

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

The Historic Preservation Commission met in regular session in the Buggy Building Conference room at the Buggy Building, 115 Chatham Street, on Monday, June 24, 2019, at 7:00 PM.

ROLL CALL

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

Council Member Absent: Sam Gaskins

Staff Present: Liz Whitmore, Planner II Historic Preservation
 Angela Baker, Clerk to the Board
 Al Benschhoff, 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, as amended by adding an item 6c. Board member Yarborough made the motion, seconded by Board member Whitaker, the motion carried unanimously.

APPROVAL OF MINUTES

Chair Mitchell asked for a Motion to approve the May 20, 2019, minutes. Vice-Chair Stoch made a motion, seconded by Board member Underwood, the motion carried unanimously.

PUBLIC COMMENTS: There were no public comments.

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. Applicants, Nick Kane; Cora Smith and Jocelyn Stoch; and Staff Liz Whitmore appeared and were administered the oath.

- A. **COA-19-27:** Application by Elizabeth Schuite Flores, property owner of 308 Summit Drive who wishes to pave the existing gravel driveway that is 16ft wide and 32ft long.

The Applicant was not represented by Counsel.

Staff Presentation: Ms. Whitmore stated that Ms. Flores is the property owner. The site was advertised in accordance with NCGS and the property was posted on June 12. The applicant would like to pave her existing crush and run gravel driveway with concrete.

Liz discussed The Rosemount – McIver Park Design Guidelines / Parking Area and Lots / Off-Street Parking for Rosemount McIver Park District that apply to the request.

- The vehicle surface area has to be permanent; non-erodible surface; may be porous or semi-porous; masonry or concrete pavers; poured concrete or asphalt; or a minimum depth of 4 inches of crushed stone or crush and run.
- There is no edging material required because it will be a concrete driveway.
- It is not a circular or semi-circular driveway, so the 12ft width is not a requirement.

Exhibit A is a photograph of the front of the house. Exhibit B is a photograph of the original driveway that is all crush and run. Weeds have grown through it and the driveway is all on her property and it meets all requirements and set-backs, per zoning.

The proposed driveway complies with the guidelines. Staff recommends that the applicant be allowed to concrete the existing driveway which will measure 16ft wide and 32 ft long.

Cross-Examination: Board member Yarborough asked if it meets all the standards why is it a major.

Evidence Presented by Staff: Ms. Whitmore stated that it is a major because it is not listed in the matrix as a minor.

Cross-Examination: Board member Gordon asked if the concrete would be colored.

Evidence Presented by Staff: Ms. Whitmore said that it would be regular concrete, not dyed concrete.

Cross-Examination: Board member Stoch asked if it was a shared driveway.

Evidence Presented by Staff: Ms. Whitmore stated that it is not a shared driveway and that the driveway is all on her property.

Board Discussion:

Chair Mitchell stated that it makes sense and is reasonable.

Board member Whitaker stated that it meets all the requirements needed.

Board member Allen stated that it would be an improvement to the property.

Motion: Board member Whitaker moved that the Historic Preservation Commission find as fact that the proposed project, COA-19-27, 308 Summit Drive, if the installation of the driveway in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the driveway as exists complies with the width guideline and the proposed paving material, which is concrete, also complies with the guidelines and therefore 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. Seconded by Board member Yarborough

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

Final Motion: Board member Whitaker moved that based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Elizabeth Suchite Flores, and approve the proposal(s) as shown in COA-19-27, 308 Summit Drive. Seconded by Board member Stoch.

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

- B. COA-19-28: Application by Cora Smith property owner of 315 Summit Drive who wishes to remove 24 original windows and replace them with vinyl windows.

The Applicant was not represented by Council.

Staff Presentation: Ms. Whitmore stated that there was a proposal to remove 24 original windows and replace them with vinyl windows. The site was advertised in accordance with NCGS and the property was posted on June 12. This house is ca.1937 and is a contributing structure to the district.

Liz discussed the guidelines regarding Windows and Doors for the Historic District that apply to the request.

- Retain original window and door elements.
- When the repair of a window or door is not technically feasible, the replacement design should match as closely as possible with the original window or door in material, scale, character, design, and appearance. New windows should have matching sash, glass, sills, frames, casings and muntin patterns. New sash should be made of wood, not metal unless metal is historically appropriate to the structure. Existing window casings and trim should be retained.
- It is appropriate to retain and repair existing shutters and their hardware.

Exhibits A-F, pages 10-15 show the windows the applicant would like to replace with vinyl windows. Exhibit H is a photo of the proposed replacement window.

