

HISTORIC PRESERVATION COMMISSION

Minutes July 23, 2020

The City of Salisbury Historic Preservation Commission met in regular session at 1 p.m. Thursday, July 23, 2020, at 217 S. Main Street in the Council Chamber.

Present: Steven Cobb, Will James, Sue McHugh, Jon Planovsky, Larry Richardson, Elizabeth Trick, Andrew Walker and Acey Worthy

Absent: Eugene Goetz

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.

“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.”

“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.”

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

EX PARTE COMMUNICATION/ CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT

Steve Cobb will recuse himself for H-14-2020 and Acey Worthy will recuse himself for H-10-2020. Larry Richardson and Sue McHugh arrived a little late so they were also asked about ex-parte communication and any conflicts of interest.

NEW CERTIFICATES OF APPROPRIATENESS

H-08-2020, 616 W. Council Street–Randy Huffman (owner/applicant)

Request

Replacement of driveway using new materials on both sides of home. Left side is completed, After-the-Fact COA penalty paid. Would propose same to right side of home.

Catherine Garner and Randy Huffman took an oath for testimony.

Identification of Property

Catherine Garner made a staff presentation with photos. Located in the Ellis Street Graded School Local Historic District this Craftsman Bungalow style house was built circa 1912. It is considered contributing by the National Register Guidelines.

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

- 1) The applicant has installed one 18-foot by 24-foot driveway on the left hand side of the house and proposes a similar one on the right hand side of the house as well. The driveway is graveled. The applicant has stated that a driveway previously existed, which is supported by an existing curb-cut, though it is only 12-foot wide.

The 18-foot wide parking surface is not appropriate because historically, driveways in the district were relatively narrow, reflecting smaller dimensions of early cars (Chapter 4.2);

- 2) Driveways should lead to rear parking areas or a garage rather than have extensive front yard parking. The proposal to have two front yard parking areas in a residential neighborhood is not appropriate (Guideline 4.2.4)
- 3) The property slopes considerably from the front to the back, which may make rear yard parking unfeasible and is a mitigating factor to allow some front yard parking.

Based on the preceding findings, staff recommends that the Commission approve H-08-2020 at House, located at 616 W. Council Street, within the Ellis Street Graded School Local Historic District (Parcel ID: 006 197), with the following conditions:

- 1) The left driveway shall be permitted to remain since the curb-cut is existing; the other driveway must be removed and cleared of all materials.
- 2) The parking area to remain should be reduced to 12-foot wide to match the driveway curb-cut and be in conformance with historic driveways per Chapter 4.2;
- 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.

Randy Huffman rescinded the request for a second driveway on the right. There is no evidence that there was a rear driveway. He requested keeping the parking and 12-foot curb cut on the left since the rear elevation drops about 16 feet. Extra footage is needed for parking the larger size of vehicles today.

Public Comment

No one spoke in favor or opposition of the request.

Deliberation

Elizabeth Trick requested plant screening to soften the driveway to the residential neighbor on the left. (Per 4.2.7 of the guidelines.) Jon agreed with Elizabeth and added the rear elevation drop is a mitigating factor. Steve Cobb also thought planting shrubbery would be an appropriate thing to do.

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-08-2020:

1. That Randy Huffman, owner/applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 616 W. Council Street and designated within the Ellis Street Graded School Local Historic District.
2. The proposed project is incongruous as detailed in the applications and staff findings numbers 1-2 and incorporated herein, but mitigated by staff findings 3-4 and incorporated herein;

3. The property slopes considerably from front to back which makes rear yard parking unfeasible and is a mitigating factor to allow some front yard parking. The landscaping timbers used as a retaining wall for built up driveway are wood, which is an appropriate material per the design guidelines.

The applicant has withdrawn the request for parking on the right side of the property.

