



CHARLOTTE

HISTORIC DISTRICT COMMISSION
MINUTES
August 14, 2013

MEMBERS PRESENT: Mr. Tim Bender

Mr. Roger Dahnert
Mr. Don Duffy
Mr. Tom Egan, Chair
Ms. I-Mei Ervin
Ms. Debra Glennon, 2nd Vice Chair
Ms. Karen Labovitz
Ms. Mattie Marshall
Mr. Dominick Ristaino, Vice Chair
Ms. Lisa Yarbrough

MEMBERS ABSENT: Dr. Lili Corbus

Mr. Brad Norvell

OTHERS PRESENT:

Mr. John Howard, Administrator
Historic District Commission
Ms. Wanda Birmingham, Assistant Administrator
Historic District Commission
Ms. Linda Keich, Clerk to the
Historic District Commission
Mr. Thomas Powers, Assistant City Attorney

Mr. Egan called to order the Regular August meeting of the HDC at 3:07 pm by introducing the staff and Commissioners introduced themselves. He explained the procedure. All interested parties who plan to give testimony – pro or con - must complete a blue form in order to speak and must be sworn in. An HDC staff member will present an outline and description of the proposal and its impact on the subject property and district's integrity. HDC Staff will then make a Staff recommendation or suggestions about the application. HDC may question the Staff member. The Applicant will present evidence and testimony in support of the Application. The Commission may question the Applicant and Staff may question the Applicant. The Applicant may present sworn witnesses who will be subject to questioning by the Commission and Staff. Other interested parties wishing to speak – pro or con – will be given reasonable time to present sworn testimony. Staff will give a synopsis of any additional comments received. The Applicant will be given an opportunity to respond to comments by

interested parties. After hearing each application, the Commission will review and discuss the information and evidence gathered in closed deliberations and: consider and adopt a Motion for Approval, Deferral, or Denial and adopt Findings of Fact and Conclusions of Law. Interested parties may remain present during the deliberations but may not address the Commission. If one does not remain a call to HDC Staff will result in knowing the decision. All exhibits remain with the Commission. If an Applicant feels there is a conflict of interest of any Commissioner or an association that would be prejudicial, let it be known at the beginning of the hearing of a particular case. The Commission is acting in a quasi-judicial capacity for purposes of this hearing and can accept only sworn testimony. While the Commission will not specifically exclude hearsay evidence, it is only given limited weight. The North Carolina State Bar has issued an Advisory Opinion that it is the unauthorized practice of law for an individual who is not an active member of the Bar to appear for another or otherwise assist or represent another at quasi-judicial hearings on zoning and land use matters. All applicants should have been provided with a copy of that Advisory Opinion at the time an Application was filed. If a property owner or a non-lawyer is present on behalf of a property owner and have not received a copy of that Opinion, one will be provided. If as a result of this Advisory Opinion, an Applicant would like to request a continuance the Commission will consider such request. Appeal from the Historic District Commission is to the Zoning Board of Adjustment. One has sixty (60) days from the date of the issuance or notification of Denial within which to appeal. This is in accordance with Section 10.213 of the City Code. In order to receive a written copy of the decision of the Board, any aggrieved party MUST FILE A WRITTEN REQUEST for a copy of the Commission's decision by completing the form. This form must be filed with the Commission's Clerk or Chairperson at the time of the hearing. Mr. Egan asked that everyone please turn to silent operation any electronic devices. Commissioners are asked to announce, for the record, if one leaves or arrives during the meeting.

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	1825 Dilworth Road West	Dilworth
	327 East Worthington Avenue	Dilworth
	1915 Lyndhurst Avenue	Dilworth
	621 East Tremont Avenue	Dilworth
	324 West 10 th Street	Fourth Ward
	1909 Wilmore Drive	Wilmore
	1208 Clement Avenue	Plaza Midwood
	300 Westwood Avenue	Wilmore
	1613 Wilmore Drive	Wilmore
	318 Settlers Alley	Fourth Ward

Mr. Ristaino declared a conflict of interest as an adjacent property and recused himself for the first application.

Application: 425 Rensselaer Avenue – Garage.

A 1 ½ story one car garage was staff approved for the side yard. It was framed up as a full two story with a rear upper deck and forward of the approved location. Per the Zoning Administrator, a side yard location is reasonable due to there being no rear yard to speak of. The Commission recently reviewed but did not approve the two story garage as built. Revised plans show a 1 and ½ story garage with a front gable and side shed dormers.

Staff Recommendation: Since a ruling from the Zoning Administrator makes a garage in the side yard possible, staff recommends approval with the current revisions.

Applicant Comment: Architect for the owner pointed out that the garage proposal has been made shorter – both actually and visually. The mass has been shifted back by hipping the roof and adding the side shed dormers. Materials and details match the house. Guidelines are met.

