

**City of Spartanburg - Board of Architectural Design and Historic Review**  
**Thursday, February 9<sup>th</sup>, 2023, at 5:30 PM**

**“In-Person Meeting” City Hall Council Chambers**

The City of Spartanburg Board of Architectural Design and Historic Review (HARB) met in the City Hall Council Chambers on Thursday, February 9<sup>th</sup>, 2023, at 5:30 PM

The following Board Members were in attendance: Dr. Melissa Walker; J. Brandon Gaffney; Sylvelie Franke; Dr. Glory Boozer; Meg Reid and Bill Michels. Representing the City of Spartanburg’s Planning Department was Martin Livingston, Neighborhood Services Director; Nan Zhou, Planner I; Oksana Holbrooks, Administrative Assistant.

**Roll Call:**

Dr. Walker: Good evening. I call this meeting of the City of Spartanburg Historic Architectural Review Board to order. In compliance with the Freedom of Information Act, public notification of this meeting has been published, posted, and mailed. And the first item on our agenda is approval of the agenda. I think there are a couple of additions to the agenda. So Mr. Coler, I know that you will be added to the agenda.

Mr. Coler: Yes, ma'am.

Ms. Franke: Yes I will, to add a discussion about historic building that are currently not protected.

Dr. Walker: Great. Thank you. Do I hear a motion to approve the agenda as amended?

**Approval of the Agenda:**

**On a motion by Mr. Michels, seconded by Ms. Reid the agenda was approved by a vote of 6 to 0**

Mr. Michaels: Motion made.

Dr. Walker: A second?

Ms. Reid: Second.

Dr. Walker: All in favor say aye.

Attendees: Aye.

Dr. Walker: Any opposed? Okay, the motion carries. Okay, next up is the disposition of minutes from the January 12 meeting. I know there were a couple of corrections which Ms. Holbrooks has made. Are there any other additions or corrections to the minutes? Do we have a motion for approval of the minutes?

**Approval of the minutes of January 12<sup>th</sup>, 2023:**

**On a motion by Mr. Gaffney, seconded by Ms. Franke the minutes of January 12<sup>th</sup>, 2023, was approved by a vote of 6 to 0**

Mr. Gaffney: Move to accept the minutes as we see.  
Dr. Walker: And a second?  
Ms. Franke: Second.  
Dr. Walker: Okay, all in favor of approval, say aye.  
Attendees: Aye.

**Old Business:** NA

Dr. Walker: Any opposed? The minutes are passed. Okay. It looks like we don't have any items of old business. So first up on the agenda, we are going to take number two of the new business first. So first up is the certificate of appropriateness for major works at 348 West Hampton Avenue.

**New Business:**

**Certificate of Appropriateness for Major Works – Applicant is seeking approval of a Certificate of Appropriateness to install a fence with three brick pillars in front of the property. The property is located at 348 W. Hampton Ave. in Hampton Heights Historic District and is currently zoned as the R-8/SFD (TMS# 7-16-02-005.00).**

**Landowner/Applicant: Lucille Mayfield**

Ms. Zhou: Good evening, board members. My name is Nan Zhou and I'm with the City Planning Department. I swear I'll tell the truth. So tonight, we are looking at a major case request from the homeowner of 348 West Hampton Avenue. What she is requesting is, she is requesting to install a front yard fence that is made out of wrought iron, four feet tall with three great pillars.

So this is a zoning map that we are looking at here. This is her property. This is the aerial photo of the property looking from the sky. By the City of Spartanburg, zoning ordinance, it is required that before the board make any decisions, that we need to look at five criteria's.

**Analysis**

*Zoning Ordinance and Historic Design Manual Consistency*

The project site is located in the Hampton Heights District which has design guidelines for development. These guidelines are outlined in the Design Manual for the City of Spartanburg Historic Districts and Landmarks. The purpose of the Manual is to provide property owners guidance for the preservation and protection of historic and architecturally valuable districts and sites in the City. The project is also subject to Section 510 of the City's Zoning Ordinance, Historic Preservation. This section allows the Board to review applications involving historic structures and districts and issue a Certificate of Appropriateness subject to the Standards listed in the Ordinance. The project site has a zoning designation of R-8/SFD, Single Family Zone District, which allows for single family dwelling units. Section 510.6 of the City of Spartanburg Zoning Ordinance list standards for reviewing Certificate of Appropriateness. Specifically, Section 510.6 (C)(2) states that in reviewing applications for new construction or alteration, the board shall consider the U.S. Secretary of the Interior's Standards for Rehabilitation and the five criteria listed in the findings.

## **Findings**

### **Certificate of Appropriateness, Section 510.6 (C)**

#### *1. The character and appropriateness of the design –*

The Hampton Heights Design Manual Landscape Guidelines address that “fences are discouraged in front yard spaces of the district but are appropriate in rear yard d spaces and alongside yard boundary lines. Suggested materials for rear yard fencing include vegetation, wood, and chain link.” The design of the front yard fence proposed by the applicant is similar to the one located at 172 West Hampton Ave in terms of the fence style and brick pillars.

#### *2. The scale of the buildings –*

The scale of the building will remain the same since nothing else will be added to or removed from the building.

#### *3. The texture and materials –*

The texture and materials of the fence will be wrought iron. The pillars will be made of brick.

*4. The relationship of such elements to similar features of structures in the immediate surroundings –*Neither the properties to the right side of the project site nor the left side of the project site has a fence in their front yard. The properties across from the project site do not have front fence either. Therefore, installing a front yard fence will not share a similar feature in its immediate surroundings.