The findings are subject to the conditions recommended by staff and incorporated herein with exception. We are allowing the 18-foot wide parking area on the left side because of the slope of the lot for addition parking beside or behind the house. The 12-foot curb cut remains the only access to these parking areas. The Commission requests the owner plant screening per guideline 4.2.7.

Jon Planovsky seconded the motion with all members VOTING AYE. (8-0)

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

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-08-2020 subject to the conditions detailed in the Findings-of-Fact.

Jon Planovsky seconded the MOTION with all members VOTING AYE. (8-0)

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

H-10-2020, 310 E Bank Street–Amy and John Minton (owners/applicants)

Acey Worthy recused himself from the dais.

Request

Construct a wooden arbor on the right (from street) side of the house to manage wisteria tree.

Amy and John Minton were sworn in for testimony.

Identification of Property

Catherine Garner made a staff presentation with photos. The property is located in the Brooklyn South Square Local Historic District. The Victorian style house, built circa 1895, is classified as pivotal to the district.

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

1. The proposed arbor will be placed in the side yard at the end of the existing driveway, in line with the back wall of the front 'block' of the structure (Guideline 4.5.5).
2. The arbor will be constructed of pressure-treated wood, which is an appropriate material in the district (Chapter 3.1).
3. While taller than the typical height for fences, the structure will be open walled and open roofed and will not constitute a structure (Guideline 4.4.7, 4.5.4).
4. The arbor will not be attached to the historic structure; thus, it is removable without causing damage to the historic building (Secretary of the Interior's Standards #10).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-10-2020 at the M. C. Rufty/Rufty Family Rental House, located at 310 E. Bank Street, within the Brooklyn South Square Historic District (Parcel ID: 010 348), 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.

Deliberation

This is very straight-forward.

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-10-2020:

1. That Amy and John Minton, owners/applicants appeared before the Commission and sought a Certificate of Appropriateness for the property located at 310 E. Bank Street 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 1-4 and incorporated herein;
3. The findings are subject to the two conditions recommended by staff and incorporated herein.

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

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Andrew Walker (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: Approve H-10-2020 subject to the conditions detailed in the Findings of Fact.”

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

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE)

Sue made a MOTION to return Acey Worthy to the dais. All agreed.

H-11-2020, 418 S. Fulton Street–Jake and Aurora Casteen (owners/applicants)

Request

Installation of an in ground pool. Pebbletech 28 x 19 ft. with concrete decking/pavers.

Jake and Aurora Casteen were sworn in for testimony.

Identification of Property

Catherine Garner made a presentation. This Colonial Revival style house on parcel #009 168 was built circa 1910-1930. It is classified as contributing to the district.

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

1. The proposed pool will be located in the side and rear yard of the property (Guideline 4.5.4);
2. The proposed pool will be located behind the rear wall of the historic structure and will be enclosed by an existing wooden privacy fence and not visible from the street (Guideline 4.5.4);
3. The pool will not result in the removal of other historic features on site (Guideline 4.5.4);
4. No lighting is proposed other than lighting within the pool (Guideline 4.3.3);
5. The proposed pool could be removed and/or filled in to return the property to its original appearance (Secretary of the Interior’s Standards #10).

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-11-2020 at the house, located at 418 S. Fulton Street, within the West Square Local Historic District (Parcel ID: 009 168), 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.

One small section of the fencing will be removed to match wood. A self-latching gate is part of the ordinance requirement.

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-11-2020:

1. That Jake and Aurora Casteen, owners/applicants 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 1-5 and incorporated herein;
3. That the following Historic District Design Guidelines were considered for this application, specifically: Chapter 6 – Demolition: Guidelines 6.5.1, 6.5.2
4. The findings are subject to the two conditions recommended by staff and incorporated herein.

Acey Worthy seconded the MOTION with all members VOTING AYE. (8-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Acey Worthy (AYE), Andrew Walker (AYE)

Action

Jon Planovsky continued, “I, therefore, move based on the testimony presented, the adopted Findings-of-Facts and the adopted Historic District Design Guidelines that the Commission approve H-11-2020 subject to the conditions detailed in the Findings-of-Fact.

