

# HISTORIC PRESERVATION COMMISSION

## Minutes March 18, 2021

The City of Salisbury Historic Preservation Commission met in regular session at 4 p.m. Thursday, March 18, 2021, at 217 S. Main Street in the Council Chamber.

**Present:** Steven Cobb, Will James, Sue McHugh, Elizabeth Trick, Andrew Walker and Acey Worthy

**Absent:** Eugene Goetz, Jon Planovsky, and Larry Richardson

**Staff Present:** Hannah Jacobson, Emily Vanek, and Diana Cummings

### CALL TO ORDER AND INTRODUCTIONS

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

### PURPOSE AND PROCEDURE

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

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

NONE

### NEW CERTIFICATES OF APPROPRIATENESS

**H-47-2020, 105 E. Fisher Street–Wallace Properties, owner; YYZ LLC, owner; Sweet Meadow Café, applicant/agent**

Hannah Jacobson, Emily Vanek, Heather Hopkins Teeter and Max Rohlring were sworn in for testimony.

#### Request

After-the-fact outside patio deck; 24 ft. by 24 ft.; wooden privacy fence, 24 ft. by 24 ft. by 20 ft.

Hannah Jacobson made a staff presentation. This is listed as a Beaux-Arts commercial building built circa 1890-1910 and it is contributing to the Downtown Local Historic District.

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

1. Applicant is seeking a COA to keep the wooden platform patio deck constructed behind the commercial building within an alley/parking area. When originally built, this patio deck

crossed a property boundary. The patio deck has been reconstructed so it is located on parcel ID 010 6574.

2. The patio is constructed solely of wood and is approximately 576 square feet. It is surrounded by a wood privacy fence (Design Standard 5.5.6) The application states that the fence is 20 feet in height—pictures show that it is not 20 feet in height.
3. The deck has been located at the end of an alley completely behind the building fronting E. Fisher St. This location is acceptable per Design Standard 5.5.1.
4. Guideline 5.5.4 states that all rear decks and terraces should be screened from public view; however, the location is effectively screened from view by the building and the narrow nature of the alley.
5. Festoon lighting has been installed within the walls of the patio but this lighting is not incongruous with the lighting guidelines, for it is a subtle lighting quality and provides adequate safety without detracting from or overly emphasizing the building (Guidelines 4.3.3, 4.3.4).
6. The patio is currently accessed by wood stairs from the rear of the building. Once moved to meet zoning ordinance requirements, additional stairs may be required. They were able to use the same stairs to the deck.

### **STAFF RECOMMENDATION**

Based on the preceding findings, staff recommends that the Commission approve H-47-2020 at the Commercial Building, located at 105 E. Fisher Street within the Downtown Local Historic District (010-6 574) subject to the following conditions:

1. If additional stairs are required to access patio once completely moved onto adjacent parcel, the stairs shall be constructed of wood.
2. The privacy fence walls shall be reduced in height to six (6) feet in order to meet Design Standards 4.4.7;
3. The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
4. 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.

Heather Teeter admitted that she did not follow proper procedures to build the deck due to panic related to the COVID 19 pandemic and an effort to help her business survive.

### **Discussion**

It looks like the project has been corrected and is now in compliance. Acey noted that the parcel ID 010-6574 should be used and not the Fisher Street address to identify the project.

### **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-47-2020**:

1. That Max Rohlfing, agent for Belle Realty, LLC and YYZ LLC owners/applicants and Heather Hopkins Teeter agent for Sweet Meadow Café, appeared before the Commission and sought a Certificate of Appropriateness for the property located at parcel ID 010-6574 and designated within the Downtown Local Historic District.
2. The proposed project is not incongruous as detailed and meets the Design Standards for materials, height, lighting and location.
3. No further evidence was provided.”

Acey Worthy seconded the MOTION with all members VOTING AYE.

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE) (6-0)

### **ACTION**

Sue McHugh continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Standards that the Commission approve H-47-2020.

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

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

### **H-03-2021, 310 S. Shaver Street–Lennox Meyers Trust, owner, Zach Mendelson, applicant/agent**

Zach Mendelson was sworn in for testimony.

#### Request

After-the-fact front door replacement.

#### Identification of Property

Emily Vanek made a staff presentation.

Located in the Brooklyn South Square Local Historic District, the William Boggs House is listed as contributing to the district. It was constructed ca. 1902 in the Late Victorian Vernacular.

#### Staff Findings

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

1. The applicant replaced a non-original door with a modern style half-light door. The previous, non-original door featured three rectangular, staggered lights.
2. Standard 3.3.3 states that “if replacement of a window or door element is necessary, replace only the deteriorated element to match the original in size, scale, proportion, pane or panel division, material, method of operation, and detail.” The new door does not match the

previous door, though non-original, and is more suited for a rear or side entry and not a front door.

