

Minutes of the Regular Meeting of the  
Sanford Historic Preservation Commission  
Buggy Building Conference Room  
7:00 PM Monday, March 19, 2018  
115 Chatham Street

Roll Call:

Commissioners Present: David Nestor, Allen Gordon, Philip Yarborough,  
Brian Mitchell, Rebecca Whitaker & Greg Stoch

Commissioners Absent:

Staff Present: Liz Whitmore, Historic Preservation Planner, Anne Sears,  
Secretary to the Commission; Al Benschhoff, Commission Attorney

Government Official Present: Sam Gaskins

Witnesses and Guests: Richard Bimler, Chris Tacia, Walter Ciucevich, Craig Peterson,  
David Montgomery & Tim Emmert

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 19, 2018:**

Chair Mitchell called for approval of the agenda for March 19, 2018. Staff Whitmore asked to move case COA- 18-08 from the first in order to the last. Chair Mitchell called for approval of the amended agenda; Commissioner Nestor moved to approve the agenda as amended; seconded by Commissioner Yarborough and the motion passed unanimously.

3. **Approval of the February 19, 2018 Minutes:**

Chair Mitchell called for the approval of the minutes for February 19, 2018. Commissioner Yarborough moved to approve the minutes; seconded by Commissioner Nestor and the motion passed unanimously.

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

Chair Mitchell asked if there was any public comment. There was none.

5. **Public Hearings:**

6. Staff Liz Whitmore, applicants Richard Bimler, Chris Tacia, Walter Ciucevich, Craig Peterson, Tim Emmert and David Montgomery were given the oath.

**Conflict of Interest:**

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the cases being heard tonight (COA-18-08, COA-18-09, COA- 18-10 and COA- 18-12.) There was none.

Chair Mitchell opened the Public Hearing:

✓ COA -18-09 – A Certificate of Appropriateness application from Richard Bimler, property owner of 405 N. Gulf Street, who wishes to remove one (1) Sweet gum (*Liquidambar styraciflua*) tree in excess of eight (8”) inches in diameter, the tree has lost significant limbs in the past month and has significant lean four feet from grade.

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 guidelines important to this case are: on page 3 (Landscaping) :

- a. It is appropriate to protect, retain, and maintain landscaping that contributes to the character of the historic district. This includes large trees and original or historically significant trellises, patios, terraces, and fountains. Staff noted that it is obvious that the subject Sweet gum (*Liquidambar styraciflua*) has been present for a significant time. The tree has dropped numerous large limbs over the past months and some of the limbs have fallen into neighbor’s yard. The tree has a significant lean and a large scar about 7 feet long from an apparent lightning strike. (Exhibit A, B and C, pages 10, 11 and 12.) Staff Whitmore stated that neither b, c nor d applies to this case.
- e. It is appropriate to maintain the existing grade on the site when technically feasible.
- f. It is appropriate that mature, healthy trees should remain intact and undisturbed on a site, unless they are causing the deterioration of a building, accessory buildings, appurtenant features or creating a safety hazard. Staff noted that the Sweet Gum is in excess of eight (8) inches in caliper four feet above grade and is dropping significantly large limbs; which some of these have landed in the neighboring property located at 401 N. Gulf Street. The tree has a significant lean, and the property owner has concerns of the tree falling on the neighbor’s property. If the tree was to fall on the neighboring property; significant damage would most likely occur. (Exhibits A, B and C pages 10,11,and 12)

Staff Liz Whitmore noted that this is the second time that Mr. Bimler has submitted to have this tree removed. The first time, he withdrew his case.

- g. Staff stated at that time, that she had Sam Buchanan, Lee County Forest Ranger inspect the tree and he contacted staff on Tuesday, September 6, 2016 at 11:33 am and stated in his professional opinion that the tree should be removed due to the significant lean, and a scar that runs 5 to 7 feet on the south side with black ants present, which is an indicator of rot interior to the tree (Exhibits A, B and C pages 9, 10 and 11.) On page 10 (Exhibit A) shows the lean on page 11(Exhibit B) there are two circles on the tree and you can see the scar and that is what the forestry has determined that it was a lightning strike in the past. On page 12 (Exhibit C) shows where a limb has dropped. Staff Whitmore stated she called Mr. Buchanan again to see if he would go back out; but there has been some miss-communication and at this time he has not gotten back with me; but staff feels like his opinion stands as stated above. Mr. Buchanan does recommend that this tree be removed and if it is removed, staff recommends that an ornamental or understory tree be planted in the rear yard that is in scale with the historic structure. Staff stated she will work with the property owner in selecting the appropriate tree for that property.

