

The City of Spartanburg Board of Architectural Design & Historic Review
Meeting Minutes
Thursday, February 13, 2020 at 5:30pm
City Hall Council Chambers

The Board of Architectural Design and Review (HARB) met via ZOOM on Thursday, February 13, 2020 at 5:30pm. The following Board members attended this meeting: Ray Trail, Josh Lonon, Meg Reid, Brad Steinecke, Thomas Koenig, Kathleen Crowley, and Rhiannon Leebrick. Mrs. Love and Ms. Walker were absent. Representing the Planning Department were Natalia Rosario, Planner III, Rachel Grothe, Planner II, and Julie Roland, Administrative Assistant. City Attorney Bob Coler was also present.

Roll Call

Mr. Trail, the Vice-Chair, called the meeting to order and stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Mr. Trail said seven of the nine members of the Board were present, constituting a quorum, and he went over the procedure for the meeting.

The Agenda for tonight's meeting was approved by acclimation.

No meeting minutes were ready for approval.

Old Business – None

New Business:

Certificate of Appropriateness for Major Work at 276 S. Spring St. in Hampton Heights – Hearing regarding economic hardship of roof replacement. Owner is proposing to replace deteriorated metal roof with architectural shingles as replacement in-kind poses an economic hardship. Todd Sill, Owner.

Ms. Rachel Grothe, Planner II was sworn in; and she entered into the record, the PowerPoint that I'm going to go through; the meeting packets the Board Members had previously received in their meeting packets as Exhibit A. So the project location, it is located on an R8 single family zoned lot on the south side of Spring Street near the corner of Beta Club Way, in the Hampton Heights Historic District. Here are some photos of existing conditions and you already outlined the project description, but the owner is proposing to replace a deteriorated metal roof with architectural shingles as in-kind replacement poses an economic hardship. Up there on the left, you can see where some of the roof is left or some has been removed and where the new architectural shingles have already been installed. All right, so there is a little bit of history with this. So the Board heard about this item that was not advertised or on the Agenda when Ms. Rosario had asked the City Attorney and Mr. Todd Sill, the homeowner to attend the December 12th, 2019 meeting, and also on January 9, 2020. At the December meeting, the Board discussed

the appropriateness of some recently installed materials. In an attempt to rectify and fix the roof, the owner began removing portions of the original metal roof and replacing with architectural shingles. This work was done without the benefit of a certificate of appropriateness. The owner was ordered to stop work and come before the Board and make a formal request for an economic hardship. He came back in January, and at the January meeting the Board was unable to render a decision and they requested that the owner come back with these four things listed here. They wanted rental rates for the last two years for each apartment and said that leases would help with that; documentation of income and expenses that show what was earned and what was paid on the property for the last two years; an itemized list was needed and would be helpful to show all that. Also to provide a list documenting the work that needs to be done on the house, photos will help support this. And lastly, the Board requested a professional assessment of the value of the house. They requested that it be done by a neutral and qualified third party. Okay, so Section 510.7 of the zoning ordinance outlines what an applicant should submit in order for staff to provide an analysis, and for the Board to make an informed decision regarding economic hardship. There are seven different things here that this outlines that the applicant should submit as a part of their application. I can just sort of briefly go through these. The first one is estimates of the cost of the proposed alteration. The owner, his name is Mr. Sill. Mr. Sill provided an estimate of \$66,599 for the installation of the metal roof. The second one was a report from a licensed engineer or architect and no such report was provided as it appears that replacement of the roof is the only viable option. Number three asks for a market value of the house. Mr. Sill has estimated that the value of the home is \$120,000. However, the county has assessed the property at a total market value of \$171,000 for the total taxable income of \$87,451. Mr. Sill provided as part of this application, an opinion from a real estate agent as follows: She said that she estimated in its current condition that the house was worth \$100,000 to \$120,000. And an estimate of the value after installation of the metal roof would be around \$100,000. Mr. Sill cite's Home Advisor, a leading digital marketplace for home services stating that a homeowner can expect to recover 62% of a new roof when selling. He indicates this percentage would be for a shingled roof and reports that one could expect to recover even less for a metal roof. He also cites Remodeling Magazine in which he indicates that a homeowner will receive .69 on the dollar for a roof replacement, whereas a garage door replacement would equal to .95 per dollar. Then he goes into a bit more sort of specific detail with the realtor, and an estimate was provided and utilized comps from the surrounding neighborhood to inform the estimate. Comps from the last nine years show that 56 homes have sold in Hampton Heights. Of the 56 sold, three homes sold for more than \$200,000 and three sold for more than \$170,000. Based on the submitted comps, the average selling price for a home in Hampton Heights is \$100,835 with a low of 6,000 and a high of 240,000. Mr. Sill highlighted that the home directly next door to his property, which is 280 South Spring Street sold in 2016 for \$100,000. The square footage of this home is 3,128 square feet with the sale price of \$31.97 per square foot. In addition to the realtor provided estimate and comps, Mr. Sill provided staff with a list of items that he believes have a direct impact on the value of his home. He cites the following: an outdated furnace, one room gas

