2016

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CITY OF CHARLESTON
BOARD OF ARCHITECTURAL REVIEW

EXCERPT OF AUDIO RECORDING

MEETING BEFORE: PHYLLIS EWING, CHAIRPERSON
DATE: September 9, 2015
LOCATION: City of Charleston BAR
2 George Street
Charleston, SC
TRANSCRIBED BY: LORA L. McDANIEL,
Registered Professional Reporter

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APPEARANCES:

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PHYLLIS EWING, CHAIRPERSON
D. WILLIAM WALLACE, MEMBER
JANETTE ALEXANDER, MEMBER
BOB FAUST, MEMBER
ERIKA HARRISON, MEMBER
JAY WHITE, MEMBER
DENNIS DOWD, STAFF
ERIN STUBBLEFIELD, STAFF
STEPHEN RISSE, STAFF
PEGGY JORDAN, STAFF



* * * * *

(Audio recording begins.)

THE CHAIRPERSON: Are you ready?

MR. DOWD: Yes, I am. Next up is 107 King Street. This is a request for conceptual approval for new construction of a rear addition and modifications to an existing structure. The building is not rated in Charlestowne, circa 1800, in the old historic district.

Again, here is the site here. This is an old kitchen house, actually, to 109 Broad Street but, you know, sort of fronts on King Street as well. Bounded by King, Broad and Orange.

This is a view looking west from King Street, so sort of the side of the kitchen house, if you will.

And then a view looking northwest from King.

View looking south from Broad Street through the piazza and the driveway of 109 Broad.

And then, you know, a little different angle again.

And then looking east from Orange Street. So the red square there sort of indicates, you know, the location of the addition, if you will. Without

1 vegetation, it would be visible.

2 1888 and 1902 sandbar mats depicting the
3 kitchen house. And I think this section right here
4 may have been altered. It's not directly up against
5 the kitchen house at this point. And then the 44 and
6 51 sand bars.

7 And at this point I'll defer to Mr. Epps
8 for his presentation.

9 MR. EPPS: I'm Robert Epps, the architect
10 for Gene and Jan Woodard. They're not here quite yet
11 but, hopefully, they will be here shortly.

12 When the Woodards purchased 107 King, they
13 knew that it was an unusual property. It had, in
14 fact, been attached to 109 Broad Street here and
15 constructed in the late 1700s, early 1800s. It was a
16 small, small kitchen house.

17 Let's see if we can advance here. Just to
18 give you some perspective on the size of it, I placed
19 an automobile inside the footprint of the original
20 kitchen house. Now, for your information, the image
21 you see of the automobile is not a Lincoln Towncar.
22 In fact, it's a Volkswagon Passat. So with a
23 footprint of 450 square feet, certainly it is a very,
24 very small structure by any consideration.

25 On this graph here will give you some idea

1 of the existing structure being in the dark camel
2 color. The green is our proposed addition, and the
3 red is that which is permitted by the zoning
4 ordinance. So, as you can see, even as modest as the
5 property is, the Woodards did not design to the max,
6 that is, what would be permitted.

7 And even considering that the difference
8 between the proposal and the max totals out to about
9 300 square feet, you can, I think, appreciate the
10 fact that, on a house this small, giving up 300
11 square feet is no minor act on the part of the
12 Woodards. And joining us now is Gene Woodard,
13 sitting there on the front row.

14 Nevertheless, what we have tried to do
15 because of the view down from the corridor of 109
16 Broad Street, we wind up the masonry work to
17 correspond to the plane of the porch of 109 so that
18 view corridor will remain intact.

19 Now just so you know, 109 is not a rated
20 structure. 111 is not a rated structure. 107 is not
21 a rated structure, nor is 105 a rated structure. In
22 fact, we've had 107 inspected as to its historic
23 fabric. And what we have been told is that virtually
24 all the historic fabric has, in fact, been removed
25 from the house.



6
1 Again, just to give you some insight into
2 our design process, the existing house, in addition
3 to being very modest, very small in size, it had very
4 low ceiling heights. And I think most of us
5 experienced, any number of iconic Charleston houses
6 will, let's say, acknowledge that high ceilings are
7 certainly very much a part of the architecture of the
8 city.

9 And, yes, you know, people have lived here
10 in the past. I lived in an apartment across from the
11 Footlight Players workshop that the entire apartment
12 was less than 200 square feet. What we live in and
13 what we aspire to are often very different.

14 And, obviously, when the Woodards
15 purchased this property, they saw it as an
16 opportunity rather than a finished product. Before
17 they closed on the property, I helped them in doing
18 an extensive research of the zoning ordinance. And
19 they were confident that they could make a reasonable
20 addition to this house.

21 With the work that we're proposing to do,
22 the total package, so to speak, is I think right
23 around 2,000 square feet. Even with the addition by
24 any standard, it's a modest endeavor.

25 We've built the model. You're welcome to

7
1 come up and view it. Because there is so much
2 foliage and trees around the property that you would
3 never be able to ascertain the visibility of it in
4 its existing condition.

5 You can see here without all the foliage,
6 you get a representation of what would be visible
7 from the public right-of-way on King Street. You can
8 see just the edge of the roof structure at a very
9 acute angle of the addition.

10 But here is a sort of frontal exposure of
11 the existing structure on King Street and the
12 property line comes around the corner, follows this
13 brick wall out to King Street and then the property
14 line follows the surface of the building around to
15 the rear of the property.

16 Obviously, there were limitations. Even
17 though this is unusual for a building facing onto
18 King Street in its architecture, we would rather
19 restrict it or limit it to very little that we could
20 do on King Street, except a minor item here.

21 This is not a window that one would ever
22 see in a kitchen house. But, if you can appreciate
23 the simplicity of this, you can understand that it
24 could almost be construed as a modern or contemporary
25 structure, if it were not for the roof shape.

1 The rear of the property shows a 1960s
2 addition, which we've never understood the logic of
3 that addition. Equally important, it shows this
4 window with a flat march roof. Our understanding is
5 that's the only original part of the architecture of
6 the original building. All other openings are new,
7 so to speak.

8 So it's important to understand that, in
9 our proposal, we haven't done anything to diminish or
10 destroy any historic aspect of the building.

11 THE CHAIRPERSON: Mr. Epps, one minute.

12 MR. EPPS: There's been a lot going around
13 the building. You can see this structure here which
14 rests one foot away from the building, was
15 constructed three years ago, I think.

16 This is 105. This is a ceiling --
17 Ceiling's house. And if our structure is not there,
18 this is what you would see from Broad Street. So we
19 think our proposal is an improvement on the
20 visibility matter.

21 This is 109 Broad, the view down that
22 corridor and, again, what you would see without any
23 trees or foliage.

24 This is the northern portion of the site.

25 We don't understand with all the concern

1 over what we are doing to 107 why there was so little⁹
2 interest in protecting 107 with that structure going
3 up.

4 This is the rear portion of 111, utility
5 portion in the back that sort of overlays the
6 property of 107.

7 That's looking back toward Orange Street.
8 Not been able to perceive any visibility there. I
9 will add that there was a proposed addition to the
10 existing addition which was approved some years ago
11 based on the fact that it was not visible from the
12 public right-of-way.

13 But the character of that area, King
14 Street, is laden with additions as you can see here.
15 Some extensions of existing houses, some apartments
16 but virtually every other house has an addition to
17 it. The back of this house and on the left are
18 additions. This more recently, some of you are
19 familiar with, has a large window wall, which is
20 certainly much more visible than any glazing that
21 we're introducing.

22 THE CHAIRPERSON: Thank you, Mr. Epps.

23 MR. EPPS: But anyway, this is the basis,
24 just as our reference point, a 1900s house by a
25 British architect, Edwin Williams. Though, this is



10
1 not visible from the public right-of-way, this is the
2 design of our proposal.
3 And the elevations, again, we're a little
4 bit higher than the existing house but that, in part,
5 is because of the increased ceiling height.
6 THE CHAIRPERSON: Board questions? No
7 questions.
8 How many here are going to comment on
9 this?
10 You have to wait to reply. We have 12
11 people who want to comment. I would ask you to make
12 it as brief as possible. We also have received a
13 number of letters, and I will read who they're from
14 and what their position is. I'm not going to read
15 all of those letters. They're in the record, if
16 anybody wants to see them, in a folder.
17 And Mr. Dougherty heard what I said when I
18 asked that people who wanted to speak. I'm going to
19 ask you also to be a great leader in keeping really
20 brief.
21 MR. DOUGHERTY: I shall. My letter never
22 made it to the BAR. May I present to Mr. Dowd my
23 letter and ask him to distribute it to the members?
24 THE CHAIRPERSON: You need to identify
25 yourself. We have one from Martha Dougherty.

1 MR. DOUGHERTY: I'm Park Dougherty.

2 THE CHAIRPERSON: Didn't you send us a
3 letter last time?

4 MR. DOUGHERTY: No.

5 THE CHAIRPERSON: You may bring it.

6 MR. DOUGHERTY: Thank you.

7 THE CHAIRPERSON: Could you give us a
8 quick synopsis of it.

9 MR. DOUGHERTY: I live at 111 Broad
10 Street. I'm one of the neighbors who will have to
11 look at this glass wall for the rest of my life.
12 There are actually several neighbors who will get
13 this view. My neighbors at 113 Broad can see this,
14 as well as people walking down Orange Street.

15 There's a very clear sight line from the
16 sidewalk of Orange Street going straight to this same
17 facade here. The reason I wanted to get my letter to
18 you is because it's got the aerial view. It's got
19 the aerial view which, if you look at the aerial
20 view, you'll be able to see these sight lines very
21 well. You'll see how visible it is from Orange
22 Street, how visible it is from Broad Street.

23 Regarding the matter of the visibility
24 matter that Mr. Epps mentioned, what he failed to
25 mention is there's a beautiful garden there today

12
1 that, in other words, filling it up with this large
2 addition would fill up a garden. So the view
3 today -- you will see it in the pictures that I've
4 provided. You'll see some photographs that show you
5 the view that we have today of this structure. And
6 it's vastly superior, I would say, to the proposed
7 structure. Thank you.

8 THE CHAIRPERSON: Thank you,
9 Mr. Dougherty.

10 MR. TISDALE: Madam Chair, I'm Tom
11 Tisdale, and I live at 109 King Street house, a house
12 I've occupied for 45 years. We're opposed to this
13 addition as it is configured and as it has been
14 presented for almost every reason that you might be
15 able to imagine that is affected by the ordinances of
16 the City of Charleston.

17 This historic district has laid in this
18 format where we live and in this neighborhood for 215
19 years minimum. And what this proposal does is upset
20 the balance that everybody who lives in this
21 neighborhood has experienced over that period of
22 time. It is important to the city, in fact, it's
23 important to the people beyond the city because of
24 the historical significance of the neighborhood.

25 I wrote a letter in which I outlined all

1 of this. I'll try not to be too repetitive because I¹³
2 hope you had a chance to read my letter.

3 THE CHAIRPERSON: We have distributed the
4 letters that we received to them today, to all the
5 board members.

6 MR. TISDALE: Thank you very much.

7 THE CHAIRPERSON: Including the ones from
8 last time.

9 MR. TISDALE: Thank you very much, Madam
10 Chair. But our problem with this proposal goes
11 beyond the benefit of the city, the interest of the
12 city and the interest of the neighborhood because it
13 affects us. The architecture of this proposed
14 structure affects us very adversely.

15 In fact, as you have heard, this
16 structure, 107 King, was a kitchen house to our house
17 at 109 Broad. In fact, they're still attached on the
18 southeastern wall.

19 But what is more disturbing to us, is that
20 this is -- the architecture of this proposed
21 structure sits on the south side of our house, and
22 our house is three stories. But this proposed
23 structure blocks all the back of our house up to the
24 third floor. It goes a little bit beyond the porch
25 on the third floor in height. So we will lose every

14
1 bit of light coming into our house from the south and
2 southwest.

3 We think that this is an ill-conceived
4 plan that is obviously very upsetting to us where we
5 live and plan to live the rest of our days. But it's
6 also very upsetting to our whole neighborhood as you
7 can see by the people who are here. And it really
8 should be upsetting to the City of Charleston because
9 it disrupts history. Thank you.

10 THE CHAIRPERSON: Thank you, Mr. Tisdale.

11 MR. STOCKTON: I'm Robert Stockton. I
12 live at 6 Montagu Court. I'm here to speak on behalf
13 of the application. I think some perspective is
14 needed. This is not the Jasper project and all its
15 intrusive elements. This is a small addition to a
16 building, which is in a discreet, isolated location.

17 And the building in question, the former
18 kitchen house, maybe violence was done to it in the
19 1960s; entire insides was scooped out, including the
20 kitchen chimney. The chimney was replaced with an
21 exterior chimney, which doesn't even look like a
22 Charleston chimney. And the west wall was blown out
23 for the construction of that very indifferent
24 addition that's there now.

25 As Mr. Epps says, the only remaining

1 opening which is historical in the building is one
2 window of the west wall, which is retaining and
3 securing with this design.

4 I think this question of what's visible
5 from the street is immaterial and I, for many years,
6 lobbied to change the ordinance so that you have
7 comprehensive review.

8 Aside from that, I think this is a very
9 nice design. It's very elegant. Mr. Epps, I think,
10 is very talented architect, and he has not let his
11 imagination run wild with this design. It's clean as
12 I said. I think it should be approved on its own
13 merits.

14 THE CHAIRPERSON: Thank you, Mr. Stockton.

15 MS. THOMPSON: Can you hear me?

16 THE CHAIRPERSON: Yes, we can.

17 MS. THOMPSON: I can always move the
18 microphone. I'm Maurice Thompson. I live a block
19 below this, 54 King. My concerns for this are
20 somewhat different from some of the other people.
21 You have a letter from me.

22 In addition to the points made in the
23 letter, I think the concern here is largely quality
24 of life. This addition is larger than the house that
25 it is being added to. This is not quite frontwards

1 as far as I'm concerned.

2 Also, I do not know the exact distances
3 but I know that I did some research sometime ago and
4 found that ten feet between buildings, fire leaps
5 that in two minutes. So it seems to me that with our
6 concern for fires, we don't need to fill in too much
7 more of our open space. We need to allow light and
8 air.

9 Much of the piazza next to this proposed
10 addition would be blocked from light and air and just
11 openness. We use our piazzas as outdoor rooms. You
12 don't really want to look at a glass or brick wall
13 when you're sitting there.

14 Also, granted the buildings around it are
15 not rated. Granted this building is not rated. That
16 does not mean that quality of life for the people
17 living around it should be ignored. And I think this
18 addition is intrusive.

19 I think perhaps prior consideration
20 should've been given to the fact that kitchen houses
21 are small by their very nature. A kitchen house is
22 not going to be a big structure. If you want a big
23 structure, buy one. Thank you.

24 THE CHAIRPERSON: Thank you, Ms. Thompson.

25 MS. JOHNSON: Hi, I'm Katrina Johnson from

1 113 Broad Street. I also sent a letter in. I'm sure¹⁷
2 you-all have that.

3 And I would like to speak to a number of
4 points that people have made prior to me. I do think
5 that we need to keep in mind how it is going to
6 affect doubling the people around this new structure.

7 Also, the historical value, whether this
8 is truly historical or not, Charleston, many of its
9 visitors and even the residents appreciate this area,
10 especially this area of Charleston that has that
11 historical feel.

12 I think that an addition certainly may be
13 warranted but maybe going back and trying to redesign
14 something that might fall in line or fit and be a
15 little more appropriate with this area. Thank you.

16 THE CHAIRPERSON: Thank you, Ms. Johnson.

17 MS. DOUGHERTY: I'm Martha Dougherty. I
18 just wanted to revisit the size of this structure.
19 But in his -- he has the structure coming out here,
20 and he has this in brown. In fact, he's going to
21 tear down all of this.

22 And this structure is going to be enormous
23 coming out, and it looks like it's doubling the size
24 of the original structure. And that doesn't seem
25 like an addition. That seems like an additional



18
1 house to the existing structure.

2 I also wanted to point out that the
3 relationship between a main house and its kitchen
4 house is very unique. And in this situation, unlike
5 many other places in Charleston where those two are
6 connected by, you know -- so that their house becomes
7 bigger and they include the kitchen house into their
8 house, this has the unique aspect that it is not
9 connected. It has remained separated from the main
10 house.

11 I also want to point out that Charleston
12 is not just a bunch of structures, historic
13 buildings. It's also gardens. If everybody built a
14 huge structure in the back of their garden, what
15 would downtown Charleston look like? What would the
16 historic aspect be of all these huge houses piled
17 together, lumped together, trying to preserve the
18 original historic, and then lump sum another
19 structure next to it. And you filled up the whole
20 space of the lot with structure.

21 And I think that Charleston is very unique
22 because it does have Charleston and garden. Houses
23 and gardens that are just so awesome that people come
24 from all over the world to see.

25 THE CHAIRPERSON: Thank you,

1 Ms. Dougherty.

2 MR. PERELLA: Hi, name my name is Lou
3 Perella. I live at 99 King. I was out of the
4 country and this was brought to my attention by Mr.
5 Dougherty. He dropped off the pamphlet.

6 I have submitted things to the ARB. I
7 understand the role that you play. My only
8 question -- I don't have a dispute with size, things
9 like that. When 45 King was built, I did not attempt
10 to fight the battle that it was too high because it
11 met the requirements of the City of Charleston.

12 But I guess my only question is, if this
13 structure was facing King Street, three doors from me
14 where I live, would this be approved by the ARB? To
15 me, my only concern about this structure is not the
16 size, because that's a battle for 111, 109 King,
17 Broad.

18 My only concern is this what downtown
19 Charleston looks like? Does it matter whether this
20 face's a garden or faces the back of the property?
21 To me, it either is acceptable to the architect
22 standards of downtown Charleston or it is not.

23 I guess if you're allowed to answer my
24 question, if this building faced King Street, would
25 it have an effect on whether or not it would be

20
1 approved or not as to whether or not it faces Orange
2 Street?

3 THE CHAIRPERSON: Thank you, Mr. Perella.

4 MR. PERELLA: Thank you.

5 MS. CLARK: Hi, I'm Farley Clark. My
6 parents lived in this charming little 1790s kitchen
7 house after they moved from 171 Broad Street because
8 they wanted to downsize their lives.

9 I inherited this house, and I moved back
10 to Charleston and found it to be charming, as long as
11 I was not here permanently but going back and forth
12 to New York.

13 I realized the need for more space in a
14 small kitchen house. And I had plans drawn up to
15 increase the size slightly, not to build a house that
16 was twice the size and also a modern glass box.

17 So I moved to Bedon's Alley and I, of
18 course, became aware of the fact that this was
19 proposed as an addition. I think that what we need
20 to realize is the character and integrity of
21 Charleston is going to be tremendously damaged if a
22 modern glass box structure is placed next to a 1790
23 kitchen house with the idea of, wow, we're just going
24 to add more space, get more space and forget what
25 Charleston is all about. It's just wrong. Thank

1 you.

2 THE CHAIRPERSON: Thank you, Ms. Clark.

3 MR. PELZER: Good afternoon, members of
4 the BAR. I'm Randy Pelzer, here on behalf of the
5 Charlestowne Neighborhood Association. Our Board of
6 Directors met yesterday to discuss this application
7 and voted unanimously to approve the position
8 statement that we sent to you today.

9 I wanted to just address one part of this
10 position statement that I felt particularly relevant.
11 This is not an application for addition. It is a
12 complete and unacceptable transformation of a circa
13 1790 kitchen house into a mismatched
14 industrial-looking compound.

15 It is not merely the contemporary
16 architecture that's inappropriate. It's not just the
17 enormous mass and scale proposed. It's not just the
18 incongruity of such a large structure on such a small
19 lot, nor the impositions this proposal to foist on
20 its neighbors, the blocking of a neighbor's view or
21 the fronting of others with office-style facade that
22 would include giant windows that show a disrespect of
23 the neighbors' privacy. And it's not just the visual
24 damage that this would do to the neighborhood as it
25 could be seen from one and possibly two streets.

1 It's all of the above.

2 Seldom has such an application crossed so
3 many lines to make it clear that this is incompatible
4 with our neighborhood, the South of Broad
5 neighborhood, which is very important to the city,
6 the nation and indeed the world. Thank you.

7 THE CHAIRPERSON: Thank you, Mr. Pelzer.

8 MR. BELLO: I'm Eddie Bello. I live on
9 Rutledge Avenue. I grew up in Charleston. I know
10 this neighborhood very well. I want to speak in
11 favor of this application. I have not looked at it
12 extensively, but I will say there's a couple things
13 that have been said.

14 I want to echo what Mr. Stockton said,
15 it's a very simple and elegant design. It actually
16 follows the Charleston standards, this Board
17 approved; the policy of Secretary of Interior
18 standards, which are that all additions should be
19 distinct and separate from the historic structure.

20 I also want to caution the Board, the
21 point of the BAR is to protect the public
22 right-of-way. That's why Charleston's view. It's
23 not, unfortunately for some of the people, it's not
24 to protect someone's view out of their backyard. I
25 understand why they're upset. That's not the charge

1 of the Board.

2 The charge of the Board is to protect what
3 you can see from the street and how that affects the
4 public right-of-way, how it affects the character of
5 the neighborhood.

6 Actually there are numerous additions that
7 are very modern all over this neighborhood. There's
8 one on Bedon's Alley that WG Clark did, that's
9 ceiling glass. It's beautiful, won a lot of awards.
10 Style shouldn't be the issue. It's whether or not
11 it's too big and those type of things. Again, I
12 haven't looked at that.

13 I would really caution the Board, because
14 a lot of people don't like looking out their window
15 and seeing something, it's really what you see from
16 the street and how it affects that street, not that
17 you can see part of it and I just don't like it.

18 I want to speak strongly in support of it.
19 It's very upsetting to hear this whole argument over
20 and over again. I couldn't help myself. Thank you.

21 THE CHAIRPERSON: Thank you, Mr. Bello.

22 MR. GRIMBALL: Good afternoon. I'm Henry
23 Grimbball. As a defense attorney, I'm used to going
24 last. It gives me an opportunity to say I support my
25 neighbors, who are in opposition to this plan.

1 I live at 11 Orange Street and go on
2 Orange Street every day. I pass by the southeast
3 corner of Orange and Broad. I promise you, it will
4 be visible from Orange Street.

5 And the architecture to me seems totally
6 out of place in that neighborhood. Orange Street is
7 a delightful street to live on. The architecture is
8 beautiful. This just seems like a very odd proposal
9 to me and a huge addition. And so I join with my
10 neighbors in opposition to it.

11 THE CHAIRPERSON: Thank you, Mr. Grimball.

12 MR. CODY: Good afternoon. Chris Cody
13 from the Historic Charleston Foundation. Historic
14 Charleston Foundation is opposed to this project as
15 presented and request that it be denied. The
16 proposed addition is far too large, as you've heard
17 from many of the neighbors, it overwhelms the
18 historic structure and does not appropriately relate
19 to it nor to neighboring historic buildings.

20 The proposed addition is also
21 inappropriate stylistically. It clashes with the
22 architecture vocabulary of the neighborhood and,
23 again, does not relate to its historic neighbors.
24 The proposed addition would be visible from both
25 Broad and King Streets. We believe that it would be

1 detrimental to mar those streetscapes by allowing
2 this large, visible glass box in our historic
3 district. Thank you.

4 THE CHAIRPERSON: Thank you, Mr. Cody.

5 MR. GURLEY: I'm Robert Gurley with
6 Preservation Society of Charleston. The Society is
7 also opposed to this application. I think in terms
8 of our standard, in terms of the height scale and
9 mass, additions are required to be subordinate to the
10 main structure. This addition is clearly not
11 subordinate. Looks like it's as large as the main
12 house. We think it fails in terms of its height
13 scale and mass.

14 We also think it fails in terms of its
15 architectural direction. It can be visible from the
16 street, so it is under the purview of this Board. It
17 is in a very intimate location. You heard from the
18 applicant, this is intimacy of people's private
19 spaces and also the public purview.

20 Although contemporary designs can have
21 their place in Charleston, we feel this is definitely
22 not the location for it. Given the intimacy of this
23 location, we think that this new addition should be
24 compatible and support and appreciative and relate to
25 the historic vocabulary of the buildings around it.



1 We ask the application be denied. Thank you.

2 THE CHAIRPERSON: Thank you, Mr. Gurley.

3 I also have received a petition that has
4 16 signatures on it from various neighbors opposing
5 it; some of whom have spoken here.

6 I referenced earlier that we had a number
7 of letters that the staff very nicely scanned to all
8 of us before the meeting. If anybody wants to look
9 at them after the meeting, they will be in the file.

10 I will tell you the letters in opposition,
11 as you have heard from some of these people, were
12 from Elizabeth Farley Clark, the former owner; Rose
13 and Don Tomlin, who live at 85 King Street; Adalaida
14 and Edward Bennett, who are owners of 16 Orange;
15 Edwin M. Gilbert, who lives at 18 Lamboll; Dr.
16 Phillip Greenberg, 82 Church; Susan Brady, 92 King;
17 Virginia and Edward Moore, at 93 King; Jeff Lee, at
18 106 Tradd; Martha Dougherty, at 111 Broad Street; Lou
19 Hammond, who lives at the corner of King and Tradd;
20 Dr. And Ms. Charles Corley at 2 King Street; Katrina
21 Johnson, who's a neighbor and lives on Broad Street.
22 I think she said she was at 113 Broad.

23 J. Williams, who's the chair of the
24 Charlestowne Neighborhood Association, Board of
25 Architectural Review and Zoning Committee. He sent



27
1 in the statement which Mr. Pelzer referenced in his
2 remarks tonight.

3 Elizabeth Bradham, who lives at 64 South
4 Battery, wrote an original letter and decided she had
5 a few more things to say, so we got two from her.
6 Virginia Bush, at 6 Water Street; Maurice Thompson,
7 at 54 King. We heard from her tonight.

8 Mr. and Mrs. H. Simmons Tate, Jr., at 41
9 King Street; Ann and Thomas Cooper, 2 Lawrence
10 Street; Thomas S. Tisdale, at 109 Broad Street.
11 We've heard from him tonight.

12 Robert H. Hood who lives across Broad
13 Street; numbers 108 through 112 in historic
14 Ansonborough Neighborhood Association. We received
15 letters from all of these people opposing the
16 project.

17 We received one letter from Barbara
18 Siegling at 105 King, who said she was not opposed to
19 the project.

20 And with that I'm going to turn it back to
21 Mr. Epps.

22 MR. EPPS: I want to respond to everyone's
23 concern but I don't know that I can't recollect
24 everything that was said. Now, again, with
25 Mr. Tisdale, he pointed out that if we drew an

1 addition that comes out in line with the porch --

2 THE CHAIRPERSON: Mr. Epps, can you use
3 the microphone, please.

4 MR. EPPS: That it would block his
5 sunlight. I understand the only sunlight that would
6 be obscured for two to three hours a day would be
7 this portion of Mr. Tisdale's house, which is on the
8 backside. So assuming that he's not out sunbathing
9 all day long every day, I don't think this is an
10 infringement on his rights as a property owner.

11 Now, there's discussion about Secretary of
12 Interior standards says that additions should be
13 subordinate to the main house. But understand this
14 is the main house here. This was, 107, was the
15 addition.

16 Even if the size of this doubled, I think
17 we are close to that, maybe not quite there, it would
18 still be substantially smaller than 109 Broad Street.
19 So we think we're in compliance with the BAR
20 standards and with the Secretary of Interior
21 standard.

22 You know, certainly people have emotional
23 ties as to architectural styles they prefer. What
24 we've done, we've been guided by the zoning
25 ordinance, both that of the BAR and setbacks and

1 property density. For example, the zoning ordinance
2 governing the development of property says that the
3 setback going back to 111 is only three feet. We're
4 25 feet away from that setback.

5 So to suggest that I and the Woodards have
6 done this with indifference to the regulations that
7 we worked within just simply isn't true.

8 Now the mass, I submitted photographs to
9 the Board as what can be seen from the public
10 right-of-way. Nowhere can you see from the public
11 right-of-way the mass of the existing and the new
12 building individually or together. So that shouldn't
13 be a consideration for the Board.

14 In fact, it's our position that the only
15 thing that is of consideration to the Board is the
16 two photographs that we submitted to you.

17 So the Woodards have a right to develop
18 their property. When they purchased the property,
19 they felt that they were working within the zoning
20 requirements and had a right to develop their
21 property accordingly.

22 There's nothing in the BAR ordinance or
23 standards that says any proposal you work has to be
24 neo-traditional or do-it-yourself history or whatever
25 way you want to phrase it. In fact, it says that



1 modern architecture and traditional architecture
2 should receive the same fair judgment, in so many
3 words. And the Woodards have certainly done that.
4 When they came to my office, the Woodards said we
5 don't want to do a neo-traditional structure. In
6 other words, we don't want do-it-yourself history.

7 Now, to some of you, this may seem
8 contemporary, those less familiar with architecture.
9 I showed you a bay window on a house that was
10 constructed in 1900. So how contemporary can this
11 really be?

12 As far as the visibility from Orange
13 Street, understand that Ms. Clark said that she had a
14 second level addition designed -- it was never
15 constructed -- for this addition to the addition.
16 Well, that was determined back when it was submitted
17 to the BAR that was not visible from the public
18 right-of-way. So if it wasn't visible back then, it
19 wouldn't be visible from Orange Street now
20 regardless -- excuse me -- the fact that ours is
21 slightly taller and got more mass from it.

22 What I am here requesting tonight is that
23 the project be judged on the BAR regulations. And
24 while Ms. Clark may have sentimental values to the
25 house -- I mean, my dad died a year-and-a-half ago

1 and ultimately my two brothers and sisters, we sold
2 the house and took our memories with us. We didn't
3 see them as staying and blazing in the property for
4 the next owner.

5 We all have sentimental feelings about the
6 neighborhood we grew up in and about the houses we
7 live in. The Woodards, Gene and Jan, they deserve
8 those same rights. They deserve the right to create
9 their own memories. They feel that they're playing
10 by the rules.

11 THE CHAIRPERSON: Thank you, Mr. Epps.

12 MR. WOODARD: Madam Chair, do I have a
13 chance to speak?

14 THE CHAIRPERSON: Well, very briefly.
15 Very briefly.

16 MR. WOODARD: Okay, I'll keep it brief.

17 My name is Gene Woodard. My wife Jan is
18 with me. We are newcomers to Charleston. We moved
19 here in February of this year. We were attracted, as
20 many newcomers are, by three major factors; one is
21 the quality of the arts offering, was our main draw.
22 We were attracted by the quality of the cuisine. We
23 were attracted mostly because of the friendliness of
24 people.

25 We have not come here simply to partake of

1 those offerings, but rather we think we were bringing
2 something to Charleston. For example, after ten
3 years of retirement and 40-year career in financial
4 services, I started a new career as a middle school
5 math teacher at the School of the Arts.

6 THE CHAIRPERSON: Mr. Woodard, could you
7 address the architecture, please.

8 MR. WOODARD: Yes, I can. Give me a
9 second.

10 THE CHAIRPERSON: That's what we limit our
11 comments to.

12 MR. WOODARD: I appreciate it, Madam
13 Chair. As far as the architecture is concerned and
14 the structure itself, when we purchased it, it was
15 owned by an elderly couple who lived in England. It
16 was being rented out on a relatively short-term
17 basis.

18 I think it's fair to say that rental
19 property doesn't add value to a neighborhood. We
20 purchased it with the idea of it being our permanent
21 residence, our full-time residence. And we think
22 that we will be bringing value to the neighborhood
23 simply in and of itself by being there.

24 We think the architecture is consistent
25 with many buildings that we've sited walking down

1 King Street, walking around the old part of
2 Charleston. And as Mr. Epps said, we have tried very
3 hard to be sensitive to the interest and needs of the
4 neighborhood such as not trying to build it to the
5 size that we thought we could based on zoning laws.

6 We tried to be sensitive and respectful of
7 Charleston, and I think that, on balance, we think
8 that the neighborhood is going to be better off
9 having a full-time resident and a permanent resident
10 than they will be in rentals and better off with
11 someone who will care for the property and respect it
12 as it should be in the neighborhood.

13 THE CHAIRPERSON: Thank you, Mr. Woodard.
14 Mr. Dowd.

15 MR. DOWD: I think there are essentially
16 three issues to consider here; the issue of
17 visibility, the issue of submittal requirements and
18 the issue of preservation standards and
19 appropriateness of the proposal.

20 In terms of visibility, it is visible from
21 the north through the piazza of 109 Broad. It is
22 visible from the west, from Orange Street above the
23 six-foot high wall and without vegetation. And it is
24 partially visible from King Street.

25 So I think, you know, the project is



1 visible and should be -- you know, the height scale
2 mass has to be considered within the context of the
3 visibility.

4 In terms of submittal requirements, they
5 have not been met in this application. The
6 elevations of the north and east sides have not been
7 provided, making it difficult to assess the view
8 through the piazza of 109 Broad Street.

9 The existing floor plans have also not
10 been provided for comparison of the footprint. And
11 we ask every applicant to comply with submittal
12 requirements to ensure that the Board can adequately
13 evaluate each project.

14 And finally, you know, the preservation
15 standards and the appropriateness of the design. In
16 terms of height scale, mass, there is a lot of mass
17 to this addition, and it is taller than the original
18 kitchen house when viewed from King Street, although
19 obliquely.

20 The fact that it is obliquely should
21 really mean that it should not weigh heavily in the
22 Board's deliberations, but I think it is a factor.

23 The Charleston standards, which are based
24 on the national preservation standards require that
25 additions to historic structures be differentiated

1 from the original. And I don't think anybody could³⁵
2 argue that's not the case with this proposal. The
3 exception of that being the proposal to paint the
4 addition brick white to match the existing, which
5 really would not be appropriate.

6 There are some things that Mr. Epps has
7 done here in developing the plan that works well.
8 He's got some step-backs in plan and transitional
9 hyphens that are good moves, I think, to
10 differentiate from the original house.

11 Perhaps the addition could be a little
12 less contrasting stylistically and still achieve
13 differentiation.

14 We're going to recommend deferral, and
15 it's mainly for submittal requirements. Also, we
16 think perhaps the height scale and mass should be
17 studied a little further.

18 THE CHAIRPERSON: Thank you, Mr. Dowd.
19 Board discussion?

20 UNIDENTIFIED VOICE: Can I ask one
21 question of the applicant?

22 THE CHAIRPERSON: Yes.

23 UNIDENTIFIED VOICE: Mr. Epps, did y'all
24 ever talk to the neighbors? Did y'all get before --

25 MR. EPPS: We tried. We tried.



1 UNIDENTIFIED VOICE: What does that mean?³⁶
2 MR. EPPS: As you recall, the immediate
3 neighbors, as you recall when we were requesting
4 demolition for the '60s addition, Mr. Tisdale said
5 that he was opposed to anything. To anything.
6 UNIDENTIFIED VOICE: That wasn't my
7 question --
8 MR. EPPS: Yes.
9 UNIDENTIFIED VOICE: I don't mean to
10 interrupt. I'm just asking a very straight yes or no
11 question. Did you sit down with the Charlestowne
12 Neighborhood Association or the neighbors that are in
13 this room and discuss what you were proposing? I
14 know we had the issue with the demolition. We've
15 never seen these plans. Have they seen these plans?
16 Have you tried to talk with them about
17 these plans because, you know, that in our statement,
18 our policy statement, one of the things that we
19 encourage is for applicants to speak with the
20 neighbors to discuss those plans. Because we are a
21 community. And that is the most historic part of our
22 town.
23 MR. EPPS: You want me to answer?
24 UNIDENTIFIED VOICE: Yes. Yes or no.
25 MR. EPPS: I contacted the Doughertys,

1 they said they weren't interest. I contacted
2 Mrs. Seigling, who is Senator Hollings' sister, lives
3 at 105, she was the only one that expressed any
4 interest whatsoever in looking at what we were doing.
5 And I met with her several occasions.

6 UNIDENTIFIED VOICE: Thank you.

7 UNIDENTIFIED VOICE: Only contacted me
8 like three days before appearing before the BAR.
9 Plans were already made, there was no discussion on
10 whether or not we --

11 MR. EPPS: Your opinion.

12 THE CHAIRPERSON: Okay, all right.

13 Mr. Tisdale, ten seconds.

14 MR. TISDALE: What Mr. Epps just said
15 about talking to me as the closest neighbor is not
16 true. Thank you.

17 THE CHAIRPERSON: All right. Board
18 discussion.

19 MR. WHITE: We've been aware of this
20 application for a while. It was on the previous
21 agenda. It was pulled. We've had a lot of time to
22 study these drawings off-line.

23 And I think whenever you have this sort of
24 heightened interest from the public, it raises our
25 awareness. I would never want anyone in this room to

1 think that we don't care what the public thinks. If
2 that's the case, we wouldn't need those chairs. We
3 would just do this in a closed room.

4 I studied this very closely. I don't see
5 arresting or spectacular effects. I don't see any
6 sort of wildness in the architecture that is so
7 incongruous with the rest of the city. It's a
8 masonry building.

9 I'm not sure how one steel bay window
10 became a glass box; it's not a glass box. We've
11 looked at glass boxes before. This is not a glass
12 box. It's a bay window.

13 I think that there's always a lot of
14 concern with additions of any architectural style
15 about their subordinates to structures they're
16 attached to. That's a serious issue.

17 Here we're dealing with addition to former
18 dependency. You can't just have each era of
19 architecture smaller than the last like they're
20 Russian nesting dolls.

