

**MINUTES OF THE REGULAR MEETING OF THE  
SANFORD HISTORIC PRESERVATION COMMISSION  
WEST END CONFERENCE ROOM  
7:00 PM, MONDAY, MARCH 1, 2010  
SANFORD MUNICIPAL BUILDING**

**Roll Call:**

**Commissioners Present:** Al Roethlisberger, Ed Page, David Nestor,  
Shannon Gurwitch, Donnie Worley

**Commissioners Absent:** Brandon Atkins

**Staff Present:** Liz Whitmore, Anne Sears

**Government Official Present:** Councilman Charles Taylor, City Attorney, Susan Patterson

**Citizens:** C. M. Zitterkopf & Rick Brown

**APPROVAL OF THE PREVIOUS MEETING MINUTES JANUARY 25, 2010  
AND THE AGENDA FOR MARCH 1, 2010.**

Chairman David Nestor called the meeting to order, and called the roll.

Chairman Nestor asked for approval of agenda. Commissioner Gurwitch asked to remove the discussion of the Sanford Municipal Golf Course under Old Business. Commissioner Page moved to approve the agenda, as amended and seconded by Commissioner Gurwitch and the motion passed unanimously.

Chairman Nestor asked for approval of the minutes. Commissioner Page moved to approve the minutes, and seconded by Commissioner Gurwitch and the motion passed unanimously.

There was no Public Input.

**COA CASE 10-05 @ 521 Summitt Dr:**

Staff Whitmore, summarized # COA-10-05, application by RAS Properties, LLC, owner of 521 Summitt Drive, who wish to install a driveway on the east side of their property next to the driveway located at 519 Summitt Drive and remove an oak tree to accommodate the construction of the proposed driveway. A retaining wall will be installed to hold the soil and to prevent erosion. Photographs were presented.

Staff Whitmore said that COA-10-05 is a non-contributing house, but they are still subject to the guidelines in the Rosemount-McIver district. She said they are proposing to remove a very large tree. Staff does not recommend replanting a tree, because there are several large trees in the yard, and as it is they are unable to grow grass in the yard, it is mostly moss, and mud. If they could get grass to grow, it would help maintain the soil from eroding. She recommends approval, with conditions. The applicant does agree to the conditions as written: 1. The retaining wall is built with a masonry material and a note should be added to the plan to specify the type of masonry material for the retaining wall. 2. The retaining wall should not exceed 42" in height. 3. A note

shall be placed on the plan as to the surface materials to be utilized for the driveway. (The applicant has agreed to put crush and run down the driveway to match the neighbors.) 4. The applicant shall get permission from the City of Sanford Street Department for a curb cut to install the driveway. 5. Treated timber will not be allowed for the retaining wall, the plans should be revised to include a masonry retaining wall, and the height of the wall should be included on the plan. Staff Whitmore had photographs and a site plan, and the applicant will have to revise this site plan to indicate that it will not be timber, but a masonry wall. She shared that materials can either be determined tonight by HPC board or materials could be left to staff to approve. It was agreed to leave it to staff. The reason why the driveway is not put on the other side is because of the cut into the slope would be much greater, and then there would be a larger problem with erosion. There is a telephone pole on the proposed side, and it may impact the entrance, but the applicant will have to get in touch with the power company, to make sure that it is ok for them to put that driveway there. At this time, Staff Whitmore read to the members the findings of fact that are applicable to the case.

**Liz Whitmore, staff, found that height, architectural detailing, roof shapes, forms and materials, are not a factor. Fenestration, Proportions, Shapes, Position, Location, and Pattern are not a factor. Setback and Placement, materials, patterns, textures, colors, are a factor. General Form and Proportions of Buildings and Structures, and appurtenant Features and Fixtures of the project are a factor.**

