

COMMISSION OF ARCHITECTURAL REVIEW

February 25, 2016

Members Present

Michael Nicholas
Robert Stowe (arrived at 3:31)
Robert Weir
Sean Davis
Robin Crews

Members Absent

Jeffrey Bond
Susan Stilwell

Staff

Renee Burton
Alan Spencer
Anna Levi
Tracie Lancaster

Chairman Nicholas called the meeting to order at 3:30 p.m.

ITEMS FOR PUBLIC HEARING

1. *Request for a Certificate of Appropriateness, PLCAR2016000017, filed by Mike Spangler to complete the following at 165 Holbrook Avenue:*

- a) *Remove multi-unit staircases and enclosures on rear of structure*

Mr. Nicholas opened the Public Hearing.

Mr. Stowe entered at 3:31pm.

Present on behalf of the request was Mike Spangler, the applicant.

Mr. Spangler stated the first part of this procedure basically is the demolition of the stuff that was added to the rear of the house. In order, to accommodate the necessities back when the house was quadded from single family to fourplex. Removal of the structure is limited to only the siding that was placed on one of the stairwells when they were installed; which doesn't incidentally pass code. The stair system is not code compliant. It was very obvious that it was added after the house was constructed. I plan to retain all the roofing structure, all the porch and deck structure and all of the supporting members. Also, the actual railing that is supposed to go on there will go back on as well. I'm not sure if you all will require me to get it to today's codes, which are different than what they had back then. But I don't have a problem either way. All I'm interested in doing is removing the rear staircase since I have access from the inside of the house now and don't need it. Also, removing the access siding that was added to protect the climbers that were using the stair system themselves.

Mr. Nicholas closed the Public hearing.

Mr. Weir stated I have a question pertaining to this letter we received from the last meeting. There was a question that Marcy Keigler had.

Mr. Spangler stated yeah, Marcy is co-owner of the property. She has assumed that those stairs should be left in there so the new buyer who moves in can use that unit above for rental income. It was explained to her that it cannot be used for rental income because the building department will not allow that to take place. It has already been turned back into single family. That was pretty much the end of the argument.

Mr. Nicholas stated we are in the situation where we have two owners of a house that are opposed to each other on the request. There are two owners of the house. The applicant is one of the owners of the house and he wants the changes. The other owner of the house does not want these changes as you can see here. Last time we had nobody appear. So we agreed to continue it to this meeting. I asked staff to email and notify both owners for them to come up here and do this. For us to have the ability to decide if the application has to be signed by a property owner. Has the other owner been notified?

Mrs. Burton stated yes and she was unable to attend.

Mr. Nicholas stated has she sent anything else for us to consider?

Mrs. Burton stated no.

Mr. Nicholas stated you can factor that letter into your decision however you see fit.

Mrs. Crews made a motion that the request meets the guidelines citing staff's recommendation. Mr. Weir seconded the motion. The motion was approved by a 5-0 vote.

- b) Install a 6' dog-ear style wood privacy fence along the rear property line

Mr. Nicholas opened the Public Hearing.

Mr. Spangler stated Part B is basically a security request. I have had three thefts on the property and they have been brazen enough to come through the alleyway. Then through a neighbor's yard to get onto my rear porch to remove things. The neighbor doesn't have this problem at this point because they have a fence installed across the back alleyway. I don't know if it was approved by you all or not but they are compliant with the Architectural Review on everything that they do. Subsequently, what I am asking for is essentially the same thing the only difference is I'm asking for a dog-ear fence. Which is standard design at any Lowes or Home Depot they never change they are always the same. The fence line itself exists on the house about four houses down.

I think its 196 Holbrook across the rear of their yard plus down the side of their yard. There are two other homes on the opposite side of Holbrook that also have the same fence system. It's not going to be painted; it's not going to be adjusted in any manner. It's just straight fence line that will have a gate that will come through it and all the side structure will have components that will be on my side of the fence line opposed to the outside and alleyway.

Mr. Nicholas stated is this going to match the neighbor's fence?

Mr. Spangler stated it will not match the neighbor's fence. This is going to be a dog-ear fence that is approximately three and a half inch wide board with a dog-ear top on it.

Mr. Nicholas stated what about the color?

Mr. Spangler stated it would be standard wood. If it gets finished it will be a clear finish that will go on to protect the wood finish. It will not be painted.

Mr. Nicholas stated same height?

Mr. Spangler stated the height is six foot on the fence height.

Mr. Nicholas stated my question is, is that the same height as the neighbor's fence?

Mr. Spangler stated oh yes it is. It will be the same height as the neighbor's fence.

Mr. Nicholas closed the Public Hearing.

Mr. Nicholas stated staff regarding your recommendation, explain to me exactly how this is a front yard.

