

ADOPTED MINUTES OF THE GREENVILLE HISTORIC PRESERVATION COMMISSION

October 27, 2020

The Greenville Historic Preservation Commission met on the above date at 6:00 pm via Zoom.

Jeremy Jordan - Chairperson - *

Candace Pearce – Vice chair - *

Kerry Carlin - *

Myron Caspar – *

Roger Kammerer – *

Andrew Morehead - *

Israel Mueller -*

Justin Edwards - *

Scott Wells - X

The members present are denoted by an “*” and the members absent are denoted by an “X”.

Scott Wells asked to be excused due to illness. Jeremy Jordan excused her from the meeting.

PLANNING STAFF: Chantae Gooby, Chief Planner, Les Everett, Assistant Director of Planning and Development Services, Tony Parker, Planner I

OTHERS PRESENT: Donald Phillips, Assistant City Attorney; Kelvin Thomas, Communications Specialist

ADDITIONS/DELETIONS: None

MINUTES:

Motion made by Roger Kammerer, seconded by Andrew Morehead, to accept the September 22, 2020. Motion passed unanimously.

City Attorney Donald Phillips read the following statement:

Pursuant to North Carolina General Statute 160A-388 and Section 4, H. of the Historic Preservation Commission’s Rules of Procedure:

H. Conflict of Interest. No member of the Historic Preservation Commission shall participate in either the discussion or vote on any certificate of appropriateness in any manner that would violate the affected persons’ constitutional right to a fair and impartial decision maker. Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; undisclosed ex parte communications with the person before the Commission, any witnesses, staff or other Commission members; a close familial, business or other associational relationship with the affected person; or a financial interest in the outcome of the matter before the board. On any other matter before the Commission where such decision by the Commission shall be in an advisory capacity only, no member shall participate in the discussion or vote on such advisory matters where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Decisions on either a request for recusal by a member or objections by a person appearing before the board shall be decided by a simple majority vote. A member so disqualified will not be counted or included in the count to determine the appropriate voting majority for the issue before the Commission and will not negate a quorum of the Commission.

If a Commission member has had an ex parte communication that needs to be disclosed at this time.

As a reminder, as members of the Commission conversations among yourselves during the discussion periods of this meeting and your committee meetings are NOT ex parte communications.

New Business

1. Major Work Certificate of Appropriateness (COA) - For additional materials related to this item please refer to the file located in the Planning Division of the Planning and Development Services Department.

2020-0022: 810 E. Third Street

Applicant: Dennis Marshall of Dependable Contractor

Project: Fence

Chantae Gooby delineated and discussed the subject property. This project was partially started for a privacy fence. She shared several photos of the fence in its former and current state. The fence along East 3rd Street was built in 2008. She showed pictures of the new sections of fence facing E. 3rd Street and along the western property line and the inside of the new fence. The original gate and two posts facing Rotary Avenue are still in place. She showed a picture of the property as seen from the Rotary Club building. The fence will most likely have to be connected to the carport because it most likely sits on the rear property line. Since most of the fence has been removed and is a different design, the fence is being treated as new construction. The DRC met with the applicant, Dennis Marshall with Dependable Contractors, who had started the work and did not know a COA was needed. Two members of the DRC recommended approval and one member recommended denial. The section of the fence facing 3rd Street should be reduced to 3 feet in height as per Design Guidelines for side yards. Staff recommends the portions of the fence that have not been installed shall be in like style/height of the fence that has already been installed. The fence gate facing Rotary Avenue should in the same style as the new gate facing 3rd Street, but can be 6' in height due to that section of the fence being in the backyard. There has already been some repairs made so staff approved a minor work for those repairs and a second minor work has been approved for repairs to be done in the future.

Israel Muller asked if there was a COA for the 2008 fence.

Chantae Gooby answered no.

Dennis Marshall spoke in favor of the application. He stated the original fence was deteriorated, and he tried to keep the new fence aesthetically pleasing and close to the original.

Candace Pearce asked if he could put the "points" on the fence.

Dennis Marshall said he could and that he planned to paint the fence as well.

Mr. Jordan then closed the public hearing and read the following statement:

"The Commission will now deliberate as to the findings of fact to adopt and whether additional findings of fact are required. The Commission will also begin its deliberation as to whether to approve the Application and issue a Certificate of Appropriateness or deny the Application and deny the Certificate of Appropriateness."

Mr. Jordan asked if there is any discussion.

Ms. Pearce asked if the applicant could bring the side fence into compliance by cutting it down to 3 feet.

Dr. Morehead asked if the portion of the fence Ms. Pearce referenced was back yard or side yard. The fence would look visually worse if it were cut to 3 feet while the rest of the fence remained at 6 feet.

Mr. Marshall said the new section of fence was about 5.5 feet.

Mr. Mueller asked if the new section of the fence was considered side yard rear or back yard.

Ms. Gooby said the fence facing 3rd Street was side yard. The fence along the side of the house would be considered side yard until it passed the back wall of the house. Then it would be considered a back yard.

Ms. Pearce suggested that the whole fence remain at the current height.

Dr. Caspar said the applicant could cut the side fence down to 3 feet.

