

GREENVILLE HISTORIC PRESERVATION COMMISSION MINUTES

August 28, 2007
Greenville, NC

The Greenville Historic Preservation Commission held a meeting on the above date at 7:00 p.m. in the City Council Chambers of City Hall located at 200 West Fifth Street.

COMMISSION MEMBERS PRESENT:

Dennis Chestnut	Franceine Rees	Richard Weir
Greg Jarrell	Yaprak Savut, Vice-Chair	Chris Woelkers
Jeremy Jordan, Chair	Rick Smiley	

COMMISSION MEMBERS ABSENT:

Candace Pearce Dale Sauter

STAFF MEMBERS PRESENT: Sandy Gale Edmundson, Secretary; Bill Little, Assistant City Attorney; Carl Rees, Senior Planner; and Tom Wisemiller, Planner I

OTHERS PRESENT: Myron Caspar; Pat Dunn, City Council Member; and Steve Kirkman

APPROVAL OF MINUTES OF JULY 30, 2007

Motion was made by Mr. Richard Weir and seconded by Mr. Greg Jarrell to approve the July 30, 2007 minutes. Motion carried unanimously.

PUBLIC COMMENT PERIOD

No public comments were made.

CONSIDERATION OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

COA 07-02: 1000 East Third Street: Continued from February 2007

Mr. Jordan asked that anyone speaking pertaining to the application be sworn in by the Notary Public.

The Notary Public, Sandy Gale Edmundson, swore in Mr. Tom Wisemiller.

Mr. Wisemiller: William and Joseph Sloan are not present. The revision of COA Application 07-02 has been submitted for 1000 East Third Street for previously erected privacy fence.

COA Application 07-02 (1000 E. Third Street)

Background

This is an amended COA 07-02. The applicant has made revisions to the original proposal. The subject property is located on the southeast corner of Third Street and Rotary Avenue in the College View Historic District. Built around 1940, this modest 1.5 story brick Colonial Revival house has a gable roof with front cross gable and dormer windows; a front façade chimney; standard six-over-six sash windows. It is nicely finished with a molded cornice and eave returns.

The applicant requests approval for amendment to COA for previous erection of privacy fence.

Considerations

The white vinyl (PVC) privacy fence previously erected on the property is 5 feet 10 inches tall. Set back about 10-15 feet from the right-of-way, the one-sided fence extends about 38 feet from the back bay of the house to the rear detached garage.

The fence juts out about 3 feet from the rear bay, but runs approximately parallel to and inside/east of the west wall of the front bay. The fence lies approximate to the west edge of the rear yard (or conversely, the east edge of the side yard) and it has the effect of enclosing the rear yard (the south and east rear property lines were already bordered by fences). The question of what areas of the yard represent side yard versus rear yard is subject to interpretation. Sources to consult in making that determination would include, but would not necessarily be limited to, the *Guidelines*, past HPC precedents, and City of Greenville standards for defining front, side, and rear yards for purposes of determining required fence setbacks.

The fence generally follows the property line and according to the *Guidelines* maintains acceptable setbacks from the house, sidewalk, and public right-of-way. Partially screened by trees, with moderate-to-high visibility from its location on Rotary Avenue, the fence has very narrow openings between pickets and therefore provides virtually no view through to the back yard, porch, and rear elevation of the house.

Applicant proposes to remove all of the PVC fence slats; then bolt new white-painted, wood French Gothic-capped pickets onto the existing posts and cross members. The pickets would be 3.5 inches wide with 1-inch openings between slats. The fence would remain approximately but no more than 6-feet tall.

