

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

The Historic Preservation Commission met in regular session in the City Council Chambers at City Hall, 225 E. Weatherspoon Street, on Monday, August 24, 2020, at 7:00 PM.

ROLL CALL

Members Present: Brian Mitchell, Chair
 Greg Stoch, Vice-Chair
 Philip Yarborough
 David Underwood
 Jason Cline
 Allen Gordon
 Charles Petty

Council Member : Sam Gaskins

Staff Present: Liz Whitmore, Historic Preservation Planner II
 Angela Baker, Clerk to the Board
 Kevin Hornick, Attorney

APPROVAL OF AGENDA

Having noted the presence of a quorum, Chair Mitchell called the meeting to order, and entertained a motion to approve the agenda. Board member Stoch made the motion, seconded by Board member Yarborough, the motion carried unanimously.

ELECTION OF CHAIR AND VICE-CHAIR

Board member Yarborough nominated Brian Mitchell for Chair, seconded by Board member Gordon. The motion carried unanimously.

Board member Mitchell nominated Greg Stoch for Vice Chair, seconded by Board member Underwood. The motion carried unanimously.

Board member Mitchell nominated Angela Baker as Clerk, seconded by Board member Stoch. The motion carried unanimously.

APPROVAL OF MINUTES

Chair Mitchell asked for a Motion to approve the February 24, 2020, minutes. Board member Gordon made a motion, seconded by Board member Cline, the motion carried unanimously.

NEW BUSINESS

Chair Mitchell read the quasi-judicial reference statement.

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 Rebecca Whitaker; William Scruggs; and Greg Stoch and Staff Liz Whitmore appeared and took the oath.

Conflicts of Interest: None.

- A. COA-20-21 – Application by Rebecca Whitaker, property owner of 309 Green Street, who wishes to install a six-foot tall shadow box fence on the east property line from the rear of the property to the sidewalk.

Staff Presentation: Staff Whitmore stated that the Historic Preservation Commission received an application for a Certificate of Appropriateness (COA-20-21) from Rebecca Whitaker owner of 309 Green Street who wishes to install a six-foot tall wood privacy fence on the eastern property line of her property. She would like to do the entire length of the property. It was advertised in accordance with the General Statutes and the site was posed on Wednesday, August 12, 2020.

The site is a non-contributing house to the Historic District. Exhibit A, page 9, is a photograph of the subject property. It is an older picture, and a tree has been removed, but it is the front façade of the property.

Fences and Walls Guidelines:

- a. It is appropriate to preserve; protect and retain original fences and walls
Comment: It does not apply.
- b. New fences or walls should be congruous with the character of the historic district.
Comment: The proposed fence is constructed of wood and is 6 feet tall (Exhibits B and C, Pages 10 and 11).
She has two types of fencing she is proposing; and would be deemed appropriate at whichever staff chooses.
- c. It is not appropriate for new fences and walls to exceed a maximum height of forty-two inches in front and side yards, and six feet in rear yards. For rear yard fences continued along the sides of the property, it is acceptable for the six-foot maximum height to extend beyond the rear corner of the house up to one third of the structure's side toward the front. The rear third is measured from the most extreme point of the rear of the structure toward the front.
Comment: The proposed fencing is to be wood and six feet tall down the entire length of the side property line. The proposed fencing exceeds the above guideline of one-third of the side of the property.

The applicant has stated that they would like to extend the fence down to the edge of the end of the existing parking area of 221 N. Horner Blvd. The structure measures $33.3 + 11.4 = 44.7$ feet deep, which is roughly 15 feet. The rear third is 15 feet that the six-foot fence is allowed per the guideline to come up to the side property line. From there forward the guidelines allow a four-foot fence, which is what Staff recommends. Applicant stated that car headlights were bothersome; and staff measured the types of headlights with different vehicles, Exhibit E, F and G, pages 13-15.

