

HISTORIC PRESERVATION COMMISSION

Minutes November 12, 2020

The City of Salisbury Historic Preservation Commission met in regular session at 1 p.m. Wednesday, November 12, 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, Sue McHugh, Jon Planovsky, Elizabeth Trick, Andrew Walker and Acey Worthy

Absent: Will James 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. COVID 19 practices were part of the meeting explanation.

EX PARTE COMMUNICATION/ CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT

No ex parte communication; Steve Cobb is a member of the Historic Salisbury Foundation and will recuse himself for H-39-2020; Elizabeth Trick will recuse herself to testify for H-45-2020.

OLD CERTIFICATES OF APPROPRIATENESS

H-39-2020, 1008 N. Main Street–Ricky McSwain, owner/applicant

This case was tabled at the October meeting for more information. (The scheduled called meeting was cancelled.) Ricky McSwain and Catherine Garner were sworn in for testimony. Steve Cobb was recused from the dais. Jon Planovsky did not sit at the dais for H-39-2020 due to late arrival.

Request

Rebuild damage from fire.

Identification of Property

The C. L. Emerson House is located in the North Main Street Local Historic District. It is a Late Victorian style house built circa 1900 and listed at pivotal. A photo of the house in 1908 was provided for reference.

Staff Findings

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

1. Applicant proposes to use wood ship lap siding with wood trim custom milled to match the original siding that remains on the structure and existing decorative wood trim elements will remain on the N. Main Street façade. The stone porch and decorative stone balustrade will also remain. Existing wood windows will be salvaged and repaired (Guidelines 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.2.1, 3.2.2, 3.2.3).
2. The applicant will be reconstructing the roof at the existing roof pitch utilizing asphalt shingles to match existing (Guideline 3.4.1, 3.4.2)
3. The windows are proposed to be custom built to match the original based on evidence from a 1908 photograph, which are five-over-one windows with a central diamond shaped pane. The National Register document notes that there were diamond shaped mullions in the upper sash of windows in the front gable and turret, and those on the south elevation along the course of the stair. More information is needed from the applicant regarding the pane and panel division, mullion type, and other window details of the windows in question prior to installation (Guidelines 3.1.1., 3.3.2, 3.3.3)
4. On the southern-facing façade, the applicant is proposing to relocate the existing stair windows in order to add structural stability. While that is important, it is also important to retain as many original, character defining features and spatial relationships as possible, particularly on a street-facing façade (Guidelines 3.3.1, 3.3.10, 3.2.1, 3.2.7) *see resubmitted plan*
5. The plans indicate that the turret on the primary façade will be reconstructed at its original size. This is appropriate given the National Register notation of this “five-sided turret” as a distinguishing feature of the home (Guideline 3.2.2). The roofed portion behind the turret’s roof is proposed to be taller—at the same height of the main roof line and the rear elevation dormer addition. However, this is not detrimental to the project.
6. The applicant is proposing changes to the previously existing rear additions: a first floor re-sized shed dormer addition with a rear facing cross gable and a reconstructed dormer roof on the second floor. The size of the previous second floor dormer addition destroyed by fire is unknown. The current first floor addition does not extend the full length of the home; a shed roofed addition is inset on the southern end of the home and continues to the north but is intercepted by a westward facing gabled room addition. The wall, as existing, has one door in the gabled room addition; two windows and a door on the western facing wall of the shed roof addition and a door on the southern facing wall of the shed roof addition. The proposed reconstruction now brings the shed roofed addition all the way to the edge of the structure and retains the western facing gable roof addition. However, the shed roof is proposed to continue on the north side of the room addition to create an engaged patio on the northern end, which will be discussed in subsequent bullet points.