<u>Chapter</u>	<u>Title</u>	<u>Pages</u>
4	Fences and Walls	57-58

7. If a new fence or wall is to be constructed, base the design on accurate documentation of a historic fence or wall, or create a new design compatible with the historic character of the building and the district.
8. Keep new picket fences substantially open in character, and paint them white or a color appropriate to the color of the building.
9. Generally, construct new fences or walls to follow property lines and not to abut existing structures.
10. Fences along rights-of-way shall be setback three (3) feet from the interior edge of the sidewalk, or three (3) feet from the interior edge of the right-of-way, whichever is greater.
11. When measuring fence height, consider all fence elements including posts.
12. Front and side yard fences shall not exceed three (3) feet in height.
13. Rear yard fences shall not exceed six (6) feet in height and may not extend past the rear wall of the structure.
15. It is not appropriate to use contemporary fence or wall materials, such as vinyl and chain link fencing that were not historically available and are inconsistent with the character of the district.
18. It is not appropriate to use fences or walls to screen front yards. Limit privacy fences to side and rear yards. If possible, use wooden privacy fences to screen parking areas, mechanical equipment, or other intrusive site features on residential properties. Relate privacy fences and walls for commercial buildings to the materials to the building or adjacent fences and walls.

Mr. Wisemiller: One question in the staff report would be is the fence a side yard fence or is the fence a rear yard fence. The fence is tucked in a little bit. The question would be is should the existing fence be considered a front or side yard fence or a rear yard fence.

Recommendations

Staff recommends that the Historic Preservation Commission approve the amended Certificate of Appropriateness for a privacy fence at 1000 E. Third Street, based on the following findings:

1. The fence as previously constructed and amended should be construed as a rear yard fence. The fence does not extend outside of, or to the west of, the front bay of the house and does not extend past the rear wall of the structure. The fence has the effect of enclosing the rear yard of the property and does not have the effect of enclosing any yard lying on the west side of the house. The Guidelines specifically define what type of fence is allowable based on its location in a yard, not whether it runs along and/or fronts a street, or impairs the view of the house and grounds (that language applies only to front/side picket fences, which should be kept substantially open in character). If the fence as constructed and amended is construed to be a rear yard fence, then it cannot exceed six (6) feet in height and cannot extend past the rear wall of the structure. Since it satisfies

the above conditions, the height of the fence should be deemed in compliance with the guidelines.

2. The proposed spacing of the fence pickets or slats would be similar in appearance to the recommended illustrations on page 59 of the Guidelines for wooden privacy fences. Unlike for front/side picket fences, the Guidelines do not state that rear yard privacy fences should be kept substantially open in character. However, the illustrations do suggest that some minimum spacing should be maintained between vertical wood slats.
3. The proposed (amended) design of the fence is compatible with the historic character of the building and the district. The fence would be painted white, an appropriate color. Although the amended fence would still retain some contemporary PVC material that was not historically available and is inconsistent with the character of the district, the proposed wooden vertical slats would dominate the exterior face of the fence – the side that is most visible to onlookers.
4. The Guidelines state that new fences should *generally* follow property lines and not abut existing structures. The proposed fence would follow the property line. As constructed and amended, it would also abut an existing structure – the garage. However, given the current layout of structures on the property, it would be problematic to fully enclose the rear yard without the subject fence abutting the garage.
5. The proposed fence provides more than a three foot setback along the interior edge of the right-of-way; there is no sidewalk adjacent to the fence.

Recommended Motion: Approval of request for amended privacy fence in the rear yard of the property.

Mr. Jordan: Unfortunately, the applicants are not present, so the Commission can begin discussion. The first issue is whether the fence is a side yard or a rear yard.

Ms. Rees: It is a side yard fence.

Mr. Jarrell: It is a rear yard fence.

Mr. Woelkers: I made a site visit and I think it is a rear yard fence.

Mr. Jordan: I think it is a rear yard fence. The fence is in from the furthest point of the house out to the side street.

Mr. Smiley: Functionally, it does not serve to enclose the side yard.

Ms. Rees: It is square facing west and it is a side yard. They have a garage.

Mr. Jordan: I think because the fence is between the house and the garage and it is not going beside the garage it is going from the front of the garage basically to the back of

the house that is what makes it clearly a rear yard fence.

Mr. Woelkers: I agree.

Mr. Jarrell: I agree.

Ms. Savut: The fence is in the backyard.

Mr. Weir: I was unsure if the fence was in the rear.

Mr. Smiley: My question is at 1101 Johnston Street, the Commission decided that the fence was a side yard fence. Operationally, what is the difference between the fence at 1101 Johnston Street and the fence at 1000 East Third Street? Was that a photo of 1101 Johnston Street?

