

GREENVILLE HISTORIC PRESERVATION COMMISSION MINUTES

April 22, 2008
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	Dale Sauter	Richard Weir
Jeremy Jordan	N. Yaprak Savut	
Candace Pearce, Chair	Rick Smiley	

COMMISSION MEMBERS ABSENT:

Greg Jarrell, Vice-Chair Francine Rees

STAFF MEMBERS PRESENT: Sandy Gale Edmundson, Secretary; Jonathan Edwards, Cameraman; Bill Little, Assistant City Attorney; and Tom Wisemiller, Planner

OTHERS PRESENT: David Barcombe, Myron Caspar, John Furci, David Graham, Annette Harding, Jacob Harding, Zachary Harding, Dr. Beverly Harris, Chris Mansfield and Marie Pokorny

ADDITIONS/DELETIONS TO THE AGENDA

Motion was made by Ms. N. Yaprak Savut and seconded by Mr. Richard Weir to add the Imperial Tobacco Warehouse to the agenda and the State Historic Preservation Office Training to the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 25, 2008

Motion was made by Mr. Jeremy Jordan and seconded by Mr. Richard Weir to approve the March 25, 2008 minutes as amended by adding Chair beside Candace Pearce's name and Vice-Chair by Greg Jarrell's name. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Ms. Pearce: Would anybody like to make a comment during the public comment period?

There was no public comment.

NEW BUSINESS

COA Application 08-05 (407 Rotary Avenue) and COA Application 08-06 (409 Rotary Avenue)

Ms. Pearce: COA application 08-05 is for 407 Rotary Avenue and COA application 08-06 for 409 Rotary Avenue. Dr. Beverly Harris and Mr. Robert Thompson are submitting applications for previous replacement/construction of a driveway.

The Notary Public, Sandy Gale Edmundson, swore in Mr. Myron Caspar, Mr. John Furci, Dr. Beverly Harris, Mr. Chris Mansfield and Mr. Tom Wisemiller.

Mr. Wisemiller: The subject property was constructed in 1934. The house at 407 Rotary Avenue is a well-executed brick Craftsman Bungalow distinguished primarily by a cross-gable roof, gable-roof stoop with an arched transom above the front door. In October of 2007, arched windows on the side sun porch were removed (COA 07-09) to restore the porch consistent with its original design.

Built in the traditional New England Cape Cod style, the one-and-a-half-story frame house at 409 Rotary Avenue has a front door with a Doric surround. Three gable-roof dormers and an interior chimney pierce the steeply-pitched front roof slope.

The two adjoining subject properties are located mid block on the east side of Rotary Avenue, a half block north of Fifth Street, in the College View Historic District.

The applicants request approval for previous replacement/construction of a shared side driveway.

Considerations

The applicants are requesting approval for previously replaced deteriorated concrete driveway, which provides access to the rear garages of each respective property. According to the applicants, 407 and 409 Rotary Avenue have shared a common driveway for many years; the distance between the houses (approximately 14 feet) might be too narrow a space in which to construct two distinct, divided driveways for each of the properties. Over time, the shared driveway had cracked and broken apart into pieces, creating an unsightly appearance, and causing wear and tear to vehicles on the driveway.

The new concrete was poured in the same dimensions as the existing driveway. A diagram provided by the applicants suggests that the existing shared driveway had evolved in a piecemeal fashion over time, with concrete either poured between, or replacing outright, the concrete wheel strips of the historic driveway. The existing driveway—prior to applicants having poured the new concrete for the above described

project—might be described as having been divided into five sections [see: diagram included in Exhibit A]:

- **Sections 1 & 2:** the front section of the driveway at **407 Rotary Avenue** had concrete poured between the wheel strips, while the back section of the driveway were solid concrete slab
- **Sections 3, 4, & 5:** similar to 407 Rotary Avenue, the front section of the driveway at **409 Rotary Avenue** had concrete poured between the wheel strips; however, the middle section of the 409 Rotary Avenue-side of the conjoined driveway was concrete slab, while the rear section still retained grass with wheel strips.

