

HISTORIC DISTRICT COMMISSION MEETING AGENDA



Monday, April 12, 2021– 6:30 P.M.
Conference Room – City Hall
300 West Crowell Street - Monroe, NC

- Item 1.** **Call to Order – Roll Call**
- Item 2.** **Approval of Minutes – March 8, 2021**
- Item 3.** **Conflicts of Interest**
- Item 4.** **COA PLHR-2021-00041 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Rhonda Griffin to replace the asphalt shingles on portions of the roof with either stamped tin shingles or metal sheeting at the property located at 418 E. Franklin Street (Tax ID #09-231-205)**
- Item 5.** **COA PLHR-2021-00042 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Tara Ferguson to replace an existing wood 6 over 6 window with either a composite material stationary window with the same design or a glass block window similar to the lower floor bathroom at the property located at 201 S. Crawford Street (Tax ID #09-232-164)**
- Item 6.** **COA PLHR-2021-00043 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Philip Millward to construct a roof over the existing pergola in the rear yard, construct a new pergola-style single car carport to the east of the house, as well as extend the driveway to this area, and replace the existing PVC-style shutters with new board and batten shutters at the property located at 806 W. Franklin Street (Tax ID #09-273-006)**
- Item 7.** **Next Meeting: May 10, 2021**
- Item 8.** **Adjournment**

ATTENTION BOARD MEMBERS: Please contact Maryann Brown at 704.282.4527 to confirm your attendance.

cc: Planning Staff
Mujeeb Shah-Khan
Ashley Duncan

HISTORIC DISTRICT COMMISSION MINUTES

MONDAY, MARCH 8, 2021 AT 6:30 PM

CONFERENCE ROOM - CITY HALL

300 West Crowell Street, Monroe, North Carolina

To be Approved at the April 2021 Meeting
Attendees to Sheri Laney on 3-9-21

DRAFT

ITEM 1: Call to Order.

Richard F. Ali, Chairman, called the meeting to order at 6:30 p.m. Keri Mendler called the roll.

Members Present: Richard F. Ali, Bob Bullard, James Kerr, Jennifer Smith, Archie Morgan and Susan Sganga

Members Absent: Megan Woazeah

Staff Present: Keri Mendler, Planner; Ashley Britt, Assistant City Attorney; and Maryann Brown, Administrative Assistant

Guests: **607 S. Hayne Street**
Lisa Hilbish
Steven Armstrong

201 Lancaster Avenue
Heather Reagor
Ellie Bragg
Thomas C. Leitner, Jr.

605 S. Church Street
Amanda Hawthorne

607 Lancaster Avenue
Steven DeVore
Bob Yanacsek
Dale Loberger

ITEM 2: Approval of Minutes.

Chairman asked the Board if there were any questions, additions or deletions to the minutes of the February 8, 2021 meeting. He called for a motion to adopt the minutes of the meeting.

Motion: Jennifer Smith moved to approve the minutes of the February 8, 2021 meeting.

Second: Susan Sganga

Action: The motion to approve the minutes passed unanimously.

ITEM 3: Conflicts of Interest.

There were no conflicts of interest.

ITEM 4. COA PLHR-2021-00022 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from George and Lisa Hilbish to enclose an existing screened porch at the property located at 607 S. Hayne Street (Tax ID #09-235-009)

Chairman asked any parties offering testimony to come forward and be sworn. Keri Mendler, Lisa Hilbish and Steven Armstrong came forward and were sworn.

Keri Mendler, Planner, introduced this item and said this is a Certificate of Appropriateness request to 607 S. Hayne Street. She said at this time she would introduce the findings:

Findings:

1. The subject property located at 607 S. Hayne Street is owned by George and Lisa Hilbish and is zoned R-10 (Residential-High Density). (Exhibit 1, 2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)
3. On February 8, 2021, the applicant submitted an application to enclose an existing screened porch at the rear of the house. (Exhibit 4-7)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.
5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 8-9)

Keri said staff has provided the appropriate guidelines and conclusions in your staff report. She said she would be happy to answer any questions you may have and the applicant and property owner is here as well.

Chairman asked if there were any questions for Keri. There were none.

Chairman asked if there were any questions for the applicant. There were none.

Chairman asked if someone would like to make a motion on the Findings of Fact for COA PLHR-2021-00022 to approve or deny.

Motion: James Kerr moved that the Historic District Commission find as fact that the proposed project, COA PLHR-2021-00022, if constructed according to the plans reviewed at this meeting, is congruous with the character of the district because the guidelines state all the windows, doors, siding, everything, matches in kind and what you would expect and want for stewardship of a mid-century modern house.

Therefore, the application is generally in harmony with the special character of the neighboring properties and/or the historic district as a whole.

Second: Richard Ali

Action: The motion to approve passed unanimously.

Motion: Archie Morgan said based on the preceding findings of fact, he moves that the Historic District Commission grant the Certificate of Appropriateness to this applicant regarding the proposals as shown in application COA PLHR-2021-00022.

Second: James Kerr

Action: The motion to approve passed unanimously.

ITEM 5. COA PLHR-2021-00025 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Heather Reagor to pave the existing gravel driveway, as well as additional parking area on the site, install a privacy fence on the parcel adjacent to residential property, construct a handicap ramp on the rear of the property and install a staircase to the second story balcony at the property located at 201 Lancaster Avenue (Tax ID #09-235-233)

Chairman asked any parties offering testimony to come forward and be sworn. Keri Mendler and Heather Reagor came forward and were sworn.

Keri Mendler, Planner, introduced this item and said this is a Certificate of Appropriateness request for 201 Lancaster Avenue. She said at this time she would introduce the findings:

1. The subject property located at 201 Lancaster Avenue is owned by Joyce Ingold. The applicant, Heather Reagor, is acting on behalf of the prospective buyers Leitner, Bragg, & Griffin. This property is zoned OT (Office Transitional). (Exhibit 1, 2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)
3. On February 8, 2021, the applicant submitted an application to make the required improvements to convert the property from residential to commercial. The following projects are being requested: pave the existing gravel driveway as well as additional parking area on the site, install a privacy fence on the parcel adjacent to residential property, construct a handicap ramp on the rear of the property, and reinstall a staircase on the second story balcony. (Exhibit 4-9)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.
5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 10-11)

Keri said staff has provided the appropriate guidelines and conclusions in your staff report. She said she would be happy to answer any questions you may have and the applicant and property owner is here as well.

Keri said this property is locally designated. She said the applicant will have to get approval from the Union County Historic Preservation Commission. She said typically requests go to the County before they come to the City; however, the City received a complete application so staff felt we should move forward with this project as not to run into timing issues as required by the Ordinance. She said you might remember about a year ago we presented a text amendment which stated that if this Commission does not hear COA applications within that time frame it will be automatically approved. She said we did not want this request to be an issue.

Keri said if the Commission wishes to approve this item, staff recommends doing so on the condition that the applicant receive all necessary approvals from the Union County Historic Preservation Commission and City Departments prior to any commencement of work or occupying of the building.

Bob Bullard asked Keri if the Union County Historic Preservation Commission has to give an okay to this and are they looking to approve the changes to be made or the changes in zoning too. Keri said it has nothing to do with the zoning. She said the zoning is already Office Transitional so it can be used for commercial purposes such as an office. She said the only thing before the Commission tonight and the Union County Historic Preservation Commission are the required changes or request. She said even if they were trying to do this for commercial purposes, it was a residential house and they want to add a handicap ramp, add paving, and reinstall those stairs, they still have to come here.

Jennifer Smith asked what is going in the house. Keri said she believes the proposed use is a law office.

Chairman asked Keri about both the second story stairs as well as the other stairs and if they are both on the backside of the house. Keri showed an aerial map of the area and where the stairs would be located on the house. She said there is a large tree there but the stairs might be visible.

Chairman asked Keri if the fencing meets the height requirements. Keri showed where the fence would be located. She said the fence would be staggered to 3 feet in the front from 6 feet. She said the fence would have to meet the zoning ordinance, which is a maximum of 6 feet.

Jennifer Smith asked why stairs were needed to the balcony.

Heather Reagor of 701 Bruce Thomas Road, Monroe came forward and said because there will be offices on the second story, they are anticipating that they will be required to have another exit from the house for fire and safety reasons. Jennifer Smith asked if there will be offices downstairs and upstairs. Ms. Reagor said yes. Ms. Smith asked how many offices would be upstairs. Ms. Reagor said there will be three (3) offices upstairs for the attorneys. Ms. Smith asked if these were real estate attorneys or a combination of all. Ms. Reagor said they practice different areas. She said there will be support staff downstairs and that is where they will meet clients. She said there will be a conference room and reception downstairs.

Heather Reagor said the stairway that we are talking about is actually going to tuck by the side of the house. She said the little staircase that is already there, awkwardly protrudes. She said it does not face the front of the house, it is caddy-cornered. She said the back staircase would actually hide some of the mechanics that already exist there. She said there is a huge tree there too.

Jennifer Smith asked what the stairs are going to be made out of. Ms. Reagor said whatever is appropriate to match the other. Ms. Smith said it looks like wood. Keri said it looks like the old, original

staircase was probably wood as well. She said that is what they are going to do---put it where it was before, tucked behind the bay window.

Jennifer Smith said she was concerned with so many spaces in the parking lot being added. Heather Reagor said it is not like a revolving door as far as when they meet with clients. She said it is not high frequency. She said mostly it is going to be just the attorneys and staff who will be parking in that lot.

Keri said regarding the cars, the office, it will not be a revolving door and with it being zoned Office Transitional, the purpose of that zoning is to basically act as a buffer between your more intense uses like the Central Business District, where you have restaurants and retail and people are coming and going, and Single-Family Residential. She said with the Office Transitional district zoning, it only allows those lower intensity uses like offices. She said you will less likely have people coming and going as you would with retail and restaurants.

Archie Morgan said he is concerned with turning Historic District property into a parking lot. He is not saying it is a deal breaker. Jennifer Smith said the yard is gone.

Heather Reagor said all of the existing yard is hard to see because a lot of it is shaded by the shadow of the trees. She said everything around the property will remain.

Archie Morgan said he did not know if the parking area was visible from Lancaster Avenue. Jennifer Smith said it is visible from Houston Street. Keri said there will be additional landscaping that will be required. She said it just was not required to come before this Commission.

Thomas Leitner of 2639 Rolling Hills Drive, Monroe came before the Commission and was sworn in. He said there is going to be about nine (9) parking spots. He said it is parallel to the parking lot of the First Baptist Church. He said most of the cars will be for office staff. He said Heather tried to explain, we are not having multiple law offices in the building. He said there will be paralegals downstairs with the reception area at the back. He said there will be three (3) offices for the partners upstairs. He said there will be one (1) office downstairs for an associate attorney. He said there will also have two (2) conference rooms downstairs where we can have mediations, depositions or arbitrations. He said even if we decide to have real estate, it will be transitioned into a period where we can do real estate.

Archie Morgan said to Mr. Leitner that his parking lot is beside another parking lot. He said if you are familiar with it, it does look like an empty lot.

Jennifer Smith said she lives across the street in the green house. She said her other concern is there is another law office right next to it. She said on the end of that corner, that was a law office and a chiropractor office. She asked Mr. Leitner what if he decided to move.

Thomas Leitner said the issue is if we are zoned for this business. He said you are not here to discuss whether or not I could have an office here, unfortunately. He said we applied and complied with the Historic District. He said this is a big investment for us. He said there are three (3) local attorneys that all grew up in Union County. He said it is himself, Ellie Bragg, and Jordan Griffin. He said Ellie Bragg's parents have lived here her whole life and Jordan Griffin's parents live in Unionville. He said they would not be making an historic house into an office if they did not anticipate being here the rest of our lives.

Thomas Leitner said if he wanted to, he could tell you the price that he is getting the house for. He said he thinks he could make a profit if he turned around and sold it as residential by about \$70,000 - \$80,000. He said he is telling you that because that is not his plan. He said he has grown up here, he has built a firm here, he started by himself and now has two (2) partners and an associate attorney in less than five (5) years. He said he plans to get old here with his wife and his child that he had about seven (7) months ago.

Archie Morgan said this house is in Office Transitional. Chairman said yes, and we are hear to decide whether what they are trying to do complies with our Historic District Guidelines.

Jennifer Smith said living close by she wants to know all the details. Heather Reagor said it is a labor of love and they are good stewards for this house. She said if someone were to buy this house residentially, nobody knows what they are getting into if they haven't done it before. She said they have the capabilities of keeping the house. She said they do not want to change anything; they want it to look like it is and be able to house office staff.

Thomas Leitner said he has grown up here and his parents lived on Washington Street first and during his high school years he was on Church Street. He said the first house he bought was on 801 W. Franklin Street. He said he has lived in the Historic District and he has lived in older houses. He said he knows what he is getting into. He said there is a draw to that office being unique and not being Downtown and being just another little box on Main Street. He said this is what he is looking for.

Bob Bullard said to Mr. Leitner that he knows you and your family and has been a neighbor and friend for many years. He said he knows you will do a good job as anybody could do. He said his concern has nothing to do with you but with City Council who, without conferring with this Commission, has changed a piece of the Historic District. He said there is nothing we can do about it. He asked if it is not part of the rules that you should all come to this Commission. He said it should be.