3. The applicant has proposed to remedy the situation by obtaining an architecturally salvaged wood door. The door is nearly full glass with a Craftsman like panel division. Though the architectural style of the house is more of a Late Victorian vernacular, the proposed door is more in line with the date of construction of the house and is more appropriate in design and materials. The applicant is not proposing to add the matching sidelights since there are none on this building.

#### Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-03-2021 at the William Boggs House, located at 310 S. Shaver Street within the Brooklyn South Square Local Historic District (Parcel ID: 019 062) subject to 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.

The applicant testified that the front door had been kicked in and he installed an interim door to secure the home.

#### Public Hearing

None

#### Deliberation

Steve Cobb recused himself because he did speak to the applicant about the door.

The new door is more architecturally suited for the house.

#### **Motion**

#### Finding 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-03-2021:

1. That Lennox Meyers Trust, owner/applicant, Zach Mendelson, agent appeared before the Commission and sought a Certificate of Appropriateness for the property located at 310 S. Shaver Street and designated within the Brooklyn South Square Local Historic District.
2. The proposed project is not incongruous the applicant provided images of a door more appropriate to the architectural style and meets Design Standards;
3. No further testimony was provided.

Elizabeth Trick seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

Steven Cobb (recused)

Action

Sue McHugh continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Standards that the Commission approve H-03-2021 subject to the conditions detailed in the Findings-of-Fact.

Acey Worthy seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

Steven Cobb (recused)

**H-04-2021, 418 S. Fulton Street–Jake and Aurora Casteen, owners/applicants**

Jake and Aurora Casteen were sworn in for testimony.

Request

Add landscape lighting to front of house.

Identification of Property

Emily Vanek described the property located in the West Square Local Historic District. It is classified as contributing and built circa 1910–1930 in the Colonial Revival style.

Staff Findings

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

1. The applicant is proposing to add landscape up-lighting to shine on the house and on the walkway leading from the public sidewalk to the front porch. The applicant’s plan indicates two lights at the public sidewalk end, two lights at the walkway’s end at the front porch, two lights on the left side of the house, and three lights on the right side of the house. Thus, it appears the applicant is requesting nine (9) lights total.
2. The light fixtures are a metal material with a powder-coat finish in bronze. They will sit close to the ground and will be adjustable to point the light to specific areas rather than indiscriminately lighting the entire property (Standard 4.3.3). The light fixtures are compatible with the building and the site in terms of the material and neutrality of color with their respective placement in landscaped or natural areas (Standard 4.3.4).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-04-2021 at the house, located at 418 S. Fulton Street within the West Square Local Historic District (Parcel ID: 009 168) subject to 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 lighting is unobtrusive. No light will spill on other properties.

**Motion**

Finding 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-04-2021**:

1. That Jake and Aurora Casteen, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 418 S. Fulton 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. No further testimony was provided.

Will James seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (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 Standards that the Commission approve H-04-2021 subject to the conditions detailed in the findings-of-fact."

Will James seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

**H-05-2021, 628 W. Council Street–Kathy Hartford, owner/applicant**

NO SHOW

Request

After-the-Fact porch replacement, window replacement

**H-06-2021, 321 N. Church Street–Lee Gillespie, owner; Bill Fraley, applicant/agent**

Request

After-the-Fact window replacement

Bill Fraley was sworn in for testimony.

Identification of Property

Hannah Jacobson made a staff presentation. Property is located in the Downtown Local Historic District, 321 N. Church Street (Not inventoried as part of 1975 NR nomination or 1989 extension) is classified as Non-Contributing. It was built Ca. 1963 in the Mid-Century Commercial Vernacular.

Staff Findings

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

1. The applicant replaced two windows on the front of the building. The opening to the left of the door had a nine (9)-light window with individual panes. The vertical muntins are thin; the top horizontal muntin is thin but the bottom horizontal muntin is thicker. The opening to the right of the door was previously boarded with wood with a window unit installed.
2. The applicant has installed a window unit with a fixed pane with internal grids. It retains the nine (9) lights, but has changed from the individual panes with T-shaped muntins which does not meet Standards 3.3.1, 3.3.3, or 3.3.8.
3. The applicant is proposing to modify the existing windows by adding either flat metal or vinyl strips to the exterior windows to provide a more dimensional effect to the windows. The strips do not adequately replicate the T-shaped muntins in size or shape. Standard 3.3.8 states that “snap in muntins are not appropriate replacements for true divided-light window panes.”

Samples of the material were provided to the Commission.

Bill Fraley stated that the building had been vacant for 19 years. Windows were installed to secure the building. He plans to install awnings in the future. He also has some additional signage to install.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission deny H-06-2021 at the Commercial Building, located at 321 N. Church Street within the Downtown Local Historic District (Parcel ID: 010-3 227).

