

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD HISTORIC PRESERVATION COMMISSION**

**WEST END CONFERENCE ROOM
7:00 PM, MONDAY, NOVEMBER 22, 2010
SANFORD MUNICIPAL BUILDING**

Roll Call:

Commissioners Present: David Nestor, Donnie Worley, Brandon Atkins, & Ed Page

Commissioners Absent: Shannon Gurwitch, Mike Humphrey, & Al Roethlisberger

**Staff Present: Planning Director, Bob Bridwell
Clerk, Anne Sears**

Government Official Present:

APPROVAL OF THE AGENDA FOR NOVEMBER 22, 2010

Chairman David Nestor called the meeting to order. Clerk Anne Sears called the roll. Chairman Nestor asked for approval of the agenda. **Commissioner Page moved to approve the agenda. Seconded by Commissioner Worley, the motion passed unanimously.**

**PREVIOUS APPROVAL OF THE JUNE, 21, 2010 AND THE MINUTES FOR
OCTOBER 25, 2010.**

Chairman Nestor asked for approval of the June and October minutes. Chairman Nestor stated that June minutes have been gone over by staff, and asked for a motion for approval. **Commissioner Worley moved to approve the June minutes as written, and it was seconded by Commissioner Atkins.** Chairman Nestor asked Attorney Patterson if she had had time to review those, and she said yes. She stated that she felt that they had tried to capture what the board members were wanting. **Chairman Nestor called for a vote and the June minutes were approved unanimously.**

Chairman Nestor asked for approval of the October minutes. **Commissioner Page moved that the October minutes be approved. Seconded by Commissioner Worley, the motion passed unanimously.**

Commissioner Page stated that he agreed with the e-mail from Commissioner Worley sent out prior to the meeting indicating that the expense, time and the resources being put

into the minutes was unnecessary, too detailed and far too long. It was in his opinion a waste of time and energy for city staff to try to put these minutes into that much detail, particularly the portions that that didn't bare on the decisions made by the Commission. Chairman Nestor asked Mrs. Patterson if she had any other comments, and she stated she was in agreement.

PUBLIC COMMENT:

There was no public comment.

Everyone that wished to speak for the public hearings was sworn in at this time.

PUBLIC HEARINGS:

Review of Application for Certificate of Appropriateness COA-10-75.

Mr. Bridwell stated that before them was an application made from Kimbrell's Investment Company, commercial property owners off 146 S. Moore Street, who wished to remove the existing wood windows and replace them with vinyl windows.

Mr. Bridwell summarized the COA 10-75 staff report. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled, and read the adjacent properties to the subject property. Mr. Bridwell entered the staff report as Exhibit A, B, C and D. (Exhibit A, B, C and D attached.)

Chairman Nestor asked that the applicant and his contractor come forward for questions.

Chairman Nestor asked if any Commissioner had a conflict of interest, ex-parte communication, or a site visit that needed to be disclosed. No conflict of interest, ex-parte communication, or site visits were noted by the members.

Yolanda Leach, manager of Kimbrell's introduced herself, along with her contractor Mickey Jackson. Mr. Jackson stated that he was not able to get stock wood windows to replace the rotten windows that totally fit the window openings. He indicated that the only stock windows he could find were vinyl windows similar to the ones that were adjacent to them. Chairman Nestor asked if the applicants about the brochure that was included in their material that showed windows with grids in them, and Mr. Jackson stated that the windows would be without grids, so they would match what was next door at 148 Moore Street.

Commissioner Atkins asked if the applicant was going to have to put in a large header in such as was indicated by the picture of 100 S. Moore Street, (Exhibit B). Mr. Jackson stated there would be no headers above it, and it would look just like the one that was adjacent to the building.

Chairman Nestor asked for any further questions. Hearing none, he asked if any one was there to speak in favor or against the application, and it was noted there was no one. Chairman Nestor did state his preference was for the windows not to be vinyl, but the proposed windows would match exactly what was next door at 148 S. Moore Street and would be consistent. Commissioner Page shared that it was a commercial and not a residential building and that there were other non-contributing commercial buildings in that area that had similar windows, and the proposed windows looked better than the ones at 100 S. Moore St. Chairman Nestor agreed.

