

**HISTORIC PRESERVATION BOARD
SUMMARY MINUTES
December 1, 2009**

MEMBERS PRESENT:

**Emily Perkins-Sharp
Eric Reed
Donna Wolbe
George Morris
Rick Voakes
Shawn Sinclair**

Absent:

Mark Hood

STAFF PRESENT:

**Sandy M. Clark, Administrative Secretary
Miranda Clements, HP Planner**

Jonathan Britt, Senior Planner CCPC

Guests:

**Frankie and Angi Williams
Liz Switzer, Daily News**

Chairman Eric Reed called the meeting to order at 5:02 p.m. Mr. Reed asked for roll call of the members present.

I. DETERMINATION OF QUORUM

Sandy Clark, Administrative Secretary, conducted roll call and four (4) board members were present at the time of roll call, with three absent. The quorum was determined to be present with four of seven members in attendance at the time of roll call.

II. APPROVAL OF MINUTES

Chairman Reed stated that the next order of business was to approve the Summary Minutes of the Historic Preservation Board meeting of November 3, 2009. Being no discussion about the Minutes, Chairman Reed asked for a Motion.

ACTION: Ms. Sharp moved to approve the Minutes of November 3, 2009 Board meeting, Mr. Sinclair seconded the motion. All members agreed (4 yeas).

Rick Voakes entered the meeting at 5:05 p.m.

III. CERTIFICATE OF APPROPRIATENESS - 2009-22 - 1302 College Street

Chairman Reed indicated the next item on the agenda is a review of the application for the Certificate of Appropriateness for 1302 College Street. Ms. Clements presented the staff report and stated the house at 1302 College Street, built ca. 1920, is a 1½ story, red brick house with a Dutch Colonial Revival style influence. It features a gambrel roof, shed dormer, full length front porch (enclosed) and end chimney. It has had substantial alterations and has been divided into several apartments. It is located on the corner of College and 13th Avenue East in the College Hill Local Historic District. This was not included in the College Hill National Register District due to major modifications.

Ms. Clements said that the scope of the work involves the construction of a shallow gable roof structure to cover an entrance to a basement apartment. The entrance is located on a readily visible secondary elevation of the house. The house is located on the corner of 13th Street and College Street. The applicants stated that the previous structure was damaged which lead to flooding in the basement apartment. The entrance roof is built with a taller roof at the sidewalk to allow adequate head room and lower at the house wall to avoid a window. It is not known if there was a door here originally – it possibly consisted of a trap-door style entrance to an unfinished basement. At some point, steps and an entrance to serve a basement apartment were constructed. The covering that this structure replaced was a simple, flat, metal roof supported by two wood posts. It did not extend as far out as the current structure.

Ms. Clements said that the Design Guidelines do not specifically address a cover to a basement apartment of this type. It is an atypical structure in the historic district in that most entrances to basements feature a portico style roof covering that is only several feet in length. Because the steps to the apartment are recessed and extend to the sidewalk, a complex design challenge is created - how to cover the steps to prevent water from entering the basement while allowing enough head room and avoiding the first floor window above the entrance. To meet the Design Guidelines, (3.7.1; 3.7.2; 3.8.2; and 3.9.1) the entire entrance would have to be located at the rear or a marginally visible elevation from the street. However, this entrance is the only access to the basement apartment that it serves and it was in existence when the Historic District was designated.

It is recommended that the structure be approved because it is a necessary cover to a basement apartment that existed before the College Hill Historic District was designated and because it is replacing a previous structure that was damaged, with the condition that the applicants work with staff to install appropriate landscaping to screen the structure and that the wood be painted white to blend with the other accents to the house. These changes will help the structure become less visible and more compatible with the character of the house and the historic district. It is recommended that the landscaping be installed in the next 30 days. (6 foot tall China Girl Holly plants are recommended – they are fast growing, evergreen, disease resistant and attractive. They are available locally for \$25 to \$30)

Donna Wolbe entered the meeting at 5:18 p.m.

On behalf of the applicants, Frankie Williams of 1541 Ridgeside Avenue, Bowling Green, Kentucky, stepped to the podium so that Board could ask questions. There was discussed by the Board about the construction of the overhead roofing to the steps and if the construction of the overhead roof and sides could keep out the rain and weather. Mr. Williams said the construction does keep the rain and moisture from getting on the steps, etc. He said that the windows to the apartment were damaged and that the fiberglass/corrugated roof over the steps as damaged. Mr. Williams said a little moisture could blow in, but overall the construction is workable and functional. He then said that he did not realize this property was in a Historic District. One of the Board members asked if another board could be placed under the rafter to close it in and make the

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construction look more finished. Mr. Williams agreed to add a board under the rafter. He questioned the idea of painting the porch white as he thought it would make the porch stand out. Board members said they believed it would blend in more if painted white.