Public Hearing

No one spoke in favor or opposition.

Deliberation

These are commercial storefront windows. There was an operable window and now the window is fixed. It went from nine single panes of glass to a single pane of glass with artificial muntins (like a sticker). He is willing to add material to give it more dimension. It does not meet the profile at all. Steve and Acey thought the added material would make it a little more like the divided light.

This is not a contributing building. The other side of the street is not in the historic district. That part of downtown has no historic fabric left. The location, style, and surrounding community are mitigating factors.

It is difficult to go outside the Standards.

**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-06-2021:

1. That Bill Fraley, applicant/agent for Ligon Lee Gillespie, owner appeared before the Commission and sought a Certificate of Appropriateness for the property located at 321 N. Church Street and designated within the Downtown Local Historic District.
2. The proposed project is not incongruous because of the mitigating factors including the building's location at the outer edge of the historic district and it's industrial setting, the building has no significant architectural history or elements, it is non-contributing and not on the National Register."

Steve Cobb seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (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 that the Commission approve H-06-2021 as it is in their current condition."

Will James seconded the MOTION with all members VOTING AYE. (6-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

Steve Cobb left for another obligation.



**H-07-2021, 329 N. Ellis Street–Sheila Flack, owner/applicant**

Request

After-the-Fact window replacement

Sheila Flack and Maureen Roberge, 17115 Kenton Dr. Suite 202-A Cornelius, NC 28031 were sworn in for testimony. Ms. Roberge was the broker in charge when Ms. Flack purchased this property.

Identification of Property

This Craftsman style home was built circa 1921 is located in the Ellis Street Graded School Local Historic District and classified as contributing.

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

1. While the replacement windows that have been installed match the original in size, the vinyl replacement windows do not match the original in material. From conversation with the current owner, the window frame remains as wood and only the sash has been replaced (Standards 3.1.8, 3.3.3).
2. The replacement windows do match the original windows in pane/panel division, as both were one-over-one windows (Standards 3.3.3).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission deny H-07-2021 at the House, located at 329 N. Ellis Street, within the Ellis Street Graded School Local Historic District (Parcel ID: 006 364).

Sheila Flack testified that she purchased the home in May and July 7 she was informed by Catherine Garner by letter that the windows were not in compliance. She provided a copy of a letter she had sent to the previous owner. Catherine had talked to the previous owner to explain what he needed to do on the front porch and he corrected it. It was also explained to the previous owner that he needed a COA before continuing any work. However, he installed the noncompliant windows anyway without a COA.

The house had vinyl siding so it never occurred to the new owner that vinyl windows were not appropriate. The listing did not state the windows were new.

Ms. Roberge testified that the owner and the listing agent sold the house without disclosure. They need to go back to the original owner to rectify the situation. There would be a 6-month delay to have the windows manufactured. The window company has not responded to them. It is unfair to penalize the new owner with a \$250 fine for zoning violations.

The applicant stated that she cannot afford to replace the windows. The estimate is for replacement is \$13,000. A brochure was submitted to staff as an alternate.

Public Hearing

Debbie Lesley, 325 N. Ellis Street, is a next-door neighbor and sworn in for testimony. “I saw the previous owner put the windows in and even asked them about them.” She did not get a satisfactory answer. “We should not punish anyone who bought a house in good faith. The house looks better.”

We need to communicate better about historic homes.

The chair closed public comment.

Deliberation

Andrew Walker said, “This is the first case like this since I have served on the Commission.”

Elizabeth Trick recommended tabling the case for eight months to give the applicant an opportunity to work things out with the former seller through legal means.

The Commission will not get involved in the legal aspect between buyer and seller. Acey Worthy said, “It is our duty to apply the Design Standards.”

The applicant interrupted from the rear of the room off mic and made an emotional plea during deliberation.

Elizabeth Trick explained to Ms. Flack that the Commission could either table the case or deny it; tabling seems the better choice for her. She advised the homeowner to “pursue this as vigorously as you can.” Andrew Walker said to her, “We fully understand your situation. You don’t need to wait a full eight months if there is some development and is moving forward.”

Will James said that the Ellis Graded School District is a working man’s district. Maybe a compromise could be met by replacing the most prominent windows.

A new window proposal has been submitted to staff for review.

Staff will discuss the zoning fine with the applicant.

**Motion**

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 table HPC case #H-07-2021 for eight months to allow the applicant to resolve some legal issues.

Will James seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Acey Worthy (AYE) and Andrew Walker (AYE)

**H-08-2021, 421 S. Ellis Street–Pete Prunkl, owner/applicant; C. J. Peters, agent**

Donna Prunkl and C. J. Peters, 424 Park Avenue, were sworn in for testimony.

Request

Construct dormer style roof over extended back porch.