- d. Fences that extend up the side yards should be no more than 50% solid from the rear plane of the most extreme point of the rear of the structure.
Comment: The proposed six-foot tall fence is more than 50% solid from the rear plane of the most extreme point of the rear of the structure (Exhibits B and C pages, 10 and 11).
- e. It is inappropriate to replace existing inappropriate fences (such as chain link) with inappropriate materials and design when significant repair is needed ($\geq 50\%$). Repair by replacement of more than 50% of inappropriate fencing should be completely replaced by appropriate fencing. Existing inappropriate fencing should be camouflaged with vegetation.
Comment: This guideline does not apply.
- f. The structural member of any fence shall be turned to face the property of the person erecting the fence ("good neighbor fence").
Comment: The fence should be installed so the structural supports shall face the subject property.
- g. It is appropriate for outdoor garbage areas to be screened. Commercial garbage bins and dumpster containers shall not be visible from the street, and should be shielded from view by approved fencing or evergreen vegetation.
Comment: This guideline does not apply.

Staff Comments and Analysis:

The applicant shared with staff that when she purchased the house, November 24, 2014, she was told that the shrubbery in the planting bed of 221 N. Horner Blvd. would grow and shield her house from the cars in the parking area for 221 N. Horner Blvd. The parking area has always been in this location, which current owner purchased January 11, 2013. However, it was expanded to the south and west when it was converted to offices and a beauty shop.

Staff recommends that the applicant install a 6 foot tall board on board fence (one of two styles provided, Exhibits B and C pages 10 and 11) with structural supports facing the subject property to where indicated in Exhibit D, page 12, from there forward staff recommends that a wood four foot tall fence be installed to match the six foot tall wood fence that is to be installed. The fence should not extend beyond the northern most concrete, curb located in the parking area of 221 N. Horner Blvd (Exhibits I, J, K, pages 17, 18 and 19).

Staff recommends that prior to release of the Certificate of Appropriateness the applicant should provide staff with the style of fencing that will be installed so it can be noted in the COA Placard. Staff also recommends Zoning clearance regarding site distance when leaving the parking lot; if a 6 ft. fence is approved.

Board Questions

Chair Mitchell asked where would the fence end from the sidewalk?
Staff Whitmore stated that it would end about 5feet back from the curb.

Vice-Chair Stoch asked if the fence would go to the end of the parking lot?
Staff Whitmore stated to the end of the parking lot at 221 N. Horner.

Applicant's Testimony:

Rebecca Whitaker, 309 Green Street, Sanford, NC.

Board member Allen asked if she preferred the 6ft fence?
Ms. Whitaker stated that she did because the parked cars are closer to the front of the property than the back of the property.

Never had any problems out of the renters. The fence allows her to walk the dog in her pajama's. The property has changed since she has moved in that there are more renters now in that location. The car lights shine in her living room and kitchen windows. It is not as much of a problem in the summer because it stays light longer. During the winter months the headlights glare into her home.

The driveway extends far enough beyond the border of the parking lot that the cars will be able to see due to the fact the fence will stop well before the driveway.

Board member Petty asked what type of vehicles are typically parked in the lot?
Ms. Whitaker stated Exhibit J, page 18 is a vehicle that is parked there every day; a pick-up truck is there quite often; and a Tahoe. There is a mix of vehicles.

Chair Mitchell asked if the backyard would be closed in?
Ms. Whitaker stated that at the present time she doesn't see a need to do that; and it would make it feel overly boxed in. At the moment, it is just for privacy of that edge.

Ms. Whitaker stated that she is very flexible on the style. She asked if the final design could be handled at staff level. She stated that the 4ft fence is not going to be helpful since most people are taller than 4ft.

Staff Whitmore stated that most 6ft fences are located on corner lots and not interior lots.

Ms. Whitaker stated that guidelines are for residences and she is unique in that she shares a boundary line with a commercial property.

Ms. Whitaker stated that the previous owners planted bushes as a barrier between the properties. The bushes have not grown and are dying.