FINDING OF FACT:

Commissioner Page moved that the Historic Preservation Commission find as a fact that the proposed project COA-10-75 at 146 S. Moore Street if constructed according to the plans reviewed, was congruous with the character of the district, for the reasons that the materials, architectural detailing, and fenestration were generally in harmony with the criteria of the design guidelines and the special character of the neighboring properties and the historic district as a whole for the reasons that 1) they were consistent with both contributing and non-contributing structures in the area, and 2) that they would be attractive and improve the general appearance of the existing structure. Seconded by Commissioner Worley, the motion passed unanimously.

FINAL MOTION:

Based upon the previous finding of facts, Commissioner Page moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Kimbrell's Investment Company and approve the proposal as shown in COA- 10-75 at 146 S. Moore Street. Seconded by Commissioner Worley, the motion passed unanimously.

Yolanda Leach and Mickey Jackson left at this time.

Review of Application for Certificate of Appropriateness COA-10-77.

Chairman Nestor asked if any Commissioner had a conflict of interest, ex-parte communication, or a site visit that needed to be disclosed. Commissioner Page said he would like to disclose that he lived at 404 N Gulf Street, and he had no information pertaining to the COA or the property in question, that would impair his ability to sit impartially and hear the application.

Mr. Bridwell stated that before them was an application made by Elizabeth and Andrew Eljdid, owners of 223 N. Gulf Street, who wished to remove one Pecan tree (*Carya illinonensis*) located in the rear of the property in excess of eight inches in caliper.

Mr. Bridwell summarized the COA 10-77 staff report. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled, and read the adjacent

properties to the subject property. Mr. Bridwell entered the staff report as Exhibit A. (Exhibit A attached). Mr. Bridwell did note that the applicants did park their vehicles on the public road which made them susceptible to vandalism.

Chairman Nestor asked Elizabeth and Andrew Eljdid to share any additional information. Mr. Eljdid stated that when they first moved there, they were parking their cars in the driveway, but they stopped doing that because the vehicles were being dented by the nuts falling off the tree and a root of the tree had caused a significant crack in their driveway. They even feared it might compromise the foundation of their house. It was also brought to their attention by the previous resident that there has been significant roof damage caused by a falling branch of that tree. Commissioner Page asked Mr. Eljdid if he had a carport or garage or other covered area where he could park his car. Mr. Eljdid stated they did have a carport in the back yard. Commissioner Page asked Mr. Eljdid to talk about the impact on the structural integrity of the house. Mr. Eljdid stated they had not noticed any wall or damage yet, but he stated that the larger, thicker roots were coming out of the ground, and going underneath the staircase as evidenced by the photographs attached to application. Chairman Nestor asked how close the tree was to the house, and it was noted about 2 ½ ft. Commissioner Page asked how far the driveway was from the trunk of the tree. Mr. Eljdid stated ten to twelve feet. Commissioner Worley asked Mr. Eljdid if there were any larger trees in diameter on the property excluding the pecan tree, and Mr. Eljdid said there were others, but this was the only one that was that close to the house and was overhanging the driveway area.

Chairman Nestor asked if anyone was there to speak in favor or against the application, and it was noted there was no one.

Commissioner Page shared similar experiences he had had with fruit trees. His concern was that the tree had already had a root system large enough and long enough to cause damage to the driveway. He said he could base his decision without any expert testimony review about the foundation, and furthermore, if it was not an issue now, it appeared that it would become one. Chairman Nestor shared his concern for the house as well. Commissioner Worley mentioned that as large as the limbs looked and the way they have been trimmed back, that there was already the beginnings of damage or rot one could see. Chairman Nestor noted that trees play a significant role in the historic district and they should consider planting something more appropriate in its stead. Chairman Nestor asked if there was any other discussion, and Commissioner Atkins shared his experiences with pecans trees; and it was relevant for him that the tree was too close and causing damage.