Acey Worthy seconded the MOTION with all members VOTING AYE. (8-0)

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), Acey Worthy (AYE)

At this time the Commission adjourned to reconvene at 3 p.m. as advertised.

H-12-2020, 118 N. Lee Street–MDB Properties (owners); John T. Hudson (applicant)

John T. Hudson, Branson A. Pether, David Shelby, or Katie Setzer authorized agents.

Request

Remove damaged railing and install hurricane doors over basement steps to secure area and keep out water.

David Alan Shelby was sworn in for testimony.

Identification of Property

Catherine Garner made a staff presentation with photos. The property is considered contributing to the district. It was constructed circa 1913-1914 in commercial vernacular style.

Staff Findings

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

1. The doors will be metal, which is an appropriate material for the district. The hurricane doors are an appropriate design for utilitarian uses in a commercial district (Chapter 3.1);
2. The doors are needed to keep water out of the basement of the building, which will safeguard the building's structural stability (Guideline 7.5.6)

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-12-2020 at W. A. Roseman's Grocery, located at 118 N. Lee Street, within the Downtown Local Historic District (Parcel ID: 010-5 498), with the following conditions:

1. The doors shall be painted a solid color that closely matches surrounding brick to blend the doors in with the façade;
2. The doors shall properly seal so that water does not enter through points where the doors meet each other or the frame;
3. The existing fence shall be restored around the doors to further protect the hurricane doors;
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.

David Shelby said they had not ordered the cellar doors, yet. He would like some direction about color. The doors will be powder coated. The door measurement is 55x72—72" in length exceeds the footprint of the fence; the fence sits at 69 ¾ inches. There is some concern about whether the fence will interfere with the opening of the doors. He requested not to put the fence back since it won't fit with the pre-fab door.

An 18-wheeler truck hit the edge of the building causing damage to the corner of the building, damaging the awning, and the fence on the left and a gate was destroyed. Only the right side of fence remains undamaged.

Public tends to throw garbage in the cellar, homeless persons use the space and water is causing damage to the building; locking cellar doors stop all of that. There is no evidence that the railing is original to the building or that there was ever any storm doors there in the past.

Public Comment

None

Deliberation

The Commission members discussed the fence and the doors for the cellar. They felt that the building is very unique and the fencing should be kept as part of the character of the building. Other cellars are normally on the side or in the rear and not at the front façade. Commission members believed the doors could be custom built to keep the look and function. If not covered, there will be further deterioration to the property. A custom fabricated cellar door may be the answer.

Jon Planovsky stated that the fence was there to prevent people from falling in a hole—we are no longer going to have that problem with the installation of the doors. Half of the fence is missing anyway and he is going to have to create a new fence. “I don’t think it is necessary for the iron fence to come back.”

Steve Cobb quoted guidelines 4.4.1 and 4.4.2. He believed the picture of the latch on the gate is contemporary.

Elizabeth Trick advocated to keep the look of the fence. Will James agreed with Elizabeth and said the fence softens the visual intrusion of the cellar doors.

The Chair invited Mr. Shelby back to the microphone. “We are at a consensus that we are looking for the fence to be replaced to soften the effect of the opening. We are not going to make a decision today. Please look at the overall concept of matching a fence on three sides with an opening.”

Mr. Shelby will report and consult with his partners. The August meeting will be on the 20th.

Action

Sue McHugh made the following MOTION: “I move, based on the testimony presented and the adopted Historic District Design Guidelines that the Commission table H-12-2020 to 08/20/2020 to gather the following additional evidence—a comprehensive hurricane door and three-sided rail design.

Will James seconded the MOTION with a vote of 6-2 to table the case to August 20.