Board Discussion:

Chair Mitchell stated that he is fine with the compromise of a fence of 6ft to the end of the building and 4ft forward.

Vice Chair Stoch stated that he agreed with the fence to the edge of the property line and not to the sidewalk with Zoning approval on the site distance.

Board member Petty stated that he wants the most privacy for the resident, so he thinks all of the fence should be 6ft.

Board member Gordon agreed that the homeowner should benefit from the most privacy from the fence; so he would approve a 6ft fence, due to her being located by a commercial property.

Staff Whitmore clarified that the fence should be 42 inches, but 48 inches is fine.

Motion: Board member Allen made a motion that the Historic Preservation Commission find as fact that the proposed project COA-20-21, 309 Green Street, if the installation of the proposed wood fence is done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the proposed fence is constructed of wood and will be 6ft tall; the guideline #8 does not apply; the fence will be extended to the edge of the parking lot with zoning approval; and the design will be approved by staff. Motion seconded by Board member Yarborough.

Chair Mitchell called for a vote. The motion carried. Vice-Chair Stoch abstain.

Final Motion: Board member Gordon made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness (COA-20-21) to property owner Rebecca Whitaker, 309 Green Street, and approve the proposal(s) as shown in COA- 20-21, 309 Green Street. Motion seconded by Board member Underwood.

Chair Mitchell called for a vote. The motion carried. Vice-Chair Stoch abstain.

- B. COA-20-22: Application by Rebecca Whitaker owner of 309 Green Street who wishes to remove one Pecan Tree and one White pine.

Staff Presentation: The Historic Preservation Commission received an application for a Certificate of Appropriateness (COA-20-22) to remove one Pecan tree and one White Pine tree, both are located in the side front yard. It was advertised per the general statutes and posted on August 12, 2020. The forest ranger provided information that the white pine be removed because it is leaning. He did not recommend the pine tree be removed, but Staff recommends that tree be removed because they are very messy trees and give the yard a cleaner look. Staff recommends that replacement trees be planted.

Guidelines

- 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.
Comment: The applicant is proposing to remove one White Pine and one Pecan tree 30-36 inches in diameter – Exhibits A, B, C and D, pages 9 and 12.
- b. It is appropriate to preserve, protect and retain historic hardscape materials, such as brick or granite pavers. If replacement is necessary, use materials that match or blend with original material in color, texture and pattern.
Comment: No historic hardscape materials are being affected by this tree therefore this guideline does not apply.
- c. This guideline does not apply.
- d. This guideline does not apply
- e. It is appropriate to maintain the existing grade on the site when technically feasible.
Comment: Should the removal of the two trees approved by the commission the applicant shall have the stumps ground and the area should be leveled and reseeded or sodded to avoid erosion.
- 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.
Comment: Removal of the White Pine is recommended by the Lee County Assistant Forester Ranger. The forest ranger did not recommend the removal of the Pecan tree; however, staff is of the opinion that this tree should be removed.
- g. Trees which are dead or diseased should be replaced with an appropriate tree.
Comment: These trees are neither dead or diseased. The applicant has not proposed a replacement tree, should the Commission approve the removal of the White Pine and the Pecan the applicant should plant one understory / ornamental tree back to ensure the tree canopy stays intact. These trees should be at least 5 to 6 feet tall and staff is available if the applicant needs to help in determining what type of tree to buy.

Staff Comments and Analysis:

Staff recommends the Pecan tree and the White pine be removed and one ornamental / understory tree be planted and the area seeded and sodded to avoid erosion and appear natural to the landscape. The above comments are of 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 the applicant if she was willing to plant another tree. Rebecca Whitaker stated yes.

Board Discussion:

Chair Mitchell stated that staff recommends the removal of the trees and he stated that it makes sense with the scale of the home.