Mr. Wisemiller: That is correct.

Mr. Smiley: Did you go to the northeast corner of the lot to take the photograph at 1101 Johnston Street?

Mr. Wisemiller: It was in the northwest corner.

Ms. Rees: How tall is that fence?

Mr. Wisemiller: I believe it was a design compromise. They proposed a five foot something fence but it ended up being four and a half feet. They had a dog and there was some concern about privacy. In a sense, it might be a good precedent for a side yard fence that requires some mitigation or some consideration for dogs.

Mr. Jordan: If memory serves, a variance was granted for the height of the fence.

Ms. Rees: They have four and a half and these people want six.

Mr. Smiley: What I am hearing so far is that most of the Commission believes it is a rear yard fence at 1000 East Third Street. I would like for the Commission to clearly state why we think there is a difference. If what I am hearing is because it sticks out further, the part parallel to the street is set out from the house instead of back from the street edge of the house.

Mr. Jordan: Mr. Weir is not sure. What do you think Dennis?

Dr. Chestnut: I am just listening at this point. I am not the best visually to determine this.

Mr. Woelkers: Can the Commission approve the COA without determining if it is rear yard or side yard?

Mr. Jordan: No, because the Commission has to deal with the height if it is a side yard.

Mr. Woelkers: Does the Commission have the ability to grant six feet in the side yard?

Mr. Jordan: If the Commission grants a variance. The first issue is if it is a side yard or a rear yard.

Mr. Jarrell: If this was not on a corner, it would not be an issue.

Mr. Woelkers: I made a site visit and I think the applicant positioned the fence very well.

Mr. Jordan: Does the Commission need to vote as to whether or not the fence is in the rear yard or the side yard?

Mr. Little: First of all the Commission needs to decide is it a side yard or a rear yard, because a different set of rules apply for each.

Mr. Rick Smiley made a motion that it is a rear yard fence because it does not encompass a significant part of the side yard and it minimally impacts the side wall of the house. Mr. Greg Jarrell seconded the motion. Motion passed with a vote of 4:3. Smiley, Jarrell, Savut, and Woelkers voted that it is a rear yard fence while Chestnut, Rees and Weir voted that the fence was not a rear yard fence.

Mr. Jordan: It is a rear yard fence, so the height is okay. The Commission has to deal with the materials to keep the PVC posts and rails and remove the actual slats and replace them with wood as a compromise.

Ms. Savut: If the Commission is asking for appropriate materials that is excluding the PVC or vinyl as appropriate material in the historic district how can we separate the posts.

Mr. Jordan: I think if the Commission would decide to approve it there would have to be a variance for the post and the rails. Is the PVC rail going to be able to support the weight of the wooden slats?

Mr. Smiley: The structural integrity would not be tested if the wooden slats rest on the ground.

Dr. Chestnut: My concern is caution that anything that creates future confusion I tend to go the other way. Each time the Commission creates a compromise situation, it leaves it open for people to have a legitimate complaint, because they do not know what went into the compromise.

Mr. Jarrell: What do you suggest that the Commission do?

Dr. Chestnut: I would have to deal with what is on the table.

Mr. Jarrell: What does the Commission tell the property owner what to do?

Dr. Chestnut: PVC should not be used.

Mr. Jordan: The Commission can either let the applicant put the wooden slats at the right height on the existing structure or we can approve it conditionally that they take the whole thing down and put it back with wood which defeats the application.

Ms. Savut: There is no place for PVC in the historic district. The privacy fence should be a wooden or wrought iron fence.

Mr. Jarrell: I think there needs to be a motion.

Mr. Jordan: Is there a motion as to the Finding of Fact?

Motion was made by Ms. Franceine Rees and seconded by Dr. Dennis Chestnut that COA 07-02 is not in congruence with the Design Guidelines. Motion carried with a vote of 6:1. Rees, Chestnut, Savut, Smiley, Weir and Walkers voted that the application is not in congruence with the Design Guidelines while Jarrell voted against the motion.