For the replacement driveway, a solid concrete slab was poured over sections 1 – 4 described above, while the grass & wheel strips in section 5 were retained. As a result, the replacement driveway has retained the configuration, materials, spacing, width, and configuration of the *existing* driveway. Conversely, though, the replacement driveway would not appear to conform to the configuration and spacing of the *historic* (wheel strip) driveway from which the existing driveway had evolved.

<u>Chapter</u>	<u>Title</u>	<u>Pages</u>
4	Driveways & Offstreet Parking	60-61

- **1.** Retain and maintain the historic configuration and materials of existing driveways and alleys whenever possible.
- **2.** Construct new driveways to conform with the spacing, the width, and configuration, and the materials of existing driveways.
- **3.** Locate new driveways so that a minimum of alteration to historic site features, such as landscaping, walkways, and retaining walls, is necessary. Avoid damage to historic curbs and sidewalks.
- **4.** Use driveways to access side and rear parking areas and garages.
- **5.** Locate new parking areas as unobtrusively as possible in rear yards whenever possible.
- **7.** It is not appropriate to locate offstreet parking in the side yard if the area would be visible from the street or the front yard.
- **9.** For new parking areas, use paving material that is compatible with traditional paving materials for driveways in the district.
- **10.** Screen all new parking areas from adjoining properties with fencing or shrubbery.
- **12.** It is not appropriate to create large offstreet parking areas encompassing so much of the rear yard that the residential character of the site is lost.
- **13.** It is not appropriate to abut new driveways or parking areas directly to the principal structure.

Ms. Pearce: Would the applicant like to speak?

Mr. Furci: This request concerns the replacement of a deteriorating concrete driveway with a new concrete driveway in the same location as the previous one. 407 and 409 Rotary have shared a common driveway for many years. Over time, the driveway has cracked and broken apart with an increasing number of small pieces breaking off regularly. The repair of the driveway simply replaced the broken concrete pad with a new one. We did not receive a COA prior to doing the work, because we were under the impression that we did not need a COA. The Inspections Division was contacted about the driveway and Inspections referred us to the Engineering Division and they said no permit was required. We were unaware that we were doing anything wrong.

Ms. Pearce: Does anyone have any questions for the applicant?

Mr. Smiley: Describe the area in front of the white garage?

Mr. Furci: There are two concrete strips with grass in between the strips.

Ms. Pearce: Would anyone like to speak in support of the application?

Ms. Marie Pokorny: We left the two strips there to keep the grass to help keep water from standing. We were under the impression that we did not have to come before the Commission.

Mr. Mansfield: I live in the house directly behind the white garage. The driveway had been broken up. They put in a much smoother and attractive driveway. I am thankful that Dr. Harris has purchased the property to fix it up. Why was this property brought before the Commission?

Ms. Pearce: People in the neighborhood, such as yourself, are trying to get the Commission to adhere to the guidelines across the board. If you have not applied for a Minor Works for changing this, then the property is noncompliant.

Mr. Little: Any work that is done within the College View Historic Overlay District, there would have to be a determination as to first whether it was a Minor Work that would permit the Minor Work expedited procedures to be approved. Second if it is not a Minor Work, then it would have to come before the full Commission for a determination as to whether or not the COA is appropriate. In this case, because the applicant did not for whatever reason make an inquiry to do a Minor Work or full COA, it has to come before the full Commission to determine whether or not a ratification action is appropriate. The Commission has the authority to ratify previously done work, or it could be disapproved. If the ratification is disapproved, then the individuals would be required to return it to a historical character.

Mr. Smiley: After the fact, the issue has to be brought before the Commission.

Mr. Mansfield: I appreciate the opportunity to come as a neighbor to speak about this, and I appreciate the work being done here. I guess the Commission could require them to put in wheel strips and put broken concrete back in.

Ms. Pearce: That is basically what the guidelines say.

Mr. Mansfield: That would not make any sense. I think the property looks good and as a neighbor and as the President of the neighborhood association, I hope you approve it. Thank you.