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

Chair Mitchell asked staff Whitmore where the tree was located. Staff stated that the tree was located in the rear yard.

No further discussion was held among the board.

FINDING OF FACT:

Commissioner Gordon moved in regards to COA-18-09, 405 N. Gulf Street, that the Historic Preservation Commission find as fact that the tree removal if done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reason(s) that the tree has dropped numerous large limbs over the past month, some has fallen in the neighbor's yard, the tree has a sufficient lean and a large scar about 7 feet long from an apparent lightning strike. It appears that when it is removed it will maintain the existing grade of the subject property. Lee County Forest Ranger, Sam Buchanan inspected the tree and his professional opinion is that the tree be removed due to the sufficient lean and the scar that runs seven feet long and the applicant will remove the tree as to not affect the original landscaping, referencing all Exhibits (A,B & C) on pages 10,11 and 12, 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 Nestor and it passed unanimously.

FINAL MOTION:

Commissioner Gordon said based on the preceding findings of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Richard Bimler and approve the proposal(s) as shown in COA-18-09, 405 N. Gulf Street and work with staff Whitmore in the selection of a small replacement ornamental tree for the yard; seconded by Commission Yarborough and it passed unanimously.

Applicant, Richard Bimler and Craig Peterson leave.

- / COA-18-10- A certificate of Appropriateness application was received from Walter Ciuevich, property owner of 306 Bracken Street, who painted a brick house that had not been previously painted and built a new deck attached to the rear of the house approximately 13 feet wide and 10 feet deep, for a square footage of 130 square feet, without the benefit of a Certificate of Appropriateness (COA).

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 on page 3, under Masonry: the guidelines state:

- a. It is appropriate to preserve, protect and retain original masonry and masonry design features that are character-defining elements of historic buildings, including bond patterns, cornices, moldings, chimneys, arches, quoins and pediments.  
The applicant has painted the brick that previously was not painted. (Pages 10 & 11, Exhibits A & B)

Staff noted on page 10, Exhibit A, shows the house prior to painting and on page 11 (Exhibit B) shows the front façade of the house after it is painted. On page 13, (Exhibit D) shows the rear of the house painted. Staff noted that b, c, and d, do not apply. e. It is not appropriate to apply stucco, parging or use other similar masonry coatings to masonry unless these coatings were originally used on the building. Staff shared that the applicant has painted the brick house which previously had not been painted. Pages 10 & 11, (Exhibits A and B) f. does not apply. Staff noted on page 4 (g) does not apply.

Staff asked to look at pages 10 & 11, (Exhibits A & B) which shows the before and after of the front façade. On pages 12 & 13, (Exhibits C & D) shows the rear façade painted and not painted.

On page 4, under Decks Guidelines:

Staff Whitmore noted that the applicant has installed a deck without a COA.

- a. Staff added if you add a deck, it is advisable to do it inconspicuously in areas that are not visible from the street. The deck was built on the rear of the resource and is not visible from the street. The deck does not conceal any significant feature or details, and the resource was not damaged when the deck was built. See pages 12 & 13 (Exhibits C and D.) Staff stated you will see the rear of the house without the deck, and when the deck was built.
- b. Limit the size and scale of the deck to minimize the visual impact. (The deck is 13' by 10' which = 130 square feet, on an appropriate size for this resource.
- c. Minimize the damage to the historic building by constructing decks to be self-supporting. Attach them to the historic building with care so that loss of historic fabric is minimized. Staff noted that this deck was attached, so it would not cause any damage to the resource; therefore the guidelines have been met as shown on pages 12 & 13 (Exhibits C & D)
- d. Align decks typically with the height of the building's first floor and screen the deck's structural framing with foundation plantings, lattice or other compatible screening materials. The deck is aligned with the height of the building's first floor. The deck's structural framing has not been screened. Pages 12 & 13 (Exhibits C & D.)
- e. Paint or stain decks in colors that are complimentary to the Historic District. At this time the applicant has not painted or stained this deck. Pages 12 & 13 (Exhibits C & D.)

