

MINUTES OF THE
BOARD OF ARCHITECTURAL REVIEW
NOVEMBER 13, 1990
SPECIAL MEETING

Present:

Larry Herbert, Chairman
Blake Caravati
Jean Hiatt
Peggy Van Yahres
Courtney Sargeant

Absent:

Kurt Wassenaar
Todd Bullard

Staff Present:

Fred Boger
Glenn Larson
Ron Higgins

Landmarks Commission:

Genevieve Keller

Mr. Herbert called the meeting to order at 4:05 p.m. and indicated its purpose was to continue reviewing the proposed revision of the historic preservation ordinance, and to make comments on the possible use of the \$50,000 given to the City by Ronnie Parham.

Ms. Keller and Mr. Larson briefly reviewed with the Board each structure the Landmarks Commission is recommending be deleted from the list of protected structures. Several of the structures have been removed because of fire or there being no historical significance to justify retaining them on the list.

Following review of the list of historic structures, the Board discussed the proposed consolidation of the BAR, DBAR and Landmarks Commission. They asked Ms. Keller what her feelings were towards this proposal since she is a member of the DBAR and Landmarks Commission. Ms. Keller said, speaking for herself, that she has the following concerns:

- The work load placed upon the new board
- The Downtown area which has special needs, i.e. urban architecture vs. residential architecture which the new Board may have difficulty with
- The new Board will have limited time to react to an application, and think about the history of the building and area

She believes the Landmarks Commission should be retained because of its advisory position which allows it time to study a particular building or area. Mr. Caravati said he has no problem with combining the three Boards, and said the Landmarks Commission's work could be handled through a sub-committee of the Board.

Ms. Van Yahres said she is basically in favor of combining the three Boards even though it may generate more activity. The number of members on the new Board should be expanded to 9 instead of being left at 7. One member of the Board should be a landscape architect or arborist and another a developer. Ms. Van Yahres stated that she has a problem with the preamble shifting the burden of proof onto the Board. The applicant should have the responsibility to prepare a good plan before submitting it to the Board.

Mr. Boger said the preamble has been revised by the City Attorney which should make this section clearer.

Mr. Caravati said he has no problem with the preamble. An applicant should expect the Board to approve his application unless something is found to be wrong. When an application is found to be unacceptable, the applicant should be told what has to be done to correct it, and once corrected, it will be approved.

The Board proceeded to briefly discuss the proposed administrative review process. Mr. Boger stated that the Director will have ten days to review a request. If we had to locate the Chairman or his designee and set a meeting to discuss the change, it would be difficult to comply with this time period. The idea of administrative approval is that a person can come to our office for a minor change and obtain approval for it the same day.

Ms. Van Yahres said if you had a lot of minor changes taking place on the front of the building at one time, such as new lights, awning, paint, etc., the overall appearance of this building would be significantly altered. Ms. Van Yahres said she thinks at least one member of the Board should be involved in the administrative review process. It was the consensus of the Board that one member of the new Board should be involved in approving changes administratively.

The discussion now shifted to the possibility of the Board making a recommendation to the City Manager on how to use the \$50,000. Mr. Herbert said one possibility is to use the money to hire a staff person to work with historic preservation in the City. Another possibility would be to establish a low-interest loan program for low income people or elderly who cannot afford to maintain these properties.

Mr. Caravati said he preferred the low-interest loan program. Ms. Van Yahres said there should be some way to denote some of the funds to CHIP for work on historic properties.

Mr. Fred Payne, attorney, was present and said that he was generally disappointed with what he has heard this evening. Mr. Payne said the Board is the first step in a judicial review process and that it cannot continue to be subjective in its findings. The major fundamental change in the proposed ordinance is shifting the burden of proof from the applicant to the Board. The Board must use the criteria in the ordinance to review an application and, if found to be lacking, deny it based on the criteria. The board can no longer say it

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just doesn't like it and then deny it. The Board must justify why an application is being denied, and then tell the applicant how to correct it. Mr. Payne briefly talked about the responsibilities of the Board according to State law. Mr. Payne also said administrative approval is necessary so that a property owner can obtain fast approval for minor changes. Administrative approval would be given based upon the criteria listed in the ordinance.

Realizing that the discussion couldn't be completed this evening, and that a revised ordinance is forthcoming from the City Attorney, it was decided to adjourn the meeting at 6:00 p.m. and continue this discussion at the Board's regular meeting on November 27, 1990.