The first floor addition meets some of the Guidelines for additions; even as enlarged its size and scale will not visually overpower the historic building; the siding material is proposed to be wood, and the windows will be constructed to match those on the rest of the building. However, the first floor addition does not meet several Guidelines for additions. While the siding is proposed to be wood, it should be differentiated from that of

the existing structure in order to visually represent the transition from historic to new construction, especially as the historic addition is to be resized. The fenestration pattern is not continued evenly along the southern façade elevation along W Miller Street. One window opening on the northern-most end of the rear wall of the historic building will be custom made to match the original opening size but the height is proposed to change, making it incongruous to the historic structure. The door in the gabled room addition will be converted to a window, and the door on the southern facing wall along Miller Street will be removed all together. Furthermore, no information has been provided regarding the proposed new door on the rear elevation, or any handrails to the proposed rear stair. No dimensions have been provided (Guidelines 5.4.1, 5.4.2, 5.4.3, 5.4.4, 5.4.5, Secretary of the Interior's Standards #9, and #10).

- ~~7. On the northern end of the rear, first floor addition, the applicant is proposing a patio that is actually an engaged porch (under roof, tucked in a corner between walls) in the space of the end of the new addition and the rear wall of the historic structure. This would be accessed by a new door in an existing location, but no details have been provided regarding the door design. The patio will have wood posts, presumable to be wood, and there will be wood decking. The height of the deck has not been provided. While it meets the Guidelines for materials, it does not meet the Guidelines for design. Deck additions should be constructed so that it could be removed in the future without any loss to the historic fabric of the building. This engaged porch style is a modern design and is not appropriate for a pivotal structure (Guidelines 5.5.1, 5.5.6, 5.5.7).~~
8. The applicant is proposing to rebuild a second floor dormer addition on the southern end of the structure. Details of the original dormer are unknown due to fire destruction, but was determined to likely have had a hipped roof based on photographs. The applicant has redesigned the rear dormer to have a hipped roof. While it appears the size will remain the same based on the location of the roof line in conjunction with the main body roof, the visual impact of the dormer and its roof is minimized by the hip roof, which appears to cut off some of the roof portion. However, the use of the same siding material does not distinguish this as an addition and would similarly provide a false historical look (Guidelines 5.4.1, 5.4.2, 5.4.3, 5.4.4, 5.4.5).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-39-2020 at the C. L. Emerson House, located at 1008 N. Main Street, within the North Main Street Local Historic District (Parcel ID: 003 290) subject to the following conditions:

1. Applicant shall provide detailed window information to staff for approval prior to installation. The windows shall be five-over-one with the central diamond pane to match the 1908 photograph;
- ~~2. The window placement on the historic portion of the southern elevation shall not be revised; all existing window openings shall be preserved;~~
- ~~3. The five sided turret on the primary, eastern elevation, shall be preserved. No dimensional changes shall be permitted;~~
- ~~4. Wood siding on the rear, second floor addition shall be a different design in order to differentiate the new additions from the historic structure;~~

- ~~5. Second story dormer shall be reduced in height to further differentiate the new construction from the historic building;~~
- ~~6. The engaged porch on the rear elevation shall be removed from the plans. The roofline shall be revised to follow the walls. The exterior door and stair may remain subject to Condition #7;~~
7. Door and handrail designs for both rear doors shall be provided to staff for review approval prior to installation;
8. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
9. 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. McSwain said the three “stair-step” windows will be fixed and not functional to improve the structural integrity. The foundation will be “straight”.

Public Comment

Karen Hobson, 302 S. Fulton Street, was sworn in for testimony. She said that she supports the work and hopes that he is given a chance to rebuild this house. Mr. McSwain is a craftsman. “The Design Standards are guidelines and not law.” The house tax value is \$100 and for all intents and purposes should be demolished. The house was not original—six feet were added to the south end and other things. The house was not structurally sound when he bought it from HSF.

Greg Rapp, 304 E. Bank Street, was sworn in for testimony. He is a realtor who supports Mr. McSwain’s rehabilitation of this house. Local rear elevations reveal a traditional hodge-podge of back porches, kitchens, bathrooms, etc. added over the years. The porch is a nice addition to the house. Rain got into the house today. (Salisbury area received a record 4.25 inches in a single day.)