Roll Call: Steven Cobb (AYE), Will James (AYE), Sue McHugh (AYE), Jon Planovsky (NAY), Larry Richardson (NAY), Elizabeth Trick (AYE), Andrew Walker (AYE) and Acey Worthey (AYE)

H-14-2020, 918 N. Main Street–Daira Karina Barnica (owner); City of Salisbury (applicant); Michael Cotilla (agent)

Steve Cobb was recused from the dais. Michael Cotilla was sworn in for testimony.

Request

Demolition of structure due to dilapidation.

Description

District: North Main Street Local Historic District

Building: Grimes-Russell House

Tax Parcel #: 011 135

Classification: Contributing

Year Built: Ca. 1911

Style: Late Victorian

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 for more than six years to obtain compliance with Minimum Housing Code and the Historic District Design Guidelines. In that time, the home has continued to deteriorate due to open walls and open roof sections that have not been properly closed to prevent water intrusion (Guideline 6.5.1, 3.1.4, 3.4.1).
- 2) The Code Services and Commission staff are aware of several attempts by others to purchase the property for preservation that have not been successful; thus, the alternatives to demolition have been exhausted (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-14-2020 at the Grimes-Russell House, located at 918 N. Main Street, within the North Main Street Historic District (Parcel ID: 011 135), 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.

Officer Cotilla stated that he has been involved with this property since 2015. "It is my opinion that the property is currently dilapidated over 50 percent of its tax value and demolition should not be delayed."

He explained the process of the 90-day compliance period. The minimum housing case is separate. Monday of this week ownership changed again. The new owner, who lives in Texas and does not speak English, is aware of this meeting. Quasi-Judicial decisions run with the land.

Public Comment

Sada Stewart was sworn in for testimony. She spoke on behalf of the Historic Salisbury Foundation in favor of a demolition delay of at least six months to explore alternatives to demolition. This

property is part of an effort to improve the N. Main Street Corridor. She has visited the property, but has not entered the building.

Deliberation

Staff explained various scenarios and how the Minimum Housing Code is enforced.

Negotiating out-of-state adds an additional burden to negotiating any kind of a deal.

No one wants a hole on N. Main Street. We cannot afford to lose any more homes in the N. Main Street Historic District.

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-142020:

1. That Michael Cotilla, authorized agent for the City of Salisbury, applicant appeared before the Commission and sought a Certificate of Appropriateness for the property located at 918 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 1-3 and incorporated herein;
3. The findings are subject to the conditions recommended by staff and incorporated herein. Staff recommendation #1 is amended to extend to 365-day delay."

Jon Planovsky seconded the MOTION. All members VOTED AYE. (7-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Acey Worthy (AYE), and Andrew Walker (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: Approve H-14-2020 subject to the conditions detailed in the Findings of Fact."

Jon Planovsky seconded the MOTION. All members VOTED AYE. (7-0)

Roll Call: Will James (AYE), Sue McHugh (AYE), Jon Planovsky (AYE), Larry Richardson (AYE), Elizabeth Trick (AYE), Andrew Walker (AYE), Acey Worthy (AYE)

A 12-month demolition delay was unanimously approved.

Steve Cobb returned to the dais.

HISTORIC LANDMARK APPLICATIONS

We have not received any new applications or pre-applications.

OTHER BUSINESS

- Jon Planovsky made a MOTION to accept the Minor Works Report. Sue McHugh seconded the MOTION with all members VOTING AYE. (8-0)

APPROVAL OF MINUTES

Sue McHugh made a MOTION to approve minutes of March 12, 2020. Jon Planovsky seconded the MOTION with all members VOTING AYE. Minutes were approved as submitted.

ADJOURNMENT

The meeting adjourned.

NOTE: Due to the COVID-19 Virus/Corona Virus, The City of Salisbury, NC is limiting public contact. Please check the website for closures, cancellations and postponed events.

<https://salisburync.gov/Government/Communications/Newsroom/covid-19-cancellations-postponements-and-closings-for-city-of-salisbury>

Andrew Walker, Chair

Diana Cummings, Secretary