

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF MARCH 21, 2017

Members present: Commissioners: Jim Fralix, Jason Gregorie, Brook Lyon, Vice Chair, Sim Parrish, and Chairman, Roy Smith, who presided. Also present: Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Leonard Blank, Town Council, Bonum S. Wilson, BZA Attorney, and Frances Simmons, Town Clerk and Secretary to the BZA.

Call to Order: Chairman Smith called the Board of Zoning Appeals meeting to order at 6:00 p.m.

Chairman Smith announced that Dairy Queen - Seamon Whiteside & Associates (Case BZAS-2-17-010) and (Case (BZAV-2-17-008) would not be heard tonight. The applicant has postponed their request for this evening. The business before the Board tonight is a request for a Special Exception for the demolition of three (3) historic structures at 221 Fort Johnson Road.

A member of the audience asked if the request was withdrawn permanently and Chairman Smith said the request was withdrawn for this evening. He said that it may or may not be heard at a future time. He also responded to the question that notices will be sent to residents should the cases return to the BZA for hearing.

Prayer and Pledge: Chairman Smith asked for a moment of silence, afterward followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Smith announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairman Smith introduced members of the Board of Zoning Appeals, Town Staff, BZA Attorney, Mayor Woolsey, Town Council, and Planning Commissioner Bill Lyon.

Review Summary and Minutes from the February 21, 2017 BZA Meeting: Chairman Smith asked if there were changes to the minutes. There were no changes. A motion to approve was made by Mr. Fralix, seconded by Mr. Parrish and passed unanimously.

BZAV-1-17-007

428-03-00-055

1122 Dills Bluff Road

Variance Request for the removal of one (1) grand tree (39" DBH Pecan) for the construction of the Town of James Island Town Hall

Approved with Conditions

Brief the Public on the Procedures of the BZA: Chairman Smith explained how the Board of Zoning Appeals hearing would be conducted.

Administer the Oath to Those Presenting Testimony: Attorney Wilson swore in the persons who wished to offer testimony in tonight's case.

Review of the Following Application:

BZAS-2-17-009

454-00-00-006

221 Fort Johnson Road

Special Exception request for the demolition of three (3) historic structures at 221 Fort Johnson Road

Mrs. Crane provided the staff's review stating that the applicant, Mr. Steve Coe, Rosenblum Coe Architects, Inc., is requesting a Special Exception for the demolition of three (3) historic structures in the Low-Density Suburban Residential (RSL) District at 221 Fort Johnson Road (TMS #454-00-00-006). Adjacent properties to the west and south are also in the RSL Zoning District and in the Town of James Island. The surrounding properties are occupied by the South Carolina Department of Natural Resources and the College of Charleston as research facilities. There are no other uses within 300' of the subject property. The Town of James Island Zoning and Land Development Regulations, §153.338 (C) states, "No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this chapter." Historic Site is defined by Ordinance as "a structure or place of outstanding historical and cultural significance and designated as such by the town, the state, or the National Register of Historic Places."

In the letter of intent, the applicant explains, "These structures are being considered for demolition because they have experienced decline, are in a dilapidated state, and are considered a safety concern." Staff conducted a site visit of the subject property on March 14, 2017. (Photos of structures Resource 1, 2 Cistern, and adjacent properties were shown).

Mrs. Crane informed the Board that according to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved by the Board of Zoning Appeals per the six (6) Findings of Facts (attached to minutes). Mrs. Crane stated in granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property value in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E2).

Mrs. Crane stated that the Board may approve, approve with conditions or deny Case #BZAS-2-17-009, Special Exception request for demolition of three (3) historic structures in the RSL Zoning District at 221 Fort Johnson Road, based on the Findings of Facts unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, they should consider the following conditions:

1. The Mitigation Plan for Resources 1,2, and 3 at the Fort Johnson Quarantine Station, as submitted by Brockington and Associates, dated October 2016, must be implemented as submitted if demolition is approved.
2. The applicant/owner shall develop a proactive maintenance plan to help protect, maintain and preserve the remaining historic structures on the site, including the Harbor Master's House (President's House), to ensure that additional cultural resources are not damaged by man-made or natural activities, and that no additional damage is to occur in the future.
3. Prior to obtaining a Zoning Permit for demolition, the applicant/owner shall install tree barricades around the grand and protected trees on the property, as described in §153.334 of the Ordinance.
4. No site development or change of use, such as parking lots, shall occur without the proper approvals and permits.

Questions for Staff:

Mr. Gregorie asked the sizes of the buildings. Mrs. Crane answered that Resource 1 is 78.5' feet x 42'; Resource 2 is 50.4' x 36. The applicant, Steve Coe said they did not have an exact measurement for the

Cistern but it is probably 30' in diameter. Mr. Gregorie asked if the Presidents' House/Harbor Masters House is the unattached structure on the Site Plan and Mrs. Crane answered yes.