FINDING OF FACT:

Commissioner Atkins moved that the Historic Preservation Commission find as a fact that the proposed project COA-10-77 at 223 N. Gulf Street if constructed according to the plans reviewed, was congruous with the character of the district for the reasons that the appurtenant features were generally in harmony with the criteria of the design guidelines and the special character of the neighboring

properties and the historic district as a whole for the reasons that 1) the tree prohibits use of the existing driveway, and 2) the tree could potentially damage the foundation of the house itself, and further damage the existing driveway or any nearby structures. Seconded by Commissioner Worley, the motion passed unanimously.

FINAL MOTION:

Based upon the previous finding of facts, Commissioner Atkins moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Elizabeth and Andrew Eljdid and approve the proposal as shown in COA- 10-77 at 223 N. Gulf St. Seconded by Commissioner Worley, the motion passed unanimously.

Review of Application for Certificate of Appropriateness COA-10-74

Chairman Nestor asked if any Commissioner had a conflict of interest, ex-parte communication, or a site visit that needed to be disclosed. Commissioner Page said he would like to disclose that he lived at 404 N Gulf Street, and he had no information pertaining to the COA or the property in question that would impair his ability to sit impartially and hear the application.

Mr. Bridwell stated before them was an application made by Debra and Michael Fincher, 306 N. Gulf St., who have demolished the original front steps and wished to replace them with wood steps stained to match the front porch and door.

Mr. Bridwell summarized the COA 10-75 staff report. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled, and read the adjacent properties to the subject property.

Mr. Bridwell stated that Historic Preservation Planner, Liz Whitmore and Code Enforcement Supervisor, Carl Anglin had met with the applicant on Monday, October 18, 2010 on site. At the time, the applicant explained their project to staff stating that they wanted to remove the existing paint via a non-aggressive means to expose the natural brick curtain around the foundation, repair any rotten wood, paint the exterior of the house and fence, remove the small holly next to porch and trim the oak tree out of the power lines and off the roof of house. Staff stated that this would be considered minor work and could be approved at staff level.

The applicant also stated that the porch was sagging and they wanted to build three new piers and install an I-beam underneath the house to stabilize the porch. The applicant said they needed to remove the side brick skirting to access the area under the porch, and they wanted to remove the front brick steps covered in concrete and replace them with new wood steps. Staff indicated that the removal of the brick curtain and part of the pier would be routine maintenance since the applicant indicated that the foundation was going to be put back as it was originally; however, the removal of the brick curtain around the

porch and stabilizing the porch would require a building permit from Building Inspections. Staff also shared that the removal of the front steps and replacing them with wood steps would be considered a Major Work and would require a public hearing. Staff shared that the steps were not to be demolished during the process of stabilizing the front porch, because that would be part of the application for the Major Work. The applicant at this time shared with staff that the brick piers and girder that were to be replaced and reinforced were under the porch.

The applicant obtained a building permit on Monday, October 25, 2010. However; removal of the brick skirt had started prior to the applicant obtaining a building permit.

Staff drove through the historic district on Tuesday, October 26, 2010 and conducted a windshield survey of the work at the subject property at approximately 3:45 pm. Staff observed that the side curtain wall had been removed as well as the battered post, pier and wing wall adjacent to the steps; the front steps were still in existence at this time.

On Wednesday October 27, 2010 at approximately 12:45 pm, staff drove thru the historic district and noticed that the front steps had been demolished. The applicants did not inform Staff Whitmore or Supervisor Anglin that they were going to demolish the front steps. Staff placed a Cease and Desist Order on the project (Exhibit A and B) and photographed the site on Thursday October 28, 2010 (Exhibit C). The Cease and Desist Order instructed the applicant that they could stabilize the porch by accomplishing the following: 1. Temporary support of porch roof where the column was removed. 2. Installation of the support beam under front porch. 3. Completion of new support pillars under porch. Staff also determined that the minor COA (COA-10-74 Exhibit D) that was approved by staff on October 26, 2010 should be incorporated into the Major COA for approval before the Historic Preservation Commission as changes had been made to the project scope without staff knowledge or oversight. Mr. Bridwell noted that Supervisor Anglin was present if anyone needed additional information. Mr. Bridwell entered the staff report as Exhibit A, B, C D, E, F, G, H, I, J, K, and L. (Exhibit A, B, C D, E, F, G, H, I, J, K, and L attached.)

