

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
Buggy Building Conference Room
7:00 PM Monday, March 25, 2019
115 Chatham Street

Roll Call:

Commissioners Present: Brian Mitchell, Rebecca Whitaker, Jason Cline, Greg Stoch,
David Underwood & Phil Yarborough

Commissioners Absent: Allen Gordon

Staff Present: Liz Whitmore, Historic Preservation Planner II, Anne Sears,
Secretary to the Commission and Al Benshoff, Commission
Attorney

Government Official Present: Sam Gaskins

Witnesses and Guests: Chris Martin, Katie Martin, Jimmy Haire, Nick Kane, Lnette
Juarez, Jocelyn Stoch, Denise Roethlisberger, Al Roethlisberger,
Kathy Carroll, Cheri Myers, R. Myers, Walter Ciucevich and Ed
Duffell, Jr.

Chair Mitchell called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined.

2. **Approval of the Agenda for March 25, 2019:**

Chair Mitchell called for approval of the agenda for March 25, 2019. Commissioner Greg Stoch moved to approve the agenda; seconded by Commissioner Whitaker and the motion passed unanimously.

3. **Approval of the February 25 , 2019 Minutes:**

Chair Mitchell called for the approval of the minutes for February 25, 2019. Commissioner Whitaker moved to approve the minutes; seconded by Commissioner David Underwood and the motion passed unanimously.

4. **Public Comment: N/A**

Chair Mitchell asked if there was any public comment.

5. **Public Hearings:** N/A

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the case being heard tonight (COA-19-09, COA-19-11 and COA-19-13.) There was none.

Chair Mitchell opened the Public Hearing: There was none.

At this time, staff Liz Whitmore, David Lind, Chris Martin and Walter Ciucevich were given the oath.

a. **COA-19-09** – Application by David Lind who wishes to replace the original wood windows with vinyl windows.

In accordance with the General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

Staff Whitmore noted that the staff report was in two separate packets. She stated that the Downtown guidelines important to this case are on page 3 (a.) It is appropriate to preserve, protect and retain original window and door elements such as sash, glass, sills, frames, casings, hardware, weather stripping, lintels, architraves and shutters. The applicant is proposing to remove all the original windows (Exhibits A and B, pages 9 and 10) and replace them with vinyl windows (Exhibit C and D, pages 11 and 12). These vinyl windows will have their muntin's on the outside of the glass. b. When the repair of a window or door is not technically feasible, the replacement design should match as closely as possible with the original window or door in material, scale, character, design, and appearance. New windows or doors should have matching sash, glass, sills, frames, casings, and muntin patterns. New sash should be made out of wood, not metal unless metal is historically appropriate to the structure. Existing window casings and trim should be retained. Staff stated that it appears that the proposed vinyl windows compliment the design of the original windows. However, the material of the replacement windows DO NOT match the original appearance of the windows to be removed. The new sash is not made of wood and it appears that the applicant intends to remove the window casings and trim. c. The pattern, arrangements, and dimensions of doors and windows on the principal elevation or other character defining elevations should be retained, unless restoring the elevation or other character defining elevations should be retained, window and door openings should not be enlarged or reduced to fit stock windows or doors. Staff Whitmore shared that should the commission approve the replacement windows the openings will not be enlarged or made smaller to accommodate the new windows. Staff Whitmore added that windows or doors with snap-in muntin's- see (C on page 11) should be avoided. The muntin's are on the exterior of the proposed windows. Staff stated that guideline f, g and h does not apply. Staff Whitmore noted that I on page 4, states it is appropriate to retain and repair existing historic shutters and their hardware. The applicant will retain and repair all existing shutters. Under j, if a historic shutter must be replaced, the new shutter should complement the original shutter in size, shape, number of panels, and style. New shutters that are not part of the original design must be carefully reviewed to determine historic appropriateness and correct design relative to the structure and neighborhood. Staff Whitmore stated if the applicant installs new shutters, they should complement the new shutters in size, shape, color and material. Staff Whitmore noted that k on page 4, speaks about shutters again. Shutters should be attached to the window casing and not the siding or wall. Shutters should cover the entire window when closed. Even if the shutters do not close, they should appear to. Ornamental shutters may be appropriate if they can be historically attributed to the structure.

Staff Whitmore said she would be glad to answer any questions at this time.