Steve Cobb was sworn in for testimony. He spoke on behalf of Historic Salisbury Foundation that also supports the submitted plans and looks forward to seeing the house completed. He has submitted a very attractive solution to the water problem.

Deliberation

Chair noted that the Commission had said at the last meeting that the porch is acceptable. The three things the Commission asked for was more information on (1) the roof configuration for the second floor dormer and has been provided, (2) he has addressed the three windows, (3) and the dimensions of the turret which are acceptable.

Items in staff findings can be removed: 7.

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-39-2020:

1. That Ricky McSwain, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 1008 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 1, 2, 3, 4, 5, 6, and 8 are incorporated herein; additional testimony was provided by Steve Cobb, Karen Hobson and Greg Rapp who spoke in favor of this project.
3. The findings are subject to the conditions 1, 7, 8, and 9 (remove 2, 3, 4, 5 and 6) recommended by staff and incorporated herein.”

Gene Goetz seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Gene Goetz (AYE), Sue McHugh (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-Fact and the adopted Historic District Design Guidelines that the Commission approve H-39-2020 subject to the conditions detailed in the Findings-of-Fact.

Sue McHugh seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Gene Goetz (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), and Acey Worthy (AYE) (5-0)

The Commissioners motioned Jon Planovsky to the dais. All agreed.

NEW CERTIFICATES OF APPROPRIATENESS

H-41-2020, 509 E. Fisher Street—Mirna Pineda, owner/applicant; Ken Weaver, agent

Ken Weaver, 529 Park Avenue, was sworn in for testimony.

Request

Windows and doors. Front and back door and wood framed 2 by 2 windows. Wood siding to match existing siding. Demolition of front porch addition and restore to the original front porch.

Identification of Property

Catherine Garner made a staff presentation identifying the Atwell-Thompson House located in the Brooklyn South Square Local Historic District. It is a frame vernacular style listed as contributing and built in two phases—Ca. 1900, 1950.

Staff Findings

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

1. Applicant proposes to re-clad the historic structure with wood siding to match the existing in width, profile, and thickness per Guidelines 3.1.3, 3.1.4, 3.2.1.
2. Applicant is proposing to add new windows on the front left (currently enclosed porch) and on all sides of the structure to match the existing windows. This would be double-hung wood windows with two-over-two panes. Existing wood windows should be repaired rather than replaced (Guidelines 3.3.1, 3.3.2).
3. The front door is proposed to be replaced with a door and sidelights. No information was submitted regarding the door/sidelight design, or dimensions. However, the existing door does not contain a sidelight. Without pictorial evidence to confirm the previous existence of sidelights, the sidelights should be removed from the proposal. Final door design must be resubmitted to the Commission for approval (Guideline 3.3.10).
4. The roof structure and material are proposed to remain the same and are consistent with Guidelines 3.4.1.
5. The current porch is partially enclosed on the left, or eastern end. The applicant is proposing to remove the enclosure and restore the porch to a nearly full-width front porch. No evidence of the porch's previous design has been submitted, and the National Register description of the house describes the enclosure as well, but notes that a portion of the original turned balustrade remains. The applicant's design does propose a historically accurate porch that is not incongruous with the architectural style of the house or the similar neighboring houses. The porch should retain its dimensional configuration, wood material, and tongue and groove porch flooring. The balustrade should be replicated off the original design (Guidelines 3.5.1 and 3.5.4).
6. Paint color information has not been submitted to staff for review; conformance with paint color guidelines will be handled at a minor works level.
7. Location of mechanical equipment has not been identified. Per Guideline 3.10.2, the mechanical equipment shall be located in areas that require the least amount of alteration to the appearance and the materials of the building, such as the rear façade and should be screened from view (Guideline 3.10.2).
8. The elevation plans do indicate that the reconstructed portions of the building do have details that will complement the architectural details of the contributing structures in the district, particularly the architecturally similar structures adjacent to the structure in question (Guideline 5.3.5).
9. However, the proposed elevation of the rear addition on the left elevation has a large expanse of blank wall next to the existing chimney. This is not directly visible from the street and is not detrimental to the overall plans (Guidelines 5.3.7).
10. The applicant is proposing to add an open porch on the rear façade of the structure. The proposal is not incongruous with Guidelines 5.5.1 and 5.5.2 which state the porch should be located as inconspicuously as possible on the rear or least character defining elevations. In conformance with Guideline 5.5.6, the porch should be constructed of wood with tongue and groove floor boards to match the front porch.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-41-2020 at the Atwell-Thompson House, located at 509 E Fisher Street, within the Brooklyn-South Square Local Historic District (Parcel ID: 019 123) subject to the following conditions:

1. Applicant shall provide detailed information on all doors to staff for approval prior to installation. On the front elevations, the sidelights flanking the doors shall be removed unless pictorial evidence is submitted indicating their previous presence on this structure;
2. The front porch shall retain the tongue and groove flooring and the balustrade shall be constructed to match the historic balustrade on the structure;
3. Paint colors shall be submitted to staff for review for conformance with Chapter 3.9;
4. Mechanical equipment location(s) shall be submitted to staff for review for conformance with Chapter 3.10;
5. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
6. 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.

Staff shared photos of the house and drawings.

Mr. Weaver mentioned things that changed (like removing the back door, porch and chimney) since the application was submitted. The front elevations is the way they want it; the rear elevation is not what they want it to be. Windows will change.

Andrew Walker asked for updated drawings—there are too many changes.

Action

Sue McHugh made a MOTION to table H-41-2020 to the December 10, 2020, HPC meeting for updated drawings. Motion was seconded by Jon Planovsky with all members VOTING AYE.

Staff will meet with Mr. Weaver to see what restoration can be done within the guidelines to help him move forward.

Commissioners made a MOTION to return Steve Cobb to the dais. All agreed.

H-42-2020, 300 W. Thomas Street–Fitzpatrick Whall, owner; City of Salisbury, applicant; Michael Cotilla, agent

Code Services Manager Michael Cotilla was sworn in for testimony.

Request

Demolition

Identification of Property

This Four Square McCanless-Goodman-Yost House is located in the West Square Local Historic District. Built Ca. 1927 it is listed as contributing. This was part of Salisbury's first historic district expansion.

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 has suffered demolition by neglect for many years 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-Goodman-Yost house is the first in a row of five almost identical houses built in 1927 by Walter F. McCanless, son of Salisbury's Napoleon Bonaparte McCanless (NR Nomination, pg. 7-48). Thus, the property should receive a delay in demolition to give the owner time to transfer ownership to other interested parties.

Photographs of the structure were shared.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-42-2020 at the McCanless-Goodman-Yost House, located at 300 W. Thomas Street, within the West Square Historic District (Parcel ID: 015 161), with the following conditions:

1. There shall be a 365-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.

Mr. Cotilla provided a timeline of the numerous minimum housing code violations for this property. A hearing was held September 2019, with the owner, citing the abandoned structure ordinance. The house is unfit for human habitation and is a public nuisance. Fines owed the City of Salisbury are up to \$9,150. The deed holder is in process of foreclosing the property.

The porch columns are rotted through.

Public Comment

Sada Stewart, 313 S. Shaver Street, was sworn in for testimony. She stated that the Historic Salisbury Foundation supports a full delay of demolition for this struggling property. It is located on a corner and could be brought back as a showcase property if given the chance.

Laura Shaffer, 612 S. Jackson Street, was sworn in for testimony. This house is in her view. It has been sitting here for 20 years in poor condition and is now a safety hazard. Not necessarily in favor of demolition, however, there needs to be a timeframe to have it fixed or demolished. It cannot sit like it is much longer.

Dajuan Savage, 5827 Vernon Court, Charlotte, NC was sworn in for testimony. He owns a construction company that specializes in rehab, remodel and demolition. The house is past its time.