Chairman Reed asked if there were any additional questions or comments from the Board. He then asked if there are questions or comments from the audience or if there was any opposition to this request. Being none, he asked for a Motion.

ACTION: **Emily Sharp made the Motion, seconded by Mr. Morris, to approve the application as proposed with two stipulations. Applicants comply with the *Design Guidelines* for residential property. The motion is based on the findings of fact as presented in the Staff Report and testimony presented in this public hearing and because the proposed work agrees with the adopted *Design Guidelines* and proposed work will not adversely affect the structure or other properties within the Local Historic District. The Motion is made with stipulations of: landscaping and the addition of a freeze board at the elevation change to the opening at the opening at the end of the wall and the porch construction be painted white. All Board members agreed (6 yeas)**

IV. STAFF APPROVED COAs

Miranda Clements announced that she had two applications for Certificates of Appropriateness come into the office that she approved, being described as:

- 1) Case #2009-25: 900 State Street – Roofing; wood window repair; copper flashing; box gutters; other repairs to match existing.
- 2) Case #2009-26: 1318 College Street – Chimney reconstruction.
- 3) Case #2009-27: St. Joseph Church – Front doors – (*Landmark Grant required COA*)
- 4) Case #2009-28: 1247 Chestnut Street – Wood privacy fence
- 5) Case #2009-29: 426 E. Main Avenue - Sign (Downtown Commercial Historic District)
- 6) Case #2009-30: 918 State Street – Limestone Cleaning (to meet recommendations in Design Guidelines)

V. DEMOLITION REVIEWS:

Ms. Clements reported there were a couple of demolition applications that came in and were documented and released.

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- 1) DM2009-59: 219 US 31-W By-Pass (old stone building without historical significance)
- 2) DM2009-60: 719 Kentucky Street (BGMU building - may have had some historic significance, but not listed or eligible for the National Historic Register)

One Board member asked about limestone from the demolition, if in the future, any chance of getting some of the limestone since he has a fence that needs finishing with limestone. Ms. Clements said the Habitat ReStore has certain procedures to follow for salvage. Jonathan Britt reminded the Board for a point of clarification that no one from the Board can go onto a site and salvage once information is received of a demolition. No one would want anything to be seen as inappropriate for material benefit. Habitat comes in to salvage and removes an item, cleans it, catalogues and prices it and then places in the store for purchase.

VII. OLD BUSINESS:

Chairman Reed said the first item he would like to bring up under Old Business is the possible change in the language for the Demolition Ordinance. After discussion, it was noted that the only change in what Mr. Reed presented was to add the word "Historic Preservation Board staff" to the sentence. Attorney Moore said that he has read the proposed change and that it is in the City Commission's realm and power to adopt a change. The paragraph proposed is as follows:

*6-7.03 If the staff of the Historic Preservation Board determines that the structure is at least fifty (50) years old and/or has any historic significance, which means it is eligible for Local Historic Designation or is listed, or eligible for listing in the National Register, the staff for the Historic Preservation Board shall notify the Department of Housing and Community Development. No demolition permit shall be issued until after the staff of the Historic Preservation Board has completed a thorough study of the structure and documented for future generations the historical significance of the structure, **and until after the Historic Preservation Board staff or other parties have exhausted alternatives to demolition, including but not limited to adaptive reuse of the structure, architectural salvage or components of the structure, or removal of the structure to another location.** However, under no circumstances shall such study exceed thirty (30) calendar days in length. The time shall begin to run on the date following the end of the initial five-day waiting period. Demolition permits issued for historically significant properties may suggest that a portion of the structure be sold, donated or saved for future use. (Ord. BG2006-27, 8/15/2006)*

Attorney Moore said this Board has both adjudicatory responsibilities which is what we just did when we voted upon the Certificate of Appropriateness. In that role, the Board has to keep itself out of the investigatory process and neutral until hearing evidence for an application. Everyone understands that the Board also has a role in Historic Preservation. It was discussed that the activities mentioned in the Ordinance are a role or duty of staff and this does not mean that the Board is not an advisory structure or keeps individuals from acting rather than as a Board. Actions are done by staff or an action carried out by resolution.

