

HISTORIC PRESERVATION COMMISSION
Minutes

October 13, 2005
Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, October 13, 2005, in the Council Chambers at the City Hall, 217 S. Main St.

The meeting was called to order by the Chairman, Michael Young. In addition to Mr. Young, the following members were present: Ronald Fleming, Susan Hurt, Anne Lyles, Jeff Sowers, Kathy Walters, and Wayne Whitman.

Absent: Raemi Evans and Mike Fuller

Michael Young informed the Commission of two additions to the day's agenda:

5. Resolution to First United Methodist Church regarding #H-02-05 – 117, 119, 121 W. Fisher St.

6. Resolution regarding Local Legislature regulating demolition in Downtown Local Historic District

Kathy Walters made the motion to accept the named items to the agenda, Anne Lyles seconded the motion, and all members present voted AYE.

Michael Young welcomed all persons present. He read the purpose of and procedure for the meeting.

Request for Certificates of Appropriateness

H-45-05 **130 E. Liberty St.** – City of Salisbury, owner; Deb Young, applicant –
Certificate of Appropriateness to screen existing chiller at the Police Department

NOT PRESENT

H-47-05 **313 W. Fisher St.** – Richard D. Reamer, owner; Kenny Hayes, tenant –
Certificate of Appropriateness to allow tarp over parking place in rear to protect vehicle from birds and berries from neighbor's trees; tarp is not a permanent installation

Kenny Hayes was sworn to give testimony for the request.

Michael Young ruled that the request would be taken off the table from the September meeting for discussion.

Mr. Hayes reminded the Commission that he had placed a tarp over the area where he parks his car. He said if the request for the tarp is not approved he would be between a rock and a hard place because of the damage done to his car, both by vandalism and birds, in the past. The only way to protect his car from the birds would be to cut the trees back; but Mr. Hayes said he would not ask his neighbors to do that. He again testified that the tarp is not a permanent addition to his house; when he moves it would be taken down.

Michael Young stated that Chapter 1 of the Secretary of Interior Standards for Rehabilitation, pages 7-9, deals with exterior alterations with compatible materials. He read as follows: Exterior alteration that is compatible with the material, features, and massing of historic structure: (a) historic materials include brick or wood painted in appropriate colors (b) historic features include wood framed construction, brick foundations, shingled pyramid hip roof, wood lap siding, window trim, and other details in wood.

Michael Young said, “This is pretty much a garage is it not?” Mr. Hayes responded by saying, “to me it’s just a tarp that protects my car; it is not an alteration to the building.” He said the neighbors usually could not see it because of the trees.

Kathy Walters commented that the problem is finding a place that the tarp could fit within the definition of the Historic District Design Guidelines. She said that in her opinion it could only be categorized as an awning. American Heritage, she said, defines an awning as “a roof like structure, as of canvas, stretched over a frame as a shelter from weather.” Continuing, Kathy Walters said, “this isn’t a garage, it isn’t an outbuilding, it isn’t a duct; if it’s anything it would fall under the definition of awning which would be addressed by one of the guidelines.” She referred the Commission to Chapter 2, Changes to Buildings, Windows and Doors, pages 15-17, guideline 9, which reads – “*if fabric awnings are historically appropriate, install them in porch, door, or window openings so that architectural features are not concealed and historic materials not damaged. Select colors appropriate to the color of the building.*”

Michael Young stated that he could not see that “tarp” would fall under either the awning guidelines or the guidelines for exterior alterations.

Jeff Sowers agreed with Michael Young’s statement and said, “The tarp is really a temporary feature but is being taken to a permanent use.”

Michael Young read a letter received from Nancy Brandt, 219 S. Fulton St., in opposition to the request.

There was no one present to speak in support or opposition to the request.

Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-47-05 – that Kenny Hayes, applicant for Richard Reamer, owner of 313 W. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to allow a non-permanent tarp over rear parking place to protect vehicle from birds and berries from neighbors’ trees; that Nancy Brandt addressed the Commission in writing to oppose this request, this request should not be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 1, Introduction – Secretary of the Interior Standards, page 7, standard 9 which states - *interior alterations shall be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment;* the Salisbury Code of Ordinances, Appendix B – Zoning; Article 18 – Historic Preservation Commission – Section 18.10 – Criteria to determine appropriateness states: *The following review criteria, along with companion design guidelines found and the guidelines of the secretary of the interior, shall be considered, where relevant, to make findings of fact indicating the extent to which the application for a certificate of appropriateness is or is not congruous with the historic aspects of the designated landmark or district;* among that criteria “F” sites building materials, and “I” sites expression of architectural detailing; and Chapter 2 – Changes to Buildings – Windows and Doors, pages 15-17, guideline 9 of the Residential Historic District Design Guidelines; mitigating factors include defining the tarp as most closely appearing to be an awning; therefore, I further move that a Certificate of Appropriateness for Application #H-47-05 be denied to Richard Reamer, owner of 313 W. Fisher St., to make the changes detailed in the application.”