Questions from the commissioners were: Commissioner Stoch asked Staff Whitmore is it a contributing structure and is it part of the group of homes that was brought into the historic Rosemount McIver in the year 1997? Chair Mitchell asked if all of the windows that are being replaced were all matching to each other? Staff noted that there were some existing vinyl windows in the back. She explained at some time or other there was a small addition put on and at that time those windows were put in. Commissioner Whitaker asked if the board could look at the exhibits. She stated that it looks like (Exhibit A) page 10, the front of the house, looks like nothing would be replaced. Staff Whitmore shared that he wants to replace the original windows with the vinyl windows. Commissioner Whitaker asked about (Exhibit B, page 10). She asked if all the windows pictured here are to be replaced? Staff stated yes. Commissioner Stoch summarized it up by saying just to confirm that the windows that are being proposed to be replaced are the ones that are visible from the street and the vinyl windows that are on the add-on on the back side of the street are not visible from the street. Staff Whitmore noted that there are some original windows in the rear and the window (Exhibit B, page 10) to the right of the door that that one doesn't have muntin's, and it is a vinyl window. Commissioner Cline asked what is the reason not to replace like for like windows in this situation (to retain the original windows). Staff Whitmore stated that the reason we maintain the original windows is to maintain the contributing structure and depending upon the windows that he wants to use for replacement; original windows has a very thin surround, so that is something that is very important to retain. It does appear that the proposed windows in (Exhibit C, page 11 and page 12) appear to have a very thin profile (referencing the sash on the side). Staff Whitmore explained that sometimes when you buy a new window the sash is wide and usually the historic window is very narrow. Staff Whitmore asked the Commission if they would look at (Exhibits C and D pages 11 and 12) that the applicant provided. Commissioner Yarborough asked if we are replacing sashes or replacement windows? Staff Whitmore stated that her understanding was that we are replacing the entire window. She asked the commission to look at (Exhibit D page 12). Staff Whitmore said she felt like that is a question more appropriate for the applicant, David Lind. Commissioner Stoch asked about (Exhibit A, page 10) where it shows the upper windows on the dormer and he wanted to know if they will be replaced? Staff Whitmore stated to her knowledge that they would be replaced.

Chair Mitchell asked if there were any other questions for staff. There were none.

At this time, applicant David Line approached the podium. Mr. Lind noted that as far as the profile goes, the profiles will keep the original exterior frame and it is a small insert that goes in the sides, so all the wood brick molding would stay contained. Mr. Lind said he wanted to address the replacement sashes, he said it is not where you pulled some of the guts out of the inside and just put those runners in there, that this is a window where it just slipped into that whole thing, so it is all self-contained insulated window and the glass is also double paned. Commissioner Yarborough asked if it would add some width? Mr. Lind said if it did; it would be very, very little; probably less than one half inch or less on both sides. Mr. Lind stated that these windows are vinyl clad windows. Commissioner Chair Mitchell asked the applicant to state his name and address and the relationship to this property at this time. Mr. Lind stated his name and that he lived at 1201 Cool Springs Road and he is the owner of 520 Sunset Drive. He stated he had a drawing and a picture of a style of shutter that he would like to put there. (Exhibits E and F) Note: pages were not numbered. At this time, Mr. Lind stated as you look at the front

page of the house (Exhibit A, page 9) that these are original shutters to the house. He also stated he had pictures of the style, wooden shutters that he is proposing to go back on the home. It was determined by the Commission that Mr. Lind needed to bring this back to the Commission and provide a COA.

Chair Mitchell asked if there were questions for the applicant. Questions for the applicant were as follows:

Commissioner Whitaker asked the applicant, what is your reasoning for going with this type of windows versus something that is more similar to the original? Mr. Lind stated that getting true wood windows that are insulated are extremely difficult to find and expensive. Mr. Lind shared that the wood today is grown too fast and it rots fast. He added that this window will have the longevity to the windows that was here on the house; that you could not get quality windows anymore. He stated that the windows he is proposing are not cheap windows. He shared that he could get around thirty other types of brand windows that do not cost as much; but they are not the type he is wanting to buy to place in the home. Chair Mitchell asked if he was going to replace the windows in the dormer? Mr. Lind stated at this time he doesn't know because that one would be in the attic space. Commissioner Stoch asked Mr. Lind why he doesn't want to keep the original windows? Mr. Lind said the windows are in pretty bad shape and the home was built in either 1942 or 1946 and they are falling apart and they are not energy efficient. He noted that those single-paned windows transfer heat and cool too fast but he understood the historical view of this too.