21 If you look at this addition in comparison
22 to its original main house, in my view it is
23 subordinate. Architecturally it's very simple; brick
24 building, clean detailing. It obviously taken cues
25 from some of the WG Clark very successful integration

1 into the historic fabric of Charleston. Most people³⁹
2 don't even notice them they're so successful.

3 While I understand a lot of the personal
4 issues of what one sees outside their side windows
5 and across property lines, I don't see what the fuss
6 is.

7 I do think the application needs to meet
8 submittal requirements. I agree with staff's
9 recommendation. It's mostly over making sure this
10 thing dots every I and crosses every T when it comes
11 to the submittal requirements.

12 UNIDENTIFIED VOICE: I generally would
13 agree with most of what Mr. White said. I don't have
14 a problem with it being a contemporary building.

15 I also agree with some of the comments of
16 the staff made that it probably could be a little bit
17 more sympathetic. I wouldn't consider the glass
18 addition on the back really as a bay window. It's a
19 wall of the building. You know, a glass wall. It's
20 not necessarily a bay window. And I have a little
21 bit of issue with that. I think it's a lot different
22 than the photograph that was shown of the 1900 bay
23 window. It's not -- this is not a bay window.

24 I'm not opposed to glass on the back of
25 the building. I think this goes a little bit further

1 than what it probably could, you know, as a glass
2 wall.

3 I don't really think the size of it is
4 overly large but, you know, if you look at the floor
5 plans, there are some things that are a little bit
6 disconcerting. For example, the second floor of the
7 existing building will become basically a bathroom.
8 I think that's not necessary to have a bathroom that
9 large.

10 And half of the first floor is entry
11 foyer. I think there could be a little bit of
12 compaction done to the plan that would, you know,
13 help with some of the concerns of the immediate
14 neighbors. But I'm not overly concerned that it's a
15 contemporary design. That's not it.

16 I just feel like it doesn't necessarily
17 have to have, you know, 500-square-foot bathroom or
18 have a glass wall that's as large as the glass wall
19 that's there.

20 I would concur with the recommendations of
21 the staff, and I would move for deferral for restudy
22 based on staff comments and Board comments.

23 MR. WALLACE: I think that looking at your
24 photograph of 109 Broad Street -- and I've been out
25 on that site. I've walked down that driveway. When

1 you look through and see that piazza on the second
2 and third floors, you can see the projection, if you
3 can visualize it as most architects can. You can
4 visualize what that addition is and how that's going
5 to be perceived through there from the public
6 right-of-way.

7 In answer to Mr. Perella's question, if
8 that were on Broad Street, if that were 111 Broad
9 Street instead of the existing house and that facade
10 was there, I would not approve it.

11 UNIDENTIFIED VOICE: We wouldn't like it.

12 UNIDENTIFIED VOICE: I would not approve
13 it.

14 THE CHAIRPERSON: Mr. Epps. Mr. Epps,
15 this is Board time.

16 MR. WALLACE: So I think that can be seen.
17 We don't have an elevation -- we don't have an
18 elevation that shows what that elevation looks like
19 through the piazza. I think that's part of the
20 submittal requirements Mr. Dowd was requesting.

21 I think you can see this from Orange
22 Street when you're looking at a 1790 house or an 1820
23 house, and you look past that and see that much glass
24 in that stark, contemporary view, I don't think it
25 blends with what you're trying to do.

1 I do think the addition needs to go no
2 further than the end of that piazza on 109 Broad
3 Street. That's personally my opinion on that.

4 I think you need to concern yourself on
5 trying to limit the size of that, try to make that
6 visible a little more traditional.

7 I am a neo-traditionalist and although
8 some of my colleagues are very much contemporary
9 folks, I know Mr. Bello loves contemporary
10 architecture, I think there's a way to meld that, but
11 I don't think this is it. I agree with deferring
12 this to moving forward.

13 MR. WHITE: I will second the motion.

14 THE CHAIRPERSON: I want to speak on this
15 one. I think that we really have to remember what
16 this is. This is really the back of 109 Broad. And
17 it is not -- it has a King Street address. What is
18 on King Street is the back of the building.

19 This is the front of the building. I
20 believe this structure is too tall. It goes over the
21 roof line, the eave line on the building behind it.
22 I think it's too far out. I think it needs to go
23 back.

24 And I'm not wild about the windows. If I
25 were living -- if I were Mr. Tisdale, I would be most

1 upset. And I don't know how anybody can say, well,
2 he only wants his -- he would only be out on that
3 porch for so many times. My parents had a house that
4 had a very nice Southeast porch exposure. That's
5 where the breeze came and that's where the view was.

6 To say how someone is going to use it or
7 should use it is wrong. That shouldn't be part of
8 our thing. How it relates to 109 because it really
9 should be thought of in terms of 109, and it is
10 visible from Broad Street.

11 And I think this area starting right about
12 here and going through to East Bay is the most
13 important part of Broad Street, maybe even starting
14 back with the Rutledge house.

15 I could not support this as it is. I
16 think it needs to come down. It needs to go back and
17 probably needs to be more sympathetic in design.

18 Now we have a motion on the floor by
19 Mr. Wallace to defer this?

20 MR. WALLACE: Correct.

21 THE CHAIRPERSON: For restudy. Second by
22 Mr. White. All in favor?

23 UNIDENTIFIED VOICE: Actually, Madam
24 Chair, it might be worth it to ask city staff with
25 the variety of comments that have been given by the

1 board, is there enough meat to take action on.

2 MR. DOWD: I'm struggling with that. I'm
3 not sure it's that clear as to what the expectation
4 is.

5 UNIDENTIFIED VOICE: The Board is not
6 really unanimous on this. Restudy could mean any
7 number of things.

8 MR. DOWD: I think a motion needs to be
9 more clear and then voted on.

10 MR. WALLACE: I will attempt to change my
11 motion.

12 UNIDENTIFIED VOICE: Good luck.

13 MR. WALLACE: I move for deferral based on
14 staff comments one through five; based on the fact
15 that the addition could possibly be smaller. It
16 needs to be reconsidered for the total footprint of
17 the addition and that it possibly could be slightly
18 less tall as well.

19 And that the architecture, while it can be
20 contemporary, should reconsider especially the window
21 wall in the rear of the building.

22 MR. WHITE: I will continue to second
23 that.

24 THE CHAIRPERSON: That's the front of the
25 building.

1 We have a motion by Mr. Wallace for
2 deferral and restudy based on staff comments one
3 through five, reconsider the total footprint,
4 reconsider the height, possibly step back the western
5 elevation and reconsider the window wall.

6 That's been seconded by Mr. White. All in
7 favor, please signify by saying aye.

8 (Ayes were stated by board members.)

9 THE CHAIRPERSON: All opposed?
10 Motion carries. I voted nay. We'll see
11 you back.

12 * * * * *

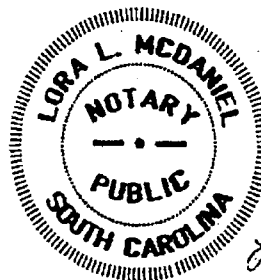
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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing audio transcription was produced to the best of my ability and may include inaudible sections.

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

Witness my hand, I have hereunto affixed my official seal this 3rd day of November, 2015 at Charleston, Charleston County, South Carolina.



Lora McDaniel

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

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CITY OF CHARLESTON
BOARD OF ARCHITECTURAL REVIEW MEETING

DATE: October 14, 2015
TIME: 4:30 PM
LOCATION: Gaillard Center Municipal Bldg.
2 George Street, First Floor
Charleston, SC
REPORTED BY: MARIE H. BRUEGGER, Registered
Professional Reporter, CRR

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1 CHAIRPERSON EWING: Ladies and
2 gentlemen, welcome to the October 14, 2015,
3 meeting of the Board of Architectural Review.

4 My name is Phyllis Ewing, and I'll be
5 chairing the meeting tonight. Other board members
6 are Jay White, Erika Harrison, Bob Faust, Janette
7 Alexander, and Bill Wallace. City staff present
8 are Dennis Dowd, Erin Stubblefield, and Stephen
9 Risse. Peggy Jordan, recorder from the Clerk of
10 Council's office, is here to do the minutes today.

11 (Whereupon, Agenda Items 1 through 6
12 were addressed.)

13 MR. DOWD: Next up, 107 King Street,
14 and this is a request for conceptual approval for
15 new construction of a rear addition and
16 modifications to the existing structure. The
17 building is not rated in Charlestowne, circa 1800,
18 in the Old and the Historic District.

19 So this is the property here, a former
20 kitchen house to 109 Broad, now addressed on King
21 Street. This is looking west from King and
22 looking northwest from King toward Broad and then
23 looking south from Broad and then looking south at
24 No. 109 Broad through the piazza there and then
25 looking east over the wall from Orange Street.

1 This is the 1888 and 1902 Sanborns,
2 tell us about the evolution of the kitchen house,
3 and then '44 and '51.

4 The previous motion was a deferral for
5 restudy based on staff comments one through five
6 and board comments to reconsider a smaller total
7 footprint, decrease in height, and design of the,
8 quote, window wall.

9 Staff comments were that we said there
10 were basically three issues: Visibility,
11 submittal requirements, and preservation standards
12 and appropriateness.

13 And the visibility is from the north
14 through the piazza of 109 Broad Street from the
15 west from Orange Street above a six-foot high wall
16 and discounting vegetation.

17 We felt the submittal requirements
18 were not met. Elevations of the north and east
19 sides and existing floor plans had not been
20 provided.

21 We felt there was a lot of mass to the
22 addition, taller than the original kitchen house,
23 which was not preferred, but minimally perceptible
24 from King Street. We asked to reconsider a
25 proposal to paint the addition brick white to

1 match the existing, so that there was some
2 differentiation. And finally, the stepback in
3 plan and traditional hyphens are good moves, but
4 we felt the addition could be less contrasting
5 stylistically and still be differentiated.

6 Board comments were that the board
7 didn't see that there were any arresting effects
8 with the design, that the bay is not a glassy
9 wall, it's a bay with large windows. Some felt it
10 was architecturally interesting and takes
11 inspiration from WG Clark's work. Could be a
12 little less stylistically contrasting. Plan could
13 be compacted to address the neighbors' concerns.
14 It should not extend beyond the piazza of 109
15 Broad. And how the neighbor uses the porch is
16 irrelevant. How it relates to 109 Broad is
17 crucial. And the addition is taller than the
18 original, and the project needs to be reduced in
19 height and be smaller in footprint.

20 At this point, I'll turn it over to
21 Mr. Epps for his presentation.

22 MR. EPPS: I'm Robert Epps, here with
23 Jan and Gene Woodard.

24 As Dennis has stated, this was
25 deferred from approximately a month ago, and



1 certainly, at that time, there was concern about
2 the visibility of the proposed addition, so I feel
3 that we have addressed that.

4 Now, on this particular image, you can
5 see where the proposed addition, the wall lined up
6 with the piazza of 109 Broad, and the bay window
7 protruded out three feet.

8 Backing up for a moment, this is a
9 very simple building that was a kitchen house, and
10 it has been modified substantially over the years,
11 but under any consideration in today's culture, it
12 would probably be deemed a contemporary building
13 because it is so simple.

14 Now, this is the rear. The one-level
15 addition was a 1960s addition that had previously
16 been approved for demolition by the board. You
17 can see in this image where it is -- or where it
18 was obviously attached to 109 Broad.

19 And again, we want to address the size
20 of this. There's less than 400 net square foot
21 inside this building. As some of you may recall,
22 the previous owner had stated at the last meeting
23 that she lived -- not the previous, but one of the
24 previous owners had stated that she lived here
25 part time, and it was too small for her, just one

1 person, so she sold it and moved away. So by any
2 standards, it is a small, small building.

3 Now, just to clarify, a lot of the
4 commentary at the last meeting spoke of glass
5 boxes and curtain walls and various things, so for
6 a moment, I'd like to address what this project is
7 not. It is not a glass box, far from it.

8 Here's a glass box that actually
9 encloses a historic structure in its entirety
10 inside. And this is a glass box to the extreme.
11 But the point is that the bay element on the rear
12 is 50 percent of that rear elevation, so it's a
13 long way from a glass box or a glass wall in this
14 case.

15 And glass walls appear in many
16 instances. Here's one in a very historic building
17 in England, and most people would consider that
18 architecture there, the contemporary architecture,
19 a glass wall. So, again, certainly, 107 King is
20 not a glass wall.

21 Now, this structure some of you may be
22 familiar with on Price's Alley. That's about the
23 same amount of glass in that composition as exists
24 in the bay window of 107, and that's been there
25 since I think the mid '70s. I actually went



1 through the house when it was in construction with
2 the architect while I was still in graduate
3 school, I believe.

4 But nevertheless, these so-called
5 contrasting contemporary projects are very quickly
6 absorbed into the environment of the historic
7 district, and they're seldom noticed two years
8 after they're constructed. But no one would find
9 this to be inflammatory, in any sense of the word,
10 and certainly, this is much, much more visible
11 than what we're proposing. It's the same system.

12 Here's one on the corner of the
13 Lenwood and Gibbes. That's either a bay window or
14 an atrium, depending on how you might want to
15 define it, but it's the same window system that
16 we're proposing to use, and it's not quite as
17 large in width as our bay window, but as a bay
18 window atrium, it's actually taller than ours.

19 Now, this is one you're certainly
20 familiar with. It was just constructed a few
21 years ago, but this is one-and-a-half times the
22 amount of glass that we have in our proposal.
23 What's important here, however, is that this is
24 immediately visible from the sidewalk from the
25 street, and ours is not. From Orange Street, you

1 have to look over a six-foot brick wall to see it
2 135 feet away.

3 When I inquired about the board's
4 attitude about this project, I was told that the
5 board felt that it was far enough off the street
6 that it was not an imposition, but actually, this
7 is 100 feet off the street on Murray Boulevard.
8 Our proposal is 130 feet from Orange Street and
9 90 feet from Broad Street. And if you'll notice,
10 the parapet wall of the addition is about
11 four-and-a-half feet above the eave line of the
12 existing carriage house, and we were sort of
13 chastised for that.

14 And here's another window wall project
15 two blocks away on King Street. So we're
16 certainly not doing anything that doesn't have
17 precedent in Charleston.

18 As we mentioned before, this was a
19 reference of our project, which was a very strong
20 and rich bay window in a very important house in
21 England, but that was our starting point, quite
22 frankly.

23 But bay windows exist in many styles
24 and architecture genres, but certainly, this,
25 again, is a bay window. And on a different note,

1 this is a bay window, a much smaller one, but
2 certainly a bay window.

3 So we have made some changes, we
4 reduced the height, we pulled the addition back
5 in, so from King Street, it's really no longer
6 visible. It's just not perceivable that it's
7 there. Now, from Broad Street, you can see some
8 of it, depending on what angle it is that you're
9 stationed.

10 Obviously, when you're looking at this
11 in an acute angle, the window wall -- not window
12 wall, but the bay window is foreshortened, in
13 other words, everything is drawn tighter. So what
14 you see in the elevation on the drawings is
15 certainly not what you see here.

16 Now, we moved the building back in
17 several feet, and we reduced the glass in the bay
18 window by one-third so that the bay window itself
19 doesn't protrude out any farther than the piazza
20 of 109 Broad. But certainly, even here you've got
21 to look over a brick wall. You're just -- with
22 the foreshortening of the element, you're not
23 seeing that much glass, so to base an opinion on
24 elevations, architecture doesn't exist in
25 elevations. It's three-dimensional.

1 Now, as you move a little bit
2 perpendicular to the rear toward 107, you can see
3 that the bay window begins to disappear
4 altogether, so you see -- at the greatest point,
5 you see a little bit of it, but other than that,
6 it diminishes as you move east on Broad Street.

7 Now, from Orange Street, we do have a
8 six-foot wall, so if you would, you can see a
9 little bit of red right there. Well, that's the
10 eave of the roof of the existing house, so based
11 on that, you're only going to be able to see about
12 the top one-third or one-fourth of the bay window.
13 So certainly, the existence of the proposal for
14 the bay window is not a detrimental contribution
15 to the neighborhood or to the city. It's just,
16 quite frankly, not visible.

17 Again, as you see here, it's
18 approximately 130 feet to Orange Street and
19 95 feet, so -- and again, you can see here the
20 heavy broken line represents the previous
21 proposal, and the line here represents the current
22 proposal.

23 What we're asking for is approval,
24 again, noting the heavy broken line as the
25 previous proposal, and this being the current

1 proposal. So our request is a very simple one.
2 We think that -- or I think my client deserves the
3 same opportunity as the owners of the project on
4 Price's Alley, the owners of the project on Murray
5 Boulevard, and probably a number of other similar
6 glaze projects in the city.

7 Thank you.

8 CHAIRPERSON EWING: Thank you,
9 Mr. Epps.

10 Board questions?

11 MR. FAUST: I've got one. Mr. Epps,
12 at the last meeting, we asked whether or not you
13 and your clients had talked to the neighbors.

14 MR. EPPS: We talked to or attempted
15 to talk to all the neighbors that would be
16 impacted by this.

17 Mr. Faust, I didn't hear you ask that
18 of any other project here this evening. I don't
19 know what your bias is against this project, but
20 you're being quite unfair to me and to my clients.

21 MR. FAUST: Mr. Epps, I disagree with
22 you on that. This isn't a discussion.

23 The other question is: It's part of
24 the statement in the BAR regulations, number one,
25 encouraging to speak with the neighbors.

1 MR. EPPS: And we did.

2 MR. FAUST: And if that's the case,
3 that's all I ask.

4 MR. EPPS: Yeah.

5 MR. FAUST: And I specifically asked
6 it at the last meeting.

7 MR. EPPS: And I answered you then.

8 CHAIRPERSON EWING: Any other
9 questions?

10 Public comment? How many people want
11 to comment? Please raise your hands. Eight. Did
12 I get everybody? So about a minute and a half,
13 and identify yourself.

14 MR. DOUGHERTY: My name is Park
15 Dougherty. I live at 111 Broad Street, and it's
16 right next door, just across the wall from this.

17 And I wanted to say first of all to
18 Mr. Faust's question, I believe your question was
19 has the applicant or Mr. Epps spoken to any of us
20 since the last meeting. I believe that was your
21 question.

22 MR. FAUST: That was my question.

23 MR. DOUGHERTY: And the answer was no,
24 not to this household, 111 Broad Street. The
25 answer is no.

1 Secondly, what I'd like to do is read
2 a letter to you from -- that -- Sandy Logan is an
3 architect who also is a former chair of the BAR.
4 Here's what Mr. Logan had to say.

5 CHAIRPERSON EWING: Mr. Dougherty, we
6 have distributed that letter to all board members,
7 and I think there's -- if you would just read the
8 important -- the parts that really stand out,
9 because they've all had a copy of it.

10 MR. DOUGHERTY: All right. I will.

11 What was really clear was that this
12 was a large insertion into a small-scale space,
13 and also, he completely perverted the historic
14 sequencing of residential properties from front
15 house to accessory buildings with the carriage
16 houses being more diminutive than the front houses
17 which they serviced.

18 Lowering the height and depth slightly
19 fails -- lowering the height and depth slightly
20 fails to address the other two components of the
21 conceptual approval: Scale and mass. The scale
22 of the openings in the west wall are quite large.
23 They really are not openings in a wall, they are a
24 curtain wall instead. The main bulk of the
25 addition to which this curtain wall is affixed is

1 also monumental in scale, compared not only to the
2 carriage house, but also the rear components of
3 109 and 111 Broad Street.

4 Both of these design decisions are the
5 opposite of what should be proposed. To present
6 as a response to the board's deferral based on
7 height, scale, and mass, this, quote, revision,
8 unquote, which addresses only one of the three
9 components of these three issues is an abject
10 failure.

11 Charleston's residential buildings,
12 regardless of date, have always receded in scale
13 as they go back into the interior of their blocks.
14 This project needs to respect that, and the board
15 should understand that the overall scale of the
16 addition is often off by quite a lot and, as such,
17 will appear to clog up the interior of that
18 particular block, while at the same time loudly
19 proclaiming itself as being a new standard.
20 Samuel S. Logan, architect and former chair of the
21 BAR.

22 CHAIRPERSON EWING: Thank you,
23 Mr. Dougherty.

24 Mr. Stockton?

25 MR. STOCKTON: My name is Robert

1 Stockton. I live at 6 Montagu Court.

2 I think this design is a very discrete
3 one. It's not a Frank Gary extravaganza. It's
4 simple, it's discrete, it's elegant, and it does
5 not cause detriment to the existing building.

6 That happened 50 years ago, and if that
7 50-year-old project from the 1960s was before you
8 now, you certainly would not have approved it.

9 And this proposal, on the other hand, is a vast
10 improvement over the existing. I think you should
11 approve it.

12 CHAIRPERSON EWING: Thank you,
13 Mr. Stockton.

14 MR. TISDALE: Madam Chair, members of
15 the board, I'm Thomas Tisdale. I've lived at 109
16 Broad Street, the building closest to the proposed
17 structure, for 45 years. The property that we
18 live in will be most drastically affected by this
19 proposed structure.

20 Now, last time when I was here
21 speaking on this project, I concentrated a lot on
22 the history of the neighborhood and its
23 significance to the City of Charleston and to
24 America. This time what I would like to focus on,
25 very narrowly, is the legal requirements to allow

1 you to approve what has been proposed, and I would
2 ask you to pay particular attention to city
3 ordinance of the City of Charleston
4 Section 54-240(b), which I think you're probably
5 very familiar with, but there are two elements of
6 that that this project does not and cannot meet.

7 The first is that you are not allowed
8 by the city ordinance to approve any structure
9 that is not similar in design to its immediate
10 surroundings. There is no way, shape, or form
11 that this structure, as proposed, meets that
12 requirement.

13 The second is that the same statute,
14 Section B, requires that this structure, as
15 proposed, be in harmony with its surroundings in
16 the City of Charleston, its surroundings in the
17 City of Charleston. There is no way that this can
18 legally be approved.

19 So yesterday -- and I submitted this,
20 I think, early this morning to the board -- a
21 letter was written by Joseph H. McGee, and I can
22 read the whole letter, but it's very brief, and I
23 just want to refer to two paragraphs in it.

24 Mr. McGee says that he came and
25 inspected the property, inspected the structure,

1 inspected the design, and he says: In my opinion,
2 the addition to 107 King Street is not at all in
3 harmony with the prevailing character of the
4 neighborhood in which it is located. That is a
5 statutory requirement by the City of Charleston.
6 He says it doesn't meet in his opinion.

7 He also says that he, as a member of
8 city council, participated in the creation of the
9 ordinances for the BAR, so he's not a person
10 unfamiliar with what's going on there.

11 The last paragraph in his letter, one
12 sentence says: I suggest that this is yet another
13 instance where a property owner is insensitive to
14 the architectural traditions of the centuries-old
15 area in which the building sits, and there has
16 been no change in this neighborhood since at least
17 1780. So that is what we are faced with in this
18 matter.

19 Now, Mr. Faust has asked whether or
20 not we've had any contact with the architect and
21 anyone else proposing this since the last meeting,
22 and the answer is no. Was there any contact with
23 anyone before the first meeting concerning this
24 matter, the one before this one, and the answer is
25 no.

1 CHAIRPERSON EWING: Thank you,
2 Mr. Tisdale.

3 MRS. DOUGHERTY: I want to see if you
4 can go back to the very last picture that was
5 there, if that's possible, the very last one.

6 MR. DOWD: Is that it? Is that what
7 you're looking for, ma'am?

8 MRS. DOUGHERTY: It's the last one
9 that was ended -- the one that ended the last
10 presentation.

11 MR. EPPS: No, my presentation, I
12 think, is what she's looking for.

13 MRS. DOUGHERTY: That one. Yes, that
14 one. That's good. So --

15 CHAIRPERSON EWING: Identify yourself,
16 please.

17 MRS. DOUGHERTY: Oh, I'm sorry. I'm
18 Martha Dougherty.

19 CHAIRPERSON EWING: Thank you.

20 MRS. DOUGHERTY: I live at 111 Broad
21 Street.

22 And one thing I wanted to say was that
23 yes, this is a very nice design. All of the
24 similar designs that were at -- that he presented
25 in his presentation were also very nice, but they

1 also overlooked huge, vast properties where not
2 only does the person in the house have a view, but
3 you don't have somebody butted up next to the
4 glass walls.

5 So our property is right here. I
6 mean, we are -- our property, the wall is from
7 here to here is our porch, and the distance
8 between this glass wall and our porch is probably
9 from, you know, here, so I'll be standing at my
10 porch, and I'll be seeing this glass wall.

11 So these properties are not huge
12 spaces in which to put these types of
13 constructions, particularly if the neighbors who
14 are going to be looking at them are opposed.

15 On this side is probably, you know,
16 maybe from here to here to see -- from the
17 Tisdale's house to the structure that's going to
18 loom over them and block all their breezes.

19 And another point is that this is
20 going to reflect the hot afternoon sun onto us,
21 and it's also going to cook the people who live in
22 there. I don't know if they have thought of that,
23 but it's going to be really, really hot. It's
24 going to be hard to heat and hard to cool.

25 And an example of that is another

1 place around town -- I forget the address -- but
2 the people who bought the house, after it had been
3 built, they wanted to tear it down, and they were
4 not allowed by the BAR, but the problem with that
5 glass room was that they could not heat it, and
6 they could not -- could not cool it, and they
7 couldn't use it as a result of that.

8 So my objection is it's too close.
9 It's not -- as far as these policy statements,
10 here is their list of eight -- nine. It says --
11 the first one says: The historic character of the
12 property should be retained and preserved. I
13 don't feel like the original property, you can't
14 even see it from this view; whereas, before, we
15 had a beautiful view of the little kitchen house.

16 The removal of distinctive materials
17 or alteration -- in this case it's an
18 alteration -- of features, spaces, and spatial
19 relationships that characterize the property may
20 negatively impact a historic character or should
21 be avoided. So that's obviously doing that there.

22 And No. 7, additions or exterior
23 alterations to historic properties should be
24 sympathetic to historic materials. This doesn't
25 look like historic materials to me.

1 Historic materials, features, and
2 spatial relationships that characterize the
3 property. The property is not just the house
4 itself, but the little garden that goes with it,
5 which is not that big, and so you're putting this
6 huge structure in a small space.

7 So as far as features, size, scale,
8 proportion, and mass, of course, that's been said
9 ad nauseam in all the letters and everything, so
10 I'm not going to go through all this.

11 But I just hope that you will deny
12 this structure in this spot. I think it would be
13 gorgeous on a marsh and overlook a beautiful view,
14 instead of our porch and where I can lie in my bed
15 and look and see them walking around in their
16 house.

17 CHAIRPERSON EWING: Thank you,
18 Mrs. Dougherty.

19 MRS. BENNETT: Thank you. I'm
20 Adelaida Bennett, representing the Charlestowne
21 Neighborhood Association.

22 I believe you got my comments today,
23 Mrs. Ewing?

24 CHAIRPERSON EWING: I did, and I'm
25 trying to remember if they're -- yeah. They're in

1 the packet that we sent out.

2 MRS. BENNETT: Good. So I will just
3 highlight --

4 CHAIRPERSON EWING: Wait a minute.
5 You're talking about your personal comments or the
6 neighborhood association?

7 MRS. BENNETT: Neighborhood
8 association.

9 CHAIRPERSON EWING: Those came late,
10 and I have a copy of them here, but if you can be
11 as brief as possible --

12 MRS. BENNETT: I will, certainly.

13 CHAIRPERSON EWING: -- and not
14 repetitious, it'd be great.

15 MRS. BENNETT: Thank you.

16 CHAIRPERSON EWING: Thank you.

17 MRS. BENNETT: So our neighborhood
18 board remains adamantly opposed to this
19 application. The applicant's architect made two
20 trivial gestures of accommodation since this was
21 heard on the 9th of September, but slightly
22 reducing the height and depth of this insensitive
23 transformation of this historic kitchen house
24 fails to address the most egregious problems.

25 In fact, our overarching objection

1 that this proposed addition is incompatible and
2 inimical to this historic neighborhood was
3 actually affirmed by the applicant's architect at
4 that first meeting. Questioned by an opponent, he
5 said he would never propose this design for Broad
6 Street. By admitting that, he's made a case
7 against both this design and mass, because this
8 glass-walled edifice could easily be seen from
9 Broad Street.

10 I'm going to briefly list the
11 problems. Number one, this is not an addition;
12 this is a transformation. Now it's a small home
13 on a small lot. The architect proposes to turn it
14 into a large home on a small lot.

15 Number two, this proposal is an
16 invasion of quiet enjoyment of neighborhood
17 property rights. It blocks the views from the
18 piazzas of the neighbor to the north at 109
19 Street. It also proposes an all-glass-window wall
20 which would loom over the private areas of other
21 homes, as has been discussed. This is more than a
22 desire for light; this is an anathema to privacy.

23 MS. HARRISON: I'm sorry. One thing
24 that we do focus in on is the architecture at
25 height, scale, and mass, so issues of privacy,

1 light, uses, those are -- that's not directed
2 towards architecture, so if you want to keep your
3 comments towards the design, that would be
4 appreciated.

5 MRS. BENNETT: Certainly. Thank you.

6 This historic neighborhood of
7 small-scale buildings is a community where privacy
8 is respected, and that's all -- I'm not going to
9 go on with that, because a mantra of northside
10 manors does endure.

11 Number three, this is an architectural
12 invasion. Historic residents who spend thousands
13 of dollars sometimes annually to maintain their
14 historic homes will be fronted with this
15 modernistic architectural fortification, both
16 incompatible and out of harmony with the
17 neighborhood and the neighbors.

18 Number four, this is a challenge to
19 the BAR's mission, primary mission, in
20 Section 54-240(i), quoted, which I won't quote for
21 you, in our last submission, to protect our
22 neighborhood.

23 The BAR is already under assault, but
24 here the plain language of the ordinance is clear,
25 and the Charlestowne Neighborhood Association and

1 the neighbors of this property support both. To
2 adopt this ordinance to layperson's language,
3 people do not come to or live in historic
4 Charleston to catch glimpses of modern
5 architecture, even if it does look like the work
6 of WG Clark. They come to be immersed in and
7 enjoy our rich history when buildings, landscapes,
8 and streets were in a more perfect human-scale
9 relationship.

10 So I know you face a critical
11 challenge for the future, and that future begins
12 with this 107 King Street application, because as
13 a neighborhood board, we know that there will be
14 many more applications to come that look all too
15 similar.

16 What you do here will set a precedent.
17 Will the BAR stand up and protect the core
18 historic districts pursuant to the ordinances it
19 has at its command? Will the BAR protect the
20 city's history and its economic future, or will
21 Charleston's Historic District be allowed to
22 decline amidst the coming avalanche of proposed
23 out-of-place additions and incompatible
24 conversions? The clear meaning of the ordinance
25 does matter.

1 CHAIRPERSON EWING: Thank you.

2 MRS. BENNETT: Please deny this
3 application. It should be denied, not deferred.
4 Thank you.

5 CHAIRPERSON EWING: Thank you,
6 Ms. Bennett.

7 MS. CLARK: Hi. How are you? I'm
8 Farley Clark, and my parents own the house -- I
9 own the house, and I spoke last time regarding the
10 situation.

11 This is a kitchen house, as you all
12 know by now, a dependency, 1790. Kitchen houses
13 are a jewel and a treasure architecturally and
14 also as part of our culture. How many cities do
15 you know in the country have kitchen houses in
16 dependencies?

17 And yes, Mr. Epps is right, I am the
18 owner that wanted to add on a touch to the size,
19 scale, and mass when I moved back to Charleston;
20 however, I would never, ever have put an addition
21 that would be so architecturally out of character
22 as to design, which I don't disagree with
23 someplace else would be fine, as to scale, and as
24 to mass. It is simply not the right design, nor
25 the size, nor the scale for this lot.



1 Thank you.

2 CHAIRPERSON EWING: Thank you,
3 Ms. Clark.

4 MR. PELZER: Good evening. I'm Randy
5 Pelzer. I'm a resident of South Battery, in the
6 Charlestowne Neighborhood Association area, and
7 I'm also an attorney.

8 I'd like to add on to what the
9 comments of Mr. Tisdale were about the powers and
10 duties of BAR, particularly in regard to this
11 matter.

12 It always helps us to go back to the
13 cookbook and remember why the BAR was established,
14 and one of the duties that he addressed, which is
15 addressed in other sections, was that new
16 developments/new additions have to be not only
17 compatible with the neighborhood, but additions
18 have to be compatible with what they're being
19 added to.

20 That's very clear in 240(i) of the
21 ordinance establishing the BAR, which says that
22 the absence of approval -- disapproval is required
23 where there's an absence of unity and coherence
24 and composition, not in consonance with the
25 dignity and character of the present structure in



1 the case of additions or with the prevailing
2 character of the neighborhood in the case of new
3 structures.

4 We think -- I think -- that this
5 structure is clearly incompatible with not only
6 the neighborhood, but the primary structure to
7 which it's attached. Both of those conditions
8 have to be met for this to receive approval. In
9 fact, the ordinance requires disapproval of this
10 particular structure.

11 Now, he has referred to other
12 structures that had a glass wall. He's referred
13 to 50 Murray Boulevard. We refer to it as the
14 Apple Store. We think the only reason that that
15 could have been approved was at the time, it was
16 set back and not visible because of vegetation.
17 Well, the owners have cleared the vegetation away,
18 the setback is not so far where it's not highly
19 visible from the street, and everyone that passes
20 it by that I've talked to says: How in the world
21 did that get approved? The same mistake should
22 not be allowed to happen with regard to this
23 structure.

24 We do have standards. I know The
25 Beach Company has challenged the constitutionality

1 of the BAR ordinance saying that there are no
2 standards, it's all subjective, it all depends on
3 what you think is good architecture, but that's
4 not true. There is the standard of the built
5 environment around this building of this
6 neighborhood. That is the standard, and this
7 building has to be judged by whether it is
8 compatible, whether it is consistent, whether it
9 is coherent with the surrounding neighborhood, and
10 by any measure, this building fails to meet that
11 standard.

12 CHAIRPERSON EWING: Thank you,
13 Mr. Pelzer.

14 MR. GURLEY: I'm Robert Gurley,
15 Preservation Society of Charleston.

16 The Preservation Society was opposed
17 to this design at the last meeting, and we remain
18 opposed. This is very little change. They made
19 some minor nods to reducing height, scale, and
20 mass, and that's all. It's really much too large,
21 by any standard, so it fails on the terms of
22 height, scale, and mass. Also, as we said before,
23 it fails on terms of its architectural direction.

24 And I won't repeat a lot of the great
25 comments that have already been made, but Mrs.

1 Dougherty, earlier, mentioned that the examples
2 that Mr. Epps presented, for the most part, had
3 wide, long vistas. Those additions and those
4 designs had lots of room. There's no room here.
5 It's a very intimate context. The context does
6 not support this design direction. The context of
7 this intimate setting dictates that the design be
8 sensitive and cohesive with the surrounding
9 historic architecture.

10 So this design is really very little
11 changed, we think it's very inappropriate for this
12 site, and we ask again that it be denied.

13 Thank you.

14 CHAIRPERSON EWING: Thank you,
15 Mr. Gurley.

16 MR. CODY: Chris Cody, Historic
17 Charleston Foundation. I will be extremely brief.
18 You've heard a lot of very passionate and
19 well-thought-out arguments already this evening.
20 Historic Charleston Foundation is in opposition of
21 this project, and we likewise request that it be
22 denied.

23 Thank you.

24 CHAIRPERSON EWING: Thank you,
25 Mr. Cody.

1 Anyone else?

2 We have in the file, which have been
3 circulated; letters from Joseph Peter McGee,
4 Adelaida, on Sullivan's Island -- they just moved
5 out there -- Adelaida and Edward Bennett at 16
6 Orange, Virginia Bush, I believe she's on Water
7 Street, Ann and Thomas Cooper, at 2 Laurens,
8 Cynthia and Charles Corley, 2 King Street,
9 Elizabeth Farley Clark at 4 Bedons Alley, Jamie
10 Frame and David Piotrowski at 83 King Street,
11 Edward Gilbreth at 18 Lamboll, Bobby Hood, who
12 lives across the street at 110 Broad, Virginia and
13 Edward Moore at 93 King, Randy Pelzer at 68 South
14 Battery, Charles and Charlotte Rhoden at 94 Tradd,
15 Sandy Logan -- Mr. Dougherty read his excerpts
16 from his letter -- and after these were all
17 circulated, we had a letter come in from Maurice
18 Thompson at 54 King Street and the one from the
19 Charlestowne Neighborhood Association that
20 Mrs. Bennett just excerpted and read most of.

21 I don't have any letters supporting
22 it.

23 MS. HARRISON: Can I ask a question of
24 the applicant?

25 CHAIRPERSON EWING: Yeah.



1 MS. HARRISON: And I'm not asking this
2 question to -- so when I ask it --

3 MR. FAUST: I'll have my say.

4 MS. HARRISON: Have any of your -- the
5 question was asked of you have you gone out and
6 reached out to your -- have you reached out to
7 the -- to your neighbors, and I probably am about
8 to comment before we go into comment period, but
9 the level of vitriol and the vituperative nature
10 of the comments that I've heard before we get into
11 discussion has really bothered me a little bit
12 because all of your neighbors are sitting in the
13 back, and y'all are sitting in the front. Do
14 y'all even -- have y'all -- have your neighbors
15 actually approached you and said: Hey, can I talk
16 to you?