Keri said the City has not done a wide rezoning since probably 2003. She said this property has probably been zoned Office Transitional since 2003. She said it was not recently rezoned Office Transitional. She said she has been here six (6) years with the City and that property has been zoned Office Transitional since at least she has been with the City.

Jennifer Smith said she did not know that. She asked Keri if the City notifies people when something is changed like that. Keri said yes.

Bob Bullard said some time in the 90s or maybe even before that a sign was put up with a big Z. Keri said the City notifies everyone within at least 150 feet of the subject property. She said the property is posted and a legal notice goes in the paper. She said it is advertised on the City's website. She said just to clear this up, it was not a recent rezoning and it is currently zoned Office Transitional. She said this Commission needs to approve or deny the request of what they are doing, not the zoning.

Jennifer Smith said she has lived in the City 36 years and she has never received anything. She said she had no idea.

Chairman asked if there were any other questions relative to the COA.

James Kerr asked if it has to be asphalt. Heather Reagor said it has to be asphalt or stained concrete.

Keri said the Historic District Guidelines state it can be asphalt or it can be concrete. She said the Guidelines also state the desire to have stained concrete to avoid that bright white. She said she believes that the request is for asphalt but ultimately if the Commission deems that as not appropriate or incongruous with the Guidelines, the decision can be made as part of your Findings of Fact.

James Kerr asked Keri is there no way to approve impervious surface that would be better for the environment and not create more run off. Keri said unfortunately with the Zoning Code, it has to be either asphalt or concrete. Mr. Kerr said then it will create more environmental issues. Keri said she is just stating what the Zoning Code states.

Archie Morgan asked Keri if asphalt was approved for Office Transitional in the Historic District. Keri said she thinks there was one (1) other commercial project and they came forward with concrete. She said there have been other properties in the Historic District that are residential and have been approved with asphalt.

Archie Morgan said asphalt is there, and in another Office Transitional COA they are given a choice. Keri said yes. Mr. Morgan said to him that a precedent has been set.

Jennifer Smith asked if there was any objection to stamped concrete. Heather Reagor said it is significantly more expensive. Thomas Leitner said we are looking at \$25,000 - \$30,000. He said when he spoke to Drew Lawrence, that included his plan for the excess water flow and included someone to come and grade and place the concrete.

Heather Reagor said because they are actually adding asphalt, they have to go through stormwater to make sure all the drainage is good and everything works as it is supposed to. She said there is also that additional expense. She said it is not just concrete or asphalt, which one is cheaper. She said it is not going to be an inexpensive endeavor. She said they will also be required landscaping to soften it up.

Jennifer Smith said the church, when they have a special program, has cars lined up and down along the street where you cannot even get around. She asked what about the overflow parking from your office. Heather Reagor said fortunately, because of the nature of the business, they have the ability to control that with scheduling. She said they would never want that many people in the building at the same time. She said they will be making appointments.

Chairman asked if there were any further questions. There were none.

Chairman asked if someone would like to make a motion on the Findings of Fact for COA PLHR-2021-00025 to approve or deny.

Motion: James Kerr moved that the Historic District Commission find as fact that the proposed project, COA PLHR-2021-00025, if constructed according to the plans reviewed at this meeting, is congruous with the character of the district because the guidelines meet all current codes and zoning.

Therefore, the application is generally in harmony with the special character of the neighboring properties and/or the historic district as a whole.

Ashley Britt said a condition should be added about the County Preservation Commission approving this request as well. James Kerr said it is a given.

Second: Bob Bullard
Action: The motion to approve passed unanimously.

Chairman asked Keri if the County would look at the interior of the building since it is a designated building. Keri said they would look at interior changes and they might be proposing a few. She said that would be part of their purview, as well as exterior changes.

Motion: Archie Morgan said based on the preceding findings of fact, he moves that the Historic District Commission grant the Certificate of Appropriateness to this applicant regarding the proposals as shown in application COA PLHR-2021-00025.
Second: James Kerr
Action: The motion to approve passed unanimously.

James Kerr said he would like to add to the record the comment that he thinks it is ridiculous that we are perpetuating environmental issues.

ITEM 6. COA PLHR-2021-00026 Certificate of Appropriateness – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Amanda Hawthorne to install a wood pergola at the property located at 605 S. Church Street (Tax ID #09-234-116)

Chairman asked any parties offering testimony to come forward and be sworn. Keri Mendler and Amanda Hawthorne came forward and were sworn.

Keri Mendler, Planner, introduced this item and said this is a Certificate of Appropriateness request for 605 S. Church Street. She said at this time she would introduce the findings:

1. The subject property located at 605 S. Church Street is owned by Amanda and Maria Hawthorne and is zoned R-10 (Residential-High Density). (Exhibit 1-2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)
3. On February 15, 2021, the applicant applied for a COA to construct a wood pergola in the rear yard at 605 S. Church Street. (Exhibit 4-6)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.
5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 7-8)

Keri said staff has provided the appropriate guidelines and conclusions in your staff report. She said she would be happy to answer any questions you may have and the applicant and property owner is here as well.

Chairman asked if there were any questions for Keri. There were none.

Chairman asked if there were any questions for the applicant. There were none.

Chairman asked if someone would like to make a motion on the Findings of Fact for COA PLHR-2021-00026 to approve or deny.

Motion: Archie Morgan moved that the Historic District Commission find as fact that the proposed project, COA PLHR-2021-00026, if constructed according to the plans reviewed at this meeting, is congruous with the character of the district because the guidelines state that select materials and finishes for proposed garages or accessory buildings that are compatible with the primary building or other historic garages and accessory structures in the district and this meets the guidelines. Also, we have approved these before.

Therefore, the application is generally in harmony with the special character of the neighboring properties and/or the historic district as a whole.

Second: Jennifer Smith

Action: The motion to approve passed unanimously.

Motion: James Kerr said based on the preceding findings of fact, he moves that the Historic District Commission grant the Certificate of Appropriateness to this applicant regarding the proposals as shown in application COA PLHR-2021-00026.

Second: Susan Sganga

Action: The motion to approve passed unanimously.

ITEM 7. **COA PLHR-2021-00027 Certificate of Appropriateness** – The Historic District Commission is requested to consider a Certificate of Appropriateness request from Steven DeVore to replace the existing columns with cedar wrapped columns, replace existing PVC shutters with new cedar shutters, and replace the existing porch tile with new natural stone tile at the property located at 607 Lancaster Avenue (Tax ID #09-235-119)

Chairman asked any parties offering testimony to come forward and be sworn. Keri Mendler and Steven DeVore came forward and were sworn.

Keri Mendler, Planner, introduced this item and said this is a Certificate of Appropriateness request for 607 Lancaster Avenue. She said at this time she would introduce the findings:

1. The subject property located at 607 Lancaster Avenue is owned by Devore Estates, LLC and is zoned R-10 (Residential-High Density). (Exhibit 1, 2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)

3. On February 16, 2021, the applicant submitted an application for the following projects: replace the existing columns with cedar wrapped columns, replace existing PVC shutters with new cedar shutters, and replace existing porch tile with new natural stone tile. (Exhibit 4-7)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.
5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 8-9)

Keri said staff has provided the appropriate guidelines and conclusions in your staff report. She said she would be happy to answer any questions you may have and the applicant and property owner is here as well.

Keri reminded everyone that there is another agenda item for this address coming up. She said what is before you for this COA is a completely separate issue. She said the only thing that should be discussed for this COA application is what has been presented before you regarding columns, shutters and porch tile.

Archie Morgan said with all due respect, when could we talk about the other. Keri said it is a separate item on the agenda.

Chairman asked if there were any questions for Keri.

Jennifer Smith asked if everything would look the same but updated. Steven DeVore said everything would be the same. He said the columns are rotted and he felt it would look aesthetically better with the cedar shutters and columns.

Jennifer Smith said one side of the house is brick and the other is siding. She asked if this would stay the same. Steven DeVore said it would stay the same. Keri said to Jennifer Smith that you might be seeing the chimney in the picture.

Chairman asked Mr. DeVore to state his name and address for the record. Steven DeVore said his address is 2649 Rolling Hills Drive, Monroe.

Susan Sganga asked if you can change the style of columns and if that is permitted. Keri said the applicant is requesting to change the style tonight. Ms. Sganga said it looks a lot better but she did not know what the Guidelines were.

James Kerr asked if there were images of the original porch because those were not original. Keri said she tried to find some pictures of this house. She said it was constructed a little bit later than many of the houses in the district. She said, unfortunately, she did not find a whole lot on this house as far as the style or the history. She said she has a book which has pictures of different types of houses, but unfortunately, she could not find a picture from the 80s or 90s of that house.

Jennifer Smith said the house was built in 1939 so the cedar is a completely different look than what was probably used in 1939. James Kerr said it was possible that there was not even a porch over the front door at all on the house when it was built. He said it would have looked more like 703 Church did. He said the porch was probably added in the 50s or 60s.

Archie Morgan said obviously it is an improvement but is it one that we find congruent with the neighborhood.

Jennifer Smith said if he does that then he is going to have the cedar shutters to match.

James Kerr asked Mr. DeVore if he would be open to a suggestion of keeping it more like a Cotswold cottage, which it is trying to emulate. He said it is kind of a Luytens-style house. He said a simple painted wood column would be more in keeping. Mr. DeVore said the reason for the cedar is that it is readily available and fairly inexpensive. He said he knows it looks slightly modern but it is on trend. He said he does not know where he could get his hands on something like that. He said he is not necessarily opposed to it. He said in his opinion it is just an eyesore. He said, obviously, the tile needs to be repaired or replaced.

James Kerr asked Mr. DeVore if the house had aluminum siding. Mr. DeVore said yes. Mr. Kerr asked what is underneath the aluminum siding. Mr. DeVore said he believe it was wood.

Chairman stated that he and others could not hear what was being said. James Kerr said he asked if there was aluminum siding and Mr. DeVore confirmed that it did. He said he asked Mr. DeVore if he would be open to a friendly amendment of putting a column more in keeping with a cottage revival-style, which this house is. He said there was a firm called Luytens that built many of these Cotswold-style revival cottages in the 20s and 30s. He said there could be a column put in that was more sympathetic to the style and still provide an overhang over the front door, which obviously would be nice so as not to get wet in the pouring rain.

Jennifer Smith said they have columns like this at Lowes. Mr. DeVore said yes, they are not identical but similar.

James Kerr asked Mr. DeVore if he was taking the aluminum siding off. Mr. DeVore said he was not touching anything else on the outside. He said this is strictly for the columns, shutters and porch.

James Kerr asked Mr. DeVore if he was going to paint the aluminum siding. Mr. DeVore said yes.

James Kerr asked Mr. DeVore if he was going to take the shutters off of the aluminum and put the cedar modern shutter on top of the aluminum siding. Mr. DeVore said yes.

Archie Morgan asked how aluminum siding was allowed on the house. Keri said this part of the district was added around 2010 or 2011 so it is possible that it was done before it was actually in the district.

Jennifer Smith said to Mr. DeVore, if you put the columns back, you could not have cedar shutters. She said it would not look right.

Archie Morgan said it is no doubt that it is pleasing to the eye, but is it in keeping with the Historic District. He said it is a vast improvement but it changes the look of the house.

Jennifer Smith asked Mr. DeVore if he was going to sell or rent this house. Mr. DeVore said he was going to sell the house.

Archie Morgan said he likes the cedar, but he agreed with James.

Keri said she has a book, *Field Guide to the American House*, and it has tons of images and styles. She said this house is a mesh of a few different styles but that is why it is difficult to know what style. She said there are some houses that have a square column but there is also a section that talks about square piers and slender columns.

Jennifer Smith said those shutters look French County looking to her.

Archie Morgan said his home in the Historic District did not have shutters. He said Keri was able to find a picture of his home with shutters and he was able to get those shutters. He said to Mr. DeVore that his [Mr. DeVore's] shutters do not look alike. Keri said that is why Mr. DeVore is before this Commission, to request a change.

Keri said she and Mr. DeVore discussed the shutters and that was the reason why she started looking through the book. She said many of the houses that have various styles that this house incorporates do not have shutters at all. She said the ones that do appear to have the fan-style shutter with the slats. She said, again, there is a mesh of a ton of different styles. James Kerr said it would be louvers.

Archie Morgan said he is not a fan of those shutters in the Historic District. Jennifer Smith agreed.

Chairman said Mr. DeVore is here for approval of what has been submitted. He said we can certainly not approve the application or give him a friendly amendment to see if he will make a change.

Bob Bullard said to Mr. DeVore that he must be aware of the screw up on the windows. Mr. DeVore said yes. Mr. Bullard said he is looking at what he is doing there and as Archie said, whether it is historically correct, he does not know. He said it is an attractive looking house. He asked Mr. DeVore if he planned to sell the house with two (2) different types of windows in front.

Mr. DeVore said he had replaced a few of the windows, the ones that were completely broken out because they had construction going on inside of the residence. He said they had plans to replace all the windows but once he was informed of the issue at hand, he went ahead and stopped. He said there were five (5) new windows and the remaining 16 are the old windows.