**At this time the applicant Rick Brown was sworn in.**

The applicant Rick Brown addresses the board and re-assures everyone that they will keep it within harmony of the neighborhood. He shared that by the deed it has been never been deeded as a shared driveway, but over the years, it was consider a shared driveway. The tenant or owner would park in between the two trees, where it was not gravel, as shown in the diagram presented. The applicant noted they had gotten a letter saying the cars could not park in that area. He mentioned he was willing to spend money for gravel to help Chris and his family out too. Mr. Brown shared that we want to come in and take that large oak tree out. A picture was presented, and Mr. Brown explained that with the tree gone, it would put more light into the yard. He continued to say that the corner of the driveway would go to that tree. There would be a slight grade from the driveway up to that embankment, and that is why we are proposing to put in that short retaining wall. Mr. Brown believes the wall will be less than 22" in height. The owner next door came to me, and he doesn't want the driveway to be a shared driveway either, due to the fact that they have cars in and out. They laid bricks down as a perimeter which is crossing over onto our property, which will be shifted back over onto the property line. The applicant plans to coordinate with the homeowners to match with the neighbors. He has spoken to Magda Holloway, Street Superintendent, regarding the driveway. There was a certain distance, the driveway couldn't exceed, and if she saw any problems she will let us know, and as long as we were in that limit we could cut that curb in. Mr. Brown stated they would have to look into the telephone pole and if it will have to be moved. It should be greater than three feet from where the drive itself is. They will make sure they are in agreement. Councilman Taylor asked what the setback pole requirements were, and noted that an x number of feet are needed. The pole may have to moved, but he will be required to get permission from the City of Sanford Street Department. Commissioner Gurwitch, asked if the driveways are typically all on the right hand side? Staff Whitmore said they are typically on the right or left hand side. Commissioner Gurwitch does not want to see the driveway overlap once the gravel is put down, and the applicant responded and said no, that they will have two separate driveways. Mr. Brown noted a possibility of having an outside edge that would separate the two driveways, either the treated lumbers, or a small retaining

wall which will keep the cars from coming in and out or to plant shrubs along that line to improve that area.

Commissioner Roethlisberger asked the applicant if he was going to pull the bricks up that are encroaching on your property or moving them back over onto the property line. Mr. Brown said it was up to the property owner next door, and if he wanted the bricks he needs to remove them. Mr. Brown doesn't think they will go to the effort of resetting them. Councilman Taylor, asked if once the back tree is taken out, if the front tree would be subject to erosion? Staff Liz Whitmore answered no, saying the land was flat. Mr. Brown stated they also would like to seed the front lawn. Mr. Brown mentioned that the brick masonry plans to match the brick as closely as possible. Councilman Taylor asked how close to the second tree is the driveway going to be. It was determined 4 to 5 ft., and the cut will be six to eight inches, and Staff Whitmore noted that the cut will not impact the root system of the other tree.

Commissioner Gurwitch asked if we could add a note that specially stated that the two driveways not overlap and the specific landscaping materials used between the two driveways be approved by staff.

City Susan Patterson, spoke and said the driveway may have to be put in with accordance with regulations from the Street Department. Staff Whitmore said she would speak and coordinate with Magda Holloway with the Street Department for more clarification. It was noted that separation of driveway is not required per city, but they can butt up to each other. Discussion continued between members regarding a curb cut of 22 ft. Staff Whitmore shared that she prefers grass or ground cover or sod, rather than shrubbery. Commissioner Roethlisberger asked how much space do you put between two driveways and still have it function properly. It was noted that between driveways, 4 ft. is needed. Staff Whitmore commented that she prefers to have groundcover in that strip, and it would also help with erosion from driveway to driveway. Questions continued among members, and Staff Whitmore noted that any changes could be noted as a condition in the Finding of Fact.

