

COMMISSION OF ARCHITECTURAL REVIEW
December 13, 2012

Members Present

Richard Morris
Susan Stilwell
Michael Nicholas
Sarah Latham
Robert Weir

Members Absent

Cynthia Castle
Robin Crews

Staff

Renee Blair
Christy Taylor
Clarke Whitfield

Chairman, Susan Stilwell called the meeting to order at 3:30 p.m.

I. ITEMS FOR PUBLIC HEARING

Item 1. Certificate of Appropriateness PLCAR20120000324, to enclose rear yard at 120 Holbrook Avenue with a wooden fence 6'-8' in height.

Open the Public Hearing.

Present on behalf of the request was Mr. Eugene Stewart. Mr. Stewart stated I am here to seek some relief from some minor vandalism I have received on my home.

Mrs. Stilwell asked in the back?

Mr. Stewart responded no, on the side of my home.

Mr. Stewart presented pictures to the Commissioners.

Mr. Stewart stated I want to install this. I do have a fence in the rear. I want to run this across the front and have the additional fence extend to the existing fence.

Mr. Morris asked would it go right in the middle of the two properties?

Mr. Stewart responded in between of those two properties.

Mr. Morris asked so the fence would be in the center?

Mr. Stewart responded no, it is not.

Mr. Morris stated would it be on this edge where the shrubbery is?

Mr. Stewart explained to the Commissioners where the fence would be located according to the pictures.

Mrs. Latham stated it says here a stockade fence.

Mr. Stewart stated stockade fence could be used. I just drew a plain fence, so if there was any question as to what kind you would like me to use. Any choice would be fine with me.

Mrs. Latham stated I can't tell by this what style.

Mr. Morris stated he has here 4' by 8' pressure treated plywood plus painted emerald green.

Mr. Stewart stated that would be to match the colors on the front. I would use 4' by 8' plywood. That is just one suggestion and then I would use an orange or white lattice.

Mrs. Stilwell asked would the fence be basically lattice?

Mr. Stewart responded no, the fence will be wood. I was planning to do that on the front section so that it would match the house.

Mrs. Latham asked was your plan to buy sections of fence at Lowe's as opposed to constructing one?

Mr. Stewart responded I could buy it from Lowe's or construct it, either one. I would like to buy because it is much easier.

Mrs. Latham asked is your idea to have a solid fence like a stockade or something like that as opposed to something open like lattice?

Mr. Stewart responded I would like something like a stockade fence. The only reason for the lattice was to incorporate the colors of my front.

Mrs. Stilwell asked are you talking about just doing that on that one little place where the sidewalk and the steps go down?

Mrs. Latham stated that would be the gate.

Mr. Stewart responded yes.

Mrs. Stilwell stated and then it would be just a solid fence going down.

Mr. Morris stated to tie into the existing.

Mrs. Latham stated so the view from the road would have the more attractive lattice.

Mr. Stewart stated it would just bring the colors together.

Mr. Nicholas asked is there a zoning issue here with the setback on the fencing?

Ms. Blair responded no.

Mrs. Stilwell stated I don't think you can go up to but 6' on the side.

Ms. Blair stated you can go up to 8' but that does require a building permit. Six feet and under does not require a building permit.

Mr. Stewart stated I think 6' would be sufficient.

Mrs. Latham stated the only thing I feel strongly about, for a personal reason, when you are using something like a stockade fence it has a finished side and an unfinished side; and I believe the unfinished side needs to be turned inward so that you as the property owner would see the unfinished side and your neighbors would see the finished side. That is the way it ought to be done if one is being a good neighbor.

Mr. Stewart stated it would be painted though.

Mrs. Latham stated it's just that on a stockade fence, one side is going to show the posts and the supports.

Mr. Stewart stated so I should have the posts facing my area. I agree with you.

Mrs. Latham stated unless you went to something like a board on board where it looks the same on both sides. That is fine and not much more expensive than the other kind of fence that you are talking about. I think they have sections of board on board available. That would be an ideal option in a way because your view inside your yard is more attractive.

Mr. Stewart stated I am not going to be using it for that purpose. I am offering a defense against the existing problem.

Mrs. Stilwell asked are you going to paint the fence or stain it? Paint is bad for peeling.

