

**DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE
HISTORIC PRESERVATION COMMISSION**

March 26, 2013

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:

RYAN WEBB, CHAIR
JEREMY JORDAN
JORDAN KEARNEY
DAVID HURSH

ROGER KAMMERER
KERRY CARLIN
MAURY YORK
SARA LARKIN

STAFF MEMBERS PRESENT: SETH LAUGHLIN, PLANNER II; ELIZABETH BLOUNT, STAFF SUPPORT SPECIALIST.

OTHERS PRESENT: BILL LITTLE, ASSISTANT CITY ATTORNEY; JONATHAN EDWARDS, COMMUNICATIONS TECHNICIAN.

ADDITIONS/DELETIONS TO AGENDA

Mr. Laughlin stated the COA number for item number 2 was incorrect. It should be FIG application 13-01. Mr. Jeremy made a motion to approve the correction to the agenda, Mr. Hursh seconded the motion and it passed unanimously.

APPROVAL OF MINUTES

Mr. Carlin made a motion to approve the minutes, Ms Larkin seconded the motion and it passed unanimously.

NEW BUSINESS

COA 13-01: Submitted by Frank Cassiano for: demolition of the home located at 401 S. Holly Street

Mr. Laughlin presented the certificate of appropriateness. He presented the exterior and interior pictures of the home where an extensive amount of construction was done to the inside of the home due to termite damage. He presented the finding of facts concerning the project. Interior renovations began without a building permit that resulted in the removal of the majority of the flooring system. A stop work order was issued by the City's Inspection Division on May 10, 2012. The applicant submitted a letter from P.E. Teague Professional Engineer dated December 17, 2012 recommending condemning the current structure because "the foundation had been compromised and that the attic had some bracing". The applicant began discussion with staff in January 2013. All the windows in the home were removed by the applicant in February or March 2013 without a Minor Works COA or building permit. Regional State Historic Preservation Office Regional Supervisor, Scott Power, wrote a letter

stating that after a site inspection it “appears to have enough physical integrity to repair the house.” The Design Review Committee met on March 25 to discuss the application and recommend denial. The application is to be in compliance with the Design Guidelines. The Design Guidelines that are applicable to the application is Chapter 5 Demolition of Building.

No questions for staff.

Mr. Cassiano, the applicant, spoke in favor of the request. A trustee corporation bought the home along four other homes in the area. The house had termite damage and was not noted prior to closing, and resulted in 21 floor joists being removed. He stated that approximately \$40,000 was spent to get the house gutted. The city stopped the work due to lack of permit. An engineer told the applicant that the house could not be saved. The applicant stated that the seller of the house would not give him a termite report. He compared the petition to the demolition of 406 S. Eastern Street. He stated that he plans to convert the proposed property into a home for three handicapped students and a nurse. He then read the demolition portion of the design guidelines and the letter from P.E. Teague, P.E., PLLC. He stated that the front windows were taken out because they were quality windows. The back windows were vandalized and the molding was taken down and replaced with wooden ones because of their inconsistencies. He stated that the floors were spongy and 21 out of 26 floor joists were damaged. He stated that it would cost \$140,000 to rebuild the house.

Mr. York asked was an inspection done before closing.

Mr. Cassiano stated yes and the inspection stated the house will require some repairs but it did not state catastrophic issues.

Mr. York asked why the applicant did not apply for a building permit.

Mr. Cassiano stated the original plan was to fix the plumbing but the repairs snowballed from there.

Mr. York asked why the windows were left open for months.

Mr. Cassiano stated that there was nothing inside.

Mr. York asked would it be more expensive to restore the house than it would to build a new one.

Mr. Cassiano stated it would cost more to restore than to rebuild because the workers never got to the point of improvement.

Mr. Kammerer asked would the house blend with the neighborhood.

Mr. Cassiano stated yes.

Chairman Webb stated that staff suggested that the board not consider the future use of the property. He stated that the board appreciation the work done to 406 S. Eastern Street but that they must concentrate on the current state of the property on the application.

Mr. Laughlin stated that he talked to the code enforcement officer for the neighborhood. He stated that no action was taken about the windows being open for so long because it discourages vagrants.