#### *5. If the property is in a Historic District, the extent to which the alteration or construction would be harmonious with the Historic District –*

Walking down and across West Hampton Avenue, there are only three houses down the road that have front yard fences. Two of them are located at the intersection corner of S. Irwin Ave. and W. Hampton Ave. As mentioned by the Landscape Guidelines, having a front yard fence is discouraged. However, the applicant did mention the reason for her installing the fence in the front yard is because of the safety. Thus, the construction of fence in the front yard would not be harmonious with the Hampton Heights Historic District.

You can ask her specifically what does that mean. So these are the pictures of the adjacent properties. So this is the right side of the project side and then this is the house to the left. This is the house that right across from the street and then these are also across from the street.

And just as I mentioned the staff report, there are only three houses down West Hampton Avenue. So that's my presentation. Do I have any questions?

Dr. Walker: I had one. The photo of the house to the right and in the photo of the house itself, this chain link fence, does that belong to the house next door?

Ms. Zhou: No. It is also this homeowner's because if you look at the house from this aerial photos she has a way bigger lot. So the older fence was here and on this side and all the way to here. So right now, she removed and then she request for replacement. And then even though part of that is on the front, but because she has an existing one, so replacement will be will be a minor.

Dr. Walker: Okay.

Ms. Franke: So the new fence would be pretty much where? The red line?

Ms. Zhou: No, so the new fence will be here. It's from here to here and then with the three brick pillars around this area.

Dr. Walker: So, basically from the sidewalk to the right, as we're looking at it, is the old fence that will be replaced with a newer portion of the fence.

Ms. Zhou: Yes.

Dr. Walker: and then what she wants to add is from the left side of the lot to-

Ms. Zhou: To here.

Dr. Walker: the edge of the sidewalk.

Ms. Zhou: Yeah, to the driveway, basically.

Dr. Walker: Okay.

Ms. Zhou: That's a new fence she proposed.

Ms. Franke: But the entire thing would be the same material of wrought iron?

Ms. Zhou: No. So the replacement she requested for the existing one would be wood. But for the front yard, the new ones, she proposed that will be wrought iron, four feet tall. That's going to be two different materials.

Dr. Walker: Okay. Any other questions for Ms. Zhou?

Ms. Franke: Will you need the letter from Mr. Love or ?

Dr. Walker: This is the letter from architect Donnie Love.

Ms. Zhou: Do you want me to read?

Dr. Walker: If you just read that second paragraph and the third one.

Ms. Zhou: Okay, so the applicant has requested approval to install a metal fence with masonry pillars in the front yard of the house and along the sidewalks and the side yard. The new fencing would replace the chain link fence that has since been removed.

Fences in the front yard of the historic district are discouraged by the Hampton Heights design guidelines. On February 3rd 2023, Mr. Donnie Love visited the property with Mr. Martin Livingston and Nan Zhou to observe the area where the fence would be installed. After reviewing the property and the guidelines, it is his opinion that fencing in the front yard is not appropriate for the neighborhood and it should not be approved. That's his recommendation.

Dr. Walker: Thank you. Any other questions? Okay, thank you.

Ms. Zhou: The applicant is here.

Dr. Walker: Great. Would the applicant like to come forward and testify? And if you could tell us your name and address and also sign in to make it official.

Ms. Mayfield: My name is Lucille Mayfield. I am the property owner of 348 West Hampton Avenue. Thank you all for seeing me today. I've been living there around 10 years. I rented the

property five years before I decided to buy it and I'll be there six years this coming year. I am a year or so of retirement, in the next couple of years I wanted to get as much done as I could before I retire.

I actually have had a pre-existing chain link fence, which I want to replace. And I had that put up for approval. I thought it was okay to put it up because they had approved it years ago, but at that time, I wasn't able to get that done. So my request to get the fence rebuilt is because I'm going to be having grandchildren that will be coming to spend a lot more time with me this year and in the next few years because I'll be retired.

My reasoning for getting the front yard fence was because I was inspired by two or three of the homes, which look really nice and I thought that would be a good time. I have the property that I live on and I also have a vacant property, which was also, I bought along with the house when I bought the house and I thought it would be, actually, look very nice and in order to have the pillars and the wrought fence.

She said they discourage us to have a fence in the front yard, but I noticed that there were several of the other houses that do have the wrought iron fence so I did not think it would be a problem because, to me, it enhanced the property and the value of the land.

So at this time, I was just asking if there would be a problem with me, of course, putting my fence up which we would be replacing. I have had people come through the yard, especially from the back side, which faces the main road and I think it would be safer for me.

I had had an incident when I first moved there, which it was a back porch there, and a lot of other things that someone tried to break into the property. That's why now, being retired and being over there, I want home that's going to be my forever home, that it would be safer for me to have the fence at my property.

What she was showing you on the map, there's two drive because it was two separate properties. So where the pillars would be is at the corner of the left of Mr. Phuoc Do house. There's a driveway there and I wanted two pillars there. I'm not going to put a gate there at this time, but I did want the two pillars on the side of that drive and one pillar as I drive into my driveway, and the wrought iron which would connect to the other fence.

I wasn't tearing the side fence to the other house, but to connect that onto that fence there. So that's my case. I was just hoping that you will approve it because it does enhance the property, the value of the land, and the house. And for safety reasons, of course, because there are a lot of traffic coming from the other side of the neighborhood.

Dr. Walker: Okay. Are there questions for the applicant?

Mr. Michels: Just one. I saw on the application it had, you had wooden privacy fence, four foot high for part of that. Where would-

Ms. Mayfield: No, no, no, no.

Mr. Michels: That be? Is that in the back?

Ms. Mayfield: No, the back will not be four foot. I think it's a six-foot requirement along back of the property. The four-foot fence I think it's for the front lot.

Mr. Michels: Okay. I just saw wood somewhere.

