

# HISTORIC DISTRICT COMMISSION

## MINUTES

November 9, 2011

MEMBERS PRESENT: Mr. Roger Dahnert  
Mr. Don Duffy  
Mr. Tom Egan  
Mr. Steven Firestone  
Ms. Debra Glennon, 2<sup>nd</sup> Vice Chair  
Ms. Barbara Highfill  
Ms. Karen Rush

MEMBERS ABSENT: Ms. Mary Ellen George, Chair  
Ms. Paula Owens  
Mr. Curtis Watkins  
2 Vacancies

OTHERS PRESENT: Mr. John Rogers, Administrator

Historic District Commission

Mrs. Wanda Birmingham, Secretary to the

Historic District Commission

Mr. Thomas Powers, Assistant City Attorney

With a quorum present and in Chairman George's absence, Ms. Glennon called the regular November meeting of the Historic District Commission to order at 3:10 pm. She began the meeting with a welcome to all in attendance and by swearing in those present (and continued to do so throughout the meeting as others arrived). Due to the quasi-judicial nature of the Commission, Staff and others who may speak are sworn in at every meeting. (Commissioners are sworn in by the City Clerk for the length of the appointment at the beginning of each term.) Ms. Glennon asked that everyone in attendance please sign in and when addressing the Commission to please state name and address for the record. Ms. Glennon explained the meeting process. The review of each application consists of two parts. The first is the presentation portion. Staff presents the application then Commissioner and those speaking on behalf of the application will discuss the project. Next members of the audience will be asked if anyone present wishes to speak either FOR or AGAINST the application. Again there will be an opportunity for comments and questions from the Commission and the applicant. The second part is the discussion and deliberation portion of the meeting. At this point, discussion of the application is limited to the Commission members and Staff only. Unless the Commission votes to re-open the meeting to ask additional questions or for clarification of some issue, the applicant and audience members do not participate in this portion of the discussion. Once discussion is complete, a MOTION will be made to APPROVE, DENY, or DEFER and a vote will be taken. A simple majority vote of those Commissioners present is required for a decision. Ms. George asked that all cell phones and any other electronic devices be turned off completely or set to silent operation. She also asked that any Commissioner

announce, for the record, their arrival and/or departure when this takes place during the meeting.

Index of Addresses:	400 Hermitage Court	Hermitage Court
	600 Hermitage Court	Hermitage Court
	720 East Tremont Avenue	Dilworth
	1824 South Mint Street	Wilmore
	220 West 10 <sup>th</sup> Street	Fourth Ward
	1401 The Plaza	Plaza Midwood
	1615 Lela Avenue	Wesley Heights
	335 North Graham Street	Fourth Ward

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Ms. Highfill declared a conflict of interest and removed herself from the Commission for the first and second application

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Ms. Rush disclosed that her daughter lives next door to one of the projects but that does not create a scene where prejudice would affect her vote.

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Application: 600 Hermitage Court – Redevelopment.

This is an apartment building that is located mid block. A Stay of Demolition was imposed in 2008. The ability to pull a Demolition Permit is still

valid as far as the HDC is concerned. Conceptual Approval is being sought so the project can get underway with final plan development. The intent is for two units to face the street and two others face each other across a center drive.

FOR/AGAINST: Adjacent Property Owner Lisa Yarbrough said the massing does not fit and architecturally it does not work. The existing building could be reused and is not a candidate for tear down.

MOTION: Based on the need for further study re: % of developable lot, scale, size, mass, verticality, depth, height, Mr. Dahnert made a MOTION to DEFER the application. Mr. Firestone seconded.

VOTE: 5/1 AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON

NAYS: RUSH

DEICISION: REDEVELOPMENT PLAN DEFERRED.

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Application: 400 Hermitage Court – Redevelopment.

Two detached buildings are in the Hermitage Court Local Historic District and a third building is outside the district. A Stay of Demolition was imposed in 2008. The ability to pull a Demolition Permit is still valid as far as the HDC is concerned.

FOR/AGAINST: No one accepted Ms. Glennon's invitation to speak either FOR or AGAINST the application.

MOTION: Based on probably compliance with ***Policy & Design Guidelines – New Construction***, Mr. Dahnert made a MOTION to APPROVE the project IN CONCEPT. Mr. Egan seconded.