James Kerr said he has an image of a portico from a Cotswold. He asked Mr. DeVore if he could put this up. Keri asked if the image can be forwarded to her. Mr. Kerr said he would show it to everybody at this meeting. Keri asked Mr. Kerr if he was talking about the columns. Mr. Kerr said yes, and the elevation of the roof. Keri said that is not part of the request so she did not think we can change the roof pitch or the design of the roof itself. Mr. Kerr said the pitch of the roof would not necessarily have to change. Keri said that is fine but she just wants to make sure we are on the same page.

Archie Morgan asked Keri if the COA application can be amended. Keri said if the Commission wanted to do that it would be part of the Findings. She said, basically, what was passed around and discussed. She asked Mr. DeVore if he agreed to this as the applicant. Mr. DeVore said it would be as Jennifer had suggested, just the typical white columns that they sell at Lowes and are available. He said he would also leave the shutters and just paint them. He said he cannot agree on that image from a budget standpoint.

James Kerr said to Mr. DeVore that he did not think that everyone is arguing what you want to do. He said it is definitely on trend. He said it looks like any new house in Indian Trail, but it is not in keeping with the style of the house or the neighborhood.

Jennifer Smith asked Mr. DeVore about the existing shutters. She asked Mr. DeVore if he was just going to paint them. Mr. DeVore said yes. He said they are a vinyl, PVC material.

James Kerr said to Mr. DeVore that he has vinyl shutters on aluminum siding. Keri said to be clear, he can replace what is there with the same material and design at staff level. Mr. Kerr asked if the materials are grandfathered in. Keri said yes.

James Kerr asked Mr. DeVore if he would replace the aluminum. Mr. DeVore said no.

Archie Morgan asked Keri about the 16 other windows. He asked if this would be a whole new COA. Keri said if he wanted to replace the windows, he would have to come back.

Mr. DeVore said from the perspective of selling the home, the home inspector is going to make sure that they are operable and functional. Archie Morgan asked if the ones in question were damaged. Mr. DeVore said no [the remaining windows]. Keri said he is asking about the windows that were replaced. Mr. DeVore said yes, those were damaged.

James Kerr asked Mr. DeVore if this was 607. Mr. DeVore said yes. He said they had some water issues.

Bob Bullard said to Mr. DeVore, that when it is all said and done, are you going to put this on the market with all the windows, with the shutters, 4 over 1. Mr. DeVore said he is no longer replacing windows.

Archie Morgan said Mr. DeVore will keep the other windows that have not been replaced. He said we do not have any window issues before us in this COA. Chairman said all we are talking about is what is in the COA application and there are no windows.

Archie Morgan said he thinks we have agreed to keep the existing shutters and paint them. Mr. DeVore said yes. Mr. Morgan said we have agreed upon changing the columns to something close to what is there now. Mr. DeVore said yes.

Chairman asked if there were any other questions for this COA.

Chairman asked if someone would like to make a motion on the Findings of Fact for COA PLHR-2021-00027 to approve or deny.

Keri said it sounded like this Commission did not want to approve the changing of the shutters or the columns. She asked about the tile.

Archie Morgan asked Mr. DeVore if he would find the same type of tile that is there now. Mr. DeVore said he did not know. Mr. Morgan said the tile Mr. DeVore proposed was very modern looking. He said he would like to see Mr. DeVore go back to the existing tile; it is more fitting for the house. James Kerr said to Mr. DeVore that he can get that broken tile.

Keri asked Ashley what would be her recommendation as to what could be approved at staff level. Ashley said if this Commission is denying what was submitted in the COA, then it can go to staff level to approve the staff level changes that they're discussing. Keri asked should it be another COA application or can it still be part of this. Ashley said it can still be part of this. She said it can be denied and recommended that he does the staff level changes as discussed.

Mr. DeVore asked if the broken tile had to be the same color. James Kerr said the terra cotta was the only color made. He said, however, you will see it sometimes in kind of a beige on the West Coast.

Motion: Archie Morgan moved that the Historic District Commission find as fact that the proposed project, COA PLHR-2021-00027, if constructed according to the plans reviewed at this meeting, is not congruous with the character of the district because the guidelines as stated as such and that the proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.

Therefore, the application is generally not in harmony with the special character of the neighboring properties and/or the historic district as a whole.

The Commission recommends that this go back for staff level approval.

Second: Jennifer Smith

Action: The motion passed unanimously.

Motion: Archie Morgan said based on the preceding findings of fact, he moves that the Historic District Commission denies the Certificate of Appropriateness to this applicant regarding the proposals as shown in application COA PLHR-2021-00027.

Second: Susan Sganga

Action: The motion to deny COA PLHR-2021-00027 passed unanimously.

ITEM 8. Discussion – 607 Lancaster Avenue Window Replacement

Chairman said this will be discussion on the prior window replacement at 607 Lancaster Avenue. He said Keri is passing out a memo that she prepared. He asked Keri if this was also sent out as an email to everyone. Keri said yes.

Bob Bullard said there has been some discussion as to what was said at our last meeting concerning this. He asked a question last month of what was going on with 607 Lancaster Avenue. He said he was told and there was no action taken on this. He said this house was not on our agenda. He said after that, he looked at the house and was somewhat appalled at what he saw. He said during the past month, there have been reams of correspondence back and forth. He said he is more concerned and disappointed with the City's response to this. He said a mistake was made, let's face it. He said where there are people involved there will always be mistakes, but he said he thinks the first thing that staff and legal counsel should be looking for is how to rectify the mistake, not how to...he said he does not want to use the word "cover up" because it is out in the open.

Bob Bullard said the last thing he saw was the legal opinion in which it talked about “emoluments”. He asked Ashley what emoluments mean. Ashley said it is basically for a public purpose. She said you cannot spend money on a private citizen or private property for their benefit. She said it must have a public benefit, a public purpose.

Bob Bullard said it is somewhat different than what he was able to find out. He read today quite a lengthy article in the *NC Law Review*. He said the NC emolument clauses were designed to prevent the state government from favoring one person or group over another. He said most of the time they were talking about people who were on the government payroll. He said this goes all the way back to 1776 when the English were overthrown and they had favorites of people in England and offices of people in America. He said they were able to get favors in various forms. He said when the English were overthrown the first thing they wanted to do was have a government of the people. He said *Blacks Law Dictionary* says, “Any advantage, profit or gain received as a result of one’s employment or one’s holding of office”. He said this is a unique interpretation of the constitution. He said it probably reminds him more of the 11th Commandment, which says if you are digging a hole for yourself, stop digging. He said that is what needs to be done---stop digging and let’s take care of this.

Bob Bullard said he does not have any idea if City Council wants to get involved with this. He said he has an idea they probably would rather not. He said he does think that it should be, rather than trying some way not to do the right thing, which we all know what the right thing is, it is written down for us but we forget about it. He said rather than trying to figure out how not to do the right thing, figure out some way that we can legally do the right thing.

Archie Morgan said in his opinion, the wrong windows were installed and they need to come out. He said they are not fitting with the Historic District and the City made a mistake. He said we all make mistakes. He said if he makes a mistake in his business, he is paying the price for it. He said the wrong windows were put in because they were given a building permit instead of a COA. He said why didn’t he come to us for a COA for windows. Keri said, again, the building permit was applied for interior work. She said the scope of work did include the window and staff inadvertently missed that on the building permit application. She said this is why the owner did not come before the Commission. She said he was unaware he was in the district.

Archie Morgan asked if we were talking about one (1) window. Susan Sganga said the owner said five (5). Archie Morgan said if a wrong has been committed, then it needs to be righted. He said what do you tell citizens that send us e-mails. He said the residents are asking us to use our authority, as we have done numerous times in the past, or make a recommendation that they correct the issue caused by their admitted error. He said it was an admitted error. He said no one has had to point a finger at the City. He said the City pointed it at themselves. He said what do you tell other residents of the Historic District who were told, “Oh by the way, you have to take that sheetrock out because you didn’t get a COA ahead of time and we have to inspect the electrical at your expense”. He said other people in the Historic District have had to go through the expense because they did not do things the proper way. He said this particular homeowner is trying to escape behind because he got a building permit instead of a COA.

Bob Bullard said he looking at what is happening in the City now, in the Historic District in particular. He said he remembers James Kerr getting excited about a particular house that he had sold for \$100.00 per square foot. He said it had never been done in the Historic District before. He said to James Kerr that he would not be very proud now if he sold a nice house, in good condition, for \$100.00 per square foot in the Historic District. He said since that time it has gone up at least 25%. James Kerr said it is up higher than that.

Bob Bullard said he has noticed one thing when he was looking at this house in question, as well as the people that were sent notices too. He said there were 13 notices for residents in the immediate vicinity of this house. He said 13 houses. He said of them, ten (10) were rentals and three (3) were owner-occupied. He said it does not take a genius to know that is the difference between Lancaster Avenue, which is about two (2) blocks away from W. Franklin Street. He said that is where you put up a sign in front of a house and it is gone in a few weeks or few days. He said there is nothing much we can do about it but in this case, today, he is glad the owner plans to sell it rather than it becoming rental property. He said that is not out of the question, but it might be.

Ashley said Keri had given you all a memo explaining a little bit more of the situation from staff. She said just to reiterate, the Commission does not have the enforcement authority to get them to remove the windows. She said they were put in under the apparent authority of the building permit. She said there is no enforcement authority here. She said, unfortunately, the City cannot replace the windows because that would violate the public purpose requirement of the State Constitution that [could not hear].

Bob Bullard said he has a real question as to law on this. He said he wishes you would write to the Attorney General and get his opinion on this because he thinks it is flat wrong. He said, for example, it wasn't too long ago he heard about a fellow that was accused of killing some old lady and got life in prison. He said 25 years go by and all of a sudden we have DNA. He said they checked the DNA and it wasn't him. He said he got a lot of emoluments. He said they did not have to give \$10,000,000 to everybody, they just gave it to that guy that they made a mistake on.

Dale Loberger said emoluments are not a defense for a wrong. Ashley said we are not saying it is a defense but that it is a reason why we cannot replace the windows. She said that is what the City Attorney has determined... [could not hear, several people talking].

Archie Morgan asked if this has ever happened before in the history of the City of Monroe. He asked if somebody issued a building permit when they should not have. He said this building permit should never have been approved. Ashley said but it was approved and since it was approved, they did the work as approved under the permit.

Archie Morgan said to Ashley he hears what she is saying and he understands. [could not hear, several people talking]. He asked again if this has never happened before. Ashley said she is sure this [somebody issued a building permit when they should not have] may have happened before but did not see why it is relevant. Mr. Morgan said it is relevant because a precedent was set and it was done before.... [could not hear].

Chairman asked Archie Morgan if he was asking Ashley if it was ever corrected. Ashley said no, not that she knows of.

Bob Bullard said he knows of one time the City did correct a mistake. He said there was a house in terrible shape and the City voted to demolish it. He said they sent the contractor to the building and they demolished the building. He said by lunchtime they found out it was the wrong house. He said he would be amazed if the City would just say "sorry". Ashley said she is not familiar with that case.

Bob Yanacsek of 513 Everette Street, Monroe, came forward and said he was approached by a couple of neighbors that originally saw the windows and started the ball rolling. He said he agrees with what Archie says. He said if we are just going to ignore the issue, then why are we even here. He said the guy was going to do a great renovation. He said all of a sudden he was not going to do it. He asked why? He said just because we have certain standards that he has to live up to. He said, otherwise, why even have this ordinance. He said the gentleman at 201 W. Franklin had one (1) window in his house and the Commission made him replace that one (1) window. He asked why did we do that? He said it is because we had certain standards.

Mr. Yanacsek said he agrees with the opinion of the attorney that since the permit was issued in error, we cannot force him. He said, however, based on some interpretation he got from the City Manager and some emails, they are going on recommendations of the Historic District Commission. He said originally they said since you did not make any recommendations, they would not do anything. He said his proposal is to ignore the normal thing to where it says he is benefitting. He said to ask the owner if he is willing to replace the windows to make it match, and send us how much the original windows that we made an error to install cost. He said it will basically be a wash.

Mr. Yanacsek said it is his recommendation that the Commission can take a vote and make a recommendation to send to City Council. He said put it on City Council. He said they have done things like this before. He said if you make a mistake, you make a mistake. He said he thinks we should fix it.

Mr. Yanacsek said this property is on the Gateway into the City of Monroe and it does look a little ridiculous. He said he does not think he is going to replace them if it is going to cost him any more money. He said since he has not replaced them anyway, he said he thinks the City should work out some sort of process. He said this is something that City Council can figure out how the process should occur to get the old windows out at no cost and whatever he pays to put the new windows in should come before you with a COA. He said this would avoid the thing where he would not be benefitting.

Archie Morgan said he is not a builder. He said those windows were broken out and they were trying to work inside the house and prevent people from getting in. He said he gets it. He asked what is the estimated value if he had replaced the windows with the same wood windows. James Kerr asked Keri if she had an image of the original windows. He said they were 6 over 1.

Dale Loberger of 503 S. Washington Street came forward and said he just wants to support the discussion. He said Bob has made some excellent points. He said he is very offended by the City Attorney trying to hide behind the emoluments. He said no one is talking about this man profiting from a corrective action. He said what we are trying to do is make him whole for the mistake that was made. He said the City is certainly liable for that. He said they caused the mistake and citizens are paying the price for that. He said the City Attorney should, on behalf of its citizens, not of the City, try to fix this. He said he would like to see the City made this man whole and make the City whole by following your recommendations to put this back in an appropriate way, not the way it is now.

