

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

The Historic Preservation Commission met in regular session in the Buggy Conference Room, 115 Chatham Street, Sanford, NC, on Tuesday, September 20, 2022, at 6:00 PM.

ROLL CALL

Members Present: Brian Mitchell, Chair
 Nate Dobbs
 Charles Petty
 Jim Erb

Staff Present: Liz Whitmore, Historic Preservation Planner II
 Angela Baker, Clerk to the Board
 Brady Herman, Attorney

Having noted the presence of a quorum, Chair Mitchell called the meeting to order.

APPROVAL OF AGENDA

Board member Petty made the motion to approve the agenda, seconded by Board member Dobbs the motion carried unanimously.

NEW BUSINESS

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. Applicant Jeffrey Brown and Staff Liz Whitmore appeared and took the oath.

Conflicts of Interest: None.

- A. COA-22-63 – Jeffrey Brown (owner) 131 Wicker Street application, who wishes to remove the existing awning and replace it with an awning that will be moved up to the first soldier course of brick and that will extend 4 feet from the front façade of the building. The awning will be metal and will be flat.

Chair Mitchell stated that the proceeding is a quasi-judicial proceeding; it is like a court proceeding; witnesses will be sworn and only factual information could be presented.

The Agenda Packet was entered into the Record.

Staff Presentation: Staff Whitmore stated that the Historic Preservation Commission received a Certificate of Appropriateness COA-22-63 application from Jeffrey Brown, owner of 131 Wicker Street, who wishes to remove the existing awning (entire structure) and replace it with an awning that will be moved up to the first soldier course brick and that will extend 4 feet from the façade of the building. The awning will be metal and will be flat. The meeting was

scheduled for August 22, 2022, and there was not a quorum, so the meeting was rescheduled to a special called meeting, September 20, 2022. It was advertised in accordance with the General Statutes on August 10, 2022, and August 17, 2022; and posted on August 9, 2022. The meeting change required advertising 48-hour notice prior to the changed meeting date; and the sign has been left in front of the building in perpetuity; advertised in the Sanford Herald on September 15, 2022 and September 17, 2022; and notices were placed on all doors of the building and doors of the conference room.

Downtown Design Guidelines

3. Rehabilitation of Existing Structures

The guidelines for rehabilitation of existing structures are oriented toward the design of building alterations rather than the techniques of rehabilitation. The proper approach of rehabilitation is extremely important to maintaining the long-term integrity of older buildings. However, these guidelines emphasize how the appropriate exterior appearance of the rehabilitated structure should look rather than how to carry out proper rehabilitation. This orientation toward exterior appearance in the design guidelines reflect the emphasis of the Historic District Ordinance and the regulatory authority it establishes for the Commission.

Information on proper rehabilitation techniques is available from many sources. Of particular value are the following three sources:

- a. The Secretary of the Interior's Standards for Rehabilitation.
- b. The companion publication to the "Secretary's Standards" called Guidelines for Rehabilitation Historic Buildings.
- c. Numerous publications from the National Trust for Historic Preservation.
- d. The "Preservation Briefs" from the National Parks Service are particularly valuable.
- e. The staff of the NC Division of Archives and History is also available for consultation.

Staff of the City of Sanford Planning Department is willing and able to assist property owners in understanding good practices for building rehabilitation.

Exhibit A, front façade of 133 Wicker Street, page 11 – Photo taken by Staff on 5/6/2022.

Staff Whitmore stated that in reviewing the case, Staff looked at the downtown guidelines. Staff stated that when the Downtown Streetscape is involved there is a lot of interference with awnings. The Historic Commission has a policy that awnings should not extend more than three feet from the façade of the building, because they would interfere with the growth of the trees. One such awning that followed the guideline was Stanley's. All other awnings that have been replaced since that time, left the original structure and replaced the fabric or metal. If you take the fabric or metal off and leave the support structure, you can keep the projection from the front façade of the building. When you remove the entire awning, such as Stanley's, then you can only put back a three-foot awning. If the applicant wants to put back an awning larger than three feet, it comes before the Board as Major Work.