Jeff Sowers seconded the motion; all members present voted AYE to deny the request.

Michael Young informed Mr. Hayes that he had the option to appeal the decision to the Salisbury Zoning Board of Adjustment. Also, that he could consider a car cover or some type of garage or portico.

Mr. Hayes asked how he would know what was approvable. Michael Young said he should get a copy of the Historic District Design Guidelines. Mr. Hayes said, “I would like to be able to protect my car.”

H-51-05 101 N. Main St. – Margaret & George Kluttz and Bill & Susan Kluttz, owners – Certificate of Appropriateness to paint existing bricked-in window to look like design

Bill Kluttz was sworn to give testimony for the request.

Bill Kluttz testified that there is a bricked-in window on the E. Innes St. side of the building (Spanky’s) that is very unattractive. He presented the proposed design for the window that was designed by Earle Kluttz, a commercial artist and daughter of George and Margaret Kluttz. He said the design has already been approved by North Carolina Preservation, Inc.

Michael Young noted that only the in-fill brick would be painted, not the original brick.

There was no one present to speak in support or opposition to the request.

Wayne Whitman made the following motion: “I move that the Commission find the following facts concerning Application #H-51-05 – that Bill Kluttz appeared before the Commission and sought a Certificate of Appropriateness to paint an existing bricked-in window; there was no one present to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2, Changes to Buildings – Windows and Doors, pages 26-68, Guidelines 1,2, and 8; Chapter 2, Changes to Buildings – Paint, pages 38-40, Guideline 1 of the Non-Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness be granted to Margaret & George Kluttz and Bill & Susan Kluttz, owners of 101 N. Main St. to make the changes detailed in the application.”

Ronald Fleming seconded the motion; all members present voted AYE.

H-52-05 114 W. Thomas St. – Nathaniel Means, owner – Certificate of Appropriateness for work already in progress: (1) new roof (2) bathroom addition (3) back porch, deck and steps addition (4) new windows

Nathaniel W. Means was sworn to give testimony for the request. Staff presented slides.

Nathaniel Means testified that he did not know he needed to have approval for the work he has done. He informed the Commission that the house was somewhat “going down hill” when he purchased it eight years ago so he has been gradually working to improve it. Most of the work, he continued, has been done on the interior. The most major work has been the addition of a second bathroom on one side of the downstairs back porch followed with his decision to enclose the entire porch. He stated that he now needs approval to paint it and add steps. In addition, Mr. Means testified that he was in the process of putting a new roof on the house when he was notified that he needed to stop all work and seek approval from the Commission.

A sample of the proposed variegated green shingle was presented. In response to a question from the Chair, Mr. Means stated that the roof of the bathroom addition would be the same color.

When asked to describe the original windows which have already been removed from the back porch, Mr. Means testified that they were 1/1 windows with broken and rotted panes but were operable. He said the original windows were still intact but had been covered with plywood. He said they had been painted over when he bought the house. “You could not even see through them,” he said.

Michael Young read the Windows and Doors guidelines from the Historic District Design Guidelines 1, 2, 4, 5, 7, 11, and 15.

Jeff Sowers explained the guidelines saying, “You cannot just put plywood up.”

In response to a question from Kathy Walters, Mr. Means said 17 windows had been replaced with vinyl replacement windows. He said he tried to find windows identical to the original ones but could not. The only difference, he said, is that the replacement windows have 3 panes and the original windows had 4 panes.

Kathy Walters read guideline 14 in reference to the back porch which says - *it is not appropriate to fill in existing window or door openings if it would diminish the historic character of the building. It is not appropriate to replace or cover glazing with plywood.* In reference to the other windows, she read guideline 5 – *If replacement of a window or door element is necessary, replace only the deteriorated element to match the original in size, scale, proportion, pane or panel division, material, and detail.* Also, guideline 15 – *It is not appropriate to introduce new windows or doors if they would diminish the original design of the building or damage historic materials and features. Keep new windows and doors compatible with existing units in proportion, shape, positioning, location, pattern, size, materials, and details.*

In response to a question from Anne Lyles, Mr. Means testified that in addition to broken windowpanes, some of the frames were dry-rotted, and panes had been replaced with plywood and flexi-glass. He further testified that the original windows are stored on the property.

Michael Young informed Mr. Means that the guidelines for windows and doors state that the original windows need to be repaired or replaced with like kind; therefore, the new windows that have been installed should have been the same divided light, four panes instead of three, 1/1 operable, and wood not vinyl. He said, “I am afraid based on our guidelines the windows can’t be approved like that.”