Ashley said the City Attorney is saying we have to follow the law. She said the City Attorney is advising the City to follow the law. That is the City Attorney's job and so that is what he is doing here, and that's what I'm doing for you as well, to not go beyond your authority and stay within the law. And, I don't think the City Manager requested a recommendation from the Commission [could not hear, several people talking].

Bob Yanacsek said to Ashley that he has the emails. Ashley said the City Manager said there was no recommendation given. She said he was not saying that he wanted one... [could not hear, several people talking]. He was just noting that the Commission was informed.

Archie Morgan said he wished the City Attorney had come to this meeting tonight. He said he [the City Attorney] knew we were going to be discussing this. Ashley said again, we have the memo in front of you that outlines our position and she is here speaking on his behalf.

Archie Morgan asked where does it go from here. Ashley said it does not go anywhere from here because this Commission does not have the enforcement authority to get them to remove the windows and the City cannot spend money to violate the public purpose requirement of the state constitution. She said the City Attorney is advising to go nowhere after this [could not hear, several people talking].

Dale Loberger said to Ashley that you are at the point of misinterpretation of law. He said that he thinks it is incumbent that someone make the recommendation that it actually be reviewed. He asked if the intent is to make this man a profit from City funds, which is emolument. Or, he asked if this is making someone whole for a mistake that was made by the City. He said he thinks it is a totally different thing and he thinks it is a total misappropriation of law.

Robert Yanacsek said the question from Archie is if you cannot enforce, I agree. He asked can the Historic District Commission make recommendation to City Council to make an action. Ashley said the City Attorney would advise City Council the same thing.

Robert Yanacsek said several years ago City Council, during a public comment period, offered up \$18,000 to an individual to fix and repair. Ashley said that was a completely different situation...Mr. Yanacsek said it can be done. He said the City does make adjustments to the law. Ashley said that was a completely different situation.

Several people talking at the same time. Keri said there are a lot of side conversations....Chairman said one (1) person at a time talk.

Archie Morgan said the way we sit, we are dead in the water. He said we have no recourse and none of us are happy with this situation. He said we think the City made an error that they need to fix. He said he feels very strongly about that and as a Historic District Commission we are not happy that we have no purview in this matter. He said these are windows of a house. He said a mistake was made and we are not being allowed to fix it or any input in it whatsoever. He said he for one is not happy about that. He said he gets the argument of wooden steps vs. brick. He said but we can let somebody come in, an ugly window like that. He said it was the City's mistake and we can't say they didn't [could not hear]. He said it is a little frustrating.

Robert Yanacsek said he thinks you can send it up to City Council and let them decide. Archie Morgan said they are going to do what the City Attorney says. Mr. Yanacsek said the difference is it is in the public eye. Dale Loberger said that would allow the legal opinion to be reviewed. Mr. Morgan said he did not know who would do that. He said we do not do that as a Commission.

Ashley said you are free to contact City Council to have it put on the Agenda...Robert Yanacsek said as the City Manager said, the Commission did not recommend anything and he was not going to address this.

Chairman said we need a little bit of order here. He asked Ashley to speak again. Ashley said anybody can contact City Council and the members, or the City Manager, the Clerk, and ask for an item to be put on the agenda for City Council to discuss. She said it takes two (2) City Council members or the Mayor to put an item on the agenda. She said she is not sure about that, she thinks that's their rules, but that anybody is free to ask to put something on the agenda. However, she said whether it gets put on the agenda is a different thing. She said you are also free to submit public comments, and those go to City Council. She said they are kept in the minutes for the meeting. She said that way, City Council gets to see and read your comments on the situation.

Chairman asked Ashley if the Commission could make a recommendation that, as a Commission, we request that an item be placed on the agenda for review. Ashley said it is not appropriate for a Commission to put something on the agenda. She said you are free as individuals to ask.

Archie Morgan said we cannot do a doggone thing. He said it upsets him that this Commission does not have any authority in this matter whatsoever. He said we have a house in the Historic District with really ugly and inappropriate windows and we can do nothing about it and the City admits it made a mistake. He said if they are man enough to admit the mistake, then be man enough to fix it. He asked how much can the windows be, look at them for goodness sake. He said we are looking under \$2,000.00 for the windows. Jennifer Smith said the cost can be added in the price of the house when it is sold. Mr. Morgan said we are not talking about a new roof; we are talking about windows.

Robert Yanacsek said there was a similar incident in Winston-Salem. He said the Historic District Commission there is supposed to get back to him.

Bob Bullard said we should get the opinion from the State Attorney General. He said he also has a name of an expert from the University of North Carolina. He said we can get an opinion for when we go to City Council. He said maybe they can school our attorney on how...Archie Morgan said that is not benefitting.

Jennifer Smith suggested the ladies that came down from Raleigh that helped us with the Guidelines. She asked if they should get involved in this. Dale Loberger said it is completely different.

Bob Bullard asked Keri to tell us if they have restrictions on who could go to a City Council meeting. Keri said Ashley would be better telling us about City Council. She said, however, the meetings that are held now virtually with public comment taken through the online forms.

Jennifer Smith asked if the owner has been approached about changing the windows. Keri said as she mentioned at the February meeting and also in the memo, when this was brought to staff's attention, we did contact the property owner and explained that he was in the Historic District. He indicated he did not know he was in the Historic District. She said on his building permit application he checked the box "no". He genuinely thinks that he was not in the district.

Archie Morgan asked if it was the owner's responsibility to know whether he is in the Historic District or not. Keri said when permits come in, that is something we check. She said staff inadvertently missed that the scope of work on the building permit included the replacement of windows. Archie Morgan said he gets it and mistakes happen all the time.

Chairman asked when someone comes in with an address and wants a permit, does something show up in your department's computer system that puts a red flag up that this address is in the Historic District. Keri said we have a new permitting system that we just implemented the beginning of December. She said we are still working through some kinks. She said the old permitting software did not have that. She said she believes the new software is capable of this, but it is not set up properly right now.

Chairman said we are all going back over the same kind of discussion right now.

Archie Morgan said when the City was aware of their mistake, which they [could not understand], what was the [could not understand], "Oh it doesn't matter, it's just a few empty windows in the Historic District". He asked if there was any concern by the City or whoever realized it was a mistake that this was something that we could fix for the integrity of the Historic District. He asked what was the flavor of that argument that they did not care because right now it looks like they do not care.

Ashley said absolutely not but she said she would let Keri answer this. Keri said a citizen contacted us, we looked into the issue and discovered that it was mentioned on the building permit. She said, unfortunately, they had a permit that was issued that had that listed as the scope of work. She said it is not that they did not care, there was just no enforcement action to take. She said as far as the City taking responsibility for replacing it, again that is coming from the attorney's office, and it is something we should not do.

Archie Morgan said he sure wishes he had come tonight and told us himself. He knew this was on the agenda, did he not. Keri said she could not speak for him.

Chairman recognized James Kerr. *James Kerr said moving forward, this happened at 708 S. Hayne Street, a two-story, frame house, at the corner of Myrtle and Hayne, and this happened 12-15 years ago. He said that owner put in metal windows that he got a permit for. He said this Commission made him remove those windows. He said it was a rental house. Keri said she could not speak on this. Mr. Kerr said it was a similar snafu, a similar mea culpa dropping the ball sort of thing, and he is certain that this Commission was involved and we made them take those windows out. Keri said this is something she can look into from the permit side of it. Mr. Kerr said obviously things are not as technical as they are today, but we were told that since everything was paper back then, that a check or box was added to all the forms for everyone to check to say they were or were not in the Historic District. Keri said it is on all the applications and in this particular case that was checked "no". She said the owner of 607 Lancaster did not realize he was in the Historic District.

James Kerr said he is not certain that his memory is infallible...Chairman said to him that part of your memory remembers that a mistake was made. James Kerr said a permit was applied for by the owner of the property and he put in windows. Chairman asked if the Historic District Commission, after the fact...James Kerr said he does not remember the procedure but they were asked to take windows out and they did. He said there was a tier of fines for every month or number of days.

Archie Morgan said obviously this predates him. He said there should be a record of this. Keri said it is possible. Mr. Morgan said if the record states what he [James Kerr] said, then we have a precedent set. He said the City [could not hear] and fixed it. He said that we need to hold their back to the fire.

Chairman said we have heard an opinion that there has been no Commission or Committee in the past that has made a recommendation to the City Council for an agenda item. He said at this point, if we want to, as citizens, reference the particular instance that James has brought up [James Kerr said to double-check everything that he has said], and make recommendation to members of the City Council that they add an item to the agenda, we would have to have some kind of a solution, as citizens, to the problem. He said certainly everything that has been said here tonight would be in the minutes and the minutes would go to City Council. He said it would just be up to a number of interested parties to put it on the agenda.

Bob Bullard said he is not a constitutional lawyer, but he thinks that when you read what it says about emoluments, you do not read anything even close to what we are hearing tonight. He said if we end up going to City Council, which he thinks we probably will, we all have some legal opinions that we carry with us.

James Kerr said in the defense of the people in the planning office, who have way too much to do and not enough help, it should be noted that this owner has owned that house for six (6) years and they have been renting it. He said they purchased it October 19, 2015 and they are familiar with the Historic District. He said they recently renovated and sold 308 S. Charlotte Avenue, which on the surface does not appear to be in the Historic District.

Archie Morgan asked James Kerr if he was casting some doubt on whether he knew he was in the Historic District. James Kerr said he is just telling him what is on Land Vibe. He said it is public record.

Archie Morgan said none of us has a dog in the hunt except caring about the Historic District. He said a mistake was made and we would like to see it fixed. He asked what is the easiest way that we can fix it. He said he is not an attorney either but the emolument thing, this guy's not benefitting [cannot understand]. He said he [the owner] put in some windows so he could get started on the interior work.

James Kerr said he remembers, and Jennifer would remember, there used to be some kind of fines and regulations about it. He does not know how it slipped by before but things are going to happen.

Archie Morgan said mistakes are made and it appears to him, and he never met our City Attorney, he [the City Attorney] wants this to go away as quickly as possible. Ashley said that is not the case. She said she is here representing the office and we are just trying to make sure you follow the law.

James Kerr said he was just saying that instead of this being something that someone is jumping on the City about it just tell the property owner...

Archie Morgan said that we want to follow the law but we want to fix the problem in an area that we care about or we would not be on this Board. Ashley said she completely understands that but there are some things we are not able to fix. Mr. Morgan said he is not convinced of that. Ashley said whatever happened in the past case does not necessarily reflect what is going...Mr. Morgan said it certainly does. He said if we approve somebody's wooden steps and do not approve the next, they will have an argument of "why can't I have wooden steps". He said precedents do matter. Ashley said actually you are not precedent setting so it is a little bit different. Mr. Morgan said he is not trying to set a precedent; he is just trying to see if a house was made to be fixed back 12 – 15 years ago. He said if it was, that is a precedent. Ashley said that is not necessarily what is going to happen in this case.

Chairman said we have several people here who have been very vocal about it that represent [could not hear]. He said from what he is hearing, it may not be what we like to hear or agree with, but as a Commission we are in a position to make a motion to send to City Council. He said we can as individuals, unless you do not want to, that is up to...Bob Bullard asked the Chairman if he is saying we can or cannot make a motion. Archie Morgan said she [Ashley Britt] is saying we cannot do that. Ashley said she would not advise you to do that. She said if you want to do that against her recommendation...Chairman said that Ashley had stated that it has never occurred, to her knowledge, where a Committee has sent a motion to City Council as a full Committee. He said he is saying that we probably would be better off doing it as interested parties, unless you all want to make a motion and try and send it to City Council. He said he cannot say one way or the other.

Archie Morgan said we are not happy with what has happened here...Chairman asked if he meant tonight. Mr. Morgan said no, this thing with the windows. He said we are not happy about the situation.

Jennifer Smith asked if there can be a poll or show of hands of who would like to...Archie Morgan asked if this is the hill that we want to die on.

Chairman asked Archie Morgan if he wanted to make a motion. Archie Morgan said he never said anything about making a motion. Chairman said what he is saying is that Archie Morgan, Jennifer Smith and all individuals go to City Council or write to a couple of members requesting that they put it on the agenda and that you are doing this as an interested party.

Bob Bullard said he can only speak for himself but he certainly would not want to go to City Council as an individual. He said he would be happy to go there as a member of this Commission. He said if it is going to carry any weight...Archie Morgan said this is small [could not hear].

Chairman said it is your prerogative to introduce a motion to that effect that goes to City Council. Susan Sganga said it seems disrespectful if we are not supposed to do it as a group. She said if we want to do it individually, then we should. Chairman said [could not hear].

Bob Bullard said he would like to think that, as a Commission, we carry some weight. He said as individuals, we may or may not. He said if he were to get up and speak about this, he would like to know that he has a whole bunch of folks behind him. He said he thinks it starts at that point in time. He said it is pretty easy to say no to Bob Bullard. He said it might be a little harder to say...Chairman asked Bob Bullard if he wanted to make a motion...Bob Bullard said let me ask you this. He said what say the Committee...Jennifer Smith said that is what she just said, take a poll.

