

HISTORIC PRESERVATION COMMISSION



STAFF REPORT Department of Growth Management

MEETING DATE:	June 5, 2024
PROJECT:	Tyson-Derst Cottage, 113 Bridge Street – The Relocation and Partial Demolition of a Contributing Resource
APPLICANT:	Court Atkins Group
PROJECT MANAGER:	Glen Umberger, Historic Preservationist

APPLICATION REQUEST: The Applicant, Court Atkins Group, on behalf of the potential owners, Chris and Christine Murphy with the consent of the current owner, William Gary Roe Residential Property Trust, requests that the Historic Preservation Commission approve the following application:

1. **COFA-04-24-019080.** A Certificate of Appropriateness to allow the relocation and partial demolition of the approximate 2,227 SF Contributing Resource known as the Tyson-Derst Cottage, located at 113 Bridge Street (Tax Parcel R610-039-00A-0192-0000) in the Old Town Bluffton Historic District and zoned Riverfront Edge-HD.

INTRODUCTION: The Applicant has proposed the relocation and partial demolition of the existing “Tyson-Derst Cottage,” a Contributing Resource to a location to be determined under a separate, future COFA-HD application. The Resource was first surveyed in August 1994 as part of the South Carolina Statewide Historic Resources Survey (Site #046-0125) and was determined to be “contributing” to the Bluffton Historic District, listed in the National Register of Historic Places in 1996. It was subsequently surveyed in 2008 when it was listed as “Contributing” to the locally designated Old Town Bluffton Historic District. In 2019, the Resource was again surveyed as part of the *Town of Bluffton Historic Resources Update*.

According to *A Guide to Historic Bluffton*:

Enclosed within this contemporary structure is the original Tyson-Derst Cottage which was built by Lawton Tyson from Savannah. It was then sold to the Derst family from Savannah who owned Derst Bakery.¹

Since the time that the Tyson-Derst Cottage was included in the Bluffton Historic District’s successful nomination to the National Register of Historic Places in 1996

¹ The Bluffton Historical Preservation Society, *A Guide to Historic Bluffton* (Bluffton: Bluffton Historical Preservation Society, Inc., 2007), 60.

and its inclusion as a Contributing Resource to the local Old Town Bluffton Historic District in 2008. According to Derst K. Austin, a member of the Austin family who owned the house from 1963 and 1999, the current structure “is unrecognizable after renovations that include expansion, alterations, roof removal and redesign among other changes” (see Attachment 3).

HISTORIC PRESERVATION COMMISSION ACTIONS:

As described in UDO Section 5.15.1, Old Town Bluffton Historic District Intent, the regulatory requirements, design guidelines and materials are not intended to “discourage creativity or force the replication of historic models” but to set forth a framework in which the diversity that has always characterized Bluffton can continue to grow. It is the charge of the HPC to assess the interpretation of these guidelines as they pertain to applications using the established review criteria.

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.

REVIEW CRITERIA & ANALYSIS: Town Staff and the Historic Preservation Commission are required to consider the criteria set forth in Section 3.18.3 of the UDO, as amended September 12, 2023 in assessing an application for a Certificate of Appropriateness – Historic District (HD). The applicable criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

1. Section 3.18.3.A. Consistency with the Secretary of the Interior’s *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*.

- A. The following ten (10) Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

Finding. Based on the information and materials submitted, Staff believes this Standard has not been met as the relocation and partial demolition of the existing structure while in essence may return the structure to its historic appearance as a summer cottage, relocation of the structure away from its historic environment directly facing the River substantially changes the defining characteristics of the building in relation to its site and environment.

2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

Finding. Based on the information and materials submitted, Staff believes the proposal meets this Standard only if all historic materials are fully evaluated and repaired or replaced with like in-kind as needed. Any materials which require replacement will need to be identified in the Building Permit drawings for compliance should this Application be approved. Also, the proposed rehabilitation shall retain the defining features and spaces that characterize the Contributing Resource.

3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

Finding. Based on the information and materials submitted, Staff believes the proposal meets this Standard as the Applicant proposes to recreate the historic look of the existing Contributing Structure based on photographic evidence through the partial demolition of non-historic alterations and replacement of documented historic architectural elements. Furthermore, the Applicant does not propose to add conjectural features or architectural elements from other buildings.

4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

Finding. Since the original cottage has been altered since it was first surveyed in 1994, such alterations have not acquired historic significance and the proposal to remove these alterations via partial demolition meets this Standard.

5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*

Finding. The Applicant proposes, in part, to remove and replicate the historic roof and reconstruct the front screened porch. Staff finds that based on the information and materials submitted, that the proposed recreations of these distinctive features meets this Standard. In addition, the Applicant proposes to remove and replace windows, shutters, and doors, however, additional information on these elements will need to be provided to ensure that they comply with this Standard.

6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

Finding. According to the narrative provided, the Applicant proposes that every effort will be made to preserve and reuse as much of the original materials as possible. Further, all materials shall be evaluated and repaired or replaced with like in-kind as needed. Any new materials used to replace deteriorated materials or replicate historic features shall match the old in design, color, texture, and other visual qualities. Additional information must be provided to ensure that the repair or replacement of deteriorated historic features comply with this Standard.

7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

Finding. The narrative does not indicate that any surface cleaning of the structure will be undertaken. This Standard, accordingly, does not apply.

8. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

Finding. No digging is currently being proposed but should any archeological resources be discovered during the project, the proper notifications will need to be made. As currently proposed, this Standard does not apply.

9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

Finding. Based on information and materials submitted, as no new additions, exterior alterations, or related new construction is being proposed, Staff finds that this Standard does not apply.

10. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Finding. Based on information and materials submitted, as no new additions and adjacent or related new construction is being proposed, Staff finds that this Standard does not apply.

2. Section 3.18.3.B. Consistency with the principles set forth in the *Old Town Master Plan*.

Finding. The application is inconsistent with the principles set forth in the *Old Town Master Plan* which states, "The built environment, in particular the historic structures scattered throughout Old Town, should be protected and enhanced." Since the Applicant proposes to relocate a Contributing Resource within the Old Town Bluffton Historic District, a locally designated historic district, such action does neither protect nor enhance the historic structure. Furthermore, as part of its policy recommendations and regulatory changes, the *Old Town Master Plan* calls for the Town to "provide policy and guidelines for the adaptive reuse of buildings that have become functionally or economically obsolete." It does not call for the relocation of such properties. In this instance, the subject Contributing Resource is neither functionally nor economically obsolete.

3. Section 3.18.3.C. The application must be in conformance with applicable provisions provided in Article 5, Design Standards.

Finding. Town Staff finds that, if the conditions below are met, the proposed relocation and partial demolition will be in conformance with applicable provisions provided in Article 5:

Per Section 5.15.5.E. Riverfront Edge Historic District (RV-HD), only two carriage houses may be built per one primary structure and the carriage houses must be placed between the primary structure and the street (oriented towards the May River). Since there are currently two accessory structures on the lot, if the Contributing Resource remains on the property at a new location, potentially at least one carriage house may be required to be demolished before the Contributing Resource can be relocated.

4. Section 3.18.3.D. Consistency with the nature and character of the surrounding area and consistency of the structure with the scale, form, and building proportions of the surrounding neighborhood.

Finding. Town Staff finds the nature and character of the relocation to be inconsistent and non-harmonious with that of the surrounding Riverfront Edge zoning district. The structure is an existing Contributing Resource whose direct relationship to the May River and to other historic riverfront cottages is the most important characteristic that should be protected. As such, any relocation of a riverfront cottage is inappropriate.

5. Section 3.18.3.E. Preservation of the existing building's historic character and architecture.

Finding. Based on information and materials submitted, Staff finds that the existing building's historic character and architecture may be preserved using the method to partially demolition the non-historic alterations, but the proposed relocation will destroy the Resource's historic character as a riverfront cottage.

6. Section 3.18.3.F. The historic, architectural, and aesthetic features of the structure including the extent to which its alteration or removal would be detrimental to the public interest.

Finding. Based on information and materials submitted, Staff finds that the historic, architectural, and aesthetic features of the Contributing Resource will be preserved however the proposed relocation of the structure away from the riverfront will be detrimental to the public interest.

7. Section 3.18.3.G. Criteria for an application to demolish, either in whole or in part, any Contributing Structure.

Finding. The Applicant seeks approval for the relocation and to partially demolish only the non-historic portions of a Contributing Structure. As such, under sub-Section 3.18.3.G.1., while the Application provides the "existing and historical ownership and use" of the property, additional information is required for the "reason for requesting demolition."

Finding. The Applicant has not provided sufficient information, under sub-section 3.18.3.G.2.a. "that establishes clear and convincing evidence that the [partial] demolition of the structure is necessary to alleviate a threat to public health or public safety; nor under subsection 3.18.3.G.2.b. that there are "other reasonable alternatives to the [partial] demolition; nor under subsection 3.18.3.G.a.3. that "the denial of the application, as a result of the regulations of [Section 3.18.3.], deprive the Applicant of reasonable economic use of or return on the property."

8. Section 3.18.3.H. The application must comply with applicable requirements in the Applications Manual.

Finding. The Certificate of Appropriateness Application has been reviewed by Town Staff and has been determined to be complete, however, the following items must still be addressed as separate applications required prior to approval:

Any proposed future subdivision application that would create a lot within the Riverfront Edge-HD zoning district that does not have a river frontage would need to include a zoning map amendment for the new lot or else the proposed subdivision would create a non-conforming lot. In the Riverfront Edge – HD zoning district, the front plane of the structure must be 150' or greater from the OCRM line

(Section 5.15.5.E). The current structure is approximately 35'-40' into the setback, which makes it a legal non-conforming structure (UDO Sections 7.2.1 and 9.2). If the existing Contributing Resource is relocated, any proposed new structure would have to be based on the 150' setback.

STAFF RECOMMENDATION: It is the charge of the HPC to assess and interpret the standards and guidelines set forth in the UDO as they pertain to applications using the review criteria established in the UDO and to take appropriate action as granted by the powers and duties set forth in Section 2.2.6.E.2. Town Staff finds the following requirements of Section 3.18.3 of the Unified Development Ordinance have not been met:

1. Per Section 3.18.3.A.2., any materials which require replacement following the relocation and partial demolition will need to be identified in the Building Permit drawings for compliance should this Application be approved;
2. Per Section 3.18.3.A.5., additional information must be provided to ensure the windows, shutters, and doors comply with this Standard;
3. Per Section 3.18.3.A.6, additional information must be provided to ensure that the replacement or repair of deteriorated historic features comply with this Standard;
4. Per Section 3.18.3.G, additional information must be provided regarding the reason for requesting the partial demolition, clear and convincing evidence that that partial demolition is necessary to alleviate a threat to public health or safety, that there are no other reasonable alternatives to the partial demolition, and information that the denial of this application will deprive the Applicant of reasonable economic use of or return on the property; and
5. Per Section 5.15.5.E., additional information must be provided to ensure that any future subdivisions or any new construction conforms to the requirements of the Riverfront Edge-HD zoning district.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Application and Narrative, including Exhibits
4. HPRC Comments