

# **HISTORIC PRESERVATION COMMISSION**

## **Minutes September 10, 2020**

The City of Salisbury Historic Preservation Commission met in regular session at 1 p.m. Thursday, September 10, 2020, at 217 S. Main Street in the Council Chamber. Social distancing and safety measures were used to protect staff and citizens.

**Present:** Steven Cobb, Eugene Goetz, Will James (late arrival), Jon Planovsky, Elizabeth Trick, Andrew Walker and Acey Worthy

**Absent:** Sue McHugh, and Larry Richardson

**Staff Present:** Catherine Garner and Diana Cummings

### **CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by the Chair, Andrew Walker. Members introduced themselves.

### **PURPOSE AND PROCEDURE**

The purpose and procedure of the meeting was presented by Chair, Andrew Walker.

“Everyone attending the meeting is required to sign in with a valid email address or phone number to permit contact tracing in the event of an outbreak of COVID-19. So, please be sure you have signed in at the sign-in desk outside the holding room. Restrooms are open and available to meeting participants in the rear lobby of the building.”

“Everyone attending the meeting is required to wear a mask while moving through public spaces here at City Hall. Seating in the Council Chambers has been arranged to maintain distance for those participating in the hearing. Those waiting for later hearings should remain in the lobby until the hearing you are attending is announced. Priority in Council Chambers will be given to the applicant, their witnesses, and anyone else who has evidence to present for or against the application during each case.”

“When review of your case is over, please exit through the rear doors into the parking lot. If you wish to remain for a case later in the agenda, please be mindful that you may need to return to the lobby to wait if space is needed for a current case.”

“Everyone wishing to speak will be take an oath rather than be sworn in. When it is your turn to speak, please come to the podium to speak. Please speak slowly and clearly so the Commission can hear through your mask.”

“Commissioners, to aid staff in preparing minutes, Catherine will call for a roll call vote per case. If you propose a motion or a second, please state your name before making your action.”

“The Commission follows Quasi-Judicial Procedures which means that it makes findings-of-fact based upon sworn testimony from the applicant, or an authorized representative. Decisions made by this board are based on the Historic District Design Guidelines and the Secretary of Interior Standards for Historic Rehabilitation.”

“Appeals from this board, if desired, are heard by the Zoning Board of Adjustment. Further appeals are heard in Rowan County Superior Court. Remember that the commission is only concerned with points of dimensions, scale, materials and other factors that relate to the appearance of the project and its compatibility with the Design Guidelines.”

“We thank you ahead of time for your patience during the meeting.”

### **EX PARTE COMMUNICATION/ CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT**

Steve Cobb is a member of the Historic Salisbury Foundation and will recuse himself for H-26-2020 and H-28-2020; Gene Goetz will recuse himself for H-30-2020; Jon Planovsky will recuse himself from H-24-2020.

Acey Worthy spoke to a neighbor about H-27-2020.

### **NEW CERTIFICATES OF APPROPRIATENESS**

**H-22-2020, 403 N. Main Street–Sharonview Federal Credit Union, owner/applicant; Jeremy Inman, Concept Unlimited, agent**

Catherine Garner and Jeremy Inman were sworn in for testimony.

#### Request

Adding ground up-lighting to monument sign. Updated location of monument sign to corner right side corner of building.

#### Identification of Property

Catherine Garner made a staff presentation. This is new construction in the Downtown Local Historic District.

Staff finds that the project is not incongruous with the character of the District because:

1. The location of the ground sign has been moved from placement between the front façade wall of the building and the sidewalk to the right side corner of the building between the corner of the building and the corner of the sidewalk at E. Kerr and N. Main Streets. The location of the ground sign is appropriate as it does not block or obscure any views of historic structures. (Guidelines 4.7. 6 and 4.7.11).
2. The ground sign has been illuminated from small fixtures that shine up on the sign face from the ground; there is no internal illumination of the sign (Guideline 4.7.10).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-22-2020 at the Sharonview Federal Credit Union, located at 403 N. Main Street, within the Downtown Historic District (Parcel ID: 011 420), with the following conditions:

1. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
2. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Public Comment

No one spoke in favor or opposition to the request.

Deliberation

The Commissioners had no questions and believed the project to be appropriate.

Finding of Facts

Gene Goetz made the following MOTION: "I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #**H-22-2020**:

1. That Jeremy Inman, agent, for Sharonview Federal Credit Union, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 403 N. Main Street and designated within the Downtown Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-2 and incorporated herein;
3. The findings are subject to the two conditions recommended by staff and incorporated herein."

Acey Worthy seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE)

Action

Gene Goetz continued, "I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-22-2020 subject to the conditions detailed in the Findings-of-Fact."

Acey Worthy seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE)

Will James arrived a little late so he did not vote on H-22-2020. He then joined the commissioners at the dais.

