

**ADOPTED MINUTES OF THE GREENVILLE HISTORIC PRESERVATION COMMISSION**

September 28, 2021

**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 - X
Myron Caspar - *	Israel Mueller -*
Andrew Morehead - *	Scott Wells - *
Justin Edwards - *	Robert Wright - *
Louis Warren - X	

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

**PLANNING STAFF:** Les Everett, Assistant Director of Planning and Development Services; Tony Parker, Planner I; Taylor Bland, Staff Support Specialist II

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

**Motion made by Ms. Pearce, seconded by Ms. Wells, to amend the agenda to add the resolutions concerning the Paddock Club, the Garrett House and the Green Street Bridge and a presentation by Michael Cowin to the agenda. Motion passed unanimously.**

**MINUTES:**

**Motion made by Mr. Mueller, seconded by Mr. Morehead, to accept the July 27, 2021 minutes. 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.**

Chairman Jordan swore in presenting staff member – Tony Parker.

Chairman Jordan confirmed and swore in one speaker – Michael Butler

## **New Business**

### **1. Major Work COA**

2021-0032: 510 W. Fourth Street

Applicant: Rev. Michael Butler

Project: Add picket fence to the backyard

Tony Parker delineated and discussed the subject property. The property currently has a picket fence surrounding the front yard. The applicant wishes to construct a similar three foot high picket fence around a portion of his backyard. The fence generally follows the guidelines with regard to placement, height, and does not screen the front yard. There are not added elements or details to create a false historic appearance. The new picket fence will be open in character and painted white. The Design Review Committee met with the applicant on August 5, 2021 and voted to approve the request. Staff recommends to allow the fence to be built as presented per the Design Review Committee's approval.

Rev. Michael Butler spoke in favor of the application. He stated he is applying to extend the fence so that his dogs have more room to run and to also enclose his car. He stated he was granted a variance to extend the fence to the sidewalk in his front yard and he wants to make sure he has a variance again for the back yard.

Attorney Phillips stated he is not sure that part was up for tonight so he will need to look into that.

Mr. Jordan closed the public hearing.

Mr. Morehead asked if the Commission needs to wait to see if the variance needs to be included in the motion.

Mr. Jordan stated the Commission will have to wait for Attorney Phillips but he would like to finish this tonight because Mr. Butler has had to wait a month since the Commission did not meet last month.

Mr. Morehead stated he would suggest including support for the variance being granted in the motion because it makes sense to be consistent with the character of the rest of the neighborhood.

Mr. Jordan stated he will move forward with the script required due to the remote meeting law and once the commission is at the approval stage, hopefully Attorney Phillips will have some advice.

Attorney Phillips stated he was not aware there was a variance involved in this matter. He stated he wants to make sure if the Commission grants the variance to allow a fence that otherwise is not in compliance with city code, that there is no problem with that.

**Motion made by Ms. Wells, seconded by Mr. Wright, 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 passed unanimously.**

Attorney Phillips asked if the request is a variance from the Design Guidelines and not a variance from the zoning regulations.

Mr. Jordan stated in every other aspect the fence meets the guidelines except being three feet from the sidewalk.

Attorney Phillips stated that is just a variance from the Design Guidelines which he is fine with. He stated he is not fine with granting a variance from the zoning regulations regarding setbacks.

**Motion made by Ms. Pearce, seconded by Mr. Morehead, to adopt the Findings of Fact as presented by City Staff. Motion passed unanimously.**

Mr. Everett stated it may be that if there was a variance issue it would have to be linked to some kind of hardship through Board of Adjustment. He stated if the applicant is trying to do a new fence, he's not sure if it would relate to that.

Attorney Phillips stated it may be a situation where there is a variance from the Design Guidelines and that may be ok but it may otherwise be a violation of a zoning provision in which the property owner may need to seek a variance through the Board of Adjustment. He stated he recommends that there is a vote that the proposal is congruent with the special character of the Historic District and that there are circumstances that justify the variance from the Design Guidelines for placement of the fence. He stated he does not know enough to say that this fence, as approved with the COA, will otherwise be in compliance with other zoning regulations.