Questions from the commissioners were: Chair Mitchell asked if the building was painted? Staff Whitmore noted that it was not. Mr. Lind stated he does not want a high-power bill and that plays a factor in him wanting to replace the windows. Commissioner Stoch shared that he too lived in the historic district and their home was built in 1921, and he has wood windows and he has similar issues, but he intends to repair his windows because he too understood that the old wood is so much better than the new wood and that he had read that vinyl windows would last for a while but they won't last as long as the old wood windows would. Commissioner Stoch shared that the guidelines are pretty specific about not replacing original windows. Mr. Lind shared that true historic windows are truly expensive. Commissioner Yarborough asked Mr. Lind if the windows are falling apart? Mr. Lind stated yes. Staff Whitmore asked to make one correction that the National Register has the house being built in circa 1940. Mr. Lind noted that there is a few of the windows that are good on the house but most of them are bad. Chair Mitchell asked Mr. Lind if he could provide more evidence in regard to the windows? Mr. Lind said he would take pictures to present at the next meeting.

Chair Mitchell asked if there were any more questions for staff. There was none.

Closed for Discussion:

Discussion held among the commissioners was: Commissioner Whitaker relayed that she finds the reasons why the applicant, David Lind is wanting to replace the windows and what he proposes to use is compelling; That she too lives in an older house with original windows in the historic district and you do get a lot of draft from the original windows and the thought of having

energy efficient windows is appealing. Chair Mitchell shared that he has old historic windows on his home and you can definitely feel the draft but he prefers to save the windows as much as possible. Commissioner Yarborough added that his home was built in 1949 and he has similar windows with the grates as the applicant and that he too had a couple in pretty bad shape that need to be replaced. Commissioner Whitaker relayed that it seemed that Mr. Lind has done his homework and he has looked into various alternatives. Commissioner Stoch shared that there are places that have inventory of old windows, for example if sashes were broken down or falling apart. Commissioner Stoch provided names of places that you could purchase the windows and replacement parts. They were the Railroad Depot in Aberdeen, a salvage place in Salisbury and one in Rocky Mount. He shared that he has the double hung windows, lead weights and the broken ropes and the painted up, beat up muntin's and it leaks and the vast majority of heat even when you have storm windows on the outside is coming in where the weights are, that there is an open gap there and he recommended stuffing it with insulation to help cut down on a lot of draft. He shared that it is an old house and the guidelines in the historic district speak very specifically what the guidelines say, that if you can repair it or fix it with like materials that he thinks it should be done that way. Commissioner Stoch remarked that the Commission is not allowed to make decisions based on cost and it comes down to what the guidelines say in the historic district that speak very specifically about saving old windows. Commissioner Stoch stated that he would like to have an inventory of how many windows they are, which ones faces the street, side and back that are original wood and those that have been replaced or was part of the addition that has been built on and how many years ago as well and then what percentage would be vinyl. He added if we were talking about 90 percent of the windows being vinyl, then we are talking 10 to 20 percent and he said he would like to know that as well.

Chair Mitchell closed the discussion.

Mr. Lind came back to the podium.

Chair Mitchell summed it up by stating to the commissioners, that it seems like we need to have more evidence from the applicant, Mr. Lind about the windows and if you would like to bundle that and then table this. Mr. Lind wanted to address about filling the void in with lead weights. He stated it was dangerous. He said if you put foam in where the windows is not working and then the windows won't work anymore, you cannot open your window unless you are going to actually physically lift a heavy window. He stated by building code you must have egress mainly out of your bedrooms and that he wouldn't even consider doing that because you would not want to harm anyone or do anything of that nature. Mr. Lind added you have other egresses in the home such as a den and a kitchen but you cannot do this in the bedrooms. Commissioner Stoch noted that egress is not part of this debate. Commissioner Stoch asked the applicant, Mr. Lind if he would be ok with counting which windows are made of original wood that faces the street and then the ones that are made out of vinyl that faces this direction? Mr. Lind asked commissioner Stoch if he was speaking about which ones are rotten and which ones are structurally sound? Commissioner Stoch noted that he wasn't asking him to make a judgement call on which ones are and are not repairable but he was asking for a count of which ones are original and which ones are vinyl. Mr. Lind said he would do his best and Commissioner Yarborough asked if he could do that now from the photographs, because there was an addition on the back of the house. Commissioner Yarborough asked if this part was going to be addressed and Mr. Lind stated no