Ms. Mayfield: Yeah, it would go in the front end.

Mr. Michels: It says replace chain link fence with the private wooden fence.

Ms. Mayfield: Right.

Mr. Michels: Now, where would that be?

Ms. Mayfield: That would be from the corner of my back of my house, all the way around the property to the corner of Mr. Fudo's house. I think it's on the left side of the house.

Mr. Michels: Okay coming up to the sidewalk.

Ms. Mayfield: Not all the way up to the sidewalk. I was only going to do it to his stairs, so it wouldn't block the visual coming down the road.

Mr. Michels: Okay. All right.

Dr. Walker: And that's-

Dr. Walker: I think that was the minor work that-

Ms. Mayfield: Yes.

Dr. Walker: Ms. Zhou mentioned. Okay. Okay. Other questions? Okay, thank you very much

Ms. Mayfield. Are there any members of the public here who would like to make comment? No public comment? Okay. Well then, we will close public comment and open it up to board deliberations.

Mr. Michels: I just want to ask one more question. I'm sorry. The fence basically starts at the structure and goes, I guess, perpendicular to the structure out from... You have a front porch and you have a structure. Is that considered a minor work just as far as any materials?

Mr. Livingston: So minor works, minor works for fences would be back here.

Mr. Michels: At the rear of the porch?

Mr. Livingston: Right.

Mr. Michels: Okay.

Mr. Livingston: Typically, it starts from the facade and goes to the side and comes around. So that's all considered a side. From anything past the façade, comes to the front of the street, comes around, that's all front.

Mr. Michels: So the porch is considered the front too, technically?

Mr. Livingston: Yes.

Mr. Michels: Okay.

Mr. Michels: I'd be inclined to go with that. Okay. That was my question. I appreciate you. Thank you.

Ms. Franke: Minor versus Major seems to me that the ones that have right now a fence on corner property, is it considered minor because it is a corner property?

Mr. Livingston: No. What occurred with that property around the corner, the Spring and West Hampton, was an error. So in our previous brochures, we have, fences are minor works. And so a Minor COA was issued to that property, but was done in error. We learned after they started construction that it was an error. And so we are unable to rescind the permit process issued. But past practice of the HARB has been to deny fences in the front yard and we have record of that.

Ms. Reid: Except for the two that are next to each other. I'm just remembering that when Mr. Speiss came, he was talking about how the neighboring property had the metal fence around it and he wanted to match that on those two. I was here for that decision as well. I just want to make sure that we're doing it, not based on property value or where your house is sitting on the street, because that would be deeply concerning to me from just a fairness point of view because I don't think there's any... There's no difference between a corner lot and a regular lot.

Ms. Reid: Besides the visual, obviously.

Mr. Livingston: So the attorney's here. He can answer questions about precedents, but what we've learned from him is there is no such thing when it comes to the zoning ordinance. When we establish that no fences are allowed in the front yard and on corner properties, when we established that in the last meeting, it is the law from that last meeting until something else changes.

Dr. Walker: Thank you. Thoughts from board members?

Mr. Michels: I think it's clear. The reason I was asking about the idea was to at least there's an option for her to place the fence in the back façade across the front and have a front yard with a fence. Most of her yard fence sitting around the front.

Ms. Reid: And the six foot privacy fence takes care of the road, the possibility the safety issue because that's where people are...

Mr. Michels: Coming from. Yep.

Ms. Reid: Yeah.

Dr. Walker: Any other discussion or do I hear a motion?

**On a motion by Mr. Michels, seconded by Mr. Gaffney the Certificate of Appropriateness for major works was denied by a vote of 6-0**

Mr. Michels: I'll make the motion. I make the motion that we deny the fence as established by the application with the recommendation that fencing could be placed with approval of the board from the facade back, across the front and for the facade to the rear of the house, as she wants to do that at this time, replacing chain link putting up the iron. So, basically deny the application and recommendation from the staff to the homeowner as to what she can do along those lines.

Dr. Walker: So we have a motion to deny the application, but to have the staff offer her alternatives. Do we have a second?

Mr. Gaffney: Second.

Dr. Walker: All those in favor, say aye.

Attendees: Aye.

Dr. Walker: Any opposed? The motion passes. Thank you. Thank you, Ms. Mayfield. All right. Next up we have an application for a Certificate of Appropriateness for Major Works at 498 South Irwin Avenue.

Dr. Walker: Yes. Ms. Frankie has recused herself from this deliberation. Okay.

**Certificate of Appropriateness for Major Works – 498 S. Irwin Avenue (TMS# 7-16-02-093.00) in the Hampton Heights Historic District. Applicant is seeking approval of a Certificate of Appropriateness to allow the paint on the masonry to remain. The property is located in the R-8/SFD General Residential / Single-Family Zoning District. Owner/Applicant: Ray Mayley.**

Mr. Livingston: Chairman, members of the board, madam chairman, members of the board, the case before you is a Certificate of Appropriateness for Major Works at 498 South Irwin Avenue in the Hampton Heights Historic District. Applicant is seeking approval of a Certificate of Appropriateness to allow the paint on masonry to remain.

The property is located in the R8/SFD General Residential Single Family Zoning District. Your applicant is Ray Mayley. The property is at 598 South Irwin Avenue between West Hampton and South Hampton Drive, this is the property. It's a bungalow. Here's the zoning on this, the zoning location.

### **Analysis**

Zoning Ordinance and Historic Design Manual Consistency

The project site is located in the Hampton Heights District which has design guidelines for development. These guidelines are outlined in the Design Manual for the City of Spartanburg Historic Districts and Landmarks. The purpose of the Manual is to provide property owners guidance for the preservation and protection of historic and architecturally valuable districts and sites in the City. The project is also subject to Section 510 of the City's Zoning Ordinance, Historic Preservation. This section allows the Board to review applications involving historic structures and districts and issue a Certificate of Appropriateness subject to the Standards listed in the Ordinance.