4. STREETSCAPE

Streetscape is a general term used to describe the urban landscape. The streetscape includes streets, sidewalks, plazas, advertising and identification signs, traffic signs, utility lines and fixtures, planters, and landscape plantings, awnings, street lighting fixtures, fountains and water features, benches, trash, receptacles, bicycle racks, bus shelters and any other sidewalk furniture. It generally includes privately-owned spaces, as well as, public spaces and rights-of-way.

h. SIGNS AND AWNINGS.

1. Signs and awnings shall be compatible with the structure in size, scale, style, material, and graphics.

Comment: Awnings like the one proposed exist in downtown. The Wilrik Hotel has a flat metal awning as does Kimbrell's 126 S. Moore Street, (Exhibit B, page 12)

2. Does not apply.

3. The location of new signs and awnings on commercial buildings shall conform with the appropriate placement of signs and awnings on historic buildings.

Comment: The existing awning has been appropriately located on the building, the proposed awning is to be raised higher and placed on the first course of soldier brick above the current location of the existing awning. Exhibits C, D, E, F, G, H, H1 and H2, pages 13-20.

4. Does not apply.
5. Does not apply.
6. Does not apply.
7. Does not apply.
8. Does not apply.

Staff Whitmore went through the Exhibits in detail.

Exhibit A, page 11, Staff exhibit, front façade, 133 Wicker Street, photo taken by staff on 5/6/2022

Exhibit B, page 12, Staff exhibit, Kimbrell's awning

Exhibit C, page 13, Applicant's exhibit that proposes what a flat, metal awning would look like.

Exhibit D, page 14, Applicant's exhibit, and Exhibit E, page 15 is the Applicant's exhibit from the manufacturer.

Exhibit F, page 16, Staff exhibit, existing awning. At the top of the awning, a sketch is drawn to show the height and the protrusion of the proposed new metal awning.

Exhibit G, page 17, Staff exhibit, photograph of another angle of the current awning.

Exhibit H, page 18, Staff exhibit, shows an offset in the brick of 8 inches.

Exhibit H1, page 19, Staff exhibit, and Exhibit H2, page 20 is the applicant's exhibits showing the three-foot metal awning specs.

Exhibit I, page 21, Staff exhibit, shows North side of Wicker Street where the sidewalk measures 12' 1" wide and the tape measure show 3 feet from the front façade.

Exhibit J, page 22, Staff exhibit, shows the measurement of the projection of the existing awning from the front façade of the subject building.

Exhibit K, page 23, Staff exhibit showing measurement of the projection of a 3-foot awning from the front façade of the subject building.

Exhibit L, page 24, Applicants exhibit, showing a measurement of 53 inches.

Exhibit M, page 25, Staff exhibit, awing is set back 8 inches the overall measurement of the awning is approximately 4' 8" or 56"'

Exhibit N, page 26, Staff exhibit with sketch of proposed 4-foot awning and how it impact existing tree.

Exhibit O, page 27, Staff exhibit of NC Urban Forest Council Award for Downtown Streetscape Initiative, City of Sanford, The 2016 Outstanding Project Award,

Exhibit P, Handout, Staff exhibit, approved Certificate of Appropriateness COA 22-56 for a 3-foot awning that the applicant submitted on June 14, 2022 and was approved at staff level

Exhibit Q and Q2, pages 28 and 29, Staff exhibit, Stanley's 3-foot awnings approved at staff level.

Staff Comments and Analysis:

1. The applicant applied for a Minor COA (COA-22-56, Exhibit P, Handout) to install the same flat aluminum awning with a 3-foot projection and it was approved at staff level on June 27, 2022, and is valid until December 27, 2022. When the applicant applied for this COA, it was shared with the applicant that if he wished to install a four-foot awning it would be deemed major work. The application (COA 22-63) that is before you tonight for review was submitted on August 1, 2022.
2. Post installation of the Downtown Streetscape, Historic Preservation Commission made it a policy when an awning and its structure were to be replaced to allow only 3-foot awnings from the front façade of buildings in the Downtown Historic District, Exhibits Q1 and Q2, pages 28 and 29. Should a property owner or applicant remove the structure and the awning and wish to install a new awning, anything over three foot shall be deemed a MAJOR. Some sidewalks in Downtown are wider than others and the south side Wicker Street in particular is not as wide as the other sidewalks in downtown.

