

July 24, 2014

**Members Present**

Michael Nicholas  
Sarah Latham  
Robert Weir  
Richard Morris  
Robin Crews  
Sean Davis

**Members Absent**

Susan Stilwell

**Staff**

Renee Burton  
Clarke Whitfield  
Christy Taylor

Vice Chairman Nicholas called the meeting to order at 3:30 p.m.

**ITEMS FOR PUBLIC HEARING**

1. *Request for a Certificate of Appropriateness PLCAR2014000186, filed by O.K. Construction, Co. to complete the following at 234 West Main Street:*
  - a. *Install wood shingles on two (2) dormers to match the rest of the house*
  - b. *Install one (1) double hung window on top floor to match existing*

Open the Public Hearing.

Present on behalf of the request was Mr. Oadie Keen, Sr.

Mr. Keen stated what she wants facing the house replacing the window on the right side and on the left side. She wants to take the one on the right side and put it on the left where you can see it from the street. She wants to order three new ones, two of them to go on the right side which will be tan, the same color of the house. The other new window to go on the back.

Mr. Morris asked is this a vinyl window or a clad window?

Mr. Keen responded they are vinyl windows. Double hung vinyl windows; there are two of them up there. This is in the five dormers on the top floor.

Mr. Morris asked so you are trying to purchase a double hung, it will be the same profile, as this ones that are up there now?

Mr. Keen responded no, what's up there twice is that doesn't really match the house.

Mr. Morris stated in profile, in what it looks like.

Mr. Keen responded on the top floor they are not the same windows.

are hung, aren't they?

Mr. Keen responded yes they are double hung.

Mr. Morris asked what you're trying to replace them with are also double hung?

Mr. Keen responded she wants to add three more double hung, but the three she wants to add will be tan, which will be about the color of her house.

Mr. Morris stated well the color I don't think we care about. What I care about is whether or not they have the same look and profile of the double hung. A vinyl window for instance the look of some windows are just flushed. Very different from traditional hung window. It would have been helpful maybe if you had a picture of the window you're replacing.

Mr. Keen responded will it is a replacement window. You just take the other windows out and set these right in it.

Mr. Nicholas asked what's going to be different about the replacement windows than the ones you currently have?

Mr. Keen responded the ones that are up there now are white and she wants to put tan, so from the street they will look the same color of the rest of the windows in the house.

Mr. Nicholas asked so the only change being made is the color?

Mrs. Burton responded only on one. If you can turn to this picture here. The one on the right in the dormer is currently a white vinyl replacement window. The one to be used, supposed to be installed are going to be the same profile as this window, however they are to be tan. This one is a tan wood window six over six, same design. So if this is approved you will have a tan or beige vinyl in place of this wood window and then in placement of the white vinyl you will have a tan or beige vinyl replacement six over six.

Mr. Morris asked you're basically just replacing the sashes rather than the windows correct?

Mr. Keen responded yes that's what they are calling them replacement windows, you pull the sash out and you set them back in there. The frame all around it is still better.

Mr. Morris asked what about the grilles? What kind of grilles do you have? These have six over six.

Mr. Keen responded well we can go six over six to match them.

Mr. Morris asked ok and if you do they have to be, they can't be GBG's grille between glass+.

sting now is the GBG.

Mr. Keen asked that what's in there now? Even on the original one?

Mrs. Burton responded correct. On the vinyl replacement, it's GBG white vinyl window, six over six.

Mr. Morris stated but they are replacing the other one.

Mrs. Burton responded the wooden window. It's a TDL.

Mr. Morris asked if they are going with two new ones on that side they should be simulated divided lite.

Mrs. Burton responded that is your call, I'm just letting you know what it is. It was approved at one time.

Mr. Morris asked what was approved?

Mrs. Burton responded in 1996. In your packet there is an approval for vinyl windows in that particular home.

Mr. Keen asked well what's in those dormers now is a solid window, isn't it? You have a picture of that?

Mr. Morris responded no.

Mrs. Burton asked in the dormer now?

