

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

**WEST END CONFERENCE ROOM  
7:00 PM, MONDAY, February 28, 2011  
SANFORD MUNICIPAL BUILDING**

**Roll Call:**

**Commissioners Present:** David Nestor, Ed Page, Brandon Atkins,  
Shannon Gurwitch, Mike Humphrey,  
Al Roethlisberger & Donnie Worley

**Commissioners Absent:** none

**Staff Present:** Robert Bridwell Director of Community Development,  
Bruno Pursche Acting Board Clerk  
City Attorney Susan Patterson

**Government Official Present:** Councilman Sam Gaskins

**Others in Attendance:** Chris Zitterkopf, Craig Shore, Cheryl Essex, Jim  
Floyd, April Montgomery, Nancy Humphrey, &  
Carole McKenzie

**APPROVAL OF THE AGENDA FOR FEBRUARY 28, 2011**

Chairman David Nestor called the meeting to order. Acting clerk, Bruno Pursche called the roll. Chairman Nestor asked for approval of the agenda after requesting to amend the agenda by removing the Bike Race discussion. Commissioner Page moved to approve the agenda as amended. Seconded by Commissioner Worley, the motion passed unanimously.

**APPROVAL OF THE JANUARY 24, 2011 MINUTES**

Chairman Nestor asked for approval of the January minutes. After some discussion by Commissioner Humphrey of an entry made in the minutes which was not understood or recognizable and which would not deter from the accuracy, Commissioner Gurwitch moved to approve the minutes. Seconded by Commissioner Roethlisberger, the motion passed unanimously.

**PUBLIC COMMENT:**

Laura Younger addressed the Commission regarding the draft guidelines from a few years ago; she was asked to sit on the rewrite committee again and wanted some clarification from the Commission about what their expectations were. In response to Ms Younger's request,

Commissioner Nestor stated that the Commissioners should be held accountable to go through the existing draft guidelines and make comments to the committee. David Crist, also a committee member, would be responsible for making the proposed changes in a word document and keep the proposed draft on file digitally. It was noted that the committee should have all of the Commissioner's notes when they meet next time. She was thanked for agreeing to sit on the guideline committee.

After being recused as a Commissioner, Mike Humphrey addressed the Commission regarding the 1930 bungalow house he moved to 410 Sunset Drive from the corner of Horner Blvd and Gulf St. Because this historic house was moved into a Historic District, it was not considered a contributing structure, and therefore did not qualify for tax credits. He noted that once the house was built out and an occupancy permit had been issued, the State Historic Preservation Office (SHPO) would allow individuals to request from their respective Commissions to make a recommendation that a structure be a contributing structure to the district. If the SHPO agreed to the change, the house would be eligible for the tax advantages. Obviously since he met all the guidelines, he would like the advantage of having the Commission make a recommendation to list this property as a contributing structure to the district. Chair Nestor agreed to bring this before the Commission at the March meeting. Commissioner Roethlisberger moved that staff research what is necessary for the HPC and City of Sanford to accommodate that request. Commissioner Atkins seconded the motion, and it passed unanimously.

## **PUBLIC HEARINGS:**

### **COA-11-08**

#### **April Montgomery was sworn in to speak before the Commission.**

**The Public Hearing for COA-11-08, submitted by April & David Montgomery, 119 N Gulf Street for the removal of two oak trees was opened by Chairman Nestor.**

Mr. Bridwell summarized the staff report included by reference for COA-11-08. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled. He referred to the supportive material in the package submitted to the Commission which included pictures of the trees to be removed marked Exhibit A, B, C, D, and E.

Chairman Nestor asked if any of the Commission Members had any conflict of interest or had made a site visit to the property that they needed to disclose. Brandon Atkins disclosed that he is a very close friend of the Montgomery family. After being questioned by Attorney Patterson regarding bias and his ability to make an impartial decision based on the facts of this case, Commissioner Atkins concluded he was not biased and he could participate in the case.

April Montgomery introduced herself, and stated that the one thing which was not addressed was the trimming of an oak tree in the back yard. It was ascertained that it had been addressed in the application. Chair Nestor questioned whether the trees still leaf and April Montgomery stated they do leaf, but the part of the tree which is diseased is in danger of falling at any time.