**H-23-2020, 108 E. Council Street—John & Tiffany Kwok, owner/applicant; Kenny Fortner, agent**

Kenny Fortner, 680 Goodson Road, was sworn in for testimony.

Request

Remove existing door and replace with 60" door with transom. Remove bottom windows molding to match existing and repaint. Proposed door is similar to the door at 110 E. Council St.

Identification of Property

This commercial building located in the Downtown Local Historic District was built circa 1880 in the Italianate style and is classified as contributing. The building has two storefronts—108 and 110 E. Council Street.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

1. Based on photos from 1978, archived in the NC State Historic Preservation Office (SHPO), the façade at 108 E. Council Street appears to likely have been altered. The transom-type windows were covered over and the recessed entryway partially filled in. The fenestration appears to match the adjacent commercial space at 110 E. Council, located within the same building (Guideline 7.5.3, 7.5.5).
2. The proposed work includes restoration of the recessed entry to be more consistent with the adjacent façade and other commercial facades downtown. There will be a double door entry with transom above. The applicant's agent is proposing a fiberglass door instead of a wooden unit due to concerns about impacts from sun. The fiberglass unit is of a traditional size and design and will be painted to match the surrounding wood trim. While the fiberglass is not a traditional material, it will have similar properties and installation method as a traditional wooden door (Guideline 7.5.10).
3. The removal and replacement of the existing bottom window molding is to repair wood rot and damage. The applicant is proposing to replace the wood in kind and will be a like-for-like replacement. None of the existing windows will be replaced (Guideline 3.1.3, 3.1.4).
4. The existing light fixtures are proposed to be reused.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-23-2020 at the Commercial Building, located at 108-110 E. Council Street, within the Downtown Historic District (Parcel ID: 010-4 441), with the following conditions:

1. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
2. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Mr. Fortner testified about the design of the doors. They will be ADA compliant and the owners will be able to get equipment out for service. The opening will be 60" when both doors are open.

The existing door is a 36" door. The subtle, painted fiberglass door will be a smooth finish. Wood gets hot and swells. He submitted a drawing with raised panels on the doors and a transom above.

Proposing signage is not part of the request.

#### Public Comment

No one spoke in favor or opposition to the request.

#### Deliberation

We have no idea how the original façade looked. It is not clear-cut.

The rotten wood will be replaced on the windows without changes to the appearance. A transom meets our guidelines. The commissioners discussed the mitigating circumstances pertaining to the fiberglass door material.

The next door appears much taller than the proposal—maybe an 8-foot door. Elizabeth suggested a taller door without the transom to blend cleaner and neater with a smooth finish—not a wood grain finish. Others agreed (7.5.4). The proportion submitted is residential, not commercial. The proportion should be more similar to the other door. The fiberglass will look better long term. This door will have a great deal of use.

#### Finding-of-Facts

Steve Cobb made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #**H-23-2020**:

1. That Kenny Fortner, agent for John & Tiffany Kwok, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 108-110 E. Council Street, and designated within the Downtown Local Historic District.
2. The proposed project is incongruous as detailed in the application and the commission accepts staff findings 3 and 4 incorporated herein;
3. The findings are subject to the two conditions recommended by staff and incorporated herein. The door should be the same height as the one on the right side of the building—number 110 (7.5.5); the Commission will allow a painted smooth finish (not textured wood finish) fiberglass door without the transom.”

Elizabeth Trick seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (NAY), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-1)

Mr. James had concerns of setting a precedent for the fiberglass door. Jon Planovsky said he voted in favor because of the change in the door design—much sleeker and taller. There is less visual material and it is located in the commercial district.

This may be an opportunity for training.

Action

Steve Cobb continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission Approve H-23-2020 subject to the conditions detailed in the Findings-of-Fact.”

Gene Goetz seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (NAY), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-1)

**H-24-2020, 124 S. Ellis Street–Jon Planovsky and Bob Lambrecht, owner/applicant**

Jon Planovsky was recused from the dais and sworn in for testimony.

Request

Add wood railing next to back door. All wood construction; hand rail milled to match existing railings on upper and lower side porch and rear porch. Painted to match existing. There is no evidence that there was ever a railing there.

Identification of Property

The Moore House is a contributing shingle house built circa 1898 and located in the West Square Local Historic District.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

- 1) The railing design will be a match to the existing railing on the home; it will be the same height, proportion, shape, material as well as match in detailing and paint color (Guideline 3.5.4).
- 2) The location of the proposed hand rail is on an existing rear stair at the back door with minimal visibility from the street. (Guidelines 3.5.10).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-24-2020 at the Moore House, located at 124 S. Ellis Street, within the West Square Historic District (Parcel ID: 010 014), with the following conditions:

1. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
2. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Public Hearing

No one spoke in favor or opposition.

Deliberation

Materials are appropriate.