Motion:

Vice-Chair Stoch moved that the Historic Preservation Commission find as fact that the proposed project COA-20-22, 309 Green Street, if the removal of the White pine and Pecan Trees, and the planting of one ornamental tree are done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the removal of the tree putting the property at risk if they fall and the other tree is a nuisance are, for the following reasons that were stated that it 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. The motion was seconded by Board member Cline.

Chair Mitchell called for a vote. The motion was carried unanimously.

Final Motion:

Vice-Chair Stoch made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant at Certificate of Appropriateness to Rebecca Whitaker and approve the proposal as shown in COA-20-22, 309 Green Street. The motion was seconded by Board member Underwood.

Chair Mitchell called for a vote. The motion was carried unanimously.

- C. COA-20-25: Application by William Scruggs, property owner of 223 Carthage Street, who wishes to do the following work located on the northern façade: replace the second story windows, paint the front façade, remove marble from 2nd floor to expose the original brick, paint or replace painted panel on the first floor with similar material (e.g. Hardie Plank), and replace the awning.

Staff Presentation: The Historic Preservation Commission received an application for a Certificate of Appropriateness (COA-20-25) William Scruggs is the property owner and he wishes to do the following work on the northern façade facing Carthage Street. His property is located across from La Dolce Vita; it is a two-story building. He wishes to install second story windows and paint the front façade; remove marble from the second floor to show the original brick; replace the painted panel on the first floor with similar material; and replace the awning. Awnings can be approved at staff level, so it will be removed from the discussion. It was advertised in accordance with General Statutes and was posted on Wednesday, August 12, 2020.

Exhibit A, page 9, is the front façade of 221-223 Carthage Street.

Guidelines

d. Windows and Openings

1. Do not replace historic windows with contemporary treatments.

Comment: The existing windows appear to be original to the structure, the applicant is proposing to install new windows much like what has been installed 110 S. Moore Street Exhibits B and C, pages 10 and 11. Staff recommends that the windows not be made bigger. Windows must fit current openings.

2. The original size, shape, and number of windows shall be maintained. Retain the original number of window lights (panes).

Comment: The applicant is proposing to install a new window on the second story (Exhibits B and C, pages 10 and 11)

3. 4. And 5. Do not apply

6. Do not use darkened or shaded glass as replacements for clear glass.

Comment: Any replacement glass for windows, doors or any other openings darkened or shaded shall not be used. Staff recommends that this be a condition if the application is approved and submitted.

7. Avoid installation of window type heating and air conditioning units on street facing facades.

Comment: The applicant is not proposing to install window heating and air conditioning units. Should the applicant in the future wish to install such units they should not be allowed.

e. Masonry

1. The regular inspection and maintenance of masonry, with an eye toward the effects of weathering, is preferable to repair and replacement.

Comment: This guideline does not apply.

2. When repair or replacement is necessary, the new material shall conform to the original in texture, material, and overall appearance.

Comment: The Applicant is proposing to remove the remaining green marble insets on the second floor. The applicant states he wishes to expose the original brick (It should be noted that staff contacted Jimmy Haire to request a photo of the property when built. Mr. Haire does not have a photo of the original structure.) The applicant has not stated exactly how he intends to clean up the newly exposed brick or if he might fill the areas in with a new compatible material.

3. Only originally painted masonry shall be repainted. Avoid the painting of previously unpainted masonry surfaces.

Comment: The applicant is proposing to paint the front façade of the subject property.

He does not state what color he wishes to paint the front façade.

4. Avoid masonry maintenance methods that are destructive to the original material.
Comment: Painting an unpainted façade may damage the original materials.

Staff Comments and Analysis:

Staff recommends that the entire façade be painted and the insets. The color is going to be a creamy color like the First Citizens Bank across the street. The painting of the façade of contributing buildings is generally not allowed unless the building had been previously painted. Exhibit D, page 13 and Exhibits F and G, pages 14 and 15. He intends to leave the marble on the first floor. The awning will be approved at staff level.