Ms. Pearce said she agreed with Dr. Morehead that trying to come into compliance with the side yard fence transitioning to the back yard fence would not be visually appealing.

Mr. Mueller asked if the HPC would be setting a precedence for future fences by allowing the height to stay at 5.5 feet.

Mr. Jordan agreed but pointed out that the Design Guidelines uses the word “generally” when discussing fence heights.

Ms. Pearce said the commission has more leeway with non-contributing structures. She asked if they could approve the “side yard” portion of the fence under a variance.

Mr. Phillips reminded the commission that the public hearing was already closed without consideration of a variance. Regarding precedence, he said there may always be a question of precedence, however each property is to be evaluated on its standing of facts. He did not recommend proceeding with a variance in fairness to the applicant.

Mr. Jordan then proceeded: Do I have a motion that Notice has been properly given in conformance with N.C.G.S. § 166A-19.24 (Session Law 2020-3) and that all provisions applicable for remote quasi-judicial hearings, particularly subsection (f) have been followed?

Motion made Mr. Kammerer, seconded by Dr. Edwards, that all provisions applicable for remote quasi-judicial hearings have been followed. Motion passed unanimously.

Mr. Jordan asked: Do I have a motion to adopt the Findings of Fact as presented by City Staff?

Motion made by Mr. Kammerer, seconded by Dr. Carlin, to adopt the Findings of Fact. Motion passed unanimously.

Mr. Jordan asked: Is there a Motion to Approve, Approve with Reasonable Conditions, or Deny the Certificate of Appropriateness?

Motion made by Mr. Jordan, seconded by Mr. Kammerer, that the requested proposal is congruous with the special character of the landmark or historic district and that the Applicant’s Application for the Issuance of a Certificate of Appropriateness should be approved with the following conditions: 1. “Points” must be added to the new fence (constructed and unconstructed) to match the previous “points” on the fence that was located along the western property line. 2. The fence must be painted to match the trim of the house. Motion passed unanimously.

Mr. Jordan affirmed the COA was approved with additional conditions.

2. Minor Work COAs

2020-23: 530 Evans Street, Sheppard Memorial Library

Applicant: Greg Needham, Library Director

Project: Removal of landscaping to repair water leak and waterproof the basement

2020-24: 810 E. Third Street

Applicant: Dennis Marshall of Dependable Contractor

Project: Repair carport siding in one area, roof repair to carport, small storage shed replace wood rot with like materials

2020-25	810 E. Third Street
	Applicant: Dennis Marshall of Dependable Contractor
	Project: Replace small piece of broken siding, repair broken pane of glass in rear window, repair side porch support post with like material
2020-26	807 E. Third Street
	Applicant: James Kesler
	Project: Repair broken brick and repaint with like color

3. Local Landmark Designation Consideration

Ms. Gooby presented the Local Landmark Survey and Research Report for the Walter Harrington House located at 905 E. Fifth Street. The Commission has seen this report before, and the State Historic Preservation Office (SHPO) had asked for the report to be augmented and fleshed out to better represent the property. A revised report was sent to SHPO, and SHPO now believes the house has the required significance to make it a Local Landmark. The protocol is for the Commission to adopt the report as its own. At the November 24, 2020 meeting, the item and the ordinance will be brought back to Commission for consideration of forwarding the local landmark designation to City Council.

Dr. Edwards and Mr. Mueller, who are property owners, and Mr. Kammerer, who prepared the report, asked to be recused.

Motion made by Mr. Jordan, seconded by Ms. Pearce, to recuse Dr. Edwards, Mr. Mueller, and Mr. Kammerer from item number 3. Motion passed unanimously.

Motion made by Ms. Pearce, seconded by Dr. Carlin, to adopt the Local Landmark Survey and Research Report for the Walter Harrington House as the Historic Preservation Commission’s report. Motion passed unanimously.

4. Consideration of the Survey and Research Report for 106 E. Fourth Street

Ms. Gooby presented the Local Landmark Survey and Research Report for the J. B. Cherry & Co. – Frank Wilson Office Building located at 106 E. 4th Street. The report was prepared by Maury and Drucilla York, the owners of the property. The Commission is asked to adopt the report as its own, and determine if the report should be forwarded to SHPO for further review.

Mr. York stated that he and his wife believe this is a historic property, which is one of few buildings that is intact in the downtown commercial area.

Motion made by Mr. Kammerer, seconded by Dr. Morehead, to adopt the Survey and Research Report for the J. B. Cherry & Co. – Frank Wilson Office Building as the Historic Preservation Commission’s report. Motion passed unanimously.

Public Comment Period

Refer to page 2 of agenda for public comment guidelines. No Public Comments

Committee Reports

1. Design Review Committee – met October 7, 2020 to discuss COA 2020-22
2. Publicity Committee – did not meet

3. Selection Committee – did not meet

Approved COA/MWCOA Staff Update

No presentation given.

6. Announcements / Other

Motion made by Roger Kammerer, seconded by Kerry Carlin, to adjourn. Motion passed unanimously.

Meeting adjourned at 7:12 pm.

Respectfully submitted,

Tony Parker

Planner I