Mr. Jordan: The project is not in congruence. If the Commission chooses to go ahead with the application as it is presented to us, the Commission will have to grant a variance to allow them to keep the vinyl posts and rails. Is there more discussion as to whether or not it is appropriate given in good faith that they are trying to come into compliance? We need a motion on the Finding of Fact on allowing the variance.

Mr. Smiley: I move that the Commission find the following facts that the presenter is not here, and the Commission is considering the application anyway, it is a rear yard fence, that it contains inappropriate materials and would contain inappropriate materials even after the proposed amendments.

Ms. Savut: I second it.

The motion passed unanimously.

Mr. Little: Now the Commission has to decide whether or not to approve or deny the application as proposed.

Motion was made by Mr. Chris Woelkers and seconded by Mr. Greg Jarrell to approve the COA application as presented for COA 07-02.

Dr. Chestnut: Again, by approving this, the Commission is saying that PVC is fine for the district. To keep putting things in by way of variance cuts the credibility of this Commission whether they are trying to come in good faith or not.

Mr. Jordan: If I was to vote which I can't, I would vote for this, because we want to work with the residents of College View and the applicants are coming back in good faith.

Mr. Smiley: The Commission is supposed to be working with all of the residents in the district and to allow inappropriate fences would be falling down on protection of the other residents.

Mr. Jordan: There is a motion on the floor made by Mr. Chris Woelkers and seconded by Mr. Greg Jarrell to approve the COA application as presented for COA 07-02. Motion failed with a vote of 2:5. Those voting in favor of the motion were Woelkers and Jarrell. Those voting in opposition of the motion were Chestnut, Rees, Savut, Smiley, and Weir.

Mr. Little: The Commission can come back with a condition that the Commission approved the fence in its location with historically appropriate materials and with the spacing and style of the slats as proposed.

Motion was made by Dr. Dennis Chestnut and seconded by Ms. Franceine Rees to conditionally approve the fence in its location with historically appropriate materials and with the spacing and style of the slats as proposed for Certificate of Appropriateness application 07-02 for 1000 East Third Street. Motion carried unanimously.

COMMITTEE REPORTS

Design Review Committee

The Design Review Committee has not met.

Selection Committee

The Selection Committee did not meet.

Publicity Committee

The Publicity Committee did not meet.

NEW BUSINESS

Minor Works Certificate of Appropriateness (MWCOA) Report

Mr. Wisemiller reported on the following Minor Works Certificate of Appropriateness

applications.

At 403 Biltmore Street, repair of stucco cracks in front and sides of house using elastomeric and Mor-Flex caulk.

At 116 South Harding Street, replace lamp post and install historically appropriate exterior lighting fixtures.

At 404 East Fourth Street, install new AC unit at rear of property and replace ductwork underneath house.

At 2909 Memorial Drive, restore wood shutters using in-kind material with the same dimensions and style, replace deteriorated slate shingles with in-kind material; and repair and replace deteriorated exterior wood trim with in-kind material.

At 404 South Harding Street, replace underground water and sewer line.

2007-08 HPC Annual Work Plan

Mr. Wisemiller: The plan submitted should represent the final version.

Ms. Savut pointed out a correction in the plan under Item 7 of the green sheets.

Ms. Rees said that the work plan looked good.

The Commission agreed that the 2007-2008 Historic Preservation Commission's Annual Work Plan looked good.

Motion was made by Mr. Richard Weir and seconded by Ms. Yaprak Savut to approve the 2007-2008 Historic Preservation Commission's Annual Work Plan as amended. Motion carried unanimously.

Discussion of the Certified Local Government (CLG) Annual Report

Mr. Wisemiller: Staff received the report materials from the State Historic Preservation Office. The City of Greenville is part of the Certified Local Government. Every year reports are filled out to take stock in what has been done. The Commission will review information on the CLG Annual Report in September. The CLG Annual Report will be submitted in October.

ANNOUNCEMENTS/OTHER

Mr. Jordan: Request for Proposals from contractors to do the work on the Humber House should be in by the end of August with work to begin in October.

Ms. Rees: Please be reminded of Freeboot Fridays held in Uptown Greenville.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Tom Wisemiller
Planner I