### **Findings**

#### **Certificate of Appropriateness, Section 510.6 (C)**

##### *1. The character and appropriateness of the design –*

The applicant indicated that the staining verses painting the brick would preserve the condition of the brick. The Hampton Heights guidelines does not make a distinction between painting and staining masonry materials. According to the Hampton Heights Design guidelines “Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.” The guidelines also require property owners to “Retain original masonry without the application of any surface treatment, including paint” therefore staining masonry would be prohibited. The columns and chimney were treated with a “stain” according to the applicant.



2. *The scale of the buildings* –  
The scale of the building is not affected.

3. *The texture and materials* –  
The masonry was originally brick in many of the photos since the applicant purchased the property in 2006. A copy of the deed indicates the purchase date. The Hampton Heights guidelines do not make a distinction between painting and staining masonry materials. According to the Hampton Heights Design guidelines “Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.” The guidelines also require property owners to “Retain original masonry without the application of any surface treatment, including paint” therefore staining masonry would be prohibited.

4. *The relationship of such elements to similar features of structures in the immediate surroundings* –  
Other structures on the street that include brick masonry have not been painted including the adjacent brick bungalow. Properties in the immediate vicinity includes paint on the masonry foundation.

5. *If the property is in a Historic District, the extent to which the alteration or construction would be harmonious with the Historic District* –  
The treatment of the brick is not allowed therefore would not be consistent and harmonious with the historic district.

We have to look at these five characteristics to determine approval of the ordinance of the request. And as part of our writing, one of the things that we looked at was the zoning ordinance itself, the design guidelines for the Hampton Heights. And it specifically says, "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterized the historic property shall be preserved." It further states that, "The property owners are to retain original masonry without the application of any surface treatments, including paint." That is a quote from the guidelines from Hampton Heights.

Therefore, staining masonry would be prohibited and the applicant stained the masonry of this property. Here is the property, a photograph of the property. This is the masonry that was stained, the color. These are all the masonry areas right here. The applicant provided photos, which shows some paint was on the masonry when the property was originally bought.

This is what it looks like. This area doesn't look like it's painted but we provided some photos of that as well, photos of one of the features on the house.

This is a photograph that was taken from Google, August. This is 2012. We have a photo of August of last year where the painters parked in front of the building. This is the photos of the street showing the other houses. There are houses across from the property and south that don't have painted bricks. There are three or four houses north of this property that have painted masonry so some properties have painted masonry and some don't.

Mr. Donnie Love has provided an opinion regarding the painted masonry. This is a stain. Mr. Love said the applicant has requested approval for stained brick elements of the house painted brick is not allowed by the Hampton Heights design guidelines.

The guidelines state, "Retain original masonry application of the paint." On February 3rd, Mr. Love, myself, and Angela visited the property, observed the brick that has already been stained as part of the renovation of the home but a Certificate of Appropriateness. After a review of the condition of the property, my opinion is the stains should be removed from the brick as discussed in previous meetings however, further research will be required to determine if this is possible with the nature of brick stain. I suggest that the homeowner be required to submit product that was used so that a proper determination can be made if removal of the stain is not possible be painting the brick with the color that's close to the original would be a last resort. I'll answer any questions.

Dr. Walker: Questions for Mr. Livingston.

Mr. Michels: Another problem we had. Did Donnie ever get a chance to ride by inspect a house we had them remove the stain that it was painted on?

Mr. Livingston: No. He didn't.

Mr. Michels: Do we have a determination on whether or not that was sufficient or not?

Mr. Livingston: I need to go back and take a look at it and ask him about it.

Mr. Michels: Because I guess my concern on that is, that one needed to be done, but that's the extent of repairs that can be done without creating damage to the brick and mortar. It might just be better off. I hate to say that in a case like that. But I went down the street on my properties and I looked at it and it doesn't look good. I mean, the results are not good. I'm just curious if you get a chance to look at it.

Mr. Livingston: I could ask him to take a look at it. We're supposed to look at another property while passing this.

Mr. Michels: Okay. All right. Thank you. Appreciate it.

Mr. Livingston: You have the option to approve, deny, or table the item or approve with conditions.

Mr. Gaffney: I got a question. I know that you're not supposed to stain the brick, but is there a clear coat stain that could be used to preserve the brick but doesn't alter the color or anything.

Mr. Livingston: So according to the guidelines, no treatment of the brick is allowed, so even a clear coat would be a violation of the design guidelines for Hampton Heights.

Dr. Walker: Any other questions for Mr. Livingston. Okay. Thank you. Is the applicant here?

Ms. Bailey: I'm the wife. He got called somebody stuck in a tree. Wasn't a cat this time.

Dr. Walker: Okay. If you could sign in and give us your name.

Ms. Bailey: My name is Annette Bailey.

Dr. Walker: Okay. What would you like to tell the board?

Ms. Bailey: Good evening. So my husband and I bought our house as a newlywed couple in 2006. So we have been loving on this house for 17 years. So I guess we call each other or call ourselves more of a caretaker of the property. Our goal for this house is to be one of the most beautiful and well landscaped homes in Hampton Heights.

A phrase I'm stealing from Keith is to be the change in the world you want to see. And our home is one way we have chosen to show that. That being said, we'd like to offer an apology to anybody that we have offended and also, to HARB for not requesting the change at the time. I wish I had even more pictures to show all the mistreatment of the brick over the year before we came to being owners of the property.