Identification of Property

Emily Vanek made a staff presentation. The property is located in the West Square Local Historic District. It is classified as a non-contributing Colonial Revival style home built ca. mid-20<sup>th</sup> century.

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

1. The applicant is proposing to expand an existing covered porch on the rear of the home from 6 ft. 6 inches deep to 14 ft. with an addition of steps off the rear. The applicant did not provide the dimensions on the steps. It appears the width of the porch will remain the same.
2. The location on the rear of the home, inset from the north elevation is consistent with Standards 5.5.1 and 5.5.2.
3. The applicant is proposing an asphalt shingle roof to match the existing on the home and 6x6 porch posts with decorative brackets at the top, but the material is not specified. The design is to replicate the existing decorative brackets on the house's side entry. The applicant is proposing synthetic tongue and groove flooring for the porch floor. The stair material is also not specified. Standard 5.5.6 states that "if a new deck is to be constructed, its design should be compatible in materials and detail with the main building." Thus, the synthetic tongue and groove flooring is incompatible.
4. Standard 5.5.8 states that residential decks should generally align with the height of the floor level of the historic building and compatible skirt boards and/or lattice panels should be installed to screen the deck framing. It appears the porch will align with the foundation of the house since the existing porch's footprint is being expanded. The details of how the under-framing will be screened are not provided.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-08-2021 at the House, located at 421 S. Ellis Street within the West Square Local Historic District (Parcel ID: 009 174) subject to the following conditions:

1. All materials shall be wood rather than synthetic to comply with Standard 5.5.6.
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.

C. J. Peters brought a sample of the synthetic material for the floor; it does not require as much maintenance as wood and has a longer life. It has the appearance of wood. All other materials will be wood. Ms. Prunkl said they have had to paint the porch every single year. The overhangs on the house are not very long.

Public Hearing

No one spoke in favor or opposition.

Deliberation

Architecturally they did their homework, scale is good, wood materials are good. The only question is using synthetic material for the decking. It does not meet the standards, but since it is in the back of the house that may be a mitigating circumstance.

**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-08-2021**:

1. That C.J. Peters, agent for Pete Prunkl, owner/applicant and Donna Prunkl appeared before the Commission and sought a Certificate of Appropriateness for the property located at 421 S. Ellis Street and designated within the West Square Local Historic District.
2. The proposed project is not incongruous as detailed in the application
3. Mitigating factors for approving synthetic flooring material are that the proposed addition is at the rear of the home and the porch is, in fact, an addition.

Will James seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (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 Standards that the Commission approve H-08-2021 including the applicant’s proposal to use synthetic material for the porch flooring as detailed in the findings-of-fact.”

Will James seconded the MOTION with all members VOTING AYE. (5-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthy (AYE)

## **HISTORIC LANDMARK APPLICATIONS**

Andrew Walker expressed that he is angry with City Council's decision to place a moratorium on historic landmark designations. Catherine Garner has agreed to stay on over the next four months and work on a proposal to recommend to City Council. Catherine has proposed meeting with the Commission members via Zoom relatively soon.

There is a Webinar scheduled March 23, at 1 p.m. Preservation Forsyth is hosting a free Facebook Live webinar. The topic is relevant—it's a discussion of the differences between national and local designations. It will be uploaded to their YouTube channel afterwards. The event is advertised here:

<https://www.facebook.com/events/262208535391191/>

## **OTHER BUSINESS**

- Staff has requested another historic property grant cycle; the new budget has not been adopted. The new fiscal year begins in July.
- Elizabeth Trick suggested ways in which people in the local historic districts can be alerted to the Design Standards, process and penalties. There are many non-compliant houses in the districts. The Chair recommended speaking to the City Attorney about this.
- Staff reminded the Commission that the April HPC meeting was adopted for April 15, 2021.
- There will be a March HPC meeting March 25, 2021, at 4 p.m.

### 209 W. Marsh Street – Notice of Demolition in a National Register Historic District

The City of Salisbury Code Enforcement has provided notice of intent to demolish the structure at 209 W. Marsh Street in the Salisbury Historic District (National Register). Officer Michael Cotilla states this is due to the property's failure to be brought into compliance with minimum housing code.

Typically, the HPC does not have regulatory authority over property only listed on the National Register; however, the City of Salisbury's Municipal Code requires that owners provide ninety (90) days written notice of intent to demolish. The Commission can reduce the length of time the applicant must wait but it cannot be extended. North Carolina state statutes do not permit the Commission to deny a demolition in a National Register historic district or one that has been locally designated.

## **APPROVAL OF MINUTES**

January 10, 2021, minutes were approved as submitted.

**ADJOURNMENT**

The meeting adjourned at 5:55 p.m.

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Andrew Walker, Chair

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Diana Cummings, Secretary