Mr. Keen responded yes.

Mrs. Burton responded is the white double hung GBG.

Some discussion took place regarding GBG windows.

Mrs. Burton stated if you look back at the garage area there is a hallway connecting the garage and the home. That is all vinyl.

Mr. Morris asked we approved GBG's?

Mr. Whitfield responded back in '96 you did.

Mrs. Latham asked so if I understand this correctly on the main part of the house what we have are two dormers on the left side of the house and two dormers on the right side of the house. The ones on the left are not really viewable from the public area?

Mrs. Burton responded correct.

the ones on the right?

Mrs. Latham responded right.

Mrs. Latham asked of the two dormers on the right hand side of the house as you face it one is an original wood frame six over six, and one is a white vinyl replacement window, which she got permission for in 1996. So you want to take the white one and move it over to the left side where it can't be seen? Now are the windows in the dormer on the left side, are they currently also vinyl replacement windows?

Mr. Keen responded one on the left side is and one on the right side is.

Mrs. Latham asked what do you have in the front dormer window on the left side that you can't see very well?

Mr. Keen responded if you're facing the house on the left side, there's a white replacement window in there solid window then old window, then it's one on the right side.

Mrs. Latham asked of the two dormers on each side of the house has an original wood frame window, and one on each side of the house has a vinyl replacement window? Is there any possibility that the original wood window on the left side of the house would fit in the dormer opening on the right side of the house?

Mr. Keen responded I don't have any idea without measuring it.

Mrs. Latham stated that would strike me if it did fit as the ideal, then you could have the vinyl windows on the side that can't be seen from public view, and have two original windows in the dormers on the side that is in public view, but if you don't know if it will fit and it may not of course.

Mr. Keen responded what Mrs. Banks wants is all double hung windows in those dormers.

Mrs Latham responded right she would like to have the vinyl replacement there for ease of cleaning.

Mr. Keen stated she wants to do away with the one in the dormers.

Mrs. Latham responded right she wants to do away with them all together.

Mr. Morris asked and what is wrong with the originals, are they rotted?

Mr. Keen responded she tells me to replace them, I just work for her.

Mr. Morris asked normally don't we repair, if they can be repaired?

time that I have been on here we have generally  
be repaired. Important to know if these are  
repairable.

Mr. Nicholas stated it's a recommendation not a requirement.

Mr. Morris asked is this living space or just an attic?

Mr. Keen responded at one time it was living space but now it's just used as an attic.

Some discussion took place about the attic.

Mrs. Latham asked well there was something also about shingles, wasn't there?

Mrs. Burton responded yes.

Mr. Nicholas stated install wood shingles on two dormers, to match the rest of the house.

Mrs. Burton stated they are currently on the side; they want to wrap the entire dormer around the shingles.

Mrs. Latham responded generally I absolutely oppose vinyl windows on the other hand this house its location.

Close the Public Hearing.

Mrs. Latham stated given that this essential sits on an entrance ramp, the dormer windows are not what really draws ones attention.

Mr. Nicholas stated I would suggest who ever is going to make a motion I suggest you take these two separate, two different requests. The other thing I point out on here is apparently vinyl is approved for this house by this board. I don't think the current owner can be penalize or required to take down that which we permitted them to put on.

Mr. Morris responded no, we're not asking them to take that down, but I think that unless the current windows are not repairable. Until we see they can't be repaired, there's no reason to just take them out.

Mrs. Latham stated could we back up for just a moment since this is going to be long and involved. I make a motion to approve the shingles, putting the shingles around the dormers to match the rest of the house.

Mr. Nicholas responded a motion to approve the shingles to match the dormers around the rest of the house. Is there a second?

approve the request (a) as submitted. Mrs. Crews  
n was approved by a 6-0 vote.

Mr. Nicholas asked further discussion?