17 MR. WOODARD: No..

18 MRS. DOUGHERTY: They don't live
19 there.

20 MR. EPPS: In fact --

21 MS. HARRISON: I'm asking -- the
22 question --

23 MR. WOODARD: Are you asking us?

24 MS. HARRISON: I'm asking -- I'm not
25 asking you, Mr. Epps.

1 MR. EPPS: Oh, okay.

2 MS. HARRISON: I'm asking the
3 applicants.

4 MR. WOODARD: Yeah. The answer is
5 that we don't live there yet because the place is
6 rather small, considerably smaller than we need,
7 just to get our needs taken care of for the two of
8 us, and therefore, it's not livable as it stands
9 right now.

10 MS. HARRISON: But have your neighbors
11 actually just said: Hello, my name is?

12 MR. WOODARD: No, because we're not
13 there, though. It's not that we're there, and
14 they're ignoring us. We're just not there. We're
15 renting an apartment elsewhere in town.

16 MS. HARRISON: Okay.

17 MRS. DOUGHERTY: We did meet after --

18 MS. HARRISON: I'm asking the
19 applicants.

20 MRS. DOUGHERTY: All right.

21 CHAIRPERSON EWING: Where was I?
22 Mr. Epps, would you like to respond?

23 MR. EPPS: Certainly.

24 I'm trying to gather up if I could
25 make a collection of everyone's concern. First of

1 all, the massing. The comparison of the existing
2 building to the proposal, you cannot
3 distinguish -- you cannot perceive that in any way
4 from any public right-of-way. And as the board
5 has expressed over and over again, your concern
6 about what's visible from the public right-of-way.
7 Well, the comparative masses of the two buildings
8 are not. They simply aren't.

9 Now, Dennis, if you would, please, if
10 you would go back to your first image in your
11 presentation before mine, the photograph --

12 MR. DOWD: It's all one at this point.

13 MR. EPPS: Yeah, that one. Go back.

14 And again, I think there's a certain
15 fairness owed to my client and to me. Mr. Tisdale
16 got up and spoke very elegantly about the ins and
17 outs of the ordinance and about the significance
18 of architecture and how important it is. This is
19 Mr. Tisdale's addition to his office building, in
20 total indifference to 107 King. It's one foot
21 away. And, of course, he and the other
22 gentleman --

23 You, what's your name, please, sir?

24 MR. PELZER: Randy Pelzer.

25 MR. EPPS: Yeah, Mr. Pelzer. They

1 spoke so elegantly about the importance of
2 architecture.

3 Did you oppose this, Mr. Pelzer? Did
4 you?

5 MR. PELZER: Did I oppose that?

6 MR. EPPS: Yes, the addition, this.

7 CHAIRPERSON EWING: Mr. Epps, this is
8 irrelevant. Just make -- you make a statement.
9 You're not here to question people who are
10 attending this hearing.

11 MR. EPPS: Well, I thought I got to
12 respond to their comment.

13 CHAIRPERSON EWING: Responding's
14 different from --

15 MR. EPPS: Okay. All right.

16 Zoning, the size of the building on
17 the lot. The setback is three feet. We are some
18 25 feet from the rear yard, and the zoning states
19 that the setback is three feet. So the zoning is
20 also about 35 percent of lot coverage. We are I
21 think about 25, maybe a little bit over
22 25 percent.

23 The idea that this simple box is
24 inappropriate for the existing house, which is a
25 simple box, is certainly an unfair comment.

1 I don't know. I showed the visibility
2 from the various points of public space, and
3 simply put, it's just not evident here that this
4 has any negative impact on the neighborhood or the
5 city whatsoever.

6 As far as Mrs. Dougherty is concerned,
7 the idea that, you know, she's concerned about
8 their air-conditioning inside this, in itself, is
9 inappropriate. And the Woodards probably don't
10 want to look into her window any more than she
11 does into theirs, but let's be honest, virtually
12 every house in Charleston is within 15 feet of
13 another house, where if you desire to do so, you
14 can look into that house. So there's certainly
15 nothing unusual or irregularly designed about this
16 structure, so we think it should be dealt on the
17 merits of the architecture.

18 And if you'll look at the architecture
19 on your drawings, the horizontal element of the
20 dividing line between the first and second level
21 and the vertical column down the middle, it's just
22 a continuation of the rhythm of what's on the
23 piazza at 109 Broad Street. So if you look down
24 that line, it's a mere continuation. So if you
25 review it in terms of the architecture, it's a

1 very appropriate and elegant solution.

2 CHAIRPERSON EWING: Thank you,
3 Mr. Epps.

4 MR. DOWD: Well, I would agree with
5 one point and would point out to the board that
6 the mass of the addition relative to the mass of
7 the existing building is really not apparent from
8 any street or right-of-way, and so it should
9 therefore not be a consideration of the board.

10 I'd point out a few things I mentioned
11 previously. Visibility is from the north through
12 the piazza of 109 Broad Street and from the west
13 from Orange Street above the six-foot-high wall
14 and discounting vegetation, and the stepback in
15 plan designed the transitional hyphens are good
16 moves. These are things that we ask people to do
17 with additions to historic structures.

18 I think visibility is really the issue
19 here, and I have to say that we went out and
20 looked at it on the site, and this is really
21 marginally visible, and the areas that are visible
22 are the areas that are under purview according to
23 the ordinance.

24 Just a specific thing, we'd like to
25 see a wash on the new brick, as opposed to an

1 opaque paint, to differentiate it from the
2 original building. That's good preservation
3 practice.

4 And otherwise, we feel that they've
5 satisfied all of the board's conditions of
6 reducing the height and reducing the footprint.
7 It's marginally visible from the right-of-ways and
8 not unlike some of the contemporary additions to
9 historic structures we've seen executed by WG
10 Clark that fit in pretty well in some pretty tight
11 areas of the city.

12 So we're recommending conceptual
13 approval with conditions noted and final review by
14 staff.

15 CHAIRPERSON EWING: Board discussion?

16 MR. FAUST: Yes, ma'am. Thank you.

17 Mr. Epps, your comment to me when I
18 asked about did you speak with the neighbors, you
19 said I was being unfair and singling out your
20 clients. If you've been to all of the meetings
21 since I was on the board over a year-and-a-half
22 ago, you would know that there were probably a
23 minimum of four or five applications that I've
24 asked whether or not the applicants had talked
25 with their neighbors, because our statement

1 strongly suggests that the applicants speak with
2 the neighbors and to show the plans. And I asked
3 you all at the first meeting whether you did that,
4 and you said: Well, we kind of, but we didn't
5 really -- we couldn't get in touch with them.
6 Well, that kind of -- that kind of skirts the
7 issue with me. Then I asked you that. I said
8 would you do that with your new plan and meet with
9 them, and I've heard tonight that you haven't. So
10 to say that -- to say that I singled this out is a
11 total falsehood.

12 We can look at 26-28 Broad Street
13 application, where the neighbors were impacted by
14 the view. I asked -- and again, the reason that I
15 ask that is I ask it when there are 15 people that
16 are opposed to it. I don't ask it of every
17 application. It's in the statement of procedure
18 for the BAR, but I don't ask it for everyone,
19 simply because I don't have 15 people jumping up
20 and opposing your application, plus historic
21 Charleston, plus BAR. I mean, excuse me,
22 Preservation Society. So that's one issue.

23 MR. EPPS: Can I respond?

24 CHAIRPERSON EWING: No.

25 MR. FAUST: No, sir. You're done.

1 MR. EPPS: You're incorrect.

2 MR. FAUST: And the other issue was
3 the Sergeant Jasper. That was -- how many people
4 opposed that? I asked if they had talked to the
5 neighbors. There was a presentation on President
6 Street, and I asked -- again, the neighbors were
7 concerned about that. And there were two or three
8 others, and I asked that because that's part of
9 what we do.

10 Your clients indicated that they want
11 to be -- they want to be neighbors. They want to
12 come to Charleston because they think it's a
13 friendly place. This is what friendly people do.
14 Civilized people speak with the people that
15 they're going to live with, and they talk about
16 it, and they talk about their plans and see if
17 there's a compromise.

18 Now, one thing that I did see that I
19 will credit you with is the fact that you did
20 reduce -- you did reduce the size of the building.

21 Mr. Dowd, can you flip back? Go
22 through the -- go through the presentation to
23 where those manor houses were shown, those English
24 manor houses.

25 MR. DOWD: That one?

1 MR. FAUST: No. That's not an English
2 manor house. Keep going. Keep going. One more.
3 It's a flat-on elevation That one and that one.

4 Now, those are bay windows, those are
5 bay windows, but they're not curtain walls.
6 You're projecting a curtain wall.

7 I did a house on Gibbes Street
8 probably close to 30 years ago, and I have a
9 galleria. It's an enclosed piazza. I built it.
10 It was a new house. But we have single windows
11 that frame that and had many four-over-four,
12 six-over-six windows in that, and it looks like
13 something like this that's very nice that blends
14 in with the community. Something like this may be
15 conducive to the neighbors and what they would
16 like to see.

17 I think those are the things that you
18 need to think about and not just say, well, it's
19 me out there, I'm going to do it my way, because
20 this is what I think.

21 The other issue that you forget about
22 in the ordinance is that the BAR is in a historic
23 district, and it's an overlay zone, and it
24 specifically says in the overlay zone that you
25 have to approve -- you have to be approved of

1 architectural considerations. That's why zoning
2 really doesn't --

3 CHAIRPERSON EWING: Mr. Faust, could
4 you say why this doesn't do that?

5 MR. FAUST: What's that?

6 CHAIRPERSON EWING: Well, you're
7 giving him the ordinance, but really, if you could
8 make your critique on how it doesn't fit the
9 ordinance, that would help.

10 MR. FAUST: No. I was answering
11 Mr. Epps's question. He said he could build a
12 house all the way to the setback, he could bring
13 it out 25 feet, and I specifically said this is an
14 overlay zone, and the BAR's height, scale, and
15 mass would prevent that.

16 Anyway, I think it's an inappropriate
17 design because you can see it from the street,
18 it's a curtain wall, and it's totally
19 inappropriate with the neighborhood, and I can't
20 support it. Thank you.

21 CHAIRPERSON EWING: Thank you,
22 Mr. Faust.

23 MR. WHITE: I think the project and
24 the concern about the project is much larger than
25 just that one single 15-foot wide by 20-foot tall

1 unit of glass.

2 You know, the funny thing about the
3 ordinance is that these words seem so concrete,
4 and you read it, and you read, and it seems so
5 clear. Of course, how could you possibly see a
6 pathway to finding this in compliance with the
7 ordinance? Well, I think it has a lot to do with
8 the way that you interpret the words.

9 You know, harmony is a big
10 consideration. It is the strength and character
11 of the city. But an orchestra is made up of a lot
12 of instruments that are so different from one
13 another, and yet they still can react in harmony.
14 It's not all just violins.

15 Within this one image that's here on
16 my desk, this one Google Map view, we have from
17 109 Broad to 107 Broad and the addition upon it,
18 and then 107 King and then 105 and 105-1/2 King.
19 You have about 140 years of architectural history
20 right there.

21 The Board of Architectural Review was
22 never intended and the ordinance does not read to
23 suggest that architectural expression stops at
24 some line in the sand, some date on a calendar.
25 What's shown here, in my view, is very sensitive

1 to the height, scale, and mass of the surrounding
2 elements. It is a very tight block, there is no
3 doubt about that, but that's not really why we're
4 talking about the project.

5 It's stucco-on-masonry. So is the
6 building it's being attached to. The overall
7 percentage of glazing is not astronomically
8 greater than what you might see glazing the south
9 or west facade of a proper single house,
10 especially a grand one. The height of the
11 building is not so tall as to be out of context or
12 out of keeping with the surrounding areas.
13 Especially if the only straight-on view of this
14 elevation is above an existing historic masonry
15 wall, your view is going to be very limited.

16 I just don't -- I just don't see what
17 the great concern is about this project. I think
18 Mr. Stockton, who is one of the most well-regarded
19 preservationists and also a long-time member of
20 this board, has correctly identified this building
21 is not out of keeping with the historic district.
22 It has been put on a little diet, which is exactly
23 what it needed, but it's -- I see a very clear and
24 distinct pathway whereby we can approve this
25 project.

1 It is without arresting effects. It
2 does not substantially affect the streetscape. It
3 does not fall out of harmony with the surrounding
4 historic buildings, certainly any more than the
5 addition on 107 Broad does. I can see -- I can
6 see us moving towards conceptual approval for this
7 project.

8 MS. HARRISON: You know, one thing
9 that I have to start with is the fact that this
10 was originally a kitchen house, and obviously,
11 that use as a kitchen house has been abandoned for
12 an extended amount of time, obviously, so now it
13 is a residence. And so when you convert what had
14 a utilitarian use to a residence, life expands,
15 our footprints expand, and so one thing that many
16 of us have had on even our -- on any scale is a
17 desire to add on in a sensitive way that doesn't
18 negatively impact the historic nature of your home
19 or the neighborhood, and for the amount of area
20 that we are talking about, it is extremely
21 nominal.

22 And one thing that has always been
23 stressed is the ability for additions to kind of
24 fade into the background, and one of those
25 techniques has always been to make these hyphens

1 and additions classy, and that has been a
2 technique that has been used multiple times,
3 including next door.

4 And I think that is the most telling
5 example as to how we have utilized glass in the
6 city to create space and add on additional square
7 footage, and I think this is probably the most --
8 this is an appropriate way of adding that
9 additional square footage, but yet diminutively
10 placing it on without adding some, you know, large
11 structure with brick, stucco, cladding. And I
12 think this is ultimately the way you're supposed
13 to try and make something very small and
14 diminutive and hide, and I think this is how it's
15 successfully done.

16 MR. WALLACE: It's kind of
17 interesting. A few months ago, we had requests
18 from someone to redo a house that Rutledge Young
19 had WG Clark make an addition to, and I remember
20 when that came before the BAR -- you talk about
21 how you interpret things. Rutledge Young's
22 mother, Liz Young, came and objected to that
23 addition and said she didn't think it met the
24 requirements of the ordinance, and then we're in a
25 position now that we were asked to change that

1 back to something more traditional, and we did not
2 do that.

3 I think it's evident that over the
4 last 40 years or more, we have had modern
5 architecture integrated in the Old and Historic
6 District, and I don't think that this is so
7 blatantly modern that it really is out of
8 character or scale, but even saying that, if you
9 look at other documents, not just ours in the City
10 of Charleston, but, for example, the President's
11 Advisory Council on Historic Preservation says
12 that if you do an addition to a historic building,
13 it should look like an addition. It should not
14 mimic the building that is there. That's a
15 national standard, and I think it's something
16 that's been accepted by the National Trust for
17 Historic Preservation and other preservation
18 groups throughout the United States for many, many
19 years, so I don't think we, as a board, can say
20 that what's in the ordinance precludes something
21 like this being done.

22 And I agree with the comments that
23 Mr. White made. If you took that -- I do agree
24 it's not a bay window. I agree. That's a matter
25 of semantics, I think. But if you took the amount

1 of glass that's there and you transformed that
2 into four floor-to-ceiling windows like on a
3 piazza on a house on East Battery, you'd have the
4 same amount of glass, it'd just be in a little bit
5 different shape or a little bit different form.

6 So I think the architect has done what
7 the board asked him to do, to lower the height and
8 reduce the extension beyond the piazza of the
9 building in front of it, and I think it's a
10 reasonable addition at this point.

11 MS. ALEXANDER: I certainly would
12 agree with Mr. White on the interpret -- there are
13 interpretations to harmony that don't have to
14 reflect the same architectural style as what
15 you're building next to. And I do think there is
16 a right to build. I think that the reduction in
17 the footprint back to the piazza to the -- at 109
18 is the appropriate response.

19 And I'm also really reminded on the
20 visibility. We don't ever talk that much about it
21 as much as -- it's not that we should -- I
22 don't -- it's just the visibility is the thing
23 that really draws me back to how much BAR should
24 really have an impact on this design.

25 The one thing that I do say if this

1 project were to go forward is I am and still
2 troubled by the height. I do think that we always
3 talk about subservient buildings, and I'm
4 seeing -- I think I see 20 feet here. I don't
5 know how you lower it, but I think it does need to
6 be lowered, if at all. I think it just -- I think
7 it does need to come down slightly more in respect
8 to the original building, and I think when that
9 happens, then some certain glass proportions
10 should be reviewed as well.

11 CHAIRPERSON EWING: Well, I disagree
12 with you all. I think one of the ways this
13 building should be looked at is that it is a
14 dependency for 109. Were it still attached to
15 109, we would not allow it to come out to the edge
16 of the piazza. I think the mass is too -- it
17 needs to be tucked back. That's the natural order
18 of those buildings.

19 I understand they have a problem, but
20 when you look at how -- where -- this addition
21 from the air comes almost to there, and then when
22 you look at the plan here, even though it shows
23 that it's back, it's out another six feet or so
24 than where this is. So I'm not quite sure. This
25 stops -- what we're looking at here stops almost

1 to the piazza, and then you look at this plan, it
2 goes out farther.

3 I don't think if this were still one
4 piece of property we would ever have approved this
5 because of height and mass, and I cannot support
6 this application.

7 MR. WHITE: Well, Madam Chair, with
8 that in mind, I'm going to make a motion for
9 conceptual approval with staff conditions noted
10 and final review by staff.

11 CHAIRPERSON EWING: Is there a second?

12 MR. WALLACE: I'll second the motion,
13 but I would say it wouldn't bother me, based on a
14 comment Ms. Alexander made, if the building was
15 lowered slightly. I think that would be -- that
16 would be fine, but I think it's not overly high as
17 it is, but if the architect could look at that and
18 lower it slightly, that would be good. But I will
19 second the motion.

20 CHAIRPERSON EWING: And that was
21 conceptual review with -- approval with final
22 review by staff?

23 MR. WHITE: Yes, ma'am.

24 CHAIRPERSON EWING: Okay. We have a
25 motion for conceptual approval with final review

1 by staff made by Mr. White.

2 MS. HARRISON: With conditions noted.

3 CHAIRPERSON EWING: With conditions
4 noted.

5 MS. HARRISON: Including the review of
6 the height. Well, you want conceptual --

7 MR. DOWD: Is that a motion?

8 MS. HARRISON: Well, no. I was --

9 MR. WHITE: No. The height actually
10 was not originally part of my motion.

11 MS. HARRISON: Sorry. I'm sorry.

12 MR. WALLACE: That's why I said I
13 seconded it, but I said if the architect would --
14 and the owner would like to do that, then that
15 would be --

16 MR. WHITE: I'm not going to include
17 that, the height issue, with the motion.

18 MR. WALLACE: No. I'm not making that
19 as part of my second.

20 MS. STUBBLEFIELD: With all staff
21 conditions?

22 CHAIRPERSON EWING: Okay. So now it's
23 conceptual approval with conditions noted with
24 final review by staff?

25 MR. WHITE: That's correct.

1 CHAIRPERSON EWING: And that was by
2 Mr. White, and it was seconded by Mr. Wallace.

3 All in favor of the motion, please
4 signify by saying aye.

5 MR. WALLACE: Aye.

6 MR. WHITE: Aye.

7 MS. HARRISON: Aye.

8 MS. ALEXANDER: Aye.

9 CHAIRPERSON EWING: We have -- that's
10 Mr. White voted aye, Ms. Harrison voted aye,
11 Ms. Alexander voted for the motion, and
12 Mr. Wallace.

13 All opposed, vote nay.

14 MR. FAUST: Nay.

15 CHAIRPERSON EWING: Chair votes with
16 the nays. So the nay was Bob Faust and the chair.

17 And motion carries.

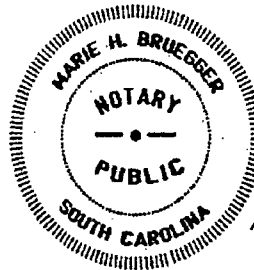
18 (The proceedings were concluded at
19 8:24 PM.)
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1 CERTIFICATE OF REPORTER

2
3 I, Marie H. Bruegger, Registered
4 Professional Reporter, Certified Realtime
5 Reporter, and Notary Public for the State of South
6 Carolina at Large, do hereby certify that the
7 foregoing transcript is a true, accurate, and
8 complete record.

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

12 Witness my hand, I have hereunto affixed
13 my official seal this 19th day of October, 2015,
14 at Charleston, Charleston County, South Carolina.



Marie H. Bruegger

20 Marie H. Bruegger
21 Registered Professional
22 Reporter, CCR
23 My commission expires
24 April 18, 2021
25

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spoke 7:4 27:9 35:16 36:1 spoken 13:19 spot 22:12 square 6:20 47:6,9 staff 3:7 4:5,9 39:14 51:9,10,22 52:1, 20,24 stand 14:8 26:17 standard 15:19 30:4,6,11,21 48:15 standards 4:11 7:2 29:24 30:2 standing 20:9 stands 34:8 start 46:9 starting 9:21 stated 5:24 6:22,24 statement 12:24 36:8 39:25 40:17 statements 21:9 states 36:18 48:18 stationed 10:9 statute 17:13 statutory 18:5 stepback 5:2 38:14 Stephen 3:8 Stockton 15:24,25 16:1,13 45:18 stops 44:23 50:25	Store 29:14 straight-on 45:13 street 3:13,21,25 4:14, 15,24 8:25 9:5,7,8, 9,15 10:5,7 11:6,7, 18 13:15,24 15:3 16:16 18:2 19:21 24:6,9,19 26:12 29:19 32:7,8,10, 12,18 37:23 38:8, 12,13 40:12 41:6 42:7 43:17 streets 26:8 streetscape 46:2 strength 44:10 stressed 46:23 strong 9:19 strongly 40:1 structure 3:16 7:9,21 16:17, 19 17:8,11,14,25 20:17 22:6,12 28:25 29:5,6,10,23 37:16 47:11 structures 29:3,12 38:17 39:9 Stubblefield 3:8 52:20 stucco 47:11 stucco-on-masonry 45:5 style 49:14 styles 9:23 stylistically 5:5,12 subjective 30:2 submission 25:21 submittal 4:11,17 submitted 17:19	subservient 50:3 substantially 6:10 46:2 successfully 47:15 suggest 18:12 44:23 suggests 40:1 Sullivan's 32:4 sun 20:20 support 26:1 31:6 43:20 51:5 supporting 32:21 supposed 47:12 surrounding 30:9 31:8 45:1,12 46:3 surroundings 17:10,15,16 sympathetic 21:24 system 8:11,15 T takes 5:10 talk 12:15 33:15 41:15, 16 47:20 49:20 50:3 talked 12:13,14 29:20 39:24 41:4 talking 23:5 45:4 46:20 tall 43:25 45:11 taller 4:22 5:17 8:18 tear 21:3 technique 47:2 techniques 46:25	telling 47:4 terms 30:21,23 37:25 thing 19:22 24:23 38:24 41:18 44:2 46:8, 15,22 49:22,25 things 7:5 38:10,16 42:17 47:21 Thomas 16:15 32:7 Thompson 32:18 thought 20:22 36:11 thousands 25:12 three-dimensional 10:25 tight 39:10 45:2 tighter 10:13 time 6:1,25 15:18 16:20,24 27:9 29:15 46:12 times 8:21 47:2 Tisdale 16:14,15 19:2 28:9 35:15 Tisdale's 20:17 35:19 today 3:10 22:22 today's 6:11 told 9:4 tonight 3:5 40:9 top 11:12 total 4:6 35:20 40:11 totally 43:18 touch 27:18 40:5 town 21:1 34:15	Tradd 32:14 traditional 5:3 48:1 traditions 18:14 transformation 23:23 24:12 transformed 49:1 transitional 38:15 treasure 27:13 trivial 23:20 troubled 50:2 true 30:4 Trust 48:16 tucked 50:17 turn 5:20 24:13 types 20:12 U ultimately 47:12 understand 15:15 50:19 unfair 12:20 36:25 39:19 unfamiliar 18:10 unit 44:1 United 48:18 unity 28:23 unlike 39:8 unquote 15:8 unusual 37:15 utilitarian 46:14



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BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
2 George Street

Charleston, South Carolina 29401

DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY
843-724-3781 Fax: 843-724-3772 www.charleston-sc.gov/BAR

Property Address: 107 KING STREET		TMS No.: 457-12-04-054
Review request: ☒ CONCEPT.	For: ADDITIONAL ALTERATION	Meeting date requested: 10/14/15
☐ DESIGN	☐ REPAIR	☐ RENOVATION

Property Owner: GENE WOODARD	Daytime phone:
Applicant: ROBERT EPPS	Daytime phone: 843-571-2080
Applicant's mailing address: 1 PINCKNEY ST.	
City: CHAS.	State: SC Zip: 29401
Applicant's e-mail address: eppsarch@aatt.net	
Applicant's relationship: ☐ DES. PROP.	☐

In your own words describe what you are requesting: ADDITION & MODIFICATIONS TO REAR & EXIST. STRUCTURE

Submittal Requirements: See BAR Submittal Requirements supplement for complete information. Zoning / Courtesy TRC approval required prior to making application for review. INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or an authorized representative. I authorize the subject property to be posted and inspected, and the application to be heard by the Board of Architectural Review of the City of Charleston on the date specified.

Applicant's signature: *Robert Epps* Date: **10/05/15**
Print name legibly: **ROBERT EPPS**

For Office Use Only Below this Point

☒ Board of Architectural Review has reviewed this request. Its findings are as follows:					
Denial Deferral ☒ the following conditions: Conceptual approval with staff conditions and final review by staff					
-specified conditions and is referred to the Preservation Staff for further action.					
Chairman's or Staff's Signature: <u><i>Regina W. Young</i></u>					App. No.: 1510-14-107
Date: 10/14/15					
Arch. Rating:	Const. Date:	Old and Historic Dist.	Old City Dist.	Landmark Dist.	North of Line St.
Date received: 10.5	Fee amount:	Receipt no.:	Staff person: SR		

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 2 years from approval date.



BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
2 George Street

Charleston, South Carolina 29401

843-724-3781

Fax: 843-724-3772

www.charleston-sc.gov/BAR

Property Address: 107 KING STREET		TMS No.: 457-12-04-054
Review request: ☒ Conceptual ☐ Preliminary ☐ Final	For: ☐ New Construction ☒ Alterations / Additions ☐ Repairs or repaint with no changes	Meeting date requested: AUG. 26 ☐ Appeal Decision of Urban Design Staff ☐ Color Change ☐ Demolition

Property Owner: GENE WOODARD	Daytime phone: 214-549-6734
Applicant: ROBERT EPPS	Daytime phone: 577-2080
Applicant's mailing address: EPPS ARCHITECTURE · 1 PINCKNEY ST.	
City: CHARLESTON	State: SC Zip: 29401
Applicant's e-mail address: eppsarch@att.net	
Applicant's relationship: ☐ Owner ☒ Design Professional ☐ Contractor ☐ Real Estate Agent/Broker ☐ Other	

In your own words describe what you are requesting: ADDITION TO REAR OF PROPERTY. MINOR MODIFICATIONS TO EXISTING STRUCTURE

Submittal Requirements: See BAR Submittal Requirements supplement for complete information. Zoning / Courtesy TRC approval required prior to making application for review. INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or an authorized representative. I authorize the subject property to be posted and inspected, and the application to be heard by the Board of Architectural Review of the City of Charleston on the date specified.

Applicant's signature: *Robert Epps* Date: **Aug 17**
Print name legibly: **ROBERT EPPS.**

For Office Use Only Below this Point

☒ The Board of Architectural Review has reviewed this request. Its findings are as follows:			
☐ The Urban Design and Preservation Staff has reviewed this request. Its findings are as follows:			
☐ Approval ☐ Denial ☒ Deferral ☐ Approval with the following conditions: Deferral for restudy based on staff comments 1-5 and Board comments to reconsider a smaller total footprint, decrease in height and design of "window wall."			
☐ Final Approval is granted upon fulfillment of the above-specified conditions and is referred to the Preservation Staff for further action.			
☐ Further Action/Final Approval Requires Board Hearing(s)			App. No.: 159-09-4
☒ Chairman's or ☐ Staff's Signature: <u><i>Walter W. George</i></u>			Date: 9/9/13
Arch. Rating:	Const. Date:	☐ Old and Historic Dist. ☐ Old City Dist. ☐ Landmark Dist. ☐ North of Line St.	
Date received: 8/17	Fee amount: 200	Receipt no.: 621056	Staff person: SR

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 2 years from approval date.

BAR SUBMITTAL CHECKLIST

Please check that your application includes the following items requested in our review requirements:

- ☒ I have reviewed the submittal requirements for the phase I am submitting.
- ☒ **1** Completed application form and fee
- ☒ **5** half-size sets of architectural drawings
- ☒ **5** sets of photographs of site/context
- ☒ **1** combined PDF of the digital version of all plans and photographs
- ☐ Materials board/samples (for Preliminary Review submittals)

Architectural drawings must contain the following:

- ☒ Existing and proposed plans and elevations (initial submittal)
- ☒ Existing, previous and current plans and elevations, with previous and current on the same page (subsequent submittals)
- ☒ All elevations labeled according to compass orientation
- ☒ North arrow on site and architectural plans
- ☒ Page numbers
- ☒ Stapled only (no comb bindings or covers)

☐ Initial LE

☐ Date Aug 17

Staff Comments
For
BOARD OF ARCHITECTURAL REVIEW
October 14, 2015

107 King St. :

I need to point out to the Board that the mass of the addition relative to the mass of the existing building is not apparent from any street or R.O.W. and should therefore not be a consideration.

Staff Comments:

1. As mentioned previously:
 - a. Visibility is from the north through the piazza of 109 Broad St. and from the west from Orange St. above 6' high wall and without vegetation.
 - b. The step back in plan and transitional hyphens are good moves.
2. A wash on the new brick to differentiate it from the original would be preferable to opaque paint.
3. Otherwise we feel they have satisfied all of the Board's conditions.

Staff Recommendations:

1. C/A with the conditions noted and FRBS.

Staff Comments
For
BOARD OF ARCHITECTURAL REVIEW
September 9, 2015

107 King St. :

Staff Comments:

1. There are 3 issues to consider for this project:
 - a. Visibility.
 - b. Submittal Requirements.
 - c. Preservation Standards/Appropriateness.
2. Its visibility is from the north through the piazza of 109 Broad St. and from the west from Orange St. above a 6' high wall and without vegetation. It is marginally visible from King St.
3. The submittal requirements have not been met. Elevations of the north and east sides have not been provided making it difficult to assess the view through the piazza of 109 Broad St. Existing floor plans have also not been provided for comparison of the footprint.
4. There is a lot of mass to the addition, and it is taller than the original kitchen house. Although this is not preferred it will only be minimally perceptible from King St., so that should not weigh heavily in the Board's deliberations.
5. The Charleston Standards require that additions to historic structures be differentiated from the original, and this will certainly be the case with this proposal. The exception to this being the proposal to paint the addition brick white to match the existing.
6. The step back in plan and transitional hyphens are good moves, but we feel that the addition could be much less contrasting stylistically and still be differentiated.

Staff Recommendations:

1. Deferral for additional information per submittal requirements and other conditions noted.

107 King - 10/14/15

All letters are in opposition:

1. Joseph McGee- 2307 I'on Ave.
2. Adelaida and Edward Bennett-16 Orange St.
3. Virginia Bush
4. Anne and Thomas Cooper- 2 Laurens St.
5. Cynthia and Charles Corley- 2 King St.
6. Elizabeth Farley Clark- 4 Bedon's Aly.
7. Jamie Frame and David Piotrowski- 83 King St.
8. Edward Gilbreth- 18 Lamboll
9. Bobby Hood
10. Virginia and Edward Moore- 93 King St.
11. Randy Pelzer- 68 South Battery
12. Charles and Charlotte Rhoden- 94 Tradd St.
13. Sandy Logan

14. Maurice Thompson - 54 King St.
15. Charleston Neighborhood Assoc. -

Joseph H. McGee
2307 I'on Ave.
Sullivan's Island, SC 29482

Via E-mail

Phyllis Ewing, Chair
The Board of Architectural Review
City of Charleston

Re: 107 King Street – Re-Hearing

Dear Ms. Ewing and the Members of the Board of Architectural Review,

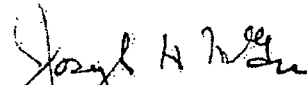
Although I have recently moved to Sullivan's Island and am no longer a registered voter of the City of Charleston, I do have a long experience with the City. I lived all my life in downtown Charleston until my recent move. I served on City Council for four years and authored several sections of the City ordinances dealing with the BAR. I am a past president of Historic Charleston Foundation and a Trustee Emeritus of the National Trust for Historic Preservation.

I have inspected the premises at 107 King Street from the sidewalk and adjoining properties. I have also inspected elevations of the addition now under consideration.

In my opinion the addition to 107 King St. is not at all in harmony with the prevailing character of the neighborhood in which it is located.

I suggest that this is yet another instance where a property owner is insensitive to the architectural traditions of the centuries old area in which the building sits.

Yours very truly,


Joseph H. McGee

From: Adelaida Bennett [<mailto:adelaida.u.bennett@gmail.com>]
Sent: Saturday, October 10, 2015 3:45 PM
To: Park Dougherty
Cc: Edward G. R. Bennett
Subject: Re: BAR Agenda Item #7, 107 King Street, Oct. 14, 2015

Dear Park,

Thank you for your email. I certainly do not consider that these new plans satisfy our concerns.....

Adelaida

From: Adelaida Bennett [<mailto:adelaida.u.bennett@gmail.com>]
Sent: Monday, September 07, 2015 6:01 PM
To: phyllisewing@rnvalaw.com
Cc: stubblefielde@charleston-sc.gov; hannaq@charleston-sc.gov
Subject: September 9, 2015 BAR Meeting: Agenda item no. 5, 107 King Street

Dear Ms. Ewing:

My husband Edward and I are both out of town this week due to business obligations (Edward) and putting children into schools and new housing (me) so are unable to attend the BAR meeting on the 9th. Please pass this letter on to the members of the Board on our behalf.

Our family owns the property at 16 Orange Street. The house is appropriately sized (2,000 sq ft) for its lot and for the neighborhood. We enjoy the beauty of being tucked into a wonderful, quiet neighborhood of appropriately sized houses. In other words, the properties on Orange, which back up to the King Street houses, as well as those King Street houses (101, 103, 105, 107), are all compatible in scale, materials and feel. The lots are not large, but the houses are appropriately sized for the lots. The materials tend to be masonry and wood of traditional size and feel.

We are concerned that the proposed new building at 107 King Street (which cannot be called an "addition" as it is larger than the existing structure) is out of place in the neighborhood. The proposed design appears to violate each of the components the BAR should be reviewing. Its mass and scale are inappropriate for the lot and neighborhood and the materials are inappropriate for the surroundings. In addition, one of the most important responsibilities which the BAR is charged with is the "preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the city".

We are writing not only about the proposal itself, but the effect such a change would have on what has been a "quaint neighborhood", which is a distinct aspect of our city.

The proposal, as we have seen it, is not an addition. Rather, it is a new house which will subsume the lot and make the original building but a dependency of a modern house. This is not what this neighborhood is about and we think that the **BAR should deny** this proposal

outright. There should not be suggestions of re-design. The entire concept of this project is inappropriate in size and use for the lot and neighborhood and the owner should be told that the BAR's responsibility is to maintain the integrity of our city's fabric and neighborhoods and that a building of this scale, design and of these materials is inappropriate on a lot this size, in this neighborhood.

Perhaps it is time that the BAR state the obvious to these applicants: that if they want to build a modern house, they should seek a different neighborhood for such construction.

Many thanks for your consideration.

Adelaida and Edward Bennett

16 Orange Street

From: Virginia Bush [<mailto:ginnybush@bellsouth.net>]

Sent: Saturday, October 10, 2015 12:58 PM

To: Park Dougherty

Subject: Re: BAR Agenda Item #7, 107 King Street, Oct. 14, 2015

You absolutely have my permission to confirm that my objections still stand. In fact, I am even more dismayed by the decision by the owners and architect to defiantly return with the same inappropriate concept. It demonstrates callous disregard for Charleston's architectural and preservation heritage. And you may quote me if you wish.

I will not be able to attend the meeting due to Library Society meetings

From: Anne Cooper [<mailto:adelamoran@aol.com>]
Sent: Saturday, October 10, 2015 5:45 PM
To: doughertypark@gmail.com
Cc: fdark10@comcast.net
Subject: Re: BAR Agenda Item #7, 107 King Street, Oct. 14, 2015

Dear Park,

Thank you for alerting us to this renewed application. Absolutely, our objection still stands -- this design belongs in another part of town, on a larger piece of property.

Thank you again for writing. If we can, we'll be there on the 14th -- for two items on the agenda, in fact.

Best regards,

Anne and Tom
(Cooper)

From: Anne Cooper <adelamoran@aol.com>
Date: August 25, 2015 at 7:08:11 PM EDT
To: stubblefielde@charleston-sc.gov, hannag@charleston-sc.gov
Subject: Agenda Item #17, 107 King Street, 26 August 2015
Dear Ms. Stubblefield and Ms. Hanna:

I regret exceedingly that my husband and I are unable to attend the BAR meeting tomorrow, at which (we've just learned) the owners of 107 King Street are applying for conceptual approval for a major addition to their home. The current house is one of the few south of Broad that is modest in scale and true to its architectural history. It has therefore been more affordable than most nearby, and helps preserve a mix of real estate values in the neighborhood -- which is ideal in the eyes of those of us who grew up here.