Mr. Stewart responded well I would have to paint it again.

Mrs. Stilwell asked what would you say Rick?

Mr. Morris responded I would stain it. If you want to do something other than leaving it natural I would stain it just a white. I wouldn't go with multiple colors. I would just go with your trim color and maybe just get a stain to match the white trim of your house that way you wouldn't have issues with it peeling and it would more or less just blend with the trim of the house.

Mr. Stewart stated if I could find that I would be more than glad to do that. I am not looking for any extra work.

Mr. Morris stated just go to Danville Paints. They also have picket fence paint, which is made for fences.

There was discussion about painting versus staining.

Mr. Morris asked are we agreeing on a store bought stockade type fence?

Mrs. Stilwell responded that is up to you to make a motion.

Mr. Stewart asked did you entertain the idea of my other fence on this side? This is on the other side of my house. There is an 8' section here that I want to put the fence across as well.

Mrs. Latham asked so you are going down both sides of the house to connect to a fence that goes across the rear?

Mr. Stewart responded yes.

Mr. Morris asked is this your driveway?

Mr. Stewart responded yes, I share this driveway with my neighbor.

Mrs. Latham asked would the fence be inside the driveway?

Mr. Stewart responded yes it would be inside my section. I prefer to have a clear view as opposed to seeing my truck there.

Mrs. Latham asked would you have a gate on this side of the house as well?

Mr. Stewart responded no that would be open.

Mrs. Stilwell stated it is a driveway.

Mrs. Latham stated just fenced down the side, connect with the back, no gate, and then fenced down the other side to connect with the back plus a gate.

Close the Public Hearing.

There was discussion about different fencing options.

Mrs. Latham stated my primary concern is just that the unfinished side be turned and not have 200 feet of unfinished side.

Mrs. Stilwell stated exposed to the public.

Mrs. Latham stated or exposed to one's neighbor, which is something I hope we can address in our rules at some point; but Mr. Stewart has agreed so I would make that an amendment to whatever motion.

There was further discussion about stockade fencing.

Ms. Blair stated typically what has been approved by CAR in the past is a dog eared style of fencing.

Mr. Nicholas asked what is the objection to stockade fencing other than personal preference?

Mr. Morris responded it is not formal.

Mrs. Stilwell stated it is more rustic.

Mr. Nicholas asked but is it antithetical to the Historic nature of the district? Was there not stockade fencing?

Mr. Morris responded typically in that era they would put up nice decorative fences.

Mrs. Stilwell stated lattice fences that are hand built, but very expensive.

Mr. Nicholas asked are there any stockade fences in the historic district?

Ms. Blair responded I can't tell you that there aren't any. That is a large district for me to say definitively that there are not any. Anything that has come before the Board within my recollection has been dog eared style or something of iron. Anything that has been of wood has been dog eared style. We have not approved any stockade.

Mr. Nicholas stated if we want to put a condition that it be dog eared style, the way we need to phrase it is *consistent of prior approvals of this Commission we require a dog eared style fence*. I think we need to leave personal preference out of it.

Mrs. Latham stated that wouldn't be part of the amendment. Stockade is more by nature more colonial or pre-colonial look.

Mr. Nicholas asked can you get 6' dog eared?

Ms. Blair responded you can get them at home supply stores.

Mr. Nicholas stated that should settle it. If we are going to approve it, I think it should be 6' dog eared.

Mr. Morris asked do you know what dog eared fencing is?

Mr. Stewart responded no.

There was discussion about what dog eared fencing looks like.

Mrs. Latham stated I will make a motion that the certificate of appropriateness be approved with the condition that it be a 6' wooden dog eared style fence stained to match the trim, one color only and that the unfinished side face into the homeowner's property with a lattice gate.

Mr. Morris stated no lattice.

Mr. Stewart asked no lattice?

Mrs. Latham responded just a dog eared gate to match.

Mr. Whitfield stated I think he wanted to put lattice on the gate, so you could give him that option if you wanted to.

There was discussion about the appearance of lattice on the gate.

Mr. Morris seconded the motion.

Mr. Whitfield asked did you want to add consistent with prior approval?

Mrs. Latham responded yes.

Mr. Nicholas asked why are we requiring staining as opposed to painting?