Commissioner Humphrey questioned if the tree in Exhibit B had been hit by lightning; Mrs. Montgomery was not aware that it had been hit by lightning while they were on vacation.

Chairman Nestor asked if anyone else was there to speak from the public regarding this matter and it was noted there was no one. Chairman Nestor closed the public hearing.

**FINDING OF FACT:**

**Commissioner Roethlisberger moved that the Historic Preservation Commission find as fact that the proposed project COA-11-08 for 119 N Gulf Street for removing the two trees and pruning the other one is congruous with the character of the district, for the reason that the trees are diseased and need to be removed. Seconded by Commissioner Gurwitch, the motion passed unanimously.**

Commissioner Gurwitch commented regarding the section in the guidelines where removing a large tree or hedge because of disease or damaged requires a written certification of an arborist or other state or municipal official, that the evidence include the report of the tree survey which is on file at Planning Office and include that as part of this packet so there will evidence to support the decision. Commissioner Humphrey brought up whether the board would require the planting of a new tree. According to Commissioner Humphrey the board had not been requiring the planting of a tree.

Chairman Nestor reopened the public hearing. Mrs. Montgomery addressed the Commission that they have already planted a maple tree into that area. Based on the information provided by April Montgomery, the Commission would not require David and April Montgomery to plant another tree. Chairman Nestor closed the public hear.

**FINAL MOTION:**

**Based on the preceding findings of fact, Commissioner Roethlisberger moved that the Historic Preservation Commission grant a Certificate of Appropriateness to David and April Montgomery and approve the proposal shown in COA 11-08, for 119 N Gulf Street, with the following conditions: that the arborists tree survey which identified the two trees as diseased is included by reference for the COA and that the HPC did not currently require a replacement in like kind for the two trees that were to be removed. Seconded by Commissioner Worley, the motion passed unanimously.**

**COA-11-05**

**Jim Floyd, Chris Zitterkopf and Craig Shore were sworn to speak before the Commission.**

**The Public Hearing for COA-11-05, submitted by James M Floyd, 519 Summitt Drive to install a 12'X24' portable shed with a 10'X24' lean-to roof extension was opened by Chairman Nestor.**

Bob Bridwell summarized the staff report included by reference for COA-11-05. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled. Mr. Bridwell referenced the documentation which included pictures/dimensions of the shed Exhibit A, a site plan Exhibit B, prefabricated storage shed Exhibit C and a picture of the house with existing color coordination Exhibit D.

Chairman Nestor asked if any Commissioners had any conflict to disclose. Commissioner Humphrey said he had spoken with Mr. Floyd on February 28, 2011 and looked at the site and he explained what he wanted to do. Attorney Patterson asked Commissioner Humphrey whether he gathered any evidence outside of the hearing and his ability to make an impartial decision based on the facts of this case. Commissioner Humphrey concluded he was not biased and could participate in the case without considering any evidence gathered outside of the hearing.

Jim Floyd addressed the commission stating that he needed a shed to put his belongings in. Chairman Nestor questioned the portability of the building according to the application. Mr. Floyd responded that part of it would be built in sections off site and assembled on his property. There was a discussion of the proposed materials, (i.e., roofing material shingles versus metal, rough sawn plywood in lieu of vinyl siding, metal vents and eave size) and size of the shed between the petitioner and Chairman Nestor. Mr. Floyd said he was open to any suggestions by the Commission.

Commissioner Humphrey stated this was a very large structure and he was trying to address specific building codes. Both Chairman Nestor and Commissioner Gurwitch felt it was the Commission's responsibility to determine whether the building was appropriate for the historic district; it was not their responsibility to insure that the structure met building code. Commissioner Humphrey said he only brought it up due to the size of the building proposed at 24'X20'. Commissioner Humphrey believed the building was too big. Commissioner Worley asked whether the guidelines addressed size. Commissioner Roethlisberger stated there was a section on new construction on page 25 of the guidelines, which stated that new construction should be consistent with the neighborhood. Commissioner Roethlisberger noted on Page 26 guideline 8 - make the scale (relationship with the buildings mass and detail to the human figure) of the proposed building compatible with the scale of contributing structures in the district. Because there was no objective or finite figures provided with that guideline, it was up to the Commission to debate the size. There was a discussion by the Commission with recommendations to the applicant as to type of material/siding, wood barn doors and overhang to be used.