We'd like to talk about this with three things in mind: the condition that the house was in when we received it, what we have chosen to do, and what we do moving forward. So we bought the home in good shape. We loved the character. But specifically, the brick had paint all over the place. There was over spray. There was drippings of paint. There was sections of brick already fully painted with opaque color paint.

My husband tried various ways to try to remove it. However, it would cause more damage than good. So the things that we tried: pressure washing, chemical grinder so... What we chose to do. So my husband has done extensive research on the best way to preserve the brick and highlight all of its beautiful characteristics and features.

Some things that he wanted to discuss, paint or stain. The only thing these two have in common is they have pigment. Other than that, they are different. Paint is not permeable. Stain is a two-way permeable. Paint is a coating on the surface. Stain soaks in. Paint needs a primer, making the brick a thick coating on the surface. Stain soaks in, showing all the character of the brick. Paint traps moisture. Stain allows the brick to breathe.

We found that when new brick has to be keyed into old homes, staining is the only way to blend the two together. Bob Vila even has sites discussing how to stain brick. Staining is the option to preserve our brick for years to come and hide the past work imperfections that we have.

Since applying the stain in September 2021, we noticed that the transparent stain actually brought out the brick accents of our home, whereas we used to blend into the houses next door. Moving forward, there are a couple concerns. Stain soaks into the bricks so there's no removal of the stain. Any efforts will damage the outer surface of the brick and destroy the mortar.

The bricks vary. They have absorbed different amounts of pigment. Because of this, we chose a transparent white so that any future generations can choose a color palette they wish if they wanted future home owners to paint the house.

I do believe it's time to reevaluate the rule of changing architectural appearance of the masonry. From the research that my husband has done, this rule is out of date. The HARB's website references the design guidelines by the company.

I'm certain, at the time, this rule was to preserve the masonry from non-permeable paint and stain was not common. If 1996 is in fact the year of production, I'm curious what other topics have not kept up with new products or practices.

Our mortar is nearing the end of its expected lifespan. People will have to choose what costs they spend. The HARB, in my opinion, needs to update the rule. The rules should consider the fact that unsightly mortar and brick will eventually have to be cared for so that people have options to preserve their homes for future generations.

Dr. Walker: Thank you. And Ms. Bailey, I'll just say that the HARB has no control over what's in the guidelines. Our job is to enforce it. So the appropriate place to have that conversation would actually be with your city councilperson. City Council sets the guidelines.

Ms. Bailey: Excellent. Okay.

Dr. Walker: And-

Ms. Bailey: This is our first

Dr. Walker: it's a process.

Ms. Bailey: Yes. Yeah.

Dr. Walker: Okay. Are there any questions for Ms. Bailey?

Ms. Mayfield: I have a question.

Dr. Walker: Ma'am, you are allowed to ask questions in public comments so we'll get there.

Ms. Mayfield: Okay. Thanks.

Dr. Walker: Any questions for Ms. Bailey from the board? Okay, thank you.

Ms. Bailey: Thank you so much.

Dr. Walker: Okay, now we will open the floor to public comment. Anyone from the public who would like to comment, this is the time to come forward.

Ms. Mayfield: Do I have to come forward?

Dr. Walker: You have to come forward. Has to be on the record so if you... You don't have to sign in again, but if you'll state your name.

Ms. Mayfield: Okay. I'm Lucille Mayfield. Based on what she said about the mortar and the brick, I'm having a problem also. I know it's not today's subject of what we brought but my brick, the mortar is coming loose on the pillars on the porch. It's literally like sand now.

So I'm agreeing with what she was saying, what do we do when the sand is coming from the brick because I don't know what they used 100 years ago. But what if my porch falls in and I'm coming to you, telling you this is happening and I got to do something to restore my house to make sure I don't have things falling apart, because these houses are very old. So what do we use? What do we do?

Dr. Walker: It's possible to re-point that brick, which means the contractor would take the falling apart mortar out and put new mortar in.

Ms. Mayfield: It can be replaced with new mortar?

Dr. Walker: It can be repaired and you would apply two... I think would that be a Minor Work if it's replacing like with like.

Ms. Mayfield: But it would have to be brought before the board?

Dr. Walker: You would have to get a building permit.

Ms. Mayfield: Okay. Okay. Also, I'll ask again with several other HARB houses having the wrought fence around them, how do they get around that when you said it can't be done, but there's three or four houses that has it? I don't know..

Dr. Walker: Anything that happened before the establishment of the Historic District is grandfathered in.

Ms. Mayfield: Okay. And what date would that be? What year is that put in?

Dr. Walker: '96. 1996.

Ms. Mayfield: Okay. A couple of these houses was not done in '96. I don't think they were done on the weekend and I don't see how they could just put up a wrought iron fence in the last five or six years because they haven't even lived there that long, maybe 10 years, and then they can have a wrought iron fence, but you say now it's no way whatever rules that you can.

Dr. Walker: I appreciate your concern and we don't have that information in front of us. And the board of course changes.

Ms. Mayfield: So who do I talk to?

Dr. Walker: I suppose you could talk to Mr. Livingston.

Ms. Mayfield: Is that him?

Dr. Walker: Yes.

Ms. Mayfield: Okay. Mr. Livingston, do you have a card?

Dr. Walker: Thank you.

Ms. Mayfield: Thank you.

Dr. Walker: All right. Would anyone else like to comment on the 498 South Irwin property?

Ms. Tinsley: Hi, I'm Faith Tinsley and I live in Hampton Heights and I'm very familiar with the Bailey's house and the mortar it was in the repointing. It does degrade as the other lady was saying and brick has to be repointed. Mr. Livingston, you mentioned that not even a clear coat is allowed on brick or mortar and that needs to be addressed because of the aging brick. It is the only way to protect that mortar.