It has continuous issues and is an eyesore. Owners are running out of money. If it is not demolished the owner should show due diligence by lining up a construction budget and a plan of action.

Greg Rapp, 304 E. Bank Street, believes the house can be saved and asked for maximum of 365-day delay.

Deliberation

This is a very important house in this area—on the corner and one of five. The debt to the city does not transfer to the new owner. The commissioners do not want it to stand idle only to be torn down in a year. An incentive should be provided for immediate action to get the house back on the market and into the hands of someone who can do a good job fixing it up.

The commissioners discussed what a shortened time period should be. Banks are not moving quickly because of COVID 19. NC has a moratorium on foreclosures.

Finding-of-Facts

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-42-2020**:

1. That Michael Cotilla, agent for the City of Salisbury, applicant, appeared before the Commission and sought a Certificate of Appropriateness for the property owned by Fitzpatrick Whall located at 300 W. Thomas 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 1-3 and incorporated herein; testimony provided by Sada Stewart, Greg Rapp, Laura Shaffer, and Dajuan Savage.
3. The findings are subject to the conditions, modifying #1 to a 6-month delay in demolition applied, recommended by staff and incorporated herein.

Sue McHugh seconded the MOTION.

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

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-42-2020 subject to the conditions detailed in the Findings-of-Fact.”

Sue McHugh seconded the MOTION.

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

H-43-2020, 1526 N Main Street–Rachel Olson, owner/applicant - WITHDRAWN

H-44-2020, 501 W Council Street–Maci Edwards, owner/applicant - WITHDRAWN

HISTORIC LANDMARK APPLICATIONS

Staff has not received any new applications. One report has come back from SHPO and we are awaiting one more.

APPROVAL OF MINUTES

October 14, 2020, minutes were approved as submitted.

OTHER BUSINESS

Minor Works

The minor works report was received by the commission.

Rules of Procedure

The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter.

The state references have changed so Catherine has been updating Salisbury. The design guidelines will now be referred to as design standards. Appeals go directly to Superior Court. Language added to clarify conflicts of interest.

The Commission adopted the updated Rules of Procedure adding the language to clarify conflicts of interest.

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

BLOCK #2 (BEGINNING AT 3 PM)

H-45-2020, 115 S. Jackson Street–Bell Tower Green, Inc., owner/applicant; Bill Burgin, agent

Bill Burgin was sworn in for testimony.

Request

Dining room expansion on the north side of building–replacing previous sun room enclosure; a covered porch on the south side to redefine the main entrance, cold storage enclosure from kitchen and new trash bin enclosure to replace demolished dumpster area.

Identification of Property

Catherine Garner identified the Federal style building as the Salisbury Female Academy (Wrenn House) located in the West Square Local Historic District. Built Ca. 1838-1839 it is listed as contributing.

Mr. Burgin provided renderings of the proposal.

Staff Findings

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

North Elevation:

- ~~1. The historic windows on the north side of the U will be enclosed by a hallway addition. The hallway addition will have a rectangular bank of windows. Additions should be designed so that they are compatible but not falsely duplicating the original structure. The fenestration on the upper story addition does not compliment that of the historic structure in terms of style, spacing, and size. No information has been provided regarding the windows material. (Guidelines 5.4.2, 5.4.5);~~
- ~~2. The first floor room addition fills in the U-shape of the building. It is just barely stepped back from the historic exterior walls. It is large in relation to the entire building and changes the physical characteristics of the historic building. While it is not the front façade, it is still a primary elevation as it fronts Innes Street and maintains a large street presence on both Jackson and Innes Streets. (Guidelines 5.4.1, 5.4.2, and 5.4.3);~~
- ~~3. The first floor room addition fenestration also lacks compatibility with the fenestration of the historic structure (Guidelines 5.4.5);~~
- ~~4. The roof top deck will extend to the edge of the roofline of the first floor addition and will be flush with the exterior walls of the historic structure and is in conflict with guidelines 5.5.1, which states that decks and terraces should be located as inconspicuously as possible, and Guideline 5.5.5 which states that the activities on a roof top deck should be stepped back to minimize visibility;~~
- ~~5. The cold storage room addition connecting the main building with the accessory building impacts the spatial relationship between the two historic buildings. The cold storage room addition should be shifted over to the south to further reinforce the historic relationship between the buildings while providing functionality for the new use (Secretary of the Interior's Standards #2, #9).~~
6. The siding proposed on each addition elevation is Hardie Plank clapboard. While it is not seeking to imitate the historic building material, Guidelines for additions does state that additions should use materials that are similar to those commonly found in the historic district such as brick, stone, stucco, wood and metal. Hardie Plank is a material that is notoriously difficult to remove once applied and the impact that the hardie may have on the brick it touches should be considered. Should any future tenants wish to change the design of the additions or remove them in the future, it may have an impact on the historic materials. In addition, the National Register describes this property as one of great local importance. The materials utilized should be consistent with its prominence in the district (Guidelines 5.3.1).