## **Motion**

### Findings-of-Fact

Steve Cobb made the following MOTION: “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #**H-24-2020**:

1. That Jon Planovsky, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 124 S. Ellis Street and designated within the West Square Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-2 and incorporated herein.
3. The findings are subject to the two conditions recommended by staff and incorporated herein.”

Acey Worthy seconded the MOTION with all members VOTING AYE.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-0)

### Action

Steve Cobb continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-24-2020 subject to the conditions detailed in the Findings-of-Fact.”

Acey Worthy seconded the MOTION with all members VOTING AYE.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-0)

Members voted to have Jon Planovsky return to the dais.

## **H-25-2020, WITHDRAWN**

## **HISTORIC LANDMARK APPLICATIONS**

Catherine said that she is reviewing two application narratives that have been prepared to send to the State. City Council needs to have training with the Commissioners.

## **OTHER BUSINESS**

- Minor Works Report will be available next month.
- Training will be provided online. Catherine will send online links for training options on YouTube. Please submit a report in response to the training you watch.
- Applications for the Historic Preservation Incentive Grants are open.
- Minutes and agendas are available to the public online.

- The HPC has a new logo.
- Next month is the Salisbury HPC's 45<sup>th</sup> birthday.
- National Park Services' Paul Bruhn Historic Revitalization Grant awarded to Salisbury: **\$543,185** (1 of 8 award winners—approximately \$5 million total distributed.)

This will be a Competitive Grant Program to fund structural and façade rehabilitation of commercial properties in the Salisbury Historic District. Grant will focus on projects such as roof repair/replacement, structural repairs, window and door restoration, and fire safety improvements. Anticipate a minimum private investment of \$100,000 with a re-imbusement of 25 percent of eligible expenses up to \$50,000.

Selection committee will likely be composed of the HPC Chair, the CAC Chair, two members from DSI, and City of Salisbury, NC Chief Financial Officer.

More details coming soon!

## **APPROVAL OF MINUTES**

August 20, 2020, minutes were approved as submitted.

*(HPC will enter a recess if there is time between case blocks)*

## **BLOCK #2 (BEGINNING AT 3 PM)**

### **H-26-2020, 1013 N Main Street—Marla Freil, owner/applicant**

Steve Cobb recused himself from the dais.

Stacie Freil was sworn in for testimony.

#### Request

Solar PV system roof mount and interconnection.

#### Identification of Property

The F. N. McCubbins House is located in the North Main Street Local Historic District. It is a Four Square style home built circa 1926 and listed as contributing. It is located midblock sitting high and tall.

#### Staff Findings

Staff finds that the project is incongruous with the character of the District because:

1. The proposed solar panels would be installed on the rear and side roof faces; the side roof faces are visible from the street. Because the house sits on a higher bank, the roof is still quite prominent to the pedestrian and the panels would be visible from both directions of Main Street (Guideline 3.7.3).



2. There is vegetation on both side property lines that helps mitigate the visibility of the panels, but if they were removed for functionality of the panels, the visibility is heightened (Guideline 3.7.3).
3. The rear elevation is not visible from the street or adjacent streets and it is acceptable to place the proposed panels on the rear roof face elevation as proposed (Guideline 3.7.3) and would not be visible from adjacent properties.

#### Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-26-2020 at the F. N. McCubbins House, located at 1013 N. Main Street, within the North Main Street Local Historic District (Parcel ID: 011 141), with the following conditions:

1. The panels on the side roof elevations shall be removed; only the PV panels for the rear roof elevation shall be permitted;
2. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
3. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Stacie Friel testified that to be in the government solar program there has to be a qualified amount of efficiency from the panels to offset the cost. They could move the thin black panels, which lay flat, behind the chimney. The roof pitch is shallow. More panels were needed since they were not putting panels on the front of the roof.

#### Public Hearing

Sada Stewart, Executive Director for Historic Salisbury Foundation (HSF), and C.J. Peters, 424 Park Avenue, were sworn in for testimony.

Sada Stewart said HSF has covenants on the property and supports the revisions. She noted the panels are flat and removable. Placement to the rear is appropriate.

C. J. Peters suggested that there are mitigating circumstances—color black on black is appropriate and the location on the roof limits visibility.

#### Deliberation

Not placing on the front so visibility is minimal; sits high from the roof, put on the back. You have to look for it to see it.

#### **Motion**

#### Findings-of-Fact

Jon Planovsky made the following MOTION: “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #H-26-2020:

1. That Stacie Freil, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 1013 N. Main Street and designated within the North Main Street Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 2&3 and incorporated herein; C. J. Peters and Sada Stewart appeared before the Commission to speak in favor of this project.
3. The findings are subject to the two conditions recommended by staff and incorporated herein. The panels are thin, the color is compatible, the low roof pitch and the panels will be placed behind the chimney.

Will James seconded the MOTION with all members VOTING AYE.

