

**MINUTES OF THE REGULAR MEETING OF THE
HISTORIC PRESERVATION COMMISSION
SANFORD, NORTH CAROLINA**

The Historic Preservation Commission met Virtual, on Monday, May 23, 2022, at 6:00 PM.

ROLL CALL

Members Present: Brian Mitchell, Chair
 Greg Stoch, Vice-Chair
 Charles Petty
 Nate Dobbs
 Brenda Johnson

Staff Present: David Montgomery, Long Range Transportation Planner
 Liz Whitmore, Historic Preservation Planner II
 Angela Baker, Clerk to the Board
 Kevin Hornik, Attorney

Having noted the presence of a quorum, Chair Mitchell called the meeting to order.

APPROVAL OF AGENDA

Board member Stoch made the motion to approve the agenda, seconded by Board member Johnson, the motion carried unanimously.

APPROVAL OF MINUTES

Board member Petty made a motion to approve the March 28, 2022, minutes, seconded by Board member Johnson, the motion carried unanimously.

NEW BUSINESS

- A. COA-22-44 – Application by Jeffery Brown, who wishes to remove the original front facades and set them back to create two open-air patios that will be open to the public 24/7, and install new store front and one new stationary door that will access the second floor.

Administer the Oath: Chair Mitchell called all participants speaking in favor of, or against the COA's, as well as staff, to come forward to be sworn in for testimony. Applicant Jeffery Brown, Staff David Montgomery, and Staff Liz Whitmore appeared and took the oath.

Conflicts of Interest: None.

Staff Montgomery entered the Agenda Packet into the Record.

Staff Presentation: Staff Montgomery stated that the Historic Preservation Commission received a Certificate of Appropriateness COA-22-44 application from Jeffery Brown, property owners of 131 Wicker Street who wish to remove the original front Facades and set

them back to create two open-air patios that will be open to the public 24/7, install new store front and one new stationary door that will access the second floor, and windows on the second floor. It was posted on Wednesday, May 11, 2022; and it was advertised in accordance with the General Statutes on May 11, 2022, and May 18, 2022.

Guidelines:

3. Rehabilitation of Existing Structures

Exhibit A, page 14 front façade of 133 Wicker Street – Photo taken by Staff on 5/6/2022.
Exhibit B-1 thru B-3, pages 15-17, applicants Written Description of proposed work.

Staff Montgomery read the Rehabilitation Guidelines and the Applicants Request per each guideline, pages 4-7 of the Staff Report in the Agenda Packet, which has been entered into the Record.

Staff Analysis:

It is staffs' position that the bifold doors should not be set back 10 feet from the front façade of the building creating an open-air patio 24/7. It has always been recognized that the 136 and 138 N. Steele Street are sister buildings and the setback would compromise the contiguous street façade as noted in the Downtown Design Guidelines pages 13 and 14.

Conditions:

- a. Should the application be approved, prior to the release of the placard the applicant should provide a detail sheet of the door that is to be installed to access the second floor and a copy of the building permit. Should the door need to be relocated to the right side of the subject property the applicant will need to submit an application for review and should provide the details of the proposed door to be installed.
- b. Any replacement or new glass for window or, doors or any other openings darkened or shaded shall not be used.
- c. Street furniture such as: Tables, chairs, portable heaters, trash cans etc. are deemed minor work and require review at staff level. It should also be noted that if staff is uncomfortable with the street furniture that is submitted staff may elevate the application to major work which will require a public hearing.
- d. Should the commission approve the painting of the front façade a soft white, the applicant shall provide the manufacturers fact sheet on the type of sealant they intend to use.
- e. The location of the door needs to be finalized and approved by Building Inspections prior to a placard being released by Historic Preservation for this work.
- f. Provide manufactures cut sheet for the proposed lighting.
- g. Provide a detail of the proposed awning to be installed.
- h. Provide details of the open-air patios to include a materials list of the flooring, side walls and ceiling treatments and any paint colors that are to be used and any other

details such as, but not limited to: ceiling fans, lighting, outdoor heaters etc.

This is the opinion of staff and it is the Commission's discretion whether to agree or disagree and make any additions or deletions as they deem fit.

Board Questions:

Chair Mitchell asked if access to the second floor was just the one door on the outside, or access on the inside also.

Staff Whitmore said that there is access from inside the building and currently no access from the outside of the building.

Board member Stoch wanted to confirm that the second story windows had been replaced in the past.

Staff Whitmore said yes.

Board member Stoch asked about the windows and doors on the left bay and the right bay, if they had been replaced.

Staff Whitmore stated that just the doors on the left bay had been replaced.