South Elevation:

7. The porch addition is consistent with the design of the historic front porch. The columns appear to be similar to the historic with slight differences to not replicate the historic design or create a false historical appearance (Guidelines 5.5.4, 5.5.5);
8. The applicant is proposing to change two existing windows into doors. While replacing a window with a door is not appropriate per the Guidelines, utilizing the existing openings does prevent further loss of historic fabric on the building by requiring new openings to be cut into the brick (Guidelines 3.2.7, 3.3.1, 3.3.10, 5.4.5);
9. The patio is proposed to be concrete pavers and will be limited to the sides and rear of the structure without removal of the front yard landscaping. With this design, the patio areas could be removed without damage to the historic structure (Guidelines 5.5.2, 4.1.3, 4.1.6).

Other Site Features:

10. Addition of hand railing on all elevations is needed for safety and is consistent with historic materials and design (Guidelines 3.8.2, 3.8.3)
11. Festoon lighting as proposed is not intrusive as lighting or permanently installed and could be removed with no damage to historic structure (Guidelines 4.3.2, 4.3.4, 4.3.6).
12. The fencing to screen the trash receptacles is consistent with the site and historic materials (Guideline 4.4.2).
13. The area marked “donor plaque wall” should not be reviewed by the Commission but will be reviewed by staff for consistency with the signage review process.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve **as amended** H-43-2020 at the Domestic Loans & Affiliates Building, located at 106-108 W. Innes Street, within the Downtown Local Historic District (Parcel ID: 010-2 472), with the following conditions:

- ~~1. The first floor addition should be reduced in size in order to be recessed more reduce visual intrusion on the original plan of the building;~~
- ~~2. The roof top deck should be reduced and the guardrail stepped back from the edge of the roof in order to make it less conspicuous per Guidelines 5.5.1 and 5.5.5.~~
3. The siding of all additions shall be wood clapboard to ensure historic compatibility and protect all other historic materials of the building;
4. Staff shall review information regarding the donor plaque wall for consistency with the Guidelines and the signage ordinance;
5. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
6. 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.

Bill Burgin added, “This is an important element to the new park.” He stated that the goal is to make this a successful restaurant. Previous owners of the restaurant and others who are in the business of operating restaurants have provided some insight about what this location needs for its adaptive reuse. The restaurant and the park will support each other.

He explained what they did and why they did it. “Historic buildings do better when they are occupied.” He began with the filling in of the u-shape (enclosure to create an indoor space) to provide a clear view of the park, bell tower and gazebo which will all be heavily landscaped. The setback is 16” in the interest of restaurant seating numbers.

The last section of the Wrenn house was built around 1975. Mr. Burgin showed where the historic section of the building stopped on the back side of the “U”. The out building was built about the same time.

The refrigerator/freezer location was an issue in the past, so a walk-in cooler with access to the kitchen was included. The location of the grease trap and the east elevation has to be considered.