that there was only one window that sets over to the side of that door. Mr. Lind noted that there are three exposed windows to the street as far as street side; and there is a den, a bedroom and another small bedroom and as far as he knew they all have weights in the windows. Chair Mitchell asked the applicant, David Lind if he was ok tabling this for another month? Mr. Lind stated yes. Commissioner Yarborough had a question about the trim that we are talking about on the side of the window that it looks like it is about a half of an inch and he wanted to know if it was about the same as the replacement track? Mr. Lind said usually on vinyl they are about an inch or an inch and a quarter and he couldn't say for sure. Commissioner Yarborough stated so what I am hearing is that it will make the windows that are actually being replaced smaller than the ones that you are replacing right? Mr. Lind said he would have to look at the window closer before he could answer that question but he noted that it would fit that window and it would fill the whole gap around the window. Commissioner Yarborough said his concern is the look of it after they are replaced. Mr. Lind said it would fill the gap and that the sash is a solid three inches and they would look nice. Chair Mitchell asked if Mr. Lind is ok with coming back to the April 22, 2019? Mr. Lind asked the Commission if they could send him a letter regarding the information, they need from him? Chair Mitchell asked Mr. Lind if he could provide at the next meeting images of the window conditions and a photograph of each window. Commissioner Yarborough asked Mr. Lind how many windows is he replacing? He stated he thought it was twelve. Commissioner Stoch reiterated that he would like to know how many were original and at some point, how many were replaced and or how many were put in at the time of the addition. Commissioner Whitaker shared that some people want conditional evidence of the condition of the window and she asked Mr. Lind to take photographs. He stated he would. Commissioner Stoch asked Mr. Lind if all the windows were six over six? Mr. Lind stated he would have to go look. In closing, Commissioner Yarborough stated that the Commission would need from Mr. Lind the number of the windows and their condition.

Chair Mitchell asked for a motion for continuation of COA-19-09 until the next month's meeting on April 22, 2019. Commissioner Stoch moved that COA-19-09 be continued to the April 22, 2019 meeting, seconded by Commissioner Yarborough and it passed unanimously.

COA-19-11 – Application by Ciucevich Holdings Inc., 310 Summitt Drive who wishes to remove the 4-foot-tall brick walls on the east and west property lines as well as the brick fireplace, located in the rear yard. The applicant also wishes to replace the basement windows with vinyl tilt out windows.

At this time, Commissioner Whitaker asked to recuse herself from the case, that she was an adjoining property owner and she had received the letter about the case and Commissioner Stoch also stated he too was an adjoining property owner and he had received the letter. Commission Attorney, Al Benschoff summarized the N. C. law about conflicts stating that if you can't be fair about the hearing you have a conflict and if you or a member of your immediate family can profit from the decision or make a financial gain from the decision you have a conflict of interest. Commissioner Stoch and Commissioner Whitaker both agreed that they do not have a conflict of interest.

At this time, Mr. Ciucevich relayed that this is a flip property and he plans to renovate the home to sell and he stated it would affect home values in the surrounding areas. Commissioner Stoch

noted that technically any of the commissioners could be affected if they live in the historic district, if someone increases the value of their home. Commission Attorney, Al Benshoff stated that a case law doesn't recognize a general change in neighborhood values as a conflict. Commissioner Whitaker and Commissioner Stoch could ask for a motion to recuse themselves. Commissioners Whitaker and Stoch stated that neither of them felt the need to do so. The discussion continued.

Staff Whitmore relayed that Mr. Ciucevich has had problems receiving his mail. Staff Whitmore stated that she has been out of town for the past two weeks attending conferences and the certified letter to him came back to her. A copy of the letter, the envelope dated and posted are in the file. (Exhibit A) Staff stated she called Mr. Ciucevich and asked him was he aware that the meeting was tonight? Mr. Ciucevich stated he was.