Ms. Pearce: What we are trying to do at this time with the Historic Preservation Commission based on the request from people with the Tar River Neighborhood Association particularly Chris Mansfield, President is to make the guidelines stick. Do what is required to make the guidelines be applied equally to everyone in the district. In this particular case, I do not believe that anybody in the district would like to see every driveway covered in concrete because that would not be in character of the neighborhood.

Mr. Mansfield: I do not know where you begin with the history of the neighborhood. There is a house directly across from me that share a driveway similar to this. As you have seen, the houses are densely packed and are part of the characteristics of the neighborhood.

Ms. Pearce: Does anyone want to speak in favor or against the application?

Mr. Caspar: The driveway has been an eyesore. COAs have been a problem. I hope it is within your reason to agree with what is there. There are many residents in the area with shared driveways. I realize it may be a problem for the Commission, because it is against the guidelines. How do people make these mistakes? Why do they not come here and present their COAs to the Commission? A great deal rests on the Commission's shoulders. Why would people be uninformed to make a mistake of this sort? In your decision making now, I certainly hope that you will consider that there are so many errors in this area that this minor error should be overlooked.

Dr. Chestnut: What is next?

Ms. Pearce: Would anybody else like to speak? What is the Design Review Committee's recommendation?

Mr. Jordan: The applicant was not present at the Design Review Committee meeting nor were there any before pictures to view. The Design Review Committee recommended that the two driveways be put back separately with the wheel strips.

Ms. Pearce: I would now like to close the public hearing. I am supposed to summarize. What we have is two driveways that were at one time separate driveways that for years and years were a communal driveway based on the size of cars and curb cuts. Based on the picture submitted, they were the two strip kinds of driveways. Now we are to the discussion by the Commission.

Dr. Chestnut: Was the applicant told by Engineering that they did not need a COA?

Mr. Little: The contractor was told they did not need a permit, because they were doing the same work. That is how that miscommunication that occurred.

Dr. Chestnut: Because of words, the Commission constantly runs into these instances. I am concerned about what can be done to correct those errors.

Ms. Pearce: What has been done so far is Public Works will ask for an address and that will automatically tell them that an approval is needed for specific addresses, so they can respond specifically.

Dr. Chestnut: Is there something that we can do to let the person know first that the property is in the historic district?

Ms. Pearce: It is a zoning overlay district. Mr. Little, please go over that.

Mr. Little: As a zoning overlay district when a title search is done a mark on the title will bring attention to the owner that the property is in the historic district. The property is under different rules.

Dr. Chestnut: Within our system, Staff needs to be able to inform the property owner that their property is in the historic district and approval must be granted prior to work being done.

Mr. Little: I can make an inquiry with the Information Technology Department that the Geographic Information System (GIS) has within the system that the historic overlay district is indicated when properties in the historic district are searched. Education is both internally and externally. Off the cuff responses should be avoided.

Mr. Smiley: I would like to return to the merits of the COA in front of us. What is staff's recommendation?

Mr. Wisemiller: Staff recommends that the Historic Preservation Commission *approve* the Certificate of Appropriateness for previous replacement/construction of side driveway, based on the following findings:

- The driveway project described above might be construed to fall under the MWCOA approval process. The location and dimensions of the replacement driveway remained the same as the existing driveway.
- If the driveway were construed to be a “new” driveway requiring full COA approval, however, it would nevertheless be congruent with the guidelines **as currently written**:
 - The new (or replacement) driveway conforms with the spacing, width, configuration, and materials of the *existing* driveway as it evolved over time
 - The new (or replacement) driveway does not appear to recreate the configuration and spacing of the *historic* driveway. However, Items 1 and 2 of the *Design Guidelines* explicitly state that new driveways should conform with “existing” driveways rather than suggesting that they should conform with “historic” driveways
 - The space between the two dwellings is rather narrow (approximately 14 feet); a requirement that the driveway be divided into two driveways by a grass strip or other features might not be practicable for modern vehicle usage
 - The new (or replacement) driveway did not alter any existing (salvageable) historic site features and did not damage historic curbs or sidewalks
 - The driveway provides access to rear garages
 - The concrete paving material used in the replacement driveway is compatible with traditional paving materials for driveways in the district
 - The driveway does not abut directly to either of the principal structures

Recommended Motion: Approve request for approval for previous replacement/construction of driveway.