Mrs. Burton stated because the alley is a public way.

Mr. Nicholas stated what is the yard on Holbrook?

Mrs. Burton stated the same.

Mr. Nicholas stated where is his backyard?

Mrs. Burton stated he does not have a back yard just two fronts and two sides.

Mr. Spangler stated the problem we have is this is a closed alley for just only the residents that live on the street. There is not opening on the other end of it that's the Museum, it's blocked off. If you go into that alley you must turn around and come back out of that alley; which means backing into someone's yard or backing back down the alley. Or you must pass through someone's yard to get back out on the road.

Mr. Nicholas stated the problem is if any member of the public can get to it. It's a public alley.

Mr. Davis stated actually, I have personally had to face this. When you are going up the road to the building where the museum is, technically the alley way veers off to the left and goes out right beside the building.

Mr. Nicholas stated if this was a back yard under the zoning code would this fence be compliant with the code?

Mrs. Burton stated yes sir.

Mr. Nicholas stated what do you mean by if one side has supports showing, this must face the owner building the fence?

Mrs. Burton stated the actual bracing members of the fence. The structural members the post are required to be in the interior.

Mrs. Crews stated Mr. Spangler said he will be complying with that request.

Mr. Spangler stated yeah they will be on the inside.

Mr. Davis stated is there any of the other neighbors who did this? The attorney across the street who wanted to put a driveway in his backyard. He actually had to go to the Zoning to be allowed to put a driveway in his backyard and call it a backyard.

Mrs. Burton stated I remember we had to do the driveway and he has some fencing back there.

Mr. Davis stated yeah, it was fencing back there so he had to go before the Zoning. On the Chestnut side there is an alleyway back there that some people had to go before Zoning. So is this something that should really go before Zoning? I completely understand a privacy fence going up.

Mrs. Burton said all of those occurred under the old guidelines. So based on the current guidelines you guys have the ability to state that, that extra height can be allowed in this area. By standard on a front yard it is four feet. Given the situation he is asking for six feet and you guys have the ability to approve his request.

Mr. Davis stated now will that allow him to not have the Zoning come and cause him problems?

Mr. Nicholas stated correct if we approve it there is no zoning violation.

Mrs. Burton stated we will work together with where the location is and the set back from the alley to make sure all of that is taking care of.

Mr. Nicholas stated seems to me this is a technical violation of the guidelines but I don't think it has a detrimental effect.

Mrs. Crews made a motion that item b does not meet the guidelines. Mr. Weir seconds the motion. The motion was approved by a 5-0 vote.

Mrs. Crews made a motion that this isn't aesthetically detrimental to the neighborhood or property and with the one side facing the owner and approving it as submitted. Mr. Weir seconded the motion. The motion was approved by a 5-0 vote.

c) Replace existing round metal gutter at rear of house with aluminum gutter to match existing gutter system on the remainder of the house.

Mr. Spangler stated I would like to withdraw part c. I understand the idea behind the half round gutter system and the round downspouts. I don't have an issue with it I can do the repair and replace them with identical material so I'm just going to go ahead and remove part c.

Mr. Nicholas stated okay part c is withdrawn from the request of the applicant.

APPROVAL OF THE MINTUES

Mr. Weir made a motion to approve the January 28, 2016 minutes with a correction on page two. Mr. Stowe seconded the motion. The motion was approved by a unanimous vote.

OTHER BUSINESS

Mrs. Burton stated we have a couple of things. One, to let you guys know that the state highway marker at the museum, (that is for the last capital of the confederacy) which is currently right along Main Street, will be removed for refurbishment on March 4th. There will be a press release and documentation on site to let everyone know where it has gone. It should be no more than a week. The press release is saying the 14th so It should be back and reinstalled by the 14th. We are painting the post, the marker has been there since 1939 and it has not been touched. So, it's in dire need of some care, right now we are trying to figure out how to remove the bolts because they are so rusted. So If you hear anything about this please pass along the word on where it has gone. Also, I wanted to make a quick note on attendance if you are not going to be here, which this doesn't necessarily apply to the ones here, please, let me know in advance. Loyal Street Baptist Church also has a marker that sits right behind the Court House they have just put in an application that will be heard at the State Review Board meeting in June. They are going to do some work on that marker. The marker language is 48 words which is really short and it doesn't meet current criteria for a state highway

marker. So we will be adding to that and doing a date correction on that, which will be heard in June. So it will take a little while if it's approved in June you will be looking at summer for an unveiling on that. 864 Pine Street, which is the house that we received a CLG grant for exterior rehabilitation on. We have a meeting on March 1 at 10am with contractors to meet on site to hopefully get some quotes so that we can get that project underway. It's kind of been stagnate during the winter but we hope to get it completed pretty quickly now. We did have a conversation about some GIS we are going to continue that until the next meeting so that Mr. Bond can be here.