Street	Width of Sidewalk	Distance to tree
*Wicker Street (south side)	9' wide	6' 11"
Wicker Street (north side)	12' 1"	9'
*Subject property located on south side of Wicker Street		
Moore Street	11' 9" to 13' 10 ½"	8' 9" to 10'
S. Steele Street (west side)	11' 7"	8' 5"

S. Steele Street (east side)	11'6"	8'3"
Carthage Street	12'9"	9'5"

Per the above chart of the sidewalks and trees in downtown, the south side of Wicker Street has the narrowest sidewalk and those trees are planted 6'11" from the front façade of the building. The trees on the south side of Wicker Street are 1'6" to 3'1" closer to the front façade than the trees on Moore Street, S. Steele Street and Carthage Street. Exhibits I, J, K, L, M and N, pages 21-26.

3. Brian Flynn, City Horticulturist stated phone conversation on Tuesday, July 26, 2022, with Historic Preservation staff the following:

“New awning and awning structure / supports that are to be installed on Wicker Street should not exceed three feet from the front facades of the building due to the conflict with the existing trees planted that enhance the streetscape in downtown. In addition, there are concerns with the rods that will be installed to support the awning, it appears that one rod will be in direct conflict with the existing tree. If the installation of an awning of this type is approved great care should be taken during the installation process to NOT damage the tree. No limbs should be cut back during the process.”

4. The North Carolina Urban Forest Council awarded the City of Sanford for the streetscape improvement in Downtown Sanford with the following prestigious state award:

‘North Carolina Urban Forest Council
Presents to
Downtown Streetscape Initiative,
City of Sanford
The 2016 Outstanding Project Award
In recognition of great success in improving
the community’s urban forest through innovation
education, outreach and strong community involvement.’

Exhibit O, page 27

5. Should the commission approve the aluminum awnings Staff recommends the following conditions:
 - a. In interest of the health of the tree in front of the subject property and in regard to the policy of new awning (including the support structure) being installed that an awning not to exceed 3 feet from the front façade of the building.
 - b. The applicant shall provide staff with a rendering indicating exactly where the upper part of the supports is to be attached to the building. Every effort should be made to not damage the brick of the front façade of the building when attaching the support rods.

The above comments are of the opinion of staff and it is the Commission’s discretion whether to agree or disagree and make any additions or deletions as they deem fit.

Staff Whitmore said currently the Super 10 has taken down their fabric awning. She advised them if they wanted to put back a four-foot plus awning, that the structure had to stay. She said that Mr. Brown has great plans for this building; there is an existing four-foot awning, but he wishes to take down the structure, so the policy is he can only go back to a three-foot awning. She said COA-22-56 for a three-foot awning was issued on June 27, 2022, and he decided he wanted the four feet. She said that is the applicant's prerogative to ask for a four projection and that is why this is matter is before the Board tonight.

Staff Whitmore said that if the Board approved the request, she has recommended conditions which are listed on page 6 of the agenda packet.

Board Questions:

Chair Mitchell asked about the current awning. He asked if it was currently 4 foot and recessed in 8 inches.

Staff Whitmore said that it is still 4 feet from the building. So the awning is 4 foot 8 inches. She said the new awning would be straight out, and not hanging downward. The new awning will be completely different.

Board member Dobbs asked if the awning would be higher on the front façade

Staff Whitmore said yes, it will be. She said it will be straight out and not hanging.

Chair Mitchell asked about the size of the other awnings down the sidewalk.

Staff Whitmore said that she had not measured all the awnings, but since they are original awnings, they are assumed to be 4 feet. Some maybe shorter, but not less than 3 feet.

Staff Whitmore stated that if a 4-foot awning is approved, Mr. Brown would be required to get building permits. She said that Stanley's Awning is 3 feet on that street.

Chair Mitchell asked if the horticulturist had an opinion on the awning style.