FOR/AGAINST:

Adjacent Property Owner Cynthia Schwartz spoke in opposition of the application.

Neighborhood Resident Tamara Titus spoke in opposition of the application.

Neighborhood Resident Marcia Rouse spoke in opposition of the application.

MOTION: Based on the garage as it is being built is too large for its location and the structure needs to be more secondary, Ms. Glennon made a MOTION to DENY the application. Ms. Ervin seconded.

SUBSTITUTE MOTION: Based on the need for additional information, Mr. Dahnert made a MOTION to re hear this application with the approved plans available for review.

Mr. Dahnert withdrew the SUBSTITUTE MOTION.

VOTE: 6/3 **AYES: BENDER, DUFFY, EGAN, ERVIN, GLENNON, YARBROUGH**

NAYS: DAHNERT, LABOVITZ, MARSHALL

DECISION: GARAGE APPLICATION DENIED.

Application: Tremont Avenue/Euclid Avenue – Redevelopment.

An application for a 54 unit apartment building was denied in July. It is back before the Commission based on Staff determining that a substantial change is evidenced in revised plans which show: the roof offset, the center lowered, dormer added on Euclid Avenue elevation, the roof hipped on the Tremont Elevation, fenestration changed on the Tremont elevation, three

units now under one hipped roof, triple columns at the corner, overall height reduction, all architectural details.

Applicant Comments: Developer Dave Ransenberg pointed out that the HDC granted conceptual approval several months ago. A rezoning was then obtained. The HDC then denied the plans but the rezoning was based on those plans.

FOR/AGAINST: Neighborhood Resident John Phares spoke in opposition of the application.

Neighborhood Resident Lucia Griffith spoke in opposition of the application.

MOTION: Based on the need for additional information regarding the actual setbacks and the need for the materials and dimensions to be clarified, Mr. Ristaino made a MOTION to DEFER the application. Ms. Glennon seconded.

VOTE: 6/4 AYES: DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO, YARBROUGH

NAYS: BENDER, ERVIN, LABOVITZ, MARSHALL

DECISION: APPLICATION DEFERRED.

Application: 528 East Worthington Avenue – Addition.

This single family house is c. 1915 located at the corner of Worthington and Winthrop Avenues. Proposed is an addition that transforms the house into a full two story house. A new front porch wraps around. The addition does step down. Materials and details are appropriate to the neighborhood.

Staff Recommendation: Mr. Howard said that this particular house does meet Guidelines but the Commission will determine if it is appropriate to its immediate context.

Applicant Comments: Architect Tricia Chambers said the existing low pitched roof will be maintained. The proposal is to lift the roof and build underneath it. It is told that the second story burned off long ago, leaving a one story house. The addition steps down with the grade and pulls in along the sides. Cues are taken from other homes on East Worthington.

FOR/AGAINST: Neighborhood Resident Marcia Rouse spoke in opposition of the application.

Nearby Neighbor Tamara Titus spoke in opposition unless evidence is discovered to support the existence of a past second story. Preservation Tax Credits may be applicable.

Neighborhood Resident John Phares spoke in opposition of the application.

MOTION: Based on failure to meet Guidelines regarding size, scale, mass, fenestration, context, Mr. Duffy made a MOTION to DENY. Ms. Marshall seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DENIED.

Application: 1825 Dilworth Road West – Additions.

This c. 1929 house is a two story brick home. This application proposes a new front porch to replace a smaller stoop. The porch will be ten feet deep with a standing seam metal roof supported by columns. A rear pack porch is proposed to match the new front porch.

Staff Recommendation: Mr. Howard recommends approval based on meeting the Guidelines.

FOR/AGAINST: Neighborhood Resident Marcia Rouse spoke in favor of the application but questioned the roofing material.

Neighborhood Resident John Phares spoke in favor of the application.

Applicant Comments: Architect Peter Brook said they are creating a usable front porch.

MOTION: Based on compliance with ***Policy & Design Guidelines – Additions***, Mr. Duffy made a MOTION to APPROVE with staff to see revised plans which show perpendicular tongue and groove decking, the correct relationship of column to beam, and copper roofing, a street exhibit to show how lines up with other homes on the street, shingle mold, porch rail. Mr. Egan seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPROVED WITH STAFF TO SIGN OFF ON REVISIONS.

Application: 327 East Worthington Avenue – Addition.

This one story single family house is c. 1920. An addition to create a second story is proposed. The footprint remains unchanged. 4/1 windows replace replacement windows. Hardie is proposed as the new and possibly replacement siding. Aluminum shows as the material for the fascia.

Staff Recommendation: Mr. Howard said the proposal meets most guidelines but there are some missing notes.