Mr. Smiley: As stated in the guidelines, “The new (or replacement) driveway conforms with the spacing, width, configuration, and materials of the *existing* driveway as it evolved over time.” As it evolved over time seems to be an important part of this application. You are interpreting existing to be as it lies on the ground at what point.

Mr. Wisemiller: As it exists compared to a more precise term if you are trying to maintain historic driveways would be to use the word historic.

Mr. Smiley: You believe that if the guidelines were intended by City Council who writes these guidelines to mean that they would have used the word historic, but because they use the word existing, your interpretation is to how it has become to be over the life of the property.

Ms. Pearce: Existing when it was written was how the historic district originally was. I called the State Historic Preservation Office (SHPO) to find out what their interpretation of the driveway would be for this specific property. SHPO said that the existing

driveways that were there in the neighborhood to begin with should clearly separate the property visually because that was what was appropriate. We are trying to adhere to the guidelines.

Dr. Chestnut: I have heard several comments that this sure looks better and it sure is an improvement. One statement that was made was there was one across the street that was like this. If we continue that kind of logic, then the guidelines should be thrown out of the window. I am listening to all of the different points.

Mr. Smiley: It is true Staff is burdened with a number of responsibilities which mean they do not have time to hand out the guidelines to everyone in the district. Human failures are within any system. These guidelines exist and are available to everyone. What does the law say? It seems to me that what they say is that driveways should reflect the existing nature of the driveway. I think the consistent way forward is to rigorously apply the guidelines as they are written.

Dr. Chestnut: Please clarify. Is it Staff's recommendation to approve the present replacement?

Ms. Smiley: Yes.

Dr. Chestnut: The existing driveway was not paved over totally. That is not a solidly paved driveway. I can clearly see the wheel lines.

Mr. Smiley: Clearly in this case it has become not double strips but a fully paved driveway. From the testimony, I am hearing that is the way it has evolved.

Dr. Chestnut: I have difficulty when I can't have things both ways. It is incumbent upon me what the guidelines say.

Ms. Pearce: We are going to change the way the driveway ordinance reads, so it is clearly defined. We have not gotten that approved yet, but that is what we are working on. Based on what guidelines we have now, we need to establish what the Findings of Fact were. Mr. Little, do you know what the Findings of Fact are?

Mr. Little: Based upon your summary, the applicant did repair, replace existing driveway. The applicant did not obtain either a Minor Works or a COA prior to the commencement of the repair, replacement of the existing driveway. The applicant has now filed a request for an approved COA requesting that the Historic Preservation Commission to ratify their previous replacement or repair of the existing driveway. That the Design Guidelines are somewhat unclear as to an existing driveway or an historical driveway based upon the information that was provided by the photograph showing that the driveways at some point in time were wheel strip driveways and at some point in time, parts of it were filled in with concrete. Wheel strips existed though they were now

a solid driveway. The driveways that were installed were approximately the same width as the existing driveway. Those are the facts that you have before you.

Motion was made by Mr. Rick Smiley and seconded by Dr. Dennis Chestnut that the Findings of Fact are in evidence. Motion carried unanimously.

Ms. Pearce: Is there a motion as to whether or not the Findings of Fact are congruent or not congruent with the Findings of Fact?

Motion was made by Mr. Rick Smiley and seconded by Mr. Richard Weir that the Findings of Fact are congruent with the Design Guidelines. Dr. Dennis Chestnut abstained. Motion carried.

Mr. Little: An abstained vote is a yes vote.

Motion was made by Mr. Jeremy Jordan and seconded by Mr. Rick Smiley to approve the Certificate of Appropriateness applications 08-05 and 08-06 for 407 Rotary Avenue and 409 Rotary Avenue. Motion carried unanimously.

COA Application 08-07 (310 S. Harding Street): Applicant requests a continuance.

Ms. Pearce: COA application 08-07 is for 310 South Harding Street. Mr. Myron Caspar requested a continuance.