He reviewed the patios. The patios were approved out of concrete; however, the material is changed to brick. The main entrance has changed from Jackson Street to the park so as not to turn their backs to the park. The Jackson Street entrance could be used for the second floor events. On the south elevation, two doors are proposed for kitchen staff to get from the kitchen to the patios. There will not be a second floor kitchen.

There are two panels that are not actually windows.

Adding an elevator will make the upstairs handicap accessible to an area for catering and private parties. They don’t know where a bar might go. The location of the elevator serves both entrances well and a fireplace is not lost.

Mr. Burgin answered questions from the commissioners.

Public Hearing

Sada Stewart stated that she believed this project is well thought out. When it comes to preservation ethic, they have considered all the important things. She did not disagree with staff—certainly the new atrium could be more subordinate to the original structure, but this is much better than what was in place. They continue to highlight the historic section of the original building. “Historic buildings thrive when they are used.”

Deliberation

Gene Goetz had concerns about drastically changing the historic appearance and character of the building to match the needs of a restaurant.

We have real quality infill in this proposal. There are a lot of constraints when you try to rehab a building—a particular challenge when you don’t know who you are designing for.

Jon Planovsky does not want to see Hardie plank used—wood is the appropriate material. Clearly additions are being made covered under the guidelines of new construction. They are not trying to mimic historic details. The additions compliment the structure. Sue McHugh said that improving the functionality of the building is key to keeping the building occupied. She went on to ask if the aluminum clad storefront windows meet the design guidelines. This sparked a conversation that landed on the fact that it is a modern addition.

The elevator is very intrusive. Andrew Walker said that it spoils the character of that elevation. “I would like to see them explore other options for that.” Elizabeth said, a “blockie” elevator conflicts with the premiere view.

All agreed that having a restaurant in this location will be an asset to Salisbury.

Staff recommendations remove 1&2–keep 3, 4, 5, 6.

Staff finding remove 1, 2, 3, 4, 5–keep 6-13. Add the elevator.

Motion

Findings-of-Fact

Sue McHugh 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-45-2020**:

1. That Bill Burgin, agent, for Bell Tower Green, Inc., owner/applicant, appeared before the Commission and sought a Certificate of Appropriateness for the property located at 115 S. Jackson 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 6-13 and the added finding that the elevator will be constructed in a manner that agrees with the design guidelines incorporated herein; additional evidence was provided by Sada Stewart on behalf of the Historic Salisbury Foundation favoring the project; the findings are subject to the 4 (3, 4, 5, 6) conditions recommended by staff and incorporated herein.”

Jon Planovsky seconded the MOTION with all members VOTING AYE. (7-0)

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

Action

Sue 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-45-2020 subject to the conditions detailed in the Findings-of-Fact.”

Jon Planovsky seconded the MOTION. (5-2)

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

H-46-2020, 106-108 W. Innes Street–Starburst Properties, owner/applicant; Elizabeth Trick, agent

Elizabeth Trick was recused from the dais and was sworn in for testimony.

Request

Front Elevation – clean brick and repaint already painted brick to match existing color. Replace rotten plywood soffit with fiber cement panel and paint to match existing color. Rear Elevation – Patch and paint existing stucco. New commercial kitchen hood, new awning and light.

Identification

Catherine Garner identified the commercial vernacular style Domestic Loans & Affiliates Building located in the Downtown Local Historic District. It was built ca. early 20th Century and listed as non-contributing. The first-floor storefront contributes to it being non-contributing.

