

HISTORIC PRESERVATION COMMISSION

STAFF REPORT

Growth Management Department



MEETING DATE:	September 6, 2023
PROJECT:	9 Bruin Road – Request to Remove “Joiner House” as a Contributing Resource
APPLICANT:	Melanie Marks (with Eugene Marks, d/b/a/ Joha LLC), Owner

REQUEST: The Applicant, Melanie Marks (with Eugene Marks, d/b/a/ Joha LLC) as owner, requests that the Historic Preservation Commission approve the following application:

DCR-06-23-018161. An application to recommend to Town Council that the Joiner House, located at 9 Bruin Road and identified by Beaufort County Tax Map No. R610039-00A-0021-0000 within the Neighborhood Core - HD Zoning District, to remove the structure from the Contributing Resource list.

BACKGROUND: The Old Town Bluffton Historic District (OTBHD) was established by Town Council on June 19, 2007, and currently comprises 86 Contributing Resources, of which 84 are structures and two are natural features (e.g., Heyward and Huger coves). The Joiner House is a Contributing Resource, which is defined by the Unified Development Ordinance (UDO) as:

Any building, structure, site, object, feature, or open space, as designated by Town Council, that adds to the historic associations, architectural qualities, or archeological values that relate to the documented significance of the Old Town Bluffton Historic District.

These resources are identified on the Contributing Resources Map, which was accepted by Town Council on May 10, 2022 (see Attachment 4). The Map serves as the *de jure* list that identifies all Contributing Resources to the Old Town Bluffton Historic District, each of which are “visible reminders of the history and cultural heritage of the Town of Bluffton as well as the Lowcountry region.”

The review criteria for the designation of a Contributing Resource are set forth in the Unified Development Ordinance (UDO) in Section 3.25.3.:

A. [A]ny resource that is at least 50 years old and retains integrity of location, design, setting, materials, workmanship, feeling, and association may be considered for a Contributing Resource designation by Town Council upon a recommendation of the Historic Preservation Commission. At least one of the following criteria must be present:

1. The resource is associated with events that have made a significant contribution to the broad patterns of our history;
2. The resource is associated with the lives of persons significant in our past;
3. The resource embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction, or;
4. The resource has yielded, or is likely to yield, information important in prehistory or history.

The Joiner House was designated as a “Contributing Structure” to the Old Town Bluffton Historic District in October 2008 (see Attachment 5).

BUILDING DESCRIPTION AND BRIEF HISTORY: The Joiner House, located on the northeast corner of Bluffton and Bruin roads, was originally constructed c. 1930 and later altered in the early 1980s with an addition on the north (rear) elevation. It was a one-story, wood frame, rectangular plan, single-family residence, of approximately 1,516 square feet in area with front-facing gable roof, wood lap siding, wood double hung 6-over-1 windows, open wood rafters at the eaves, and a green 5-V crimped metal roof.

The structure was set on an elevated foundation supported by brick and concrete block piers. On the southern (Bruin Road) elevation, there was a full-width, one-story screened front porch with brick entry steps; the western (Bluffton Road) elevation had a secondary brick entrance stoop with covered portico featuring non-historic decorative iron supports. According to some reports, there had been a fire in the structure in the 1990s and the damage was repaired but no documentation has been found to specify the extent of the damage or a description of the subsequent repairs to the structure. The structure, identified as site #046-0107, was surveyed in the *Town of Bluffton Historic Resource Survey* (1994), the *Historic Architectural Resource Survey Report* (2001), the *Town of Bluffton Survey of Historic Properties* (2008), and the *Town of Bluffton Historic Resources Update* (2019) (see Attachment 6).

The property, which had been listed for sale sometime prior to May 2021, was sold on March 10, 2022, to the present owners and a second application for a Certificate of Appropriateness-HD was submitted to the Town on March 11, 2022 (COFA-03-22-016484). On July 6, 2022, the HPC heard a request by Applicant, Pearce Scott Architects, on behalf of the owners, to approve a Certificate of Appropriateness-HD to allow the renovation of the [original, 1930s-era] 1,248 SF Contributing Resource, known as the Joiner House and to relocate the entire 1,516 SF structure towards the eastern property line of the same parcel

identified as 9 Bruin Road (see Attachment 6). There was an extensive discussion with Town Staff, HPC's legal counsel, the owner, and a review of additional materials provided by the property owners prior to and during the meeting, including a discussion about the Town's Historic Preservation Grant, which the owners indicated that they had no interest in applying for, nor did they need any financial assistance. In the end, the HPC conditionally approved a Certificate of Appropriateness-HD to allow the reconstruction of the Joiner House in a relocated area towards the eastern property line of the same parcel (emphasis added). It should be noted that ultimately, the HPC found that the process of "reconstruction and relocation," for which the UDO does not specifically provide procedures or criteria to evaluate, was an acceptable alternative to the process of "rehabilitation" that had been originally requested by the Applicant, subject to several conditions outlined in the HPC's motion. A conditional approval letter was issued on July 12, 2022, and updated on August 5, 2022 (see Attachments 12 and 13, respectively).