VOTE: 6/0 AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON, RUSH

NAYS: NONE

DECISION: REDEVELOPMENT PLANS APPROVED IN CONCEPT.

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Application: 720 East Tremont Avenue – Tree Removal.

A willow oak tree is grows on the side property line. An adjacent outbuilding damaged the root system. This owner has been put on liability notice by the adjacent property owner. Arborists say the tree could be saved with a lot of work and it would prevent a future rear addition. Since the tree issue is being forced it would be the right time to pursue the addition. A walk in basement and porch will be gained in the addition.

FOR/AGAINST: Dilworth Resident Bob Neely said he thinks the proposal is a good one.

MOTION: Based on replacement with a minimum 3” caliper, large maturing canopy tree, Mr. Duffy made a MOTION to APPROVE the removal of the large property line tree. And based on compliance with **Policy & Design Guidelines – Additions**, and compatible with criteria of size, scale, massing, fenestration, rhythm, setback, materials, and context also approve the addition. Ms. Highfill seconded.

VOTE: 7/0  
HIGHFILL, RUSH

AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON,

NAYS: NONE

DECISION: TREE REMOVAL APPROVED WITH REPLACEMENT. ADDITION APPROVED.

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Application: 1824 South Mint Street – Demolition.

In April of this year a renovation of this old store building was approved. It will become a single family residence. In September an order was adopted by City Council for Demolition. Neighborhood Services is applying for demolition.

Applicant Comments: Ben Krise, Code Enforcement Manager, said there exists severe safety concerns for this dilapidated structure. The deterioration continues. The owner has not been engaged for more than a year. There has been no permitted work as the structure's integrity is further degraded. To bring the structure up to minimum standards would be more than 100% of the value.

Owner, Mark Santos respectfully disagreed saying that the building is no worse now than a year ago. Present economic times have made it extremely hard to obtain funding. The building has existed many decades and if he cannot obtain funding in the next year he will tear it down.

Legal Opinion: Attorney Thomas Powers shared to the Commission that both Mr. Krise and Mr. Santos were both experts.

FOR/AGAINST: No one accepted Ms. Glennon's invitation to speak either FOR or AGAINST the application.

MOTION: Mr. Duffy made a MOTION to recognize the structure as CONTRIBUTING based on it being a c. 1940 vintage commercial building, and a unique neighborhood store. Mr. Dahnert seconded.

VOTE: 7/0 AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON, HIGHFILL, RUSH

NAYS: NONE

DECISION: BUILDING RECOGNIZED AS CONTRIBUTING.

MOTION: Mr. Dahnert made a MOTION TO IMPOSE A 365 DAY STAY OF DEMOLITION. Ms. Highfill seconded.

VOTE: 6/1            AYES: DAHNERT, DUFFY, EGAN, GLENNON, HIGHFILL, RUSH

NAYS: FIRESTONE

MOTION: Mr. Duffy made a MOTION that Findings of Fact to support the Stay of Demolition are: there has been no further deterioration since this property was last seen by the HDC, it is a Contributing structure, a valid CofA is in place, the building is kept secure. Mr. Dahnert seconded.

VOTE: 6/1            AYES: DAHNERT, DUFFY, EGAN, GLENNON, HIGHFILL, RUSH

NAYS: FIRESTONE

DECISION: STRUCTURE DETERMINED TO BE CONTRIBUTING. 365 DAY STAY OF DEMOLITION IS IMPOSED. NOTE: Valid CofA remains in place for renovation.

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Application:            220 West 10<sup>th</sup> Street – Demolition.



This is a c. 1924 Spanish Colonial by Architect, Martin Boyer in Fourth Ward. It is thought to be the only Spanish Colonial in all four wards. City Council has adopted a resolution to pursue Demolition. The house has been allowed to fall into serious disrepair.

Applicant Comments: Mr. Ben Krise, Code Enforcement Manager, said he received this case from the policy. Many complaints have been received due to the ongoing objectionable activity at this address. The City has had to maintain and secure the dilapidated property. The owner is uncooperative.