The house which dates from 1790 is a jewel, thanks to the work of a previous owner, and has one of the prettiest small gardens in Charleston. A large glass addition would be incongruous, eat up the garden space, and be in full view from the street. That flies in the face of the BAR's goals as we understand them, and we hope the design and scale of the addition will be denied.

Thank you very much.

Anne and Thomas Cooper
2 Laurens Street
Charleston, SC 29401
(843) 722-6002
adelamoran@aol.com
tomcooper@bellsouth.net

To Members of the BAR, Charleston, SC

re: Agenda #17, 107 King St.

10/10/15

We are writing to object to the revised proposed addition to 107 King Street.

The revised proposed addition to 107 King still does not adhere to the standards set by BAR, and is totally out of context with surrounding historic structures.

We think the request for an addition to 107 King St. should not be approved after reviewing the plans.

Most sincerely,

Charles E. Corley III

Cynthia S. Corley

Two King Street

Ms. Ewing,

I am concerned greatly by the proposed addition to the former 1790 kitchen house at 107 King Street. The proposed structure overwhelms the small jewel of a house, which should remain just that. We must allow these treasures to maintain their integrity, or Charleston will lose that which gives it the historic elements, the culture, the importance that it has both regionally, nationally and internationally. The proposed addition is intrusive beyond belief to the house, the neighbors and the historic character of that which is Charleston.

Please do not permit this proposal to be allowed.

Elizabeth Farley Clark

Four Bedon's Alley

From: Jamie Frame [mailto:jframe@ghx.com]
Sent: Saturday, October 10, 2015 11:42 AM
To: Park Dougherty
Subject: Re: BAR Agenda Item #7, 107 King Street, Oct. 14, 2015

Dear Park,

Our letter still stands! This is just beyond conceivable! We will continue to support the fight against this violation as it is an offense to our beautiful street and its historic beauty!

Warm regards,

Jamie Frame
David Piotrowski

From: Jamie Frame
Sent: Wednesday, September 9, 2015 5:47 PM
To: 'phyllisewing@mvalaw.com' <phyllisewing@mvalaw.com>
Cc: 'stubblefield@charleston-sc.gov' <stubblefield@charleston-sc.gov>; 'hannag@charleston-sc.gov' <hannag@charleston-sc.gov>
Subject: Addition at 107 King Street

Dear Ms. Ewing,

My husband and I are new residents to King St., and have purchased and moved into the property at 83 King.

We've been informed of the proposed addition to the kitchen building at 107 King. We've additionally had a chance to review the drawings as well.

With all due respect, we would like to oppose such a change. We moved to the historic district specifically due to the charm and regulations that go with keeping the neighborhood charming out of respect to the history and culture of this beautiful historic city.

As new homeowners on this street, we have respectfully taken great steps to restore our beautiful historic house in the manner in which it should be presented. We've worked closely with CHF to do so. We wouldn't imagine doing it any other way.

Thank you for listening,

Jamie Frame
David Piotrowski
83 King Street
Charleston, SC 29401

Dear Mrs. Ewing--Please include my voice once again among those strongly opposed to this egregiously
out of place design. Thanks--
Edward M. Gilbreth
18 Lamboll St.

From: Bobby Hood [<mailto:bobby.hood@hoodlaw.com>]

Sent: Saturday, October 10, 2015 11:51 AM

To: Park Dougherty

Subject: Re: BAR Agenda Item #7, 107 King Street, Oct. 14, 2015

Yes I still join with you in objecting to this building.

RE: 107 King Street Request for October 14, 2015

Dear Ms. Ewing,

The new owner has applied to construct an additional building behind 107 King Street which dates back to around 1790.

This new building is neither sympathetic to the historic features that characterize its setting and context nor is it compatible with the historic materials.

In addition to violating BAR standards, being unattractive and too large for the lot, the proposed new building will negatively impact the adjacent neighbors replacing views of the 1790 building, trees and garden with close-up views of large windows blocking sunlight and reducing privacy noticeably.

We respectfully request that you deny the request for approval for new construction on this property.

Very truly yours,

Virginia K. and Edward R. Moore

93 King Street

Charleston, SC 29401

From: J. Randolph Pelzer
68 South Battery
Charleston, SC 29401
Re: Comments on 107 King Street Application to the BAR

It is important that this Board make frequent reference to its powers and duties under its governing Ordinance, and in particular, Sec. 54-240 captioned "Board of Architectural Review; powers and duties."

Sec. 240(a). The Ordinance says that the BAR in passing on any application to alter any existing structure shall consider, among other things, "the nature and character of the surrounding area."

Sec. 240(b). In passing upon an application, The BAR shall consider the appropriateness of design, scale (and other facets) and relation of such elements to similar features of structures in the immediate surroundings. The BAR is mandated to make requirements "for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character."

Sec. 240(i). Most importantly, it is the absolute duty of the BAR to disapprove certain applications as set forth in this section.

"Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, *the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure (in the case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood (in the case of a new structure).*"

As the Ordinance above makes clear, any addition or new building must be compatible with both the primary building added to and with the surrounding neighborhood.

As the BAR is aware, the Beach Company has challenge the BAR Ordinance as being unconstitutionally vague and the BAR decision as being therefore arbitrary and capricious. Our neighborhood association is attempting to vigorously defend the constitutionality and critical role the BAR was designed to play in protecting the integrity of our historic neighborhood. **We will argue that there is a very objective standard by which new additions or buildings are to be judged, namely the surrounding built environment of the neighborhood and its prevailing character.**

While the training, business relationships, and personal preferences of some BAR members may cause them to favor "bold" modern architecture which they see as preventing Charleston from becoming a "museum" or brings "vitality" to Charleston, that is not the criteria by which the BAR is obliged to judge new additions or buildings. That is indeed subjective and vague, and would lend credence to the challenge by the Beach Company.

While there are several architects who design bold, modern designs and who appeared to defend this design, **which may be wonderful architecture at another site**, the BAR should respect the judgement of our neighborhood that this design is incongruous and out of harmony

with the prevailing character of the neighborhood, which millions of people visit and thousand of residents choose to maintain because of its unique prevailing character. Did not the applicant's architect implicitly acknowledge the incongruity of his design when he stated at the last hearing that he would never design such a building for Broad Street? Irrespective, it is clearly incongruous and out of harmony both with the 1790's structure being added too and the prevailing character of the surrounding neighborhood.

J. Randolph Pelzer, Esq.
October 14, 2015

12 October 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

As a follow up to our previous letter of objection to the proposed addition to 107 King Street, I would like voice our continued opposition to this submission for the same reasons cited in our previous letter. The proposed structure still appears to be very commercial in appearance – a building far more suited for the upper part of East Bay Street or Morrison Drive than lower King Street. A large, rectangular glass structure of this sort feels odd and incongruent on this site, especially when so much of it is clearly visible from the street.

We are not opposed to an addition to this property, but still feel that a much better design than presently proposed can and should be submitted before gaining conceptual approval from the BAR. *We are opposed to the present submission, and encourage the Board to deny approval.*

With best regards,

Charles and Charlotte Rhoden
94 Tradd Street (NE corner of King and Tradd)
Charleston, SC 29401
843-853-7792
Charlesrhoden@comcast.net

October 9, 2015

Ms. Phyllis W. Ewing, Chair, The board of Architectural Review
From: Samuel Logan, former chair of the BAR

Reference: October 14 BAR meeting, 107 King St (re-hearing)

To Ms. Ewing and fellow Board members:

On October 8th, I was asked by several people to attend a meeting at Tom Tisdale's residence at 109 Broad St. to discuss an upcoming re-submittal of an application for an addition to No. 107 King Street. When I arrived at the meeting, I was shown the physical site, as seen from Mr. Tisdale's and Mr. Dougherty's properties, and then the elevations and plan for the addition.

What was readily clear was that this was a large insertion into a small-scale space, and also completely perverted the historic sequencing of residential properties from front house to accessory buildings, with the carriage houses being more diminutive than the front houses which they serviced.

Even though this carriage house has no present ownership link to what had been its former main house, the building sequencing remained. To then append onto this small scale carriage house an addition that dwarfed the scale of the carriage house and the rear of its immediate neighbors in every conceivable way, is very wrong.

The fact that ownership changes have altered the historic relationship between these once-compatible buildings constructed at the same time in the late 18th Century has no bearing on what should be minor additions to slightly larger buildings. For an addition to a small-scale structure to be designed with a substantially larger scale than its attachee, is simply wrong, not merely inappropriate. The tail here is certainly wagging the dog.

Lowering the height and depth slightly fails to address the other two components of Conceptual Approval, ie: scale and mass. The scale of the openings in the west wall are quite large – they really are not openings in a wall, they are a curtain-wall instead. The main bulk of

the addition to which this curtain wall is affixed is also monumental in scale, compared not only to the carriage house, but also the rear components of 109 and 111 Broad Street. Both of these design decisions are the opposite of what should be proposed.

In these arguments, you will notice that I am not talking about large glass areas, but rather the scale of that glass. The only way to get that kind of openness at the rear of the carriage house and have it be compatible with the small scale of the interior of any typical property in Charleston, is to abstract the "bones" of, say, a porch, and have it perhaps be the height it presently is, but around two-thirds or half the width the addition is currently showing. At that point, the scale and mass are much more commensurate with those pieces surrounding it.

To present as a response to the Board's deferral, based on height, scale and mass, this "revision," which addresses only one of the three components of those three issues, is an abject failure. Charleston's residential buildings, regardless of date or style, have always receded in scale as they go back into the interior of their blocks. This project needs to respect that, and the Board should understand that the overall scale of the addition is off by quite a lot, and, as such, will appear to clog up the interior of that particular block, while at the same time, loudly proclaiming itself as being a new standard.

-- Samuel S. Logan, Architect and former Chair of the BAR.

October 14, 2015

Board of Architectural Review
City of Charleston
2 George Street
Charleston, SC 29401

Reference: Wednesday, October 14 agenda, Item 7
107 King Street

I have accessed the altered plans submitted for review today, and find the proposed alterations to be sadly inadequate in fitting the proposed addition into the site. I remain as firmly opposed to this project as I have been in the past, and I sincerely hope that the Board rejects this outsized and inappropriate project again.

I do, however, sympathize with the hopeful owners, and I have a suggestion. I believe that a set of plans for alterations and additions exists and has actually been approved, either totally or in part. I suggest that the owners study these plans and work from them in order to accomplish a livable and acceptable result. I wish them good results.

Sincerely,

Maurice H Thompson
54 King Street
Charleston, SC 29401

14 October 2015

To: Ms. Phyllis Ewing, Chair, The Board of Architectural Review
Fr: The Charlestowne Neighborhood Association
Re: 14 October 2015 meeting, Agenda item #7, to OPPOSE 107 King Street application.

To the Chair and Members of the Board:

Our neighborhood board remains adamantly OPPOSED to this application.

The applicant's architect made two trivial gestures of accommodation since this was heard on 9 September, but slightly reducing the height and depth of this insensitive transformation of this historic kitchen house fails to address the most egregious problems. (We also include our previous submission below).

In fact, our overarching objection—that this proposed addition is incompatible and inimical to this historic neighborhood—was actually affirmed by the applicant's architect at that first meeting. Questioned by an opponent, he said he would never propose this design for Broad Street. By admitting that, he's made the case against both this design and mass because this glass walled edifice could easily be seen from Broad Street.

Let's list the problems here:

- 1) This is not an addition. This is a transformation of this kitchen house both architecturally and structurally. And it would almost double the square footage and footprint of this house. Now it's a small home on a small lot; the architect proposes to turn it into a large home on a small lot.
- 2) This proposal is an invasion of quiet enjoyment of neighboring property rights. It blocks the views from the piazzas of the neighbor to the North at 109 Broad Street. Its proposed all-glass window wall would loom over the private areas of other homes surrounding it, especially the gardens behind 111 Broad Street. This is more than a desire for light, this is an anathema to privacy. This historic neighborhood of small-scale buildings is a community where privacy is so respected the mantra of "North Side Manners" endures. This intrusive proposal has no manners.
- 3) And this is an architectural invasion, too. Historic residents who spend thousands of dollars, sometimes annually, to maintain their historic homes and the ambiance of the neighborhood, will be fronted with this modernist architectural fortification, both incompatible and out of harmony with the neighborhood and...the neighbors.

4) Finally, this is a challenge to the BAR's primary mission in Section 54-240(i), quoted below in our prior submission, to protect our neighborhood. The BAR is already under assault, but here the plain language of the ordinance is clear, and the Charlestowne Neighborhood Association—and the neighbors of this property—support both. To adopt this ordinance to layperson's language, people do not come to or live in Historic Charleston to catch glimpses of modern architecture—they come to be immersed in and enjoy our rich history when buildings, landscapes, and streets were in a more perfect human-scale relationship.

Now the BAR faces a challenge for its future—and that future begins with this 107 King Street application because as a neighborhood board, we know that there will be many more applications to come that look all too similar. What you do here will set a precedent.

Will the BAR stand up and protect the core historic districts pursuant to the ordinances it has at its command to enforce? Will the BAR protect the City's history and its economic future, or will Charleston's historic district be allowed to decline amidst the coming avalanche of proposed out-of-place additions and incompatible conversions?

--Adelaida Bennett, member, and Jay Williams, Chair, of the CNA's BAR and Zoning Committee

PREVIOUS SUBMISSION - Please consider as a part of the new submission above.

9 September 2015

To: Ms. Phyllis W. Ewing, Chair, The Board of Architectural Review
Fr: The Charlestowne Neighborhood Association
Re: 9 September 2015 meeting, Agenda item #5, 107 King Street
POSTION: OPPOSED

To the Chair and Members of the Board:

This application is not simply inappropriate; it shows disrespect for this historic neighborhood, the neighbors, and the historic kitchen house it proposes to radically transform. This application should be summarily denied.

This is not an application for an addition; it is a complete and unacceptable transformation of a circa 1790's kitchen house into mismatched industrial-looking

compound. It is not merely the contemporary architecture that's inappropriate, it is not just the enormous mass and scale proposed, it's not just the incongruity of such a large structure on such a small lot, nor the imposition this proposal would foist on its neighbors (the blocking of a neighbor's views or fronting others with an office-style facade) that would include giant windows that show a disrespect for the neighbors' privacy, and it's not just the visual damage this would do to the neighborhood as it could be seen from one and possibly two streets: it's all of the above. Seldom has an application crossed so many lines.

Our neighborhood asks the board to review the sheer mass and scale, design, and materials proposed here in light of the City's zoning ordinance, specifically Section 54-240 (b), (c), (i), and (j). For the record, allow us to quote from the plain language of Section 54-240 (i) that alone shows why this application must be denied:

Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

This is such a violation of zoning rules that we wonder how this application ever reached this board meeting tonight—why wasn't this rejected by the planning staff pursuant to 54-237?

We suspect (based on the pictures included) that the applicant's architect or representative will try to justify the commercial design by referring to the rear of the recently refurbished Hellman, Yates law office at the SW corner of King and Broad. The front and King Street side of this wonderful old building were carefully restored, but the rear, modified to accommodate an elevator shaft, was made more contemporary in an apparent attempt to demonstrate that it was not part of the original building. We decry this artificial attempt to integrate the new with the old by making the new look new—because over time, it won't look new, just out of place. That said, the rear of the Hellman Yates building, without so much as divided light windows, is not the reference here, either for this 107 King Street application or for this otherwise historic neighborhood. Simply put, this application "is not in consonance with the dignity and character of the existing structure" much less with "the prevailing character of the neighborhood."

Further, the poor elevation drawings and especially the unhelpful, if not misleading photos, fall short of the clarity and legibility required under Section 54-238. This application fails in both intent and execution.

This is an historic kitchen house in the most historic neighborhood in America. This application, if approved, would disfigure this home in contravention of every ordinance cited above designed to protect historic homes in historic neighborhoods.

Please deny this application and instruct staff to enforce Section 54-237 so as to not waste everyone's time, effort and energy in the future.

--Jay Williams, Jr., Chair, BAR & Zoning Committee
Charlestowne Neighborhood Association



107 King Street - King Street Elevation

EPPS ARCHITECTURE



107 King Street - King Street Elevation

EPPS ARCHITECTURE



105 King Street - King Street Elevation

EPPS ARCHITECTURE



105 / 107 Broad Street - King Street View, South East Corner

EPPS ARCHITECTURE



109 Broad Street

EPPS ARCHITECTURE



109 Broad Street At 107 King Street
(Proposed Addition Extends To Line Of Corner Piazza Column)

EPPS ARCHITECTURE



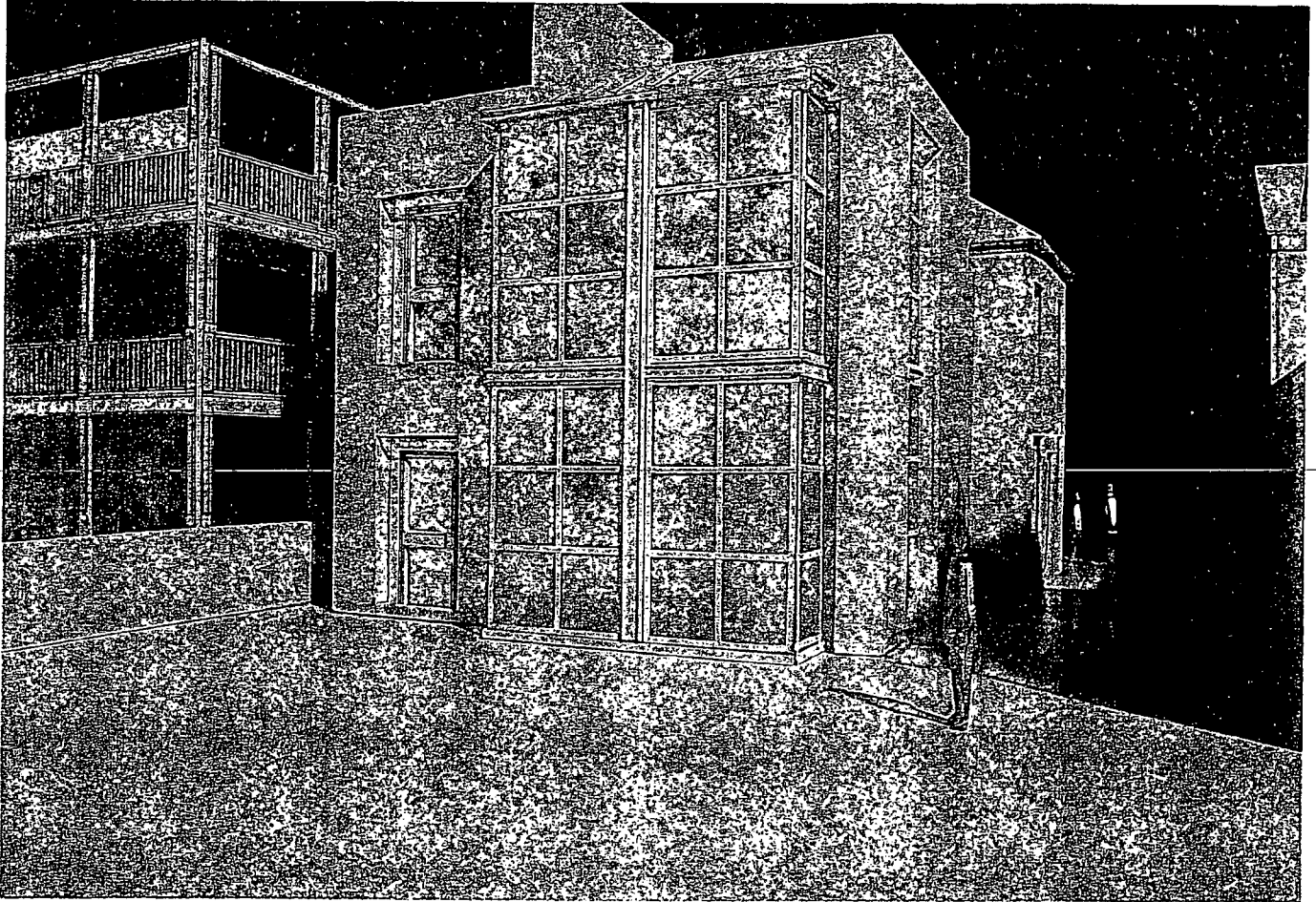
107 King Street - View From King Street (Driveway)

EPPS ARCHITECTURE



View South To 107 King Street
(From Driveway Of 109 Broad Street)
(111 Broad Street On Right)

EPPS ARCHITECTURE



107 King Street Proposed Addition

EPPS ARCHITECTURE

Item: 107 King St

720

Chairman's notes:

Robert Epps -

BF attempted to talk to neighbors

Park Authority - 111 Broad St. Sandy Kerpin's letter

Robert Epps - disapproved design - simple & elegant - do not
not immediate determination to existing building

PA - neighbor - 48 years - local requirements - city ordinance -
354-2406 - not a variance in design to immediate
surroundings

Markus - 111 Broad -
being in money of surroundings in city of CA

Adelaide Bennett - CNA -

Jay Lee Clark - previous owner

Motion by Sandy Epps - unanimous requires disapproval

A motion for Robert Epps - opposed - no records for producing H.S.M.
architectural direction

Chris Conley

Voting	For	Against	Re- cuse	Did Not Vote	Ab- stain	Absent
Phyllis Ewing	_____	_____	_____	_____	_____	_____
Bill Wallace	_____	_____	_____	_____	_____	_____
Jay White	_____	_____	_____	_____	_____	_____
Bob Faust	_____	_____	_____	_____	_____	_____
Erika Harrison	_____	_____	_____	_____	_____	_____
Janette Alexander	_____	_____	_____	_____	_____	_____
Sheila Wertimer	_____	_____	_____	_____	_____	_____
Whitney Powers (vacant)	_____	_____	_____	_____	_____	_____

Bd discussion -

Bob Faust - curtain wall, visible from street - inappropriate -

Jay White -

- success on masonry -

- doesn't see what concern is -

- approve - w/out arresting affects -

Gica Harrison - originally kitchen house -

October 9, 2015

Ms. Phyllis W. Ewing, Chair, The board of Architectural Review
From: Samuel Logan, former chair of the BAR

Reference: October 14 BAR meeting, 107 King St (re-hearing)

To Ms. Ewing and fellow Board members:

On October 8th, I was asked by several people to attend a meeting at Tom Tisdale's residence at 109 Broad St. to discuss an upcoming re-submittal of an application for an addition to No. 107 King Street. When I arrived at the meeting, I was shown the physical site, as seen from Mr. Tisdale's and Mr. Smith's properties, and then the elevations and plan for the addition.

What was readily clear was that this was a large insertion into a small-scale space, and also completely perverted the historic sequencing of residential properties from front house to accessory buildings, with the carriage houses being more diminutive than the front houses which they serviced.

Even though this carriage house has no present ownership link to what had been its former main house, the building sequencing remained. To then append onto this small scale carriage house an addition that dwarfed the scale of the carriage house and the rear of its immediate neighbors in every conceivable way, is very wrong.

The fact that ownership changes have altered the historic relationship between these once-compatible buildings constructed at the same time in the late 18th Century has no bearing what should be minor additions to slightly larger buildings. For an addition to a small-scale structure to be designed with a substantially larger scale than its attachee, is simply wrong, not merely inappropriate. The tail here is certainly wagging the dog.

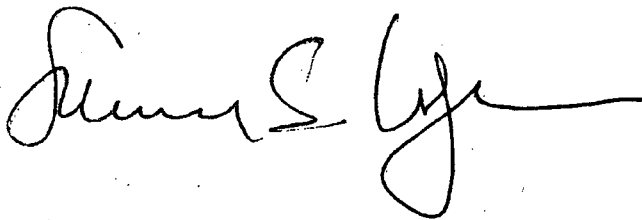
Lowering the height and depth slightly fails to address the other two components of Conceptual Approval, ie: scale and mass. The scale

of the openings in the west wall are quite large – they really are not openings in a wall, they are a curtain-wall instead. The main bulk of the addition to which this curtain wall is affixed is also monumental in scale, compared not only to the carriage house, but also the rear components of 109 and 111 Broad Street. Both of these design decisions are the opposite of what should be proposed.

In these arguments, you will notice that I am not talking about large glass areas, but rather the scale of that glass. The only way to get that kind of openness at the rear of the carriage house and have it be compatible with the small scale of the interior of any typical property in Charleston, is to abstract the “bones” of, say, a porch, and have it perhaps be the height it presently is, but around two-thirds or half the width the addition is currently showing. At that point, the scale and mass are much more commensurate with those pieces surrounding it.

To present as a response to the Board's deferral, based on height, scale and mass, this “revision,” which addresses only one of the three components of those three issues, is an abject failure. Charleston's residential buildings, regardless of date or style, have always receded in scale as they go back into the interior of their blocks. This project needs to respect that, and the Board should understand that the overall scale of the addition is off by quite a lot, and, as such, will appear to clog up the interior of that particular block, while at the same time, loudly proclaiming itself as being a new standard.

-- Samuel S. Logan, Architect and former Chair of the BAR.

 10/13/15

107 King

Not Opposed:

1. Barbara Siegling

Opposed:

1. Katrina Johnson
2. Charles & Cynthia Corley- 2 King
3. Lou Hammond
4. Martha Dougherty- 111 Broad
5. "Jeff"
6. Virginia & Edward Moore- 93 King
7. Susie Brady- 92 King
8. Philip Greenberg- 82 Church
9. Edward Gilbreth- 18 Lamboll
10. Adelaida & Edward Bennett- 16 Orange
11. Rose & Don Tomlin- 85 King
12. Elizabeth Farley Clark- former owner
13. Elizabeth Bradham- 64 S. Battery
14. Angela Drake (HANA)
15. Charlestowne Neighborhood Association
16. Robert Hood- 108-112 Broad
17. Thomas Tisdale- 109 Broad
18. Anne & Thomas Cooper- 2 Laurens
19. Mr. and Mrs. H. Simmons Tate Jr.- 41 King
20. Maurice Thomas- 54 King
21. Virginia Bush- 6 Water
22. Charles & Charlotte Rhoden- 94 King

August 25, 2015

Board of Architectural Review
Ms. Phyllis Ewing
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

I am writing to you regarding the request for approval by the Board of Architectural Review to construct an additional building on 107 King Street.

After looking at not only all of the drawings and angles of the proposed addition but also viewing the site and considering the impact it would have on the nearby existing homes, ours included, I am very much opposed to this request and hope the BAR will concur. Charleston is known for its quaintness, architecture and historical homes and buildings. What is being proposed would clearly take away from what has been protected by the BAR and Preservation Society for so many years.

As a native to Charleston, I have seen many of the changes that have taken place over the years with growth and newly constructed properties. Most of which, especially in the historic district, have been required to possess the look, materials and design of older buildings and homes. This new structure not only does not possess these characteristics, but is clearly too large for the lot and frankly is very unattractive just to name a few. Our home sits one house away from where this structure would be built and devaluation of our property value as well as other neighboring properties is also of grave concern.

I gave much thought before writing this letter because we too came before the BAR to ask for permission to build a structure in our backyard. We made numerous changes to our plans so that we would keep with the existing look of the historical properties around us. We also used materials and even removed a few exterior features to make sure it was not an eye sore from the street. I feel that this structure does have a place somewhere but not on 107 King Street.

I am urging you to consider what has made Charleston the "Number One City" per Conde Nast four years in a row, why tourists flock to our Historical city, what makes it so special to live in the historical section of downtown Charleston. I can tell you it is not because of structures such as the one being proposed. If the existing owners wish to build an addition that is more in line with neighboring properties, I feel certain a happy medium could be reached. Knowing they have just recently purchased

this property and planned to add on, they probably should have made the sale contingent upon BAR approval of the addition before they closed.

I would ask that the BAR strongly consider the impact this will have not only on the immediate surrounding properties but the city as a whole. Updating, renovations and new structures in the city are inevitable, but the design and maintaining the "old city" charm is something that can and should be preserved.

Thanking you in Advance for your consideration,

DocuSigned by:

Katrina Johnson

A10575AF73BB42E...

Katrina Johnson, CRS, ABR, CBR, CNE

Realtor of Distinction

843.452.2747

Carolina One Real Estate

Dr. & Mrs. Charles Edward Corley III
2 King Street
Charleston, SC 29401

To Members of the BAR, Charleston, SC
re: Agenda #17, 107 King St.

8/26/15

I am writing to object to the enormous proposed addition to 107 King Street.

The proposed addition to 107 King does not adhere to the standards set by the BAR and is totally out of context with surrounding historic structures.

After reviewing the plans, we think the request for an addition to 107 King St. should not be approved.

Most sincerely,

Charles E. Corley III
Cynthia S. Corley

Two King Street

As the application for 107 King Street is on the agenda tomorrow, and as I am not in Charleston to attend, I would like to advise that I am shocked and horrified that such a large, ugly and most inappropriate addition could even be under consideration. Such a structure would be a "black" mark on what Charleston stands for and the integrity of our city's history. Ugly for sure, its presence does not affect my home at Tradd & King but it would be a horror for our community. I urge you to reject this application.

Lou Hammond
Chairman/Founder
900 Third Avenue, New York, NY 10022
Tel: 212-308-8880 | Fax: 212-891-0200
louh@louhammond.com | www.louhammond.com

111 Broad Street
Charleston, SC 29401
August 23, 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
City of Charleston

Dear Ms. Ewing,

I am rewriting the BAR to express my complete dismay at the new addition planned for the rear of 107 King Street. When my husband, Park and I bought this house over 23 years ago, we were completely charmed and honored to be able to move into a house overlooking the historic 1775 single house at 109 Broad Street (currently owned by the Tisdales) and the charming brick 1800's house at 107 King, both of which had gorgeous gardens. Over the years through the raising of three children, we have enjoyed and still enjoy the rich historic aspect of these properties and the views from all of our windows and porches on that side of the house. We have tried to instill an appreciation for history in our children, and we are so thankful to live in a city that cherishes historic properties and wishes to preserve their integrity at all costs.

Unfortunately, as you can see from the pictures, the proposed addition changes the entire character of our historic neighborhood. The property on which it is being built and the character of the house to which it is being attached would be completely changed. This historic 1800's house is very unique in that it was built as the kitchen house to serve 109 Broad Street. It has the very interesting characteristic that since it was subdivided and made to be a separate residence, it holds the original value of not being connected to the main house as many kitchen houses have been in Charleston. It is preserved in its original layout in relation to the main house. The opportunity to be able to see the symbiotic relationship in mass and scale between the kitchen house and the main house must be preserved for the many generations who will come after us. As it stands now, the owners on 109 Broad have been very generous in keeping their garden open so that people from all over the world can steal a glimpse of this historic gem located behind their house. Building a structure in front of it would completely destroy this fascinating memory of the past. Only in an historic neighborhood, in this city, could someone see, for the moment, a treasure like this.

If the new structure is built, it will completely obliterate an important memory of the past. The new proposed structure is larger than the original structure and dwarfs it. From our house at 111 Broad Street, and from Orange street, it completely blocks the historic building from view, replacing it with a building which is, in no way, in keeping with the house to which it is an addition. In fact, it does not appear to be an addition at all, but a completely separate house built behind the original house. The gorgeous garden which framed the original house so well

would be almost completely filled with this modern, sterile structure overpowering the lot. The historic character of this property is neither retained nor preserved.

Furthermore, the proposed structure does not fit in this neighborhood as a residential property. The materials, features, size, scale, proportion, and mass of this new addition do not protect the integrity of the property or its setting. It belongs in an industrial park where harsh lines and glass are very popular.

This structure also violates our privacy. The entire side of the proposed structure facing our house would be glass. The residents would be able to see through our two porches right into our bedroom and our family room. We would be able to see them while lying in bed and sitting on our couch. Historically the houses and structures in Charleston have been built to protect each other's privacy. This structure does not even attempt to do this.

In addition, allowing this structure into our neighborhood would severely impact the resale values of all adjacent properties. When people buy into this neighborhood, they are transported through time to an historic era. They are paying a high price for this privilege. No one would want to overlook a building that looks like it belongs in an industrial park.

I might add, that if everyone built new structures of any description behind their houses in this neighborhood, what would happen to the historic sense of the relationship between a house and its garden or the structure and the land to which it is attached? People who appreciate history want to see a structure in its original environment and be transported through time for a brief moment to experience the life of those who lived here before us.

In conclusion, the integrity of the historic nature of this neighborhood has been maintained due to the vigilant members of the BAR both in the past and present who have made it their mission to preserve the historic character of this neighborhood. I ask you now to continue to preserve this very unique structure in a very unique neighborhood so that future generations can enjoy a little gem of the past.

Thank you so much for your consideration in this matter.

Sincerely,



Martha T. Dougherty

Dear Phyllis:

As a neighborhood resident, please place this letter in the opposition file. The problem with this particular "glass box" addition is that it really looks like the historic kitchen house is just being used as an excuse to build an out of scale Bauhaus design in the historic neighborhood. Not only is it too large with reference to the existing kitchen house, but also it lacks any level of architectural detail which would make it acceptable as a free standing structure.

Beginning in the 1980's with architect W.G.Clark, the BAR began to approve and indeed urge the construction of glass box additions to historic buildings, as rear additions. This trend, unfortunately, has spawned such mistakes as you are currently being presented with. It should not be approved in its present configuration.

Best Regards, Jeff

September 8, 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC

RE: 107 King Street

Dear Ms. Ewing,

The new owner has applied to construct an additional building behind 107 King Street which dates back to around 1790.

This new building is neither sympathetic to the historic features that characterize its setting and context nor is it compatible with the historic materials.

In addition to violating BAR standards, being unattractive and too large for the lot, the proposed new building will negatively impact the adjacent neighbors replacing views of the 1790 building, trees and garden with close-up views of large windows blocking sunlight and reducing privacy noticeably.

We respectfully request that you deny the request for approval for new construction on this property.

Very truly yours,

Virginia and Edward R. Moore
93 King Street
Charleston, SC 29401

After seeing the proposed 'addition' to 107 King it seems very unsuitable for this historic section of Charleston. This glass-looking structure would be out of place. It would infringe on the neighbor's privacy and seems quite large for the area.

I hope the BAR will reject this proposed structure.

Susie Brady
92 King Street

Dear Erin,

I would like to protest the awkward and in appropriate addition proposed for 107 King Street.
It is too modern for the surrounding historical neighborhood and will be seen from Broad Street.

Also the landscaping has been neglected all summer and is a haven for insects, rodents and looks horrible.

Please vote against this addition.

Phillip H Greenberg MD
82 Church Street
Charleston

843-453-1843

Dear Ms. Ewing--Please include me among those opposed to the above project.
Many thanks--Edward M. Gilbreth, MD
18 Lamboll St.

My husband Edward and I are both out of town this week due to business obligations (Edward) and putting children into schools and new housing (me) so are unable to attend the BAR meeting on the 9th. Please pass this letter on to the members of the Board on our behalf.

Our family owns the property at 16 Orange Street. The house is appropriately sized (2,000 sq ft) for its lot and for the neighborhood. We enjoy the beauty of being tucked into a wonderful, quiet neighborhood of appropriately sized houses. In other words, the properties on Orange, which back up to the King Street houses, as well as those King Street houses (101, 103, 105, 107), are all compatible in scale, materials and feel. The lots are not large, but the houses are appropriately sized for the lots. The materials tend to be masonry and wood of traditional size and feel.

We are concerned that the proposed new building at 107 King Street (which cannot be called an "addition" as it is larger than the existing structure) is out of place in the neighborhood. The proposed design appears to violate each of the components the BAR should be reviewing. Its mass and scale are inappropriate for the lot and neighborhood and the materials are inappropriate for the surroundings. In addition, one of the most important responsibilities which the BAR is charged with is the "preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the city".

We are writing not only about the proposal itself, but the effect such a change would have on what has been a "quaint neighborhood", which is a distinct aspect of our city.

The proposal, as we have seen it, is not an addition. Rather, it is a new house which will subsume the lot and make the original building but a dependency of a modern house. This is not what this neighborhood is about and we think that the **BAR should deny** this proposal outright. There should not be suggestions of re-design. The entire concept of this project is inappropriate in size and use for the lot and neighborhood and the owner should be told that the BAR's responsibility is to maintain the integrity of our city's fabric and neighborhoods and that a building of this scale, design and of these materials is inappropriate on a lot this size, in this neighborhood.

Perhaps it is time that the BAR state the obvious to these applicants: that if they want to build a modern house, they should seek a different neighborhood for such construction.

Many thanks for your consideration.

Adelaida and Edward Bennett
16 Orange Street

Dear Ms. Stubblefield and Ms. Hanna,

My husband, Don, and I would like to add our voices to the many who are opposing the very inappropriate addition to 107 King Street.

We live at 85 King and are very familiar with the property. It is unique, quite old and beautiful. Aesthetically, the proposed addition would, in a word, ruin it. The property would no longer be compatible with the buildings that surround it. I could agree with the desire to create a bit more space, but the changes to our historic properties should enhance them and not be jarring.

I will attend the meeting and hope to find out that the BAR agrees with us.

Respectfully,

Rose Tomlin

To members of the BAR, Charleston, South Carolina

Wednesday, August 26, 2015

RE: Agenda Item number 17, 107 King Street

I am writing to ask that you do not accept in any way the proposed addition to 107 King Street.