Roll Call: Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-0)

Action

Jon Planovsky continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-26-2020 subject to the conditions detailed in the Findings-of-Fact.”

Will James seconded the MOTION with all members VOTING AYE.

Roll Call: Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-0)

**H-27-2020, 305 E. Fisher Street–Louise Anise Robinson and William Harrison, owner/applicant; Michael Cotilla, City of Salisbury Code Enforcement Manager, agent**

Commissioners voted to have Steve Cobb return to the dais.

Michael Cotilla, Code Services Manager, Anne Lyles, Preston Sale, C. J. Peters, Candy Dickson and William Harrison were sworn in for testimony.

Request

Demolition.

Identification of Property

The Rufty-Henderson House is a vernacular Bungalow style built circa 1900 and considered fill in the Brooklyn South Square Local Historic District.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

1. Code Services has been working with the owner(s) of the structure to obtain compliance with Minimum Housing Code and the Historic District Design Guidelines. However, the owners have not brought the property into code compliance (Guidelines 6.5.1, 3.1.4, 3.4.1).

2. The owner/Code Services staff are unable to keep the property secured from trespassers, making vagrancy a large issue. This house has also been struck by a car on the front right corner and not been repaired, contributing to the structural deterioration of the property. (Guideline 6.5.2).
3. The structure's condition is so deteriorated that the demolition delay should be minimal, if applied, in order to protect the public's health, safety, and welfare.

#### Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-27-2020 at the Ruffy-Henderson House, located at 305 E. Fisher Street, within the Brooklyn South Square Historic District (Parcel ID: 010 335), with the following conditions:

1. There shall be no delay in demolition applied;
2. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
3. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Michael Cotilla testified that the property was issued an Order of Compliance for Minimum Housing Violations August 17, 2020; a hearing was held September 3, 2020 that no one attended. The property was cited on Section 10.51 of the Minimum Housing Ordinance. The property has not had utilities since May of 2014 when a final bill was issued. The structure was boarded up by the property owners in 2018 after being cited and does not meet code. There has not been any recent vagrancy issues as was the case before. The damage from being hit by a car has caused new safety concerns. There was no contact with the owners for two years.

William Harrison testified that he lives at 309 E. Fisher Street and the property was inherited from his parents. He said he was trying to keep the house. The work is slow. He said, "I am new to this!"

Commissioners were told that the house may not qualify for a grant because it is not owner occupied, but he should apply for the HPI Grant. The Commissioners explained his options.

#### Public Hearing

Anne Lyles, 409 E. Bank Street, and her family restored a house at 429 E. Fisher Street and 122 S. Shaver Street. "I have lived in the neighborhood for 29 years; we have an active neighborhood association. We would like to see the 300 block of E. Fisher Street come up to standard." She said she knows someone who is interested in buying the house. She would like to see the property saved. The house has potential since it is close to the downtown and the entertainment district.

Sada Stewart represented the HSF. "This is a fill building but the loss of any residential structure is detrimental to an historic neighborhood. I would encourage a stay of demolition so the owner has the opportunity to explore other options."

Preston Sale, 529 Park Avenue, agreed with Anne and Sada that the block was most challenging for the neighborhood.

Candy Dickson said the front of the house would need at least 6 months. The house has potential.

C. J. Peters, 424 Park Avenue, would like to see the house saved—it is difficult to replace housing.

Mr. Cotilla said he did not want to see Mr. Harrison put a lot of money in the property and then have to tear it down. It will need more than 6 months to meet minimum housing code. Water gets inside and vegetation is growing inside the house.

The Chair closed public comment.

Catherine Garner said that, in her experience, 6 months may not be enough time to save this house.

### Deliberation

None of us want to demolish buildings in historic districts. We don't want to insult the property.

There is community support to save the house. The neighbors and HSF may be able to advise the owner.

The owner does not have plenty of time and we need to keep pressure on this one. The owner has not convinced members that he is serious about the work needed. COVID could cause delays.

### **Motion**

#### Findings-of-Fact

Jon Planovsky made the following MOTION, "I have reviewed the case and all presented testimony and facts and I am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #H-27-2020:

1. That Michael Cotilla, agent for the City of Salisbury, applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 305 E. Fisher Street, owned by Louise Anise Robinson and William Harrison and designated within the Brooklyn South Square Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-3 and incorporated herein; William Harrison spoke to his intention to work on the property and bring it up to minimum housing standards. Sada Stewart, Candy Dickinson, C. J. Peters, Anne Lyles and Preston Sale spoke in favor of giving the property owner the maximum 365 days.
3. The findings are subject to conditions 2&3 recommended by staff and incorporated herein." (Remove #1 and Grant 365 days.)

Elizabeth Trick seconded the MOTION with all members VOTING AYE.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

Action

Jon Planovsky continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-27-2020 subject to the conditions detailed in the Findings-of-Fact. Grant 365 days to make improvements to the house to satisfy Code Enforcement and Minimum Housing Standards.

