

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

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

**Roll Call:**

**Commissioners Present:** David Nestor, Mike Humphrey, Mark Lane, Cheryl Myers, Brandon Atkins, & Shannon Gurwitch

**Commissioners Absent:** Donnie Worley

**Staff Present:** Robert Bridwell, Director of Community Development  
Liz Whitmore, HPC Staff  
Bruno Pursche, Board Clerk

**Government Official Present:** Councilman Sam Gaskins

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

Chairman Shannon Gurwitch called the meeting to order. Board Clerk, Bruno Pursche called the roll. Chairman Gurwitch asked for approval of the agenda. Commissioner Nestor moved to approve the agenda. Seconded by Commissioner Myers, the motion passed unanimously.

**APPROVAL OF THE AUGUST MINUTES**

Chairman Gurwitch asked for approval of the August minutes. Commissioner Nestor moved that the minutes be approved as amended (para 2 under old business 'Commission' to 'Commissioner') and (para 3 under old business 'Commissioned' to 'Commissioner' and 'Mr. Crawford indicated that fences were intrusive to the neighborhoods.' to 'Mr. Crawford indicated that fencing is a major work because of the possibility of it being intrusive to the neighborhood'). Seconded by Commissioner Atkins, the motion passed unanimously.

Carl Anglin, Code Enforcement Supervisor, discussed demolition and architectural salvage with the Commission. All demolitions require a permit; but not all demolitions are initiated by the code enforcement office. Mr. Anglin had no problem notifying someone that a demolition is taking place; the commission needs to be aware that the City of Sanford does not own the structures being demolished, we contract out to tear them down. The property still belongs to the owner and interested persons must contact the owners for authority to salvage any materials. By the time Code Enforcement gets to a structure, no one wants to salvage materials which are dilapidated. The other problem is being able to store salvaged materials. Code Enforcement can notify HPC of demolition with owner information. Many times a contractor may have rights to salvage, as with the demolition of 304 Oakwood. In a local district, the commission has 1 year to stay a demolition. Mr. Anglin informed the Commission of two houses in the district, 221 & 303 N Horner, which are in need of some TLC before they fall into an un-repairable condition. Commissioner Gurwitch requested

historical survey information on these properties be E-mailed to the Commissioners. The number one enemy to a house is water damage. A discussion continued regarding certain properties and notifying Preservation North Carolina to assist in preserving properties.

**PUBLIC HEARING:**

Dennis Duke and Liz Whitmore were given the oath.

**The Public Hearing for COA-11-44, submitted by Dennis Duke and Jenny Guerra, owners of 309 W Weatherspoon Street, who have installed a six foot wood privacy fence in the rear yard.**

Commissioner Humphrey stated he had done a site visit and rode up the elevator with Mr. Duke but that it would not influence his decision.

Ms. Whitmore summarized the staff report for COA-11-44. Ms. Whitmore indicated that all public notifications required by the general statutes had been fulfilled. She referred to the supportive material in the package submitted to the Commission which included pictures of the fence and the complaint to be used as Exhibits A, B-1, B-2, B-3, B-4, C-1, C-2, C-3, D-, D-2, D-3, D-4, E-1, E-2, F, G, H-1, H-2, I-1, I-2, J-1, J-2, K-1, K-2, L-1 and L-2.

Chairman Gurwitch submitted that Attorney Patterson could not attend tonight and instructed her that the Commission should not consider anything regarding the revocation but consider this as a COA that's coming before the board.

Mr. Duke installed a fence a few months ago to replace the chicken wire fence which was in place when he bought the property. His neighbor to the rear of his house had discussed putting up a fence because we thought it looked ugly. He finally saved enough money to pay for a fence. He was visited by someone four months after moving in about the historic district. There must have been a misunderstanding regarding installing a fence; my understanding was no more than four feet in the front yard and six feet in the rear yard. His neighbor and he went ahead with the project and removed old brush from the property and installed the fence and alarm system for security. Exhibit D-3 shows the fence as it stands today; the back yard is not level so we staggered the fence giving it a tiered appearance. The fence is not attached to the house; there is a post at the corner of the house where the fence ties in. Commissioner Humphrey asked about the wire gate on Exhibit D-3, which is an entry to the owner's storage area. The shed was there but it was repaired and is basically a shelter for his dog; since it was repair, it was not included in the COA according to staff.