On page 5, under "Lighting" Staff Whitmore noted that:

- a. It is appropriate to preserve, protect and retain historic lighting when technically feasible. Replacement or new light fixtures and poles should be compatible in design, scale, finish and materials with the structure, landscape and neighborhood setting. On page 10 (Exhibit A) you can see there was no lighting on the front side of the house. On page 11 (Exhibit B) you can see that the applicant has installed lighting on the front façade, which is deemed appropriate for the historic district. Staff noted that b, c and d, does not apply.

Questions for staff were: Chair Mitchell asked on page 12, Exhibit C if the tree shown in the picture was removed? Staff stated no. Commissioner Gordon asked what color is the paint? Staff relayed it was Taupe; other commission members stated it was gray. Commissioner

Yarborough asked how long has the house been painted and how long has the deck been built? Staff Whitmore stated that the house was painted right before Christmas, and she was getting ready to put a letter in the mail to the applicant, when Real Estate Agent, Chris Tacia told her that the owners were getting ready to sell the house and he shared what they had done to the house without a COA. Commissioner Stoch asked if COA- 18-10, 306 Bracken Street, if they could be broken into two COA's, because he had severe objections to the paint color itself; but he doesn't have any problems with the deck, etc. Staff Whitmore noted that if you wish, you would make your motion; or acknowledge that you don't agree with the paint color.

Commissioner Nestor asked whether the paint color that is on the house now, had the brick been previously painted is the color that it is currently painted and is it congruous with the historic district; along with the lighting and the deck which is not visible from Bracken Street? Staff Whitmore stated yes to the paint color and the lighting and she stated that she did not realize that the deck was there; until realtor Chris Tacia, pointed it out to her; because she had not walked around to the back of the house.

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

Applicants, Walter Ciuevich and Chris Tacia approach the podium. Commissioner Stoch asked what relationship to the house were they and how long he had owned the house and if he knew whether or not he was in the historic district? Mr. Ciuevich stated he has owned the house since November 26, 2017. He said he was aware of it being in the historic district but he wasn't aware of what that meant in terms of getting a COA and he didn't know it was required. Mr. Ciuevich noted that when he bought the house that Mr. Tacia was not his realtor for the purchase of the home; he is the realtor for the sale of the home after we renovate the property. Commissioner Gordon shared that the light fixtures and paint colors look good and match up with the historic district. Mr. Tacia noted that he had pictures on his phone and he passed them around. Before and after pictures were provided. Commission Attorney, Al Benshoff asked if we could get a copy of the pictures from the applicant. Staff Whitmore asked Mr. Taica to email them to her.

Mr. Ciuevich said he would have gotten a COA if he had received notification when he bought the home. Mr. Benshoff noted that the realtor selling the home is supposed to inform you and provide a packet. In this case, it was for sale by owner. Staff Whitmore stated from time to time she receives calls from realtors about being in the historic district, and she plans to do a presentation or workshop soon with the realtors. Commissioner Yarborough asked why the buyer doesn't get all this information at closing? Commission Attorney Al Benshoff provided an example by stating they are more aware of things in the public record like an easement, title and so forth. Usually other things are not their priority and attorney doesn't necessarily know the building and zoning codes. It is a public education effort which partially depends on the board to publicize it and sometimes people just ignore the guidelines and sometimes it is hard to determine where the historic districts are located.

Chair Mitchell closed the Public Hearing.