In accordance with the General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

Staff Whitmore noted that the Downtown Guidelines important to this case talk about (a) it is appropriate to preserve, protect and retain original fences and walls. If replacement is necessary, use like-kind material when possible and appropriate new material when not possible. New material should blend with the historic material in composition, size, shape, color, pattern and texture. The applicant is proposing to remove the two four-foot-tall brick walls (Exhibits B, C and D, pages 11,12 and 13) located on the east and west property lines as well as the brick fireplace. Staff Whitmore relayed that (Exhibit A, page 10) is the front façade of the house. Staff Whitmore noted that these are the photographs that she took while she was out in the field. (Exhibits, A, B, C, D, E, pages 10 thru 14). Note: The applicant intends to install a 6-foot wood privacy fence in the rear yard. b. New fences should be congruous with the character of the historic district. The proposed new fence will be wood, 6-foot-tall and will be installed in the rear yard. (Exhibit D, page 13). Staff Whitmore noted that these types of privacy fences have been installed in rear yards in the historic districts. d. Fences that extend up the side yards should be no more that 50% solid from the rear plan of the most extreme point of the rear of the structure. Staff noted that it appears that the proposed 6-foot-tall wood fence does not meet this 50% requirement (Exhibit D page 13). e. It is inappropriate to replace existing inappropriate fences (such as chain link) with inappropriate materials and design when significant repair is needed (>50%). Repair by replacement of more than 50% of inappropriate fencing should be completely replaced with appropriate fencing. Existing inappropriate fencing should be camouflaged with vegetation. The existing fence is not inappropriate; however, the applicant is proposing to remove the four-foot-tall brick walls and replace with a six-foot-tall wood fence. f. The structural member of any fence shall be turned to face the property of the person erecting the fence. ("good neighbor fence") The fence shall be installed so the structural side of the fence faces the proposed property. Guideline g does not apply. On (page 4 #8) it speaks about Windows and Doors. Staff Whitmore stated that the applicant, Mr. Ciuevich, is proposing to replace basement windows – see (Exhibit E page 14). She shared that they are glass blocked windows with some sort of insert of stained glass that Mr. Ciucevich will address. Staff Whitmore stated that Mr. Ciuevich wants to replace those with the replacement window as shown on (Exhibit E page 14). Staff stated that c and d does not apply. e. Existing vinyl

windows should be replaced per historic guidelines. The applicant is not proposing to remove any existing vinyl windows. (f,g,h,j,k,l,m) does not apply.

Chair Mitchell asked staff Whitmore if she had any pictures of the exterior of the house? She stated she did not. Commissioner Stoch asked staff Whitmore to refer to (Exhibit E page 14), that the windows that are being proposed looks smaller than what is there. Staff Whitmore stated you would have to address that with Mr. Ciucevich. Chair Mitchell asked about the wall being dangerous as shown on (Exhibit C page 12). Staff Whitmore shared that that is the poorest condition of the wall and it leans. Staff noted that a letter from his mason (JP Masonry) is included. Staff Whitmore read the letter (Exhibit F) which is the next to the last page of the staff report. (the pages were not numbered)

Chair Mitchell asked if there were any other questions for staff?

Commissioner Stoch asked staff Whitmore if she knew whether or not the wall is original? She said she didn't think so. Commissioner Stoch asked about the proposed replacement fence as shown on (Exhibit D) page 13. He noted that it speaks about the structural part and this is a two sided fence, which he stated he had built these before and unless you are looking through them at an angle they are essentially 100% percent blocked and he feels like it doesn't meet the requirement and it shouldn't block more than 50 % and to him it looks like it is blocked more than 50 percent. Commissioner Stoch added that by looking at that picture (Exhibit D page 13) and looking above the fence he could see a house and the top of a garage and looking through the fence, he could hardly see anything. Commissioner Yarborough asked if this type of fence (dog-eared) as you stated earlier, had been used throughout the historic district and staff Whitmore stated yes. Chair Mitchell stated on page 13 that he is trying to figure out where the fireplace is. Staff Whitmore noted that it is in the corner that it is practically gone and that is part of the clean-up. Commissioner Whitaker asked if it was part of the brick structure? Staff Whitmore said no. Commissioner Stoch asked if a fireplace was in the house and she stated no, that it is an outdoor fireplace.

Chair Mitchell asked if there were any more questions for staff? There was none.