Mr. Fralix made a comment that he senses that the people having to do with historical facts and properties are making the case that we should not approve demolitions of historic structures. He said it is curious to him (he knows the property is in the Town), but it is amazing that other communities such as MUSC and the City of Charleston have not weighed in on something like this.

Applicant Presentation

Steve Coe
Rosenblum Coe Architects
1643 Means Street
James Island, SC 29412

Applicant, Mr. Coe stated that the Medical University has worked closely with the State Department of Archives and History. As a part of that, the State Department of Archives and History had asked the Medical University to conduct a Mitigation Study and Mitigation Plan. That Plan was done by Brockington Associates (as mentioned by Mrs. Crane). The State Department of Archives and History has approved the Mitigation Plan. He said the Mitigation Plan has several aspects; one is photographic documentation of the existing structures; (he commented one structure previously shown in Power Point is in fairly bad shape). Brockington Associates has completed their photographic documentation of all of the buildings that previously exist and we (his firm) cannot find any documentation. The second part of the Mitigation Plan includes a contextual history of the site and the properties that includes a history that will be submitted to the Town for perpetuity that includes the quarantine aspects of this site. He noted that a lot of history that is not greatly documented would be presented to the Town. Also, lectures for public education about the site; and public outreach which will include interpretive signage. Signage will be placed on the site where the buildings stood so the history of the site and the buildings are not lost as a part of the demolition. Mr. Coe said the purpose for the demolition is because several aspects of the buildings are in fairly bad shape; including the Cistern (photo shown). His firm hired a Structural Engineer to look at all three buildings and the result of that report was that they were in an unsafe condition. He said the Medical University is concerned about the public going on the site and getting into these buildings, especially on top of the Cistern. He did not go onto it and the Structural Engineer would not go onto it. By show of a photo, he said the structural steel and reinforcing of the cistern has been degraded to the point that it is unsafe, and there is water in the Cistern. He understands the importance of the historical aspects of the site; his firm works on historical projects, his office is on James Island, and he has lived in Charleston for over 20 years. He also knows the importance of history on James Island but believes there are times when buildings need to come down when they are unsafe. He said his client has gone above and beyond to document the history so that it is not erased and removed from the cultural history of the Island. He said everything in the Mitigation Plan had been approved by the State Department of Archives and History and warrants approval of this Exception.

Questions for the Applicant:

Mr. Fralix asked what happens to the property. Mr. Coe responded that the demolition only takes the buildings down and leaves the slab. They will be left alone mainly because to remove the slabs and getting into excavation requires an extra set of studies to be done; they want to remove the safety hazards. He said the President's House is not a part of the demolition and as he understands, there are no plans for development on the site. The Medical University has gone through steps to preserve the President's House. There was some vandalism and some of the building have been shored. Beyond that, he does not know of any plans specifically on the site.

Mr. Fralix asked if the property would remain in the purview of James Island, to which Mr. Coe answered yes.

Mrs. Crane informed the Board that Town Councilmember Mullinax was unable to attend tonight and submitted an email (copy provided to the Board) to inquire about the Cistern. Chairman Smith read the email into the record:

Kristen, I had a quick question regarding the cistern that is being considered for demolition. I realize that the two other buildings being considered are unrepairable and unsafe. There is no question that these two buildings should be demolished. The cistern, however, could be saved possibly, in my opinion. It is my understanding that the cistern is considered unsafe because of the possibility of someone falling through the wooden covering in case someone walked or stood on it. I was curious however, if it was possible to cover the top with cement or something similar? This could in my opinion, both save this historic structure while keeping it safe. This would be similar to how cannons are safely preserved when they are filled with mortar. This is just a question that I thought could be asked at Tuesday's meeting. I will be unable to make this meeting, but would appreciate it if you could make this inquiry on my behalf.

Mr. Coe said the top of the cistern is concrete and has a steel manhole cover on it. Everything that he has seen is concrete. He does not know that there is wood on the structure at all. Mr. Coe referred the Board to a report from ADC in their packets referring to the cistern.

Chairman Smith asked if the cistern is capable of being repaired. Mr. Coe said he would have to ask the structural engineer, but suppose anything is possible. He said the concern Mark had is the degraded of reinforcing steel. From his visual observation to repair it would almost have to be torn apart and it would no longer be the original structure rather something that resembles the original structure. Chairman Smith asked the age of the cistern, what it was used for, and how was it used historically. Mr. Coe said the structures are early 1900s and he assumes that it provided water for the various buildings that were on the site. The date after 1901 but before 1940 was given.

Mr. Fralix asked if the Medical University was the only entity that used the facility; to which Mr. Coe answered yes; that at one time the President lived in the President's house. He said at one point other buildings were used as storage but that ended around the 1970s. Mr. Fralix asked if the Town had insured any of the buildings, to which the answer was no.