Board Questions

Vice Chair Stoch asked about the bricks and the metal on the building. Staff Whitmore stated that Jimmy Haire did not have any photos of the building. So, not sure if the metal is original. She said that the red brick insets would be painted to match the building. The marble is not in good shape and is popping out. If it is replaced with hardy plank and painted it would be keeping with the Historic District.

Board member Petty stated that the building has had a lot of restorations and get back to being more harmonious with the neighborhood makes more sense.

Board member Underwood asked if the windows were approved by Staff? Staff Whitmore stated that yes, the windows match the current windows, so they are fine. The windows will be custom ordered and it is recommended that they fit in the current insets; and the windows will be 2/1. Exhibit C, page 11.

Applicant's Testimony

Chair Mitchell asked if the second floor is residential and asked if the air condition units would come out?

Mr. Scruggs stated that it was offices. The changes to the windows will allow the air condition units to come out and make changes to the air condition on that floor.

Chair Mitchell asked if the plan was to power wash and then decide if does or does not need to be painted? He said that normally they do not like to paint brick; and that would need another COA. He stated that he is fine with the first floor being painted, since it has been painted in the past.

Mr. Scruggs acknowledged that after it is power washed, he would contact Ms. Whitmore and decide what steps need to be taken.

Vice-Chair Stoch asked Mr. Scruggs if he was good with not using tinted glass and keeping the same size window?

Mr. Scruggs said yes of course; the glass would be clear; and the windows be the same size.

Board Discussion:

With the applicant's consent, it was moved to vote on the window replacement; but continuing the paint issues until October 19th

Chair Mitchell stated that the marble should be removed because it is a hazard.

Staff Whitmore said that with the size of the windows that the 2/1 would look the best.

Chair Mitchell stated that the metal should be covered with hardi-plank.

Motion:

Vice-Chair Stoch moved that in regards to COA-20-25, the Historic Preservation Commission find as fact that a portion of the project regarding the painting of brick will be held on October 19, 2020; and if the project is completed in accordance with the Downtown Design Guidelines and the decision of Commission, is congruous with the character of the proposed project COA-20-25, are done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the metal underneath the awning on the first floor can be power washed and painted or be removed and be replaced with hardi-plank as worked out with Staff; the windows will be replaced with the style as 2/1 and they will be custom made to fit the existing openings; the marble on the second floor will be removed; and the air condition will be removed. The motion was seconded by Board member Yarborough.

Chair Mitchell called for a vote. The motion was carried unanimously.

Final Motion:

Vice-Chair Stoch made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant at Certificate of Appropriateness to William Scruggs and approve the proposal as shown in COA-20-25, 223 Carthage Street. The item regarding painting the brick will be moved to the October 19, 2020, meeting. The motion was seconded by Board member Petty.

Chair Mitchell called for a vote. The motion was carried unanimously.

- D. COA-20-24 Application by Greg Stoch, property owner of 220 N. Gulf Street who wishes to add a set of stairs on the south part of the side porch. Said stairs will be constructed of wood.

Staff Presentation: Staff Whitmore said that an application had been received by Greg and Joycelyn Stoch wishes to remove part of the original porch on the side and install steps to the side yard. The home has a wrap around front porch. It was advertised in accordance with the General Statues and posted on Tuesday, June 11, 2020. Exhibit A, page 9, view of the south

facing façade of the subject property. Exhibit B, page 10 is what is proposed. He wants access to the side yard at the door that is located on the home.

New Construction Guidelines:

- a. It is appropriate for new construction to be landscaped following the existing guidelines for landscaping.
Comment: The applicant intends to reseed the area where necessary.
- b. Does not apply.
- c. Does not apply.
- d. Protect significant site features, including mature trees and known archaeological resources, from damage during or as a result of construction.
Comment: The applicant will protect as necessary any significant features, including mature trees from damage, if necessary, during construction.