FMB/vm

MINUTES OF THE
BOARD OF ARCHITECTURAL REVIEW
OCTOBER 30, 1990
SPECIAL MEETING

Present

Larry Herbert, Chairman
Jean Hiatt
Todd Bullard
Blake Caravati
Peggy Van Yahres
Kurt Wassenaar

Absent

Courtney Sargeant

Staff Present

Fred Boger

Mr. Herbert called the meeting to order at 5:05 p.m. for the purpose of discussing the proposed amendments to the City Historic Ordinance.

The review of the proposed changes started with the list of historic structures to be included in the ordinance. The Board expressed concern about some of the structures being removed, and requested that someone from the Landmarks Commission be present at the next meeting to explain why several of the existing historic structures are being removed from the list.

A brief discussion was held on the size of the new Board. It was felt that the number should be increased from 7 to 9 people.

Considerable discussion was held on Section 31-141, Preamble. A majority of the members felt that this section was actually gutting the historic ordinance. One member felt that when a property owner met with an architect for preliminary discussions on a project, the owner would instruct the architect to prepare the minimal plan. Unless the Board could prove otherwise, the plan would have to be approved. One result of this change is to take away from the architect a mechanism whereby he can persuade the client to prepare a good detailed plan for submittal to the Board. The Board would not receive good plans in the future.

Another concern with this section is the requirement to consider the cost of any recommended changes and their economic hardship. The Board doesn't see it they can do this. The best example of this is the Peyton House on Estes Street where the owner has let the structure deteriorate to such a state that it may be financially impossible for an individual to restore it.

The final section discussed dealt with the proposed administrative approval of various items. The Board members felt there may be combinations of things prepared which would not be detrimental to the structure if taken singularly, but together they could be inappropriate. Therefore, the Chairman or a designee of the Board should be involved with administrative approval of proposed minor changes.

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After it became apparent that the Board members would not complete their discussion on the ordinance changes, a special meeting was scheduled for November 13, 1990, to complete their reviewing of the changes.

There being no further business the meeting was adjourned at 7:15 p.m.

FMB/vm

**MINUTES OF THE
BOARD OF ARCHITECTURAL REVIEW
NOVEMBER 27, 1990**

Present:

Todd Bullard
Jean Hiatt
kurt Wassenaar
Peggy Van Yahres

Absent:

Larry Herbert
Courtney Sargeant
Blake Caravati

Staff Present:

Fred Boger

A. MINUTES

The minutes of the meetings of September 25, 1990, October 23, 1990, October 30, 1990 and November 13, 1990, were approved as corrected

B. CERTIFICATE OF APPROPRIATENESS

1. BAR 90-6-340

1901 E. Market Street,
Revised Deck Plans
Jon Fink, Applicant

Mr. Jon Fink was present, and briefly reviewed with the Board the revised plans of the deck which is to be constructed on the rear of his dwelling at 1901 E. Market Street. After a brief discussion, the Board approved the revised plans with the following conditions:

The design of the deck is approved as submitted, but may be modified to comply with the State building code for height of railing and spacing of the pickets.

The deck must be stained as follows:

- a) A white tone pigment for the external vertical surfaces, and
- b) A grey color for the deck flooring

2. BAR 89-8-331

526 N. First Street
Wall Color
John Purcell, Applicant

Mr. Theo Van Groll was present and briefly informed the Board that the Purcells had selected a concrete mix and color to be used on the new wall constructed on the rear of their property at 526 N. First Street. The color is Mushroom Damite. After a brief discussion, the Board approved the color as submitted.

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3. BAR 86-6-265

2038 India Road
Three Outbuildings
William Atwood, Applicant

Mr. Wassenaar informed the Board that he had met with Mr. Atwood and Mr. McRaven at the site to view the remaining materials of the three outbuildings. Mr. McRaven's opinion is that the materials could not be re-used because they are in such poor condition. After a brief discussion, the Board accepted Mr. McRaven's findings, but decided to take no action to relieve Mr. McNeil of the responsibility to re-construct the three buildings. The Board suggests that Mr. McNeil prepare appropriate drawings to reconstruct the shell of each building and submit these sketches to two qualified building contractors for an estimate to rebuild each building. These estimates are to be submitted to the Board, at which time it will decide whether to require the reconstruction of the three buildings or to accept a compromise such as the one suggested at the October, 1990 meeting.

C. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned.

FMB/vm