Mr. Gregorie mentioned that Mr. Coe mentioned a second structural engineer but he only see ADC's report. Mr. Coe said ADC was the structural engineer that did the report and Brockington and Associates is the architect, historian, and cultural group that did the mitigation plan, not a structural report.

Mrs. Lyon had a general question that she asked Mr. Coe and Mrs. Crane to address. She asked how other municipalities' handle historic dilapidated buildings. Do they go to great lengths to restore and bring them back to life, because once they are gone, they are gone. She said the research provided was great and interesting, but would be even more so if the buildings are there and you can see them. Mrs. Lyon commented that she see the City working on buildings that only has frames and roofs falling in. Mr. Coe said the City recently allowed a house downtown to be demolished. He explained the process a structural engineer analyzes for buildings to restore them. Mr. Coe said that Mark Dillon (ADC Engineering) mentioned that the majority of the original fabric of a building is removed in order to save it; and it has to be replaced. The building, he said, ends up being a copy of what was once there and is no longer historic. He noted that Resource 2, (with the collapsing roof), is the bulk of the study. The other portion is the warehouse. Often time, they can re-use aspects that allows them to serve a different purpose; but it tells the

story of that re-use. He said the Medical University continues to explore ways on the warehouse building, if there are portions of timbers that can be re-used Brockington will use that for public outreach and signage.

Mr. Gregorie asked if there is a storage building and a warehouse building and Mr. Coe confirmed. Mr. Gregorie asked if the storage building is the smaller of the two; and Mr. Coe answered yes. Mr. Gregorie noted there was no report from ADC pertaining to the warehouse building. Mr. Coe said the bulk of the report was for the storage building. Mr. Gregorie said he saw a section for the cistern but there is no mention of the warehouse building. Mr. Coe said they had a walk-thru of both properties, and if there is no reference to the warehouse, he could review that. He noted there is termite damage and roof damage. Some is not as drastic as in the other building, but that was a part of their recommendation. Mr. Gregorie said if there was a walk-thru of the warehouse, why there was no report about the warehouse. Mr. Coe said he did not recall but could ask. Mr. Coe further stated the specific reason for the walk-thru was to look at the structural damage, particularly on the storage building and the reinforcing of the cistern. Mr. Gregorie asked and was shown color photos of the interior of the warehouse and storage building.

Chairman Smith said he noticed that his packet included a nomination form for the Powder Magazine and asked why that was included. Mr. Coe said the State Department of Archives; the Natural Historic Trust submitted was specifically for the Powder Magazine. He said when the National Trust deemed it a historical structure; they included the entire area of the district. Chairman Smith asked it was confirmed that the Powder Magazine is in the Town (located on the other side of the College of Charleston Grice Marine Lab). It was further clarified that the application/nomination had been done before the Town was formed in 1972.

Mr. Fralix asked and it was confirmed that the liability for the demolition would be undertaken by Medical University.

In Support: No one spoke.

In Opposition: Attorney Wilson administered the oath and swore in Mr. Crosky Welch for testimony.

Mr. Crosky Welch, 1746 Oak Point Road: said his family has been James Islanders since the 1600s. He has knowledge about the area and is very concerned about the historical impacts it would make. He asked how long has the Medical University been cognizant of this and has owned the property? He is concerned that the Medical University has owned the property for a number of years and has not kept it up. He asked what happens to the President's House if it deteriorates; will we let them demolish it also. He said the Powder Magazine was here since 1820; and Fort Johnson fired the first shots between the states on Fort Sumter. It is very significant to the Town of James Island that we look very harshly at demolitions of sites and properties that have been here from the late 1700 to 1900s. Everybody is in favor of progress but we need to be cognizant about what we do and how we do it.

Rebuttal:

Mr. Coe stated that the Medical University takes the significance of these structures very seriously. Of the four structures on the site the one that had the architectural significant was the President's House and it is not a part of the demolition request; it has more architectural significance in his opinion.

Chairman Smith closed the Public Hearing and asked for a motion and a second from the Board.

MOTION: Mr. Fralix moved to approve the request because it is a safety liability; seconded by Mr. Parrish.

Discussion: Mr. Fralix said he does not like to see any historic structures demolished, he would like to see them preserved but they have not been preserved since the Medical University have been using these properties or have had access to them. He is unsure whether they have insurance on the property and now

it has developed to the point that they are a safety/liability to the Town of James Island as well as the Medical University.

Mrs. Lyon said she does not feel the applicant meets Criteria E. (a): "Support efforts to preserve and restore important community building, sites, districts and landscapes; and E (b): "the demolition of these historic properties would constitute an adverse effect in accordance with 60-12-10(1) of the State Owned or Leased Historic Properties Law."