My parents bought the house at 107 King Street, moving from 171 Broad Street, in 1963, and I inherited the house as an only child in 1998 upon death of my father. I lived at 107 King Street for about 10 years until I bought a house on Bedon's Alley four years ago. My father was Superintendent of Education of School District 20 before retiring. He was a Charlestonian, as was my mother, and they taught me to appreciate the history and the values surrounding my life here growing up in CHS. I did move away for 23 years, and certainly can understand the differences in cultures and people that make this nation a great one.

I started spending more time in Charleston after the devastation of 9/11, and I found the jewel of a house at 107 King to be a perfect spot for enjoying the garden, chatting with neighbors, and renewing old friendships. When, a few years ago, I gave up my apartment in NY and became, once again, a permanent resident of CHS, I needed a bit more space. I had the architect Randolph Martz draw up lovely plans to enlarge the house slightly, in keeping with the historic, architectural and cultural values that exemplify CHS. You see, 107 King Street is the dependency that was the kitchen house to the magnificent home at 109 Broad Street, circa 1790. It has a separate street address, but it was always a dependency, a small part of a larger property ownership originally. It was always meant to maintain the charm that kitchen houses, dependencies, have. It was never intended to be grand nor modern nor lacking in architectural differentiation from that which surrounds it in the neighborhood. As it happened, four years ago, before beginning a renovation at 107 King Street, I found a house on Bedon's Alley, which better suited my needs, and I bought it. Subsequently, the King Street house sold, and has now sold again. I never wanted to destroy the integrity of the house at 107 King Street when I owned it and lived there, nor would I have considered doing so, by proposing an addition so out of the realm of the cultural values I was brought up to appreciate. I treasure this city, I respect my heritage, and I do very much appreciate the gifts that Charleston has offered me as a native born daughter. I pay homage to my city each day. I am fortunate to be living here. The proposed glass box addition to 107 King Street is not at all in keeping with the cultural and historic significance of that which is Charleston. It is quite simply, wrong.

I ask, respectfully, that you deny this proposed addition to 107 King Street.

Most sincerely,

Elizabeth Farley Clark

*64 South Battery
Charleston, South Carolina 29404*

September 9, 2015

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
75 Calhoun Street
Charleston SC 29401

Re: 107 King Street
September 9, 2015

Dear Ms. Ewing,

I am writing a second letter to ask the Board of Architectural Review to deny the application for the construction of a "rear addition" and modifications at 107 King Street. As my attached letter of August 24th states, the application shows a flagrant disregard for every ordinance that has been critical to maintaining the historic integrity of our neighborhood, one of the most revered in the nation. And describing the construction of a much larger new building as a "rear addition" is simply insulting to the neighbors, the neighborhood and the Board of Architectural Review.

According to Section 54-237, this application should never have passed staff review due to its clear violation of the existing building ordinances, and has now, once again, wasted a great deal of time for many people. This application should be denied.

With kind regards,


J. Elizabeth Bradham

August 24, 2015

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
75 Calhoun Street
Charleston SC 29401

Re: Item 17, 107 King Street
August 26, 2015 Meeting

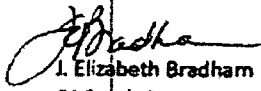
Dear Ms. Ewing,

I am writing to ask the Board of Architectural Review to deny the application for the construction of a "rear addition" and modifications to 107 King Street, for the following reasons:

1. The use of the term of "rear addition" to describe the construction application is simply dishonest. The application calls for the construction of essentially a new building, of greater mass and scale than the existing historic structure, and thereby shows utter contempt for the Board of Architectural Review process in general.
2. The materials used, size, scale, design and mass called for in this application are completely inappropriate and detrimental to the neighborhood. The application violates every ordinance under whose governance it would fall, specifically Section 54-240 (b),(c),(l), and (j). I have no idea why the applicant bought this historic circa 1800 kitchen house when they clearly would prefer to live in an industrial or commercial warehouse-type structure. Their concept and design could not be more inappropriate for one of the most historic residential neighborhoods in the country.
3. Finally, the application's complete lack of concern for the neighbors' privacy is very worrisome, as it shows utter disregard for the courtesy and manners required in to live together in harmonious fashion, in close proximity, as we are required to do in much of peninsular Charleston.

I greatly appreciate your time and work as Chairperson of the Board of Architectural Review and respectfully request your denial of this application.

With kind regards,


J. Elizabeth Bradham
64 South Battery
Charleston SC 29401

September 9, 2015

Dennis Dowd
2 George Street
Charleston, SC 29401

Re: Board of Architectural Review Meeting / September 9, 2015
107 King Street, TMS # 457-12-04-054

POSTION: OPPOSED

Mr. Dowd,

The Historic Ansonbrough Neighborhood Association opposes the inappropriate addition to 107 King Street. A complete transformation of a circa 1790's kitchen house into a contemporary compound is unacceptable within the historic boundaries of Charlestowne.

Our neighborhood supports The Charlestowne Neighborhood Association request for the board to review and deny the sheer mass and scale, design, and materials proposed here in light of the City's zoning ordinance, specifically Section 54-240 (i).

Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

This is an historic kitchen house in the most historic neighborhood in America. This application, if approved, would disfigure this home in contravention of the ordinance cited above designed to protect historic homes in historic neighborhoods.

The Historic Ansonborough Neighborhood Association requests that this application be denied by the Chair and Members of the Board.

Respectfully,

Angela Drake
President
Historic Ansonbrough Neighborhood Association

REVISED SUBMISSION

9 September 2015

To: Ms. Phyllis W. Ewing, Chair, The Board of Architectural Review
Fr: The Charlestowne Neighborhood Association
Re: 9 September 2015 meeting, Agenda item #5, 107 King Street
POSTION: OPPOSED

To the Chair and Members of the Board:

This application is not simply inappropriate; it shows disrespect for this historic neighborhood, the neighbors, and the historic kitchen house it proposes to radically transform. This application should be summarily denied.

This is not an application for an addition; it is a complete and unacceptable transformation of a circa 1790's kitchen house into mismatched industrial-looking compound. It is not merely the contemporary architecture that's inappropriate, it is not just the enormous mass and scale proposed, it's not just the incongruity of such a large structure on such a small lot, nor the imposition this proposal would foist on its neighbors (the blocking of a neighbor's views or fronting others with an office-style facade) that would include giant windows that show a disrespect for the neighbors' privacy, and it's not just the visual damage this would do to the neighborhood as it could be seen from one and possibly two streets: it's all of the above. Seldom has an application crossed so many lines.

Our neighborhood asks the board to review the sheer mass and scale, design, and materials proposed here in light of the City's zoning ordinance, specifically Section 54-240 (b), (c), (i), and (j). For the record, allow us to quote from the plain language of Section 54-240 (i) that alone shows why this application must be denied:

Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

This is such a violation of zoning rules that we wonder how this application ever reached this board meeting tonight—why wasn't this rejected by the planning staff pursuant to 54-237?

We suspect (based on the pictures included) that the applicant's architect or representative will try to justify the commercial design by referring to the rear of the recently refurbished Hellman, Yates law office at the SW corner of King and Broad. The front and King Street side of this wonderful old building were carefully restored, but the rear, modified to accommodate an elevator shaft, was made more contemporary in an apparent attempt to demonstrate that it was not part of the original building. We decry this artificial attempt to integrate the new with the old by making the new look new—because over time, it won't look new, just out of place. That said, the rear of the Hellman Yates building, without so much as divided light windows, is not the reference here, either for this 107 King Street application or for this otherwise historic neighborhood. Simply put, this application "is not in consonance with the dignity and character of the existing structure" much less with "the prevailing character of the neighborhood."

Further, the poor elevation drawings and especially the unhelpful, if not misleading photos, fall short of the clarity and legibility required under Section 54-238. This application fails in both intent and execution.

This is an historic kitchen house in the most historic neighborhood in America. This application, if approved, would disfigure this home in contravention of every ordinance cited above designed to protect historic homes in historic neighborhoods.

Please deny this application and instruct staff to enforce Section 54-237 so as to not waste everyone's time, effort and energy in the future.

--Jay Williams, Jr., Chair, BAR & Zoning Committee
Charlestowne Neighborhood Association

August 25, 2015

VIA HAND DELIVERY

Ms. Phyllis Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

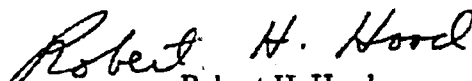
Re: 107 King Street addition

Dear Phyllis:

I write to join in Tom Tisdale's letter of August 22, 2015 to you and the Board. As you know we reside at 108, 110 and 112 Broad Street. We are currently out of state and will miss the meeting this Wednesday. We trust the Board will deny this application and join in the petition against approval of this building addition.

Kind personal regards to you and the board and thank you for all the wonderful things you do for Charleston.

Yours truly,


Robert H. Hood

RHH/jad

cc: Erin Stubblefield, [Via Email: stubblefelde@charleston-sc.gov]
Genita Hanna, [Via Email: hannag@charleston-sc.gov]
Park Dougherty, [Via Email: doughertypark@gmail.com]
Thomas S. Tisdale, Esquire [Via Email: tst@hellmanyates.com]

109 Broad Street
Charleston, SC 29401
August 22, 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

I am writing to ask the Board of Architectural Review to deny a request to give conceptual approval for new construction of a rear addition and to make minor modifications to 107 King Street that appears as item number 17 of the Board's agenda for August 26, 2015.

I am the owner and resident of 109 Broad Street that adjoins 107 King Street. And I have been an owner of my family residence since 1970. Our house at 109 Broad Street, according to competent historic research, was constructed in about 1775, and the residential structure at 107 King Street has been there since about 1800. Historians report that the two buildings were actually joined during most of their common existence when the building at 107 King Street was used as a kitchen for the property at 109 Broad Street. I have attached to this letter an article by Robert P. Stockton about the relationship of these two buildings that appeared in the News and Courier on August 21, 1978. It is clear from the history we have that these two buildings share a common history in the same configuration in which they presently exist for about 215 years. The property which the two buildings occupied since 1800 was divided into two separate lots in about 1964, and soon thereafter fell into separate ownership.

As you will see by looking at the various drawings that have been submitted to support the pending application now under consideration, the two structures are joined at the most eastern edge of the 109 Broad Street parcel, and they share a common property line to the western property line of both. The distance from the southern wall of our residence to the northern wall of the structure at 107 King Street is about 35 inches along their common line.

The basis for my objection to this application is that the plan and design for this "addition" (it is really not an addition, but a new building masquerading as an addition by thinly connecting it to the old one (c. 1800) by a narrow passageway with an exterior cover of glass bricks) violates every policy and Ordinance of the City of Charleston relevant to it including the statement of Overview of the board in the zoning ordinance, and more specifically Section 54-240 (b) (c) (i) and (j) of the Ordinances. The plan and design you are asked to consider does not meet any of the

criteria prescribed by the Ordinances. I ask you respectfully to consider four points that reflect my views. They are:

(1) It is detrimental to the prescribed goal of maintaining the integrity of the Old and Historic District of the City and it is against the public interest to allow it because it upsets and destroys a balance of structures on this property that have existed for 240 years without interruption. It does not, in any sense, preserve the need to establish a visible reminder of the historical and cultural heritage of our City as required by the Zoning Ordinance. In fact, it destroys any sense of it on this property and in this neighborhood.

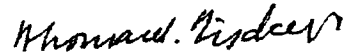
(2) It is offensive to the neighborhood in which it exists because its design and size do not complement any other residential structures in the area or, for that matter, any place in the Old and Historic District of the City. And, it can be seen from three streets, King, Broad, and Orange.

(3) It is particularly offensive to me as the owner of 109 Broad Street because it seriously damages the use and enjoyment of my house as it completely blocks from sunlight the entire width of the house and most of the height on the south side of it (up to a point above the floor of the third floor porch). It also blocks sunlight from about fifty per cent of the side yard and garden. This destroys the environmental balance that has existed there for 240 years and clearly impairs the quality of the property, the neighborhood, and the City.

(4) As a simple reminder of the historic quality of the neighborhood in which this property lies, the houses of a signer of the Declaration of Independence, the second Chief Justice of the United States, and an early Chief Justice of the South Carolina Supreme Court are all within less than 100 yards of this proposed addition to a structure that is at least 215 years old.

For the foregoing reasons, I respectfully urge your denial of this application.

Sincerely,



Thomas S. Tisdale

cc: Members of the Board of Architectural Review

109 Broad St. Built Around 1774

By ROBERT P. STOCKTON

Undoubtedly dating from the latter part of the 18th century, the house at 109 Broad St. may date as early as 1774.

The house is very plainly finished, leading to speculation that it was originally a rental unit. On the other hand, its plainness may indicate it was built during the economically austere period just after the American Revolution.

A surviving mantel in the dining room, said to be original to the house, is transitional in style, from the Georgian to the Federal, and is very similar to a mantel in the Basile Lunneau House at 2 Pitt St., which was built soon after the Revolution.

Do You Know Your Charleston?

Martin Campbell, a Charlestown merchant, bought the site of the house in December 1773, paying 300 pounds "lawfully money of Great Britain" for the lot which then extended to King Street, and two other pieces of property.

The lot at the corner of Broad and King streets is described in the deed as having "part of a Timber building Standing Thereon."

The speculation is that Campbell completed the present house just before or just after the Revolution.

His kinsman, McCartan (or Macarten) Campbell, with his wife Sarah, sold the property in 1784 for 2,563 guineas, a price indicating the property had been substantially improved since 1773.

The Campbells sold the property to William Price. Ann Price and Thomas Nicholls, executrix and executor of William Price's estate, sold the corner portion of the property in 1791 to Charles Desel.

The portion now known as 109 Broad St. was acquired by James Nicholson, an attorney, who had his office on Broad Street and lived in the fine Regency style villa at 174 Rutledge Ave., now Ashley Hall School.

Nicholson died in 1836, and in 1837 James Jervey, the executor of his estate, sold the Broad Street property to Dr. Isaac M. Campbell, a physician.

The property is described in that deed as consisting of two lots "being together but fronting the one on the South Side of Broad Street whereon is the principal dwelling House next to the Corner of King Street & the other on King Street."

In other words, the property was L-shaped, with the major portion fronting on Broad Street and the other portion, containing a two-story kitchen building of brick, fronting on King Street.

Subsequently, the two portions of the property were separated, with the kitchen building becoming a separate residence.

The most unusual feature of 109 Broad St. is the piazzas which have slender turned colonettes, unlike any in Charleston, but similar to colonettes found on 18th century houses in Louisiana.

The Louisiana colonettes are said to have been inspired by prototypes in the West Indies. Since Charleston traded extensively with the West Indies

in the 18th century, the colonettes at 109 Broad St. may have been copied from examples there.

It is possible the three tiers of piazzas were original to the house or were added soon after the house was built, although a single-story piazza would have been more typical of that period. The house at 2 Pitt St., for example, originally had a one-story piazza.

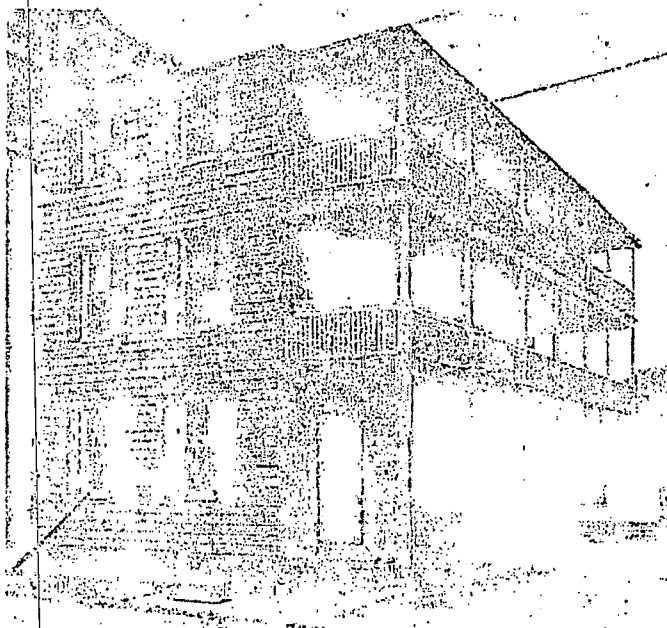
In the interior, old wainscoting of cypress, in the Adamesque style, remains on one wall of the reception room.

The transitional mantel in the dining room has Georgian crossettes below a Federal style entablature with candlelight molding.

An Adamesque mantel with swags, medallions, cherubim, beading and foliation is found in the front room of the second floor. A simple Georgian mantel with a narrow shelf is in the rear chamber.

The house was restored several years ago by W. Burneston Baker, with Mary Wilson contracting.

Since 1970, the property has been owned by Courtenay M. Tisdale, wife of Thomas S. Tisdale Jr.



(Staff Photo by Tom Spain)

109 Broad St.

The News and Courier, August 21, 1978

Dear Ms. Stubblefield and Ms. Hanna:

I regret exceedingly that my husband and I are unable to attend the BAR meeting tomorrow, at which (we've just learned) the owners of 107 King Street are applying for conceptual approval for a major addition to their home. The current house is one of the few south of Broad that is modest in scale and true to its architectural history. It has therefore been more affordable than most nearby, and helps preserve a mix of real estate values in the neighborhood – which is ideal in the eyes of those of us who grew up here.

The house which dates from 1790 is a jewel, thanks to the work of a previous owner, and has one of the prettiest small gardens in Charleston. A large glass addition would be incongruous, eat up the garden space, and be in full view from the street. That flies in the face of the BAR's goals as we understand them, and we hope the design and scale of the addition will be denied.

Thank you very much.

Anne and Thomas Cooper
2 Laurens Street
Charleston, SC 29401
(843) 722-6002
adelamoran@aol.com
tomcooper@bellsouth.net

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
2 George Street
Charleston, SC 29401

Via Email

Re: Item 17 – 107 King Street
August 26, 2015 BAR Meeting

Dear Ms. Ewing,

My wife and I strongly oppose the proposed building and changes that are sought at 107 King Street. We have lived at 41 King Street about twenty years and have seen the various developments that have taken place over the years, most of which have been improvements to the property and to the neighborhood.

The proposal before the Board of Architectural Review is contrary to the efforts of the property owners and home owners and should be rejected by the BAR. They are not in keeping with the neighborhood and are opposed by virtually all the King Street neighbors. We respectfully request the Board to reject the proposal.

Very truly yours,

H. Simmons Tate, Jr.
Elizabeth C. Tate,

Mr. and Mrs. H. Simmons Tate, Jr.
41 King Street
Charleston, SC 29401

Phyllis W Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Re: proposed "addition" to 107 King Street, Agenda item #17

Dear Ms Ewing:

I am at a loss to express adequately my opposition to this project. Not only have we, in this neighborhood, had two houses, at, I believe, #47 and #49, demolished to be replaced by supposedly newer and better (read: bigger, more imposing) structures, we are now asked to tolerate this so-called "addition" as well. It is clearly an "addition" in name only, as it overpowers in every way the existing and historic (I believe @ 1800) structure on the property. There is nothing in its proposed design which is, in any way, compatible or sympathetic to the existing and important structure. It is also a major imposition of commercial architecture into a domestic block — there are a few characteristically commercial buildings facing Broad Street, contained to the corner properties themselves, but nothing south, east or west of those structures is commercial in style. Even the frontages on Broad Street are domestic in character even though the functions of several of those buildings are commercial. I think it would be a major error to change this.

This neighborhood is a significant one, deriving from a time when King Street was just outside the City walls. King Street itself pre-dates the City - I believe it is the longest and oldest street in the City - and encompasses multiple types of neighborhoods along its great length. However, the section from Murray Boulevard north to Broad Street is clearly and thoroughly domestic in nature. Even the First Scot's parish house is hidden behind the domestic #62 in order not to disturb the domestic nature of this important neighborhood. Most of the houses date from the mid-18th century and include the nationally important #27, the Miles Brewton House of @1768-9, my house, also 1768-9, at #54, and most others even earlier structures — #52, #50, from the 1730's, #45 from 1740's, #55 from the 1760's - the gas station at #71 has been replaced with a domestic house - and that is just within my block. The block to the north, which includes #107, is mostly composed of 18th century buildings, #'s 75, 79, 80, 82, 84, and #'s 85 and 98 from the mid-19th century, all domestic. Disturbing this delicate balance would be incredibly destructive of both esthetics and quality of life. I cannot believe that anyone would seriously consider this proposed violation of this important area.

I strongly maintain that this inappropriate, unattractive and over-sized project be turned down immediately and without recourse.

Sincerely,

Maurice H Thompson
54 King Street
Charleston, SC

August 25, 2015

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
75 Calhoun Street
Charleston SC 29401

Via Email

Re: Item 17 — 107 King Street
August 26, 2015 BAR Meeting

Dear Ms. Ewing,

I am writing in opposition of the proposed alterations to 107 King Street and respectfully urge the BAR to deny this application.

This massive enlargement (tantamount to a new building) violates virtually every standard and principle contained in Charleston's BAR review ordinance 54-240 applicable to historic buildings in the Old and Historic District:

- the design, character, texture, materials, mass and scale are all inappropriate for the small and historical kitchen building to which it would be attached, the surrounding dwellings and the neighborhood
- the proposed addition, visible from Broad Street and neighboring dwellings, is clearly detrimental to the interests of the central core of the Old and Historic District
- the extremely modern architecture and materials create "arresting and spectacular effects" by introducing "violent contrasts of materials" to the original historic structure and adjoining dwellings in the neighborhood, and
- the design exemplifies an "absence of unity and coherence in composition" that conflicts with the "dignity and character of the present structure" and the neighborhood

Equally objectionable, the proposed addition appears to be an extreme intrusion on the privacy and light of the adjoining dwelling(s) on the north (facing Broad St). Not only the size and proximity of the addition but the use of massive windows seems to demonstrate a lack of regard for civility to neighbors in an urban setting.

Finally, I am concerned that such an application was allowed to reach the BAR agenda. I would have expected that a preapplication review by the planning department staff pursuant to ordinance 54-237 could have prevented this application from being submitted for BAR review in its current form. Even the elevations and photos appear to fall short of the clarity and legibility required by ordinance 54-238.

I am grateful to you and the other members of the BAR for your dedication to preserving Charleston's historic character and respectfully request that the BAR deny this application.

Sincerely,

Virginia Bush
6 Water Street
Charleston SC

26 August 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

Although currently out of town for several weeks, we just learned from some of our neighbors of a proposed addition to the house located at 107 King Street. After reviewing the plans, it appears that this isn't really an addition at all, but rather another whole house, loosely connected to the house currently located at 107 King. Not only is it a whole other building, but a building that appears to be very commercial in appearance – a building far more suited for the upper part of East Bay Street or Morrison Drive than lower King Street. A large, rectangular glass structure of this sort feels odd and incongruent on this site, especially when so much of it is clearly visible from the street.

We are not opposed to an addition to this property, but feel that a much better design than presently proposed can and should be submitted before gaining conceptual approval from the BAR. *We are very much opposed to the present submission, and encourage the Board to deny approval.*

With best regards,

Charles and Charlotte Rhoden
94 Tradd Street (NE corner of King and Tradd)
Charleston, SC 29401
843-853-7792
Charlesrhoden@comcast.net

Barbara Seely 107 King - not opposed

Opposed -

Robert Hood of 108 + 110 & 112 Broad

Thomas Tisdale 109 Broad

Martha Dougherty 111 "

Anne & Thomas Corley 2 Laurens

Sammons & Eliz Tice 41 King

Maurice Thompson 54 King

Virginia Bush 6 Water Street

Elizabeth Bradham 64 S. Battery

Charles & Charlotte Rhoden 94 Tradd

Not distributed

Charles & Cynthia Corley 2 King &

Karena Chase, Rafter neighbor

Jay Williams, Jr. - Charlestowne N'wood Assn

Eliz Ferley Clark - former owner

Rose and Don Tom - 85 King

9 September 2015

Ms. Phyllis W. Ewing, Chair,
The Board of Architectural Review

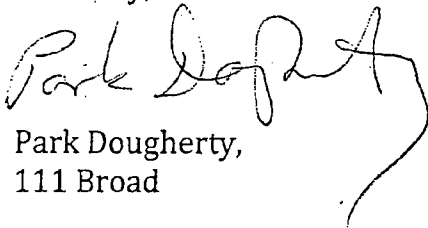
Dear Ms. Ewing and Members of the Board:

I'm one of the neighbors who will have to look at this glass wall for the rest of our lives – if you approve this oversized, inappropriate, industrial looking intrusion into the most historic neighborhood in America's most historic city. I've attached the view that I'll get from my back porches and bedroom. It's the same view that people walking down Orange Street will get and the owners of 113 Broad Street.

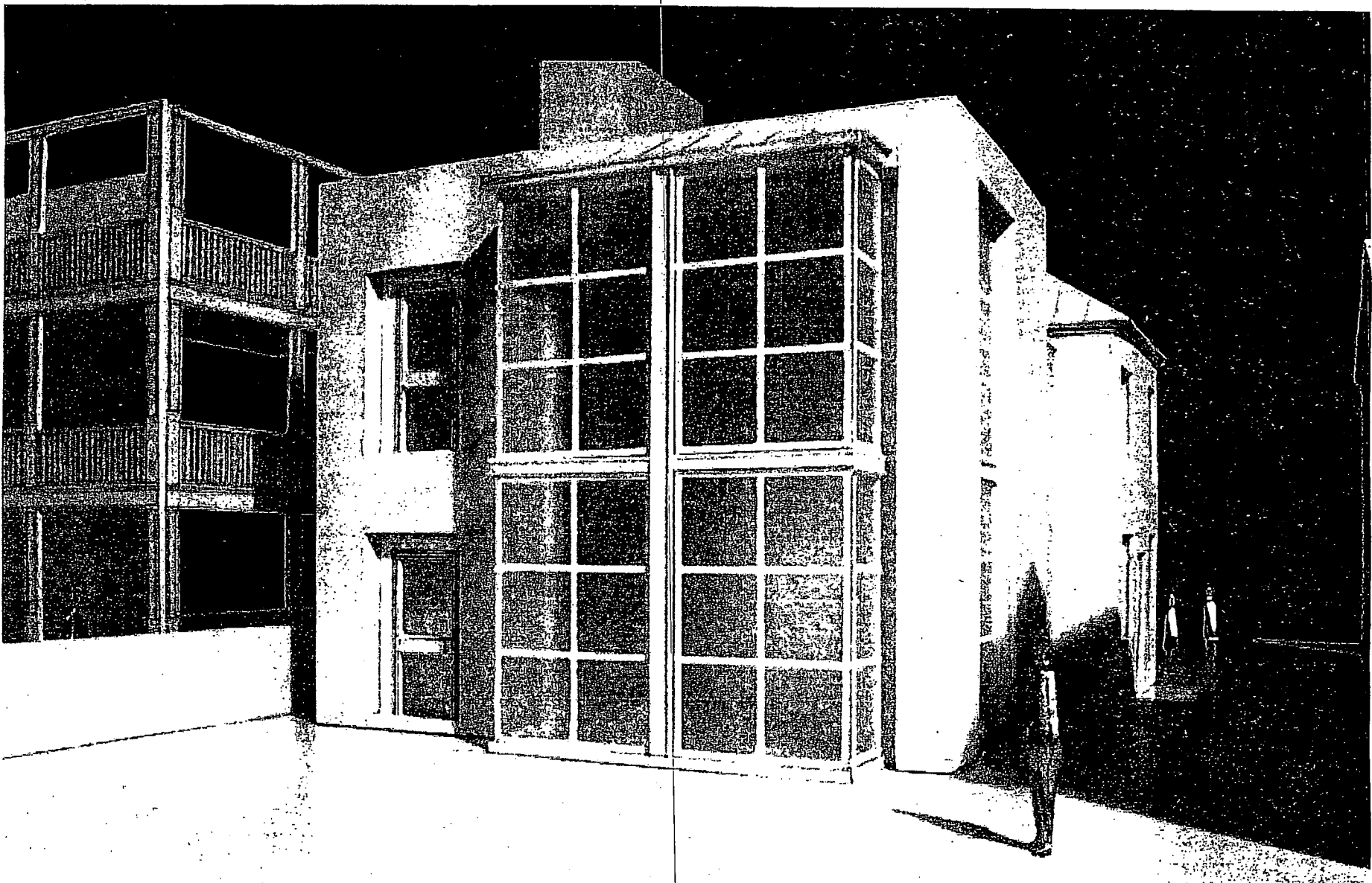
The aerial photograph that I've provided gives you a good idea of the lines of sight for passersby on Orange and Broad Streets. The letters "ORANGE" mark the spots on the Orange Street sidewalk, where the view of this proposed building would be unobstructed by buildings.

The aerial also shows how visible it will be to the people walking down one of Charleston's busiest streets, Broad Street. The owners of 110 Broad will also enjoy the same angle – if enjoyment is the right word. Except for the applicant and one other owner, all of the owners of the properties you see in this photo are on record against this proposal. We are the people most affected by this attempt to violate the spirit and letter of the preservation ordinances that we have entrusted this board to uphold. We're counting on you and confident that you to do the right thing for our neighborhood and city.

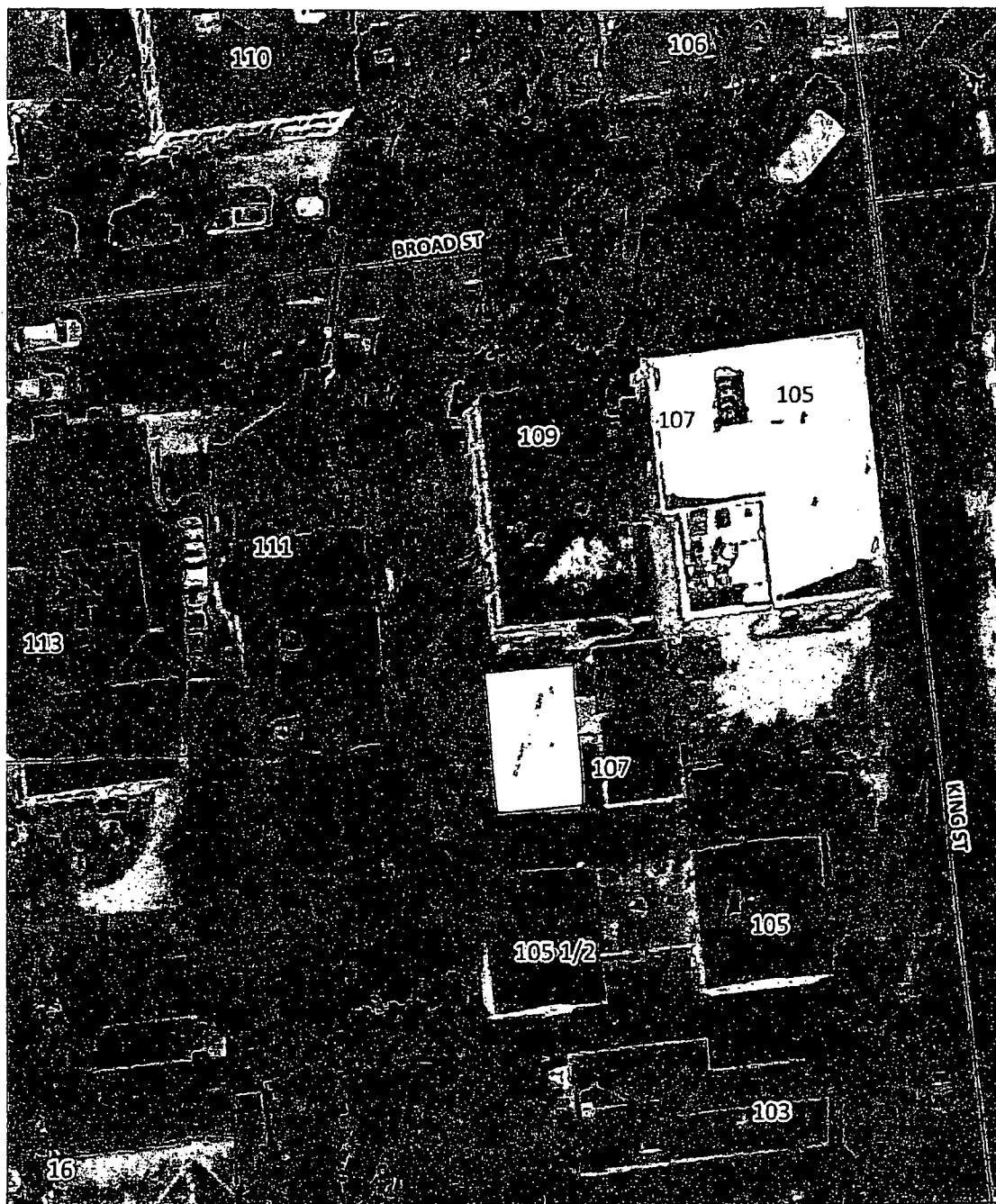
Sincerely,



Park Dougherty,
111 Broad



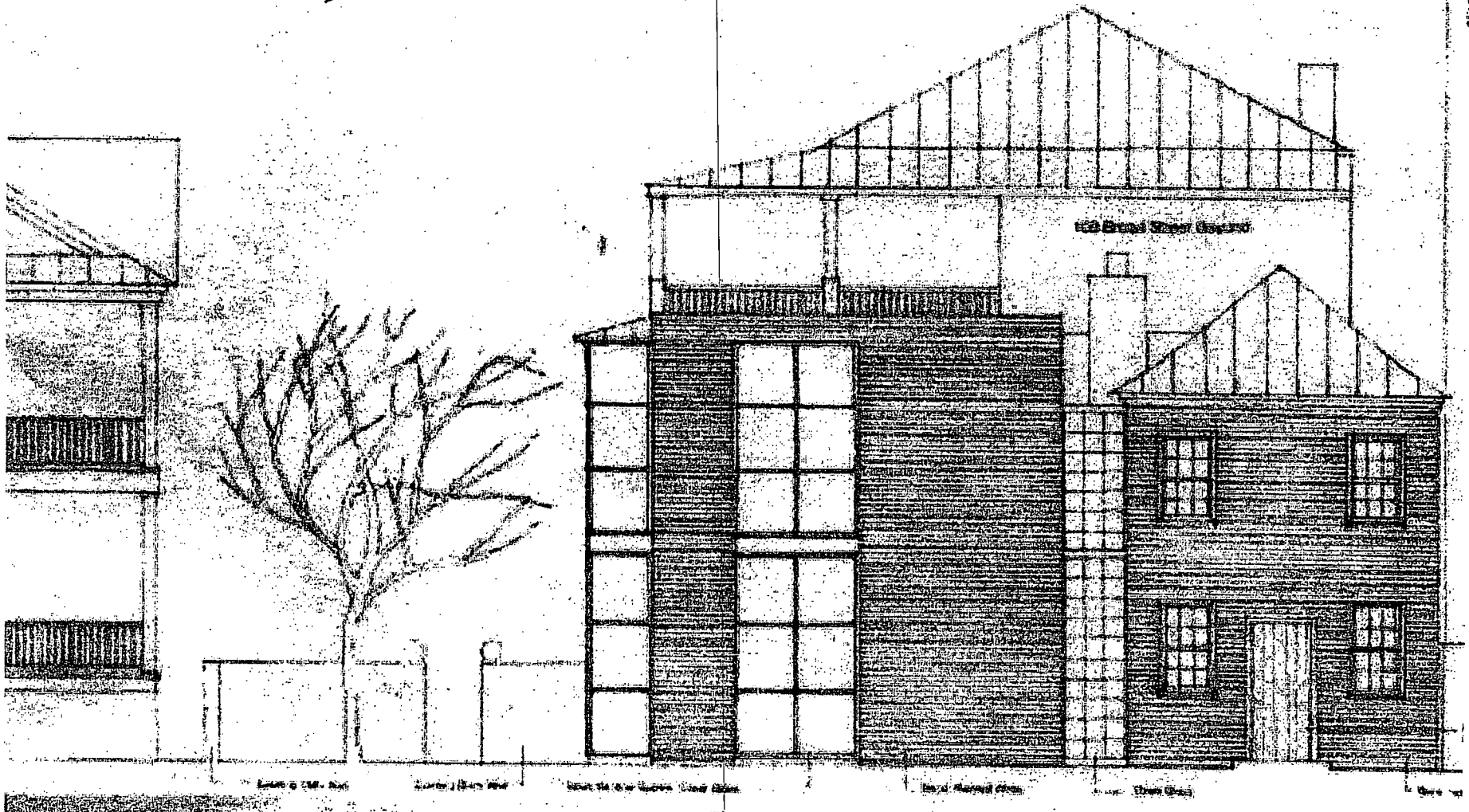
ORANGE ST.



West Elevation

1st + 2nd

From South







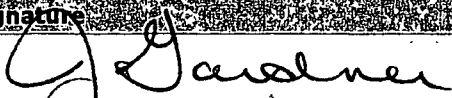
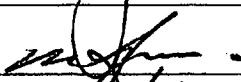
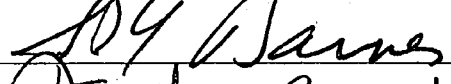
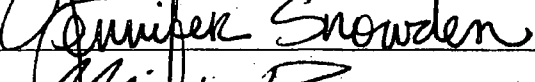
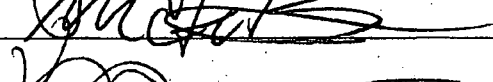
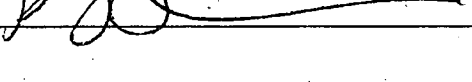




16 signs

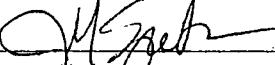
Petition to BAR to deny "addition" to 107 King Street

Petition summary and background	New owner has applied to construct an additional building behind the 1790 structure. New building is neither "sympathetic to the historic features that characterize its setting and context" nor "compatible with the historic materials." In addition to violating those BAR standards, being unattractive and being too large for the lot, new building will negatively impact adjacent neighbors – replacing views of 1790 building and trees with close-up views of large square windows, blocking the sunlight into their gardens and reducing their privacy noticeably. Application will be heard at BAR meeting 4:30 p.m., Wednesday, August 26, in Gaillard Center (2 George St, First Floor.)
Action petitioned for	We, the undersigned concerned citizens urge the Board of Architectural Review to deny request for approval for new construction on this property.