There's an ingredient that has been recalled. It's been in the news recently. It's caused crack foundations in new homes that are being built that are on a slab. This ingredient goes back for decades and it's maybe why the brick needs to be repointed.

And it's something, my house is brick, that I will have to deal with at some point. It allows water in, which leads to damage to the wood work inside the home. Sealing it is what needs to be done to protect the mortar, to protect historic neighborhood, to protect the homes.

Dr. Walker: We appreciate your concern. As I said, the HARB itself has no control over the content of the guidelines. And those guidelines are based largely on the historic preservation guidelines set by the National Park Service. So you might want to have a conversation with your city councilperson. Thank you.

Ms. Tinsley: Thanks.

Dr. Walker: Anybody else?

Mr. Clausen: Good evening.

Dr. Walker: Good evening.

Mr. Clausen: I'm Scott Paulson. I've lived on South Irwin Avenue for 40 or more years now. I've seen a lot of changes over the years and I really have enjoyed looking at it. Ray and Annette, I think, have done a great job with the house. Each little project seems to reveal another facet of the house and I commend them for that.

I thought the staining of the brick was a genius way to mask some sloppy painters' previous work. It, to me, preserved the color or not the color, the texture of the brick, the way the light reflects off of it. These things are important. It doesn't cake up in the mortar joints and cause a buildup.

I think to remove the stain, we may be at a point where we would be sacrificing some of that texture and character of the brick in order to blast the stain and the layer of brick it's attached to off, and along with that, we all know mortar can get kind of soft. I do feel that, to whatever it may cost, I don't even know if it's possible, but to remove the paint, I think it would cause an undue burden on the homeowners, financially, to do that.

Like I said, it can be done. The house, when it was painted, yeah, I think it should be noted that it wasn't done under the cover of darkness or on the weekend with a flash bang crew to try and get it done before the city woke up and realized what was happening. We've seen some of those events.

And I think, to that point, it took quite a long time for this to come up. In fact, the brick was stained for a number of months, maybe even a year prior to the remainder of the house getting touched up and painted and finalized. Obviously, if we have to blast stain off a brick, that's going to damage the adjoining surfaces and cause more hardship.

I just think what they've done is in good character. I like it and I agree with Mr. Michaels that if we were to... It's almost ironic. The solution to the problem at hand, if you can't remove the stain, is to put paint on the brick, which is exactly what is prohibited and not what they did, I just, I agree. I think that's going to go down a bad road and I think it would detract from the look of the house.

Dr. Walker: Thank you, Mr. Clausen.

Mr. Clausen: All right, thank you.

Dr. Walker: Anybody else?

Ms. Ringo: Good evening. My name is Laura Ringo. I live at 251 West Hampton Avenue. Scott stole most of what I was going to say. The only thing that I wanted to add to his comments is I think intent is important. I think intent of the guidelines is to preserve the integrity of these homes. I think Ray and Annette's intent in staining was to preserve the integrity of their home and I think that's a really important thing to consider. So thank you all for your time tonight.

Dr. Walker: Thank you. Would anyone else from the public like to make a comment?

Mr. Qatawi: My name is Qatawi Basel and I live at 512 South Irwin Avenue, a house down from Ray and Annette. I do agree with Scott. I agree with Laura and I agree with everything that was said. Removing the stain will definitely compromise the brick. There is no doubt about that. What I would want to add to that is, that there is precedent for this.

If you look at the houses around the HARB neighborhood, I see many, many houses with the foundation already painted and the foundation is great.

Mr. Qatawi: Yeah, that pretty much sums up what I want to say. These guys have done a great job saying what needs to be said. Thank you.

Dr. Walker: Thank you. Anyone else? Okay, hearing no more public comment, I will close the floor to public comment and open it to board deliberations. And I will address the issue of other houses. There are other houses that were painted before the guidelines went into effect and so they are grandfathered in.

But we've also had a number of cases in both Hampton Heights and in Beaumont Mills in the last six months on this very issue of applying the finish to the masonry. So unfortunately, we're kind of between a rock and a hard place trying to be consistent.

Ms. Reid: And this is the stain that we're looking at here?

Ms. Reid: Okay.

Ms. Mayley: Those were pictures that my husband took to show degrading of the mortar and the brick as far as example for protecting that.

Ms. Reid: But those are not the home?

Ms. Mayley: Those are not.

Ms. Reid: Okay, those are not.

Dr. Walker: This is the home.

Ms. Reid: Yeah, yeah. I was looking at that picture, the other one.

Dr. Walker: Yeah.

Ms. Reid: It looks less opaque here than it does there to me. Just trying to make sure it was the same product.

Mr. Michels: I don't have that information.

Mr. Michels: I don't either.

Mr. Michels: I want information if I'm going to make a motion based on that, get more information. Can I make a motion on that?

Ms. Reid: Yeah.

Dr. Walker: You can make a motion.

Ms. Reid: We need to know.

Dr. Walker: To table it and ask for more information.

**On a motion by Mr. Michels, seconded by Dr. Glory the Certificate of Appropriateness for Major Works was tabled for next month's meeting by a vote of 7-0**

Mr. Michels: Okay. Make a motion to table this item. Two items we need to have information on. First, to find out what kind of treatment was used as I asked by Mr. Love. And secondly, have Mr. Love look at 262 Carlisle Street. It's a property we had latex paint on, we had removed and have him make a recommendation on this property based on the results of the work was done on that property that did not seem to... in my opinion, does not seem to meet what we wanted it to do and doing any more work might have caused more damage.

Mr. Michels: And I'd be concerned about this kind of damage. That would be my motion for those things to be looked at before we move forward.

Dr. Walker: And may I make a friendly amendment to that motion? We would like to also request information from the applicant about the exact content of that stain so that...