### **FINDING OF FACT:**

- 1. Commissioner Page moved that the Historic Preservation Commission find as fact then that the retaining wall materials, proposed by the applicant being brick, match as closely as possible to the existing brick, and the stairs, and the house, and the brick pavers would be congruous on the structure and any immediate vicinity of the project, because it is in keeping with the character of the house and of the neighborhood. It was seconded by Shannon Gurwitch and passed unanimously.**
- 2. Commissioner Roethlisberger moved that the Historic Preservation Commission find as fact the proposed project COA-10-05- @ 521 Summitt Drive is congruous with the general character of the district with regards with surface materials being chosen for the driveway which is crush and run gravel, as it is similar to other properties in the area, including directly adjacent property, and it was seconded by Donnie Worley, and passed unanimously.**
- 3. Commissioner Gurwitch moved that the Historic Preservation Commission find as fact the proposed project COA- 10-05- @ 521 Summitt Drive, if the proposed separation between the existing driveway, and the proposed driveway, has a minimum separation of two feet, and that that transition area then be covered with**

softscape ground cover plant material, that it is congruous with the character of the district. For the following reasons that that separation with being with the keeping of the proportion, and the general features of the existing area in harmony with the criteria and the design guidelines, and the special character of the neighboring properties and the historical district as a whole, and seconded by Commissioner Page, and it passed unanimously.

4. Commissioner Page moved that the Historic Preservation Commission find as a fact that the tree removal associated with exposed project COA-10-05 @ 521 Summitt Drive is congruous with the character of the district for the reason that there is existing trees on the property, the removal of the tree would allow additional sunlight and encourage growth of the front lawn would generally benefit the appearance of said property and kept it in character with that of the community, and it was seconded by Commissioner Worley and it passed unanimously.

At this time Susan Patterson asked Chair David Nestor if the city requires that the driveway abut, and if they do, do you want him to have to return for approval from this board because you require the separation, or do you also require your condition for separation be if allowed by the city?

Commissioner Page said we may have a split opinion, and that may be a reason in itself to have him return if that becomes a problem. Susan Patterson asked if you have to put down a different course of sidewalk, due to the fact you will be driving over it. Mr. Brown stated that Magda indicated to him, that he couldn't exceed the 36 ft. drive with 10 ft between, and he said asked if the city required a separation between the driveways, and she said no.

#### **DECISION:**

**Commissioner Roethlisberger moved based on the preceding Findings of Fact, I moved that the Historic Preservation Commission grant a Certificate of Appropriateness to RAS Properties, LLC and approve subject conditions of proposal as shown in COA-10-05 @ 521 Summitt Drive with the following conditions:**

1. **The retaining wall if built will be built with masonry materials made from brick to match existing pavers and sidewalk of the home. The retaining wall if built shall not exceed 42" in height. The paving materials for the driveway will be gravel to match those of the neighboring properties driveway. Applicant shall get permission from the city of Sanford Street Department for the appropriate curb cut and approvals pertain to distance between utility poles if necessary. Treated timber is not allowed for the retaining wall. The plan should reflect the masonry materials previously discussed. The minimum two foot soft-scape (ground cover) material should exist as a separation between the existing neighbors drive and the new drive to be installed, and it was seconded by Commissioner Page, and it was passed unanimously.**

**Commissioner Page at this time moved to close the Public Hearing, and it was seconded by Commissioner Worley, and it was passed unanimously.**

**At this time, the applicant Rick Brown and C. M. Zitterkopf left the meeting.**

## **OLD BUSINESS:**

Commissioner Gurwitch shared updates on the progress of Hawkins Avenue being nominated as a local district. She has reserved the meeting room at the library for March 24<sup>th</sup> from 6:00 pm to 8:00 pm. She will follow up by e-mail. Commissioner Gurwitch prefers it to be more of a discussion, to state here is where we are, and how do you people feel about this. Several board members expressed that this is a good idea, to feel out the public, and see what there issues are to see how they feel before we proceed. Staff Whitmore shared that the State Historic Office did not have anyone to send from SHPO. Staff Whitmore said that letters would need to be mail out by Wednesday, March 3, 2010.

Commissioner Roethlisberger addressed the Link Boykin House. He has spoken to the owners, who live in Greensboro. The home was built in the mid-twenties by Linkin Boykin, and during the depression, a lot of folks used him to build their homes. There was still a lot of building going on downtown right before the crash, and some of the major contractors were totally involved downtown. The major contractors were engaged downtown building the New Sanford, and if people wanted your homes built you had to wait or you turn the people away. Mr. Boykin was African American, he was a licensed contractor, with a large crew (50) and he built a lot of the homes in the historic district and a lot of the buildings, including Wicker School.