On September 25, 2022, the owner informed Staff that he intended to apply for a Town of Bluffton Historic Preservation Grant and an application for a grant was submitted, which needed to be revised to conform to program requirements before it could be considered; on October 7, 2022, the owner submitted a revised grant application specifically for foundation repair. Staff reviewed this application and subsequently informed the owner on October 18, 2022 that since a new foundation was being constructed in a different location, this work was not eligible for a preservation grant, but there may be other preservation-related work that could be considered grant eligible, including repair and retention of the historic wood windows, repairs to the roofing material, and/or reconstruction of the front porch at the new location.

On November 18, 2022, Staff had a telephone conversation with the owner to discuss the conditions of the approved COFA-HD, in particular, the types and amounts of historic materials that had been salvaged from the Contributing Resource for use in the "reconstruction." Staff was informed that various materials had been salvaged and were earmarked for reuse on the structure in its new location (see Attachment 14). Staff also informed the owner that the project was no longer eligible to receive a Historic Preservation Grant as it did not conform to program requirements; the owner was officially informed of this decision in a letter dated December 1, 2022 (see Attachment 15).

On May 1, 2023, the owners (Appellants) filed an Appeal from an Action of the UDO Administrator's decision to fail the Rough-HD inspection associated with Permit RNEW-08-22-2266, as related to the installation of non-approved windows associated with COFA-03-22-016484 (ZONE-05-23-017996). The Appeal was heard during the regularly scheduled meeting of the Historic Preservation Commission on June 7, 2023. After a lengthy discussion, the HPC affirmed the UDO Administrator's decision in part given that the windows installed were not the same windows approved by Staff and as specified in the Building Permit, Staff was not provided additional information regarding the windows prior to installation, and Staff did not approve them as required by the COFA-HD. However, the HPC reversed the UDO

administrator's decision that the windows that were installed are not indistinguishable from the original windows at an arm's length and windows that were installed do not match the old windows in design and texture. In short, the Appellant was allowed to proceed with the approved Certificate of Appropriateness – HD and the windows remain as installed (COFA-03-22-016484) (see Attachment 16).

On June 8, 2023, Town Staff received an email from the owners “formally requesting that the Joiner House (9 Bruin Road) be removed from [the list] ... [g]iven that the original structure no longer exists...” Town Staff followed up with an email clarifying the process for the Removal of a Contributing Structure, which was followed by a telephone call and additional emails to outline the application process. The subject Application and Narrative was submitted on June 13, 2023 (Attachment 3).

REVIEW CRITERIA & ANALYSIS: According to the UDO, a Contributing Resource is “[a]ny building, structure, site, object, feature, or open space, *as designated by Town Council*, that adds to the historic associations, architectural qualities, or archeological values that relate to the documented significance of the Old Town Bluffton Historic District” (*emphasis added*). In May 2022, Town Council designated two (2) new Contributing Resources (e.g., the Bluffton Post Office located at 41 Bridge Street and the Bluffton Health Center located at 1261 May River Road). At the time, the Historic Preservation Commission reviewed these applications under procedures and criteria set forth in UDO Sec. 3.25. and recommended that Town Council add these Resources to the “list.”

While the current UDO is silent on specific procedures and criteria for “removing” a Contributing Resource, HPC may consider precedents set by Town Council as it pertains to removing a Contributing Resource. Since 2016, Town Council has reviewed two specific requests to remove structures from the list of Contributing Resources to the Old Town Bluffton Historic District: “Eggs’n’tricies” formerly located at 71 Calhoun Street and 75 Bridge Street, a private residence.

To be clear, if HPC recommends removal of the Contributing Resource from the Contributing Resources Map (i.e., the “list”), the HPC is not recommending that Town Council remove the Resource from the *Town of Bluffton Historic Resources Update* (2019) or any other earlier survey. A Survey is strictly a set of data which was collected on extant structures at a given point in time. Each of the Resources was deemed to be “eligible” to be listed as a Contributing Resource based upon data collected at the time the Survey was completed.

While there remains no specific procedures or criteria in the UDO for the removal of a Contributing Resource, Town Staff and the HPC should therefore, as in the past, consider the criteria set forth in Section 3.25.3 of the UDO to determine “if a structure should be removed from the Contributing Resources Map and whether or not the structure no longer possess [*sic*] the qualities of the criteria.” Consideration should

also be given to the fact that the underlying conditionally approved COFA-HD was for “reconstruction and relocation” of the Resource and not for wholesale demolition.