Jeff Sowers suggested that the request for the windows be removed from the application so that everything else could be approved, and then they could come back for the window approval at another time.

In discussion of the rear deck addition, Michael Young read the deck guidelines from Chapter 2 – Changes to buildings, pages 46-47 of the Design Guidelines.

Mr. Means testified that the deck and railing would be painted gray or white if they preferred.

Jeff Sowers commented that the deck did not meet a lot of the guidelines or architectural features of the house. It was noted by Kathy Walters that the adjoining property was a parking lot. Anne Lyles recommended landscaping between the house and the parking lot. Jeff Sowers recommended that the deck rails and the posts be painted white, the decking material painted gray, and the skirt board painted white with lattice in-fill; also, the steps be closed shreds with risers, and painted.

Kathy Walters suggested the steps be painted gray and recommended an opaque white stain on the railings rather than white paint.

In response to Mr. Means's question concerning the installation of a concrete driveway, Michael Young said he would need to submit another application for that approval.

Michael Young informed Mr. Means that he should either find someone to build new windows for him that would match the existing windows or repair the existing windows and put them back in; and which ever the case he should hold on to the original windows. He was also advised to get a copy of the Historic District Design Guidelines.

Kathy Walters noted that decking board had been used which is not allowed. Mr. Means said the decking board was there when he purchased the house. However, Michael Young explained that he would need to go back with the original rather than with what it had been replaced with.

Jesse Ellerbe was sworn to give testimony. Mr. Ellerbe asked questions in reference to the replacement windows. Michael Young and Jeff Sowers again explained that in accordance with the guidelines the windows had to be replaced with only a like kind.

Michael Young further explained that if the application was voted on as submitted, the windows, along with all other parts of the entire application could be denied. He said, "We are trying to find a way for you to continue to work on the roof and the deck and do other repairs while you find a way to rectify the window problem."

Mr. Means agreed to remove the window request from the application.

There was no one present to support or oppose the request.

Susan Hurt made the following motion: "I move that the Commission find the following facts concerning #H-52-05- that Nathaniel Means, owner of 114 W. Thomas St., appeared before the Commission and sought a Certificate of Appropriateness to complete a new roof, bathroom addition, back porch, deck and steps addition, and new windows; work is already in progress; that Jesse Ellerbe appeared before the Commission to support this request, this request should be granted in part based on The Secretary of Interior Standards for Rehabilitation, and this is specific to the new roof, Chapter 2 – Changes to Buildings – Roofs, pages 10-11, Guidelines 1-3 and 5-13; therefore I further move that a limited Certificate of Appropriateness for Application #H-52-05 be granted to Nathaniel Means, owner of 114 W. Thomas St. to make changes to the deck and steps with the following changes agreed to by the applicant: that the floor of the deck will be painted Gray, the railings White, the steps will be closed in with risers and painted Gray, the skirting on bottom of the deck, and screening from the Main Street side with landscaping; the applicant is withdrawing the request, at this time, for new windows."

Wayne Whitman seconded the motion; all members present voted AYE.

Minor Works The minor works list was approved as presented without question.

Resolution to First United Methodist Church regarding #H-02-05 – 117, 119, 121 W. Fisher St.

Janet Gapen informed the Commission that the committee that has been working on the demolition had discussed the possibility of promoting a resolution. And in light of some of the comments that were made in reference to the church being open to more dialogue, have decided that it would be helpful to adopt a resolution at this time from the Commission. She stated that the same resolution was read into the record at the public hearing.

Susan Hurt made a motion that the resolution be adopted and that someone from the Commission be prepared to present it at the meeting when other resolutions will be also be presented.

Michael Young inquired as to whether the City Council might adopt the resolution as well. Janet Gapen stated that she was not sure. In response to his suggestion that she ask the Council to do so, Janet Gapen replied, "I will look into it."

Kathy Walters seconded the motion; all members present voted AYE.

Anne Lyles stated that it was her understanding that the church was planning a meeting for November 6. Janet Gapen confirmed the date. She stated that she is looking into the possibility of someone being present from the Commission even though, at this point, no official invitation had been received.

Susan Hurt said there have been a variety of meetings held with people in different capacities of both the church and the preservation community; however, she did not know of any member of the Commission who had been a participant. She said her impression is that there is a lack of understanding about what role the Commission plays in the process, and the misinterpretation that the Commission is collapsing to the Foundation. She said she would like to know what the protocol is for members of the sub-committee at far as attending the different meetings that are being held.

Michael Young commented that, unlike the Historic Salisbury Foundation, the Commission cannot lobby or lead public relations campaigns.