heaters in need of replacement, old windows in poor shape, hardwood floors in poor condition or ruined, appliance replacement, and no central air. Mr. Sill highlighted three properties in Hampton Heights that are similar in square footage to his home that sold for \$100,000 or more. He reports that these homes sold for these prices because they had extensive work done including remodeled kitchen, polished hardwood floors, large decks and other attractive upgrades. The fourth one is I think, how much was paid for the property. Mr. Sill's family has owned the house since it was built over a century ago. However, he has indicated that he had to place a mortgage on it when he was going through a divorce. The fifth one is not applicable because demolition is not being proposed. The sixth one has to do with the income on the site. He provided the following information: From January to December, so for all of 2018 he indicated that his gross income was \$20,075 with operating and maintenance expenses of \$14,326. Then January through December of 2019, he indicated that the gross income was \$6,400 and the operating maintenance expense was \$37,260. My recommendation is that I am requesting that you, the Board, consider Mr. Sill's application of economic hardship based on the documentation submitted. I am available to answer any questions that you may have and I believe Mr. Sill is here as well, and if you have questions for him he can clarify things a little bit better. Oh and one other thing too, we received a number of emails that I need to enter into the record. Do I have to read them all.

Ms. Reid said you can do that during public comments.

Ms. Grothe said okay, so I'm available for any questions.

Board Questions for Staff:

Mr. Lonon said I have a question. This is a little bit unusual because usually we get a staff recommendation of what action we could take, and this one staff is only recommending that we consider. Can you explain why staff is not making a recommendation.

Ms. Grothe said well, we are looking to the Board to make the decision on it. This has been somewhat contentious and has gone back and forth quite a bit. So we are leaving it to your expertise to make that decision.

Mr. Lonon said my other question is and I am looking for your opinion on this; "What is the effect of, as far as the city, enforcement if we allow someone to come to the Board and ask forgiveness, as opposed to going through the proper channels and requesting a certificate of appropriateness."

Ms. Grothe said I think I'll defer to legal for that.

Mr. Bob Coler said Mr. Chairman, and Mr. Lonon, I'll try and respond to that. Nothing you do is precedential setting. The way you come and rely on and said you did something for one project, each project stands on its own and is analyzed on its own. But I will say that it would certainly send a mixed message to the community if you do that, knowing that we do have a process in place for the application and the Certificate of Appropriateness.

Mr. Trail said okay. Any other questions for Miss Grothe. All right. I'll just see if Mr. Sill would like to come up and give his testimony at this time.

Mr. Todd Sill was sworn in. Mr. Sill said I guess, should I just start from the beginning as if I haven't spoken to you before at all.

Mr. Trail said do you have anything to add or anything that you furnished us that you did not mention before.

Mr. Sill said well, I guess so it was requested I would bring a little more information to substantiate my estimate of the value of the property and to bring some information regarding the rental history and expenses of the property. Part of that is; I located a realtor who sold a house down the street, not very far from this, it was in a very similar price range, who was intimately familiar with the conditions of that specific property. And then had her take a look at this property. She was an expert obviously, she'd seen the condition of that one. She knows what that one sold for and walked through this property, and made her estimation based on that. This someone, not just a random realtor, was actually a realtor who sold a house in Hampton Heights, one that was in that price range and she's familiar with that condition, came in and took a look at the house in this condition. I guess if you did read the email you've seen some of the information I pulled together, the value of the houses is a function of the size of the house and the components that are in the house and the condition of the house. It's those three works together which is why you can see such a disparity in the value of a house that literally, it may be the same square footage, or two houses could be drastically different square footage and of the same value. That's why I pulled together some more information there. Any luck with that. I also pulled together a list of all of the homes that have sold in Hampton Heights through the multiple listings service. So that's this one that's a relatively easy way to read, as a realtor and a real estate broker pull up the district, just displayed all of those. But in doing that, what we saw was that in the past nine years, I believe it's the three houses that have sold for over \$200,000 and only four have sold I think it was for more than 170,000 in that period of time.