Mrs. Latham stated it gets complicated because we are dealing with a Board decision that would unlikely be the decision made today, but it was the decision made in 1996. We cannot as Mr. Nicholas suggested penalize them now for a decision that this Board made before. Changing the vinyl window to a tan to make it match the paint, I applaud the homeowner for wanting to do that because then it blends in better and doesn't stick out like a sore thumb. With that said I'm a little loathed to have original windows removed if they do not require being removed. On the other hand, and I'm just laying it all out as we go through all this, then you have a side of the house where you got one vinyl window and one original window which is perhaps a little more jarring to the eye, than having two windows that are identical.

Mr. Morris asked is it possible to have an advocate?

Mr. Nicholas responded cannot have an advocate.

Mrs. Burton responded no sir.

Mr. Nicholas responded outside our authority under this council.

Mr. Nicholas responded I defer to legal counsel.

Mr. Whitfield responded that's correct.

Mr. Nicholas asked I'm looking back to 1996 the outside dark brown vinyl, the approval was that for the garage, the attached garage?

Mrs. Burton responded yes, that's the very rear portion in the photos.

Mr. Nicholas asked window options were left to the property owner?

Mrs. Latham asked she built an attached garage with dark brown vinyl, I assume siding, correct?

Mr. Nicholas responded the motion that was passed with modifications of wood lap siding and paint to match the existing siding, window option left to property owner.

Mr. Morris stated I would like to make a motion to table this until we see further evidence that the existing windows are not repairable.

Mr. Nicholas responded motion is to table. Is there a second?

request (b) until evidence that the window is  
applicant. Mr. Weir seconded the motion.

Mr. Nicholas stated I have a discussion point. I don't think we need a home owner to approve that it's not repairable.

Mrs. Crews responded nor do I.

Mr. Nicholas stated if we adopt that stance then essential what we are saying is if you keep your home in good repair you can never make any changes such as this, however if you don't keep your home in good repair and you let it fall by the wayside and rot then we'll consider your request.

Mrs. Latham stated she doesn't really need our permission to replace a white vinyl window with a tan vinyl window.

Mrs. Burton responded correct.

Mrs. Latham stated so she can replace that window with that, so it really is a request to replace the original wood window on the one side of the house with the vinyl window.

Mr. Morris asked that's not replacing in kind?

Mr. Nicholas responded it not replacing in kind. It is a request that needs to be approved. My issue with saying there has to be proof that it is not repairable, provides a disincentive to home owners to maintain the historical qualities of their homes.

Mr. Morris responded I don't agree with that. That's like saying rotting gutters and they want to replace it with cement board or something and they neglect that. I don't think people are going to let their house fall apart.

Mr. Nicholas responded reasonable difference of opinion.

Mr. David asked have you noticed a neighbor across the street? I'm not going to mention names.

Mr. Nicholas responded if I wanted to be the one to make this request and I know the request won't even be considered if the wood window is not in a state of repair then I'm going to let it get in a state of disrepair so I can at least get my foot in the door.

Mr. Morris stated I just find it hard that people could do that. On the other hand if you take the other point of view that means that every time someone wants to change their windows to vinyl we're going to allow it.

Mrs. Latham responded it doesn't mean that.



...nst this motion does not approve the request, we  
...its, and then you can of course make a motion to  
deny the actual request.

Mrs. Crews responded given the fact in 1996 precedence where an attached garage with a window viewable from the cloverleaf was left in the minutes of the 96 meeting saying window option left to property owner. We should approve the request as made.

Mrs. Latham asked and the garage has all vinyl windows?

Mrs. Burton responded correct.

Ms. Latham asked so we have original wood windows on the main floor of the house in the public view?

Mrs. Burton responded within the public view, yes, and you may have more I just didn't go around the house, but certainly within the public view.

**Mr. Morris made a motion to table request (b) until evidence that the window is un-repairable is presented by the applicant. Mr. Weir seconded the motion. The motion was denied by a 2-4 vote.**

More discussion

Mrs. Latham stated my primary concern is opening the door for future complaints by people oh you let a vinyl window in here.