Printed Name	Signature	Address
JANICE GARDNER		117 Broad St.
MICHAEL LUCIANO		97 King St.
Ly Parnes		63 King
Jennifer Snowden		88 King Street
MICHAEL BASELICE		105 KING STREET
Katrina Johnson		113 Broad St.

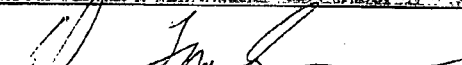
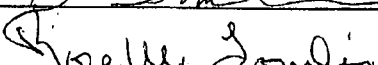
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Printed Name	Signature	Address
BETH PRICE		133 BROAD STREET
Bettina Middleton	B. Middleton	14 Logan Street
JAMIE SPECTOR		128 BALL ST
Jamie Campbell	Joanne Campbell	25 Trade St.

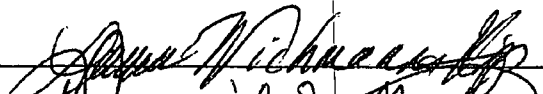
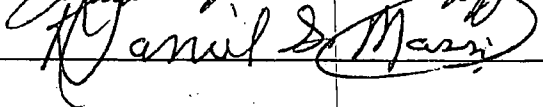
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Printed Name	Signature	Address
Donald Tomlin		85 King St.
Rose Tomlin		1111

Petition to BAR to deny "addition" to 107 King Street

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Printed Name	Signature	Address
Laura Wichmann Higley		194 Tull
Daniel S. MASSI		103 King St

Petition to BAR to deny "addition" to 107 King Street

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Printed Name	Signature	Address
Samuel W. Howell	<i>Samuel W. Howell</i>	106 Broad Street, Charleston
Alan B. Linkous	<i>Alan B. Linkous</i>	106 Broad Street, Charleston
PARK R. DOUGHERTY	<i>Park R. Dougherty</i>	111 Broad St, Charleston
Martha T. Dougherty	<i>Martha T. Dougherty</i>	111 Broad St, Charleston, SC.

Item:

14 signaturas ou
petitor

Chairman's notes:

Boucher

Tisdale - 1109 Broad

- Stockton - 0.7 cubic miles - small addition to bldg in
- Vallejo - 1.5 cubic miles - historic home destroyed -

three elegant designs -

Homophones - Quality of life issues - kitchen house small be not us

Kayana Johnson - 113 Broad -

Nautilus - double end - relationship b/w =

Small house and kitchen house mixed

the shells - 99 Keno St. is this what Charleston looks like?

4. Character - Character and integrity of Chas will be damaged

Randy Peizer - CNA - incompatible

Edge Hello - in favor, simple and elegant - follows Sec

of character stats - style shouldn't be used

Hewley Grunkel - support neighbors in opposition to plan

Motion by W. J. [unclear] = visible from Change Street Seconded by [unclear]

Chris Cody - HCF - too large overwhelmed does not

A motion for
to restore neighbors -

Robert Hunter - proposed

As a security of club side address should be recommended
to main house

Человек

~~Alar~~ - did they talk to neighbors -

White - DRC has had a while to study application - a -
Wallace - agrees w/ White and staff comments & could
be more sympathetic.

Voting

For Against

Re:

Di

Al

A.

nt .

Phyllis Ewing

Bill Wallace

Jay White

Bob Faust

Erika Harrison

Janette Alexander

Sheila Wertimer

Whitney Powers

(vacant)

4aur. ~~20~~ Bd St is main view —

107 King letters

Opposed -

Eliz. Farley Clark former owner.

Rose and Ben Tomlin 85 King

Adelaide ~~Schmitt~~ ^{owner} 16 Orange

Edward M. Gilbreth 18 Lombard

Mr. Philip Greenberg 82 Church

Susie Brady 92 King

Virginia & Edward Moore 93 King

Jeff Leath 106 Tradd

Martha Sawyer 111 Broad

Lou Hammond corner of King & Tradd

Mr & Mrs Charles Corley 2 King St

Katrina Johnson neighbor (Carolina One Real Estate)

Say Williams Chair, BAR & Zoning, CHee, CWA

Charles & Charlotte Rhoden 94 Tradd

2 J. Elizabeth Bradham 64 S. Battery

Virginia Bush 6 Water Street

Maurice W. Thompson 54 King Street

Mr & Mrs W. Simmons Tate Jr. 41 King Street

Alfred & Thomas Cooper 2 Laurel St

Thomas S. Tisdale 109 Broad St

Robert N. Hood 108-112 Broad St.

Historic Ansonborough N'hood Assoc

NOT opposed

Barbara Siegling 105 King

September 9, 2015

Dennis Dowd
2 George Street
Charleston, SC 29401

Re: Board of Architectural Review Meeting / September 9, 2015
107 King Street, TMS # 457-12-04-054

POSTION: OPPOSED

Mr. Dowd,

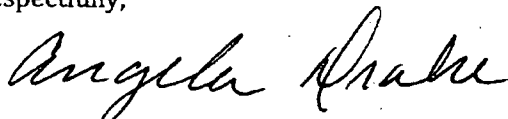
The Historic Ansonbrough Neighborhood Association opposes the inappropriate addition to 107 King Street. A complete transformation of a circa 1790's kitchen house into a contemporary compound is unacceptable within the historic boundaries of Charlestowne.

Our neighborhood supports The Charlestowne Neighborhood Association request for the board to review and deny the sheer mass and scale, design, and materials proposed here in light of the City's zoning ordinance, specifically Section 54-240 (i).

Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

This is an historic kitchen house in the most historic neighborhood in America. This application, if approved, would disfigure this home in contravention of the ordinance cited above designed to protect historic homes in historic neighborhoods. The Historic Ansonborough Neighborhood Association requests that this application be denied by the Chair and Members of the Board.

Respectfully,



Angela Drake
President
Historic Ansonbrough Neighborhood Association

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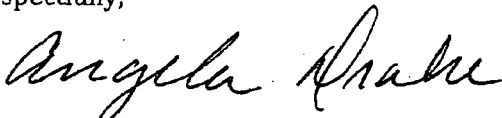
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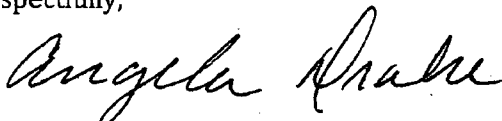
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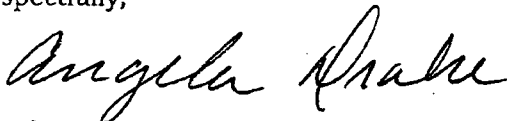
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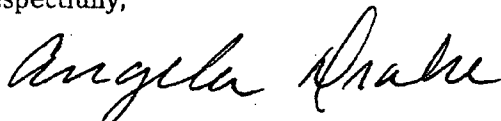
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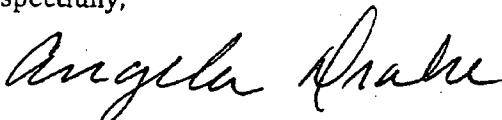
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Angela Drake
President
Historic Ansonbrough Neighborhood Association



Katrina Johnson

REALTOR

ASSOCIATE BROKER
Keller Williams

Board of Architectural Review
Attn: Phyllis Ewing

Hand Delivered 8/26/15

August 25, 2015

Board of Architectural Review
Ms. Phyllis Ewing
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

I am writing to you regarding the request for approval by the Board of Architectural Review to construct an additional building on 107 King Street.

After looking at not only all of the drawings and angles of the proposed addition but also viewing the site and considering the impact it would have on the nearby existing homes, ours included, I am very much opposed to this request and hope the BAR will concur. Charleston is known for its quaintness, architecture and historical homes and buildings. What is being proposed would clearly take away from what has been protected by the BAR and Preservation Society for so many years.

As a native to Charleston, I have seen many of the changes that have taken place over the years with growth and newly constructed properties. Most of which, especially in the historic district, have been required to possess the look, materials and design of older buildings and homes. This new structure not only does not possess these characteristics, but is clearly too large for the lot and frankly is very unattractive just to name a few. Our home sits one house away from where this structure would be built and devaluation of our property value as well as other neighboring properties is also of grave concern.

I gave much thought before writing this letter because we too came before the BAR to ask for permission to build a structure in our backyard. We made numerous changes to our plans so that we would keep with the existing look of the historical properties around us. We also used materials and even removed a few exterior features to make sure it was not an eye sore from the street. I feel that this structure does have a place somewhere but not on 107 King Street.

I am urging you to consider what has made Charleston the "Number One City" per Conde Nest four years in a row, why tourist flock to our Historical city, what makes it so special to live in the historical section of downtown Charleston. I can tell you it is not because of structures such as the one being proposed. If the existing owners wish to build an addition that is more in line with neighboring properties, I feel certain a happy medium could be reached. Knowing they have just recently purchased

this property and planned to add on, they probably should have made the sale contingent upon BAR approval of the addition before they closed.

I would ask that the BAR strongly consider the impact this will have not only on the immediate surrounding properties but the city as a whole. Updating, renovations and new structures in the city are inevitable, but the design and maintaining the "old city" charm is something that can and should be preserved.

Thanking you in Advance for your consideration,

A handwritten signature in cursive script, reading "Katrina Johnson". The signature is fluid and elegant, with a large initial 'K' and a long, sweeping underline.

Katrina Johnson, CRS, ABR, CBR, CNE

Realtor of Distinction

843.452.2747

Carolina One Real Estate

HOOD LAW FIRM

LLC

172 Meeting Street
Charleston, South Carolina 29401

MS. PHYLLIS EWING, CHAIR
BOARD OF ARCHITECTURAL REVIEW
2 GEORGE STREET
CHARLESTON, SC 29401

The Board of Architectural Review

August 25, 2015

VIA HAND DELIVERY

Ms. Phyllis Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

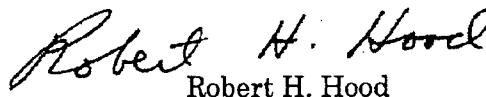
Re: 107 King Street addition

Dear Phyllis:

I write to join in Tom Tisdale's letter of August 22, 2015 to you and the Board. As you know we reside at 108, 110 and 112 Broad Street. We are currently out of state and will miss the meeting this Wednesday. We trust the Board will deny this application and join in the petition against approval of this building addition.

Kind personal regards to you and the board and thank you for all the wonderful things you do for Charleston.

Yours truly,

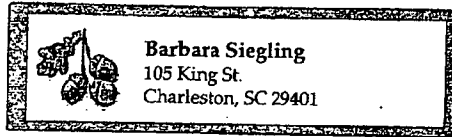

Robert H. Hood

RHH/jad

cc: Erin Stubblefield, [Via Email: stubblefelde@charleston-sc.gov]
Genita Hanna, [Via Email: hannaq@charleston-sc.gov]
Park Dougherty, [Via Email: doughertypark@gmail.com]
Thomas S. Tisdale, Esquire [Via Email: tst@hellmanyates.com]

172 Meeting Street, Charleston, SC 29401

Phone: (843) 577-4435 • Fax: (843) 722-1630 • Email: Info@hoodlaw.com
www.hoodlaw.com



The Board of Architectural Review

*I have reviewed the drawings
and photographs of 107 King Street
and I am not opposed to the
concept.*

Barbara Siegling

111 Broad Street
Charleston, SC 29401
August 23, 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
City of Charleston

Dear Ms. Ewing,

I am writing the BAR to express my complete dismay at the new addition planned for the rear of 107 King Street. When my husband, Park and I bought this house over 23 years ago, we were completely charmed and honored to be able to move into a house overlooking the historic 1775 single house at 109 Broad Street (currently owned by the Tisdales) and the charming brick 1800's house at 107 King, both of which had gorgeous gardens. Over the years through the raising of three children, we have enjoyed and still enjoy the rich historic aspect of these properties and the views from all of our windows and porches on that side of the house. We have tried to instill an appreciation for history in our children, and we are so thankful to live in a city that cherishes historic properties and wishes to preserve their integrity at all costs.

Unfortunately, as you can see from the pictures, the proposed addition changes the entire character of our historic neighborhood. The property on which it is built and the character of the house to which it is attached are completely changed. The new structure is larger than the original structure and dwarfs it. From our house at 111 Broad Street, it completely blocks the historic building from our view, replacing it with a building which is, in no way, in keeping with the house to which it is an addition. In fact, it does not appear to be an addition at all, but a completely separate house built behind the original house. The gorgeous garden which framed the original house so well would be almost completely filled with this modern, sterile structure. The historic character of this property is neither retained nor preserved.

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
2 George Street
Charleston, SC 29401

Via Email

Re: Item 17 – 107 King Street
August 26, 2015 BAR Meeting

Dear Ms. Ewing,

My wife and I strongly oppose the proposed building and changes that are sought at 107 King Street. We have lived at 41 King Street about twenty years and have seen the various developments that have taken place over the years, most of which have been improvements to the property and to the neighborhood.

The proposal before the Board of Architectural Review is contrary to the efforts of the property owners and home owners and should be rejected by the BAR. They are not in keeping with the neighborhood and are opposed by virtually all the King Street neighbors. We respectfully request the Board to reject the proposal.

Very truly yours,

H. Simmons Tate, Jr.
Elizabeth C. Tate,

Mr. and Mrs. H. Simmons Tate, Jr.
41 King Street
Charleston, SC 29401

August 25, 2015

Ms. Phyllis Walker Ewing
Chairperson
Board of Architectural Review
75 Calhoun Street
Charleston SC 29401

Via Email

Re: Item 17 — 107 King Street
August 26, 2015 BAR Meeting

Dear Ms. Ewing,

I am writing in opposition of the proposed alterations to 107 King Street and respectfully urge the BAR to deny this application.

This massive enlargement (tantamount to a new building) violates virtually every standard and principle contained in Charleston's BAR review ordinance 54-240 applicable to historic buildings in the Old and Historic District:

- the design, character, texture, materials, mass and scale are all inappropriate for the small and historical kitchen building to which it would be attached, the surrounding dwellings and the neighborhood
- the proposed addition, visible from Broad Street and neighboring dwellings, is clearly detrimental to the interests of the central core of the Old and Historic District
- the extremely modern architecture and materials create "arresting and spectacular effects" by introducing "violent contrasts of materials" to the original historic structure and adjoining dwellings in the neighborhood, and
- the design exemplifies an "absence of unity and coherence in composition" that conflicts with the "dignity and character of the present structure" and the neighborhood

Equally objectionable, the proposed addition appears to be an extreme intrusion on the privacy and light of the adjoining dwelling(s) on the north (facing Broad St). Not only the size and proximity of the addition but the use of massive windows seems to demonstrate a lack of regard for civility to neighbors in an urban setting.

Finally, I am concerned that such an application was allowed to reach the BAR agenda. I would have expected that a preapplication review by the planning department staff pursuant to ordinance 54-237 could have prevented this application from being submitted for BAR review in its current form. Even the elevations and photos appear to fall short of the clarity and legibility required by ordinance 54-238.

I am grateful to you and the other members of the BAR for your dedication to preserving Charleston's historic character and respectfully request that the BAR deny this application.

Sincerely,

Virginia Bush
6 Water Street
Charleston SC

-----Original Message-----

From: Maurice EH Thompson [mailto:meht@comcast.net]

Sent: Monday, August 24, 2015 6:12 PM

To: stubblefielde@charleston-sc.gov; Phyllis Ewing

Cc: Maurice EH Thompson; tomwaring48@gmail.com

Subject: Wednesday, August 28 meeting, item #17, 107 King Street

Phyllis W Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Re: proposed "addition" to 107 King Street, Agenda item #17

Dear Ms Ewing:

I am at a loss to express adequately my opposition to this project. Not only have we, in this neighborhood, had two houses, at, I believe, #47 and #49, demolished to be replaced by supposedly newer and better (read: bigger, more imposing) structures, we are now asked to tolerate this so-called "addition" as well. It is clearly an "addition" in name only, as it overpowers in every way the existing and historic (I believe @ 1800) structure on the property. There is nothing in its proposed design which is, in any way, compatible or sympathetic to the existing and important structure. It is also a major imposition of commercial architecture into a domestic block — there are a few characteristically commercial buildings facing Broad Street, contained to the corner properties themselves, but nothing south, east or west of those structures is commercial in style. Even the frontages on Broad Street are domestic in character even though the functions of several of those buildings are commercial. I think it would be a major error to change this.

This neighborhood is a significant one, deriving from a time when King Street was just outside the City walls. King Street itself pre-dates the City — I believe it is the longest and oldest street in the City — and encompasses multiple types of neighborhoods along its great length. However, the section from Murray Boulevard north to Broad Street is clearly and thoroughly domestic in nature. Even the First Scot's parish house is hidden behind the domestic #62 in order not to disturb the domestic nature of this important neighborhood. Most of the houses date from the mid-18th century and include the nationally important #27, the Miles Brewton House of @1768-9, my house, also 1768-9, at #54, and most others even earlier structures — #52, #50, from the 1730's, #45 from 1740's, #55 from the 1760's — the gas station at #71 has been replaced with a domestic house — and that is just within my block. The block to the north, which includes #107, is mostly composed of 18th century buildings, #'s 75, 79, 80, 82, 84, and #'s 85 and 98 from the mid-19th century, all domestic. Disturbing this delicate balance would be incredibly destructive of both esthetics and quality of life. I cannot believe that anyone would seriously consider this proposed violation of this important area.

I strongly maintain that this inappropriate, unattractive and over-sized project be turned down immediately and without recourse.

Sincerely,

Maurice H Thompson
54 King Street
Charleston, SC

109 Broad Street
Charleston, SC 29401
August 22, 2015

Phyllis Walker Ewing, Chair
Board of Architectural Review
2 George Street
Charleston, SC 29401

Dear Ms. Ewing,

I am writing to ask the Board of Architectural Review to deny a request to give conceptual approval for new construction of a rear addition and to make minor modifications to 107 King Street that appears as item number 17 of the Board's agenda for August 26, 2015.

I am the owner and resident of 109 Broad Street that adjoins 107 King Street. And I have been an owner of my family residence since 1970. Our house at 109 Broad Street, according to competent historic research, was constructed in about 1775, and the residential structure at 107 King Street has been there since about 1800. Historians report that the two buildings were actually joined during most of their common existence when the building at 107 King Street was used as a kitchen for the property at 109 Broad Street. I have attached to this letter an article by Robert P. Stockton about the relationship of these two buildings that appeared in the News and Courier on August 21, 1978. It is clear from the history we have that these two buildings share a common history in the same configuration in which they presently exist for about 215 years. The property which the two buildings occupied since 1800 was divided into two separate lots in about 1964, and soon thereafter fell into separate ownership.

As you will see by looking at the various drawings that have been submitted to support the pending application now under consideration, the two structures are joined at the most eastern edge of the 109 Broad Street parcel, and they share a common property line to the western property line of both. The distance from the southern wall of our residence to the northern wall of the structure at 107 King Street is about 35 inches along their common line.

The basis for my objection to this application is that the plan and design for this "addition" (it is really not an addition, but a new building masquerading as an addition by thinly connecting it to the old one (c. 1800) by a narrow passageway with an exterior cover of glass bricks) violates every policy and Ordinance of the City of Charleston relevant to it including the statement of Overview of the board in the zoning ordinance, and more specifically Section 54-240 (b) (c) (i) and (j) of the Ordinances. The plan and design you are asked to consider does not meet any of the

criteria prescribed by the Ordinances. I ask you respectfully to consider four points that reflect my views. They are:

(1) It is detrimental to the prescribed goal of maintaining the integrity of the Old and Historic District of the City and it is against the public interest to allow it because it upsets and destroys a balance of structures on this property that have existed for 240 years without interruption. It does not, in any sense, preserve the need to establish a visible reminder of the historical and cultural heritage of our City as required by the Zoning Ordinance. In fact, it destroys any sense of it on this property and in this neighborhood.

(2) It is offensive to the neighborhood in which it exists because its design and size do not complement any other residential structures in the area or, for that matter, any place in the Old and Historic District of the City. And, it can be seen from three streets, King, Broad, and Orange.

(3) It is particularly offensive to me as the owner of 109 Broad Street because it seriously damages the use and enjoyment of my house as it completely blocks from sunlight the entire width of the house and most of the height on the south side of it (up to a point above the floor of the third floor porch). It also blocks sunlight from about fifty per cent of the side yard and garden. This destroys the environmental balance that has existed there for 240 years and clearly impairs the quality of the property, the neighborhood, and the City.

(4) As a simple reminder of the historic quality of the neighborhood in which this property lies, the houses of a signer of the Declaration of Independence, the second Chief Justice of the United States, and an early Chief Justice of the South Carolina Supreme Court are all within less than 100 yards of this proposed addition to a structure that is at least 215 years old.

For the foregoing reasons, I respectfully urge your denial of this application.

Sincerely,

Thomas S. Tisdale

Thomas S. Tisdale

cc: Members of the Board of Architectural Review

109 Broad St. Built Around 1774

By ROBERT P. STOCKTON

Undoubtedly dating from the latter part of the 18th century, the house at 109 Broad St. may date as early as 1774.

The house is very plainly finished, leading to speculation that it was originally a rental unit. On the other hand, its plainness may indicate it was built during the economically austere period just after the American Revolution.

A surviving mantel in the dining room, said to be original to the house, is transitional in style, from the Georgian to the Federal, and is very similar to a mantel in the Basile Lanneau House at 2 Pitt St., which was built soon after the Revolution.

Do You Know Your Charleston?

Martin Campbell, a Charlestown merchant, bought the site of the house in December 1773, paying 300 pounds "lawfully money of Great Britain" for the lot which then extended to King Street, and two other pieces of property.

The lot at the corner of Broad and King streets is described in the deed as having "part of a Timber building Standing Thereon."

The speculation is that Campbell completed the present house just before or just after the Revolution.

His kinsman, McCartan (or Macarten) Campbell, with his wife Sarah, sold the property in 1784 for 2,563 guineas, a price indicating the property had been substantially improved since 1773.

The Campbells sold the property to William Price. Ann Price and Thomas Nicholls, executrix and executor of William Price's estate, sold the corner portion of the property in 1791 to Charles Desel.

The portion now known as 109 Broad St. was acquired by James Nicholson, an attorney, who had his office on Broad Street and lived in the fine Regency style villa at 174 Rutledge Ave., now Ashley Hall School.

Nicholson died in 1836, and in 1837 James Jervey, the executor of his estate, sold the Broad Street property to Dr. Isaac M. Campbell, a physician.

The property is described in that deed as consisting of two lots "being together but fronting the one on the South Side of Broad Street whereon is the principal dwelling House next to the Corner of King Street & the other on King Street."

In other words, the property was L-shaped, with the major portion fronting on Broad Street and the other portion, containing a two-story kitchen building of brick, fronting on King Street.

Subsequently, the two portions of the property were separated, with the kitchen building becoming a separate residence.

The most unusual feature of 109 Broad St. is the piazzas which have slender turned colonettes, unlike any in Charleston, but similar to colonettes found on 18th century houses in Louisiana.

The Louisiana colonettes are said to have been inspired by prototypes in the West Indies. Since Charleston traded extensively with the West Indies

in the 18th century, the colonettes at 109 Broad St. may have been copied from examples there.

It is possible the three tiers of piazzas were original to the house or were added soon after the house was built, although a single-story piazza would have been more typical of that period. The house at 2 Pitt St., for example, originally had a one-story piazza.

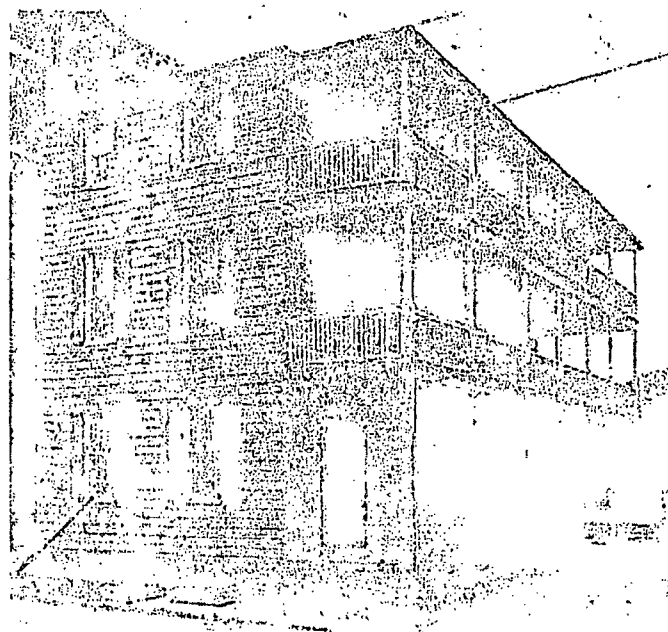
In the interior, old wainscoting of cypress, in the Adamesque style, remains on one wall of the reception room.

The transitional mantel in the dining room has Georgian crosselles below a Federal style entablature with candlelight molding.

An Adamesque mantel with swags, medallions, cherubim, beading and foliation is found in the front room of the second floor. A simple Georgian mantel with a narrow shelf is in the rear chamber.

The house was restored several years ago by W. Burneston Baker, with Mary Wilson contracting.

Since 1970, the property has been owned by Courtenay M. Tisdale, wife of Thomas S. Tisdale Jr.



(Staff Photo by Tom Spain)

109 Broad St.

The News and Courier, August 21, 1978

Dowd, Dennis

From: Robert Epps <eppsarch@att.net>
Sent: Thursday, July 09, 2015 12:11 PM
To: Dowd, Dennis
Subject: Re: FEMA Variance

Dennis,

Thanks

Robert

EPPS ARCHITECTURE
843. 577. 2080
eppsarch@att.net

On Jul 9, 2015, at 11:51 AM, Dowd, Dennis wrote:

Robert,

See the response below from Andy Chandler of the SHPO. Now that you have a preliminary reading from them on their likely support of a FEMA Variance you can proceed with your design. When you have final BAR approval for the project we will formally submit the plans with a letter to the SHPO for formal support (Letter of Concurrence) of the Variance. You would then need to apply the Board of Appeals here in Charleston for the actual Variance.

I have included a summary of the process (you may already have this) for your information.

Dennis

Dennis J. Dowd, R.A., NCARB | Director of Urban Design & Preservation,
City Architect & Preservation Officer
e: dowdd@charleston-sc.gov
o: 843.724.3783 | f: 843.724.3772

City of Charleston | Planning, Preservation & Sustainability
2 George Street | Charleston, South Carolina 29401

From: Chandler, Andrew [mailto:CHANDLER@SCDAH.STATE.SC.US]
Sent: Wednesday, July 08, 2015 6:03 PM
To: Dowd, Dennis
Cc: Stubblefield, Erin; Risse, Stephen; Turner, Bill - Planning
Subject: RE: FEMA Variance

Dennis,

Sorry for my delay in responding. I wanted to look at subsequent Sanborn maps and have looked at the ones for 1902, 1944, and 1951. From this information, it appears that 107 King Street was associated with – at least until sometime after 1951 – the three story frame residence at 109 Broad Street known as the Martin Campbell House, constructed ca.

Dowd, Dennis

From: Chandler, Andrew <CHANDLER@SCDAH.STATE.SC.US>
Sent: Wednesday, July 08, 2015 6:03 PM
To: Dowd, Dennis
Cc: Stubblefield, Erin; Risse, Stephen; Turner, Bill - Planning
Subject: RE: FEMA Variance

Dennis,

Sorry for my delay in responding. I wanted to look at subsequent Sanborn maps and have looked at the ones for 1902, 1944, and 1951. From this information, it appears that 107 King Street was associated with – at least until sometime after 1951 – the three story frame residence at 109 Broad Street known as the Martin Campbell House, constructed ca. 1783. It must have been an early two-story brick kitchen house to the Campbell House. It appears that the building or buildings [chiefly sheds, barns, and perhaps ancillary buildings converted to dwellings] along this portion of King Street were gone by 1951 [Sanborn], and that sometime after that this building was subdivided from its 109 Broad Street main house and reoriented toward King Street, albeit set back a distance from King Street.

In spite of a one-story addition made to the west elevation sometime after 1951 [and I'm not certain of the vintage of the chimney], I believe the building contributes to the Charleston HD, so I think the SHPO would support a variance request.

Hope that helps. Let me know if you have any further questions.

Andy

ANDREW W. CHANDLER
Senior Architectural Historian
Co-Coordinator, National Register of Historic Places
State Historic Preservation Office
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, South Carolina 29223

Tel: 803.896.6179
Fax: 803.896.6167

Check out our website at: <http://shpo.sc.gov>

From: Dowd, Dennis [<mailto:DOWDD@charleston-sc.gov>]
Sent: Tuesday, July 07, 2015 12:05 PM
To: Chandler, Andrew
Cc: Stubblefield, Erin; Risse, Stephen; Turner, Bill - Planning
Subject: FEMA Variance

Andy,

Attached is a package of information for a property on King St. in Charleston. Ordinarily we would wait until final approval of the project by BAR is in hand before forwarding a request for the SHPO to support a FEMA Variance. In this case the architect has asked us to forward this information in hopes of getting a preliminary reading from you as to whether the SHPO would support a Variance request. This will help him in determining the scope of work required for the project so that he can begin developing drawings depicting proposed renovations/restoration of the property.

In the past Debbi Hopkins has handled FEMA Variance requests for me, but she has retired. In the future Erin Stubblefield of my staff will be handling these requests, but for this project I wanted to forward this information to see if a preliminary assessment is possible.

Please let me know if you have any questions. I look forward to your thoughts on the matter.
Dennis

Dennis J. Dowd, R.A., NCARB | Director of Urban Design & Preservation,
City Architect & Preservation Officer
e: dowdd@charleston-sc.gov
o: 843.724.3783 | f: 843.724.3772

City of Charleston | Planning, Preservation & Sustainability
2 George Street | Charleston, South Carolina 29401

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EPPS
ARCHITECTURE

ARCHITECTURE
INTERIOR ARCHITECTURE

1 PINCKNEY STREET CHARLESTON
SOUTH CAROLINA 29401
843.577.2080
eppsarch@bellsouth.net

June 17, 2015

Dennis Dowd
Department of Planning, Preservation & Sustainability
City of Charleston

Re.; 107 King Street / FEMA FLOOD EXCEPTION

Dennis,

Here is information to submit to the SHPO. If any additional information is required, please let me know.
I have included :

A Brief statement / History of the structure
1884 & 1888 (partial) Sanborn Maps
Photographs of the Structure
Surveyor's Elevation Certificate
Property Survey

Robert Epps

The Rehabilitation Of 107 King Street, Charleston, S. C.

The 2- story building located at 107 King Street, Charleston, South Carolina is located in OLD AND HISTORIC DISTRICT. It is estimated that the structure was constructed in the late 1700's - early 1800's. It is indicated on the 1884 Sanborn map and is noted on the 1888 Sanborn map as a " Kitchen House ". There are several " Kitchen Houses " in the immediate vicinity as noted on the 1888 map. As indicated on these early Sanborn maps the kitchen house at 107 King Street was attached to the rear of 107 Broad Street. The footprint of this kitchen house is approximately 35' x 15'. Currently there is a modern one story addition on the rear (west) elevation. This mid 1960's addition has been approved by the Board of Architectural Review for demolition.

The City of Charleston chief building inspector has determined that any anticipated rehabilitation would require that the first floor level would have to be at 14.0' MSL. The current Flood Zone is A-13. The first floor MSL is currently 12.0'. The construction is solid brick walls approximately 12" - 14" thick. The finish first floor is approximately 6" to above the finish grade. The first floor ceiling height is 8' - 9". The second floor ceiling height is 7' - 9". Because of the construction method and restrictive site conditions, the building cannot be elevated. A variance from FEMA flood elevation requirements is necessary for any rehabilitation or future additions.

Any anticipated work will adhere to the U. S. Department of Interior Standards for rehabilitation. Inappropriate, modern finishes will be removed. For example. Interior sheetrock finishes will be removed to restore the existing brickwork (which will be restored as original interior wall finish). Inappropriate trim, such as the exotic entrance door trim will be removed and replaced with a simpler trim appropriate to the original structure. Such modifications mask the history of the kitchen house.

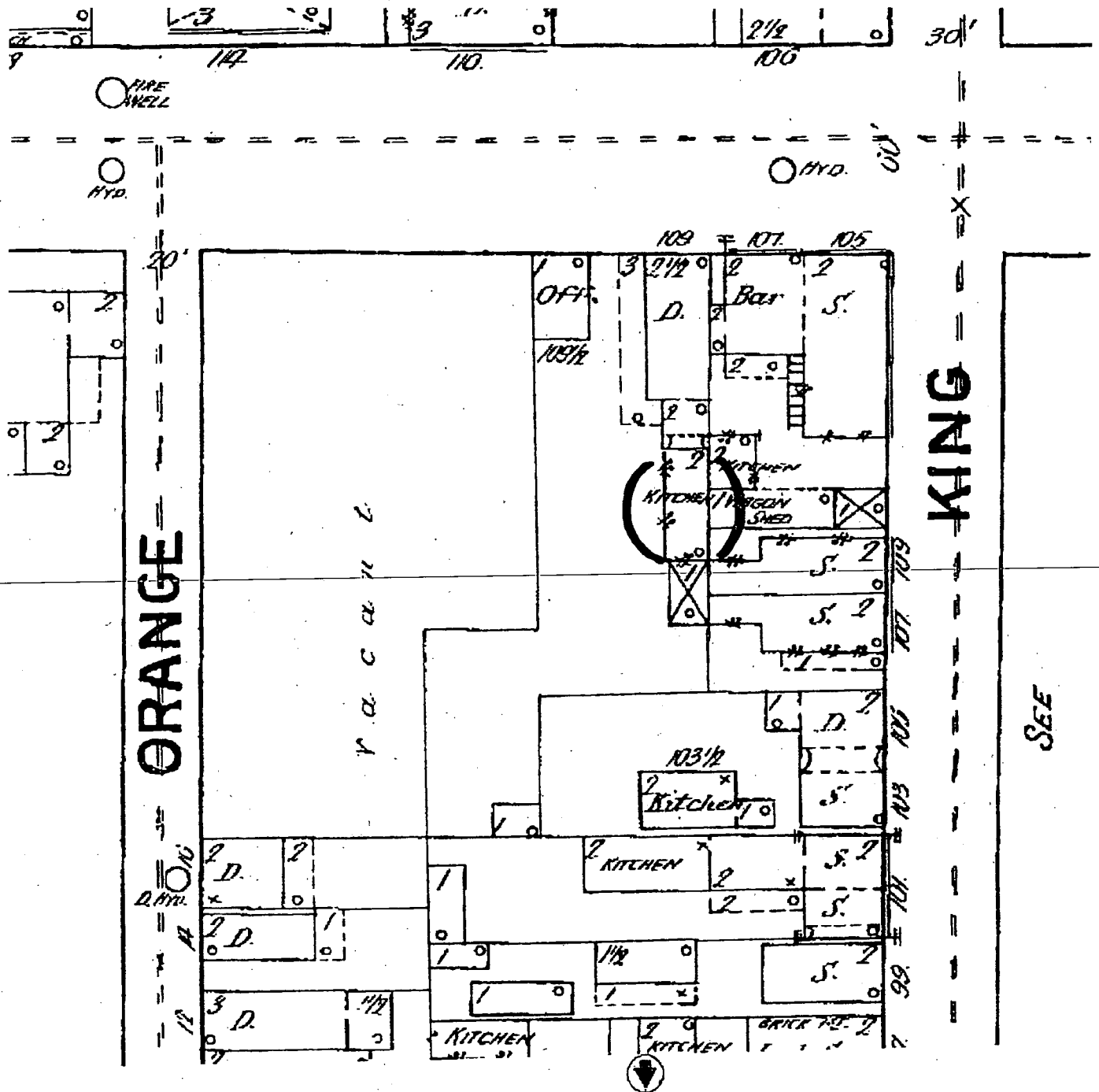
Robert Epps
Registered Architect

June 15 2015

[illegible]

1884 Sanborn Map (Partial / Cropped)
Indicating 107 King Street (Circled) is attached To
95 Broad Street.

BROAD STREET



1888 Sanborn Map (Partial / Cropped)
 Indicating 107 King Street (Circled) Attached To
 95 Broad Street and Noted As A Kitchen House.



107 King Street.
East Elevation (King Street Elevation)



107 King Street. South Elevation Detail.
Inappropriate Details such As Modern Ornate
Door trim To be Removed and Replaced With A
Simple Door Jamb as appropriate For A Kitchen House.
Note : First Floor is on Grade.



107 King Street.
West Elevation (Rear Elevation).
1960's 1 Story Addition Approved By BAR for
Demolition.



House w / Piazza At 95 Broad Street (As Indicated on
1884 and 1888 Sanborn Maps). Sanborn Maps Indicate
107 King Street Kitchen House Was Attached To 107
King Street.