Archie Morgan said there is no guarantee that we are going to get on this agenda, right? Ashley said that is true. She said it is not up to her who gets on the agenda.

Chairman said there is nothing, to his knowledge, that says we cannot make a motion. He said there is really no historic precedence for that being effective.

Bob Bullard said at some point he would like to put the hat on those guys. He said right now, we are wearing the hat and he would like to put it on them.

Archie Morgan said there is more than one (1) way to skin a cat. He said he is not ready to go before City Council.

James Kerr said he has to leave. Chairman asked him to wait.

Archie Morgan said he is not ready to go before City Council, but he knows City Council and he knows the Mayor. He said that is all he is going to say. He said he is not ready to go be before them as this board...Chairman asked Archie if he would rather go as an individual. He said Boards do not go before City Council; he said you're not advising them to do that because it's just not done, right?

Ashley said quasi-judicial boards normally do not make recommendations to City Council.

Archie Morgan said it just looks funny. He said it is not something that we, that Commissions do.

Chairman said we have been at this for about an hour now. He said let's put this to bed as a group for now. He said if anybody here or several of us who want to pursue it as individuals, call someone we know and just get on the agenda. He said we can do it that way. He said the minutes will certainly reflect everything that is said here. He said even though we do not put a motion out there, they [City Council] will get the minutes. He said they may take it upon themselves to say "maybe we should do something about this". He asked if this was agreeable to everybody to do it that way.

Bob Bullard said yes. He said everybody here knows somebody. He said they know the Mayor and various members of City Council well enough to talk to them about this.

Chairman said we will let it go that way for now. He asked if everyone was in agreement. Archie Morgan said he agrees to that.

Chairman said the alternative is that nobody here wants to make the motion. Archie Morgan said it just does not look right for the Commission to not get their way and now we want to go before City Council. He said any intelligent man or woman that may be on City Council knows that a wrong was done and it really ought to be fixed. He said we are having a problem on how to fix it. He said if you give the man money for windows it looks like an emolument or whatever it is called and it is not that. He said he thinks it is kind of like a problem looking for a solution.

Chairman said the minutes will reflect this. He said we have gone round and round on this.

James Kerr asked Keri just to confirm that none of this would have happened if the homeowner had not checked the wrong box. Keri said not necessarily. She said it is on the same page as the scope of work that was listed as interior renovation. She said under that scope of work the window replacement was listed. She said the window replacement in a list of interior renovations is really what staff missed.

James Kerr said regardless of which box the homeowner checked...Keri said is this another tool for us to verify, yes it is. She said the biggest thing was that the permit listed interior renovation and typically planning does not review interior renovations.

James Kerr said it would just seem reasonable if there was some culpability on a homeowner who has had the property for six (6) years that they would know that it is in the Historic District. He said this is also a homeowner that has purchased, renovated and sold another property in the Historic District in the last few years. He said it just seems that a reasonable person would expect that homeowner to know whether or not they were being truthful and accurate with their application.

Jennifer Smith said if he replaces them [the windows] himself and comes back, to City Council or whoever, and says that it was a mistake made, we are sorry, you need to replace these...She said if he sells the house he can add it back into price and get his money back.

James Kerr said there was a mistake made but he is not seeing the City as a villain. He said it was an error. He said this is not a recent transaction; they have owned this house for six (6) years. He said they have bought and sold other properties.

Archie Morgan said he sees the City as a villain for not being willing to try and fix a mistake that they clearly made. James Kerr said it was the homeowner checked the box that said it was not in the Historic District.

Bob Bullard said there is no enforcement regardless of how this came about. He said we as a Commission have no enforcement capabilities. He said nor does the City he guesses. Ashley said that is correct because they did it under the approval of the building permit. She said there is no enforcement authority from this Commission or the City.

Jennifer Smith asked Ashley if the City was not involved in this and the owner replaced the windows on his own, would we then have the ability to say he has to take the windows out. Ashley said yes. Archie Morgan said he gets this. He asked Keri if there are steps in place that this would never happen again. Keri said where humans are involved, errors may happen.

Archie Morgan made a motion that we table this for a month and bring it up at the next meeting. He said he does not want to not discuss this again. He said he is not happy with it. He said he is sitting on a Commission and now he is handcuffed. He said there is nothing he can do about this. [The motion failed for lack of a second.]

Chairman asked Archie Morgan if he, in the meantime as a concerned interested party...Archie Morgan said to the Chairman that it is none of his business. He said what he does outside this Board is his business.

[*It was later found that the owner Mr. Kerr referred to at 708 S. Hayne Street did not get approval to replace the windows, so the City was able to require removal of the unpermitted windows through its normal enforcement authority. It was therefore not a comparable case to the one under discussion, and Mr. Kerr requested that this clarification be made for the record.]

ITEM 9. **Next Meeting**

Chairman said the next meeting is scheduled for April 12, 2021.

ITEM 10.

Adjournment.

Motion: Archie Morgan made a motion to adjourn this meeting.
Second: James Kerr
Action: The motion to adjourn passed unanimously.

The meeting adjourned at 8:42 pm.

Respectfully submitted,

Richard F. Ali
Chairman

Maryann Brown /s/
Secretary to the Board



STAFF REPORT
Project PLHR-2021-00041

TO: Historic District Commission Members

DATE: April 12, 2021

FROM: Keri Mendler, Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Certificate of Appropriateness request at 418 E. Franklin St.

SUMMARY STATEMENT

The Historic District Commission is requested to consider a Certificate of Appropriateness request from Rhonda Griffin at 418 E. Franklin Street. The request is to replace the asphalt shingles on portions of the roof with either stamped tin shingles or metal sheeting. The slate roof is not proposed to be replaced with this request.

This property is locally designated therefore the Union County Preservation Commission must approve the project as well. Typically, requests for locally designated properties go to the County Preservation Commission prior to the City's Commission; however, since a completed application was received by the City, staff felt we should move this project along as not to run into a timing issue per ordinance section 156.201.

SITE DATA

Type of Action:	Certificate of Appropriateness
Date of Petition:	March 9, 2021
Name of Petitioner:	Rhonda Griffin
Location:	418 E. Franklin Street
Tax ID #:	09-231-205
Lot Size:	2.65 acres
Zoning Classification:	CD "A Cause for Tea"

GENERAL INFORMATION

Whiteford S. Blakeney House; circa 1903

In 1902 W.S. Blakeney of Chesterfield County, S.C. purchased four lots in Mccauley Heights on which he had this house constructed in 1903. The architect was Charles Christian Hook from Charlotte, the contractor was John Wallace of Monroe. Blakeney was president of the Bank of Union from 1903 to 1930. The large, double-pile, two-story frame house has a high, hipped slate roof with modillioned cornice. Pairs of pedimented dormers with diamond-pattern sash are located on the street sides of the roof, a single dormer on the west side. The roof also has two tall, pressed brick chimneys with corbelled caps. A U-shaped porch with Ionic columns wraps around the front elevation of the house, its outer corners forming pedimented pavilions. The central portion of the porch bows forward in a semi-ellipse. At the west end of this porch is a semi-detached, temple-form porte-cochere. The five-bay front elevation of the house has a modest single front door flanked by large, single windows. On the second floor above this entrance is an ornate frontispiece consisting of a gable with returns supported by consoles over a basket arch set on Tuscan columns. In the recess formed by this arch is a rectangular window and two doors leading to a semi-circular, balustraded balcony. The east elevation of the house also has a balcony, this one shed-roofed. Extending from the rear of the building is a two-story wing and a large, gable-roofed kitchen wing with adjacent porch. One unusual aspect of the house is the small, hipped conservatory attached to the east elevation.

RELEVANT DESIGN GUIDELINES

Roofs, pg. 55

1. Retain and preserve the shape and materials of roofs and their decorative and functional features that are important in defining the historic character of a district building — including dormers, chimneys, turrets, spires, cupolas, balustrades, and shingles.
2. If replacement of an entire roof surface or feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.
The applicant is requesting to replace the existing asphalt roof on the lower roof portions with either stamped tin shingles or metal sheeting
3. It is not appropriate to replace a standing seam or metal shingle roof with a multi-rib metal roof.
The applicant is requesting to replace the existing asphalt roof on the lower roof portions with either stamped tin shingles or metal sheeting.

FINDINGS

Staff offers the following Findings:

1. The subject property located at 418 E. Franklin Street is owned by MSG Commercial Properties, LLC and is zoned CD “A Cause for Tea”. (Exhibits 1, 2)

2. The property is located in the South Monroe Historic District. (Exhibit 3)
 3. On March 9, 2021, the applicant submitted a COA application in order to request approval to replace the existing asphalt shingles on portions of the roof with either stamped tin shingles or metal sheeting. (Exhibits 4-7)
 4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.
 5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 8-9)
-

CONCLUSIONS

The proposed change in roof material for the structure located at 418 E. Franklin Street from asphalt shingles to either stamped tin shingles or metal sheeting as presented (is/is not) congruous in concept according to the *Roof* guidelines of the *South Monroe Historic District Guidelines*:

Roofs, pg. 55

1. Retain and preserve the shape and materials of roofs and their decorative and functional features that are important in defining the historic character of a district building — including dormers, chimneys, turrets, spires, cupolas, balustrades, and shingles.
2. If replacement of an entire roof surface or feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.
3. It is not appropriate to replace a standing seam or metal shingle roof with a multi-rib metal roof.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a Certificate of Appropriateness be (granted/denied) subject to review and approval of all city staff and its designated departments.

Exhibits:

1. Aerial Map
2. Zoning Map
3. HD Map
4. Application
5. Existing Conditions
6. Proposed Stamped Tin Shingle
7. Proposed Metal Sheeting
8. APO List
9. APO Map

Prepared by: KM 3-31-21

Ortho Map

PLHR-2021-00041

Legend

-  Centerlines
-  Parcels

Existing: CD "A Cause for Tea"

Owner: MSG Commercial Properties, LLC

Acres: 2.65



0 60 120
 Feet

Exhibit 1

Zoning Map

PLHR-2021-00041

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

▭ CD

▭ OT

Existing: CD "A Cause for Tea"

Owner: MSG Commercial Properties, LLC

Acres: 2.65



0 70 140
Feet

Exhibit 2

Historic District Map

PLHR-2021-00041

Legend

-  Centerlines
-  Parcels
-  Historic District

Existing: CD "A Cause for Tea"

Owner: MSG Commercial Properties, LLC

Acres: 2.65



0 70 140
 Feet

Exhibit 3



HISTORIC DISTRICT COMMISSION
APPLICATION FOR REVIEW

FOR STAFF USE ONLY

Date submitted: 3-9-21
Application No: _____
Approved: _____ Denied: _____
_____ Administrative review
☒ Commission Review

1. Property location: 418 East Franklin St
Applicant's name: Rhonda Griffin
Applicant's address: 900 W. Franklin St Monroe NC 28112
Applicant's telephone number: 704. 291. 0557
Applicant's email address: rgriffin@acausefortea.org
Applicant's FAX number: _____
Property Tax identification number: 09 - 231 - 205

2. The property is owned by (if different from above) Rhonda and Macon Griffin
Lease to own by A Cause For Tea
Address: 900 W. Franklin St Monroe NC 28112 Telephone: 704. 291. 0557
3. The following Certificate of Appropriateness is requested for: Roof material change.
Please provide a brief description of the project. The upper slate will be repaired
+ remain. The lower porch and addition area will be changed.
Requesting material approval - Two samples are submitted.
1st choice is pressed tin squares. 2nd choice is tin. Would
like to use SV to give historic light night look. The existing material
is asphalt shingles.
4. Attach a site plan showing the existing and proposed improvements, necessary setback lines, photographs of current and proposed materials. (Assistance is available to determine setback requirements at the Department of Planning & Development, 300 W. Crowell Street).

Rhonda Griffin

Applicant- Printed

R

Applicant- Signed

3/8/21

Date Submitted

Please sign and return to the Department of Planning & Development, P.O. Box 69, Monroe, NC 28111-0069; Telephone: (704) 282-4520; Fax (704) 282-4735. Applicants are responsible for providing all required information. Incomplete applications will not be processed and will not be accepted after the 30 day deadline.

If your project is required to be heard by the commission, you or a representative will need to attend the meeting.