Mr. Weir stated what was this email we got about the insurance in the Historical District? Is that only for the Old West End?

Mrs. Burton stated that is for historical properties in general. Just information I received and thought it might be helpful.

Mr. Davis stated I have a question about the sidewalk going down in front of Midtown. That can be seen from the main roadway. Because of that doesn't that fall under the CAR guidelines? The bricks are mighty different. I like the fact that we are repaving but they are mighty different than what is in downtown and what was there. Is that something that should have come before the CAR and didn't?

Mr. Nicholas stated it did not come before us.

Mrs. Burton stated right it did not come before you. Any of the paving that is to be done in the Historic District and the Old West End is not to mimic downtown and should not. The goal and intent is for it to be its own separate division between those two areas. The brick that was currently there crumbled when it was removed. I think best I can remember, they told me they had 70 percent that they could get up and that did include some of the yellowish brick. That was used in a repair some time ago. So they did not have enough of that to actually repair the entire sidewalk. So instead of having mismatch brick or having something out there that was not going to have any kind continuity to it, it was decided to use a different brick. So that we could have one pattern, there were four different patterns out there as well as in the way the bricks were laid. So the decision was made to use one pattern throughout the entire sidewalk with this one type of brick.

Mr. Davis stated but was that something that should have come before us?

Mrs. Burton stated it would not based on the guidelines because it is a brick sidewalk.

Mr. Davis stated okay.

Mr. Nicholas so if I have a wood porch that has two inch thick boards and I want to replace it with wood that is six inches wide instead of two I don't need approval? Because it's wood for wood?

Mrs. Burton stated well you would because you do have a difference in size. But these are the same 4x8 standard brick.

Mr. Nicholas stated what makes them look different? I guess what I think your point is and don't let me put words in your mouth. It looks different. So if it looks different and it's changing the aesthetic why are we considering it?

Mrs. Burton stated I think from our stand point it was done within compliance of the guidelines. It was not a significant change. It's using brick for brick and it is mimicking the same patterning that was there. So that was the determination that was made in my office.

Mr. Nicholas stated well part A of Mr. Spangler's request met within the guidelines according to your office but he still had to come here right?

Mrs. Burton stated yes.

Mr. Nicholas stated why does the City not have to come here?

Mrs. Burton stated because it was not a change. What Mr. Spangler proposed was a change a removal of certain area of the particular house. It was a demolition. This was not that. This was a repair that turned into an entire replacement. Due to the condition of the actually bricks that were there.

Mrs. Crews stated it was a safety issue.

Mrs. Burton stated yes, we received numerous complaints on that sidewalk. Actually, the work order was put in over a year ago for this and now it is being taking care of. That's just because of the cycle of sidewalk maintenance.

Ms. Ingram stated is that something that the City did or is that a public project.

Mrs. Burton stated yes it is under sidewalk maintenance.

Ms. Ingram stated I feel like that it should have come before this Commission. I know it's a public sidewalk.

Mr. Nicholas stated I think there are people who agree with you. But the way its set up however we don't get to pick which cases come before us. Nor do we get to enforce the code. The only thing we can do is decide the cases that are actually submitted.

Mr. Spencer stated it's kind of like a speeding ticket the Police have to catch you first.

Mr. Nicholas stated for example if you owned a house on Millionaires' Row and I see you putting up vinyl. I can't haul you before the CAR and say justify it. You have to make that application to us and if you don't there is nothing we can about it.

Ms. Ingram stated well yeah sure there is. That's part of the process somebody whose neighbor sees you doing something that is against the guidelines.

Mr. Spencer stated someone has to report it first.

Mr. Nicholas stated right they have to report it to the Zoning office not to us. We don't have any power to enforce the zoning code. We only have the ability to decide a case that is brought.

Ms. Ingram stated well it hasn't been reported?

Mr. Nicholas stated correct it hasn't been reported to anybody. Therefore, it hasn't come to us.

Mr. Spencer stated but it could I suppose.

Mr. Nicholas stated I encourage anyone that has a problem with the bricks in question to go immediately to the zoning office. Log a complaint and if it comes before us we will decide.

Ms. Ingram stated I just have one last thing we have two students here from Piedmont Community College historical landscape class. I had them come here today to witness the CAR in action. I feel badly because there was only one case but anyway I just wanted to let you guys know that they were here.

Mr. Nicholas stated well welcome. I hope you enjoyed yourself. Sorry we didn't have more fireworks. You guys are welcomed here anytime. Glad you are here.

With no further business the meeting adjourned at 3:53 p.m.

Approved