Chairman Gurwitch reminded the board not to consider items which are not included in the COA application packet. We can only consider information as it relates to the fence. The other fence Exhibit D-3 is part of the adjoining property which faces Bracken Street.

Commissioner Humphrey stated that normally he would like to see the good side of the fence to outside and the rails to the inside; also in some of the other older pictures the fence posts are extremely high and they've been cut down, and the fence does not seem to be real stable. He brought this up so the HPC doesn't have to amend the guidelines for how deep the posts have to be. The respondent replied that he put the posts in himself and that they are at least eighteen inches deep in

the ground.

Chairman Gurwitch reminded the commission that according to Counsel they can't consider information that is not before them and can not consider information based on Commissioner Humphrey's site visit. Mr. Dukes addressed the commission that the property looked horrible and not being familiar with the guidelines he put up the fence. There are a lot of repairs needed on the house and he is just trying to beautify the property.

Chairman Gurwitch closed the Public Hearing.

Chairman Gurwitch addressed the concern of good neighbor fence with the good side out is not specifically addressed in the guidelines. Liz Whitmore, staff, informed the commission regarding other fences in the district which were similar, and that the neighbor did state that the neighbors worked together to clean up their yards. A discussion continued regarding the appearance from the front and the rear of the house. Commissioner Humphrey questioned whether the fence was actually erected on the property line since the respondent stated he didn't get a survey.

Chairman Gurwitch reopened Public Hearing

Mr. Duke stated he not know where the true property line is located but did follow the existing fence line where the chicken wire was. The rail side cannot be seen from the road only the back of the fence can be seen by the neighbor to the rear of the property.

Chairman Gurwitch closed the Public Hearing.

**FINDING OF FACT:** Commissioner Nestor moved that the Historic Preservation Commission find as fact the proposed project COA-11-44, 309 W Weatherspoon Street, if done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the exterior materials, patterns, texture and colors proposed by the applicant are congruous and fact that the form and proportions of the proposed project are equally congruous and 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. Commissioner Lane seconded, and the motion passed 5-1 with Commissioner Humphrey opposing the motion.

**FINAL MOTION:** Based on the preceding Findings of Fact, Commissioner Nestor moved that the Historic Preservation grant a Certificate of Appropriateness to Dennis Duke and Jenny Guerra and approve the proposal as shown in COA-11-44, 309 W Weatherspoon Street. Commissioner Atkins seconded and the motion passed 5-1 with Commissioner Humphrey opposing the motion.

**OLD BUSINESS:** Commissioner Myers updated the Commission on the guidelines; Mr. Roethlisberger has the guidelines in his hands for dissemination. Commissioner Gurwitch requested that the proposed guidelines be E-mailed to her. Commissioner Humphrey stated they had a problem at the last meeting a few weeks ago with corrections. The committee spent 30 minutes to an hour, to address some changes in the rules and procedures and that he could send the whole guidelines and there may be some spelling errors which need correcting.

**NEW BUSINESS:**

Staff provided updates on minor approved COAs (see list included by reference). Commissioner Humphrey addressed COA 11-53 should have come before the board due to a size change of the landing by two feet. Chairman Gurwitch checked the guidelines regarding submission and compliance. There was a discussion by the commissioners and staff regarding this COA and other commercial COA's in the historic downtown district. The Matrix was discussed and that at a prior meeting a decision was made for staff to continue on until the new guidelines are approved and just E-mail commissioners on approved minor COA's allowing commissioner feedback.

Staff Liz Whitmore gave commission some conflicting meeting dates; it was determined that the meetings would not be rescheduled and she was excused.

Next agenda have Attorney Patterson address site visits for major COA's.

Commissioner Atkins addressed whether the new guidelines would address fences and the quality of the structure. Chairman Gurwitch stated from she has heard the new guidelines would be more user friendly.

**ADJOURNMENT:**

Commissioner Nestor made a motion to adjourn. Seconded by Commissioner Atkins, the motion passed unanimously. The meeting adjourned at 8:37 PM.

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

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**Chair, Shannon Gurwitch**

**ATTEST:** \_\_\_\_\_  
**Clerk, Bruno Pursche**