Applicant Comments: Architect James Gensher said he tried to keep the same lines. The front is 1 and ½ story while the back is full two story. There will be no aluminum: all windows are wood clad and the soffit /fascia is wood.

FOR/AGAINST: Neighborhood Resident Marcia Rouse spoke in opposition of the application.

Neighborhood Resident John Phares spoke in opposition of the application.

Neighborhood Resident Lucia Griffith spoke in opposition of the application.

MOTION: Based on the need for a streetscape exhibit, site plan, further design study regarding the roof slope mass, scale, mass, fenestration, and separate front dormer from ridge Mr. Dahnert made a MOTION to DEFER. Ms. Yarbrough seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED.

Application: 1915 Lyndhurst Avenue – Addition.

This c. 1903 single family house has long been identified as the house with the semi-circular front porch. A rear addition is proposed to create a new second story. One front gable will be retained and another added. Hardie is proposed for the siding. A rear garage will be accessed from the alley. The curved front porch will be removed and replaced with a more usual rectilinear one. Shed dormers will be added to the sides.

Staff Recommendation: Mr. Howard said the application meets most of the Guidelines but Commission will have to make a determination on the materials.

Applicant Comments: Architect Janice Feinein defended and justified the scale and size and materials and dimensions. Existing siding is Masonite and the request is to change and add Hardie with cedar shakes and trim boards. The curved porch is not believed to be original.

FOR/AGAINST: Neighborhood Resident Cynthia Schwartz shared concerns.

Neighborhood Resident John Phares spoke in opposition of the application.

Neighborhood Resident Marcia Rouse spoke in opposition of the application.

MOTION: Based on the need for more information and further design study, Mr. Ristaino made a MOTION to DEFER the application. Revised plans will (1) deal with the front porch and whether the curved element is original, (2) show a better streetscape, (3) dimensions called out, (4) show mass pushed farther to the rear, (5) show more appropriate materials, (6) include pictures of adjacent houses. Ms. Ervin seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED.

Application: 621 East Tremont Avenue – Addition.

An application for an addition and major transformation was denied in June and is back before the HDC with substantial changes. Revised plans show (1) reduced height, (2) the addition of a large front gable, (3) a front porch, (4) organized fenestration, (5) small stoop removed.

Staff Recommendation: Mr. Howard said it was determined by staff that the revised plans created a substantial change which enabled the application to come forward again this month.

MOTION: Based on a unanimous opinion taken from a roll call, the revised plans did not constitute a substantial change. Mr. Egan made a MOTION that the plans are denied. Ms. Glennon seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: REVISED PLANS DENIED AS NOT SUBSTANTIALLY CHANGED.

Application: 324 West 10th Street – Addition.

This is a townhome and one of 13 attached. The development was built in 1981 as an infill with some Victorian details. All have varying but similar entryways. This proposal is to improve the existing end unit stoop by enlarging it and covering it and aligning it with the adjacent porch.

Staff Recommendation: Staff recommends approval of this proposal that meets the Guidelines.

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

MOTION: Based on compliance with ***Policy & Design Guidelines – Additions***, Mr. Ristaino made a MOTION to APPROVE this front porch addition as submitted. Ms. Yarbrough seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: NEW FRONT STOOP APPROVED.

Application: 1909 Wilmore Drive – Addition.

This is a one story house that is c. 1936. It has a front facing gable and a hipped roof. The lot falls off from front to back and the plan is to capture additional living space in the high basement area. The brick foundation would be painted.

Staff Recommendation: Mr. Howard said this application meets most Guidelines but for the painting of the brick.

Applicant Comments: Owner James Keene said the house is covered in vinyl siding and much of the brick has already been painted. The addition steps in two feet and the stair tower steps out three feet. The stair tower will be the break line of old vs. new. The application is to apply vinyl siding to match what exists.

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

MOTION: Based on the need for additional information, Mr. Bender made a MOTION to DEFER. Revised plans will be more detailed and show (1) a better transition, (2) more appropriate window choices, (3) corrected detail on rear, (4) a study of materials – suggest German lapped wood or whatever is beneath the vinyl, (5) details. Ms. Yarbrough seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED.

Application: 1208 Clement Avenue – Addition.

This is a c. 1910 one and one half story folk Victorian cottage with a full width front porch. It is on a very deep lot on a short dead end street on the edge of Plaza Midwood. The roof is to be extended to accommodate a two story rear. A screened porch and one car garage are to be added on the rear.

Staff Recommendation: Mr. Howard said the proposal meets all Guidelines and recommends approval.

Applicant Comments: Architect Ken Welchel said the house has a finished attic but the knee walls are two feet high. There are permanent stairs to the attic and there is a bath. The dormers will accomplish egress windows. The roof ridge is being raised three feet. The addition jogs to meet the setbacks of today. The garage is to be attached to protect the vista of the backyard. Siding will be toothed in where new meets old.