Mrs. Latham responded maybe we shouldn't require it. That should be homeowner choice. It is just that stain lasts longer, so it will be less maintenance.

Mr. Whitfield stated I think the motion should say consistent with prior approval of this Commission you are going to approve a Certificate of Appropriateness for a 6' dog eared fence and gate with the unfinished side being in the homeowner's yard or on the homeowner's side of the fence.

Mrs. Latham asked and say nothing about painting or staining?

Mr. Whitfield responded must be painted or stained to match the white trim of the house.

Mr. Stewart stated I would like to have the term stained as opposed to paint defined.

Mr. Morris stated it is your choice.

There was some discussion about where to purchase stain and paint for fences.

Mrs. Latham made a motion to approve the request for a Certificate of Appropriateness consistent with prior approval of Commission, for a 6' dog eared fence and gate with the unfinished side being in the homeowner's yard painted or stained to match the white trim of the house. Mr. Nicholas seconded the motion. The motion was approved by a 5-0 vote.

II. APPROVAL OF MINUTES

Mr. Weir made a motion to approve the minutes from the October 25, 2012 meeting. Mr. Morris seconded the motion. The motion was approved by a unanimous vote (Mr. Nicholas abstained).

IV. OTHER BUSINESS

Ms. Blair stated the historical markers were discussed last meeting. Two markers were proposed, one for Peters Park and then another one for Wendall Scott, Sr. Both of those have been through the Editorial Committee and were presented to the Board today. That meeting was set to end at 3:30, so I haven't gotten the final on that yet.

Mrs. Stilwell asked where are these markers?

Ms. Blair responded the one of Wendall Scott, Sr. will be at his home place on Wendall Scott Drive at his garage. Peters Park is the old Almagro Baseball Field out by the school off Industrial.

Mr. Whitfield stated it is going to be right behind where the Boys and Girls Club is, because that is where Peters Park was.

Ms. Blair stated hopefully those received final approval today.

Mrs. Stilwell asked do you have any idea whether the Tobacco Warehouse one was approved? That was also on their agenda.

Ms. Blair responded yes that one has been approved. I think the agenda today also included the YMCA one as well. I know that there was something proposed for the new YMCA.

Mrs. Latham asked the two kiosks that were required on the trail?

Ms. Blair responded yes. I think that was going to the Board today as well. I remember I got a memo about it. I can't remember if they were doing that today or if they were just doing that internally.

Mrs. Latham stated I never seen language for either one of those and I know the Historical Society was supposed to have input.

Ms. Blair stated let me check on that.

There was further discussion about the historical markers.

Ms. Blair stated the cost share survey is unfortunately still delayed. The bids that came in from consultants were higher than our budget. We are still trying to work that out. It may mean that we cut some survey opportunities.

Mrs. Stilwell asked is this the survey in the target area in the Old Westend?

Ms. Blair responded this is the reconnaissance survey for the threatened resources. We have about 40 on that list on Grove Street and Paxton.

There was discussion about streets that are not named correctly.

Ms. Blair stated OWE Master Plan goes before Planning Commission on the 7th of January.

Mrs. Latham stated may we take a moment here to take a moment and ask about City Council and the Rental Inspection District. It read as if the City Council was mixing the idea of a Rental Inspection District with the OWE. As if it was somehow going to cost them money and they have to wait for the River District. Nobody was talking about instituting the Master Plan for the OWE right now. We were talking about putting in a Rental Inspection District, which Joe King assured them is primarily administrative and it is low cost.

Ms. Blair stated they are within the same plan. The Rental District is part of the Master Plan.

Mrs. Latham asked why can't they be separated out so that the Rental District could be established prior to moving forward? I never thought that they were one in the same. We started talking about a Rental District and I was delighted about that.

Mrs. Stilwell stated that was a year before the Master Plan came about.

Mrs. Latham stated and then we heard there was going to be a Master Plan and I thought that was wonderful. As a member of this Board and as President of the Historical Society I never expected that the City would move forward on the Five Forks Master Plan anytime soon. I did expect that the Rental Inspection District would be approved because we have to get rid of the slum lords.

Mr. Whitfield stated that may be coming and I will tell you that there is a Blight Tour beginning at 8:00 a.m. on Saturday morning in which Jerry is taking folks around.