Chairman Webb asked when the windows were removed.

Mr. Cassiano stated it had been months.

Chairman Webb asked if the windows were removed after the applicant spoke with staff.

Mr. Cassiano stated yes.

Chairman Webb asked what happened between May and December if the stop work order was in May and the letter from the engineer was in December.

Mr. Cassiano stated that his wife was diagnosed with cancer and had surgery in July. From middle of July they acquired eight properties and the proposed property was not a priority. He realized there were major problems with the house by the time he received the stop work order.

Chairman Webb asked if at some point the applicant knew that the house had major problems, why wasn't a building permit acquired.

Mr. Cassiano stated that he wanted to quit by that time.

Chairman Webb asked was the stop work order a way out for the applicant.

Mr. Cassiano stated no.

Chairman Webb asked if the applicant knew that removing windows also required a permit.

Mr. Cassiano stated that he was not aware of that requirement especially since the windows were not the original historic windows.

Chairman Webb asked if the applicant knew that a Certificate of Appropriateness (COA) was required.

Mr. Cassiano stated that he was anticipating the demolition of the home so he did not consider a COA.

Chairman Webb stated that the applicant had the property for almost two years. The work did not come before staff or HPC until January. The letter from the engineer said that the foundation of the house had been comprised. He asked if the applicant contributed to the damage to the house.

Mr. Cassiano stated the house is comprised but the work that was done was to fix the problem and preserve as much as possible.

Chairman Webb asked how the work could be done without a permit when the applicant had done work in the historic district before.

Mr. Cassiano stated that the initial work was not supposed to be major and that the result of all the work is not a simple fix.

Chairman Webb stated that the hard work has been done and suggest that the house be restored rather than demolished.

Mr. Hursh stated that the State Historic Preservation Office Regional Supervisor suggested that the house be repaired while the engineer stated the house should be demolished. He asked for more information from the engineer.

Attorney Little read Ordinance Code 9-10-20.1 Subparagraph A

- (A) *Generally.* An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within a designated district may not be denied. However, the effective date of such certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from the property by virtue of the delay. During this period the Historic Preservation Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Historic Preservation Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of the period and authorize earlier demolition, or removal.

He stated that the City does not have a demolition by neglect ordinance so HPC cannot deny the application. HPC can delay it up to one year as long as the

applicant works with HPC and SHPO to see if the house is salvageable. He also asked the HPC to consider if the house had any historic relevance that could be reused.

Mr. Jordan stated that he would like more information from the engineer that wrote the letter concerning the house. He would also like for the applicant to look into getting the handicapped house built with tax credits.

Chairman Webb asked did the four unrelated ruling having anything to do with the renovation of the proposed property.

Mr. Cassiano stated that the repairs were already in progress prior to the Council's decision.

Attorney Little stated that the property was located in the UNRI district and could be rented to four unrelated individuals. If the proposed property was used as a group home, it would not apply to four unrelated ruling.

Mr. Kearney asked if the LLC was based in North Carolina.

Mr. Cassiano stated it is out of state.

Mr. Kearney asked if the state tax credits would apply to the reconstruction of the proposed property.

Attorney Little stated the state tax credits would still apply even though the LLC was located out of state. They are licensed to do business in North Carolina and subject to North Carolina taxes.

Mr. Cassiano asked who he needed to talk to about financial assistance.

Chairman Webb stated Reid Thomas from the State Historic Preservation Office.

Mr. Carlin asked if salvaging the façade (the whole front porch) was feasible.

Mr. Cassiano stated he did not know.

Chairman Webb asked if the renovation for the proposed property for a one story bungalow.

Mr. Cassiano stated yes.

Chairman Webb stated that the debris in the backyard is a problem.

Mr. Cassiano stated that the front door is not framed and the rest of the house's construction was also done poorly.

Mr. Jordan stated that the Commission needs more information.

Mr. Cassiano asked what type of information.

Chairman Webb stated that he believes the applicant has his mind set on demolishing the property.

Mr. Cassiano stated that he hopes the Commission would sympathize that the investors put a lot of work into the property but it continues to go down.