One of the Board members asked if the Board would have a chance to meet and discuss the permit. Attorney Moore said he did not really know why the Board would need to have a Special Called meeting since the Board does not really know what the Board could do other than say to the staff that they would like staff to do certain things which is to document the significance of a structure and investigate other adaptive re-uses. There are thirty (30) days allowed for staff to document the significance of the structure within three or four days, then staff could allow the demolition to be released to the applicant. Staff has the option to exhaust other options for adaptive re-uses for the structure and applicant has the option to accept or reject the options suggested. Chairman Reed said they would like to see the Ordinance changed to hold the demo permit for thirty days regardless of whether the initial study and cataloging of the property is completed or not. The Board wants to have thirty (30) days within which to catalog, document and exhaust alternatives to demolition. It is not a mandate, but allows the Board the option to utilize the thirty (30) days if the Board determines it is an historic property that requires extraordinary measures. Attorney Moore stated that anytime within the thirty (30) day period the staff can say they are finished and can release the permit.

Ms. Clements said that exhausting alternatives could be different options, such as: demolition, salvage or even moving a structure. Staff educates the owner of options and gives information to the property owner, but Staff cannot delegate salvage rights, only the owner has the right or responsibility to allow salvage. Staff can be a match-maker with the homeowners and options available. However, the property owner has the final say and after five (5) days, if the answer to any request is “no” then the staff needs to release the permit application request and the demo permit can be released.

Mr. Britt said the current Ordinance does not prohibit the property owner from using the same “no” today or “yes, I will let you move it”, the permit is still done in five or six days, so we really are not gaining anything by wanting to change the Ordinance. There is an opening for stripping things from the Ordinance if we go to the City Commission asking for changes, and then asking ourselves if we really are accomplishing the end goal. Chairman Reed asked if the process that Ms. Clements wants to do can be developed in addition to changing or revising the Ordinance because one of the problems he has seen with demolitions in Historic neighborhoods is there is a basic problem of information being shared in a very quick manner, not just for the Board, but with also getting the word out to interested parties.

Mr. Britt asked the Board if they think that is their purpose or role, or should that be the role of the Landmark Association (a non-profit organization) to be the go-between between the public and the landowners or even the City Commission. Ms. Clements said that she provides information to the property owners and feels it is the responsibility of the staff to get information out to assist with projects, but staff cannot be the project manager or the one who undertakes the project and is responsible for overseeing a moving project or a salvage project. Chairman Reed said he believes it would be staff’s responsibility to oversee. He said that Ms. Clements has over the past year, been in an *ad hoc* position developing a process of match-making but this needs to be codified as whoever is in her position in the future will be able to know what to do in the future. Ms. Wolbe said she feels

Ms. Clements has been affective in getting other people to help and organizing things. She said she is not sure things would get done if Ms. Clements was not doing this as part of her job.

There was discussion of the duties and responsibilities of the Historic Preservation Board, discussed the initiation of historic programs and projects that will promote historic preservation and develop cooperative efforts to address preservation issues at a local level and to protect historic resources. Ms. Clements identifies historic places; promotes historic integrity of a district; and educates and promotes preservation awareness among City agencies and programs; and ensures that Historic Preservation becomes a viable part of Warren County Comprehensive Plan and coordinates preservation with zoning land use and growth management policies.

Attorney Moore said that the difficulty in presenting an innocuous sort of amendment is that it comes at a time when there is a heightened sensitivity about the issue of demolition and so the language could become significant in the impact that it has on the present situation in the City and/or County. It may have been more effective two (2) years ago or two (2) years in the future. A suggestion can be made, but the outcome could not be predicted. Ms. Wolbe said she would like to see what is in the same confines, the same thirty (30) days, but the Board is just asking for consideration not given in the past. Attorney Moore said this would be another task for Ms. Clements to do in addition to all the tasks she already does, which are educate and document the structures requested by demolition.

ACTION: Dr. Voakes made the Motion, seconded by Ms. Wolbe, to Recommend to the City Commission to amend the Demolition Ordinance (Ord BG2006-27). All members agreed (6 yeas).

To follow up on this, it was requested to have a plan of action meeting - so it was discussed to have a Special Called Meeting in January to have a work session to discuss goals and objectives. The Board wishes to discuss how to establish priorities. In order to have a Special Called Meeting, it would need to be announced and media contacted. There was discussion of Tuesday, January 12th at 5:00 p.m., before our next meeting on January 28th, which is our regular meeting night. The location will be determined and staff will let the Board members know where to meet for the special meeting.