Anne Lyles stated that it seems from the letters to the editor in the newspaper, that most of the church members are in favor of demolition. She said, "I so hope that someone from the church would say, *no we don't want to demolish; no, this would not be good.*"

Michael Young reminded the members that there were two persons from the church who spoke at the public hearing in opposition to demolition, and one or two emails had been submitted in opposition as well, which proves that there are members of the church who are not in favor of the demolition.

Janet Gapen informed the Commission that there are some things that are within the role of the Commission and then are things that are within the role of the Foundation. The Commission, she said, is required to be an advocate but not in the position of being aggressively pursuing advocacy of something. She said, "Only in demolition do the guidelines and the state statutes imply that there is more of a responsibility to be a bit more proactive."

Richard Jarvis, 209 Martin St., Lexington NC, was sworn to speak.

Mr. Jarvis informed the Commission that in his interpretation of the Historic Preservation Commission sub-committee, as well as individual committees for certain purposes, committee members can be created and committee members do not have to be members of the Commission.

Janet Gapen explained to Mr. Jarvis that the Commission has created a committee and organized the call meeting. She said that right now everyone is at the point of wondering, "What do we do now?"

Michael Young recommended that the committee plan another meeting just like the previous one either in December or January in order to see what has transpired up to that point. Also, form a committee that would be the vocal point for all the information as it comes together so as not to duplicate all the efforts being made. He said he had not heard from the Foundation as to what their next step is.

Janet Gapen stated that she had been informed by Jack Thomson that they are planning to organize an assessment team of professionals who could meet with the church and discuss just what it would entail to renovate the buildings to meet their needs. She said she thinks it would be appropriate to have one or two commission members on the team but would double check to be sure.

In response to a question from Anne Lyles, Janet Gapen said according to information she had received from Jack Thomson, the Foundation had not yet received an invitation to the November 6 meeting. Ms. Gapen said she would consider the possibility of writing a letter to the church requesting an opportunity to speak at the meeting.

The original sub-committee (Susan Hurt, Anne Lyles, Jeff Sowers and Wayne Whitman) will meet again very soon. Another public hearing will be planned possibly for mid-December.

Resolution regarding Local Legislature regulating demolition in Downtown Local Historic District

Janet Gapen informed the Commission that the city of Statesville obtained a Local Bill which was passed on June 30 allowing the regulation of demolition (inclusive of all of their districts) through a permit issued by the City Council.

The permit specifies six criteria that the City Council could consider, such as the significance of the structure, the overall impact, the state of repair on the structure, the architectural and historic significance of the property.

In response to a question from Wayne Whitman, she stated that the bill would be specified for only non-residential downtown properties or structures. Mr. Whitman said he thinks the bill should definitely say that it affects “structures” and not just “buildings.” He informed the Commission that when Main Street was resurfaced two years ago, a torch was used to cut the rails out of the trolley track rather than tunneling under it. He said, “that was a 1905 historic significant structure that should have been kept in tact.”

Ms. Gapen informed Commission members that there have been some comments made signifying that the wording in the bill may not pass “constitutional muster.” In other words, though it has passed, the question is “will it hold up?” She said city attorney Rivers Lawther, after reading a copy of the bill, referred her to another attorney for consultation in writing the bill. However, this should happen at the City Council level.

In reference to Mr. Whitman’s comments, Ms. Gapen said she wonders if descriptions of certain situations that should be considered when writing the bill needed to be a part of information forward to the City Council.

Anne Lyles wondered if Council should be given suggested wording that could then be fine-tuned. However, Ms. Gapen said she thinks they should start with the Statesville bill, and imagines that they would want to send it to a committee, and possibly include the recommended attorney, and HPC members. She said she thinks there would be good support from the Council.

Michael Young read the entire bill; after which, Kathy Walters made the motion to adopt the resolution. Anne Lyles seconded the motion; all members present voted AYE.

In response to Richard Jarvis’s suggestion of a grandfather clause in reference to the demolition request, Kathy Walters informed him that approval for demolition had already been granted.

Additions to the minor work list

Janet Gapen informed the Commission that there may be other things that could be added to the list for minor work requests in order to help to simplify the approval process. She asked if they would like to set up a committee to recommend such changes. Michael Young agreed along with other members that the idea was good. The committee will Kathy Walters and Wayne Whitman will make up the committee.

Public Art

Janet Gapen stated that there should be guidelines relating to public art. She will check other guidelines that have been written for public art committees to see if there is language that the Commission could work from to get started. She said they could build on the current guidelines and then create a new section.

Minutes

Kathy Walters made a motion that the minutes for the regular meeting and the public hearing be approved as submitted. Susan Hurt seconded the motion; all members voted AYE.

Adjournment

With no other business to come before the Commission the meeting was adjourned.

Michael Young, Chairman

Judy Jordan, Secretary