At this time, Walter Ciucevich of Ciucevich Holdings LLC, of 1208 Red Oak Drive approached the podium. Chair Mitchell asked the applicant if he had pictures of the fireplace? Mr. Ciucevich stated he did on his phone. At this time, he passed his phone around for the commissioners to look at the pictures. Staff Whitmore asked Mr. Ciucevich to text them to her and he stated he would. Commissioner Stoch asked Mr. Ciucevich in regards to the wooden fence if he would be ok doing the 50% privacy and he stated he was. Commissioner Stoch asked Mr. Ciucevich what he was doing with the bricks? Mr. Ciucevich said he really didn't have a use for them. Commissioner Stoch noted that he just realized that he may need to recuse himself, because of the fact that he gathers materials from other people in the neighborhood for his yard. Commission Attorney, Al Benshoff stated that if Mr. Stoch asked for a motion to recuse himself, the Board should consider it. Mr. Benshoff summarized the legal standard as if there is a financial gain to Commissioner Stoch and if it would sway your opinion one way or another, then recusal is necessary. (Note: Commissioner Attorney Al Benshoff added that the board can also vote to recuse a member and you don't need to wait to be asked).

Commissioner Underwood asked if the current fence (the brick wall) is congruous with the guidelines and staff Whitmore stated it was. Commissioner Stoch asked the applicant Mr. Ciucevich about the windows and wanted to know if the ones that he is proposing to replace are exactly the same size as the opening and Mr. Ciucevich stated they were. Commissioner Stoch asked if those windows are the same style and he noted that the windows will not have muntin's. Commissioner Yarborough asked why Mr. Ciucevich was replacing them? He stated they were not very attractive and they are not in line with the age of the home. Mr. Ciucevich shared that it looked like the owner let his kids make some stained glass that was installed on these windows. Mr. Ciucevich said he has a video and pictures of the stain glass windows on his phone. Mr. Ciucevich relayed that the previous owners would like to have the stained glass windows back and he plans to give them back. Commissioner Whitaker asked again if they were literally made by the kids and Mr. Ciucevich said he was pretty sure they did because the kids names are on the windows. Commissioner Yarborough asked if they were real window blocks or just blocks put up? Mr. Ciucevich said that he didn't think these were any specific material and that some of the blocks are cracked and if they are under pressure they could explode if you demolished them. Chair Mitchell asked if the basement windows were front facing or rear facing? Mr. Ciucevich said they were on all four sides. Additional pictures were presented by Mr. Ciucevich. Commissioner Yarborough asked at this time if the windows were made out of glass blocks outline and if the center of the window is stained glass. Mr. Ciucevich noted that at one time or another there was a fire in the basement and there is a total of six windows that needs to be replaced. Commission Attorney, Al Benschhoff asked Mr. Ciucevich if he would email all the pictures that he had shown on his phone to the commission and to staff Whitmore. He stated he would. Mr. Ciucevich relayed that the neighbors are here tonight to speak and they have taken precautions so the wall would not fall on their side. Staff Whitmore noted to Chair Mitchell; that before we close for discussion, that Mr. Roethlisberger would like to be sworn in to speak, along with Cheri Myers.

At this time, Cheri Myers and Al Roethlisberger were sworn in by Chair Mitchell.

Al Roethlisberger approached the podium. He stated he lived at 318 Summitt Drive, corner of Summitt and North Gulf. Mr. Roethlisberger shared his experiences with reconstruction of his home in the historic district and shared the Secretary of State standards for Historic Preservation. Mr. Roethlisberger thoughts are that it would be best to repair the older wooden windows or buy new wooden windows if at all possible; compared to using vinyl windows. In closing, Mr. Roethlisberger stated he did support the type of window being proposed.

Cheri Myers approached the podium. She stated that she lived at 314 Summitt Drive right next to 310 Summitt Drive. She stated that she has cinderblocks stacked on a portion of the brick wall so it will not fall down and onto her property. She said that she does not know if the brick wall is original or not, nor how old it is. She wanted to reiterate about how the guidelines were written. She said that she has lived in her house for thirty years and they are right next to Mr. Ciucevich's basement. Ms. Myers shared that her thoughts were if the applicant, Mr. Ciucevich of 310 Summitt puts a wood window in the basement that it will go bad quickly due to the moisture in the basement.

Chair Mitchell closed the public hearing for discussion.