Discussion continued among the board. Commissioner Stoch asked the commissioners if this COA had come before them requesting to paint this as prior unpainted structure, would you have approved it? Commissioner Stoch stated he would not; but Commissioner Gordon stated he

would have. Commissioner Nestor said that they would have to give him just cause why they wanted to paint unpainted brick. Commissioner Stoch added that if the brick was trashed and it was the only way to protect it and the finish is coming off; then he could see it being painted. Commissioner Stoch noted he was not in favor of painting the brick. Commissioner Nestor shared that we have a situation where the brick has been painted and if you take the paint off of it, it will damage the brick. Staff's opinion is it is not feasible to remove the paint; it would damage the mortar and potentially some of the brick face could fall off. Chair Mitchell added that he drives by the house regularly and if you look at page 10, (Exhibit A) the old façade looks like an addition at some point on the far right hand side. Now that it has been painted gray; to him it looks more universal. Commissioner Nestor noted that according to (Exhibit A & B) on pages 10 and 11 at some point it looks like a carport was there and it looks like it is two feet above grade. Commissioner Yarborough said to him it looks like it blends in and Commissioner Whitaker reiterated that it is not a matter of personal taste. She stated in her opinion it is not an eyesore; compared to other houses around it, and look at the circumstances; such as the level of work and the expense of removing the paint to correct this should all be considered. Commissioner Gordon thoughts are that it adds to the neighborhood and Commissioner Yarborough said he was not in favor of painting the brick, but it is done. Commissioner Whitaker added that she believes the applicant wasn't aware of what his limitations were and that is why he proceeded. At this time we only have two photographs of what it looked like before to help make this determination. Staff Whitmore noted that usually the process is followed by our Inspections office and they are good about keeping her informed about someone trying to pull a permit in the historic district. Commissioner Whitaker asked Staff Whitmore if paint or stain could be approved at staff level. She stated yes. Staff stated that the seller needs to let the new owners know that approval is needed from the Historic Preservation Commission before any updates are done. Commissioner Stoch said he would like to move that we separate the paint from the deck and the lighting into two separate COA's. Commission Attorney Benschhoff shared that the way this works is that it is the applicant's duty to bring you all the information that you need to make a decision; and if they do not provide you enough information to make a decision, you can always deny it. He continued to say that he was not suggesting that you do that here, it is just the way of the introduction here, if it is your application; and you can divide it into as many motions as you want too, and you are not required to approve things in a single motion and if it is easier for you to divide a case into several motions; then you can do that. Commissioner Stoch said it depends on the way the board would like to proceed; but for him it is the matter of the paint and is it reasonable to have someone vote against it. Chair Mitchell asked if everyone was ok to split the motion. The motion made by Commissioner Stoch did not carry.

#### FINDING OF FACT:

Commissioner Nestor moved in regards to COA-18-10, 306 Bracken Street that the Historic Preservation Commission find as fact that the proposed project, that the painting of the unpainted brick and the addition of the deck was done without the benefit of a COA; however the Commission found that the work was completed in accordance with the Rosemount-McIver guidelines and therefore has been found congruous with the character of the district, for the reasons that although the color of the brick is not preferred; the color chosen has and is in keeping with the Historic District per (Exhibits A,B,C & D) on pages 10 thru 13, and the addition of the deck, (Exhibit D) appears to be independent of the existing home, is congruous

as well as with the Historic District and is not in view from Bracken Street. The lighting that was added on the front of the home is congruous with the historic district and is found to be in keeping with the neighborhood, all three items are generally in harmony with the criteria in the design guidelines and special character of the neighboring properties and the historic district as a whole; seconded by Commissioner Gordon, opposed by Commissioner Stoch, carried by a vote of five (5) to one (1.)

FINAL MOTION:

Commissioner Nestor moved based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Walter Ciucevich and approve the proposal(s) as shown in COA-18-10, 306 Bracken Street; seconded by Commissioner Whitaker and it passed by a vote of five (5) to one (1.)

Applicants Walter Ciucevich and Chris Tacia leave.

✓ COA- 18-12 – A Certificate of Appropriateness application from Brandon Atkins property owner of 229 Wicker Street and applicant Tim Emmert who have installed the following without a COA: two CO2 tanks, electrical panel on the east side of the building, Glycol chiller on the roof, HVAC units on the roof, air compressor on the roof and a AC Unit in the window on the east wall. The applicant also wishes to install 3 bollards to protect the CO2 tanks on the east side of the building, and two barrel bottoms filled with concrete and a metal fence post vertically set in the concrete, hang a chain between the posts and hang a “No Parking” sign from the chains at the two ingress locations off of Cole Street.