Chairman Nestor asked if anyone else was there to speak from the public regarding this matter.

Craig Shore, having been previously sworn, testified before the Commission that his property while not in the historic district did adjoin Mr. Floyd's property. Mr. Shore submitted Exhibit E to show what he would be looking at if the shed was built according to the specifications submitted by Mr. Floyd. As a homeowner sitting on his back deck, he didn't want to be looking at a 24 foot long shed with a 15 foot tall roof so close to the property line.

There was a discussion among the Commission regarding adjusting the height or angling the structure differently. Commissioner Humphrey did a roof diagram on the erasable board for Commissioners to get a better idea of the roof height displacement. Commissioner Page and Commissioner Gurwitsch discussed the properties in the area and the type of buildings which existed. Commissioner Gurwitsch explained that the diagram on Exhibit E and illustration on Exhibit B were actually different and that the perceived angle and roof displacement was backwards from what it would actually look like.

Chris Zitterkopf, having been previously sworn, testified before the Commission. Mr. Zitterkopf pointed out that the applicant had a COA a few years ago to paint the exterior of the house but he still had not finished painting it and still had two different colors on the body of the house. Mr. Zitterkopf felt that the color of the proposed shed should match the house; furthermore, the shed siding material should match the exterior of the house. Mr. Zitterkopf further stated that some of the former COAs the applicant had, hadn't been fully complied with. There was a discussion among Commissioners about staff reporting on completed COAs and that information being made readily available.

The Public hearing was closed.

Commissioner Humphrey stated the height of the building was a real issue and stated, in his opinion, residents needed protection when they bought and invested in the historic district; the guidelines were there to protect the neighborhood. He would like to approve the COA but requested that the height and pitch be cut down. Commissioner Atkins questioned the wall height of a two car garage; to which Chairman Nestor responded just under eight feet. -Commissioner Gurwitsch referenced page 3 of the packet and that the height and width of the proposed outbuilding was compatible with other such buildings in form, however the length of 24 feet is in excess of most buildings in the historic district. There was a discussion of relevance, to which members were more concerned about height than length. A discussion pursued whether staff had erred in the description of other outbuildings in the neighborhood. Chairman Nestor agreed that the height of the proposed building was definitely in question.

Chairman Nestor also stated that it seemed more like a permanent structure and yet was being treated under the guidelines as a shed. He thought the Commission needed to bring the shed into compliance instead of having it look like a building. Commissioner Worley agreed, but he didn't feel it was the Commission's position to redesign the structure. He felt that maybe the Commission could have the applicant come to the next meeting with different specifications for a shed, in light of some of the recommendations made by the Commission.

Attorney Patterson advised the Commission how to go about tabling the application and have having the applicant submit a new design based on the input from this Commission, and rescheduling The applicant would submit the COA for the next meeting and present a new design at the next meeting. A legality discussion pursued regarding taking no action within 60 days according to the guidelines and that the petitioner would have to agree to the extension. According to the guidelines if the Commission did not act within sixty days from dated of submission, the COA would be automatically approved. -Commissioner Roethlisberger had

concerns with the height of the structure as well. Chairman Nestor stated that the Commission could take action on the COA with the information available.

Commissioner Humphrey moved to approve what the Commission could approve with restrictions of what the Commission felt was appropriate; do a finding of fact, put it out there and if the applicant wanted to run with it, he had an approved COA. If he wanted to come back and ask for more things, that it was something he could do. There was no second. It was ascertained that a separate motion was not needed.

Commissioner Atkins also had an issue with the height but there was nothing to support this in the guidelines. A discussion pursued regarding the subjective guidelines.