Chairman Nestor asked the applicants to present their case. Chairman Nestor stated, obviously, some things were done out of order, and asked the applicant to explain why that happened.

Mrs. Fincher stated they had never done this and wasn't for sure how to proceed. She did contact the office and found out they needed a COA for the minor work that they were doing. She also provided a foundation report with the initial COA. Each board member received a copy of (Exhibits A- L) in their packet, which clearly outlined the nature of the work that needed to be done to shore up the structural integrity of the house. She did state that this was a matter of rebuilding piers and installing beams under the house to make sure the house was safe. Mrs. Fincher had already hired a contractor, and she said she felt they needed to move forward quickly with the foundation work before any work could be done inside the house. Mrs. Fincher did note that because the house had to be jacked up, they determined that they needed to remove those steps in order to fix the

foundation. The steps were already collapsing into the front wall, and they were deteriorated to the point where they were no longer supporting the front porch of the house. Mr. Bridwell said the building inspector did verify that. Mrs. Fincher stated they could not pour the footing nor do the foundation repairs without removing those steps. Mr. Fincher said the steps were treacherous, and on the front left side of the house, one could see where the damage was, and it was actually six inches lower than the right side of the house.

Mr. Fincher explained that they were aware that they needed to apply for a COA to replace those steps with something different; but they were not aware that a COA was required to remove the steps; they just thought that was part of the foundation repairs. He also said they did not have a copy of the matrix at the time and they didn't realize that the matrix was there until four days ago. Chairman Nestor asked who sold the house to them, and it was acknowledged that it was bought at on-line auction. Mrs. Fincher did note that they did make efforts to follow procedures and get permits, but they had already started the process and couldn't stop because they felt the house was unstable at that point.

Chairman Nestor shared positive comments about restoring the house. Commissioner Page asked the applicant why they chose wood as opposed to concrete steps. Mr. Fincher stated they had inspected what was there, and the concrete steps that were there had deteriorated and looked so bad, so they felt like wood would look nicer and concrete was more expensive. Mr. Fincher said that they will be replacing the entire front porch with kilned dry oak flooring to help blend it all in, and they wanted to stain the steps and porch to make it flow.

Chairman Nestor stated that the applicants would like to resolve everything at tonight's meeting. Mrs. Fincher noted that they were not going to remove the paint from the brick skirt as originally proposed. The Finchers noted they wanted to overlay their existing sidewalk with brick pavers or a new layer of concrete. Chairman Nestor asked if there were any problems where it transitioned into the street or the sidewalk, and several spoke and said it shouldn't be.

Mr. Bridwell noted that any approved new steps should not increase on the original footprints and they should not exceed 7ft. 6 inches from the new brick wall. Mrs. Fincher commented that she did not want to be held to the inches on that, because those original steps were not designed to today's standard – the run was too long and they needed to make sure that the rise was no longer than seven or eight inches in height. The original steps were as much as ten inches in height, and she stressed that they wanted to build those steps to be safe. She felt like she didn't want to be held responsible for exceeding a couple of inches out from the original footprint in order to insure the structural safety of the steps. Commissioner Atkins stated generally that was left up to code and Chairman Nestor agreed and said it wasn't the Commission's call. Commissioner Atkins noted that this was the best collection of information of any COA to date.

It was noted that the broken or missing slats on the existing fence were to be repaired and the paint color of the house would compliment the other houses in the neighborhood. Commissioner Page asked whether the minor works were approved by staff and it was noted yes. Mrs. Patterson noted that when there was a question that came up in regards to work like this, staff wanted the board to have the say on them. In other words, staff did a cease and desist order on all of their construction, so for the applicant to move forward they needed a COA approved by the commissioner members. She said that what they were doing right now, which was going through each item, and stating or saying something about it was the correct method. Then in their motion to approve or deny the proposed plan, they should include the minor works and whatever the major work ended up being about replacement of the steps. Commissioner Atkins said it could have been that staff just didn't want them to go through all of this to only have a major element of the job turned down, which he could understand. Commissioner Page spoke as a matter of procedure that he didn't know if there was one way to address the major work. Mrs. Patterson said the Commission should go ahead and approve or deny the COA for the major work in addition to the minor works approved by staff.