Exhibit 5









Exhibit 5



Exhibit 6



Exhibit 7

09231028A
INTERNATIONAL GRAPHICS
TECHNOLOGIES INC
411 E WINDSOR ST
MONROE NC 28112

09231049A
MCMANUS DOYLE L
1903 LATHAN RD
MONROE NC 28112

09231083
TUCKER DAVID N
PO BOX 2066
MONROE NC 28111

09231203
HARTLINE KELLI L
409 E TALLYRAND AVE
MONROE NC 28112

09231207
RODIER INVESTMENTS LLC
96 WESTWOOD PL
ASHEVILLE NC 28806

09231028
LATHAM GAIL F TRUSTEE
301 ROANOKE CHURCH RD
MONROE NC 28110

09231068
WALTERS JOSEPH
WALTERS JULIA
205 CHARLES ST
MONROE NC 28112

09231070
MCGINNIS ELEANOR DUNLAP
505 E TALLEYRAND AVE
MONROE NC 28112

09231175B
WIGGINS CLARA P
408 W ROOSEVELT BLVD
MONROE NC 28110

09231178
YOUTH WITH A MISSION
CHARLOTTE INC
418 E FRANKLIN ST
MONROE NC 28112

09231050
HEALTH QUEST OF UNION COUNTY
415 E FRANKLIN ST
MONROE NC 28112

09231069
WHITMAN LUCIDIA GALLEG0
207 CHARLES ST
MONROE NC 28112

09231082
COAN PENNY JOY
502 E TALLEYRAND AVE
MONROE NC 28112

09231179
RABON JAMES L TRUSTEE
RABON PATRICIA H TRUSTEE
2311 BRAWINAL CT
MONROE NC 28110

09231202
MILLS MITCHEL M ET AL
MILLS EILEEN M
1224 MORNING GLORY DRIVE
AMELIA OH 45102

09231067
MAL SINH
11804 SIR FRANCIS DRAKE DR
CHARLOTTE NC 28277

09231200
TURK SARAH STANTON
GROOMS STACEY MARIE
403 E TALLEYRAND AVE
MONROE NC 28112

09231051
JOSEPH BROTHERS INC
437 MORGAN MILL RD
MONROE NC 28110

09231055
AMDM INVESTMENTS LLC
PO BOX 502
HARRISBURG NC 28075

09231056
HOOD ELLA P
P O BOX 3272
MONROE NC 28113272

09231175A
WIGGINS CLARA P
408 W ROOSEVELT BLVD
MONROE NC 28110

09231177
DAUGHERTY GREGORY R
P O BOX 482
WINGATE NC 28174

09231049
MURRAY KEVIN
MURRAY MARTHA R
%MURRAY PROPERTIES
133 UNDERWOOD RD
MATTHEWS NC 281047903

09231066
M C SCHROEDER
1240 EAGLECREST
STANLEY NC 28164

09231201
SHAUAN WAYNE & KARYN
405 E TALLEYRAND AVE
MONROE NC 28112

09231205
MSG COMMERCIAL PROPERTIES LLC
PO BOX 1699
MONROE NC 28111

09231048
BERAKI TEKLEBERHAN
HABTEMARIAM ZERAYACOB
409 E FRANKLIN ST
MONROE NC 28112

09231175
WIGGINS CLARA P
408 W ROOSEVELT BLVD
MONROE NC 28110

09231176
HEDGEPEETH TODD A
HEDGEPEETH VICKIE L
410 E TALLEYRAND AVE
MONROE NC 28112

09231204
TOTTY LOUISE LILES HEIRS
411 TALLEYRAND AVE E
MONROE NC 28112

09231206
UNION MEMORIAL HOSPITAL INC
P O BOX 5003
MONROE NC 281115003

APO Map

418 E. Franklin St.

Legend

- Centerlines
- Parcels
- 150-foot buffer
- Notified Properties
- Subject Property



Exhibit 9



STAFF REPORT
PLHR-2021-00042

TO: Historic District Commission Members

DATE: April 12, 2021

FROM: Keri Mendler, Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Certificate of Appropriateness request at 201 S. Crawford Street

SUMMARY STATEMENT

The Historic District Commission is requested to consider a Certificate of Appropriateness from Tara Ferguson at 201 S. Crawford Street. The request is for approval to replace an existing wood 6 over 6 window with either a composite material stationary window with the same design or a glass block window similar to the first floor bathroom.

SITE DATA

Type of Action: Certificate of Appropriateness
Date of Petition: 3-15-21
Name of Petitioner: Tara Ferguson
Location: 201 S. Crawford St.
Tax ID #: 09-232-164
Lot Size: 0.45 acres
Zoning Classification: R-10 (Residential- High Density)

GENERAL INFORMATION

Circa 1960

The description listed in the National Register is “one-story brick ranch house.” The house currently has a second floor.

RELEVANT DESIGN GUIDELINES

Windows and Doors, pg. 53

1. Retain and preserve windows and doors including sidelights and transoms and their decorative and functional features that are important in defining the historic character of a district building — such as frames, sash, muntins, lintels, sills, thresholds, moldings, surrounds, hardware, and shutters — as well as their finishes.
The applicant has requested approval to replace one 6 over 6 wood window with either a composite material stationary 6 over 6 pane window or a glass block window like the lower bathroom
 2. If replacement of an entire window or door feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.
The applicant has requested approval to replace one 6 over 6 wood window with either a composite material stationary 6 over 6 pane window or a glass block window like the lower bathroom. The composite material is requested since the window is located within a bathroom.
 3. It is not appropriate to replace deteriorated windows, doors, or shutters with stock items that do not fill the original openings or duplicate the original in size, material, and design. Two-dimensional simulations of pane subdivisions, such as snap-in muntins, are not appropriate replacements for true divided-light window panes.
The proposal is to install a composite material window with the same design currently in place or glass blocks similar to the lower floor bathroom.
 4. It is not appropriate to replace a deteriorated wood window or door feature on a primary or other highly-visible elevation with a composite substitute material.
The bathroom window is not clearly visible from a main road, it is located on the rear of the house; however, it can be seen from E. Talleyrand Avenue which is an alley-like street on this side of the district.
-

FINDINGS

Staff offers the following Findings:

1. The subject property located at 201 S. Crawford Street is owned by Anastasia and Joel Ferguson and is zoned R-10 (Residential-High Density). (Exhibit 1, 2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)
3. On March 15, 2021 the applicant applied for a COA requesting approval to replace an existing 6 over 6 wood windows with either a composite material stationary window with the same pane design or glass blocks similar to the lower floor bathroom window. (Exhibit 4-6)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.

5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 7 and 8)

CONCLUSIONS

The proposal to replace one (1) wood window with either a composite material window with the same pane design or glass blocks to match the lower floor bathroom at 201 S. Crawford Street as presented (is/is not) congruous in concept according to the *Windows and Doors* guidelines of the *South Monroe Historic District Guidelines*:

Windows and Doors, pg. 53

1. Retain and preserve windows and doors including sidelights and transoms and their decorative and functional features that are important in defining the historic character of a district building — such as frames, sash, muntins, lintels, sills, thresholds, moldings, surrounds, hardware, and shutters — as well as their finishes.
2. If replacement of an entire window or door feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.
3. It is not appropriate to replace deteriorated windows, doors, or shutters with stock items that do not fill the original openings or duplicate the original in size, material, and design. Two-dimensional simulations of pane subdivisions, such as snap-in muntins, are not appropriate replacements for true divided-light window panes.
4. It is not appropriate to replace a deteriorated wood window or door feature on a primary or other highly-visible elevation with a composite substitute material.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a Certificate of Appropriateness be (granted/denied) subject to review and approval of all city staff and its designated departments.

Exhibits:

1. Aerial Map
2. Zoning Map
3. Historic District Map
4. Application
5. Existing Windows
6. Proposed Glass block
7. APO List
8. APO Map

Prepared by: KM 3-31-21

Ortho Map

PLHR-2021-00042

Legend

— Centerlines

□ Parcels

**Existing: R-10
(Residential- High Density)**

**Owner: Anastasia and
Joel Ferguson**

Acres: .45



0 30 60
Feet

Exhibit 1

Zoning Map

PLHR-2021-00042

Legend

— Centerlines

□ Parcels

Zoning Districts

Code

 R-10

Existing: R-10
(Residential- High Density)

**Owner: Anastasia and
Joel Ferguson**

Acres: .45



0 30 60
 Feet

Exhibit 2

Historic District Map

PLHR-2021-00042

Legend

-  Centerlines
-  Parcels
-  Historic District Expansion

**Existing: R-10
(Residential- High Density)**

**Owner: Anastasia and
Joel Ferguson**

Acres: .45



0 30 60
 Feet

Exhibit 3



HISTORIC DISTRICT COMMISSION
APPLICATION FOR REVIEW

FOR STAFF USE ONLY

Date submitted: 3-15-21
Application No: _____
Approved: _____ Denied: _____

Administrative review
☒ Commission Review

1. Property location: 201 SCrawford St Monroe
Applicant's name: Tana Ferguson
Applicant's address: 201 S Crawford St
Applicant's telephone number: 704-562-7996
Applicant's email address: tiberpold@gmail.com
Applicant's FAX number: _____
Property Tax identification number: 09 - 232 - 164

2. The property is owned by (if different from above) RE
Address: _____ Telephone: _____

3. The following Certificate of Appropriateness is requested for: re place window

Please provide a brief description of the project.

Replace wood with a fixed glass composite
with 6 over 6 look due to code
issue w/ exhaust fan. Also open
to glass block window similar to original
Master bath glass block window.

4. Attach a site plan showing the existing and proposed improvements, necessary setback lines, photographs of current and proposed materials. (Assistance is available to determine setback requirements at the Department of Planning & Development, 300 W. Crowell Street).

Tana Ferguson
Applicant- Printed

Tana Ferguson
Applicant- Signed

3/11/21
Date Submitted

Please sign and return to the Department of Planning & Development, P.O. Box 69, Monroe, NC 28111-0069; Telephone: (704) 282-4520; Fax (704) 282-4735. Applicants are responsible for providing all required information. Incomplete applications will not be processed and will not be accepted after the 30 day deadline.

If your project is required to be heard by the commission, you or a representative will need to attend the meeting.

Window change to meet code



Downstairs bathroom has a glass block window in shower. Not sure why one was not put in the upstairs bathroom

Upstairs bathroom window we want to make stationary similar to the one downstairs. We are tinkering of a wood composite window that would look just like the current window with 6 over 6 grill on the outside



The outside painted Fall of 2019. Due to moisture in the sashes paint pops off sash. (Talleyrand Street side as well as Lane and Washington Streets sides)

Condensation on windows every morning temp is below 50 degrees. Close up below. (Crawford Street side) The outside was painted in Fall of 20 the inside Spring of 20.



White Frame Color



Wave Glass Block

The top two are of the wavy glass block look. It would have cement between the blocks but on the outside, I would have the cement painted white to blend in with the siding.



The bottom two pictures show the outside view of the bathroom window. The close is one is taken from backyard. The faraway one is taken from the neighbors drive across Talleyrand. You cannot see the window from the street due to sunroom roof.

Exhibit 5 & 6

09232144
MUNN HAYDEN D
203 S WASHINGTON ST
MONROE NC 28112

09232165
HUFFMAN BILLIE OLIVER
340 W MORGAN ST
MONROE NC 28112

09232139A
LOFFER LYDIA SMITH
LOFFER WARREN CALEB
107 S WASHINGTON ST
MONROE NC 28112

09232159
BRAINARD RICHARD B JR
304 WASHINGTON ST
MONROE NC 28112

09232177A
BRADLEY ELITE PROPERTIES
3112 MEDLIN RD
MONROE NC 28112

09232179
KAMOLNIK COLLEEN MCBRIDE
KAMOLNIK RICARDO H
PO BOX 608
MONROE NC 28111

09232155
SIMS PAUL M
PO BOX 2261
CORBIN KY 40702

09232163
MARTIN SUSAN STILES
200 WASHINGTON ST
MONROE NC 28112

09232174
MOOYOUNG MARTINA MARIE
WILLIAMSON CHARLES WHITFIELD
114 S CRAWFORD ST
MONROE NC 28112

09232175
WOAZEAH JUSTIN M JR
WOAZEAH MEGAN N
113 S COLLEGE ST
MONROE NC 28112

09232176
ROLDAN JENNIFER
1405 DUBLIN PL
MONROE NC 28112

09232177
CATOE JAMES L
CATOE PAMELA M
2822 WOLF POND RD
MONROE NC 28112

09232178A
CORRELL EDWARD M TRUSTEES
CORRELL JANE H
3919 MAPLE GROVE RD
MARION OH 43302

09232140
BK JONES & CO LLC
PO BOX 1584
MONROE NC 28112

09232144A
WADE MARTHA R
2006 WALKUP AVE STE A200
MONROE NC 28110

09232145
ZIMMERMAN NEAL
ZIMMERMAN SUSAN
207 SOUTH WASHINGTON ST
MONROE NC 28112

09232160
HELMS JOYCE A
HELMS TONY MAX
301 S CRAWFORD ST
MONROE NC 28112

09232166
WIGGINS DUSTI H
WIGGINS JOHN P
108 S WASHINGTON ST
MONROE NC 28110

09232179A
CRAWLEY SHAWN G
CRAWLEY VEDA A
10005 RAMSBURY WAY
HENRICO VA 23238

09232156
DILLION DEBORAH J
300 S WASHINGTON ST
MONROE NC 28112

09232162
FREEZE JEFFERY TODD
FREEZE LISA CAROL
204 S WASHINGTON ST
MONROE NC 28112

09232158
BRAINARD ANN M
BRAINARD RICHARD B JR
304 WASHINGTON ST
MONROE NC 28112

09232164
FERGUSON ANASTASIA
FERGUSON JOEL
201 CRAWFORD ST
MONROE NC 28112

**HISTORIC DISTRICT MTG
OF 4-12-21

201 S. CRAWFORD ST.**

APO Map

201 S. Crawford St.

Legend

- Centerlines
- Parcels
- 150-foot buffer
- Notified Properties
- Subject Property



Exhibit 8



STAFF REPORT
PLHR-2021-00043

TO: Historic District Commission Members

DATE: April 12, 2021

FROM: Keri Mendler, Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Certificate of Appropriateness request at 806 W. Franklin St.