Ms. Pearce stated when the Commission approved the fence for the front yard it was because all the neighbors had encroached on the sidewalk to the point where it is a character defining feature of the neighborhood. She stated if it is a zoning issue through the zoning code rather than the Design Guidelines, it would basically be an issue with the entire neighborhood.

Mr. Butler stated that is exactly the reason it was previously brought up because his fence would look wrong compared to the other neighbors.

Mr. Jordan stated they have approved this on other properties so he wants to be sure it is done correctly.

Attorney Phillips stated this may be slightly different because it is a fence in the back yard and there are no other fences in the back.

Mr. Jordan stated it is a backyard fence but it comes forward and connects to the front yard fence. He stated because it is a corner lot, it comes to the sidewalk in the front and the side.

Mr. Butler stated that is correct.

Mr. Jordan stated it essentially extends the fence that is already there to enclose the backyard and the rest of the side yard.

Mr. Jordan asked if the best thing is to approve the application with the variance from the Design Guidelines and then allow for the additional investigation afterward.

Attorney Phillips stated he thinks that is the best course to take in regard to this application.

**Motion made by Ms. Wells, seconded by Mr. Wright, that the requested proposal is congruous with the special character of the Historic District and that the applicant's application for issuance of a Certificate of Appropriateness is and should be approved with the variance from the Design Guidelines as applicable to the fence. Motion passed unanimously.**

Mr. Jordan affirmed the COA was approved.

## **2. Presentation by Michael Cowin**

Michael Cowin, Assistant City Manager, presented the American Rescue Plan Act of 2021 to the Commission.

### **3. Minor Work COAs**

2021-0031: 1301 Johnston Street

Applicant: Allison Faulkner

Project: Remove storm door

2021-0033: 400 S. Eastern Street

Applicant: Robert Montaquila

Project: Reroof with like color and style shingles

### **4. CLG Training - Staff update**

Tony Parker informed the Commission that the CLG training has been completed and the Commission has retained their CLG status.

### **5. Code Enforcement - Staff update**

Tony Parker presented the code enforcement cases for August and September in the College View Historic District to the Commission.

### **6. Request for Proposals (RFP) - Staff update**

Tony Parker stated the request for proposals for five city owned properties which include Guy Smith Stadium, Fire Rescue Drill Tower, Cherry Hill Cemetery, Brown Hill Cemetery and Elm Street Park were posted in the Daily Reflector August 23, 2021 and ran for three weeks. He stated it was also emailed to several experts in the state and no one inquired about it. He stated he sent the RFP out again on September 20, 2021. A local researcher and historian stated interest in the projects and will be sending in an application soon.

### **7. Topics for subcommittees**

Mr. Jordan asked Commission members if they have any ideas to help get the subcommittees, particularly Selection and Publicity, active again.

Ms. Pearce recommended the Publicity Committee create a list of rules for the neighborhood. She stated several people in the neighborhood that rent properties to others have said they would put the list on the back of the doors for the renters. She stated the Publicity Committee could also create a letter for properties with more than three unrelated to make them aware they are using their property as a commercial property.

Mr. Caspar asked how they find out more than three related are living in a house.

Les Everett, Assistant Director of Planning and Development Services, stated it starts with communication and discussion with the property owner.

Mr. Caspar asked if it could be done by reviewing the number of parking permits for a residence.

Mr. Everett stated he would contact Public Works for information regarding parking permits.

## **8. Resolution**

Tony Parker stated he sent a resolution requesting resources for the Commission to make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each of three properties for consideration as historic landmarks. The three properties include the Paddock Club, the Green Street Bridge, and the D.D. Garrett House and Grounds.

**Motion made by Mr. Morehead, seconded by Ms. Pearce, to move this resolution forward to City Council. Motion massed unanimously.**

### **Public Comment Period**

Refer to page 5 of agenda for public comment guidelines. No Public Comments.

### **Committee Reports**

1. Design Review Committee – Met to discuss COA 2021-0032
2. Publicity Committee – Did not meet
3. Selection Committee – Did not meet

### **Announcements / Other**

No announcements.

**Motion made by Mr. Wright, seconded by Mr. Mueller, to adjourn. Motion passed unanimously.**

Meeting adjourned at 7:45 p.m.

**Respectfully submitted,**

**Tony Parker**

**Planner I**