Mr. Whitfield responded I think you can distinguish that because of the 96 minutes, when you can say we were going on the precedence of this house only when the window selection was left to the property owner.

Mrs. Latham responded yes so we do have some backup there. This is such a contentious issue as we know. We need to tread carefully. My sense is however she does not need permission to put that tan vinyl window in replace of the white one. She is trying very hard to make the profile of the house a good color scheme. She already has a vinyl window that was allowed also on the main level of the garage. So I would say in this instance I would make a motion to allow her to replace the original window on the public view side with a tan vinyl window.

Mr. Davis asked your request where be simulated divided lite on the outside instead of the inside?

Mrs. Latham responded if those are readily available in the tan color, I don't know, that would be ideal because she is going to replace the vinyl window anyways, so she is spending that money. So she is going to have to buy two vinyl windows.



that she doesn't have to replace that other vinyl

Mrs. Latham responded that's true, she does not have to.

Mrs. Burton stated so you could be approving a true divided lite next to a GBG.

Mrs. Latham asked but presumably her intent would be to purchase two vinyl windows. What do you call those simulated divided lite vinyl windows in a tan color?

Mr. Morris responded simulated divided lite grilles.

Mrs. Latham replace with a tan color vinyl window with simulated divided lite grilles, and based on 1996 this Board approved owners' choice in style of windows.

**Mrs. Latham made a motion to approve request (b) with simulated divided lite grille replacement vinyl window in a tan color. Mr. Davis seconded the motion. The motion was approved by a 6-0 vote.**

#### **APPROVAL OF THE MINUTES**

**Mr. Weir made a motion to approve the June 26, 2014 minutes. Mrs. Latham seconded the motion. The motion was approved by a unanimous vote.**

#### **OTHER BUSINESS**

Mr. Whitfield stated it has been approved by the Planning Commission going to council on the 19<sup>th</sup>, the code amendment that's basically saying that if somebody comes before this Board and you deny their request, they cannot bring back a substantial similar request for a year. If they come before this Board they're denied and Council upholds it, then they cannot come back with that same request.

Mrs. Latham asked does this relate to the?

Mr. Whitfield responded this does not relate to any particular case. Simply a code change.

Mrs. Latham stated but there was a year in a particular case in which I'm thinking. There was a year between the same requests?

Mr. Whitfield responded actually there was.

Mrs. Latham asked is that particular case still pending before Council?

Mrs. Burton responded it will go before Council September.

n ordinance says if Council denies it, then there is

Mr. Whitfield responded they can always go to court.

Mrs. Burton responded but they can't bring it back to this Commission.

Mr. Nicholas asked so that means ten years later after the code changes on what's allowable, they still could not bring it back?

Mr. Whitfield responded none of us will remember it so it won't be a problem.

Mrs. Burton asked there was a new draft on the guidelines uploaded on our family, my family from Allison Platt, did you all receive that?

Mrs. Latham yes, I don't know if I have my family thing anymore.

Mrs. Burton stated I received the email and I'm not sure if she sent it to everyone or if you were blind cc, so I will forward it and make sure everyone gets that. One question with that, the Commission was renamed. I don't know if anyone noticed that. She has proposed that the Commission be renamed to the Old West End Design Committee+. The thought behind the name change is this is a new design guidelines, this is a new era, turn over a new leaf, that kind of thing. You're not required to change the name; it would be a code amendment for our zoning code in order to change the name.

Mrs. Latham responded somewhere in the future we decide to make another overlay district in a residential area and it's not the Old West End it's the North Danville residential district and instead of creating yet another residential committee just for that, we don't necessarily tie us down to identifying an area.

Some conversation took place regarding changing the name of the Commission.

Mrs. Crews stated it has taken so very long for the CAR Committee to establish themselves, good, bad, or ugly, it seems to me like we would be doing ourselves somewhat of a disservice to change our name.

**Mrs. Crews made a motion to leave the Commission name the same. Mr. Weir seconded the request. The request was approved by a unanimous vote.**

With no further business the meeting adjourned at 4:02 p.m.

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Approved