Staff Whitmore stated she wanted to make it clear that part of the work was done without a COA, and then the installation of the bollards and the chains to keep the people from parking in that lot have not been done. Staff stated she has broken up the language for the COA in two different motions to make it simpler and that would state: one for the work that has been done and then one for the work that has not been done.

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 guidelines important to this case are: on page 3 (Windows and Openings :)

1. Do not replace historic windows with contemporary treatments. (Page 12, Exhibit B)

Staff noted that the applicant has not replaced any windows; however a window air conditioning unit has been installed in the second floor windows on the east side of the building. Staff noted that 2, 3,4,5,6 and 7 does not apply.

8. Avoid installation of window type heating and air conditioning units on street facing facades. Shown on (Page 12, Exhibit B) the applicant has installed a window air conditioning unit on the second floor.

g. Roof Equipment:

1. All mechanical and utility equipment to be located on the roof shall be set back and/or screened so that the equipment is not visible from the adjacent street. The mechanical

equipment that was installed on the roof without the benefit of a COA is not visible from the adjacent street.

I. Utilities:

1. Locate utility equipment and facilities in a manner compatible with adjacent historic structures, to the extent feasible. The applicant has installed without the benefit of a COA two CO2 tanks, electrical panel on the east side of the building, Glycol chiller on the roof, HVAC units on the roof, and air compressor on the roof. (Exhibits A, B, C and D on pages 11, 12, 13 & 14.)
2. Use landscaping, walls and fences as appropriate to screen utility equipment and facilities. No landscaping walls or fences have been installed to screen the installed utility equipment referenced in Comment 2. However, since this utility equipment has been installed on the east side of the building and one utility piece is actually attached to the building and they are all set back a minimum of 50 feet from both Wicker Street and Cole Street. (Exhibits A, B, C and D pages 11, 12, 13, & 14.) It is the opinion of staff that the utility equipment does not need to be screened. Staff noted that these were the things that were done without a COA and they are completed.

f. Parking: (page 4)

4. Avoid attempts to design parking structures in a historic style. Staff Whitmore stated that the parking lot already exists and the applicant is not going to allow patrons to park back there; it is for deliveries and pickups. She noted that the patrons have started parking back there; therefore, the applicant and the owner wish to make it so they cannot. Applicant, Tim Emmert, wishes to take barrel bottoms and fill them with concrete and put vertical posts in, put a chain between the two posts and hang a "No Parking sign" on the chain two locations. There will be two of those. Staff stated that this is the plan that the applicant wishes to do. Note: The applicant has not provided staff with renderings of the barrels filled with concrete and vertical posts, chains with the signage, page 15, (Exhibit E); the applicant should provide staff with a rendering of the above described barrier to the parking area prior to a COA being release. The applicant also wishes to install 3 bollards (no exhibit was provided of the proposed bollards) pages 11,13 & 14, (Exhibits A, C & D) to protect the CO2 tanks from any truck backing into them and the possible of causing damage or potential explosion.

Staff Whitmore stated the Matrix also speaks about the air-conditioner unit. Staff noted it was deemed a Minor first; but since the applicant did it without a COA, it came before the commission tonight. The applicant is to install three bollards to protect the CO2 tanks from damage; these bollards may be yellow so they will be highly visible. The applicant should provide staff with a rendering or photos of parking barriers that replicate barrels filled with concrete and vertical posts with chains with the signage.

Staff Whitmore relayed that on pages 7 & 8 are the Finding of Fact Motions and Final Motions for the work that has been done without a COA. On pages 9 and 10 are the motions for the work that has **not** been completed. Staff noted that this COA is coming before you with the work not being done.

Questions for staff Whitmore are as follows:

Commissioner Nestor asked if there were any exhibits for the second half of the COA (the bollards)? Staff Whitmore said that the yellow bollards will be like the ones that are in Depot Park and the barrels will need to come before staff prior to installation. Commissioner Stoch asked staff Whitmore whether the AC unit would have been a minor if it had not already been installed. She stated yes according to the Matrix. Commissioner Stoch asked whether or not at that time she would have approved it? Staff Whitmore noted that they do not like to see window units, so she may have or have not approved that. Chair Mitchell asked when these projects were done? Staff noted probably in December, before they opened. Commissioner Nestor shared that City Council elected to allow breweries in our downtown; that involves CO2 tanks and chillers and other items when you have a brewery; and what is being presented to us tonight is not necessary historic. Smoke and Barrel was provided as an example because they have the CO2 tanks, etc. Commission Whitaker thoughts were it might be worth some modification to the municipal code or to the guidelines if it continues to come before the board. Chair Mitchell asked why it didn't come before the board when the window was cut into the side of the wall? Staff Whitmore, said she had seen this and that she thinks it was done before they opened and these submissions before the board tonight was done right before the opening. Commissioner Yarborough asked whether or not it was in our ordinance that the AC unit could not be placed on the front of the building? Staff Whitmore noted it is on the street side and there is an alley there. Commissioner Nestor noted that technically it was legal; but they should have obtained a COA. Commissioner Gordon thoughts are that he doesn't want to make it terribly difficult for people that are investing in downtown; but at the same time; you don't want to deter businesses from moving in, and we still don't want to lose the historic nature of Sanford. Commissioner Yarborough noted that basically every building has four outside walls and when it is being presented; it looks like you could put what will be on each of these four walls. Commissioner Whitaker shared that the window unit faces the alley way and it doesn't face either Cole or Wicker Street and the alley technically belongs to the building; so whether they allow access to the building or not depends on them. It is not visible from the street. Commissioner Stoch asked if the bollards would be permanently set with concrete? Staff stated yes, they will be bright yellow. Commissioner Stoch asked whether the barrels will be at either end of the alley? Staff Whitmore stated no; that there was a large parking lot in the rear and the patrons in the evening have been parking in them and this is not a parking lot, it is for deliveries and staff parking and that has been approved. This is a larger area for delivery trucks. There are two entries there that they want to block to keep the patron's from parking in there. There will be two posts with a chain in the barrels and a (No Parking) sign hung in between them. Chair Mitchell asked whether or not there are going to be any fencing or corrals put around the dumpsters? Staff stated no; and staff David Montgomery noted that hasn't been resolved; because they had to be some changes to the design and we are holding on to that until the city determines whether or not they are going to be working on that wall before he advances.

There were no other questions for staff.

Applicant, Tim Emmert approaches the podium. Commissioner Stoch asked Mr. Emmert if his office is upstairs where the window ac unit is located? Mr. Emmert relayed that there were two air conditioners when we got in there on one wall and he doesn't recall what was on the wall that we are in discussion about. He stated his preference would be actually to brick in those walls; unfortunately that space is not compatible for a central air system, it is not well built. Mr.

Emmert noted that it is a masonry wall and a floor that is getting a lot of steam from downstairs, so it heats up, so the best they can do there is air condition for storage and a small office. Commissioner Nestor stated he was a little unclear on the half-barrels with the posts in them and whether that was to block people coming off of Cole Street into the parking lot and whether or not it would be considered a temporary solution or a permanent solution? Mr. Emmert stated yes and he was open to other ideas. Mr. Emmett stated there are two spots that the trucks could access that lot from. Commissioner Nestor asked Mr. Emmert if there was a reason for when you are doing the bollards around the CO2 pads, why you wouldn't just plant a permanent bollard on each end of the curb cuts, so you could put a chain up as opposed to putting a barrel up there? Mr. Emmett said he would look into that, and he noted it was a cost consideration of \$2,000 for the dumpster enclosures and they are happy to do that; because it will look nice. Commissioner Nestor added that if you were to see something else happening in that parking lot in the near future; what I would say to a brewery is spring is coming, and on the other side of the fence, we don't know what is going to happen on the back side of the parking lot. It could involve food trucks, bands playing there; but the initial idea of placing these barrels with post in them; that my thoughts are and I see it as a temporary thing. Commissioner Whitaker pointed out that they don't know what the future may bring; but her thoughts are that it would be to their benefit to have something temporary to see what their future needs may be and revisit it in a year or two. Commissioner Stoch noted that improvements would be needed along the way. Applicant Tim Emmert shared that at this point they are not happy about the exterior and there intent is to make it more attractive. Mr. Emmert stated he did have some concerns of the care that the delivery trucks will use with that driveway. Commissioner Nestor asked Mr. Emmert if they were going to block the access going to the Sanford, NC parking garage (deck) that is owned by Dossenbach's and currently they have been parking their trucks underneath. Mr. Emmert stated no, frankly it is just an honor system and it was just giving people a little bit of direction don't go there. Mr. Emmert noted the access is there and they have been working with an architect about putting a beer garden in the back, etc.