Chairman Webb stated that the Commission is trying to find the best solution.

Mr. Hursh stated that the actual information would come in the form of a report from the engineer and details as to why the property should be demolished.

Mr. Jordan stated that the Commission does not want to tell the applicant what the letter should say so that they would decide to demolish it. The Commission would like for the house to be saved. He stated that he would like to see more information from the engineer and information from SHPO validating what would be the best financial decision.

Mr. York made a motion to close the public hearing, Mr. Jordan seconded and the motion passed unanimously.

Mr. Kammerer made a motion to accept the finding of facts, Mr. Kearney seconded and the motion passed unanimously.

Mr. York made a motion to approve the recommendation of the Design Review Committee, no one seconded. Motion failed.

Mr. Jordan asked for clarity concerning the Commission not being able to deny the COA to demolish the property.

Attorney Little stated that is correct. The Commission has the option to approve the COA and take it down by Friday, approve the COA with the demolition begin delayed within 365 days and state, preserve as much of the house as possible, or if not feasible, then the house could come down sooner.

Chairman Webb asked if the Commission is not allowed to say what type of house can replace the proposed property then how can the Commission say what can be saved.

Attorney Little stated that the Commission has to work with SHPO to see what is salvageable.

Mr. Jordan asked if the only options the Commission had were to tear down the house immediately or tear it down within a year.

Attorney Little stated that was corrected and the Commission could state what could be done in certain periods of time.

Mr. Hursh asked if the motion made by Mr. York was a possibility.

Chairman Webb stated that the only thing the Commission could deny was immediate demolition.

Attorney Little explained that the letter from SHPO is stating that part of the property may be demolished and part may be worked into the new construction. The Commission has the job of trying to merge SHPO's recommendation and the applicant's request without causing undue financial hardship and be consistent with the district.

Mr. York stated that the Commission has been placed in an unfortunate position because it appears that the applicant has compromised aspects of the house without obtaining permits or a COA. The Commission had to approve a request that should have never taken place. He stated he is weary of Attorney Little's repeated manipulations of the Commission which occurs with regularity to try to lead the Commission in a direction contrary to the intent that the Commission is suppose to be about.

Mr. Hursh asked if the motion had to include a timeline.

Mr. Carlin stated the motion should include the next step within the timeline.

Mrs. Larkin asked is it the Commission's responsibility or the applicant's to create a timeline.

Chairman Webb stated the Commission should designate a year timeline in hopes that the applicant would move as quick as possible.

Mrs Larkin stated that the Commission does not want to set a precedent of historic homeowners doing work without permits and then asking for demolition.

Attorney Little stated that the Commission will work with the owner during the delay period and other parties to determine what can be preserved. The only way this type of action can be avoided is by a demolition by neglect ordinance which the City does not have in place.

Chairman asked for clarity concerning demolition by neglect and moving forward with demolition.

Attorney Little stated that demolition by neglect is defined by allowing the house to fall apart inside or the zoning minimum housing ordinances. This includes two difference approaches- to keep it from fall apart or ignore it until it does fall apart. Demolition by neglect strives to keep a house from falling apart.

Chairman Webb asked what has the Commission done when work has been performed without a COA.

Attorney Little stated that a stop work order is issued and the property owners are fined if they do not stop work. In the past the Inspections Division had no means of flagging property in the historic district. Procedures have been established that any house in the overlay district will be flagged. The Commission only has exterior jurisdiction of a house.

Chairman Webb asked if a property owner in the past had been asked to remove some windows that were replaced with non-historical ones and install historical appropriate windows.

Attorney Little stated yes in two instances.

Chairman Webb stated that the Commission would like to be involved in the beginning stages of the work instead of having to do follow-up after the work is completed.

Mr. Jordan made a motion to approve the demolition for a continuance of up to one year with the condition that the owner or the owner's representatives meet with the Design Review Committee, SHPO, and the agent's engineer to determine, consistent with the ordinance, what if any portion of the building or site can be saved, reclaimed or salvaged and used in new construction. If the decision is determined prior to the one year period then the applicant may come back to the Commission and request the period be shortened based on the findings and the determinations of the Design Review Committee, SHPO, the agent and the agent's engineer, Mr. Kammerer seconded.