SUMMARY STATEMENT

The Historic District Commission is requested to consider a Certificate of Appropriateness from Philip Millward at 806 W. Franklin St. The request is to construct a roof over the existing pergola to create more of a pavilion behind the house, construct a new pergola-style single-car carport to the east of the house, as well as extend the driveway to this area, and replace the existing PVC style shutters with new board and batten shutters.

SITE DATA

Type of Action: Certificate of Appropriateness

Date of Petition: 3-22-21

Name of Petitioner: Philip Millward

Location: 806 W. Franklin St.

Tax ID #: 09-273-006

Lot Size: 0.3 acres

Zoning Classification: R-10 (Residential-High Density)

GENERAL INFORMATION

Circa 1945

The National Register listed the follow for this home “E-plan, one-story frame house.”

RELEVANT DESIGN GUIDELINES

Walkways, Driveway, and Off-street Parking, pg. 29

1. Design new driveways and walkways to conform with the spacing, width, configuration, and materials of existing walkways, driveways, and off-street parking areas that contribute to the overall historic character of the district. Locate new driveways to the side and rear of existing houses and screen with landscaping if the area is prominently visible from a public right-of-way.
2. Locate new walkways, driveways, and off-street walkways so the topography of the building site and significant site features, including mature trees, are retained.
3. Select appropriate traditional paving materials such as brick, stone, and scored concrete. Carefully consider the color and texture of new surfaces for compatibility with the character of the historic district. It is not appropriate to introduce large expanses of stark white or gray concrete surfaces. Consider permeable materials like brick pavers in lieu of concrete.
The applicant is proposing the new driveway area will be concrete but has not indicated if it will be stained.
4. It is not appropriate to locate a new off-street parking area on the site of a district building that is residential in character where it will significantly alter the ratio of the original built area and paved area to unbuilt area on the site, or where it will directly abut the primary building.
5. It is not appropriate to locate off-street parking in front yards of district buildings that are residential in character.
The applicant is proposing additional parking to the right side of the house.

Garages, pg. 35

1. Select materials and finishes for proposed garages or accessory buildings that are compatible with the primary building or other historic garages and accessory structures in the district in terms of scale, module, composition, pattern, detail, finish, texture, and color.
The applicant is proposing a single-car pergola-style carport to be located east of the existing house.
2. Locate and orient new garages and accessory structures in rear yards and in traditional relationships to the primary building as determined by historic siting patterns in the district.
The applicant is requesting to construct the carport to the east of the house located behind the front corner of the home.
3. It is not appropriate to introduce prefabricated metal accessory structures in the historic district. Prefabricated wooden accessory structures are appropriate to introduce only if they are compatible in size, scale, form, height, proportion, materials and details with other accessory structures in the historic district.
The applicant is proposing to construct single-car pergola-style carport to be located east of the existing house.

4. It is not appropriate to introduce a new garage or accessory building if doing so will detract from the overall historic character of the primary building and the site or require removal of a significant building element or site feature, such as a mature tree or side porch.
5. It is not appropriate to introduce features or details to a garage or accessory structure in the district in an attempt to create a false historical appearance.

Windows and Doors, pg. 53

1. Retain and preserve windows and doors including sidelights and transoms and their decorative and functional features that are important in defining the historic character of a district building — such as frames, sash, muntins, lintels, sills, thresholds, moldings, surrounds, hardware, and shutters — as well as their finishes.
The applicant is requesting to replace existing PVC shutters with new board and batten shutters.
2. It is not appropriate to replace deteriorated windows, doors, or shutters with stock items that do not fill the original openings or duplicate the original in size, material, and design.
The applicant is requesting to replace existing PVC shutters with new board and batten shutters.

Roofs, pg. 55

1. If replacement of an entire roof surface or feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.
The applicant is requesting to replace the existing pergola roof with a new pitched roof to create more of a pavilion.

FINDINGS

Staff offers the following Findings:

1. The subject property located at 806 W. Franklin Street is owned by Brenda Atchley and is zoned R-10 (Residential-High Density). (Exhibit 1-2)
2. The property is located in the South Monroe Historic District. (Exhibit 3)
3. On March 22, 2021, the applicant applied for a COA to request approval to construct a roof over the existing pergola, in the rear yard, to create more of a pavilion, construct a new single-car pergola-style carport to the east of the house, as well as extend the driveway to this area, and replace the existing PVC style shutters with new board and batten shutters at 806 W. Franklin St. (Exhibit 4-8)
4. The proposed structure does meet the review criteria for a Certificate of Appropriateness according to Section 156.202 of the Unified Development Ordinance.

5. All adjacent property owners have been notified of the Certificate of Appropriateness request. (Exhibit 9-10)

CONCLUSIONS

The proposal to construct a roof over the existing pergola to create more of a pavilion behind the house, construct a new single-car pergola- style carport to the east of the house, as well as extend the driveway to this area, and replace the existing PVC style shutters with new board and batten shutters at 806 W. Franklin Street as presented (is/is not) congruous in concept according to the *Garage and Accessory Structures, Windows and Doors, and Roofs* guidelines of the *South Monroe Historic District Guidelines*:

Walkways, Driveway, and Off-street Parking, pg. 29

1. Design new driveways and walkways to conform with the spacing, width, configuration, and materials of existing walkways, driveways, and off-street parking areas that contribute to the overall historic character of the district. Locate new driveways to the side and rear of existing houses and screen with landscaping if the area is prominently visible from a public right-of-way.
2. Locate new walkways, driveways, and off-street walkways so the topography of the building site and significant site features, including mature trees, are retained.
3. Select appropriate traditional paving materials such as brick, stone, and scored concrete. Carefully consider the color and texture of new surfaces for compatibility with the character of the historic district. It is not appropriate to introduce large expanses of stark white or gray concrete surfaces. Consider permeable materials like brick pavers in lieu of concrete.
4. It is not appropriate to locate a new off-street parking area on the site of a district building that is residential in character where it will significantly alter the ratio of the original built area and paved area to unbuilt area on the site, or where it will directly abut the primary building.
5. It is not appropriate to locate off-street parking in front yards of district buildings that are residential in character.

Garages and Accessory Structures, pg. 35

1. Select materials and finishes for proposed garages or accessory buildings that are compatible with the primary building or other historic garages and accessory structures in the district in terms of scale, module, composition, pattern, detail, finish, texture, and color.
2. Locate and orient new garages and accessory structures in rear yards and in traditional relationships to the primary building as determined by historic siting patterns in the district.
3. It is not appropriate to introduce prefabricated metal accessory structures in the historic district. Prefabricated wooden accessory structures are appropriate to introduce only if they are compatible in size, scale, form, height, proportion, materials and details with other accessory structures in the historic district.
4. It is not appropriate to introduce a new garage or accessory building if doing so will detract from the overall historic character of the primary building and the site or require removal of a significant building element or site feature, such as a mature tree or side porch.
5. It is not appropriate to introduce features or details to a garage or accessory structure in the district in an attempt to create a false historical appearance.

Windows and Doors, pg. 53

1. Retain and preserve windows and doors including sidelights and transoms and their decorative and functional features that are important in defining the historic character of a district building — such as frames, sash, muntins, lintels, sills, thresholds, moldings, surrounds, hardware, and shutters — as well as their finishes.
2. It is not appropriate to replace deteriorated windows, doors, or shutters with stock items that do not fill the original openings or duplicate the original in size, material, and design.

Roofs, pg. 55

1. If replacement of an entire roof surface or feature is necessary due to deterioration, replace it in kind, matching the original in design, dimension, detail, texture, color, and material. Consider compatible substitute materials only if using the original material is not feasible.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a Certificate of Appropriateness be (granted/denied) subject to review and approval of all city staff and its designated departments.

Exhibits:

1. Aerial Map
2. Zoning Map
3. Historic District Map
4. Application
5. Existing Pergola
6. Proposed Pergola carport
7. Site Plan
8. Shutters
9. APO List
10. APO Map

Prepared by: KM 3-31-21

Ortho Map

PLHR-2021-00043

Legend

— Centerlines

□ Parcels

**Existing: R-10
(Residential- High Density)**

Owner: Brenda Atchley

Acres: .30



0 25 50
Feet

Exhibit 1

Zoning Map

PLHR-2021-00043

Legend

— Centerlines

▭ Parcels

Zoning Districts

Code

▭ R-10

Existing: R-10
(Residential- High Density)

Owner: Brenda Atchley

Acres: .30



0 25 50
Feet

N JOHNSON ST

W FRANKLIN ST

Exhibit 2

Historic District Map

PLHR-2021-00043

Legend

-  Centerlines
-  Parcels
-  Historic District Expansion

**Existing: R-10
(Residential- High Density)**

Owner: Brenda Atchley

Acres: .30



0 25 50
 Feet

N JOHNSON ST

W FRANKLIN ST

Exhibit 3



HISTORIC DISTRICT COMMISSION
APPLICATION FOR REVIEW

FOR STAFF USE ONLY

Date submitted: _____
Application No: _____
Approved: _____ Denied: _____
_____ Administrative review
_____ Commission Review

1. Property location: 806 W. FRANKLIN ST, MONROE NC
Applicant's name: PM HOME SOLUTIONS LLC
Applicant's address: PO BOX 92 MONROE 28112
Applicant's telephone number: 704-254-5764
Applicant's email address: SERVICE@PMHOME SOLUTIONS.NET
Applicant's FAX number: _____
Property Tax identification number: 092-73006
2. The property is owned by (if different from above) BRENDA ATCHLEY
Address: 806 W. FRANKLIN ST MONROE Telephone: _____
3. The following Certificate of Appropriateness is requested for: BUILT PERGOLA CAR
Please provide a brief description of the project PORT TO BASE OF HOUSE, ADD
ROOF STRUCTURE TO REAR PERGOLA, CHANGE SHUTTERS FOR
BOARD AND BATTEN, REPLACE RUSTING HANDRAIL OF FRONT
STEPS, CREATE DRIVEWAY UNDER PERGOLA CAR PORT
CONCRETE TR
4. Attach a site plan showing the existing and proposed improvements, necessary setback lines, photographs of current and proposed materials. (Assistance is available to determine setback requirements at the Department of Planning & Development, 300 W. Crowell Street).

PM HOME SOLUTIONS

Applicant- Printed

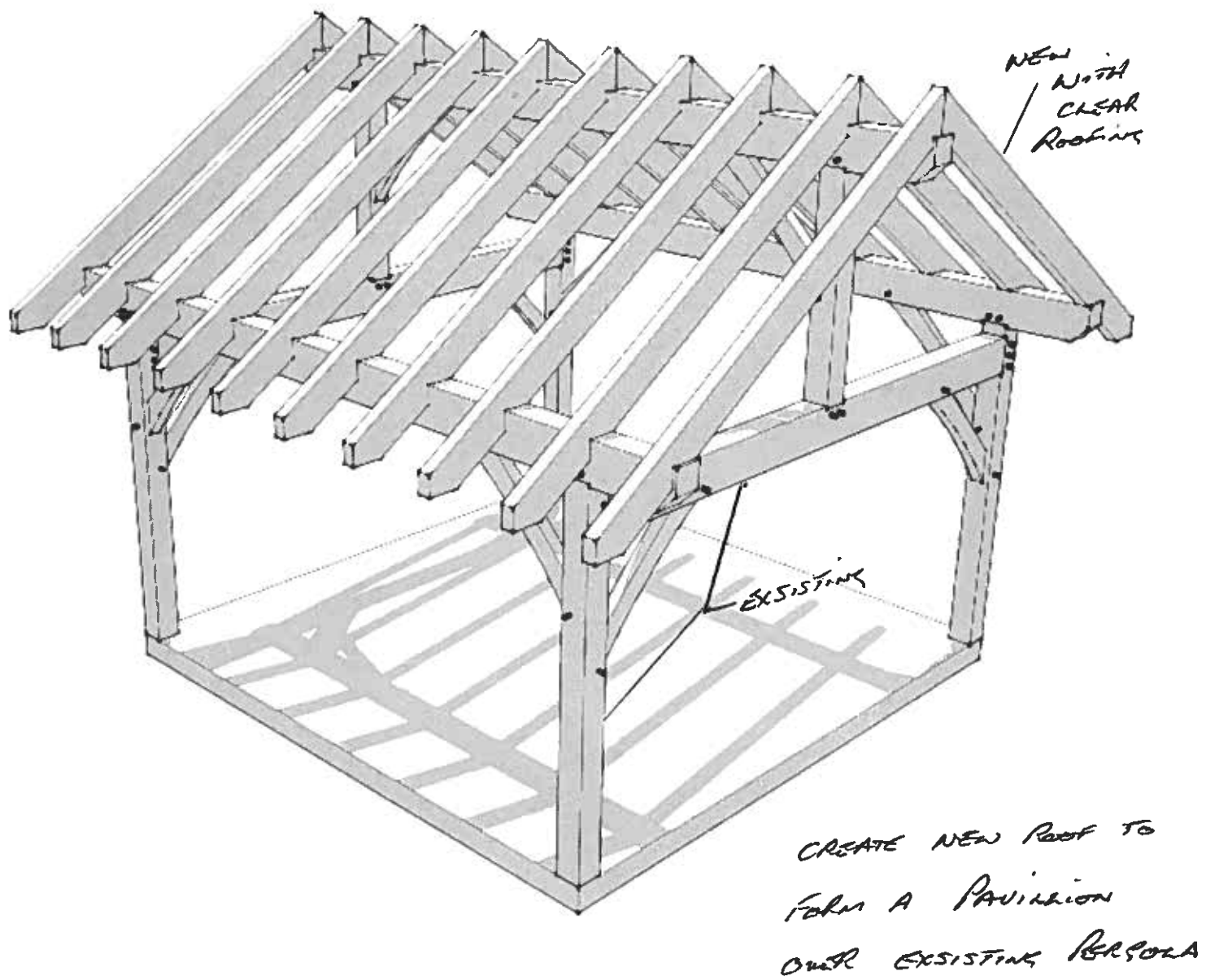
Applicant- Signed

03/22/21

Date Submitted

Please sign and return to the Department of Planning & Development, P.O. Box 69, Monroe, NC 28111-0069; Telephone: (704) 282-4520; Fax (704) 282-4735. Applicants are responsible for providing all required information. Incomplete applications will not be processed and will not be accepted after the 30 day deadline.