Commissioner Roethlisberger quoted UDO Section 4-12-8.2 item I, "if the HPC fails to take final action upon any application within sixty (60) days of the completed application submitted to the Department of Community Development Historic Preservation Commission the application shall be deemed to be approved". So if tabled Commissioner Roethlisberger asked would this mean that no final action had been taken within sixty days. It was the consensus of the Commission not to put the petitioner through this. Commissioner Page recommended that more than one motion needed to be made and do this separately for each of the relevant facts in this case.

Chairman Nestor ~~asked-poled~~ the Commissioners if they had any ~~other~~ issues with the shingled matching roof of the existing house, a problem with the rough sawn siding and batten, a problem with wooden two wooden barn style doors, a problem with overhangs matching the house, vents being metal with no windows, a problem with ridge height being no higher than eleven feet. ~~items previously discussed, including maximum height, siding, roof, vents, overhang, no windows and wood barn doors.~~ The Commissioners stated they had none.

### **FINDING OF FACT:**

**Chairman Nestor moved that the Historic Preservation Commission find as fact that the proposed project COA 11-05, 519 Summitt Drive, and amended and approved by the applicant in the course of discussion was congruous with the character of the district, for the reasons that the shingles on the building would match the existing home, the siding would be a rough sawn plywood with batten construction, the doors leading into the shed wood be wood installed to look like a barn-like structure 72" in width , the overhang of the shed would match the existing home, the eve vents or gable vents would be metal not vinyl, it would have no windows, and the overall height of the structure would not exceed eleven (11) feet, typical of other sheds in the neighborhood and therefore was 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. Seconded by Commissioner Roethlisberger, the motion passed unanimously.**

**FINAL: Based on the preceding findings of fact, Commissioner Nestor moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Jim Floyd and approve the proposal as shown in COA 11-05, 519 Summitt Drive with the following**

**conditions: that the shingles match the existing home, that the siding be a rough sawn plywood with batten construction, that the pair of doors be 72” in width, be wood and have a barn like in appearance, that the overhang on the shed match the existing home, that vents on the gable ends be metal, and the overall height will not exceed eleven (11) feet, and there be no windows. Seconded by Commissioner Roethlisberger, the motion passed 5-2. Commissioners Worley and Page opposed the final decision.**

### **OLD BUSINESS:**

It was noted that the following named individuals will be working on the Guideline Committee: Mike Humphrey, Laura Younger, Don Boyd, David Christ, Sherry Meyers, and Al Roethlisberger. There was a possibility that Rebecca Shellenberger may sit on the committee as well. April Montgomery who has a wealth of knowledge could also be tapped to participate on the committee. The Committee did agree to have the draft guidelines within 90 - 120 days and have it before the Commission for their approval. Commissioner Humphrey explained the difference between the present guidelines and the proposed guidelines which are being worked on. Commissioner Roethlisberger stated that the Commission should provide feedback to allow the same people that are participating input of what the Commission expected. On the backside when completed the Commission needed to update the committee what the Commission is going to do with this. Chairman Nestor hoped that when the final document was submitted it would be approved by the Commission.

### **NEW BUSINESS:**

Staff provided updates on minor approved COAs and the status of the McIver Historic District plaques.

Commissioner Humphrey asked that Code Enforcement check the porch at 313 Green Street and ensure tongue & groove had been used instead of 5/4 board. He further believed they changed fenestration and put a smaller window at the back.

Commissioner Gurwitch noted that all evidence for trees provided in the packet be consistent.

There was a discussion regarding guideline approval, and how tight or soft the guidelines should be. Where a condition exists for a property, which may be contentious, staff should poll the Commission and get input. Commissioner Atkins would like to see more applicant input in the decision making process and be a little more user friendly. Staff Bridwell explained that there was conversation with the applicant which took place and that it may be difficult to get the application approved. He will further coach staff to get a better product before the Commission. **It was noted that staff had submitted the wrong sample verbiage for the fact and order.**

Chairman Nestor called for a motion to adjourn. Commissioner Gurwitch made a motion to adjourn. Seconded by Commissioner Page, the motion passed unanimously. The meeting adjourned at 9:28 PM.

| Adopted this \_\_\_\_\_ of \_\_\_\_\_

| **David Nestor- Chairman**

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

**Acting Clerk: Bruno Pursche**