Discussion held among the commissioners was: Chair Mitchell noted that he felt like all the commissioners felt the same about the basement windows, that are not visible from the front, especially when we have testimony about the water damage there; That the best solution there would be the windows that Mr. Ciucevich has chosen; given that the existing are not original in the first place. Commissioner Yarborough said he didn't have any trouble in changing the basement windows out, that he just wanted to know why and he didn't have any problems with the wall. Chair Mitchell noted that basically the wall is a safety issue. Commissioner Stoch added that basically they are not the original windows nor either are they in character. Commissioner Stoch also noted that he doesn't have any problem with taking down the brick wall; but one concern that he has is, with the height of the six-foot privacy fence. Staff Whitmore noted that there is a short wall back there; but they do not intent to remove it and install a privacy fence across the back and both sides. Commissioner Yarborough asked if the six-foot tall fence would be touching the house and staff Whitmore noted that it will be adjoining the house on the rear. Commissioner Stoch noted that it will be the only yard on the lot that will have a six-foot privacy fence, and it would definitely look different. Chair Mitchell noted there was others, but this house will be the only one in this block. Commissioner Whitaker noted that the guidelines state the appropriate height 42 inches in front and side yards and six feet in rear yards. Staff Whitmore shared that technically if he wasn't removing that brick wall, the privacy fence would be approved at staff level.

Chair Mitchell closed the discussion.

FINDING OF FACT:

Commissioner Whitaker moved in regards to COA-19-11, 310 Summitt Drive, that the Historic Preservation Commission find as fact that the proposed project COA-19-11, 310 Summitt Drive, if the removal of the 4 foot tall brick walls located on the east and west property lines and the removal of the basement windows and vinyl tilt in windows are installed in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the following reasons. The brick wall is collapsing and poses a dangerous to the people on the property. The new fence proposed meets the guidelines regarding height and material. The windows are not original to the house and the replacement vinyl windows are appropriate replacements in this situation; Because of the moist basement environment and the location of the windows, which are not easily visible from the outside of the home, and for those reasons are generally in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole; seconded by Commissioner Yarborough and it passed unanimously.

FINAL MOTION:

Commissioner Whitaker moved based on the preceding finding (s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Ciucevich Holdings, Inc and approve the proposal (s) as shown in COA-19-11, 310 Summitt Drive; seconded by Commissioner Yarborough and it passed unanimously.

COA-19-13 – Application by Chris and Katie Martin, property owners of 318 Cross Street who wish to install a six-foot tall, dog eared wood privacy fence.

In accordance with the General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

On page three, Staff Whitmore relayed that it speaks about Fences and Walls. She stated there is not a fence at this location now; however, this is a situation where they have applied to put up a six-foot fence up and because the fence is adjacent to Gulf Street they were required to come in for a major review. Staff Whitmore asked everyone if you look at (Exhibit A, page 8) that it is the front façade of the existing house and if you look at (Exhibit B, page 9) it shows the side-yard and they want to bring the fence up to the side set of the stairs. Staff Whitmore noted that they did not provide me with the detail of the fence; however, if you looked at (Exhibit C, page 10) it gives you an idea of what a six-foot tall fence, potentially would look like. Staff Whitmore noted that (Exhibit D, page 11) is what she would recommend if it was approved. Staff Whitmore shared that they want to put a fence up; because they have dogs and a four-foot tall fence would not keep a dog in the yard.

Staff Whitmore stated she would be glad to answer any questions at this time.

Commissioner Whitaker asked staff Whitmore what is a dog-eared fence? Staff Whitmore noted that it has no points. Everyone was asked to look at (Exhibit D, page 11) and she noted that the fence is going to connect to the corner of the garage; that it will not enclose the garage and there will be a fence on the other side and the fence is turning towards the brick. Commissioner Stoch asked if it was coming right up to the side walk or how far the setback will it be? Staff Whitmore noted that fence can be put on the property line. Staff Whitmore added that the applicant is responsible for making sure where the property line is and she had also checked with zoning and the applicant does not need zoning clearance. Commissioner Stoch asked what color where they going to paint the fence and Staff Whitmore relayed that the applicant has not indicated that he is going to paint the fence; that they are going to let it age naturally. Staff Whitmore relayed that the guidelines don't address painting fencing.

Chair Mitchell asked if there were any other questions for staff. There was none.