95 Broad Street. Rear Elevation.
The North Elevation of 107 King Street Was Attached
To 95 Broad Street (As noted on Sanborn Maps).

ELEVATION CERTIFICATE

IMPORTANT: Follow the instructions on pages 1-9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Robert Epps		Flood Insurance Company/Policy	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 107 King Street		Flood Insurance Policy No.	
City Charleston	State S.C.	ZIP Code 29401	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax map number 457-12-04-054			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential			
A5. Latitude/Longitude: Lat. N32°46'33.5" Long. W79°55'58.0"		Horizontal Datum: ☐ NAD-1927 ☒ NAD 1983	
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number 8			
A8. For a building with a crawlspace or enclosure(s): a) Square footage of crawlspace or enclosure(s) 720 sq ft b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 6 c) Total net area of flood openings in A8.b 331 sq in d) Engineered flood openings? ☐ Yes ☒ No		A9. For a building with an attached garage: a) Square footage of attached garage na sq ft b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade na c) Total net area of flood openings in A9.b na sq in d) Engineered flood openings? ☐ Yes ☒ No	

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number City of Charleston 455412		B2. County Name Charleston		B3. State S.C.	
B4. Map/Panel Number 45019C0518	B5. Suffix J	B6. FIRM Index Date 11-17-04	B7. FIRM Panel Effective/Revised Date 11-17-04	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone A0, use base flood depth) 13'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source:					
B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source:					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: / / ☐ CBRS ☐ OPA					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: **CJ0098** Vertical Datum: **NGVD 1929**
Indicate elevation datum used for the elevations in Items a) through h) below: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source:
Datum used for building elevations must be the same as that used for the BFE.

	12	0	Check the measurement used:
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	12	3	☒ feet ☐ meters
b) Top of the next higher floor	na		☒ feet ☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	na		☒ feet ☐ meters
d) Attached garage (top of slab)	12	4	☒ feet ☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	12	0	☒ feet ☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	12	4	☒ feet ☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	12	4	☒ feet ☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	12	4	☒ feet ☐ meters

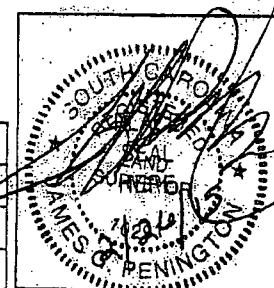
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

- ☒ Check here if comments are provided on back of form.
☒ Check here if attachments.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

Certifier's Name James G. Penington		License Number 10291	
Title Licensed Land Surveyor		Company Name Palmetto Land Surveying, Inc.	
Address 2065 Savannah Hwy. Suite 2		City Charleston	State S.C.
Signature 		Date 2-26-15	Telephone 843-571-5191





BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
75 Calhoun Street, Third Floor

DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY
Charleston, South Carolina 29401

843-724-3781

Fax: 843-724-3772

www.charleston-sc.gov

Property Address: 107 KING STREET		TMS No.: 457-12-04-054
Review request:	For:	Meeting date requested: MAY 13 2015
Conceptual	New Construction Alterations / Additions	Appeal Decision of Urban Design Staff
Preliminary (Final)	Repairs or repaint with no changes	Color Change (Demolition)

Property Owner: EUGENE & JAN WOODARD	Daytime phone: 214-549-6734
Applicant: EPPS ARCHITECTURE	Daytime phone: 843-577-2080
Applicant's mailing address: 1 FINCKNEY STREET	
City: CHARLESTON	State: SC Zip: 29401
Applicant's e-mail address: eppsarch@att.net	
Applicant's relationship: Owner (Design Professional) Contractor Real Estate Agent/Broker Other	

In your own words describe what you are requesting: DEMOLITION OF THE 1960'S
1 STORY, 176 S.F. ADDITION TO THE REAR
OF 107 KING STREET. (NON RATED)

Submittal Requirements: See BAR Submittal Requirements supplement for complete information. Zoning / Courtesy TRC approval required prior to making application for review. INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or an authorized representative. I authorize the subject property to be posted and inspected, and the application to be heard by the Board of Architectural Review of the City of Charleston on the date specified.

Applicant's signature: **[Signature]** Date: **5/5/2015**

Print name legibly: **ROBERT EPPS**

For Office Use Only Below this Point

☒ The Board of Architectural Review has reviewed this request. Its findings are as follows:	
The Urban Design and Preservation Staff has reviewed this request. Its findings are as follows:	
☒ Approval Denial Deferral Approval with the following conditions:	
Final Approval is granted upon fulfillment of the above-specified conditions and is referred to the Preservation Staff for further action.	
Further Action/Final Approval Requires Board Hearing(s)	App. No.: 155-14-1
☒ Chairman's or Staff's Signature: [Signature]	Date: 5/14/15
Arch. Rating:	Const. Date: Old and Historic Dist. Old City Dist. Landmark Dist. North of Line St.
Date received: 5/4	Fee amount: 100 Receipt no.: 896789 Staff person: SR

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 2 years from approval date.

BAR Demolition Application - 107 King Street
(For the Demolition of a 1 Story Addition to The Rear / West
Elevation)

STATEMENT

107 King Street is a 2 story +/- 960 s. f. structure (+/- 480 s. f. each level). There is also a 176 s. first level, rear addition constructed during the 1960's. The proposed demolition is this 176 s. f. one story addition attached to the rear / west elevation. This addition appears to have been constructed in or before 1967 . 107 King street is not a rated structure. The adjacent apartment building to the south at 95 King Street is not a rated building. The adjacent building to the north side of 107 on King Street is an office building with a modern addition adjacent to 107 King Street. 107 King Street was attached to 109 Broad Street as recent as 1967.

Reference Information from Sanborn Maps :

1967	Rear addition to 107 King Street is noted. 107 King Street is attached to 95 Broad Street
1955	107 King Street is an attachment to 95 Broad Street. No addition is indicated.

Begin forwarded message:

From: Farley Clark <fclark10@comcast.net>
Subject: Re: 107 King St.
Date: February 25, 2015 at 5:23:16 PM EST
To: Mary Lou Wertz <marylou@handsomeproperties.com>

The addition was added by Mrs. Busby, who sold it to my parents. A builder looked at it when I was going to add on over the sunroom and increase the upstairs. He said it was added probably fifty / sixty years before. Would make it about 1950/1960, I believe. The Shackleton's have the plans that Randolph Martz drew. Please feel free to give Helen my email. It would my pleasure to answer any questions she may have about 107 King Street. I will be happy to see the house and the garden receive the care it deserves, Mary Lou.

Best, Farley

Sent from my iPad

On Feb 25, 2015, at 4:23 PM, Mary Lou Wertz <marylou@handsomeproperties.com> wrote:

Hi Farley,
I hope you are staying warm. Can't wait for Spring. We have 107 King under contract and the buyers have asked if we know what year the addition was done? The Shackleton's aren't sure, so I thought I would reach out to you. The buyers agent is Helen Butler and she has asked for your contact info. I will only release that to her with your consent.
Thank you!
I truly love that house and I think these buyers will take great care of it.

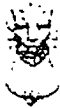
Best Regards,

Mary Lou Wertz

<[Handsome Properties.jpeg](#)>

[53 Broad Street](#)
[Charleston, SC 29401](#)
[843.727.6460 \(O\)](#)
[843.822.2500 \(C\)](#)
[843.735.7999 \(F\)](#)
www.HandsomePropertiesInternational.com
www.HandsomeProperties.com
MaryLou@HandsomeProperties.com

HANDSOME
Properties



Item: 107 King request for demolition -

Chairman's notes:

109 Board - clear view from Board -
should be deferred
Response - no vote Demol separate from initial
is proposed
I agree
I move for approval JW
seconded RF

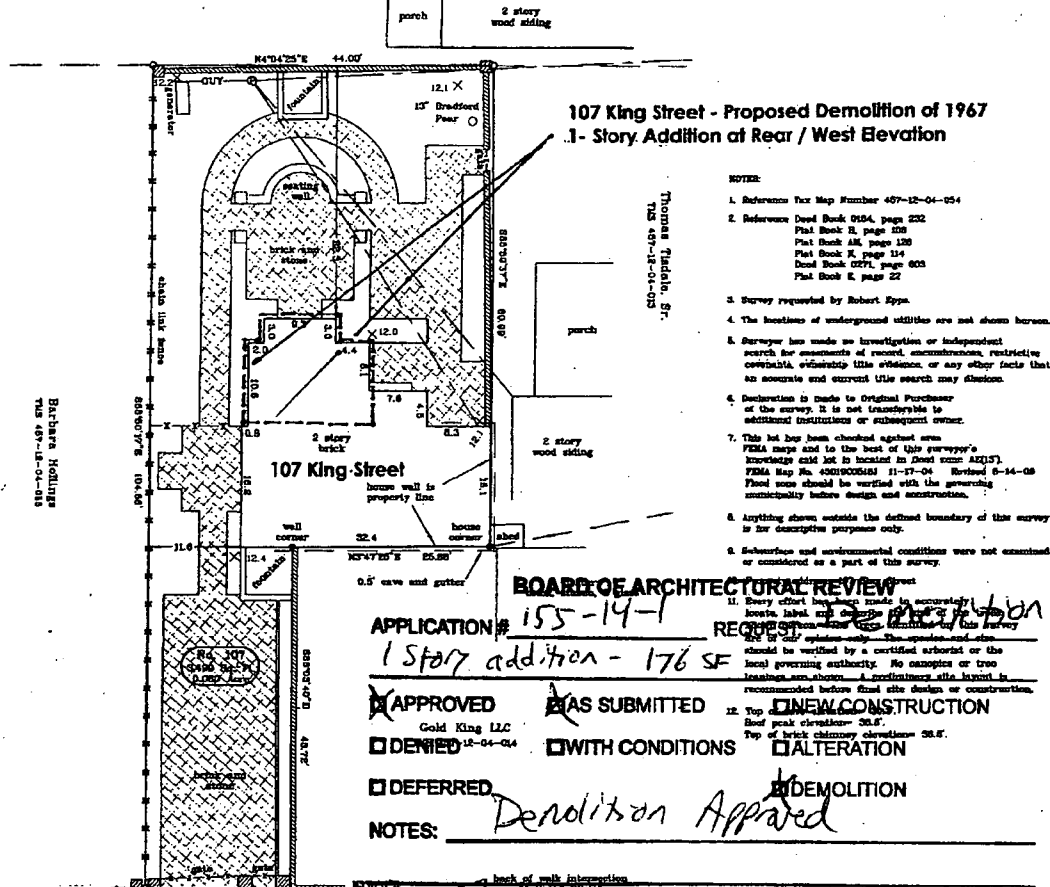
Motion by _____ Seconded by _____

A motion for _____

Voting	For	Against	Re- cuse	Did Not Vote	Ab- stain	Absent
Phyllis Ewing	_____	_____	_____	_____	_____	_____
Bill Wallace	_____	_____	_____	_____	_____	_____
Jay White	_____	_____	_____	_____	_____	_____
Bob Faust	_____	_____	_____	_____	_____	_____
Erika Harrison	_____	_____	_____	_____	_____	_____
Janette Alexander	_____	_____	_____	_____	_____	_____
Sheila Wertimer	_____	_____	_____	_____	_____	_____
Whitney Powers (vacant)	_____	_____	_____	_____	_____	_____

Park and Martha Dougherty
TMS 457-12-04-012

Magnetic



NOTES:

1. Reference Tax Map Number 457-12-04-054
2. Reference Deed Book 0154, page 232
Plat Book R, page 128
Plat Book R, page 114
Deed Book 0271, page 603
Plat Book S, page 22
3. Survey requested by Robert Ryan
4. The location of underground utilities are not shown herein.
5. Surveyor has made no investigation or independent search for easements of record, encroachments, restrictive covenants, or any other facts that an accurate and current title search may disclose.
6. Declaration is made to Original Purchaser of the survey. It is not transferable to subsequent institutions or subsequent owners.
7. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge said lot is located in Flood zone AE(15). FEMA Map No. 43010005101 11-17-04 Revised 8-14-08 Flood zone should be verified with the governing municipality before design and construction.
8. Anything shown outside the defined boundary of this survey is for descriptive purposes only.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.

BOARD OF ARCHITECTURAL REVIEW

APPLICATION # 155-14-1
1 story addition - 176 SF

REQUEST

☒ APPROVED	☒ AS SUBMITTED	☐ NEW CONSTRUCTION
☐ DENIED	☐ WITH CONDITIONS	☐ ALTERATION
☐ DEFERRED		☐ DEMOLITION

NOTES: Demolition Approved

DATE

PRESERVATION OFFICER (OR DESIGNEE)

THIS APPROVAL EXPIRES IN TWO YEARS. IT DOES NOT CONSTITUTE APPROVAL BY OTHER CITY BOARDS OR DEPARTMENTS.

1955 (59) years

Rec: Per site visit

Survey of
No. 107 King Street
Located in
City of Charleston
Charleston County, South Carolina

FIELD DATE: February 26, 2015 SCALE 1"= 10'

"CITY SET"



2005 SAVANNAH HIGHWAY STE. 2
CHARLESTON, SC 29407
PHONE: 771-4371-4381
FAX: 771-4371-7447
palmetto@palmetto.com



I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified other than shown

James G. Pennington, P.L.S. No. 10259
Palmetto Land Surveying, Inc.
2005 Savannah Highway Suite 2
Charleston, S.C. 29407 571-4381

1955 Sanborn Map - Indicating No Addition.
 Note 107 King Street is attached To 109 Broad Street

BROAD ST. W.

Broad Street

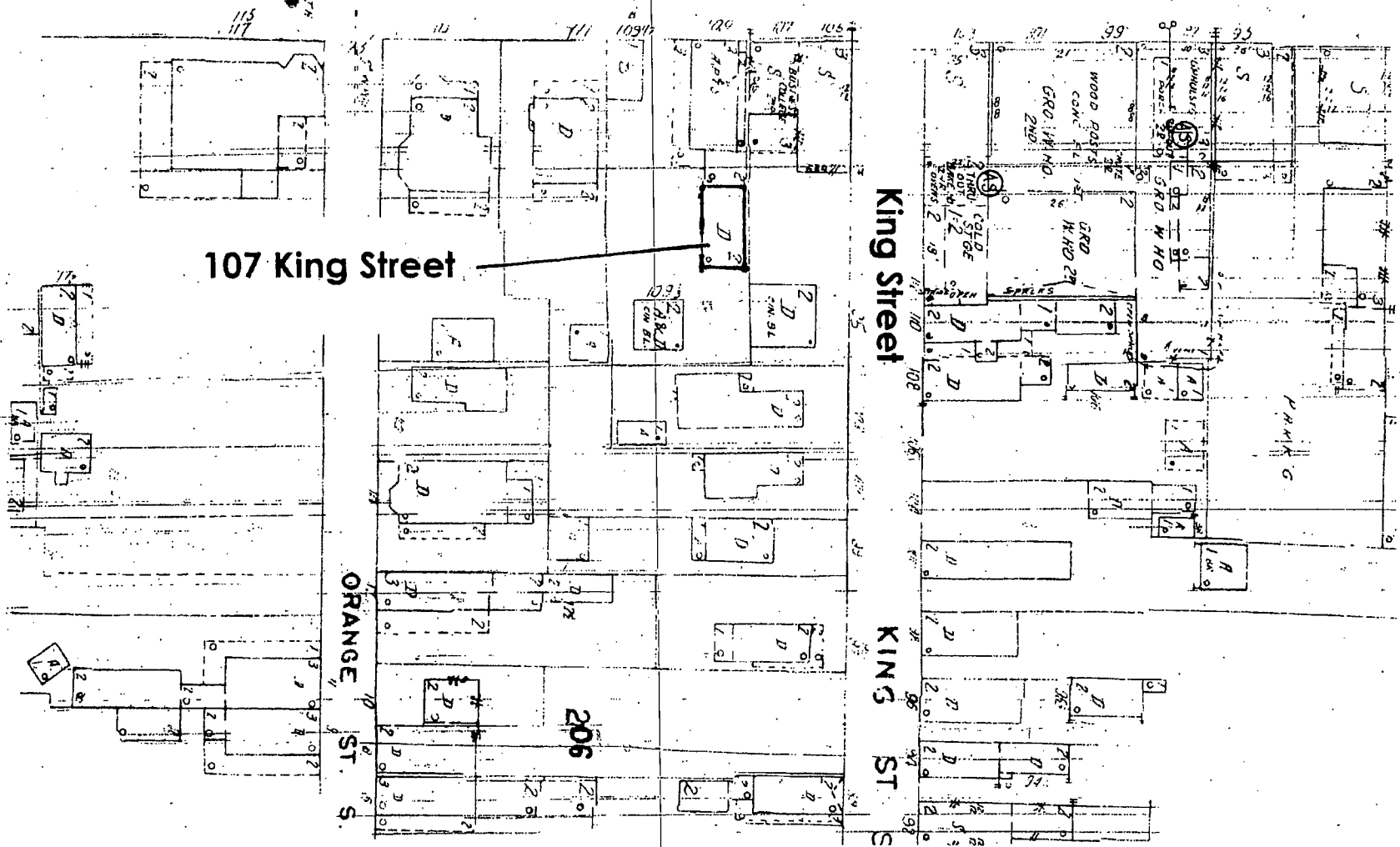
107 King Street

King Street

KING ST

ORANGE ST. S.

206



Note 107 King Street is attached To 109 Broad Street

Broad Street

King Street

Proposed Demolition

ORANGE

Broad Street

King Street



107 King

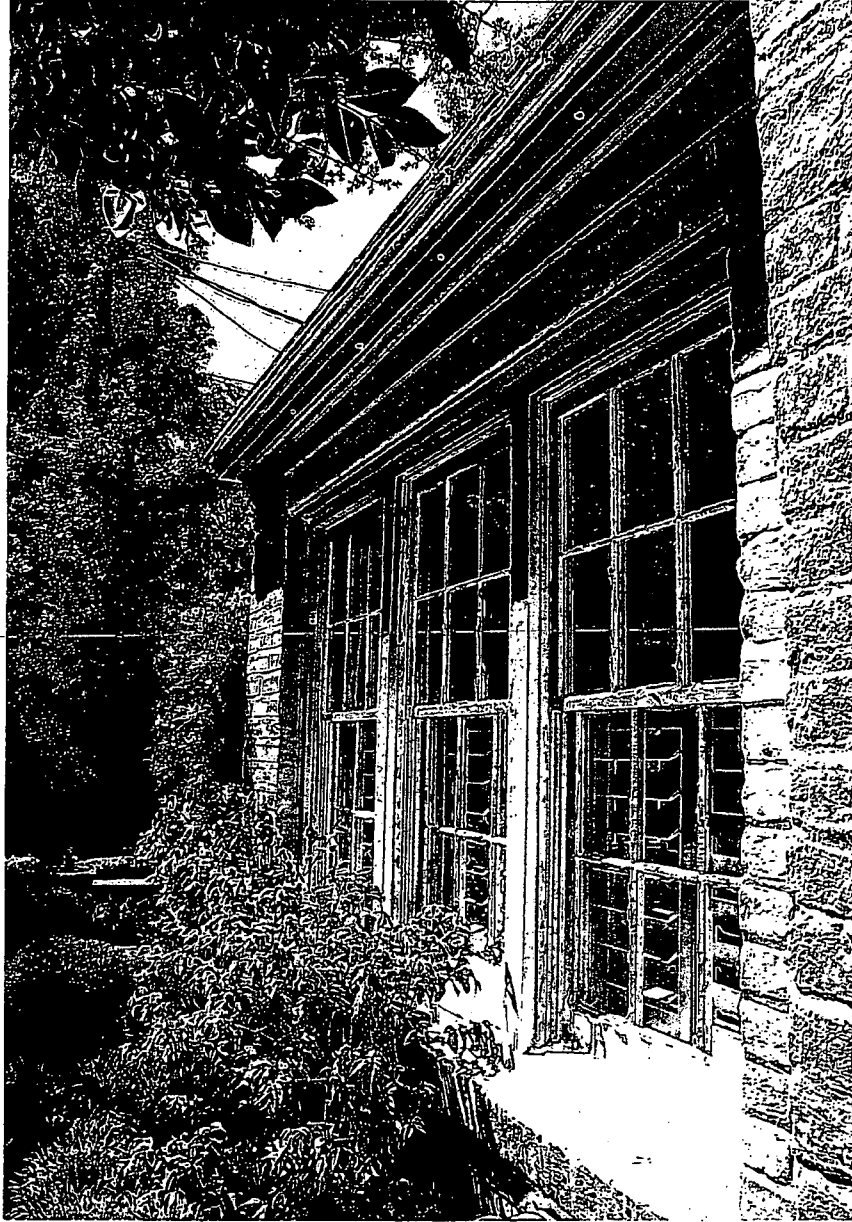
Print Date: 04/20/2015
Image Date: 03/05/2013
Level: Neighborhood

Proposed Demolition

107 King Street



107 King Street - Rear (West) Elevation
1 Level Addition - Proposed Demolition



107 King Street - Side (South) Elevation
1 Level Addition - Proposed Demolition



107 King Street - 1 Level Addition - Proposed Demolition - North Elevation



107 King Street - Interior of 1 Level Addition - Proposed Demolition



BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
75 Calhoun Street, Third Floor

Charleston, South Carolina 29401

843-724-3781

Fax : 843-724-3772

www.charlestoncity.info

Property Address: <u>107 King Street</u>		TMS No.: <u>457.12.04.054</u>
Review request:	For:	Meeting date requested: <u>Staff: 9.28.10</u>
☐ Conceptual	☐ Alterations / Additions	☒ Repairs or repainting with no changes
☐ Preliminary	☐ New Construction	☐ Demolition
☐ Final	☐ Signage ☐ Color Change	☐ Appeal Decision of Preservation Staff

Property Owner: <u>Farley Clark</u>	Daytime phone: <u>917-873-8883(c)</u>
Applicant: <u>BEN STROBLE</u>	Daytime phone: <u>843-906-7594</u>
Applicant's mailing address: <u>2713 Bonnet Rd</u>	
City: <u>Johns Island</u>	State: <u>SC</u> Zip code: <u>29455</u>
Applicant's e-mail address: <u>dstroble@gmail.com</u>	
Applicant's relationship:	☐ Owner ☐ Design Professional ☒ Contractor ☐ Real Estate Agent/Broker ☐ Other

Total heated square footage (new construction):	If multi-family, no. of units:
In your own words describe what you are requesting: <u>permits for Exterior painting</u> <u>No color change</u>	

Submittal Requirements: (See BAR Submittal Requirements supplement for complete information.)

- ☐ Zoning approval obtained and/or initial TRC review completed
- ☐ Completed BAR application
- ☐ Application fee (only at initial review)
- ☐ 5 copies of photographs of site, adjacent properties, and/or existing conditions at sufficient size for review (only at initial review)
- ☐ 5 half-size sets (or 3 half-size sets if Staff Review) of bound drawings
- ☐ CD of all required information in digital format
- ☐ Contextual model if requested by Board or Preservation Officer

INCOMPLETE APPLICATIONS WILL NOT BE INCLUDED ON A BOARD AGENDA.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted and inspected, and the application heard by the Board of Architectural Review of the City of Charleston on the meeting date specified. I understand that it is my responsibility to obtain all necessary approvals from other city departments, and that all zoning requirements must be satisfied prior to the project's being placed on a Board of Architectural Review agenda.

Applicant's signature:

BEN STROBLE

date:

9-28-2010

Print name legibly:

BEN STROBLE



BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
75 Calhoun Street, Third Floor

DEPARTMENT OF PLANNING, PRESERVATION AND ECONOMIC INNOVATION
Charleston, South Carolina 29401

843-724-3781

Fax: 843-724-3772

www.charlestoncityinfo.com

Property Address: 107 King St		TMS No.: 457-12-04-054
Review request:	For:	Meeting date requested: Staff 6.12.08
Conceptual	Alterations / Additions	<u>Repairs or repainting with no changes</u>
Preliminary	New Construction	Demolition
Final	Signage Color Change	Appeal Decision of Preservation Staff

Property Owner: Farley Clark	Daytime phone: 343-8566
Applicant: Bill Jordan	Daytime phone: ~~343-47556~~ 8567
Applicant's mailing address: P.O. Box 12267	
City: CHAS	State: SC Zip code: 29422-2267
Applicant's e-mail address: WCJgen.CON@Yahoo.com	
Applicant's relationship: Owner Design Professional <u>Contractor</u> Real Estate Agent/Broker Other	

Total heated square footage (new construction): ☒	If multi-family, no. of units:
In your own words describe what you are requesting: To scrape, hand sand, spot prime, ~~spot~~ spot finish = one finish coat oil windows, screen doors, doors, = Roof	

Submittal Requirements: (See BAR Submittal Requirements supplement for complete information.)

- Zoning approval obtained and/or initial TRC review completed
- Completed BAR application
- Application fee (only at initial review)
- 5 copies of photographs of site, adjacent properties, and/or existing conditions at sufficient size for review (only at initial review)
- 5 half-size sets (or 3 half-size sets if Staff Review) of bound drawings
- CD of all required information in digital format
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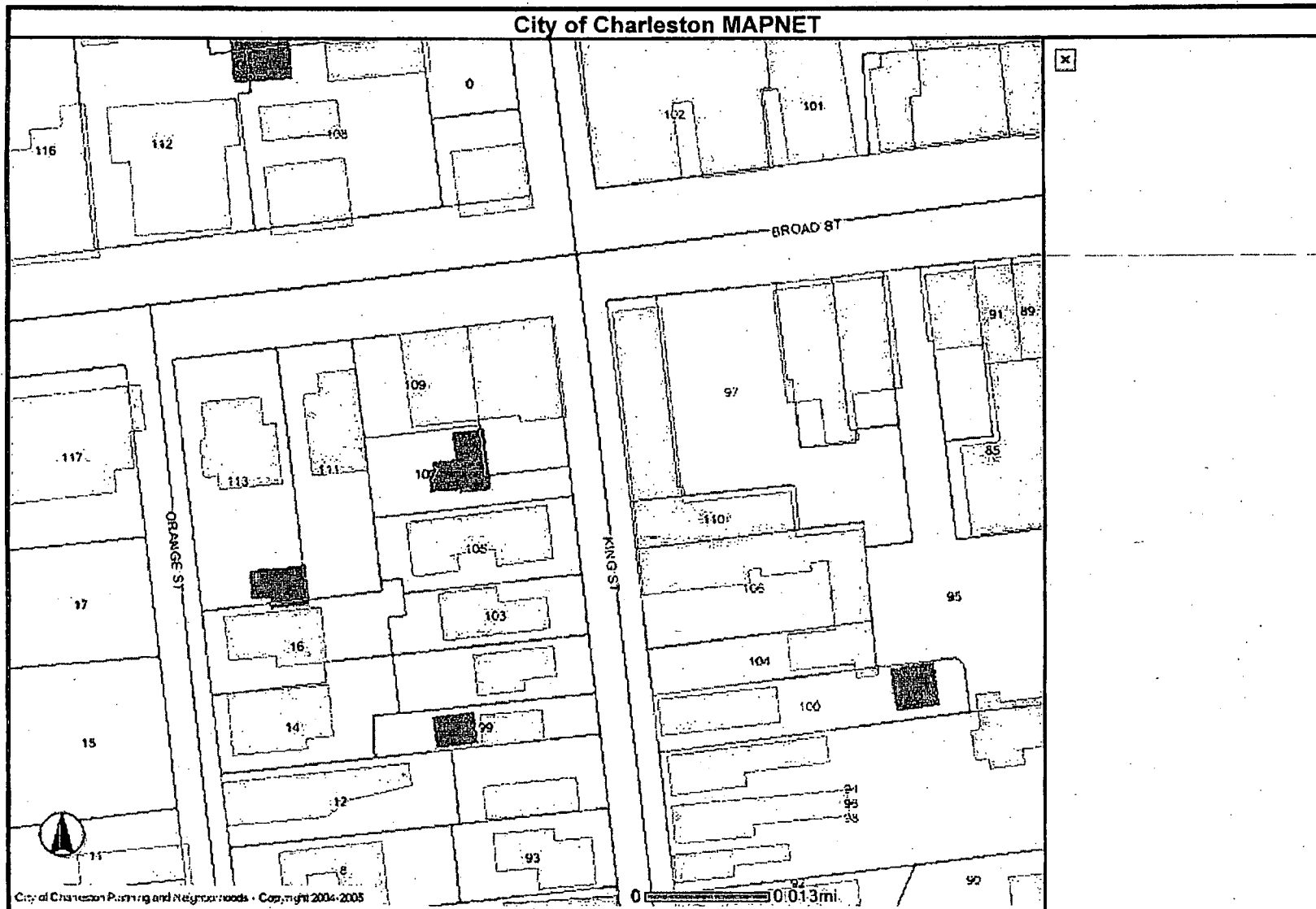
Applicant's signature:

William C. Jordan

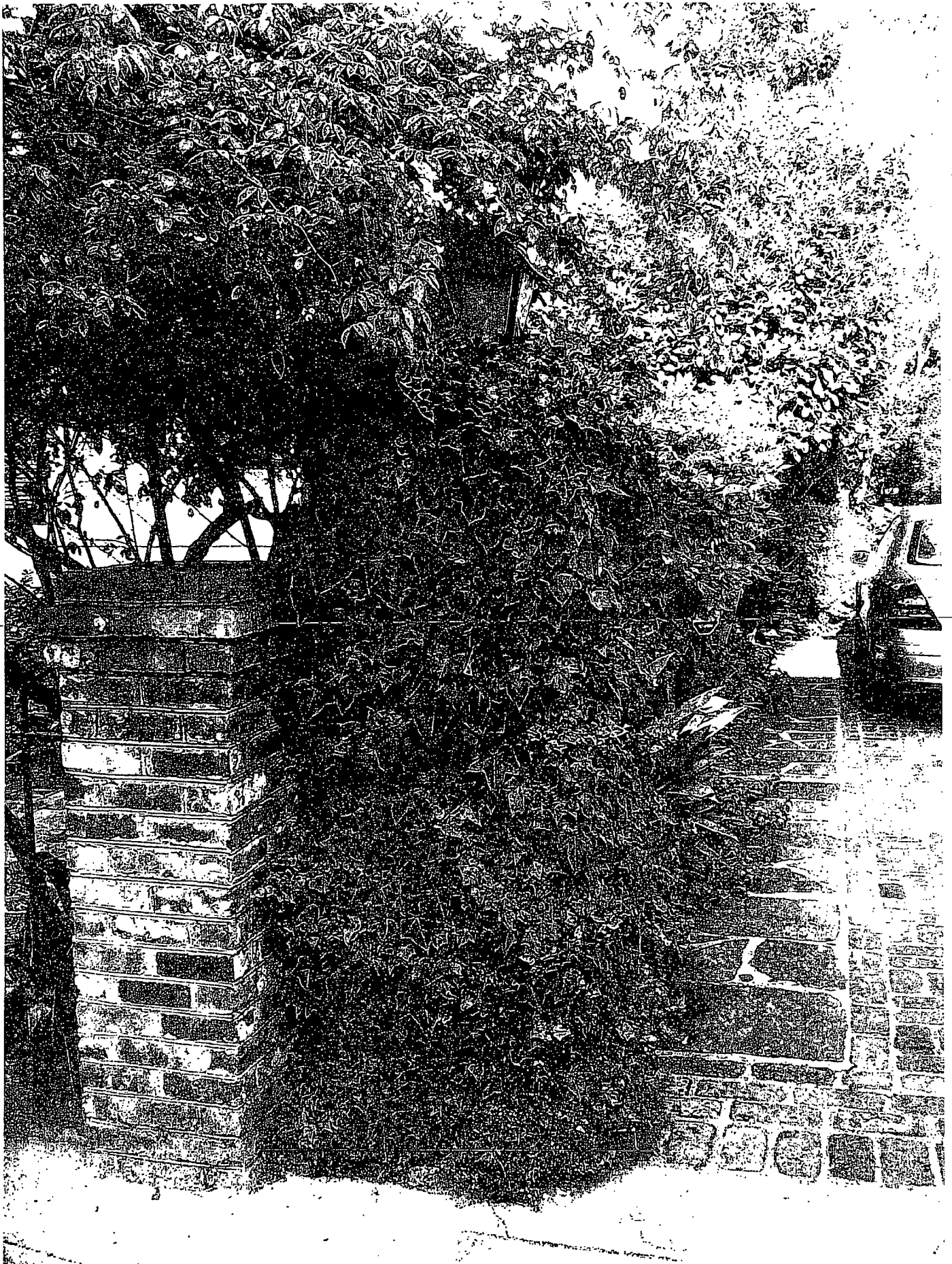
date: 12 June 08

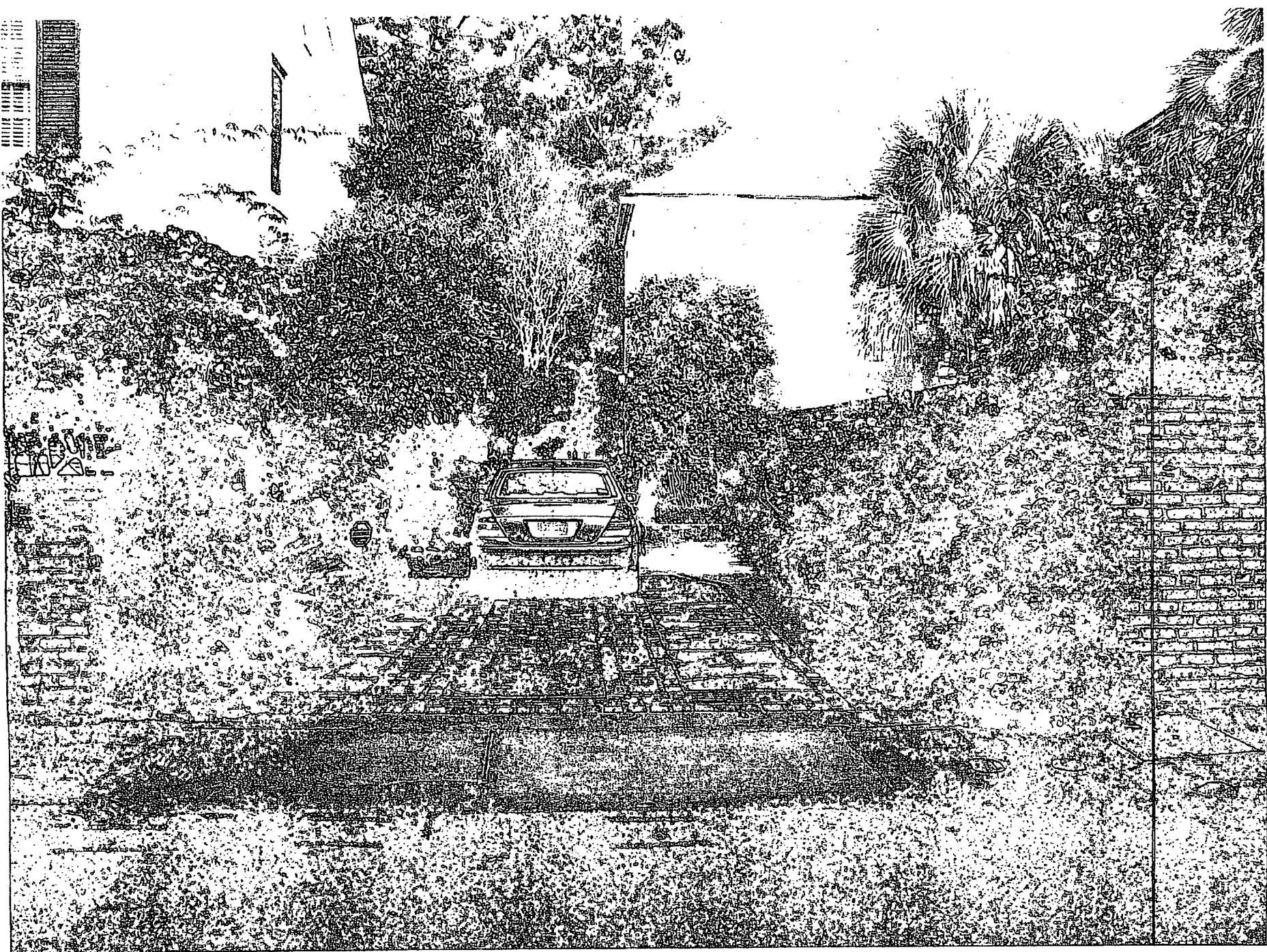
Print name legibly:

William C. Jordan



352









BOARD OF ARCHITECTURAL REVIEW

APPLICATION / CERTIFICATE OF APPROPRIATENESS

CITY OF CHARLESTON
75 Calhoun Street, Third Floor

DEPARTMENT OF PLANNING, PRESERVATION AND ECONOMIC INNOVATION
Charleston, South Carolina 29401

843-724-3781

Fax : 843-724-3772

www.charlestoncity.info

Property Address: <u>107 King Street</u>		TMS No.: <u>457-12-04-054</u>
Review request:	For: <u>(Charlestowne)</u>	Meeting date requested: <u>August 22, 2007</u>
☐ Conceptual	☐ Alterations / Additions	☐ Repairs or repaint with no changes
☐ Preliminary	☐ New Construction	☐ Demolition
☐ Final	☐ Sign(s) ☐ Color Change	☐ Appeal Decision of Preservation Staff

Property Owner: <u>Elizabeth Faulk Clark</u>	Daytime phone: <u>843 577 3062</u>
Applicant: <u>same + Sean Ahern</u>	Daytime phone:
Applicant's mailing address: <u>107 King Street</u>	
City: <u>Charleston SC</u>	State: <u>SC</u> Zip code: <u>29401</u>
Applicant's e-mail address: <u>sean@pacomcast.net</u>	
Applicant's relationship: ☒ Owner	☐ Design Professional ☐ Contractor ☐ Real Estate Agent/Broker ☐ Other

In your own words describe what you are requesting: <u>approval for new construction of driveway gate + piers, pier to match height of existing pier</u>

Submittal Requirements: (See BAR Submittal Requirements supplement for complete information.)