Mr. Michels: Which would say which content it was. That would be my motion.

Dr. Walker: That is now up to the board. Would you like to hear from Ms. Mayley or do you want to just table it?

Mr. Michels: We can hold the motion.

Dr. Walker: Come forward.

Dr. Walker: No, the rule is you may not apply any finish to masonry.



Ms. Mayley: Yes. So if we had sections that were already painted as well as splatters and over spray, would that not be considered already painted masonry?

Ms. Reid: Were they in the back of the property?

Ms. Mayley: Front. On the porch.

Dr. Walker: I know this makes no sense but according to the guidelines we have to go by, if it was already painted, we could let you paint again in that section but that doesn't cover the whole. And I may not like that aesthetically.

Ms. Mayley: Okay.

Dr. Walker: Okay. So we have a motion on the floor to table for more information. Do we have a second?

Dr. Boozer: Second.

Dr. Walker: All those in favor of tabling the motion, say aye.

Attendees: Aye.

Dr. Walker: Any opposed? The motion carries. Thank you, Mrs. Bailey and thank you to all the community members. We appreciate your input. Okay, Mr. Coler, I think you are next up.

Mr. Coler: Good evening, madam chairperson, council members. Board members, it is apparently painting brick night. So I'm here just briefly to talk to you about one of the matters you saw previously. You all remember Mr. Moore and his painted chimney. As you recall, he requested a Certificate of Appropriateness and rejected that request.

He has a right to appeal that and he's filed an appeal. That appeal will go to circuit court. Part of the process of that court appeal is that he's entitled to have a pre-litigation mediation. In other words, he asked for mediation. And so I've talked to his attorney and we've arranged to have mediation. We're going to try to do it here in City Hall.

The way it works is the city has to sit down and bring representatives. Mr. Livingston will join us. I'll be there and we'd like to bring a couple of experienced members from the board. We will listen to all of his proposals. We will discuss and try to come to a settlement.

If the mediation results in a settlement, the ultimate approver of that settlement is City Council. But evidently, or as you can imagine, when I get to City Council, they will ask me, "Well, what does the HARB think?" So what I like to do and I've done in the past in other jurisdictions, is bring two members of the HARB to that meeting.

If the mediation results in a settlement that the HARB members are comfortable with, we would then bring it back to the entire HARB. If the entire HARB agrees on the settlement terms, then we would forward it to City Council. So I'm asking for a couple of volunteers. I think it's probably two hours, maybe three we'll carve out. We'll try to do it over our lunch hour so we can

feed you all, try to mediate, and get you back to your real jobs, regular jobs as quickly as possible.

We're looking at doing it later this month or early in March. So again, I'll leave that to volunteers everybody wants to speak up. If not, Mr. Livingston, I will begin tapping people for participation. I'll leave it up to you, Chairperson Walker to discuss with your colleagues.

Dr. Walker: Okay.

Mr. Coler: Y'all have any questions about the process?

Dr. Walker: Any questions about the process?

Mr. Coler: Thank you for your time and hopefully we'll hear from a couple of y'all and get the mediation going.

Dr. Walker: Okay.

Mr. Coler: Thank you.

Dr. Walker: Thank you.

Dr. Walker: Yes.

Ms. Reid: Bill's chomping at the bit.

Mr. Michels: No, I mean, I thought I'm not working so I mean.

Dr. Walker: Okay. We have one volunteer, Mr. Michels.

Mr. Coler: Thank you.

Dr. Walker: Anybody else?

Mr. Michels: I think he left, guys.

Mr. Michels: You rarely ever get lunch out of the city. I worked here 25 years. I know.

Mr. Gaffney: If I do the date, I can give a may or may know but not knowing the date

Mr. Coler: We're pretty flexible so if you got some interest, I can assure you, we will work around your schedule.

Mr. Gaffney: Tuesdays or Thursdays are my best days in town.

Mr. Coler: If you can do it for us, we'll make it work.

Mr. Gaffney: Okay.

Dr. Walker: Okay.

Dr. Walker: Thank you, Mr. Gaffney and Mr. Michels. Appreciate it.

Mr. Gaffney: Thank you.

Dr. Walker: Okay. The next item of business is a discussion of the destruction of a couple of historic properties that were not protected by city preservation ordinances. So Ms. Franke you want to kick us off?

Dr. Walker: Yeah.

Ms. Franke: So in the last, I would say, three weeks, there were two buildings that a lot of people probably have noticed have been demolished. They're both downtown and they are both definitely over 100 years old. What it's called? I think the original Jewish temple it's got triangle at a church beautiful windows. I was there on Thursday. It was horrifying.

Ms. Franke: Oh, and there's already a property built there now. And the other one is a beautiful house, I call it a farmhouse, all brick. It's at the corner of Henry and Hudson Barksdale.

Ms. Franke: So most of them are private property. And the conversation was really what could be done to save these structures before they demolish since they are not protected by HARB.

And HARB let me know that HARB protects Hampton Heights and Beaumont plus, I think, eight properties.

So what can be done in the process when the city knows that the owner has applied for a demolition so permit has been issued but nobody else knows and what can we do to stall the demolition until communication starts and this building can be potentially saved.

That's what I thought was interesting because I did not totally understand the rules. I understand what HARB protects but how can be citizens in general protect a little bit of history in downtown.

Dr. Walker: And I'll just add, I did a little bit of research on this. And first of all, the city ordinance does not require that the building department notify the HARB currently. So that would require an amendment to the city ordinance, which would go to city council.

I also looked at what some other cities do and the two I found that do require any historic property, were Charleston and Boston. Both of those have a provision in the ordinance that requires the historic architectural review board or their equivalent of it to be notified before any building of a certain age is demolished.