Gene Goetz seconded the MOTION with all members VOTING AYE.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

**H-28-2020, 128 W. Thomas Street–Pier & Curtain Homes, owner/applicant; Michael Cotilla, City of Salisbury Code Enforcement Manager, agent**

Steve Cobb was recused from the dais.

Dylan Ellerbee, 429 Park Avenue, Ann Coggins, 219 W. Marsh Street, Lori Marrero, 200 W. Thomas Street, Anne Lyles, and John Martin were sworn in for testimony.

Request

Demolition.

Identification of Property

The McCanless-Busby-Thompson House is a Colonial Revival located in the West Square Local Historic District. It was classified as contributing and built circa 1922.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

1. Code Services has been working with the owner(s) of the structure to obtain compliance with minimum housing code and the Historic District Design Guidelines for many years. However, the owners have not brought the property into code compliance (Guideline 6.5.1, 3.1.4, 3.4.1).
2. The house was suffering from demolition by neglect for many years prior to the current owner’s acquisition of the property. Since then, the property’s condition has improved but work has not been consistent, and the structure remains severely deteriorated. The structure’s condition is so deteriorated that the demolition delay should be minimal, if applied, in order to protect the public’s health, safety, and welfare.
3. However, the McCanless-Busby-Thompson house occupies a large parcel at the edge of the district and has a significant presence on its block and street. Thus, the property owner should be given a small delay in order to start up work to bring the property into compliance with minimum housing code or to find a more suitable candidate to do so.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-28-2020 at the McCanless-Busby-Thompson House, located at 128 W Thomas Street, within the West Square Historic District (Parcel ID: 015 333), with the following conditions:

1. There shall be a 90-day delay in demolition applied;
2. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
3. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Officer Cotilla said that the final utility bill was issued June 2012. The house is currently uninhabitable. This house has come before the Commission for demolition in 2012.

Dylan Ellerbee read a prepared statement announcing the purchase of the home by John Martin, a preservation activist financing the renovations. Dylan stated that Pier and Curtain had invested \$50,000 into the house along with their personal labor. His timeline was discussed.

This week they reframed the first floor; they are ready to build the walls for the second floor. “We are working with an engineer on how to support the second floor and how to attach the brick veneer to the new stud walls. We have to build up to the roof. (2-3 months)”

- 4 months to framing and dry it in with windows repaired and replaced.
- 5 ½ months all rough-in work to be completed.
- 7 months sheetrock and insulation completed.
- 9 months for flooring and interior paint.
- 12 months interior finishes and exterior renovations complete including landscaping and issuing a Certificate of Occupancy. Meet Code Minimum Housing Standards earlier in the year.

Officer Cotilla said the most important thing is to have the property secured.

#### Public Hearing

Ann Coggins lived at 219 W. Marsh Street in the same house for 93 years. This house was beautiful at one time and 20 years ago it could have been rehabbed and beautiful. She is in favor of preserving houses, but this house sat 6 months with no work being done to it. It is an eyesore in their neighborhood. “We have gone through this too many times.”

John Martin, 401 E. Trinity Avenue, Durham, NC—he has known Dylan and Taylor Ellerbee for a number of years. The reason things have not progressed is the cost of repair is more than it could be sold. “I don’t care because I love this house and I want to live in it. I am prepared and contractually committed to spend north of \$400,000 to restore this house to what it once was.” He requested a year to get the work done.

Lori Marrero, 200 W. Thomas Street, stated that the speed of repair has been disappointing. This house was an anchor to the neighborhood. That’s what we all want.

Sada Stewart said that 365 days is needed due to the burden of the cost of the renovations. “We are very fortunate to have Mr. Martin on board with this project.”

C. J. Peters reminded the commissioners he had voted to demolish the house when he served on the HPC, but the time to save the house has arrived. This is a good team to get the work done. Please grant the 365 days.

Officer Cotilla said, “We need the roof done and exterior paint; bring up to minimum housing.”

The last “stay” was under previous ownership. The special roof tiles are custom made and some reclaimed—the exact tiles. We need to get to weather-tight. Officer Cotilla said he would support granting 365 days. Quasi-Judicial decisions apply to the property and not the ownership.

### Deliberation

The desire and ability to renovate the property is very sincere. It clearly needs a tremendous amount of work. We are a little bit upset that this property has returned to HPC.

Elizabeth Trick said she was in favor of 5 months to meet minimum housing standards. “We gave them 365 days in the past.”

Jon Planovsky said in 6 months they should be able to meet the minimum housing standards.

Will James said this case is exemplary—a reason why the full 365 days should be granted. They have done their homework and gotten financing in place. This sends the right message. There is overwhelming evidence that the work will be carried out.