It appears that the proposed vinyl windows compliment the design of the original windows. However, the material of the replacement windows DO NOT match the original appearance of the windows to be removed. The new sash is not made of wood and it appears that the applicant intends to remove the window casings and trim. The muntin patterns are the same as the original windows with internal beveled muntin's.

The windows are custom ordered and will fit the existing opening of the original windows. They do not have snap-in muntins, and are internal and beveled.

The applicant will retain and repair the existing shutters on the front façade of the house. No other windows at this time have shutters.

The applicant reviewed the guidelines and thought that what she was doing met the guidelines. Staff received a phone call and someone reported that the windows were being replaced. David Montgomery and Liz Whitmore went over and talked to the installers before the windows were replaced. The windows have been purchased and are ready to be installed.

Cross-Examination: Chair Mitchell asked if all the windows were original and at any point was there an addition to the house on the right side.

Evidence Presented by Staff: Ms. Whitmore stated that was part of the original house.

Cross-Examination: Board member Yarborough asked to describe the fillers for the window.

Evidence Presented by Staff: Ms. Whitmore clarified that sometimes people don't order custom windows and they buy smaller windows and replace the remaining window opening with wood.

Cross-Examination: Board member Yarborough asked if the windows are replacement windows or just the window sash.

Evidence Presented by Staff: Ms. Whitmore stated that when she went on site it was just the replacement window, and not trim.

Cross-Examination: Board member Stoch asked if there had been any documentation received that says the original windows are irreparable.

Evidence Presented by Staff: Ms. Whitmore said No.

Cross-Examination: Board member Allen asked if the original windows contained any lead.

Evidence Presented by Staff: Ms. Whitmore stated that she did not know if the windows were lead or not.

Board member Whitaker read from the contract that existing windows would be tested for lead.

Applicant's Statement: Cora Smith owner of 315 Summit Drive.

Cross-Examination: Board member Allen asked Ms. Smith if the windows were lead; and asked her to tell the Board about the new windows.

Evidence Presented by Applicant: Ms. Smith stated that the windows that are in the home now she did not know if they had lead or not. The windows are single pane and won't close. The ropes that are left on the windows are so dry that they break.

Cross-Examination: Board member Stoch asked Ms. Smith how long she had owned the house and if it was after the establishment of the Historic District.

Evidence Presented by Applicant: Ms. Smith said she did not know how long she has owned the house, several years, 3-4 years, and yes.

Cross-Examination: Board member Stoch asked if she looked into getting the windows repaired.

Evidence Presented by Applicant: Ms. Smith stated yes, that a gentleman from Greensboro came down and said they could not be repaired; and if they were repaired it would cost more than the value of the house; and it would be easier to make new windows. Pieces of the window had slipped; termite damage; and possible lead paint.

Cross-Examination: Board member Yarborough asked if they are sash replacements or entire window replacements. Explanation of sash: individual top window and bottom window; or in a frame for a one-piece window replacement.

Evidence Presented by Applicant: Ms. Smith stated that she was replacing the whole window.

Board Discussion:

Board member Stoch said that he is particularly challenged because the guidelines state that you should preserve the original parts if possible. He stated that he is not convinced that it is not technically feasible for the windows to be fixed. Ropes could be repaired and other parts of the window could be repaired.

Board member Gordon said that Ms. Smith has ordered custom windows to compliment the existing windows. Notice was given to the neighbors and no one appeared to speak in opposition. With the bevel in the window it would appear to be similar. The guidelines are in place for guidance and it would be difficult to replace or repair the windows to the original standards.

Board member Yarborough said that he was concerned about the window sash because he would like for the custom windows to appear original with no fillers.

Board member Whitaker said that Ms. Smith did make an inquiry into the possibility of repairing the windows and was told that the current windows are warped and it would not be feasible to repair; parts that are potentially repairable would require the person to work with lead paint; and she inquired to replace the windows with like windows would cost more than the value of the house. She feels that Ms. Smith has done her due diligence.

Board member Gordon stated that the cost of the windows or original new windows would deter someone from being able to improve their property.

Cross-Examination: Board member Stoch asked that in some cases the window frames are 3/3 or 4/4, would the windows stay the same.

Evidence Presented by Applicant: Ms. Smith stated that the window frames would be the same as currently in the home and the windows are insulated.

Board member Stoch requested that in the future he would like information on the condition of the interior of the windows also.

Staff Whitmore stated that you could not consider the interior of the home. She said Ms. Smith did consult with a professional, which is not required.

Motion: Board member Yarborough made a motion that the Historic Preservation Commission find as a fact that the proposed project COA-19-28, 315 Summit Drive, if the original windows are replaced with vinyl windows in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the shape, style, size and architectural detailing are in general 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 Gordon.