Chairman Reed said that he believed it would need to go through the Planning Commission to make a recommendation to the City Commission, although if it does not match the Board's ideas, then the Board could take it before the City Commission. One of the Board members said he believed a City Commissioner could actually take it to the Commission, but Chairman Reed said he would like to follow protocol and take it the Planning Commission.

Ms. Clements then gave a projects update. She updated the Board on the Heritage Walk project which is the downtown markers project. The Preserve America Grant is the project with 22 markers to be placed on Greenways trails and the deadline for this project is September, 2010. The Historic Survey project is being assisted with by two (2) WKU classes.

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Mr. Morris asked if the Historic Preservation Board was assisting the City with the application for the All-American City designation. Ms. Clements said she had not been asked to assist the CVB or the City, but she would check with both entities to see if help is needed.

Chairman Reed asked about the Section 106 status for Block 12. Ms. Clements said the Kentucky Heritage Council is looking into whether Section 106 is applicable to Block 12. Originally, it was thought that the use of Federal new market tax credits would require a Section 105 (BHPA of 1966) review, but it has been determined now that this is not the case. Now, it is thought that since Block 12 is a portion of the Chapter 99 District that Section 106 may come into play as you are not allowed to divide different sections off for different purposes of a Chapter 99 plan. This is being discussed and investigated by officials. She reminded the Board that on Thursday, December 3, the Planning Commission will be reviewing the re-zoning request for a Planned Unit Development (PUD) for Block 12.

Ms. Clements then reported that she had talked with developers about 1301 Center Street and possibly moving the house for salvage. If the buildings are going to be demolished then a salvage operation could be arranged. When asked about when to anticipate receiving a ruling from the Kentucky Heritage Council, Ms. Clements said she was not directly involved in that and she is not really sure when a decision would be made. Mr. Britt said the re-zoning has nothing to do with what is located on your property. The underlying zoning for the property does not have to do with a Section 106 review or a demolition of a building on the property.

VIII. NEW BUSINESS:

The next discussion was again announcement for upcoming events, being the Landmark Association Events:

Christmas Historic House Tour 12/05/09 @ 1:00-5:00 p.m.; and

Christmas Parade is Saturday, December 5th at 9:00 a.m.

Lighting of the Downtown Square is set for Thursday, December 3, 2009 at 5:00 p.m.

Then one of the Board members asked about moving the house located at 1301 Center Street. It was discussed that moving a brick house is costly, but the Board did not believe that moving the house would cost \$118,000 as reported by WBKO. One Board member estimated that \$30,000 to \$40,000 to move the house was more reasonable. Ms. Wolbe said she checked with the Housing Authority and someone told her \$25,000 to \$28,000 to move a house similar to the one located at 1301 Center Street. The Housing Authority is not interested in the house at 1301 Center Street as funding for the move was not available.

Shawn Sinclair then said he wanted to go on record to let the Board know that Frankie

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Williams, one of the applicants tonight, came over to see Mr. Sinclair a couple of weeks ago and asked about the Carmichaels' house, his own house, and different things. Mr. Sinclair said he was cornered and listened to Mr. Williams and tried not to make any comments or recommendations in regard to his house. Mr. Williams said he had talked with Ms. Clements, but he said he did not know his property was in a Historic District. Mr. Williams told Mr. Sinclair that he was planning on putting vinyl and replace the windows and do alterations. Mr. Sinclair told him to talk with Miranda Clements about anything he wants to do in a Historic District. Mr. Sinclair said he is worried because Mr. Williams is trying to sell the Carmichaels' two properties and that the most interested party currently is a fraternity. Mr. Britt advised the Board that a fraternity cannot buy the property because the property is not in the University District. Mr. Sinclair asked about the Sigma Nu property which could be put into in the Historic District and is in the University District. Mr. Sinclair said Mr. Williams is a real estate agent who did not know the property was in a Historic District, just that it was in the college area and he could have apartments for students and make money.

Ms. Clements said that she has shared information about the Design Guidelines and informed him of guidelines in regard to windows, vinyl, etc.

Ms. Wolbe asked the Board members to think about what they would like to see at the planning meeting and let Ms. Clements know what is on each of their minds for next year. Mr. Britt let the Board know that at a Special Called Meeting only the items on the agenda can be discussed and nothing additionally. Chairman Reed asked the Board members to let Ms. Clements know by January 1, 2010 of any items they wished to be on the agenda.

With no further business to come before the Board, the meeting was adjourned at 6:20 p.m., by a Motion of Mr. Morris, seconded by Mr. Sinclair. All members concurred.

Eric Reed, Chairman

Sandy Clark, Administrative Secretary