### **Motion**

#### Findings-of-Fact

Will James made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #H-28-2020:

1. That Michael Cotilla, agent for the City of Salisbury, applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 128 W. Thomas Street, owned by Pier & Curtain Homes and designated within the West Square Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-3 and incorporated herein; testimony provided by C. J. Peters, Ann Coggins, Dylan Ellerbee, John Martin, Lori Marrero and Sada Steward.
3. The findings are subject to the conditions recommended by staff, modified by this commission and incorporated herein—**Changing the delay period to 365 days.**”

Gene Goetz seconded the MOTION.

Roll Call: Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (6-0)

Action

Will James continue, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-28-2020 subject to the conditions detailed in the Findings-of-Fact.

Acey Worthy seconded the MOTION.

Roll Call: Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (NAY), Andrew Walker (AYE), and Acey Worthy (AYE) (5-1)

Steve Cobb was returned to the dais.

**H-29-2020, 329 N. Main Street–Rowan Investment Company, owner/applicant**

Arturo Therecka, Koco Java Coffee, was sworn in for testimony.

Request

Add awning to rear of building that matches the awning in the front, black Sunbrella fabric with 9” ridge skirt, KOCO JAVA in white block letter.

Identification of Property

Built around 1968 and located in the Downtown Local Historic District, this commercial building (previously a dry cleaner) is listed as non-contributing.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

1. The proposed awning will be of fabric material and will match the existing awnings on the front of the building (Guidelines 4.7.14; 4.7.15).
2. The proposed awnings will be mounted in a manner that does not damage or destroy the historic architectural features and will be mounted over the door. The awning will partially cover an upper story window; but the window does not provide light or access and will not be removed. The awnings could be removed in the future with no permanent damage to the window (Guideline 4.7.16).
3. The proposed awning is to be of similar materials, size, and scale of those found within the Downtown Historic District (Guideline 4.7.16)
4. No additional lighting is proposed with this application.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-29-2020 at the Commercial Building, located at 329 N. Main Street, within the Downtown Historic District (Parcel ID: 010 4234), with the following conditions:

1. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
2. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.



There used to be a fan in the window. The awning has a 48" projection from the building and the entire width of the back; the front projection is about 42". They used to use umbrellas outdoors but they kept flying away.

Public Hearing

No one spoke in favor or opposition.

Deliberation

Material, size, color are appropriate. The only question might be the awning covering about ½ of the upper window.

**Motion**

Findings-of-Fact

Gene Goetz made the following MOTION, "I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #H-29-2020:

1. That Arturo Theracka, agent for Rowan Investment Company, owner/applicant, appeared before the Commission and sought a Certificate of Appropriateness for the property located at 329 N. Main Street, and designated within the Downtown Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-4 and incorporated herein;
3. The findings are subject to the two conditions recommended by staff and incorporated herein."

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

Action

Gene Goetz continued, "I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-29-2020 subject to the conditions detailed in the Findings-of-Fact.

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

**H-30-2020, 126 E. Steele Street–Christine and Gene Goetz, owner/applicant**

Gene Goetz was recused from the dais and sworn in for testimony. Steve Cobb recused himself also.

Request

Replace asphalt roof on house with metal to match the garage (ca. 1909).

Identification of Property

This Late Victorian house is listed as pivotal and known as the 1893 Scales-Grubb House located in the North Main Street Local Historic District.

Staff Findings

Staff finds that the project is incongruous with the character of the District because:

1. No evidence has been uncovered that the original roof on the Scales-Grubb house was metal in material. The Guidelines support retaining and preserving historic roofing material whenever possible, and if replacement is necessary, to use new material that matches the historic in composition, size, shape, color, pattern, and texture (Guideline 3.4.2).
2. The roof is a significant feature of a Victorian house due to overall pitch and number of gables. A metal roof would overly emphasize the roof on the structure due to the reflectivity and sheen of the material, as well as the ribbing of the metal panels. Without documentation, the change is likely to create a false historical appearance as well as overly emphasize one portion of the house (Guideline 3.4.1, Secretary of the Interior's Standards #3 and #6).
3. While metal was a material utilized at the turn of the century, it is not an appropriate use on a pivotal structure without documentation of its previous existence. The use of metal on a utilitarian structure is appropriate (the existing garage), but, if used, the metal on a much finer structure (the Late Victorian main house) might not have been standing seam. Further information is also needed regarding whether the proposed is traditional standing seam or modern 5V metal roofing with exposed fasteners. The proposed color is also unknown. (Guideline 3.4.7)

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission deny H-30-2020 at the Scales-Grubb House, located at 126 E. Steele Street, within the North Main Street Local Historic District (Parcel ID: 011 398) pending further information regarding the previous existence of metal roofing on the structure.

Gene Goetz testified, "The decking is original on the house and causing problems." The nails are popping out causing holes and leaks. The asphalt on the rood needs replace, also. "We are looking for something long lasting. This simple Victorian is a roofer's nightmare."

