

COMMISSION OF ARCHITECTURAL REVIEW
February 23, 2012

Members Present

Fred Meder
Cynthia Castle
Jeffrey Carson
Robin Crews
Susan Stilwell
Sarah Latham

Members Absent

Richard Morris

Staff

Renee Blair
Christy Taylor
Emily Scolpini

Chairman, Fred Meder called the meeting to order at 3:30 p.m.

Upon unanimous approval, Mr. Meder changed the agenda order.

I. APPROVAL OF MINUTES

Mr. Carson stated there are two very minor things. The minutes are fabulous. One is on the second page and it is the presentation of the owner, third line up where she says "then I can get the plasterers." On page 12, it should be come instead of came under Mr. Carson stated, three quotes down. That is it.

Mrs. Latham stated on page 3, the sixth paragraph down "we covered the actual flute." I think that is supposed to be flue.

The minutes from the January 26, 2012 meeting were approved as corrected by a unanimous vote.

II. OTHER BUSINESS

Mr. Carson stated last meeting we had asked that there be some type of investigation with respect to the YMCA parking lot and the missing tree. What has happened?

Ms. Blair responded the YMCA was served today with a violation. It was a zoning violation because of the lack of landscape traffic island. There was some confusion apparently between the plan that was written up by Mr. Latham and the plan that was received by Dewberry. When I talked to the YMCA they had the Dewberry plan, but not the other. I do not know whatever happened there. We had a conversation and I let them know that they were to be cited and they are working now to take care of that.

Mrs. Latham stated I will speak to Mr. Latham to find out, but to the best of my knowledge the plan was turned over to the YMCA to be turned over to Dewberry, so that it would work from that plan and just make the correct architectural drawing. Otherwise Dewberry would have been out there doing all of the measurements and doing all of that work from the get go themselves. They were clearly working off of something.

Ms. Blair stated I know that they were to some extent. I don't know where miscommunication happened between YMCA to Dewberry. I have no idea and I am not here to point fingers. My issue is to state that yes, there is a zoning violation and they have been cited for that.

Mr. Carson asked are you permitted to talk to Dewberry? Can you give a copy of the Latham drawing to Dewberry directly?

Ms. Blair responded I can, but I don't think it is necessary at this point; because the YMCA is in agreement that they will take care of it.

Mrs. Stilwell stated if they don't take care of it they can come back to us and we can deny the missing island.

Ms. Blair stated they have two options with a violation. They can either complete the work, well I guess three options. They can appeal to the Board of Zoning Appeals and request a variance because it is a zoning violation. It is not a CAR violation. It is a zoning violation. At that point, if they were to possibly win a variance from the BZA they would have to come to the CAR for the lack of doing a landscape island. It would be a lengthy process. I think at this point, if they are in agreement, we are just going to work with them one on one to get that taken care of.

Mr. Carson stated the only reason that I suggest that you provide Dewberry with a copy of the drawing is two reasons: there couldn't possibly be any misunderstanding as a result, and it shows good faith on our part.

Mrs. Stilwell stated I have one other item.

Mrs. Latham stated there is one other thing that I would like to say about this. I have learned that in the discussions Mr. Latham had with Mr. Gillie a parking lot of that size actually by Zoning Code requires two raised landscaped islands. At the time that Mr. Latham was making the drawings, Mr. Gillie said that he was just going to exempt right off the top the second island. That was not anything that ever came here and we just assumed Mr. Gillie as head of that department has the authority to make that exemption. In any case, a parking lot that size is supposed to have two landscape islands, not just one.

Ms. Blair stated it is based on the design of the parking lot not just the size. It is to be 15 contiguous parking spaces. If you do have a parking lot with 15 contiguous parking spaces you are required to have at least one traffic island. I can't tell you specifically that they have that anywhere else. I know they do in the center. This traffic island is actually going to take the place of two parking aisles, because they are in the middle. It is a larger island than what is the minimum requirement by Code and it will just be in one spot instead of two. The reason that came into play is because that parking lot has been there since the 70's, I think.

There was discussion about the year the parking lot was built.

Ms. Blair stated it was done prior to the 2004 Code, so if there were any change, that is what brings in some type of I guess agreement that we try to work out, so that it can be brought to Code. Even if it cannot be perfectly brought to Code, we try to work that out to make amends with everyone.

Mrs. Crews stated that is somewhat true and somewhat not. Since 2004, they have made a vast expansion to the parking lot; because that is the one that I was taking issue with.

There was discussion about the parking lot expansion.

Mrs. Stilwell stated the YMCA has never followed the law. They have repeatedly done whatever they want to do.

Ms. Blair stated I am talking with Sarah Folmar and we seem to be one and one on coming to an agreement, so we are going to work with that on the zoning end.

There was continued discussion about the YMCA and the parking lot.

Mrs. Stilwell stated I have worked with several people recently looking in the 1000 block of Main where the wedding cake house is etc. I have raised the issue with Earl Reynolds and I would like the support of CAR. That block is zoned Transitional Office Commercial (TO-C) and with that zoning like the house that Gamewood had, you have to go through a rezoning, \$350.00, and how many months?