Chair Mitchell called for a vote. The vote carried 6-1, with Vice Chair Stoch casting the dissenting vote. The motion carried.

Final Motion: Board member Yarborough moved that based on the preceding findings of fact, that the Historic Preservation Commission grant a Certificate of Appropriateness to Cora Smith and approve the proposals as shown in COA – 19-28, 315 Summit Drive. Seconded by Board member Gordon.

Chair Mitchell called for a vote. The vote carried 6-1, with Vice Chair Stoch casting the dissenting vote due to the information given in the guidelines. The motion carried.

- C. COA-19-32: Application by Nicholas Kane property owner of 507 Summit Drive who wishes to remove a non-original basement door and brick up the area.

The Applicant was not represented by Council.

Staff Presentation: Liz Whitmore stated that there is a proposal to remove a non-original basement door and brick it in. The site was advertised in accordance with NCGS and the property was posted on June 12.

Liz discussed the guidelines regarding Masonry for the Historic District that apply to the request.

- Appropriate to preserve, protect and retain original masonry and masonry design features that are character-defining elements of historic buildings, including bond patterns, cornices, moldings chimneys, arches, quoins and pediments.

Exhibit A, pages 10 shows the front façade of the house to give a general idea of the appearance of the overall house. Exhibit B-C, pages 11-12 the door that is not original is the door on the left-hand side, and they would like to remove that door and brick it in. The brick will be matched as closely as possible to blend and look as natural as possible.

Staff recommends meeting on site once the brick is purchased to ensure the match of the brick, if this is approved.

Staff discussed the guidelines regarding Windows and Doors for the Historic District that apply to the request.

- Appropriate to preserve, protect and retain original window and door elements such as sash, glass, sills, frames, casings, hardware, weather stripping, lintels, architraves and shutters.

Exhibit B-C, pages 11-12 removing a door that is not original to the structure and to brick it in.

Cross-Examination: Chair Mitchell asked when the door was put in.

Evidence Presented by Staff: Ms. Whitmore stated that there is no permit information and things were added to the home before it was in the Historic District.

Cross-Examination: Chair Mitchell asked if the home had been divided for apartments.

Evidence Presented by Staff: Ms. Whitmore said No. The previous owner suffered from ALS and they made a door because he couldn't go up the stairs and needed to stay downstairs, so it was to accommodate his disability.

Cross-Examination: Vice Chair Stoch asked if they were going to notch off the half bricks and build in with full bricks.

Evidence Presented by Staff: Ms. Whitmore said it would be discussed when they meet with staff onsite with the bricks they choose to use.

Applicant's Statement: Nick Kane property owner at 507 Summit Drive.

Cross-Examination: Vice Chair Stoch asked what the owner would like to accomplish and he would like to make it look original like there was never a door there with the bricks being full bricks.

Evidence Presented by Applicant: Mr. Kane stated that the door frame has insulation sprayed around it, and it is pushing the door frame out. It is not safe and leaks. He said that he

would require the brick mason, Chris Marks to match the brick and the pattern, so as to not have a shadow of where a door used to be located.

Board Discussion:

Board member Gordon stated that the door is in the back of the house and it is not an original door.

Motion: Board member Cline made a motion that the Historic Preservation Commission find as a fact that the proposed project COA-19-32, 507 Summit Drive, removal and bricking in the opening of a door that is not original to the house, when completed in accordance with the Downtown Design Guidelines and the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that they are removing a door that is not original to the house and a brick mason will be hired to put the house back to the original state and work with staff to match the brick as close as possible, therefore it is in general 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 Stoch.

Chair Mitchell called for a vote. The motion carried 6-1, with Board member Yarborough casting the dissenting vote.

Final Motion: Board member Cline moved that based on the preceding findings of fact, that the Historic Preservation Commission grant a Certificate of Appropriateness to Nick Kane and approve the proposals as shown in COA – 19-32, 507 Summit Drive as submitted. Seconded by Board member Gordon.

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

Board member Allen made a motion to recuse Greg Stoch from COA-19-30, seconded by Board member Underwood. The motion carried unanimously.

- D. COA-19-30: Application by Greg and Joselyn Stoch property owners 220 N. Gulf Street who wishes to remove three trees in excess of eight (8) inches in diameter at breast height, all trees are located in the side yard close to the south property line.

The Applicant was not represented by Council.

Staff Presentation: Staff Whitmore stated that Greg and Joselyn Stoch owners of 220 N. Gulf Street would like to remove three (3) trees on the south side of the property. The site was advertised in accordance with NCGS and the property was posted on June 12.

Liz discussed the guidelines regarding Landscaping and Trees that apply to the request.