No other questions for the applicant.

Chair Mitchell closed the Public Hearing.

Discussion continued among the commission. Staff Whitmore added that if the applicant had come to her prior, that all of this work for the COA could have been approved at staff level.

FINDING OF FACT MOTION:

Commissioner Nestor moved in regards to COA- 18-12, 229 Wicker Street that the Historic Preservation Commission find as fact that the installed CO2 tanks, electrical panel on the east side of the building, the Glycol chiller on the roof, as well as its components on the ground level, the HVAC units on the roof, the air compressor on the roof, the AC Unit in the window on the east side as completed are in accordance with the Downtown Design Guidelines and the decision of the Commission is congruous with the character of the Historic District as installed and the fact that they are fifty feet back from Wicker Street as well as set in fifty feet from Cole Street, do not come into the visual sight lines of people traveling down either one of those streets, along with the fact that City Council of Sanford had approved the installation of a brewery in our downtown, these items are required and per fire department regulations, etc., need to be outside

of the building shell need to exist, so for that reason, they 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 Nestor moved based on the preceding findings of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to property owner Brandon Atkins and applicant Tim Emmert for the work done without a Certificate of Appropriateness for the installed following work; CO2 tanks, electrical panel on the east side of the building, Glycol chiller on the roof as well as on the face of the building, the HVAC units on the roof, the air compressor on the roof, the AC Unit in the window on the east wall as shown in COA-18-12, 229 Wicker Street; seconded by Commissioner Stoch and it passed unanimously.

FINDING OF FACT: (2<sup>ND</sup>)

Commissioner Nestor moved in regards to COA-18-12, 229 Wicker Street that the Historic Preservation Commission find as fact that the proposed installation of three bollards to protect the CO2 tanks and the Glycol chiller on the east side of the building and two sets of two barrel bottoms filled with concrete and a metal fence post, vertically set in concrete, with hanging a chain between the posts and hanging a “No Parking” sign from the chains at two entrance locations off of Cole Street when completed will be in accordance with the Downtown Design Guidelines and the decision of the Commission will be congruous with the character of the historic district due to the fact, that we do have an industrial application with the brewery existing in our Downtown Historic District. The Commission will find that they are congruous and therefore are in generally harmony with the criteria of the design guidelines and the special character of the neighboring properties, and the historic district as a whole; seconded by Commissioner Stoch and it passed unanimously.

FINAL MOTION: (2<sup>ND</sup>)

Commissioner Nestor moved “Based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to property owner Brandon Atkins and applicant Tim Emmert for the following proposed work: installation of 3 bollards to protect the CO2 tanks on the east side of the building, and two barrel bottoms filled with concrete and a metal fence post, vertically set in the concrete, hanging a chain between the posts and hanging a “No Parking” sign from the chains on the two entrance locations off of Cole Street as shown in COA -18-12, 229 Wicker Street; seconded by commissioner Gordon and it passed unanimously.

Applicant Tim Emmert leaves.

COA-18-08- Staff Whitmore noted that the Historic Commission received a Certificate of Appropriateness from REAP Holdings, for the installation of a new entry door to be installed in the center bay of the Chatham Street façade to provide access to the upper level. There was originally an entry at this location to provide access to this upper level.

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 on page 2 the Guidelines important to this case are:

1. The proportion, shape, positioning, and location, pattern, and size of fenestration (windows and doors) A new entry door is to be installed in the center bay of the Chatham Street façade to provide access to the upper level. There was originally an entry to the upper level in this bay (Exhibits A, B and C, pages 7, 8 and 9.)
2. Accessory fixtures and site features, including lighting, awnings, fences, landscaping, utilities and other features covered by the design guidelines. No mechanical units are currently serving the building. New mechanical units will be installed and placed on the roof (Exhibit D, page 10.)