FOR/AGAINST: Owner's mother Babs Merrill said that her daughter is a heart specialty nurse who goes out and comes in at all hours of the night. She asks that the HDC please approve the attached garage for security and safety.

MOTION: Based on compliance with **Policy & Design Guidelines – Additions**, Mr. Duffy made a MOTION to APPROVE the addition with the front dormer scooted over. Mr. Dahnert seconded.

VOTE: 4/6 AYES: BENDER, DAHNERT, DUFFY, LABOVITZ

NAYS: EGAN, ERVIN, GLENNON, MARSHALL, RISTAINO, YARBROUGH

MOTION: BASED ON COMPLIANCE WITH **Policy & Design Guidelines – Additions**, Ms. Glennon made a MOTION to APPROVE the addition and the garage with a connector which staff can approve. Dormer on the front will be shifted. Ms. Ervin seconded.

VOTE: 9/1 AYES: BENDER, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: DAHNERT

DECISION: HOUSE ADDITION APPROVED WITHOUT THE ATTACHED GARAGE. REVISED PLANS MAY ATTACH GARAGE WITH A CONNECTOR.

Application: 300 Westwood Avenue – Addition.

An application for a second story addition was recently denied. The new application shows substantial change to be back on the agenda. New plans show: (1) fenestration change, (2) a shed dormer on the front, (3) chimney extended, (4) a side gable removed, (5) massing simplified on the front and right, (6) trim has been beefed up.

Applicant Comments: The designer explained that the height has been brought down, and a hipped roof has been added over the screened porch.

Allen Lockwood pointed out that the ridge has been brought down four feet. Columns are more substantial.

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

MOTION: Based on probable compliance with **Policy & Design Guideline – Additions**, Mr. Ristaino made a MOTION to APPROVE the ADDITION with staff to see revised plans which show the front shed dormer narrowed. Mr. Dahnert seconded.

VOTE: 9/1 AYES: BENDER, DAHNERT, DUFFY, EGAN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: ERVIN

DECISION: APPLICATION APPROVED WITH STAFF TO SEE A REVISION.

Application: 1613 Wilmore Drive – New Construction.

Demolition of the existing house was recently approved for immediate demolition. This is an application for the new construction. The 90 day 'No Hear' policy has been relieved for

this application. The former house was pulled back from the existing setback line. New plans show a two story house much more in line with the streetscape. The house has a near full front porch and a standing seam metal roof.

Staff Recommendation: Mr. Howard pointed out that some of the Guidelines are met but others cannot be determined.

MOTION: Mr. Egan made a MOTION to DEFER the application for more context information and suggested that the height may be reduced. Mr. Dahnert seconded.

VOTE: 10/0 AYES: BENDER, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED FOR MORE INFORMATION.

Ms. Ervin declared a conflict of interest as an owner in the same development and removed herself from the Commission for the next application.

Application: 318 Settlers Alley – Additions.

This infill condo in the Fourth Ward is one of a number of townhouses which face both sides of the street. Last summer the Commission saw an application to replace the front windows and reduce their size by several inches from the bottom. Unknown to the owner, the Commission did not approve the change and the work was undertaken. An Enforcement issue began. Because the owner was not notified of the Denial, the ZBA remanded the application to change the front windows back to the Commission for reconsideration. Also to consider in this application to be seen by the HDC are other changes to the rear of the unit: (1) A brick half/wall has replaced a wrought iron rail, and (2) a rear chimney partially collapsed and has been removed, (3) a shed roof covers the porch. The shorter replacement windows are the same style as the ones removed and the new windows match exactly one on the side of this end unit. Matching brick was toothed in beneath the shortened windows on the front.

Applicant Comments: Owner Victor Holloway said the removed windows were 10-12" off the floor and current Code is 24". He changed the windows to bring them up to Code for safety reasons regarding windows going nearly to the floor and little children around. There is no Home Owner's Association for these condos. In addition to the windows the rear deck had also rotted out, the chimney had partially fallen, and there was much water damage inside due to the unit being vacant for fourteen years.

FOR/AGAINST: Neighbor Mrs. E-Mei Ervin spoke in opposition to the changes.

MOTION: Based on compliance with ***Policy & Design Guidelines – Additions***, Mr. Bender made a MOTION to APPROVE the replaced windows. Mr. Dahnert seconded. Staff may approve the changes to the rear.

VOTE: 5/4 AYES: BENDER, DAHNERT, DUFFY, LABOVITZ, YARBROUGH
 NAYS: EGAN, GLENNON, MARSHALL, RISTAONO

DECISION: WINDOW REPLACEMENT APPROVED.

The meeting adjourned at 10:40 pm with a meeting length of seven hours and thirty three minutes.

Wanda Birmingham, Assistant Administrator of the Historic District Commission