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

Mr. Wisemiller: The seasonal glass, wood, and metal enclosure to protect the citrus plants on the front porch of the dwelling has been removed.

The Commission decided that since the orangery has been dismantled, the Commission has no standing with the application.

COMMITTEE REPORTS

Design Review Committee

The Design Review Committee discussed the driveway issue for 407 and 409 Rotary Avenue.

Selection Committee

The Selection Committee did not meet.

Publicity Committee

The Publicity Committee did not meet.

NEW BUSINESS

Change in Rules of Procedure

Mr. Wisemiller: These proposed Rules of Procedure changes may cause work delays. Staff would recommend that the Design Review Committee meet on a weekly basis to prevent the work delays.

Ms. Pearce: The Design Review Committee will meet as necessary to prevent work delays.

Mr. Little: The change in the Rules of Procedure was presented to the Commission at the March meeting. Tonight the Commission is being asked to approve the change.

Motion was made by Mr. Jeremy Jordan and seconded by Mr. Richard Weir to approve the change in the Rules of Procedure as written. Motion carried unanimously.

2008 Historic Preservation Commission Awards

Mr. Wisemiller: Would the Commission like to present the 2008 Historic Preservation Commission Awards at the May 27, 2008 meeting?

Mr. Little: Does the Commission want to do the presentation at the meeting or during a social event?

Motion was made by Dr. Dennis Chestnut and seconded by Mr. Rick Smiley to present the 2008 Historic Preservation Commission Awards during the regularly scheduled meeting on May 27, 2008.

Dr. Chestnut suggested that the awards are good publicity for the Commission and a goodwill gesture from the Commission to the community.

Update on Façade Improvement Grant (FIG) Program

Mr. Wisemiller: The Façade Improvement Grant Workshop will be rescheduled. Limited interest was received, so we are going to do some follow up advertising.

Ms. Pearce: At the March meeting, the Commission decided that one workshop would be offered. Cards and fliers need to be sent to those in the area. These cards and fliers should indicate the location, time, date of the workshop and a contact person. Do we have any reports on the situations with the FIG from 2007?

Mr. Wisemiller: I will have a more detailed report at the May meeting. We have a couple of work plans that we are still work on.

Ms. Pearce: A completed report needs to be presented at the May meeting. A financial report is necessary.

Update on Non-Compliant Historic Properties

Mr. Wisemiller: I have distributed a list of the Non-Compliant Historic Properties. The list is getting smaller.

Ms. Pearce: What is the status of Dr. Wooten's house? The Commission requested that a letter be written to the State Historic Preservation Office (SHPO) requesting their opinion of the removal of the chimney. Was that letter written?

Mr. Wisemiller: There was a site visit. I did not receive follow up correspondence. I'll touch base with SHPO.

Ms. Pearce: We need to know what SHPO thought about the chimney. There was roof work done last week. Was a Minor Works done?

Mr. Wisemiller: No.

Ms. Pearce: Are you going to send a letter out?

Mr. Wisemiller: Yes.

Discussion of the Imperial Tobacco Warehouse

Mr. Smiley: The Imperial Tobacco Warehouse burned this past week. It was a loss to the City. I move that the Commission thanks the Fire Department and other departments for all of their hard work and courage in the investigation of the fire. In their investigation, please pay attention to the residual historic value of the smoke stack and the water tower and their historic impact to the skyline of the City.

ANNOUNCEMENTS/OTHER

Discussion of State Historic Preservation Office (SHPO) Regional Training In Greenville, North Carolina

Dr. Chestnut recommended that Historical Places be added for discussion at the SHPO Regional Training in Greenville, NC in June.

CLOSED SESSION

Mr. Little: I have been asked to make a motion for the Commission. It is moved that the Historic Preservation Commission go into Closed Session. The statutes of the State of North Carolina permit a public body to enter Closed Session for the expressed purposes set forth in that statute which the current motion is to prevent the premature disclosure of an honorary degree, scholarship, prize or similar award. Is there a second to that motion?

Mr. Weir: I second the motion.

Motion carried unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Thomas G. Wisemiller
Planner II