Commissioner Roethlisberger thinks that his house would be a really nice focal Landmark, because Mr. Boykin contributed a great deal and would like to see the house protected. Commissioner Roethlisberger has contacted the owner, and they think it is a wonderful idea. The owner had thought about turning it into Africa American History for Lee County, and was unaware of the Boykin's connection. Commissioner Roethlisberger shared with the owner, information on tax credits, and grants that are available. The applicant is waiting to hear from the board, and he knows there is a fee. Commissioner Gurwitch thoughts were to move forward. Commissioner Roethlisberger would like to ask Staff Whitmore in assisting the property owner with the process. Staff Whitmore thoughts were for her and Commissioner Roethlisberger to work on this together. Commissioner Gurwitch made a motion to appoint Commissioner Al Roethlisberger as the Commission Liaison regarding the creation of the Link Boykin house designated as a Local Landmark status, and it was seconded by Commissioner Page, and it was passed unanimously.

Staff Whitmore also updated everyone on the Rules and Procedures. It was determined that HPC will not have to go to Law and Finance or City Council. Staff Whitmore submitted the final draft for consideration by the Historic Preservation Commission, the chairman recognized the Final Draft and it will be voted on at the next meeting March 29, 2010.

Staff Whitmore shared we do have one vacancy on the board. She will continue to follow up with Bonnie White on the status.

- Staff Whitmore provided staff updates: Commissioner Roethlisberger had previously asked about re-paving Gulf. She said that it will not be, but Sunset to Vance to Hillcrest is going to be paved in the Rosemount-McIver district. Vance from Weatherspoon all the way to Crestview will be also. Summitt is going to be paved from Vance to Cross, and then Hillcrest is going to be paved from Sunset to Carthage. Michael Lamping is the contact person. Bids open March 9<sup>th</sup>, then Staff Whitmore will go to City Council. City Council will have to approve it, and then after that, street paving will start. This information will be in the newsletter which will be mailed out in mid-April.

- Laura Phillips has completed her research for East Sanford, and will continue her next phase in two weeks, where she will put everything together to submit to State Historic Preservation office. The budget for HPC was submitted to David Montgomery and Bob Bridwell, which will include training. The new (entrance) sign down on Academy has not been addressed yet, which will be white with black lettering.

At this time Commissioner Gurwitch asked to refer back or asked for clarification of the reallocating of the money for the previous signage for the HPC district. Councilman Charles Taylor gave a brief explanation after speaking with the City Manager, and the Mayor. It was decided that the wrong wording may have been used. Susan Patterson gave a brief description on how Finance will re-appropriate money into the new budget if it is not used. Mrs. Patterson suggested asking staff to ask Finance to send a memo to the HPC board for explanation regarding the funds.

- Staff Whitmore briefed every one of the COA's that were recently approved and pending Major COA's. Staff Whitmore briefed everyone tonight and has e-mail everyone of meeting dates for May and June.

Commissioner Roethlisberger wanted to re- emphasis on February 23ath quasi-judicial meeting that was held at Greensboro. He gave high remarks to the speaker William Dodson, but his thoughts were that it was primarily geared to the Board of Adjustments. Commissioner Roethlisberger suggested that we bring someone like this to speak to the HPC board, the board of adjustments, the planning board, City Council and anyone else, and the public for training.

Staff Whitmore said that David Hoggard from Double-Hung windows will be doing a presentation @ the West End Conference Room here on March 25<sup>th</sup> from 2:00 to 4:00 PM.

- Next meeting date will be March 29, 2010.

**ADJOURNMENT:**

With no further business to come before the Chairman Nestor entertained a motion to adjourn. Commissioner Gurwitch moved, and it was seconded by Commissioner Page and the motion passed unanimously.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_

BY: \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**Elizabeth Whitmore, Historic Planner II**