Staff Whitmore said that awning coming out, and higher would interfere more with the tree.

She said that the awning would interfere with the tree more because the awning will be higher and protrude outward.

Board member Dobbs asked if the limbs will need to be cut with a new awning.

Staff Whitmore said that it is hard to say until the awning is put up. A condition could be placed that the tree not be cut or trimmed. She said that the trees are important to downtown. Professionals come in and prune the trees specifically for the type of awnings that are already in existence. That is the main reason why the policy was changed to 3-foot awnings.

Board member Dobbs stated that Kimbell's Appliance and Furniture, page 12, Exhibit B; asked if the site line is the same. He asked if the new awning would be higher and come straight out.

Staff Whitmore said yes, that is correct. She said the closest one with the flat awning is the Wilrik Hotel.

Board member Dobbs asked if there were any buildings with that high of an awning, with a horizontal start in any of the downtown area.

Staff Whitmore said this awning will be the highest one.

Staff Whitmore stated that Mr. Brown has stated that there will be two separate awnings.

Board member Dobbs stated that Exhibit A, page 11, doing a separate awning over the two different store fronts of the building. He said that it appeared that some of the awning will interfere with the tree. He said that it appears that there are at least 4 anchor points with each awning.

Board member Erb asked if the COA that was approved was the original request; and if the approved COA packet if it was an actual conceptual of the awning.

Staff Whitmore said yes, of the 3-foot awning that was approved; and be attached on the first soldier course of brick.

Board member Erb asked for clarification of the current awning support structure.

Staff Whitmore said that currently the awning structure is secured to an eye beam; Exhibit G, page 17. She said that you could not hang a metal awning to that structure. That is the reason he has requested to move it up to the soldier course, so that the awning would have proper support; Exhibit H, page 18. Exhibit J, page 22, shows that currently there is a 4-foot awning and Exhibit K, page 23, the measuring tape shows approximately the length of the 3-foot awning, to compare and to see the impact on the tree. She said that this will be the requirement of everyone downtown, should they replace the entire awning.

Board member Dobbs asked for clarification of the policy of the Historic Preservation Commission.

Staff Whitmore stated that if the whole awning is removed, a 3-foot awning goes back due to the impact of the trees.

Board member Erb asked if that was only on Wicker Street.

Staff Whitmore said no, it is the whole downtown. The awnings can be fabric or metal, but if the whole structure comes down it has to be replaced with a 3-foot awning.

Applicant's Testimony:

Jeffrey Brown, Crystal Beach, Florida.

Chair Mitchell asked what is the great advantage to have an extra foot on the awning.

Mr. Brown stated that the awning that is actually on the building currently is 4 foot 9 inches from the building; the tree trunk is 7 foot 4 inches off. (He had a photograph on his laptop, but they were not entered into the record). Regardless, the petition for a 4-foot awning is far shallower than what is currently there now; and it is not protruding into the tree. A tree is a living item that moves, and this tree has clear marks that it has been clipped and hedged. There is a pruning process for objects that do not move, such as the building and awnings. He

said that he hoped in theory, as these trees mature, they would be steered away from the buildings regardless. So, he would hopefully be able to explain that at 4 foot 9 inches now, it doesn't go into the tree; and he would hope 4 feet doesn't, even though they are raising it up a few feet; and that it still would not, under the measurements that he has taken. He wants to take great care of the streetscape that was put into downtown, and that is what helps investment and they are firmly aware of what the City has put in, and he is just trying to do his part to petition for the 4 foot and not 3 foot. The first submission in the awning proposal was a generic awning. There was no measurement. He said that Staff Whitmore explained to him that if he wanted a larger awning, he would have to petition the Board for another COA. They are not only a visible representation of the business, but it has a function to protect from sun or rain. He stated that a 3 foot looks awkward, doesn't fit, and the functionality of it is not the same as the 4 feet. The site lines are 4 feet, if they all are congruous, and a pedestrian would be out on a rain pattern if walking down Wicker. He talked with the adjoining neighbors and they aren't going to replace their awnings anytime soon.