Board member Stoch asked about the outdoor seating at Smoke and Barrel.

Staff Whitmore stated that originally it had windows and they were removed. Later he came back and asked for outdoor seating.

Board member Nate Dobbs asked if the Smoke and Barrel building is a contributing building. Staff Whitmore said yes.

Board member Nate Dobbs asked about the block above the door, top picture, on Exhibit E, page 19.

Staff Whitmore said that is not suppose to be there. He wants to add more brick to the left side to be able to put the door in.

Board member Nate Dobbs asked if the brick for the windows would still be there to make the seating or would it be completely gone.

Staff Whitmore said it would be completely gone.

Board member Stoch questioned the comparison of this location and Smoke and Barrel.

Staff Whitmore said this is a significant change. She said that Smoke and Barrel left the brick and removed the windows to create an outdoor seating. She said this location all the brick and windows would be removed. A complete change.

Board member Dobbs asked about the awnings.

Staff Whitmore said they could be approved at Staff level. She stated that the awnings could only be 3ft. instead of 4ft. because of the trees.

Applicant's Testimony:

Jeffrey Brown, 409 Crystal Beach Avenue, Crystal Beach, Florida.

He stated that he sits on Historical Boards in the County he lives in Florida. He stated that what he proposed is more visual and not as detailed. The front structure of the building, the front and ends of the building are load bearing walls. He said they are wanting to uplift the building, but not touch anything structural. They would like to add a door to get to the second floor without touching the columns. He said that they would add to the column to the left with brick that matches, to include the door.

Board member Stoch stated that his concern was significant changes to the original building. He wanted to know with the outdoor patio if it was going to be a restaurant or something similar.

Mr. Brown stated that he has a heart for preservation. He said that he thinks sometimes buildings serve a time and a purpose. He felt that this building is more modified than original. He said that if this was an intact structure he would not be proposing any of these changes. He said his goal is to keep this building as close to a compliment to the original building. He said that a local family will be running a coffee roastery, that will roast the beans from other countries, to keep with the agricultural community. The upstairs would be a co-working space.

Board member Stoch questioned the 10ft. setback, and how wide would the spaces be for outdoor seating.

Mr. Brown said that behind the middle pillar it is open. Which allows for one open, contiguous space; with the right being ingress and the left being egress. He said that it would be about a 10x40 area. Mr. Brown stated that these changes are where they see Sanford going in the future.

Board member Stoch asked why it is a necessity to move the glass block, is there a structural requirement to do that.

Mr. Brown stated that if there is glass block behind the vinyl, that if it would allow natural light into the building, he would not be opposed to leaving it there.

Staff Montgomery said that the National Register said that there could be glass block. It is not certain whether or not glass block is on this building.

Mr. Brown stated that anything that looks to be of artifacts or importance they will keep.

Staff Whitmore clarified that there will be patio behind the center pillar.

Mr. Brown said yes.

Chair Mitchell asked if there will still be an awning on the building.

Mr. Brown stated that there will not be a green fabric awning on the building. He said that there will be a metal awning much like the Wilrik building. It would be elevated 10 ft. above with a 3ft protrusion.

Board member Dobbs asked if removing the windows and taking the façade back, would it remove it from the National Register of historic buildings.

Staff Whitmore said potentially. She would have to confer with the Historic Preservation office.

Staff Montgomery said it could, yes. He said one particular building that comes to mind is H&H Auto.

Attorney Hornik said that under both the UDO and State Law when a Historic Preservation Commission is considering a COA application, the only decision making criteria that the Board has to consider is whether or not the proposed work would make this structure incongruous with the special character of the Historic District. He said that the extent that you're asking whether some of this proposed work would change the character of this structure and whether or not that change would cause this structure to no longer be a congruous with the special character of the district. Those are the questions that the Commission should address. Any questions that will help get to the bottom of (a) what is the special character of the district and (b) is the work that is being done, proposed in this COA request is it incongruous with that special character. He said that those are the questions that needed to be answered based upon substantial evidence.

Board member Stoch said the word "incongruous" is a broad word, and as a Commission it is their decision. He asked if the Attorney was saying that the Board should consider what they perceive as National Historic as part of the discussion or limit the discussions to the Commissions their own Downtown.

Attorney Hornik said yes, whether or not this structure could be removed from the National Historic Register is set-aside from the decision. It is irrelevant to the consideration. He said that the decision really has to be that the structure is not incongruous.

Board member Dobbs asked Mr. Brown if he knew how far the brick façades sit out now.

Mr. Brown said there is about a 6ft gap, give or take.