Staff Findings

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

- ~~1. The proposed fiber cement board and trim, which would be utilized on a primary façade, does not retain and preserve original materials and architectural details, and as replaced, will not match the historic material in size, shape, color, pattern, or texture (Guideline 3.1.1, 7.5.1; Guideline 3.1.3, Guideline 7.5.2);~~
- ~~2. The existing material, which is wood, is technically feasible and readily available and the proposed use of the synthetic material does not meet the criteria for its use, which is when the original, or historically appropriate material is no longer available or feasible (Guideline 3.1.5, Guideline 3.1.10)~~
- ~~3. The use of a contemporary synthetic material is not appropriate on a primary elevation in the historic district and should not be a substitute for proper maintenance and care of a historic structure (Guideline 3.1.10, Secretary of the Interior's Standards #6)~~
- ~~4. Though the façade is not original to the structure, the changes as proposed do not bring the façade closer to their historical appearance. When making changes to an altered façade, it is recommended that the non-historic storefronts or treatments be removed (Guideline 7.5.3).~~
5. The rear awning is proposed to be a pre-fabricated ribbed sheet metal awning. While there are other examples of metal awnings in the district, all of these awnings are incongruous with the Guidelines. Historic awnings were canvas material; thus, metal awnings are not appropriate and should not be approved per Guideline 4.7.14.

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

6. The proposed double door combination will fit within the existing door opening and will provide customer access from the rear façade when parking is adjacent to parking areas. The half-light door style is appropriate to downtown commercial buildings. The material is unknown. (Guideline 3.10.6);
7. The mechanical equipment, including vent hood, will be located on the rear elevation of the building and not visible from public streets (Guideline 3.10.2);
8. No information was provided on the proposed light above the rear door; however the fixture will be obscured underneath an awning (Guidelines 4.3.3, 4.3.7).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve **as amended** H-43-2020 at the Domestic Loans & Affiliates Building, located at 106-108 W Innes Street, within the Downtown Local Historic District (Parcel ID: 010-2 472), with the following conditions:

1. ~~The applicant shall install appropriate wood siding underneath the front awning to be appropriate per the Historic District Design Guidelines 3.1.1, 3.1.3, 7.5.1, 7.5.2~~
2. The applicant shall install wood doors on the rear elevation and shall provide spec details to staff prior to installation;
3. The rear awning shall be canvas to match existing front awnings and to comply with Guidelines 4.7.14.
4. The applicant shall receive minor work approval for paint colors selected by the property owner prior to applying paint to the structure;
5. The applicant shall provide spec details of proposed light fixture to staff to ensure that the fixture itself will comply with Guidelines 4.3.2, 4.3.4, and 4.3.6 regarding style and light spillage onto adjacent properties.
6. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
7. 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.

Elizabeth Trick addressed staff finding #6, “We are going to demo a small section of a wall to the left of the existing door to allow for two separate doors (expanding 16”). The lower floor will be a restaurant and the upper floor offices; they want a separate entrance for each level. She described the lighting as a 48” bar. She provided samples of colors and material for awnings.

Downtown fire district requires building exteriors use non-combustible materials. The Innes Street façade is not original and the plywood on the exterior behind the awning has deteriorated over the years. They request to replace it with painted fiber cement. (COVID 19 has affect supply chains.)

The storefront slopes.

Public Comment

No one spoke in favor or opposition.

Deliberation

Applicant is OK changing the awning. Elizabeth is asking for an exception because there is an occupant for the restaurant and they want to get going. COVID has made it a problem to get wood. It could be acceptable because the fiber cement is not at eye level and will be obscured by the awning. The fiber cement board does match in appearance. Jon is the only one who said he had a problem with the exception to the wood.

Motion

Findings-of-Facts

Sue McHugh 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-46-2020:

1. That Elizabeth Trick, agent for Lloyd Nickerson, Starburst Properties, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 106-108 W. Innes 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 5-8 and incorporated herein; evidence from Ms. Trick that materials will be out of view.
3. The findings are subject to numbers 2-7 of the 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), Sue McHugh (AYE), Jon Planovsky (AYE), Andrew Walker (AYE), and Acey Worthy (AYE)

Action

Sue McHugh continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Guidelines that the Commission that the Commission approve H-46-2020 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) Sue McHugh (AYE), Jon Planovsky (NAY), Andrew Walker (AYE), and Acey Worthy (AYE) (5-1)

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

Andrew Walker, Chair

Diana Cummings, Secretary