FOR/AGAINST: Mr. Jim Harrell owns a business directly behind the subject address. He has been there for 22 years and has contacted the owner on several occasions about the drug sales, sexual activity, vagrants, etc. with no satisfaction. His clients are fearful.

Ms. Monica Bittler, Adjacent Property Owner, said the condition of the property and lack of interest on behalf of the owner allow prostitution, vandalism, drug deals. She asked that the HDC please allow demolition.

MOTION: Based on the structure being a designated landmark, Ms. Glennon made a MOTION to recognize the structure as Contributing. Ms. Highfill seconded.

VOTE: 7/1 AYES: DAHNERT, DUFFY, EGAN, GLENNON, HIGHFILL, RUSH

NAYS: FIRESTONE

MOTION: Based on the structure being unsafe and the Historic Landmarks Commission not lobbying to do differently, and a previous Stay in good economic times did not provide anything, Mr. Firestone made a MOTION to allow DEMOLITION. Mr. Duffy seconded.

VOTE: 6/1            AYES: DAHNERT, DUFFY, EGAN, GLENNON, FIRESTONE, RUSH

NAYS: HIGHFILL

DECISION: CONTRIBUTING HOUSE MAY BE DEMOLISHED.

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Application:        1401 The Plaza – Side Addition.

This one story house is at the corner of The Plaza and Hamorton Place. A covered porch is to be where there now exists a deck. The new gable roof faces to the rear. Details and materials will match existing. Staff is dealing with the garage and fence which show on the plan.

FOR/AGAINST:      No one accepted Ms. Glennon's invitation to speak either FOR or AGAINST the application.

MOTION: Based on compliance with ***Policy & Design Guidelines – Additions*** Mr. Duffy made a MOTION to APPROVE the side porch roof addition as compatible with architecture, size, scale, materials, massing. Mr. Dahnert seconded.

VOTE: 7/0            AYES: DAHNERT, DUFFY, EGAN, FIRSTONE, GLENNON, HIGHFILL, RUSH

NAYS: NONE

DECISION: ADDITION APPROVED.

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Application:        1615 Lela Avenue – Add Slate to the Front Porch.

The proposal is to install slate to the front terrace surface, the steps, and the walkway on this house in Wesley Heights.

FOR/AGAINST:      No one accepted Ms. Glennon’s invitation to speak either FOR or AGAINST the application.

MOTION: Based on lack of necessary details regarding the actual application and the choice of materials, Mr. Duffy made a MOTION to DEFER the application. Mr. Egan seconded.

VOTE: 7/0            AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON,  
HIGHFILL, RUSH

NAYS: NONE

DECISION: APPLICATION DEFERRED.

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Application:            335 North Graham Street – Sign.

New signage is proposed for the corner tenant in this multi-use building.  
The sign is to hang above the establishment and be 17 ½ square feet in size.

FOR/AGAINST:        No one accepted Ms. Glennon’s invitation to speak either FOR  
or AGAINST the application.

MOTION: Based on the need for accurate drawings and with the  
recommendation that the sign fit between two dark bands of brick and not be lit  
from within, Mr. Duffy made a MOTION to DEFER the application for further  
design study. Mr. Firestone seconded.

VOTE: 7/0            AYES: DAHNERT, DUFFY, EGAN, FIRESTONE, GLENNON,  
HIGHFILL, RUSH

NAYS: NONE

DECISION: APPLICATION DEFERRED.

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- Mr. Rogers said that the Quasi Judicial Workshop will be discussed in an HDC retreat that will be scheduled.
- Mr. Rogers asked a question about a past approval for 1920 South Mint Street. It turns out that because of the location of the house and the existence of a City storm drain the drive can go as was approved. Staff will approve the change.
- There are now two vacancies on the Commission. The Wesley Heights seat and the Dilworth Business seat. This also leaves the Vice Chairmanship open.
- Ms. Glennon said she would rather wait to see if Dominick Ristaino could be reinstated before the Commission makes any suggestion about filling that officer position.

The October Minutes were approved unanimously with the usual direction to report any changes or corrections to Mrs. Birmingham.

The meeting adjourned at 7:08 pm with a meeting length of 3 hours and 58 minutes.

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Wanda Birmingham, Secretary to the Historic District Commission

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