Board member Dobbs asked if he had considered just taking the glass out and incorporating the brick and using a step up for seating, like Smoke and Barrel.

Mr. Brown said he wanted a more open space. He said wanted it to be more pedestrian friendly. He said it would also allow tables to be configured to suit the need.

Board member Dobbs asked about the picture with the drawing. He wanted clarification of the measurements of the brick column on the left; addition of the door; and the brick columns on the right.

Board member Stoch asked if Wild Dogs Brewing was a contributing building. Staff Whitmore said no, it was not.

Board member Stoch asked if outdoor seating violated any codes. Mr. Brown said no, he had talked with several people including, inspections and Downtown board members.

Board Discussion

Chair Mitchell said that changing the structure would meet the immediate needs, but may or may not make the building a non-contributing structure; and determine if it is incongruous with the current plans.

Board member Petty said that he is in favor of the request. He said first reason is the building will be serving the needs of the future; and it serves the building historically, but still has a modern presence.

Board member Dobbs stated that the brick does describe Sanford. Most of the changes to buildings like this, are able to be put back to as close to original. He said that taking the brick that is qualifying that building is a hard take away. When you're not incorporating that ingenuity into the new business, is where that is a hard decision and is a no for the COA. There are parts of the COA that could be incorporated, but the overall he is not comfortable with the design.

Attorney Hornik stated that if the Commission were to want to consider to approve individual elements of the COA and deny others, he would recommend that the hearing be continued and ask additional information showing how they might go about adding the second story access without altering the front façade. The Commission would likely need more evidence that is currently included in the application package.

Re-open Applicant's Testimony

Mr. Brown wanted to implore his heartbeat for Downtown Sanford. Although not born and raised here, he sees what the City is trying to do. He said that he sits on a Historic Board, much like this Board. He said he wanted to offer a sincere statement. He has viewed historical photos. He said that the buildings have kept some historical traits, but also adapted to the stores. He is not touching anything structural, only visual façade changes. He wants to compliment the Downtown, increasing and enticing pedestrians Downtown. He hopes the outdoor seating will not only be a visual appeal, but allows people to enjoy the outdoors.

Board Discussion Continued

Board member Johnson said that it would allow a restaurant with outdoor seating on another side of the Downtown shops. As long as it is not changed entirely and keeps with the historic look, she is agreeable.

Board member Stoch said that he is solid in things he is not agreeable with, painting brick is one of them. He said in this case, it is a proposal to change the way the building operates without making a fundamental change in the building itself. It will be a significant change with the goal of bringing people Downtown, making a focus of outdoor seating. He said he had concerns about homelessness and vagrancy, which has been an issue, but not the Board's focus. He said that the change will be for the future of Downtown Sanford and where it is going. He was concerned about the brick and it being woven in and the glass block being removed. He would like to see an architectural drawing. If the meeting were to be continued until a later date, the Board will change, so that may present an issue.

Attorney Hornik said that if the Board were to continue the hearing, the new members would need to review the minutes, video and familiarize themselves with the COA. He said that we would not need the same members present.

Motion:

Chair Mitchell made a motion in regards to COA-19-44, moved that the Historic Preservation Commission find as fact that the removal of the original front façade and setting it back 10 feet to create and open air patio open 24/7 to the public, install a new store front for the first floor, install new black vinyl windows on the second floor, install a door to access the second story with the conditions that detailing of materials and paints used in the ceiling, flooring and sidewalls of the patio area as well as lightings shall be approved at staff level when completed in accordance with the Downtown Design Guidelines and the decision of the Commission is not incongruous with the character of the Historic District for the reasons that new brick added will be made to match new brick as best as possible; the doorway that accesses the second floor is similar to doorways to the second floors in the area; the amount of setback is similar to other buildings in the area and is therefore generally in harmony with the criteria in the design guidelines, the special character of the neighboring properties, and the historic district as a whole. Seconded by Board member Petty. The motion carried, with Nate Dobbs casting a dissenting vote.

Final Motion:

Chair Mitchell made a motion based on the findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness, COA-19-44 to owner Jeffrey Brown for 131 Wicker Street with the following conditions: the brick will be made to match as best as possible to the existing brick; all the detailing, materials, and paint for the floors, sidewalls and lightning to the patio area will be delivered to and approved at staff level. Seconded by Board member Petty. The motion carried, with Nate Dobbs casting a dissenting vote.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Petty, seconded by Board member Dobbs, and unanimously carried. The meeting was adjourned at 8:30 pm.

Adopted this 27th day of June, 2022.

BY: 
Brian Mitchell, Chair

ATTEST:


Angela M. Baker, Clerk