Chair Mitchell asked about the conceptual drawing in the add-on packet, and if it showed the soldier course.

Applicant Mr. Brown said that it was a computer-generated sketch.

Chair Mitchell asked if the awning would be like the conceptual drawing, being two separate pieces, with a break. So, if someone is trying to be out of the rain, they will get in the rain in a section.

Applicant Mr. Brown said yes, keeping with the tradition of the building being two store fronts, it is why they did not want the building to look like one uniform building with the awning going all the way across, and tying everything in together. That is the reason for the separation. Everything on the front of the building is not load bearing, so the only place to mount anything on the building would be on the soldier course.

Board member Dobbs asked what is the desire to go so high in regard to the awning.

Applicant Brown stated that there is not a desire, but what they are left with for a mounting option. The outdoor is recessed 12 foot to allow outdoor seating and there will be transom windows above the doors. Store front façade has an 8-foot-high door, and above that will be a 2x3 inch frame transom light. Since the store is on the south side of Wicker and it is a smaller sidewalk, there will be a lot of natural sunlight; and by raising it up, even though it is the only mounting option, it actually will help flood the building with natural light. The whole entire outside from an eye-line, will have osculating fans on the patio, outdoor seating, 8-foot-tall doors, transom windows above; the entire façade will be elevated up. Neighbor J.D. Williams, his eyelines are much higher than the current awning.

Staff Whitmore added to the record that the pictures being shown by Mr. Brown on his laptop have not been reviewed by staff, nor entered into evidence.

Board member Erb asked what prompted the awning to go to 4 foot deep.

Applicant Brown said there is no prompt, it is a special-order item to go 3 foot deep there is not a call for 3-foot awnings. He said they come in 4-foot rolls and are cut to fit, and 4 foot is

industry standard, so it is built to spec.

Board member Erb stated that he has been in construction for 40 years, and there is nothing standard, it is all custom made. It is made custom to what is requested. So, he said that there is not a standard 4 foot. He said it is not a money saver. He said that there is a lot going on for a foot. There is a policy for 3 foot to protect the trees. He said that carries more weight, than just wanting 4 feet.

Applicant Brown said that it is not a money saver, and he would 100% agree if most of the awnings downtown were not 4 foot and above. He understands the concept of engaging these trees and making sure they stay healthy as they grow, but they are also he believes, a collaboration in keeping them off of the buildings as well. It is a give and take.

Board member Erb stated at this point you are invading the trees space, not the other way around. If the new awning is moved up 3 feet, extended 4 feet, then at that time you are going to be invading the space of the tree. Someone has to be first, to fit the code, as things change.

Staff Whitmore stated that Stanley's is the first.

Board member Petty asked if the 4-foot awning would be approved, is there a plan to protect the tree on the install.

Applicant Brown stated that he would be happy to oblige the horticulturist on the installation; all for collaboration.

Board member Dobbs stated that doing this makes the Commission set a whole different precedence at this point. Stanley's that followed policy, and the Commission would be setting a whole different standard, and would open up the gates for requests.

Board member Erb stated that a tree is a living thing and if you come off the building 4 foot, and with a branch that is intruding close to the tree now, and you get a heavy windstorm, the tree will be against the awning.

Applicant Brown stated that it would eventually be a problem if the awning was 3 feet.

Board member Erb said that another foot would give the tree some time to avoid it. He can't grasp going through this much aggravation for an additional foot on the awning. He stated that the architecture or designer would fight this hard for a foot on the awning. He stated that it doesn't give that much advantage; of darting in and out of the rain at that height, in his opinion is useless. Visually, he is unsure of how much it adds to the building if it is 3 foot or 4 feet.

Applicant Brown said he is putting a lot of effort in for one foot, he has thought it through, and it is worth it.

Applicant Brown wanted to clarify that the notes with the Horticulturist was on July 27th, but the application wasn't submitted until August 1st.

Staff Whitmore said that she and Mr. Brown had discussed it, so she talked to the horticulturist.

Applicant Brown stated that the horticulturist made an observation about rods and protruding into branches, without plans being submitted and only a verbal conversation. How did he have preview to the request?