Ms. Blair responded it is about a 90 day process.

Mrs. Stilwell stated to get it rezoned so that you can live there residentially. There have been about five deals fall through. It is encouraging business use of those houses but not residential use. You cannot get financing. No mortgage broker or bank will lend on a house that is zoned TO-C. I would like for CAR to support a request to Earl, Director of Community Development that the zoning of that block be discussed and reconsidered by staff.

Mrs. Latham asked to go back to Old Town Residential?

Mrs. Stilwell responded go back to Old Town Residential.

Mrs. Stilwell made a motion to request that the Director of Community Development and the Director of Planning reconsider the TO-C zoning of the 1000 block of Main Street be converted to OT-R. Mrs. Latham seconded the motion. The motion was approved by a 5-1 vote (Mrs. Crews in opposition).

Mr. Meder gave an update on the storage tank removal on the property he is currently working on.

Mr. Robinson stated I apologize. I wasn't aware that I had to show up. My situation is with 1021 Main Street, previously Hope Harbor for the past twenty years. The last time that it was single family was many years ago. A friend of mine did a lot of research on it. It has been a boarding house since the 70's.

Mrs. Stilwell stated I think it was 47 when that lady turned it into a boarding house.

Mr. Robinson stated in any case I have not ironed out any exact plan yet. The reason for this was Renee told me when I took the railings down because they were rotting that I was in violation. She made me aware that I needed to apply. I guess that is why I am here today is to at least get something in process for the railings. Honestly, I am open to suggestions. That is the least of my concerns, because right now I am in the process of getting it completely weatherized.

Mr. Meder stated we will come back to you. We skipped over you.

Mr. Robinson stated I guess I just need to know if I am approved or not.

Ms. Blair stated the only thing I have is two quick things. There are two violations that have been issued and then I am done. The two zoning violations that went out was the one with the YMCA and there was one with 819 Pine Street. The individual that owns the property has decided to apply. She sent in an application, so it should come next month. Also, the Epiphany school has a banner up without a Certificate of Appropriateness. I'm done.

There was discussion about banner regulations.

III. ITEMS FOR PUBLIC HEARING

Item 1. Certificate of Appropriateness PLCAR20120000054, to repair and replace existing rails and pickets on porch and handicap ramp to match design of front porch at 1021 Main Street.

Open the Public Hearing.

Present on behalf of the request was Mr. Micah Robinson. Mr. Robinson stated right now I am weatherizing it. I have not ironed out any real details as far as the use. I would like to discuss that at some point, but since we are here for the front, the façade, I took down some section of railing that was added on at some point during the history of the house. It is basically 2x4s and square spindles. I honestly don't know what I want to do permanently. Because I got myself in a situation, I am trying to get approved to put the railings back up, so I do not get in violation during the course of the next few months of working on the house. I do not want to be in violation, so what do I need to do? My suggestion is to put the railing back up the way they were or if I can get an extension on being approved until I decide exactly what I want to do.

Mr. Carson asked in other words you are talking about a replacement in kind. Does that require a permit?

Ms. Blair responded not if it is in kind, no. If you are going to leave them down or if you are going to change this that is what would require this. It was my understanding that you were going to change them.

Mr. Robinson stated my original thought was to remove them and then decide what to do if anything from there. They did not look like they were original to the house.

Ms. Blair stated it is up to the Commission, but they can approve just a removal as it is now. That appropriateness is good for a year. If you want to alter that, within that time period if you decide that you want to put something else up, then you can come back. Just removing them and leaving them in absence without approval is a violation.

Mrs. Stilwell stated or you can just replace with exactly what is there and you don't need a permit. When you decide what you want to do, you can come to us and we can discuss it.

Mr. Robinson stated at this point for the whole project I am keeping my options open. With the handicap ramp, I took the railings down off of it too, because I did not like the way it looked. I am not sure if I even want to keep the handicap ramp. A lot of people are suggesting that I remove that too. The bottom line is obviously that I have not made up my mind. If there is any kind of extension I can get, so I do not get in violation even though part of the railing has already been removed. It is not unsafe. There is no one living there.

Mr. Meder stated we can defer this. Can't we push this to another month?

Ms. Blair responded you can.

Mr. Meder stated we can table this for one. Can we do two?

Ms. Blair responded it can't be more than 60 days by time of application.

Mr. Robinson stated in other words, I have to get an extension or I have to put the railings back like they were. Those are my options.

Mrs. Crews stated and then you can come back and petition once you decide what you want.

Mr. Robinson stated and when I do come back within a month I need to have an exact plan for the front railings around the porch.

Mrs. Stilwell stated it helps if you bring an example of the balustrade with you that way we have no question about the profile of it.

Mr. Robinson stated yes, and I can do that with time. This just kind of snuck up on me. If I had some more time, I think that would be the way to go.

There was discussion about the porch and possible courses of action.

Close the Public Hearing.

Mrs. Stilwell made a motion to table the request for thirty days. Mrs. Latham seconded the motion. The motion was approved by a 6-0 vote.

With no further business, the meeting adjourned at 3:58 p.m.

APPROVED