So, there are places that do it. Also, just a reminder that the HARB has the power to, if we see a building, we have the power to discuss it, ask staff to evaluate it and make a recommendation that it be put on the city historic register, but then that has to go to City Council for a final decision.

Ms. Franke: And that would have to be proactive, knowing any kind of upcoming demolition.

Dr. Walker: Yes.

Ms. Franke: We would have to go and do an inventory of all the buildings that we think are worth saving, potentially at one point, being saved.

Dr. Walker: And I believe our past chair, Brad Steinecke and maybe Sarah Love, another past chair, worked on a potential list, which I'm sure we could resurrect a possible properties. I don't believe either of these were on that list. I know the farmhouse on Hudson, Barksdale, and Henry Street was not on the list and I don't think the synagogue was either, so. But no action was taken. He just identified properties that could be put on the list.

Ms. Reid: That would be a starting place. I mean..

Mr. Michels: Martin, a question you might be able to answer it. The process of demolition, just how quickly does that move along?

Mr. Livingston: Very quickly. So probably within 30 days. It all depends. The applicant, when they pull a demolition permit, usually have to have DHEC approvals and certification before they can permit a demolition. But I think the building official holds off until they have that document.

So the building official probably won't know anything until they pull a permit. By that time, they may already have approval.

Mr. Michels: So they walk in with approval notices in their permit.

Mr. Livingston: And start the next day.

Mr. Michels: And start the next day.

Ms. Franke: What triggers the city to put a demolition sign and sometime and sometimes not. Sometime you call year to year like on Marian, it's been like two years and now the house is gone. But then, like those two examples, without sign for demolition.

Mr. Livingston: So you're talking about it condemnations, typically of single-family properties.

Ms. Franke: Right.

Mr. Livingston: Those are the ones where the city has condemned the structures. We put a large sign to prevent the property owner from renting the unit to a tenant. We run into that issue so we started using those large sign for condemnations. That typically happens for residential structures. We have a few on West Main Street for commercial structures, but those are condemnation signs that the building official does not put large signs in front of the properties for demolitions.

Mr. Coler: I would add too, in that scenario, generally, those are not historic structures and they are way beyond repair. They are so far gone that even if they were historic, the repair would be highly unlikely. Those are oftentimes those structures.

Mr. Michels: And that's a government, that's a process.

Mr. Coler: It's the process of eliminating blight.

Mr. Michels: Right.

Mr. Coler: But I mean, even the process of doing that takes a long time just because the laws to protect the property owner.

Mr. Michels: Correct.

Mr. Coler: As opposed to property owner voluntarily tearing down his properties. So we would actually need an order to tag them or catch it proactively, we can have some properties designated. But reactively, we would actually need to have a City Council pass an ordinance with a timeline for notification timeline before demolition can begin. Thank you.

Ms. Reid: If we're putting a building forward, do we have to seek signatures in the city or anything like that or is it just, I could look it up myself, but-

Mr. Michels: I think we can make them.

Ms. Reid: We just put it forward.

Mr. Michels: We don't need to go through that, you just put it forward?

Mr. Coler: We can put them forward-

Mr. Michels: We put it forward.

Mr. Michels: Or citizens can put them forward with 10

Ms. Reid: Only the citizens require the signatures. That's why I was wondering if we had to require the signatures. We were talking about this with Magnolia Finance Building at one point.

Dr. Walker: But I would add that, of course, we would have the staff evaluate it to be sure it meets all the criteria and I think we would have to generate a good bit of grassroots support, particularly if the property owner was not on board, in order to get City Council to overrule the property owner. So it's not going to be-

Dr. Walker: a fast or easy process.

Mr. Michels: And there's criteria for that too, almost like the criteria's we use.

Dr. Walker: Yeah, they have to meet one or more of them.

Mr. Livingston: That's correct. They only have to meet one of the requirements.

Dr. Walker: Thank you, Mr. Livingston. So I think there are two pieces of two questions here. One is, do we want to have some conversation with City Council about amending the ordinance? And then the other one is, does the HARB want to be more proactive about trying to put items on the list? And of course, we can't take any action tonight. This is just here for your thought.

Mr. Michels: I would hope that some properties having been torn down and redevelopment downtown that's trying to save façade all the other properties that some of our citizens will come forth with properties they think should be designated and we will just have to approve designations rather than find them ourselves.

Dr. Walker: Any other discussion people want to put on the table?

Ms. Franke: So what should be our next step then from the discussion we had today and then to be bringing back a months later as a vote or-

Dr. Walker: I believe we could bring an item back for more discussion and a potential vote if we put it on the agenda. Of course, amending the ordinance is something that City Council would have to initiate, but we can certainly ask them to initiate it. So we could have a motion next month to ask City Council to consider this. So would we like to ask Mr. Livingston to put this on the agenda for next time?

Mr. Livingston: Yes.

Dr. Walker: Okay. I think there's consensus. Thank you. Okay, are there any other staff reports? Okay, in that case, do I hear a motion for adjournment?

Ms. Franke: Of the minor work?

Dr. Walker: Oh, yes, the minor works. That's right. I skipped that. That is on your agenda, I believe, right after the minutes, the list of minor works approved since our last meeting. Actually, it's at the very end, the very back of the packet. Does anyone have any questions for Mr. Livingston about any of these minor works?

Dr. Walker: Okay. All right. Now, do I hear a motion for adjournment?


Dr. Boozer: I move that we adjourn the meeting.

Ms. Franke: Second.

Dr. Walker: All in favor, say aye.

Attendees: Aye.

**The meeting was adjourned at 6:33 PM**

  
Dr. Melissa Walker, Chairperson