Additions to Existing Structures Guidelines

- a. Does not apply.
- b. Locate new additions cautiously, so they do not compromise the architectural integrity of the historic building.
Comment: The location of the proposed steps appears to not compromise the architectural integrity of the historic building (Exhibits B, page 10).
- c. Minimize the size, scale and height of new additions so they do not visually overpower the historic building or substantially alter the site's proportion of constructed area to un-built area.
Comment: The proposed steps will not overpower the historic building or substantially alter the site's proportion of constructed area to un-built area.
- d. Design the addition so that the overall character of the historic building and the building site, including its topography and any significant site features, are preserved.
Comment: The applicant is proposing to add a set of steps that will lead from the side porch to the south law. The overall character of the building and site will be preserved.
- e. Design new additions to be compatible in height, roof form, scale, massing, surface materials, detail and proportion with the historic building.
Comment: The proposed steps are compatible with the existing structure.
- f. Locate and size door and window openings in new additions so they are compatible in placement, orientation, spacing, proportion, size and scale with those of the historic building.

Comment: The opening in the rails of the porch compliment the opening of the rail of the side porch and the proposed steps compliment the front steps in width, rise and run.

- g. Select doors and windows for new additions that are compatible in material, proportion, subdivision, pattern, detail and finish with those of the historic building.
Comment: The addition of the steps will be constructed of wood and the handrails and pickets will complement the original rails and pickets on the porch.
- h. Select materials and finishes for new additions that are compatible in composition, texture, scale, patter, detail, finish and color with those of the historic building.
Comment: The materials selected will complement the materials that have been used in the construction of the subject historic structure.
- i. Minimize the damage to the historic building by constructing additions to be self-supporting, if possible. Attach additions to the historic building with care so that any loss of historic fabric is minimized.
Comment: The steps will be attached to the original porch in such a manner that if the future they are to be removed, minor if any damage will occur.

Staff Comments and Analysis

Staff supports the application; however, zoning clearance approval should be obtained and included in the file prior to the work commencing. The property is huge, but still need to follow the proper procedures.

Applicants Testimony

Chair Mitchell asked Mr. Stoch if he approved of getting zoning approval.
Mr. Stoch said absolutely.

Board member Gordon stated that he thought the steps would look great.

Motion

Board member Yarborough moved that the Historic Preservation Commission find as fact that the proposed project COA-20-24, 220 N. Gulf Street, if the installation of the steps leading down to the south law in done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the materials, design and railings are congruous with the original design 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 Board member Underwood.

Chair Mitchell called for a vote. The motion was carried unanimously.

Final Motion:

Board member Yarborough made a motion based on the preceding findings of fact and zoning approval, moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Greg and Joycelyn Stoch and approve the proposal as show in COA-20-24, 220 N. Gulf Street. Seconded by Board member Underwood.

Chair Mitchell called for a vote. The motion was carried unanimously.

- E. COA-20-23 – Application by Ciera Dixon property owner of 308 W. Weatherspoon Street, who wishes to remove a large maple tree located in the front yard.

Ms. Dixon did not show for the hearing. The Board agreed that this tree could be approved at Staff level.

Public Comments

Rebecca Whitaker stated that there are problems with older trees. There are so many tree issues in the Rosemount McIver District. There have been power outages; home damages; and car damages. There is a lot of red-tape and people are afraid that they won't be allowed to have the trees removed; so they don't ask. This is resulting in a ton of property damages; power outages and inconveniences. Even though being a conservationist; the Board needs to be a more lenient in approving tree removal.

Staff Whitmore stated that she agrees, but also thinks it is important that it is required to put a replacement tree.

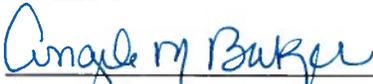
ADJOURNMENT

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

Adopted this 28 day of September, 2020.

BY: 
Brian Mitchell, Chair

ATTEST:


Angela M. Baker, Clerk