- ☐ Zoning approval obtained and/or Initial TRC review completed
- ☐ Completed BAR application
- ☐ Application fee (only at initial review)
- ☐ 5 copies of photographs of site, adjacent properties, and/or existing conditions at sufficient size for review (only at initial review)
- ☐ 5 half-size sets (or 3 half-size sets if Staff Review) of bound drawings
- ☐ CD of all required information in digital format
- ☐ Contextual model if requested by Board or Preservation Officer

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I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted and inspected, and the application heard by the Board of Architectural Review of the City of Charleston on the meeting date specified. I understand that it is my responsibility to obtain all necessary approvals from other city departments, and that all zoning requirements must be satisfied prior to the project's being placed on a Board of Architectural Review agenda.

Applicant's signature: Elizabeth Faulk Clark / Sean Ahern date: 7/26/07

Print name legibly: Elizabeth Faulk Clark

APPLICATION INFORMATION :

Date received: 8-6-07	Fee amount: 75 ⁰⁰	Receipt no.: 11219	Staff person: LCB
Architectural rating: NR CK# 1889		Construction date:	
☒ Old and Historic District	☐ Old City District	☐ Landmark Overlay	☐ North of Line St./South of Mount Pleasant Street

Request: Final approval for the construction of brick piers to match existing and the installation of wrought iron pedestrian & driveway gates.

STAFF REVIEW :

This request for the above referenced property has been reviewed and the findings are as follows:

☒ Approval	☐ Denial	☐ Deferral
☐ Approval for repairs and/or painting without changes to existing appearance		
☐ Approval with the following conditions:		

Preservation Staff signature: *Judith C Bennett*

Approval date: Aug. 28, 2007

SR -- 07 - 1241

BOARD OF ARCHITECTURAL REVIEW :

The Board of Architectural Review has heard this request for the above referenced property. Its findings are as follows:

☐ Approval	☐ Denial	☐ Deferral
☐ Approval with the following conditions:		

Final Approval is granted upon fulfillment of the above-specified conditions and is referred to the Architecture and Preservation Administrator for further action.

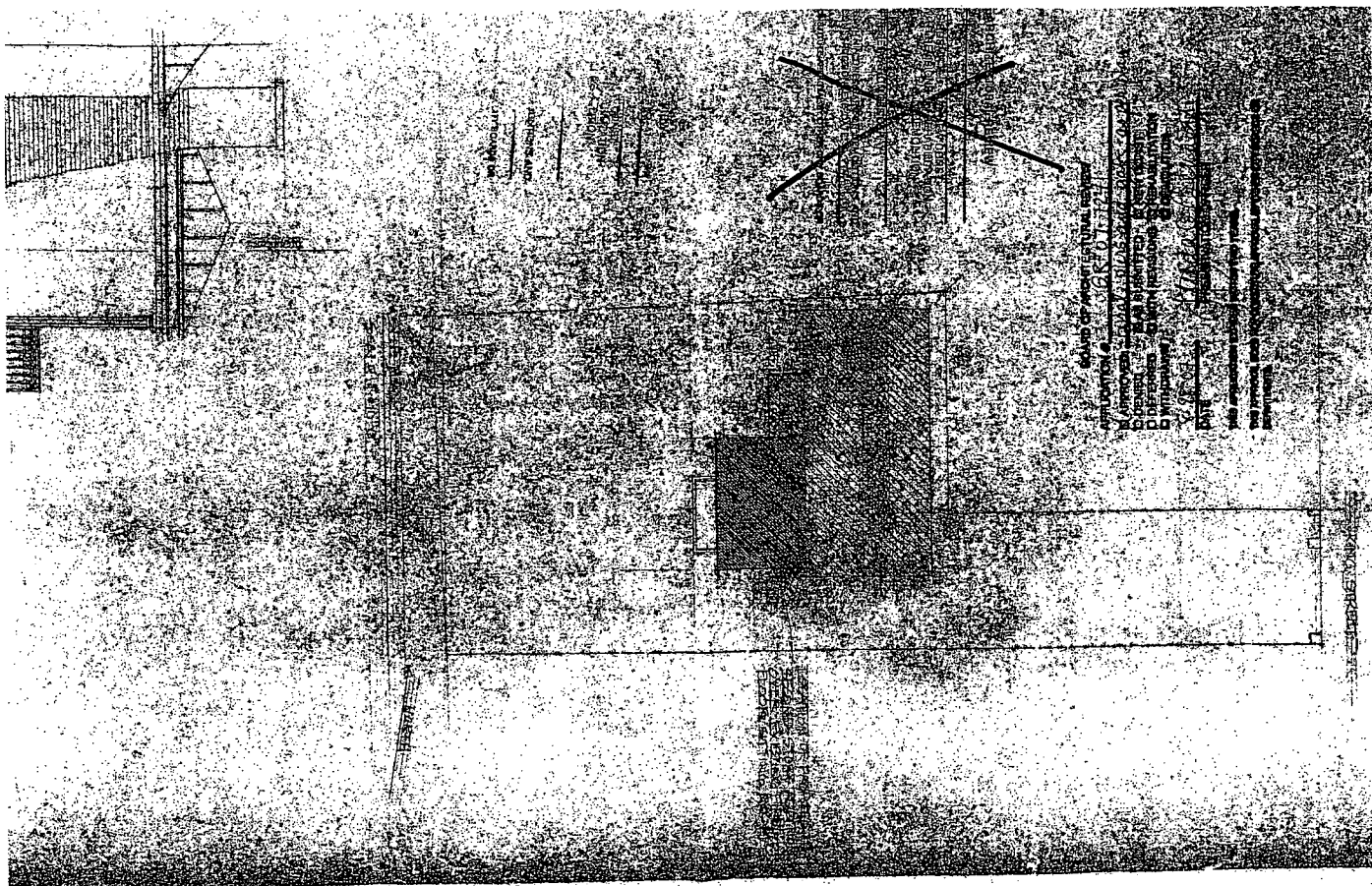
Further Action / Final Approval Requires Board Hearing(s)

App. No.: -- --

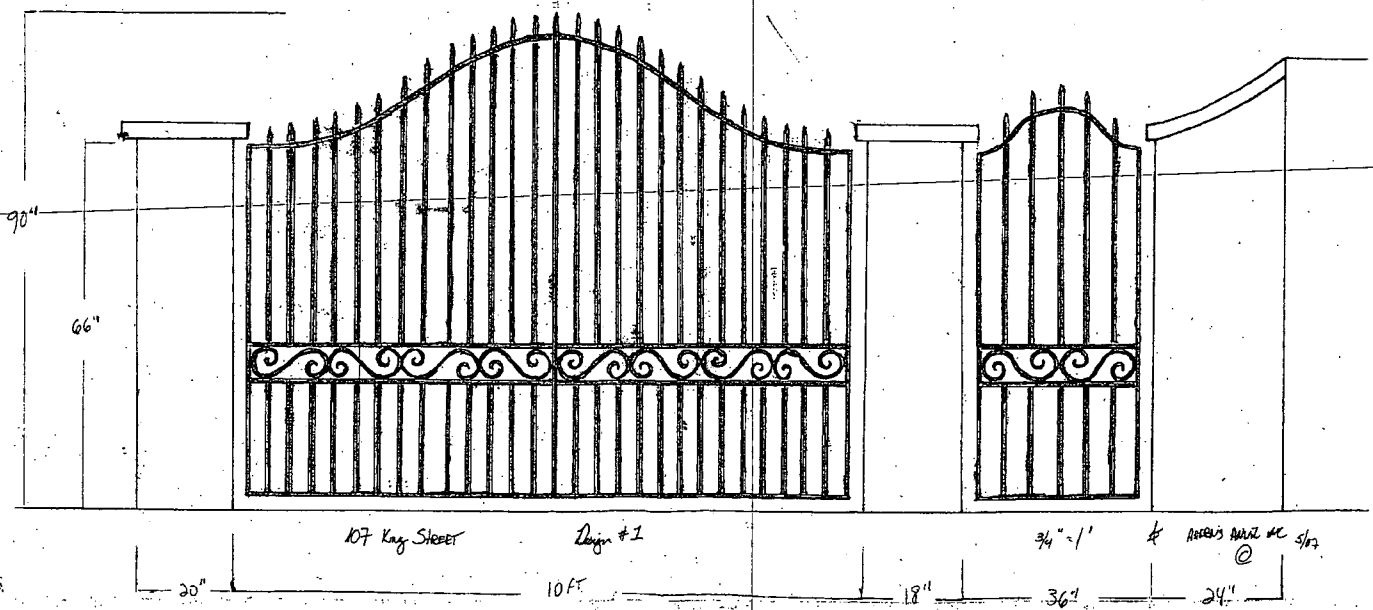
Chairman's Signature:

Date:

1. An appeal of a Board decision stays all further action on applications.
2. This approval does not constitute approval by other City boards or departments, and is not to be construed as approval by the Building Inspection Division for commencement of construction. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.
3. This approval expires 1 year from approval date for demolitions and 2 years from approval date for new construction.



Gate (90") = 7.5'
 Pier (66") = 5.5'





APPLICATION

Address: 107 King St.
Meeting Date: Oct. 15, 2001

Board of Architectural Review

Property Address: <u>107 King Street</u>		TMS No.: <u>457-12-04-054</u>
Request	For	
☐ Conceptual	☐ Repairs/ Rehabilitation	☐ Presentation
☐ Preliminary	☐ New Construction	☐ Appeal for Rehearing
☐ Final	☐ Demolition	☐ Appeal Decision of Preservation Officer
Property Owner: <u>FARLEY CLARK</u>		Daytime Phone: <u>843 5723062</u>
Applicant: <u>same</u>		Daytime Phone: <u>same</u>
Applicant's Mailing Address: <u>107 King Street</u>		
City <u>Charleston</u> <u>South Carolina</u>		State <u>SC</u> Zip <u>29401</u>
Applicant's relationship: ☐ Attorney ☒ Design Professional ☐ Contractor / Fabricator ☐ Real Estate Agent/Broker ☐ Supplier / Manufacturer		

Description: In your own words describe what you are requesting:

add water feature to existing planter
instead of additional plants

Three copies of the following information is required: (check information submitted)

- ☐ Tax map indicating the subject property
- ☐ Photographs, including streetscape showing adjacent buildings, facades visible from street, details of areas where work is to be performed
- ☐ Site plan or plat indicating location of new construction or additions in relation to property boundaries and existing on-site structures
- ☐ Plan drawings to scale
- ☐ Elevations of all sides affected or to be constructed under this request
- ☐ Sections indicating type of materials, extent and scope of request
- ☐ Manufacturer's catalog and technical data on purchased products

An application is incomplete until all required information and fees are submitted. Incomplete applications will not be placed on a board agenda until an application is complete.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted and inspected, and the application heard by the Board of Architectural Review of the City of Charleston on the meeting date specified.

Applicant's Signature: Farley ClarkDate: Oct 15 2001

For Office Use Only

Application Information			
Date Received 10-15-01	Time	Easement Holder ☐ HCL ☐ Pres. Society ☐ Other: N/A	Sign/Person Bennett
Zoning	Architectural Rating N/R	☒ Old & Historic District ☐ Old City District	Fee Amount: \$ 252 CK#0692
Height District	Flood Zone/Elev. A7	Construction Date(s)	Receipt No. 5455
Request: Final approval to add fountain pool to existing planters box as per documentation submitted and attached.			

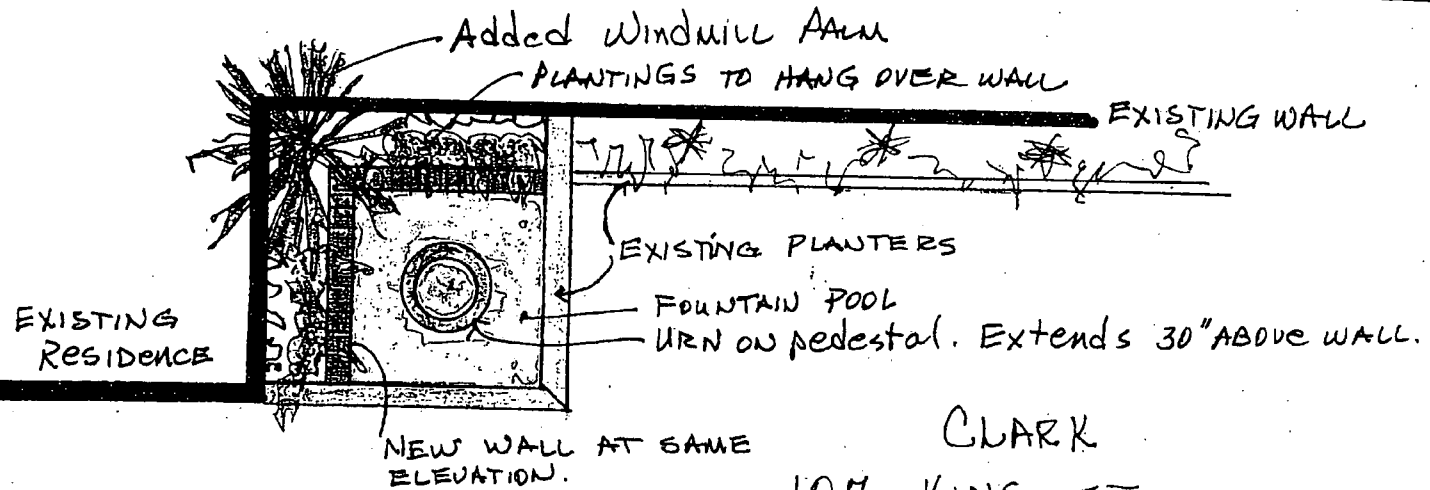
Staff Review:		
This request for the above referenced property has been reviewed and the findings are as follows:		
☒ Approval	☐ Denial	☐ Deferred
☐ Approval for repairs and or painting without changes to existing appearance		
☒ Approval with the following conditions: No zoning approval required as per Pernye Asby, Zoning Planner.		
☐ Further Action / Approval Requires Board Hearing(s);		
Preservation Officer Jonda C Bennett	SR	-01-1362
Approval Date 10-15-01	Expiration from approval date: Demolitions (1 year) New Construction (3 years)	Expiration Date: 10-15-04

Board of Architectural Review:		
The Board of Architectural Review has heard this request for the above referenced property. Its findings are as follows:		
☐ Approval	☐ Denial	☐ Deferred
☐ Approval with the following conditions:		
☐ Final Approval is granted upon fulfillment of the above specified conditions and is referred to the Preservation Officer for further action.		
☐ Further Action/Final Approval Requires Board Hearing(s);	No.:	-- --
Chairman	Date	

1. The decision of the Board of Architectural Review expires one (1) year from date of demolition approval; three (3) years for new construction approvals.
2. An appeal of a Board decision stays all further action on applications.
3. The approval by the Board of Architectural Review is not to be construed as approval by the Building Inspection Division for commencement of construction. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.

City of Charleston
Department of Planning & Urban Development
75 Calhoun Street / 3rd Floor
Charleston, SC 29401-3506

(803) 724-1721



CLARK
107 KING ST.
PROPOSED FOUNTAIN

ABLES LANDSCAPE ASSOC. 10-01
SCALE 1/4" = 1'



APPLICATION

Address: 107 King StreetMeeting Date: Staff: 9-13-99

Board of Architectural Review

Property Address: <u>107 KING</u>		TMS No.:
Request	For	
☐ Conceptual	☐ Repairs/ Rehabilitation	☐ Presentation
☐ Preliminary	☐ New Construction	☐ Appeal for Rehearing
☐ Final	☐ Demolition	☐ Appeal Decision of Preservation Officer
Property Owner: <u>FARLEY CLARK</u>		Daytime Phone:
Applicant: <u>RICHARD V. LOZ</u>		Daytime Phone: <u>607-0973</u>
Applicant's Mailing Address: <u>104 ROSELLE AVE</u>		
City: <u>GOOSE CREEK SC</u>	State:	Zip: <u>29445</u>
Applicant's relationship: ☐ Attorney ☐ Design Professional ☒ Contractor / Fabricator ☐ Real Estate Agent/Broker ☐ Supplier / Manufacturer		

Description: In your own words describe what you are requesting:
<u>PAINT EXTERIOR</u>
<u>NO CHANGES</u>
<u>SAME COLOR</u>

Three copies of the following information is required: (check information submitted)
☐ Tax map indicating the subject property
☐ Photographs, including streetscape showing adjacent buildings, facades visible from street, details of areas where work is to be performed
☐ Site plan or plat indicating location of new construction or additions in relation to property boundaries and existing on-site structures
☐ Plan drawings to scale
☐ Elevations of all sides affected or to be constructed under this request
☐ Sections indicating type of materials, extent and scope of request
☐ Manufacturer's catalog and technical data on purchased products
An application is incomplete until all required information and fees are submitted. Incomplete applications will not be placed on a board agenda until an application is complete.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted and inspected, and the application heard by the Board of Architectural Review of the City of Charleston on the meeting date specified.	
Applicant's Signature: <u>Richard V. Loz</u>	Date: <u>9/13/99</u>

For Office Use Only

Application Information			
Date Received 9-13-99	Time	Easement Holder ☐ HCF ☐ Pres. Society ☐ Other:	Staff Person Bennett
Zoning	Architectural Rating No Rating	☒ Old & Historic District ☐ Old City District	Fee Amount: \$
Height District	Flood Zone/Elev.	Construction Date(s)	Receipt No.
Request: Final approval for painting the exterior; No changes			

Staff Review:		
This request for the above referenced property has been reviewed and the findings are as follows:		
☐ Approval	☐ Denial	☐ Deferred
☒ Approval for repairs and or painting without changes to existing appearance		
☐ Approval with the following conditions No disk sanding		
☐ Further Action / Approval Requires Board Hearing(s);		
Preservation Officer Jayda Bennett	SR	-- 99 -- 1144
Approval Date 9-13-99	Expiration from approval date: Demolitions (1 year) New Construction (3 years)	Expiration Date: 9-13-2002

Board of Architectural Review:		
The Board of Architectural Review has heard this request for the above referenced property. Its findings are as follows:		
☐ Approval	☐ Denial	☐ Deferred
☐ Approval with the following conditions:		
☐ Final Approval is granted upon fulfillment of the above specified conditions and is referred to the Preservation Officer for further action.		
☐ Further Action/Final Approval Requires Board Hearing(s);	No.:	-- --
Chairman	Date	

1. The decision of the Board of Architectural Review expires one (1) year from date of demolition approval; three (3) years for new construction approvals.
2. An appeal of a Board decision stays all further action on applications.
3. The approval by the Board of Architectural Review is not to be construed as approval by the Building Inspection Division for commencement of construction. Prior to construction, all plans and specifications must be reviewed and approved by the Building Inspections Division and a building permit must be obtained and posted on the property.

City of Charleston
Department of Planning & Urban Development
75 Calhoun Street / 3rd Floor
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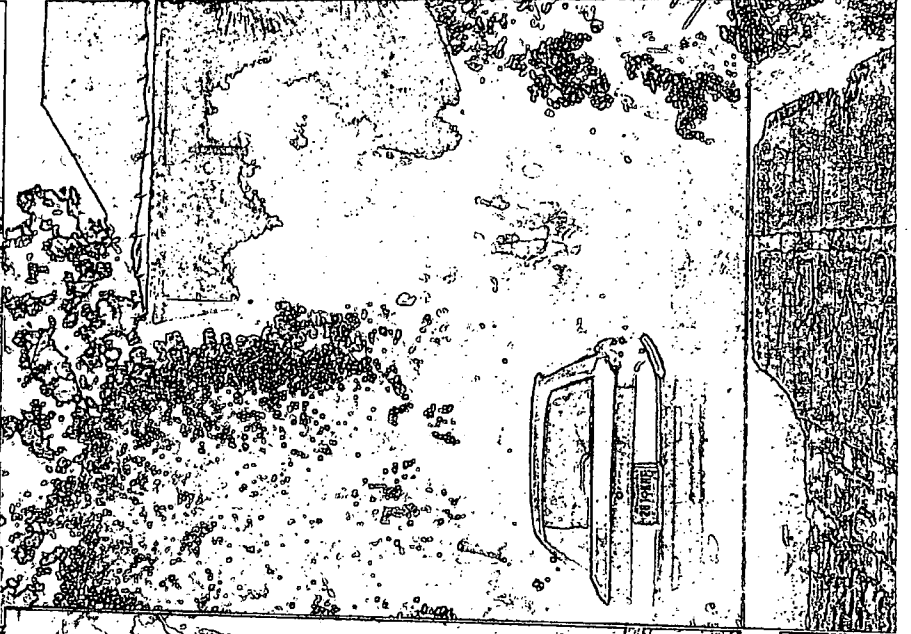
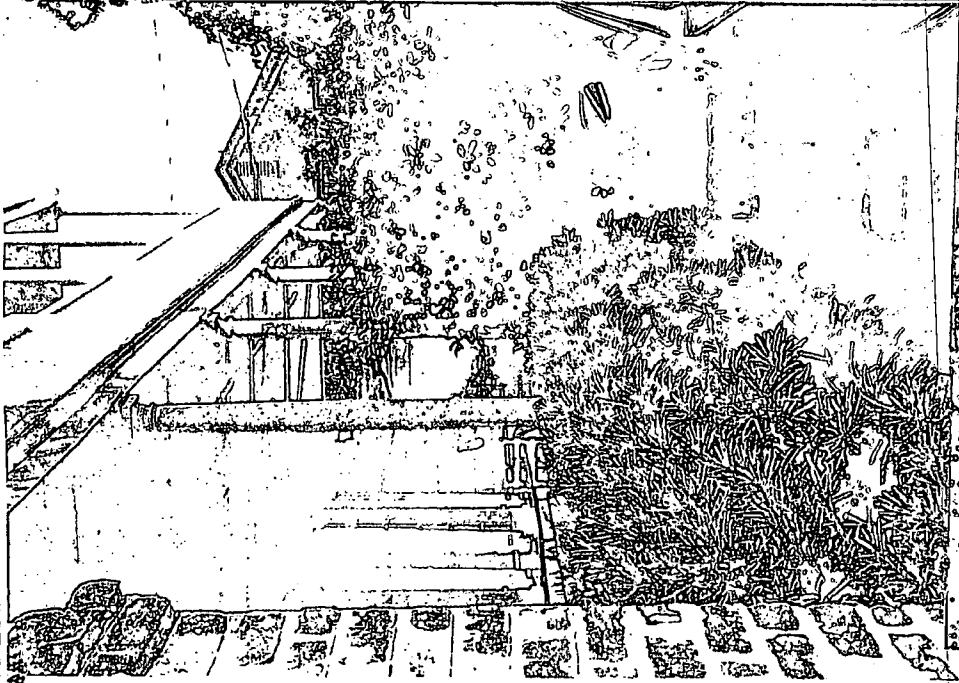
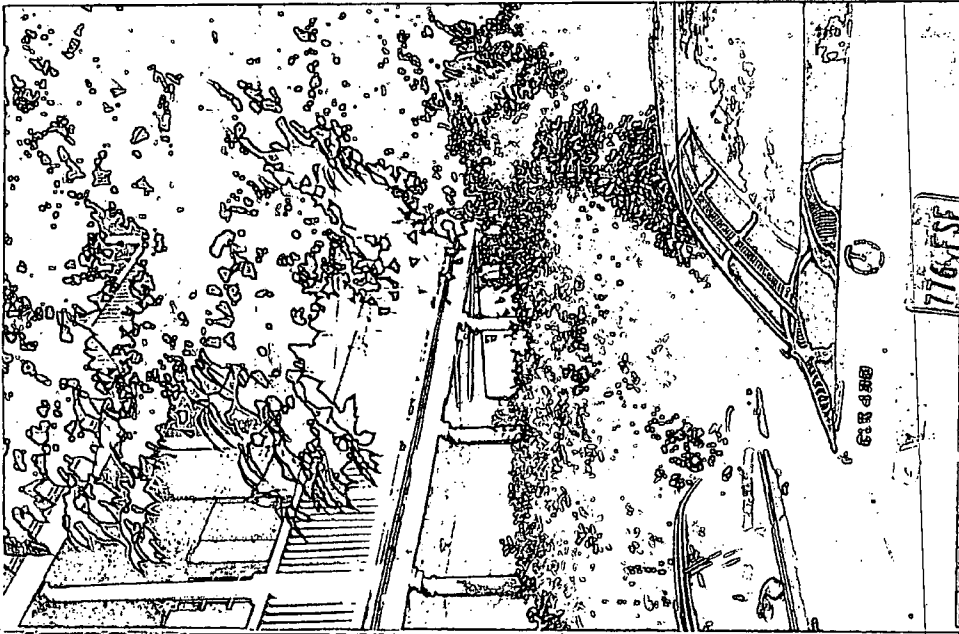
For Office Use Only

Application Information			
Date Received: 6/30/03	Time:	Easement Holder: ☐ HCP ☐ Other Preservation Society	Staff Person: lf
Zoning SR-5	Architectural Rating NR	☒ Old and Historic District ☐ Old City District	Fee Amount: \$ NOT VISIBLE
Height District	Flood Zone/Elev.	Construction Date(s)	Receipt No.
Request: PIA for rear second-story addition as per documentation submitted			
Staff Review:			
This request for the above referenced property has been reviewed and the findings are as follows:			
☐ Approval ☐ Denial ☐ Deferral			
☐ Approval for repairs and/or painting without changes to existing appearance			
☒ Approval with the following conditions: Not visible from public right-of-way on per site visit on 7/18/03			
☐ Further action / approval requires Board hearing(s)			
Preservation Staff signature: Dina R. [Signature]			
Date: 7/9/03	Expiration from approval date: Demolitions: 1 year New Construction: 3 years		SR-03-923
Board of Architectural Review:			
The Board of Architectural Review has heard this request for the above referenced property. Its findings are as follows:			
☐ Approval ☐ Denial ☐ Deferral			
☐ Approval with the following conditions:			
☐ Final Approval is granted upon fulfillment of the above-specified conditions and is referred to the Architecture and Preservation Administrator for further action.			
☐ Further Action/Final Approval Requires Board Hearing(s)			App. No.: -- --
Chairman's Signature:			Date:

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City of Charleston
Department of Design, Development and Preservation
75 Calhoun Street / 3rd Floor
Charleston, SC 29401-3506
(843) 724-3781

10/21/03



VIEWS FROM BROAD STREET

107 KING STREET

VIEWS FROM KING STREET ↗

Charles W. Rhoden
94 Tradd St.
Charleston, SC 29401
843-853-7792
July 6, 2003

To Whom It May Concern:

As a neighbor and a member of the board of directors of the Charlestowne Neighborhood Association, I have reviewed the plans for the proposed alteration/addition to the house located at 107 King St. (the home of Elizabeth Farley Clark) and recommend that approval be granted for the proposed changes for the following reasons:

1. The changes are consistent with the character of the house in design, height, scale and mass
2. The proposed addition will allow the entry of light into the house once again. There are at least four (4) "ghosts" of previous windows that have been bricked sometime in the past, preventing the entry of natural light
3. The proposed changes will not be visible from the street as they are on the west side of the house

Thank you for your consideration in this matter.

Sincerely,



Charles W. Rhoden

July 1st, 2003

To The Board of Architectural Review:

From: **MARIANNE B. WICHMANN**

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Marianne B. Wichmann
103 King St
Charleston, S.C. 29401

July 1st, 2003

To The Board of Architectural Review:

From: *BARBARA SIEGLING*

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Barbara Sieglings
105 King St

July 1st, 2003

To The Board of Architectural Review:

From: Alicia Smith

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Alicia K. Smith

110 King St.

Charleston, SC 29401

July 1st, 2003

To The Board of Architectural Review:

From: DALE Poulnot

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Dale Poulnot

Owner 90 King St.

July 1st, 2003

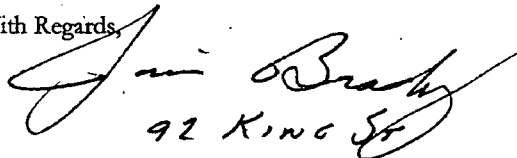
To The Board of Architectural Review:

From: JIM BRADY

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,


92 KING ST
CHARLESTON S.C.

July 1st, 2003

To The Board of Architectural Review:

From: Grace Fielding

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Grace Fielding - 104 King St.

July 1st, 2003

To The Board of Architectural Review:

From: *Thomas S. and Nina Tisdale*

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Thomas S. Tisdale
Nina S. Tisdale
109 Broad St.

Rose Tomlin

85 King Street
Charleston, South Carolina 29401
PHONE: (843) 723-9177
FAX: (843) 853-3808
E-Mail: Tomlinrm@aol.com

July 3, 2003

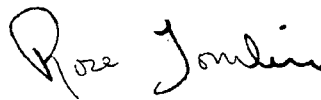
TO THE BOARD OF ARCHITECTURAL REVIEW:

Randolph Martz's plans for an addition to 107 King are exceptionally beautiful and in harmony with both the existing structure and the neighborhood. I urge you to approve them as submitted.

I am on the Board of the Charlestowne Neighborhood Association and although we are taking a summer break from meetings, I feel confident that other members of the Board would feel as I do and recommend that the Association endorse the design.

I look forward to hearing that your board will support this handsome addition.

Very truly yours,

A handwritten signature in cursive script that reads "Rose Tomlin". The signature is written in dark ink and is positioned below the typed name "Rose Tomlin".

82 King Street
Charleston, South Carolina 29401

July 7, 2003

To Members of the BAR

Re: 107 King Street

We would like to commend the BAR for bringing this project to a public hearing even though the alteration will not be visible from King Street itself. In the historic district where houses and gardens are regularly on tour (and the garden of this house has recently been photographed for Southern Living), it is fair to consider all facades of our historic district houses to be visible to the public. It is crucial that alterations to historic houses be in harmony with the house and the neighborhood.

That is certainly the case with the plans for the second story addition to 107 King Street. It is ~~apparent that a number of historic windows~~ have been bricked over, depriving this very small house of sunlight. Adding a sun room on the second floor is a very appropriate way to bring light back into house. The details of the design are in harmony with the house and the neighborhood.

We urge you to approve this excellent project.

Thank you.


Mr. and Mrs. Truman Moore

July 1st, 2003

To The Board of Architectural Review:

From: *SARA C VARDELL*

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Sara Vardell
89 King St.

Laura L. Vardell
89 King St.

July 1st, 2003

To The Board of Architectural Review:

From: Alison + Michael Brewer

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

Mr. and Mrs. Michael E. Brewer
101 King Street

July 1st, 2003

To The Board of Architectural Review:

From:

Re: Additions to 107 King Street Property

I have reviewed the attached plans by Randolph Martz for the renovation of and addition to 107 King Street. I find the proposed changes to be in keeping with the character and dignity of the neighborhood. I recommend and support BAR approval for the project.

With Regards,

A handwritten signature in cursive script, appearing to read "Rebecca K. Quintan". The signature is written in dark ink and is positioned below the "With Regards," text.



147 KING STREET • POST OFFICE BOX 521 • CHARLESTON SOUTH CAROLINA 29402

**POSITION STATEMENT
BOARD OF ARCHITECTURAL REVIEW
July 9, 2003**

107 King Street

TMS#457-12-04-054

The Preservation Society of Charleston appreciates the opportunity to speak before the Board of Architectural Review concerning 107 King Street. The Society's Planning and Zoning Committee has reviewed this request for preliminary approval for rear second-story addition. The Society represents over 1,800 residents of Charleston who are concerned about the future of Charleston's historic district.

The Society is concerned about the continuing loss of the architectural character of Charleston's historic support buildings through multiple alterations and additions. Given this concern, we ask that the introduction of a window on the south façade be denied. Regarding the second story rear addition, if this addition is allowed we would ask that the addition be reversible and that the opening between the addition and the main building be reduced to lessen the destruction of historic fabric.

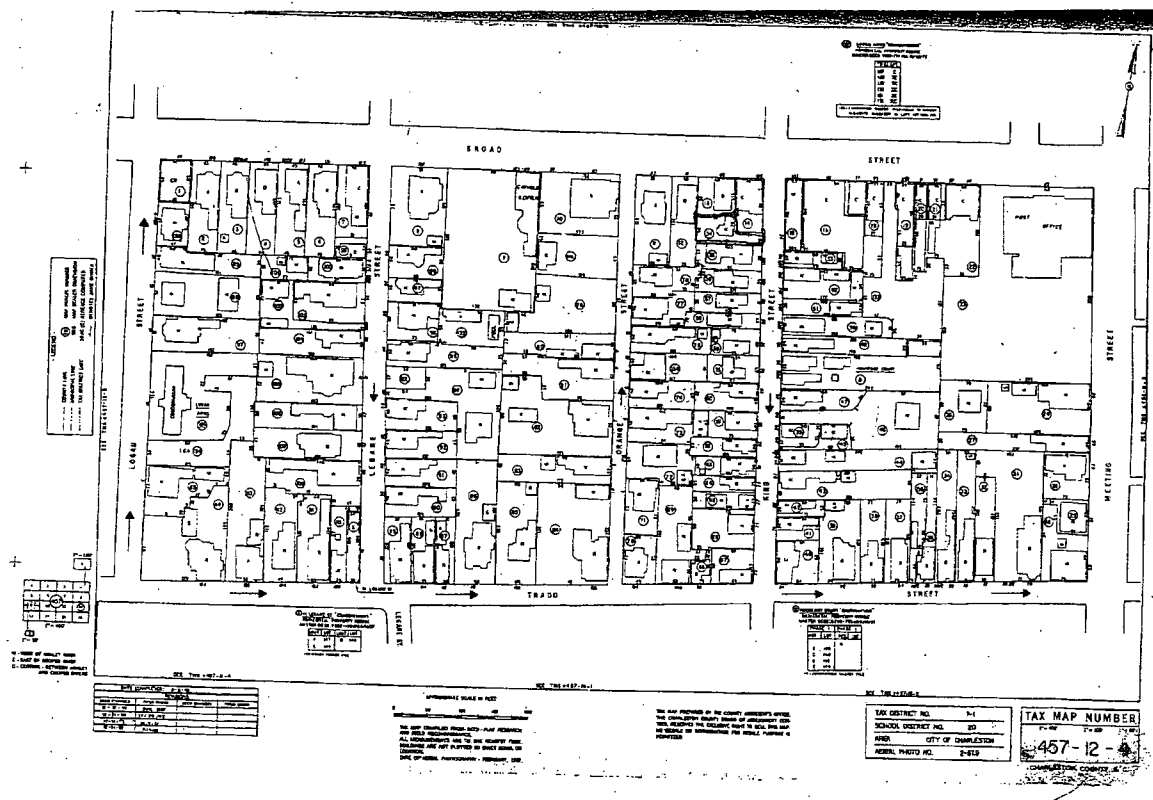
Thank you for considering our position in this matter.

Contact:
Robert Gurley
Assistant Director

(843) 722-4630

FOUNDED 1920
preserve@preservationsociety.org

FAX (843) 723-4381





ACTION RECC

BOARD OF ARCHITECTURAL REVIEW

CITY OF CHARLESTON

Street Address 107 King St Tax Map Number 457-12-04-064☒ Old & Historic District ☐ Old City District ☐ North of Line Street / South of Mt. Pleasant StreetArchitectural Rating NR ☐ Not Surveyed (North of Line Street). Date(s) of Construction _____Zone District SR-5 Height District _____ Flood Zone _____ Easement/Covenant _____

Date	Work Requested	Approval Received
9/13/99	Exterior painting n/c	F/A staff w/ conditions
10/15/01	Fountain pool	F/A staff w/ conditions
6/30/03	Rear secondary addition	F/A not visible
7/9/03	Preservation Society letter	
8-28-07	Piers and gates @ front of drive	F/A - Staff



Timothy A. Domin
Licensed in SC
tdomin@clawsonandstaubes.com

January 13, 2016

File No.: 20152671.000

VIA HAND DELIVERY

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad St Ste 106
Charleston, SC 29401-2210

Re: Thomas S. Tisdale, et al. vs. The City of Charleston, et al.
Case No.: 2015-CP-10-6186

Dear Ms. Armstrong:

Enclosed please find the original and a copy of Defendants' Notice of Filing City of Charleston, Board of Architectural Review Excerpts of Audio Recording dated September 9, 2015 and City of Charleston, Board of Architectural Review Meeting dated October 14, 2015. Please file the documents and return the copy to me.

Thank you for your assistance in this matter.

Very truly yours,

CLAWSON and STAUBES, LLC

A handwritten signature in black ink, appearing to read "T. Domin".

Timothy A. Domin

TAD/paa
Enclosures

cc Capers G. Barr, III, Esq.
(Via Hand Delivery and w/enclosure)

www.clawsonandstaubes.com
126 Seven Farms Drive, Suite 200, Charleston, South Carolina 29492-8144
Office: (843) 577-2026 / Fax: (843) 722-2867