Accordingly, the applicable criteria under §3.25.3. are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

A. Section 3.25.3.A. Any resource that is at least 50 years old and retains integrity of location, design, setting, materials, workmanship, feeling, and association.

Finding: While the HPC’s approval was for reconstruction using historic materials, the extant structure is essentially a newly constructed structure from 2023 and therefore does not meet the threshold of being at least 50 years old. Further, the following aspects of integrity must also be considered:

Location: The structure has been moved to the eastern side of the same lot at 9 Bruin Road, while maintains the same orientation, it is sited closer to Bruin Road;

Design: The structure retains the same architectural features of the historic structure, including the screened front porch, the side entrance, brick steps, and window and door fenestration, and front gable end roof;

Setting: The structure has been moved from its historic location, set back on the lot from Bruin Road within the canopy of the large live oak trees and azalea bushes;

Materials: The Applicant was to retain original components to the maximum degree as reasonably and economically feasible.

Workmanship: Since this modern construction, using modern construction techniques, any evidence of historic craftsmanship or building techniques were lost in the relocation and reconstruction of the Resource;

Feeling: Since this is a construction utilizing new and original materials, the aesthetic sense of the period of time during which the house was built and later altered, may have been lost; and

Association: Since this is primarily a reconstruction and a relocation, there is no direct link between the original builder(s) or original owner/occupant(s) of the Resource.

In addition to age and architectural integrity, at least one of the following criteria must also be present:

1. *The Resource is associated with events that have made a significant contribution to the broad patterns of our history.*

Finding: Although the structure was reconstructed with mostly new and some original materials, it still represents the design that the original builder felt was appropriate for the time.

2. *The Resource is associated with the lives of persons significant in our past;*

Finding: Since the extant structure was reconstructed in 2023, it physically has no association with the lives of persons significant in our past, other than being constructed on property formerly owned by the Joiner family; however, the design still reflects the lives of the Joiner family who built the structure.

3. *The Resource embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction;*

Finding: The contributing resource embodies the physical appearance and characteristics of the original home. However, since the home was reconstructed, the construction work is not representative of the work of a master, nor does it possess high artistic value.

4. *The Resource has yielded, or is likely to yield, information important in prehistory or history.*

Finding: Since the extant structure was reconstructed in 2023, there is no evidence that the extant Resource is likely to yield information important in prehistory or history.

REVIEW BY LOCAL PRESERVATION GROUPS: As has been past practice, Town Staff reached out to the local Bluffton Preservation Groups (Historic Bluffton Foundation, Palmetto Bluff Conservancy, A Call to Action, and Bluffton Township Black History Historical Preservation Society) for comments on this Application. On July 31, 2023, Town Staff received an email from the Palmetto Bluff Conservancy stating, “based on the on the definition of a Contributing Resource in the Old Town Bluffton Historic District, we recommend removing 9 Bruin Road as a Contributing Resource, since the building is essentially new construction.”

HISTORIC PRESERVATION COMMISSION ACTIONS: As granted by the powers and duties set forth in Section 2.2.6.E.4. of the UDO, the Historic Preservation Commission has the authority to take the following actions with respect to this application:

1. Recommend approval of the application as submitted by the Applicant;
2. Recommend approval of the application with conditions; or
3. Recommend denial of the application as submitted by the Applicant.

NEXT STEPS:

Designation (Removal) of a Contributing Resource Process	Step Completed	Date Completed
Step 1. Forward the Application for Designation (Removal) of a Contributing Resource Request to Historic Preservation Commission	✓	September 6, 2023
Step 2. Town Staff will forward HPC's recommendation to Town Council for consideration		Anticipated on or about September 7, 2023
Step 3. Town Council will consider HPC's recommendation at next available meeting		Anticipated October 10, 2023
Step 4. Town of Bluffton Contributing Resources Map to be Adopted by Town Council on Consent Agenda, If Removed from the Contributing Resource Map		Anticipated November 14, 2023

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Application and Narrative
4. Town of Bluffton, Contributing Resources Map
5. Notice of Designation, October 13, 2008
6. Survey Forms
7. Attorney Elizabeth B. Mayo letter, September 26, 2019
8. Town Staff Letter, November 12, 2019
9. Attorney Elizabeth B. Mayo letter, September 11, 2020
10. Dorothy Joiner Singleton Letter, August 24, 2021
11. Approval Letter (COFA-05-21-015377), September 7, 2021
12. Preliminary Approval Letter (COFA-03-22-016484), July 12, 2022
13. Updated Approval Letter (COFA-03-22-016484), August 5, 2022
14. Staff Email to Owner, November 18, 2022
15. Town of Bluffton Historic Preservation Grant Denial Letter, December 1, 2022
16. Historic Preservation Commission Appeal Order, June 6, 2023