Mrs. Stilwell asked what kind of folks?

Mr. Whitfield responded Council.

Mr. Nicholas stated remember too that we had this discussion about the State law issue. I believe they would be grandfathered in from the overlay. They wouldn't be exempt from the blight.

Mr. Whitfield stated there might be some things, but they would be subject to a Rental District.

Mr. Nicholas stated you are right. I am thinking about something else.

Ms. Blair stated the Rental District is actually an action item within the Master Plan, so it is one point of action. There are additional points of action that focus primarily on that center hub of Five Forks and there is a great deal of activity right now behind the scenes. Hopefully you will see all of that come within the first part of the year.

Mrs. Latham asked can we have some reasonable assurance that aside from all of the wonderful things that Allison and Amanda came up with for the OWE Master Plan that we can get the Rental Inspection District passed by Council regardless of whenever they do something else?

Ms. Blair responded talk to your Council members. That is beyond our control.

Mrs. Latham stated well the first thing that they are going to see is probably a letter to the Editor from the President of the Historical Society expressing deep disappointment, but it does clarify things for me that this was always presented as part and parcel and I thought it was one thing and we also did the Master Plan.

Mr. Whitfield stated from just a tactical point of view, a letter to the Mayor expressing desire for the Rental District might go a lot further than a letter to the Editor.

There was further discussion about how to get the Rental Inspection District addressed separately so it may move forward.

Mrs. Latham made a motion to request that City Council and Planning Commission to move forward with the administrative side of the OWE Master Plan specifically the Rental Inspection District within the target area of the OWE. Mr. Morris seconded the motion. The motion was approved by a 5-0 vote.

Mr. Whitfield stated probably the way to push this would be a letter from the Chair stating that a motion was passed.

Mrs. Stilwell asked can you email me the motion?

Ms. Taylor responded yes.

There was further discussion about the authority and enforcement that a Rental Inspection District would give the City.

Ms. Blair stated on the CLG Status update, I have heard from the Director of the Certified Local Government Program. She has some recommendations that are going to Ms. Kilpatrick and we will receive a letter from her. That was probably a week or so ago. I know there are some changes that we have to make to our Ordinances. I have not been made aware yet as to what those changes are. That does push us back whenever we receive that notification. It will take two to three months likely depending on what changes there are to get that through the process, so we can end up in a CLG Status.

Mr. Nicholas asked when you say Ordinances does that mean legislation passed by City Council?

Mr. Whitfield responded right.

Ms. Blair stated you have a 2013 calendar in front of you for meetings. Just as a reminder our meeting in January is elections. We do that at the beginning of every year. The previous elections that we had were simply to fulfill the term for 2012. If you want to protect yourself and not be elected, I recommend that you are here in January. You also have conflict of interest statements in front of you that is the exact same thing that you completed earlier. What you completed in October was for 2012. You must do the exact same thing for 2013.

Mr. Nicholas asked so the date on this is incorrect?

Ms. Taylor responded yes, it says 2011. I guess Sue hasn't changed her letter.

Mr. Nicholas stated that is fine. It is the same form.

Ms. Blair stated Allison and Amanda are also working on a Grove Street analysis. I don't know how many of you are aware of that. They are in the analysis stage right now gathering information. We have received a couple maps indicating some architectural features, physical statuses, conditions, that type of thing. It hasn't gotten into formal documentation or anything like that, but it has started.

Mrs. Stilwell asked so they are working on Grove?

Ms. Blair responded yes.

Mrs. Stilwell asked how about Chestnut Place?

Ms. Blair responded the boundary does include Chestnut. I will pass these around so everybody can see it.

There was discussion about an apartment building on Grove that had been sold recently.

There was discussion about the building on Lynn that will be used for hybrid vehicles.

Mr. Whitfield stated yesterday we had a hearing with Mr. Holbrook. Mr. Holbrook is continuing to pursue his case. It was really nothing more than a motions hearing. I believe his attorney made some incorrect and fairly weak arguments on the motions that were filed. Judge Moreau will rule on those motions and set a trial date on January 11, 2013 for the actual merits of the case.

With no further business, the meeting adjourned at 4:20 p.m.

APPROVED