- 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.
- Appropriate to maintain the existing grade on the site when technically feasible.

- Appropriate that mature, healthy trees should remain intact and undisturbed on a site, unless they are causing a deterioration of a building, accessory buildings, appurtenant features or creating a safety hazard.
- Trees which are dead or diseased should be replaced with an appropriate tree.
- Tree removal shall be completed in a manner so that the affected area seems original to the landscape.

Exhibit A, page 9 shows the front façade of the house. Exhibit B, page 10 shows the three (3) trees which the applicant wishes to be removed. The green arrow indicated the tree that the applicant believes will thrive when the other three trees are removed and one understory tree should be planted to maintain the tree canopy. The existing grade will be maintained by grinding the stumps if the commission agrees. Exhibit C and D, pages 11-12 shows the trees are in distress and could potentially fall and cause safety hazard. The property does not warrant a tree be replaced for each tree removed, since it is a heavily treed property.

Staff recommends the removal of the trees, and one tree that grows no more than 25 feet tall, be planted to maintain the tree canopy. All stumps would have to be ground down. The property owner has a long-range plan, 10 years, to remove trees and replant.

The Rosemount McIver Park Matrix adopted April 5, 2016 and revised June 27, 2016, page 81 states the following:

#11 Landscape-installation of hedges, screen plantings shrubbery and trees may be approved as Minor Work.

#14 Landscape – removal of mature or dead / diseased trees may be removed as Minor Work.

Staff Whitmore stated that the removal of trees are a sensitive subject, therefore all trees are brought before the Board.

Cross-Examination: Chair Mitchell asked that this house is a 2-story home, and does that make a difference on the size of the tree that is replanted.

Evidence Presented by Staff: Ms. Whitmore said Yes. Trees should be planted to scale. She said that it would be discussed with Mr. and Mrs. Stoch on the type and placement of the tree.

Administer the Oath: Chair Mitchell called Mr. Greg Stoch, to come forward to be sworn in for testimony and was administered the oath.

Applicant's Statement: Greg Stoch property owner at 220 N. Gulf Street. He stated that there is a 10-year plan for an effective turnover of the landscaping of the property. There are a number of large trees that are overgrown, however, there are signature trees that are intended to stay. There will be 6 larger pines and 4 hardwoods to remain. The trees that are to be removed look like 2 of them may have been hit by lightening and the other does not have any vegetation. Property will not be changed overnight, but slowly over the years, for a gradual change within keeping the character of the home and yard.

Cross-Examination: Board member Yarborough asked if there were trees already taken down on the property a few years ago that had been struck lightning.

Evidence Presented by Applicant: Mr. Stoch stated that one had nails in it, a few were dying, one had been struck by lightning and some were crowding the driveway. The tree that will be taken down this year that had been struck by lightning, wasn't taken down at that time because of monetary, the tree was not an endangerment. This also allows for a gradual change of the property.

Board Discussion:

Chair Mitchell stated that 2 of the trees are dead and need to come down.

Board member Allen said that the house and work is looking great.

Board member Whitaker said that there is a plan and cutting trees in phases.

Board member Yarborough agrees with Staff recommendation on the replacement of trees.

Motion: Board member Yarborough made a motion that the Historic Preservation Commission find as a fact that the proposed project COA-19-30, 220 N. Gulf Street, if the removal of three trees is done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that three trees safety and condition need to be removed, and the three trees will be replaced with one tree which will be decided by staff and therefore it is in general 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 carried unanimously.

Final Motion: Board member Yarborough moved that based on the preceding findings of fact, that the Historic Preservation Commission grant a Certificate of Appropriateness to Greg and Jocelyn Stoch and approve the proposals as shown in COA – 19-30, 220 N. Gulf Street as submitted, removing three trees with the following conditions: The applicant shall plant one understory tree to maintain the tree canopy at the guidance of staff on variety, size and location; and the stumps of the trees to be removed shall be ground so the area affected appears original to the site. Seconded by Board member Gordon.

Chair Mitchell called for a vote. The motion carried unanimously

OTHER BUSINESS

- A. Staff Whitmore discussed the Certified Local Government status and required training. She and two commission members need to have training. If the Board doesn't get training, then a warning would be issued, and could possibly lose the Certified Local Government status. That would put the Historic Districts in risk of being dissolved per the National Park service.

- B. Staff Update – COA spreadsheet.
- C. Discussion of the Murals that have been completed with the Grant money from the State.

ADJOURNMENT

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

Adopted this 23 day of September, 2019.

BY: B Mi
Brian Mitchell, Chair

ATTEST:

Angela M Baker
Angela M. Baker, Clerk