Mrs. Lyon said she is very impressed with the research and the mitigation plan the applicant has presented; she thinks it is great but does not feel the applicant meets the criteria. She stated once the buildings are gone, they are gone, and we have very few historic buildings in the Town of James Island. She said if you review the packet, in 2015, the Medical University wanted to tear down all four buildings, including the President's House and that was ditched by the Historical Society. They would not approve it at all. The latest approval to her is rather lukewarm. She has been out there many times; she and her husband fish out there, and she walked around the site. Those buildings have just been allowed to deteriorate and become dilapidated and that was her question - what can be done to restore the buildings along with the great research. She personally does not see herself voting for this motion because she does not feel it meets the criteria and she begs of her fellow Commissioners if you do, to please at least consider the mitigation that has been presented. Mrs. Lyon commented that her voice is shaking because she is nervous; but it is very important that we preserve our heritage, and it is a great concern that it has been allowed to deteriorate, which can be seen from the pictures. The President's House is heading that way quickly. She did walk around the President's House when she did a site visit.

Mr. Gregorie said that he would not support the motion; but he will support what Mrs. Lyon has said. He does not think it meets the Town's Comprehensive Plan and he is concerned that we have a warehouse building that is requested to be demolished, but there are no details about the warehouse building in the packets. He said there really is no analysis of the buildings and discussion of the historical significance. There is a page, not even two pages, of text by an engineer and it covers two buildings - we have three buildings and it really does not go into any detail. He has a concern that a building is being requested that really did not look that bad to him from some of the pictures of the interior and we have no other information on that in the packets -- that would be the warehouse building. He also noted as a reminder that the application is for the demolition of all three buildings; not one, or two. He sees this as three or none and cannot support the motion.

Chairman Smith announced that the motion is to approve the application. A vote "yes" is to approve the request to demolish, and a vote "no" will deny the motion to demolish. There was discussion that the motion did not include conditions, and **Mr. Parrish amended the motion to approve the request and to include the four conditions recommended by staff;**

Conditions to be added to the motion:

1. The Mitigation Plan for Resources 1, 2 and 3 at the Fort Johnson Quarantine Station, as submitted by Brockington and Associates, dated October 2016, must be implemented as submitted if demolition is approved.
2. The applicant/owner shall develop a proactive maintenance plan to help protect, maintain and preserve the remaining historic structures on the site, including the Harbor Master's (President's House), to ensure that additional cultural resources are not damaged by man-made or natural activities, and that no additional damage is to occur in the future.
3. Prior to obtaining a Zoning Permit for demolition, the applicant/owner shall install tree barricades around the grand and protected trees on the property, as described in §153.334 of the Ordinance.

4. No site development or change of use, such as parking lots, shall occur without the proper approvals and permits.

Mr. Fralix agreed for the conditions to be added; Mr. Gregorie seconded. Mrs. Lyon reiterated that she would not vote in favor of the motion because it does not meet criteria. Mr. Gregorie clarified why he offered a second to the motion. He said should the vote carry for the original motion, he would like to see conditions attached to it; however, he will not support the original motion. Mr. Smith called for further discussion. No further discussion.

Chairman Smith requested a roll call for the **amendment to the original motion**. A vote “yes” would amend the original motion. A “no” vote would not.

VOTE

| | |
|----------------|-----|
| Mr. Fralix | Yes |
| Mr. Gregorie | Yes |
| Mrs. Lyon | Yes |
| Mr. Parrish | Yes |
| Chairman Smith | Yes |

Chairman Smith announced a unanimous vote to amend the motion to include the four conditions previously read by Mr. Parrish.

Chairman Smith requested a roll call for a vote on the amended motion. A vote “yes” means the motion to approve demolition will go forward with the conditions specified; and a vote “no” means the demolition is not approved.

VOTE:

| | |
|----------------|-----|
| Mr. Fralix | Yes |
| Mr. Gregorie | No |
| Mrs. Lyon | No |
| Mr. Parrish | Yes |
| Chairman Smith | No |

Chairman Smith announced that case BZAS-2-17-009: Special Exception request for the demolition of three historic structures at 221 Fort Johnson Road was not approved by the Board of Zoning Appeals because it did not meet the following Criteria E. (a): “Support efforts to preserve and restore important community building, sites, districts and landscapes; and Criteria E (b): “the demolition of these historic properties would constitute an adverse effect in accordance with 60-12-10(1) of the State Owned or Leased Historic Properties Law.”

The final decision of the Board of Zoning Appeals will be mailed to the applicant within ten (10) working days and the applicant may contact the Planning and Zoning staff about questions regarding the denial of the Special Exception.

Additional Business:

Next Meeting: April 18, 2017

Adjourn:

There being no further business to come before the body, the meeting adjourned at 6:55 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances Simmons".

Frances Simmons

Town Clerk and Secretary to the BZA