Mr. Hursh asked if the applicant could still tear the house down if he decides to wait 365 days.

Mr. Jordan stated yes.

Attorney Little stated that it would not be practical for him to wait because Code Enforcement will send him violations.

Those voting in favor: Kammerer, Carlin, Kearney, Jordan, Larkin, Hursh. Those voting in opposition: York. Motion passed.

FIG 13-01: Submitted by Jeff Brooks for: Installation of awnings at The Varsity Club Restaurant located at 123 E. 5th Street

Mr. Laughlin presented the Façade Improvement Grant application for front façade of The Varsity Club Restaurant. The application represents \$5,358.60 of work and the total amount requested is \$2,679.30. The estimate was complete with two estimates for installing awning with signage printed on the fabric. The Design Review Committee (DRC) recommends funding the application without the cost of the signage.

Chairman Webb stated that DRC recommended denial of the application if signage was put on the awning. The Committee has agreed to the address printed on the awning.

Mr. Kammerer asked was the decision discussed with the applicant.

Mr. Jordan stated that DRC reviewed the application without the applicant present.

Mr. Hursh asked if the Committee's decision is to pay for the awning without the logo and deny payment of the awning with the logo.

Chairman Webb stated yes.

Mrs Larkin made a motion to approve the application without the logo and if the applicant wants a logo printed on the awning then the grant is denied, Mr. York seconded. Motion is granted with stipulations.

Discussion of March 14, 2013 Public Input Workshop for Design Guidelines Update

Mr. Laughlin stated that the meeting was held at Joyner Library from 7-9 pm on March 14, 2013. 21 members of community attended, Laura Blokker of Southeast Preservation and SHPO staff. Items discussed were: (1) Current guidelines, (2) Use of Photos, (3) Addition of section on resources for consumers (4) Replacement materials and (5) Energy efficiency. The timeline for the completion of the guidelines was also briefly discussed. He passed out a more detailed timeline. The presentation of the revised guidelines will be presented at a public meeting during the July HPC meeting.

Chairman Webb asked if the Commission could look at demolition by neglect and see if it can make it to City Council. He asked also if HPC could be included in the discussion of the UNRI.

Mr. Hursh stated that a lot of frustration was expressed during the meeting and the update to the guidelines is a step in the right direction.

Mr. Jordan stated that the Commission had become a lot easier to work with.

Mr. York stated that several people expressed the need for tax credit workshops and help understanding the guidelines.

Mr. Kearney stated that the state is working on renewing the tax credits.

Chairman Webb stated that the Commission may want to create a resolution to send to the state to support the tax credits. Individuals and investors are beginning to see how valuable the credits are.

Mr. Hursh stated that the meeting was held at Sheppard Library rather than Joyner library.

Minor Works COA's

Canvas awning replaced at 403 S. Jarvis Street

Chairman Webb asked if staff could provide a slide of ongoing COA's at each meeting.

Mrs Larkin said that owners of properties in the historic district were comparing what other owners were not doing. She stated if owners would get the proper permits then it would be easier on the Commission to note that those residences are for special use and not the norm for homes in the historic district.

COMMITTEE REPORTS

Design Review Committee did meet to discuss the COA and FIG.

Publicity Committee had not met.

Selection Committee had not met.

Chairman Webb stated that he wants to make sure that the property on Pitt Street is still moving forward and asked for an update.

Mr. Laughlin stated that Ms York turned in the final report on Friday, March 22 but he had not had time to review. City staff and SHPO staff will review it and get her the comments back and present the final draft to the Commission.

ANNOUNCEMENTS

Mr. Jordan stated that the fire at the house located at the house on 5th was terrible because it was a beautiful Victorian house that laid vacant for a long time.

Mr. Kammerer stated that the City lost another landmark.

With there being no further discussion, Mr. Hursh made the motion to adjourn, Mr. Carlin seconded it and it passed unanimously. The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Seth Laughlin, Planner II