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LANDMARKS COMMISSION

August 25, 2009

Minutes

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Members Present: Rick Weatherl  
Steve Butman  
Bill Minter  
Dr. Michael E. McClellan  
Laura Wardroup

Members Absent:  
Peebles Lee  
Tina Cargile - Alternate  
Robert Calk  
Phil Miller

Staff Present: Ben Bryner, Planning Services Manager  
Molinda Parker, Senior Planner, Historic Preservation Officer  
Kelley Messer, Assistant City Attorney

Guests: Patty Bowdoin, applicant  
Scott & Nellie Tillman, applicant

Mr. Weatherl called the meeting to order at 4:00 PM, declared a quorum present, and read the opening statement.

Minutes of the June 30, 2009 meeting were submitted for approval. Dr. McClellan made the first motion to approve the minutes and Mr. Butman seconded the motion. The vote for approval was unanimous (5-0).

**Agenda Item 3:** CA-2009-05, Public hearing, discussion and possible approval of an application for a Certificate of Appropriateness, submitted by property owner's Mack and Patty Bowdoin for the property located at 641 Chestnut Street, to demolish a condemned accessory structure situated in the southeast corner of the lot at the rear of the property.

Mr. Weatherl read the above case description and asked Ms. Parker to give the staff report. Ms. Parker reviewed the staff report and presented photos of the property, described its historic significance and explained the process by which the Building Standards Board had condemned the accessory structure, including correspondence with the property owners, Mack and Patty Bowdoin. The owners had failed to follow the correct procedure for removal of the structure, which required obtaining approval by the Landmarks Commission prior to applying for a demolition permit from the Building Standards Board.

Mr. Weatherl opened the discussion to the public and asked Mrs. Bowdoin to address the commission. Mrs. Bowdoin identified herself as the owner of the property at 641 Chestnut Street. She had mistakenly thought that the Building Standards Board wanted the accessory structure either fixed or demolished. She now recognizes her failure to consider that the entire property is

included in the Historic Overlay Zoning designation, and therefore should have been approved by the Landmarks Commission prior to demolition. In retrospect, although the building was clearly not salvable, she would have followed the prescribed procedure.

There was no discussion by the commissioners. Mr. Weatherl closed the Public Hearing. Mr. Minter made a motion to approve CA-2009-05 for a Certificate of Appropriateness. Dr. McClellan seconded the motion. The vote for approval was (5-0).

**Agenda Item 4:** HO-2009-01, Public hearing, discussion and possible approval for the Landmarks Commission to initiate a Historic Overlay Zoning application to be designated to the residential property located at 702 Meander Street.

Mr. Weatherl read the above case description and asked Ms. Parker to give the staff report. Ms. Parker reviewed the staff report and presented photos of the property, described its historic significance, issues surrounding condemnation by the Board of Building Standards and explained the process by which the Historic Overlay Zoning can be applied to the property. It was emphasized that the decision, by the commissioners, at this initial meeting was to either accept or reject the responsibility of becoming the applicant for Historic Overlay Zoning. The actual zoning case will be heard at the September 29, 2009 Landmarks Commission meeting.

There was a brief discussion regarding the specific issues that have to be resolved in order to remove the property from the condemnation list. Ms. Messer, City Attorney, commented that the building standards code requires repairing severe structural failure, securing the building from intruders, and restoring, to working condition, all electrical wiring, outlets, etc. and all plumbing pipes and fixtures, which would allow the home to be safe for occupation. The owners were given 180 day to accomplish these tasks.

Mr. Weatherl opened the discussion to the public. Scott and Nellie Tillman addressed the commission as owners of the property at 702 Meander. Mrs. Tillman concurred with Ms. Messer that they were given, by the Board of Building Standards, 180 days to complete the work on the house. Mrs. Tillman explained their desire to restore the house, as much as possible, to its original condition and appearance. She continued describing the windows and doors that must be replaced and the concern that the Landmarks Commission may disavow those changes after the Historic Overlay Zoning is in place.

Mr. Weatherl emphasized that it is important for Mr. & Mrs. Tillman to work with the planning staff to rectify these specific issues, as there are both advantages and disadvantages to Historic Overlay Zoning. Mr. Bryner commented that the main concern is the building's condemnation and its resolution. He reiterated that the application for a building permit triggered the initiation of the Historic Overlay Zoning process at this time. The details regarding exterior changes can be dealt with later when the zoning is in place. Ms. Parker added that Ms. Tillman has expressed her desire to completely and carefully restore this home and make it their permanent family residence.

Mr. Weatherl reviewed the steps of the process with the commissioners and property owners to ensure that all understand and agree with moving forward toward obtaining Historic Overlay Zoning for the property. All attendees acknowledged their agreement.

Mr. Weatherl closed the public hearing. Mr. Butman made a motion to approve case HO-2009-01, as written, to initiate Historical Overlay Zoning for this property. Mr. Minter seconded the motion. The vote for approval was unanimous (5-0)

Adjourn

Approved: _____, Chairman
Date: _____