It was also noted that they wanted to remove skinny holly tree against house, and trim lower limbs over-hanging the roof and electrical/phone lines of the large tree in front yard to open up the view of the house and minimize potential hazards from falling tree limbs.

Mrs. Fincher stated she would like to discuss the timbers that they had removed from the front of the house. She shared that they were railroad ties/ landscape timbers going along the sidewalk and tree roots were pushing them out, and they were rotten. They had asked the brick mason to pull them out and replace them. After they were torn out, he offered to cut the bank back for us and indicated that it would look a lot better. Mr. Fincher said they have done this, and actually have grass growing there.

Chairman Nestor addressed the applicants and relayed to them that they now knew what to do in the future and stated that Staff Liz Whitmore was always available for any questions. Chairman Nestor stated that city is wonderful to work with in comparison to larger cities that he had to work with.

At this time there were no more questions for the applicant. Chairman Nestor asked if anyone was opposed to this action or wanted to present evidence or questions for the board. There were none. Before closing, Commissioner Worley asked if there was going to be issues with setback of the building because of the steps. Mr. Bridwell said they needed to be careful and the applicant needed to follow setback regulations. Commissioner Worley agreed.

FINDING OF FACT:

Commissioner Page moved that the Historic Preservation Commission find as a fact that the proposed project COA-10-74 at 306 N. Gulf Street if constructed according to the plans reviewed including the submittal of minor works previously approved by staff, was congruous with the character of the district for the reasons that the

proposed materials, style, detailing, setback and placement, shapes, positions, proportions were generally in harmony with the criteria of the design guidelines and the special character of the neighboring properties and the historic district as a whole for the reasons that 1) the proposed structural improvements were consistent with surrounding homes, and 2) the colors and materials proposed were visually attractive and in keeping with other similarly constructed homes in the district. The motion was seconded by Commissioner Worley.

Chairman Nestor asked if there was any more discussion. Mrs. Patterson had one question if the Commission wanted to say other than removing the paint from the foundation, because that is what they had proposed in their original application, but now they wanted to repaint it. Commissioner Page asked if it was a minor work though, and Chairman Nestor said it was maintenance and it was not even a minor work. Mrs. Patterson noted that in the course of discussion it was noted in accordance with what was previously submitted, so she said wanted it to be clear on whether they could paint it or not. Chairman Nestor said at this point the Commission would leave it up to the applicant to choose. Mrs. Patterson thanked them for the clarification.

Commissioner Page said the biggest Finding of Fact for him was that the home at 407 Gulf Street had similar wooden steps, and they were using the same contractor, so they were basically just trying to replicate the architectural styling they have. Mrs. Patterson asked if they wanted to incorporate it into the motion. And Chairman Nestor said yes. Chairman Nestor asked Commissioner Page if it was, and Commissioner Page said he had no objection, and it was seconded by Commissioner Worley. Commissioner Page spoke and said as far as the discussion goes he had to agree with the applicant that the concrete was ugly. Chairman Nestor asked for any other discussion. There being none, the motion passed unanimously.

FINAL MOTION:

Based upon the previous finding of facts, Commissioner Page moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Debra and Michael Fincher and approve the proposal as shown in COA- 10-74 at 306 N. Gulf St. Seconded by Commissioner Worley, the motion passed unanimously.

Bill and Hazel Freeman gave praise about the work being done at 306 N. Gulf Street.

Old Business:

Chairman Nestor asked to table appointing a committee to review Rosemount McIver Historic Park Guidelines until the next meeting. **Seconded by Commissioner Page, the motion passed unanimously.**

NEW BUSINESS:

- Mr. Bridwell summarized the minor work COAs for the month of November (sheet attached)
- Mr. Bridwell shared that the park at Sunset and Hillcrest had been brought to the city's attention again, and did the commission wish to pursue this; if so, it would have to be taken into consideration with the 2011-2012 budget.

Chairman Nestor called for a motion to adjourn. **Commissioner Page made a motion to adjourn. Seconded by Commissioner Worley, the motion passed unanimously.** The meeting adjourned at 8:08.

David Nestor, Chairman

ATTEST:

Anne Sears, Clerk