If your project is required to be heard by the commission, you or a representative will need to attend the meeting.





SINGLE 12' X 19'

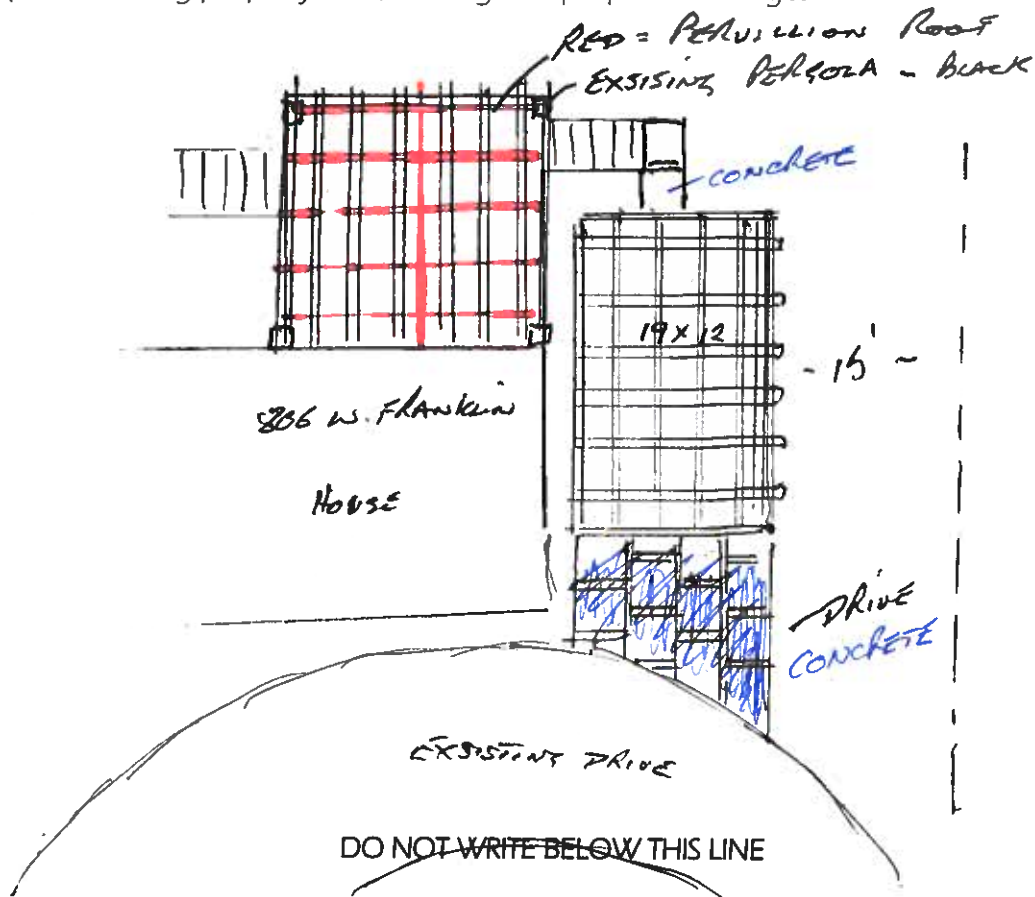
FOR EXAMPLE ONLY

Exhibit 6

HISTORIC DISTRICT COMMISSION FINAL PLAN SUBMISSION CHECKLIST

Required materials for all applications:

- ☐ Completed application form. Describe clearly and in detail the nature of the proposed project. Attach additional sheets if necessary.
- ☐ Photographs of site and existing conditions, as well as any proposed materials.
- ☐ Site plan showing property lines, existing and proposed changes



Additional conditions and remarks: EXAMPLES ATTACHED

Authorized signature

Date

Exhibit 7

Google Maps 301 N Johnson St

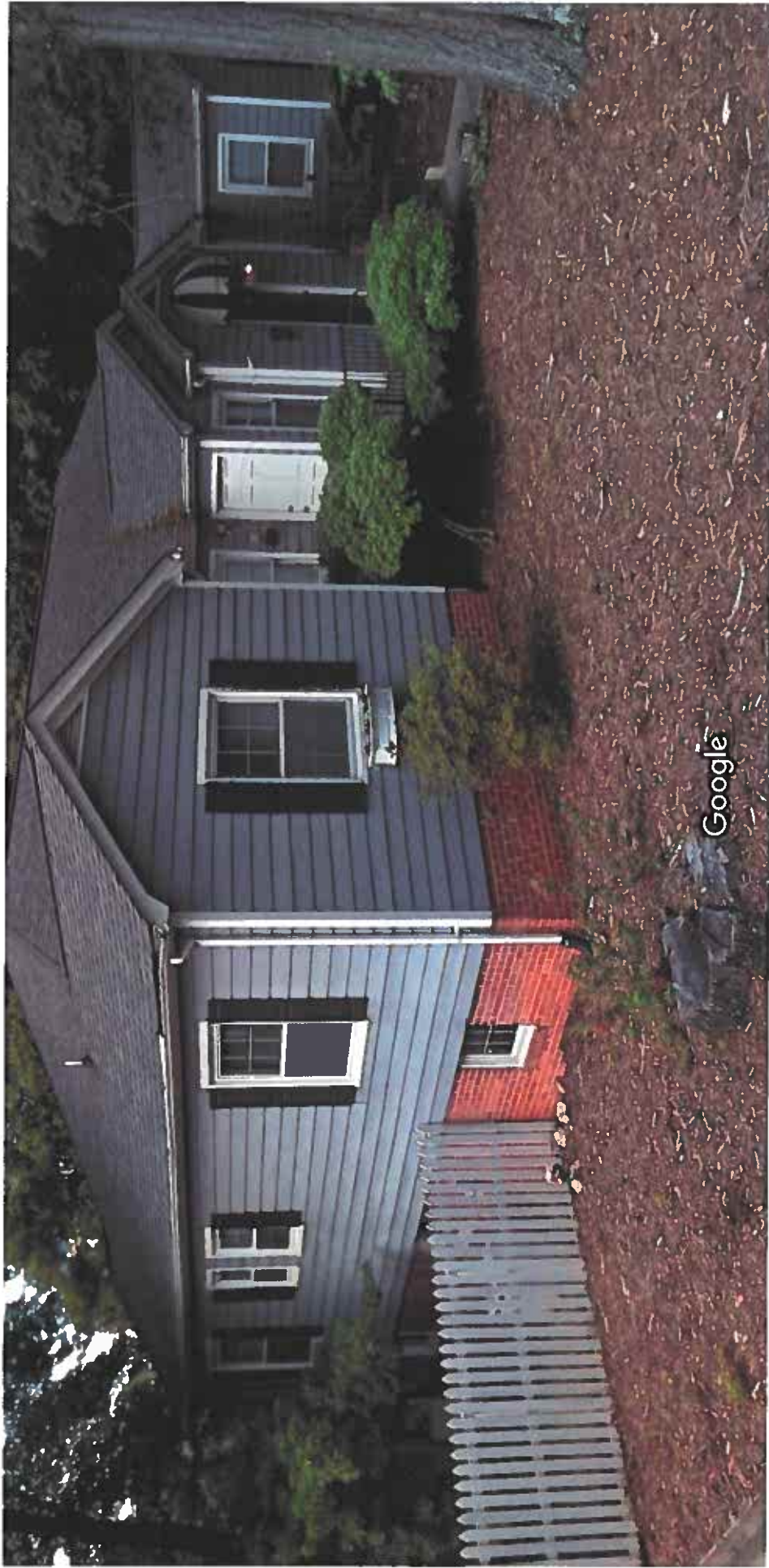


Image capture: May 2014 © 2021 Google

Monroe, North Carolina

Google

Street View

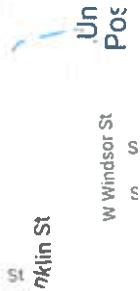


Exhibit 8



Exhibit 8

806 W. FRANKLIN

09273004
JEFFERSON VILLAGE APTS LTD
%BETSY MILLER PO BOX 58
JOHNSON CITY TN 376050058

09273005
SIZER LLC
PO BOX 783
MONROE NC 28111

09273006
ATCHLEY BRENDA M
806 W FRANKLIN ST
MONROE NC 28112

09273007
KERR DANA ATCHLEY
KERR JAMES M
P O BOX 783
MONROE NC 28111

09273008
MIDDLETON PARTNERS LLC
PO BOX 783
MONROE NC 281110783

09273008 01
WHITE BETTY R
710 W FRANKLIN ST
MONROE NC 28112

09273008 02
MCMANUS SYLVESTER E III
WHITE BETTY R
710 WEST FRANKLIN ST
MONROE NC 28112

09273008 03
BREWER MP LLC
PO BOX 769
MARSHVILLE NC 28103

09273008 04
ELLIOTT MERIDITH M
716 W FRANKLIN ST
MONROE NC 28112

09273008 05
MORICOLA PAUL
718 W FRANKLIN ST
MONROE NC 28112

09273008 06
RUSHING GILBERT DOUGLAS
831 BRIDGEWATER DRIVE
MONROE NC 281128445

09273008 07
WEST TAYLOR EVELYN
GROSE JASON
722 W FRANKLIN ST
MONROE NC 28112

09273008 08
MORALES BRIAN GLENN
724 W FRANKLIN ST
MONROE NC 28112

09273008 09
CANTEY KIM
730 W FRANKLIN ST
MONROE NC 28112

09273008 10
CANTEY KIM
730 W FRANKLIN ST
MONROE NC 28112

09273008 11
W3 RESOURCE MANAGEMENT LLC
PO BOX 1699
MONROE NC 28111

09273008 12
BBB PARTNERS LLC
PO BOX 769
MARSHVILLE NC 28103

09273008 13
BBB PARTNERS LLC
PO BOX 769
MARSHVILLE NC 28103

09273008 14
MORGAN MARIAN
750 WEST FRANKLIN ST #14
MONROE NC 28112

09273008 15
SMITH PATRICK JAMES
SMITH CHRISTAL ANN
752 W FRANKLIN ST
MONROE NC 28112

09273008 16
PLYLER KADIE
754 W FRANKLIN ST UNIT 16
MONROE NC 28112

09273008 17
COOPER BRIANN T
756 W FRANKLIN ST
MONROE NC 28112

09273008 18
HELMS ARON A
758 W FRANKLIN ST
MONROE NC 28112

09273008 19
BREWER BAUCOM PROPERTIES LLC
PO BOX 769
MARSHVILLE NC 28103

09273008 20
BREWER BAUCOM PROPERTIES LLC
PO BOX 769
MARSHVILLE NC 28103

09273008 21
HOCOTT ROSA E
SMITH BRANDON
764 W FRANKLIN ST
MONROE NC 28112

09273010
LEITNER THOMAS
LEITNER THOMAS C JR
801 W FRANKLIN ST
MONROE NC 28112

09273011
LEITNER PATRICK ABT
803 WEST FRANKLIN STREET
MONROE NC 28112

09273012
DELUCA LORRAINE
GUTIERREZ VIRGINIA
805 W FRANKLIN ST
MONROE NC 28112

09273013
PRICE NANCY C
C/O NANCY P ADAMS PO BOX 1194
MONROE NC 28111

09273067
MARSHALL GAIL YOUNG
903 W FRANKLIN ST
MONROE NC 28112

09273242
RYBACK E DONETTE
RYBACK ROLLAND A JR
902 WEST FRANKLIN ST
MONROE NC 28112

09273258
CHAVEZ RAFAELA M
ORTEGA ARTURO CHAVEZ
3602 MCPHERSON ST
WAXHAW NC 28173

09273259
RMG OF MONROE LLC
%RHONDA M GRIFFIN 900 W FRANKLIN ST
MONROE NC 28112

09273260
GRIFFIN MACON S
GRIFFIN RHONDA L
900 W FRANKLIN ST
MONROE NC 28112

APO Map

806 W. Franklin St.

Legend

- Centerlines
- Parcels
- 150-foot buffer
- Notified Properties
- Subject Property



Exhibit 10