Staff Whitmore said by the application that was submitted and was approved, on June 27, 2022. The application submitted on June 14, 2022; Mr. Brown submitted stated that there would be a 3-foot protrusion. The sidewalks were also measured numerous times to make sure they were correct, on page 5 of the Staff report. Mr. Brown was talking about the awning being 4 foot 9 inches; and on page 16 the awning sits back in the façade; the measurement from the furthest point where it projects from the building is 4 feet. There is 8 inches that sits back, page 17.

Applicant Brown objected to Staff's measurements.

Board member Dobbs said beside the point of the measurements, the policy is 3 foot off of the façade.

Applicant Brown said that everything he is speaking too is hoping to show that even at 4 foot there would be any interference with the tree.

Board member Dobbs asked if the height has already been approved, and tonight it is to be decided of the projection of the awning.

Staff Whitmore said yes, the COA 22-56 has already approved the height of the awning.

Applicant Brown encouraged the Board to come look at the building and what is being done. We are hoping it is a great addition to Sanford.

Board Discussion:

Chair Mitchell asked when did the policy change for the awnings.

Staff Whitmore said between 2015-2016 when the trees were planted.

Chair Mitchell stated that about 6 years ago the policy was changed. This is the second building that has torn an awning down to be impacted by the new policy. He said that he can completely understand Mr. Brown's argument that will make his awning shorter than all the others in the area. He does have the option of doing maintenance on the current one and it would remain as is, or a new one could be approved to go beyond what the policy states, or the Commission could say no that the horticulturist is agreeing with the policy and this is the standard. That is the three realms of possibilities.

Board member Dobbs clarified his thoughts. Motion to approve, approves a 4-foot awning; Motion to deny, brings it back to the approval of a 3-foot awning that has already been approved and agreed upon; or he could leave the support system that is already in place and

replace the awning.

Chair Mitchell stated that the 3-foot awning makes sense and he also understands that no one wants to be the second one to suffer from the policy. Eventually all 50 buildings will suffer from it. It is a policy that makes sense to continue the streetscape.

Board member Petty said that you do not want to damage the trees, and by lifting up and extending the awning it will cause a hazard in time to come for the tree.

Board member Erb said looking at Exhibit G, page 17, gives a fair idea at where the tree is now and envision it being moved up 4 foot higher. Moving it up 4 foot higher it will not be a problem, but moving it out another foot would be a problem. It would be maybe 5 years before it would be a concern.

Board member Dobbs said that it is a policy set already. It was a policy taken into account with our horticulturist in mind; with these trees in mind; and the sidewalk in mind. Changing this, changes policy, and as time goes by, we will see those awnings change. We understand that it is going to look a different way, but at some point, it will all look a different way. He stated that he is for following the policy.

Motion:

Board member Dobbs moved that the Historic Preservation Commission find as fact that the proposed project COA-22-69, that the removal of the existing awning and installation of a new flat metal awning, not to exceed 4 foot from the façade of the building when completed, is in incongruous with the character of the Historic District because we already have a policy, 2015-2016, that it will only be 3 foot; that it will the follow policy that is already set; the worry that it would interfere with the growth of the tree that is there through a written explanation of the horticulturist within the City; and generally not in harmony with the criteria in the design guidelines, the special character of the neighboring properties, and the historic district as a whole. Seconded by Board member Petty. The motion carried.

Final Motion:

Board member Dobbs moved that based on the preceding findings of fact, moved that the Historic Preservation Commission not grant a Certificate Appropriateness COA-22-63, to owner Jeffrey Brown for 131 Wicker Street as submitted. This does not negate previously approved COA 22-56. Second by Board member Petty. The motion carried.

Announcements: Staff Whitmore handed out a meeting schedule for the remainder of 2022 and 2023. She also asked the board member to complete the required training and submit a summary.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Petty, seconded by Board member Erb, and unanimously carried. The meeting was adjourned at 8:00 pm.

Adopted this 24th day of October, 2022.

BY: 
Chair

ATTEST:


Angela M. Baker, Clerk