During the early life of the house metal roofs were the least expensive.

This house was a "kit" house. Based on the laps seen in the attic, C. J. Peters believed that the roof was originally a cedar shingle (or slate roof). Materials were not defined on the plans. He did not see evidence of a metal roof, however, it was common to use metal after 1910. In 1915-1920 asphalt shingles became more common.

C. J. Peters suggested that guidelines should reconsider using metal roofs for replacement. “The Commissioners recently approved this exact same type of roofing at 228 S. Ellis Street.” The color has not been decided. This proposal is not a true standing seam roof. The slope of the roof is 14:12.

Catherine quoted #3 of the Secretary of Interiors Standards for Rehabilitation.

*Each property will be recognized as a physical record of its time, place and use. Changes that create a false historical sense of development such as adding conjectural features or elements from other historic properties will not be undertaken.*

### Public Hearing

Steve Cobb, 326 W. Bank Street, was sworn in for testimony.

Historic Salisbury Foundation has protective covenants on the property. They have expressed concerns to Mr. Goetz that a metal roof is not appropriate to the structure. We understand the advantages of longevity and cost, but must insist that a more traditional and appropriate roof be applied. We would help him explore what options he may have.

### Deliberation

The house on S. Ellis Street was a flat metal roof and it changed the characteristic of the house.

Elizabeth Trick suggested putting a cool roof on that greatly reduces the temperature of the asphalt shingles. Usually metal is twice the life cycle as asphalt.

Commissioners agreed that a modest roof is required—this is a lot of roof and angles. A metal roof would change the character of the house. Not in the guidelines to change material.

### **Motion**

#### Findings-of-Fact

Acey Worthy made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #H-30-2020:

1. That Eugene Goetz, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 126 E. Steele Street and designated within the North Main Street Local Historic District.
2. The proposed project is incongruous as detailed in the application and staff findings numbers 1-3 and incorporated herein. Additional testimony was provided by C. J. Peters to explain why he recommended a standing metal roof and Steve Cobb.

Jon Planovsky seconded the MOTION.

Roll Call: Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (5-0)

Action

Acey Worthy continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Facts and the adopted Historic District Design Guidelines that the Commission deny H-30-2020 based on the following: there is no evidence that a metal roof was an appropriate material for this project.

Jon Planovsky seconded the MOTION.

Roll Call: Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (5-0)

Commissioners voted Gene Goetz and Steve Cobb return to the dais.

**H-31-2020, 418 W. Monroe Street–Wellness & Arts Properties, LLC, owner/applicant; Wivianny DeHaas, agent**

Wivianny DeHaas was sworn in for testimony.

Request

Widen existing single driveway from 8 ft. wide to 12 ft. wide; change from gravel to stamped concrete driveway. Replace concrete walkway for pavers, add a privacy fence to side and back. Redo existing patio with pavers—old one is mostly buried on side of house.

Identification of Property

This Craftsman Bungalow house built Ca. 1910–1930 is located in the West Square Local Historic District and listed as contributing.

Staff Findings

Staff finds that the project is partially incongruous with the character of the district because:

1. The existing driveway width will be expanded by only 4 feet and will not constitute a significant change in the appearance or impact of the driveway on the existing property (Guideline 4.2.2). (go from 8 feet to 12 feet at entrance)
2. The house is situated such on its lot that there is not room in the rear of the property for the driveway to be relocated (Guideline 4.2.4).
3. The applicant proposed to widen the driveway into a 24 ft. by 36 ft. parking area at the side of the house. The width is equivalent to approximately three (3) parking spaces. This is a significant increase in paving area on the side of the house and will have a significant visual impact on the property. As designed, the expansive parking area is incongruous with the historic district and the Guidelines. (Guideline 4.2.4, 4.2.11, 4.2.12).
4. The stamped concrete material as proposed is utilized within the West Square District (Guideline 4.2.10).
5. The applicant is proposing to construct a walkway from the expanded parking area to the existing walkway in the front as well as in the rear yard, from the rear door to a proposed 16 ft. by 16 ft. stamped concrete patio. The applicant is proposing to construct the walkways with individual pavers. The front yard walkway from the driveway to the front door is incongruous with other properties in the historic district that have front and side

yard parking areas, as they typically do not have walkways connecting the parking to the house in the front. The rear yard walkway will be hidden by a privacy fence and is not incongruous.

6. The proposed 16 ft. by 16 ft. rear yard patio will reconstruct an existing patio in approximately the same area. The size of the existing patio is unknown. Since the patio will not be attached to the house, it will not damage or destroy historic fabric or create a false historical appearance and could be removed in the future. (Guideline 5.5.2, Secretary of the Interior's Standards #3, #9, and #10).
7. As proposed, the fence will be a wooden privacy fence approximately 6 ft. in height. It will extend beyond the rear corner of the house on both sides. On the western side of the house, the fence will end behind the room bump-out; on the eastern side it will end in front of the room bump-out. The house is situated with very little rear yard which has led the applicant to look at extending the fence for privacy. However, extending the privacy fencing beyond the room bump-out on the eastern side conceals some architectural features (Guidelines 4.4.7).

#### Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-31-2020 at the House, located at 418 W. Monroe Street, within the West Square Historic District (Parcel ID: 009 171), with the following conditions:

1. The expanded parking area shall not exceed twenty-four (24) foot wide to accommodate multiple cars without overpowering the side yard of the property with the visual impact of the parking area;
2. The proposed walkway from the parking area to the front of the historic building shall be removed from the plans;
3. The eastern side of the privacy fence shall end at the rear edge of the room bump-out and not conceal any portion of the bump-out;
4. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
5. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Wivianny DeHaas said a tree will be removed and is roach infested. This has been approved and a tree planted elsewhere on the lot. Her intention is to soften the fence and pavement with landscaping.

Wivianny and Catherine walked the commissioners through the project and answered questions in detail using current images. There is a public alley on the side of the house passing the bathroom and the 6-foot fence will allow for more privacy. This part of the fence will conceal the bay on the side of the house.

#### Public Hearing

No one spoke in favor or opposition.

Deliberation

Elizabeth Trick was concerned that the pavement and 6-foot privacy fence would not look residential.

Jon Planovsky recognized that the property is unique—we don't have another one like it. It is small in size, it abuts an alley, and they can't park in front of their house. They should be able to enjoy their back yard with a patio.

Acey Worthy said it makes a lot of sense to have the proposed walkway to the front of the house.

Steve Cobb agreed with the proposal—however, it is an awful lot of fence.

**Motion**

Findings-of-Fact

Steve Cobb made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #**H-31-2020**:

1. That Wivianny DeHaas, agent for Wellness & Arts Properties, LLC, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 418 W. Monroe Street and designated within the West Square Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-7 and incorporated herein;
3. The findings are subject to numbers 4&5 only conditions recommended by staff and incorporated herein.

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

Action

Steve Cobb continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-31-2020 subject to the conditions detailed in the Findings-of-Fact.

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

**H-32-2020, 428 N. Ellis Street–Kevin Britton, owner/applicant**

Kevin Britton was sworn in for testimony.

Request

Arbor/Arch of wrought iron; 8 ft. by 4 ft. on front walk; concrete extension of driveway to outbuilding 20 ft. wide by 8 ft. long.

Identification of Property

This Italianate Payne-Rice House was built circa 1878 in the Ellis Street Graded School Local Historic District and listed as contributing. In a lighter moment the owner, Kevin Britton, described the location as the last in the historic district and the first house in the “hood”.

Staff Findings

Staff finds that the project is not incongruous with the character of the District because:

1. The proposed arch/arbor will be constructed of an appropriate material for the district. The style is not incongruous with existing fencing on site and is appropriate for the historic district (Guidelines 4.4.2, 4.4.4).
2. The location of the arbor, which no portion of the arbor or its structure may be closer than five (5) feet to the right-of-way line per the Land Development Ordinance, will not be attached to the primary structure and will not obscure the historic structure’s visibility (Guideline 4.4.6).
3. A concrete driveway is existing on the property; the additional concreted area will be poured to meet the accessory structure (approved by minor works committee, 2019). The house and existing landscaping along N. Ellis Street will screen the additional concrete pavement from N. Ellis Street (Guidelines 4.2.3, 4.2.4, 4.2.7).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-32-2020 at the Payne-Rice House, located at 428 N Ellis Street, within the Ellis Street Graded School Local Historic District (Parcel ID: 006 448), with the following conditions:

1. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
2. Commission staff shall review and approve any revisions or deviations to any portion of the as-submitted work, that qualifies as a minor work, prior to commencement of that portion of the project.

Public Hearing

No one spoke in favor or opposition.

Deliberation

The arbor is attractive.

This house has HSF protective covenants.

**Motion**

Findings-of-Fact

Jon Planovsky made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following facts concerning HPC case #**H-32-2020**:

1. That Kevin Britton, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 428 N. Ellis Street and designated within the Ellis Street Graded School Local Historic District.
2. The proposed project is not incongruous as detailed in the application and staff findings numbers 1-3 and incorporated herein;
3. The findings are subject to the two conditions recommended by staff and incorporated herein.”

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

Action

Jon Planovsky continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission approve H-32-2020 subject to the conditions detailed in the Findings-of-Fact.”

Acey Worthy seconded the MOTION.

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (7-0)

**H-33-2020, 925 N Main Street – Ephrum Asburry III Schwartz-Laubhann, owner/applicant**  
**Withdrawn**

**ADJOURNMENT**

The meeting adjourned at 6:00 p.m.

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Andrew Walker, Chair

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Diana Cummings, Secretary