Mr. Chris Martin approached the podium. He stated that he was the property owner and he lived at 318 Cross Street and wanted to address the fence. Mr. Martin stated ideally, he would have the fence for separation and security. Mr. Martin shared a concern about it being an eyesore; but his mom, whom is a master gardener plans to help him plant shrubbery along the fence to make it more attractive. Mr. Martin noted that another thing that surrounds their house are rental property and they have tenants that come and go; so, it would be nice to have a certain level of privacy in his back yard; since it is on a corner lot. Mr. Martin relayed that the house needs a ton of work and there is a lot of traffic on Gulf Street with cars and passers buy and he would like to have the separation there with the fence to screen the view of his property. Commissioner Stoch had a question about how close the property line is, because of the garage and the driveway? Commissioner Stoch shared an example about how in some towns that fences can't exceed 42" so they would not block people's view pulling in or backing out on the street. He noted that

there was a lot of traffic on Gulf. Mr. Martin noted that he would keep it at least a foot or two off the sidewalk to give an area for plants and he does not intend to park his vehicles in the garage. Commissioner Whitaker wanted to know the types of dogs they have. Mr. Martin shared he had a German Shepard and a Pitbull Labrador mix.

Chair Mitchell asked if anyone else would like to speak on this COA-19-13. Al Roethlisberger of 318 Summitt asked to speak again and he stated he had a question for the applicants and the Commission. Mr. Roethlisberger noted that the photo as shown on (Exhibit D, page 11) appears to be a shadow box fence, which is where the pickets are applied ultimately on either sides and that type of fencing is used often for privacy. He noted that he did remember the guideline committee specifically discussing shadow box fencing. He added that he is not offering his opinion, but he is asking the Commission to make sure to reference the guidelines; because certain types of fencing were discussed for the historic district. Commissioners discussed and relayed that the description of the fencing was marked dog ear fencing, and Commissioner Whitaker liked the idea of having fencing for the dogs so they don't run lose and would provide safety for them. Staff Whitmore told Chair Mitchell that if it is approved, that she would like to recommend that there be a condition that the applicants would provide a detail of the fence that they wish to install to include in the file, so we will have an official completed file. Chair Mitchell asked staff Whitmore once she has the details of the fence if she could review it at staff level and staff Whitmore said she could.

Chair Mitchell closed the public hearing for discussion.

Mr. Martin shared he was opened to either the stockade or shadow box fencing. He stated he was more concern with the height of the fence and having it for security. Staff Whitmore stated that the applicant didn't provide a detail of the fence, so she picked a fence that she thought would be suitable for the project. Commissioner Stoch noted that he wasn't hearing any objectives from the Commission and he felt comfortable that staff could work out the type of fencing between staff and the applicants. There was no other discussion.

FINDING OF FACT:

Commissioner Stoch moved in regards to COA-19-13, 318 Cross Street that the Historic Preservation Commission find as fact that the proposed project COA-19-13, 318 Cross Street, if the installation of the six-foot privacy fence is done in accordance with the decision by the Historic Preservation Commission, it is congruous with the character of the district, for the reason(s) that we have approved this type of fencing before, and as long as we do it with the applicant working in conjunction with staff to propose and provide for the file the actual design of the fence that will be used, is generally in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole; seconded by Commissioner Underwood and it passed unanimously.

FINAL MOTION:

Commissioner Stoch moved based on the preceding finding(s) of fact that I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Chris and Katie Martin and approve the proposal(s) as shown in COA-19-13, 318 Cross Street with the condition

that they work with staff Whitmore to provide a final design of the fence and provide copies and details of that for the file; seconded by Commissioner Underwood and it passed unanimously.

6. Old Business: N/A

7. New Business:

a. Staff Update:

1. Staff Whitmore provided updates on Minor and Major COA's included by reference.
2. Staff Whitmore noted that there will be at least two major COA's coming before the board in March.

8. Announcements:

Staff Whitmore shared that Streetfest will be April 13th, beginning at noon and ending with Fireworks at Depot Park. Steele Street will be closed and there will be lots of vendors and food trucks and bands participating. The dedication of the "Before I Die" wall will also be that day in the alley of Charlie Watson Lane on Steele Street. Staff noted that she had attended two conferences in the last two weeks. She stated that at the Main Street Conference that they were a recipient of an award for the Mural Arts Program and then she attended the N. C. Preservation Conference at Wrightsville Beach and they got to tour the yacht club and two historic cottages and how they maintain them.

9. Call for Adjournment:

Chair Mitchell called for adjournment. Commissioner Stoch moved to adjourn; seconded by Commissioner Whitaker and the motion passed unanimously. The meeting adjourned at 8:56 pm.

Adopted this 22 day of April 2019

Respectfully submitted:



Chair: Brian Mitchell/ Vice Chair – Greg Stoch.

Attest: Anne Sears

Secretary to the Commission: Anne Sears