Questions for staff were: Commissioner Stoch asked staff to look on page 7 (Exhibit A) if the circular door had a half-circle top? Staff Whitmore stated correct. He wanted to know if that has been bricked into a rectangle? Staff asked everyone to look at page 8, (Exhibit B) where it shows where the new proposed entry will be. Staff stated that she wanted to point out that SHPO has approved the tax credits and all these improvements have already gone through the State Historic Preservation Office and have been approved by them. Commissioner Nestor asked if there would be any changes to the windows on either side or not stated at this time? Staff Whitmore relayed by the center bay, where they are putting a door back in there to access the upper level. Commissioner Nestor reiterated that basically what exists now and what use to be there is the round brick top window that is completely gone and has been bricked out to a rectangle shape. Staff stated yes, and noted that it has been that way for a long, long time. Commissioner Stoch asked Mr. Montgomery if there was a discussion of converting it back to the half circular top when they spoke with the State Historic Preservation Office?

Applicant, David Montgomery approaches the podium. David stated that his wife April Montgomery has been talking with the State and he didn't know the answer to that question. Mrs. Montgomery was not able to attend the meeting tonight. Mr. Montgomery added that typically the State Historic Preservation Office doesn't necessary want you to change it back; they want people to read it that that was not an original piece. Commissioner Nestor asked Mr. Montgomery if he knew when the remodeling up front was done and he stated over fifty years ago. Applicant David Montgomery shared that when you walk in the side entrance that the floor is probably a foot taller and there is a floor underneath the original floor and then the floor underneath is a foot and half above the grade of the sidewalk. He stated that it is a glass door with some side-lights with a wooden frame. Mr. Montgomery shared that at some point and time they plan on bringing back some of that storefront, we just don't know when. He said it would allow them to have two accesses. The second floor will be residential, the first floor will be my wife's office, and two storefronts on the Chatham Street side, and on the North east side, there will be an Airbnb on the first floor and rentals for corporate spaces. Commissioner Stoch asked if the second floor will be the top floor and Mr. Montgomery stated yes. Commissioner Whitaker asked what the parking plans are for the residents. Mr. Montgomery stated they had requested from City Council not to have to meet the requirements for residents; because we however feel like there are enough parking in and around the area. We have two vacant lots that are close by if we need to make improvements to that if we can.

There were no other questions for the applicant.

Chair Mitchell closed the public hearing.

**FINDING OF FACT:**

Commissioner Whitaker moved in regards to COA-18-08 that the Historic Preservation Commission find as fact that the installation of a new entry door in the center bay on the front façade facing

Chatham Street and the installation of mechanical equipment on the roof, when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is congruous with the character of the Historic District as there was originally an entrance to the upper level in this position and the proposed changes have already gone through the State Historic Preservation Commission Office and for those reasons, is congruous with the character of the historic district and general 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 Commissioner Gordon 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 REAP Holdings, LLC for the installation of a new entry door installed on the front façade facing Chatham Street and the installation of mechanical equipment on the roof located at 201 Chatham Street, COA 18-08; seconded by Commissioner Nestor and it passed unanimously.

5. **Old Business:** N/A

6. **New Business:**

a. **Staff update:**

1. Staff Whitmore provided updates on Minor and Major COA's included by reference.

**Announcements:**

Staff Whitmore stated that on Saturday, April 28<sup>th</sup> from 9am to 4pm in Tarboro, there will be a Preservation Trades Fair. Staff stated there is enough money budgeted for four people to go. Registration fee is \$25.00 which includes lunch. Staff stated that she would not be able to go, due to her attendance of the Block Party on that day; but she does need two people to go and she encouraged commissioners to attend. Staff stated that the commissioners will be registered, and it would benefit us by meeting the training that is required for the Historic Preservation Commission. The registration form will be available in the next two weeks.

Chair Mitchell mentioned that we have one vacancy on the board and encouraged commissioners to reach out to people to join.

7. **Call for Adjournment:**

Chair Mitchell called for adjournment. Commissioner Nestor moved to adjourn; seconded by Commissioner Stoch and the motion passed unanimously. The meeting adjourned at 8:45 pm.

Adopted this 21 day of May 2018

Respectfully submitted:

Brian Mitchell

Chair: Brian Mitchell

Attest: Anne Sears

Secretary to the Commission: Anne Sears