Mr. Sill said the house next door to mine, which is in significantly better condition and has some nice features, upgraded modernized things inside the house, sold for a \$100,000. Now that was two or three years ago but it's a larger house, in better conditions with better features. So that's where I came up with some of those numbers. Basically, the two parts about the economic hardship, is obviously the difference between paying this for the roof or paying that for the roof. That differential is what creates the economic hardship, if it's something that is not absolutely necessary to do. The other couple of points there is that I did one page that was in there and it's on here, but anyway maybe you saw, if you look through that. I took the block, we just highlighted the block with blue and yellow, and the blue ... Well, I went through every property to show its most recent transfer and the value of the transfer. Of those 50 houses, 37 of those houses, all of the ones in blue transferred for a value less than the roof estimate. So the roof estimate for this house is more than the value of all those houses in blue, which was 74% of

those houses there. So that one feature would really make this house in disproportionate to the value of the other homes.

Ms. Reid said I own one of those, and you're going back to like 2006, here, on your tax numbers. I bought it for double or three times what it's on there for, so I think we can probably just sort of disregard that a little bit. These are really 12-year-old numbers you have there, so I just want to point that out.

Mr. Sill said so I just went through one at a time, through the county's records.

Ms. Reid said the tax assessor takes a while to update.

Mr. Sill asked Ms. Reid how many months ago did she purchase her house.

Ms. Reid said two years ago, and is estimates from 2008.

Mr. Sill said oh, okay.

Ms. Reid said these are not relevant numbers.

Mr. Steinecke asked Mr. Sill was the quote that you received for the metal roof, it was a single quote just from one company rather than seeking out.

Mr. Sill said that's right.

Mr. Steinecke asked did I see it was for a standing seam metal roof as opposed to the shingle (tin) panels that are the current metal roof style.

Mr. Sill said that's right. They don't offer an option that's similar to that one. That's right.

Mr. Steinecke asked that Guy Roofing did not.

Mr. Sill said that's right. Mr. Sill said so either way just the differential between the two roofs, whatever that is that I guess in my position would not be necessary. I'm putting a roof on that's going to improve the look of this house and be symmetric with all of the others that on the street and on that block.

Mr. Lonon said Mr. Sill, I'm looking at the letter you mentioned from your realtor. Is it Anje Hawkins; am I pronouncing it right.

Mr. Sill said Anje.

Mr. Lonon said Anje Hawkins, and her report says the average price per square foot at the comps she looked at were \$26.61 per square foot. This isn't a complete CMA right. I mean, so you're not arguing that this house is comparable to these other houses that would be valued at \$26 a square foot. What know of these houses, they're in pretty bad shape.

Mr. Sill said well, that's again, one of those houses. Well, she used three comps and it is included in what I provided in there. The one that she used, I don't have that number in my head, sold for 118,000; 119,000 or something like that; that the owner to do some special financing to make that one work because he did get it to work. And so it is a bonafide sale. That's the house that's

most similar to this one and she looked at the condition of my house compared to the condition of that house and it's her assessment that this house is in line with the value of that house.

Ms. Reid said it might've been the one on the corner of Hampton that had the extensive water damage, where the roof had caved in.

Mr. Lonon said I think this sort of goes to the heart of what the Board should consider as the value of the house because if I understand your argument, it's that the cost of replacing the metal roof that you took off is disproportionate compared to the value of the property. I think it's important to get to the bottom of what we're talking about here. The 120,000 is what you estimate the house is worth in its current state, right. You listed I think like \$30-something-thousand in operating expenses this past year and then was it 14,000 the year before. What were those repairs. Or was that just maintenance or what was done to the house over the last years.

Mr. Sill said oh, well that was provided in here.

Mr. Lonon said if I missed it in the package, I apologize. What were your major ones. You probably know those off the top of your head, right.

Mr. Sill said that includes \$9000 already invested in the roof of the 29,000 [crosstalk].

Mr. Lonon said that was the cost of taking the roof off or you did other work.

Mr. Sill said the roof is 75% complete.

Mr. Lonon said so you re-roofed everything but the-[crosstalk].

Mr. Sill said just one little section on the left and then the front porch.

Mr. Lonon said okay, so you spent 9,000 so far on a new roof on the other areas, right. The areas that weren't covered by the metal roof.

Mr. Sill said most of that also includes some plywood that had to be put down under the roof, so it wasn't a new roof, but it was related to the roof. The other \$19,000 was for miscellaneous repairs for the paint and replacing the windows.

Mr. Lonon said how many windows did you replace.

Mr. Sill said [inaudible] some broken window panes, so I didn't replace the windows, I replaced some glass in the windows.

Mr. Lonon said did you get a permit for that work; or did you come before the Board.

Mr. Sill said to replace glass.

Mr. Lonon said I think you still have to come before the Board to replace glass.

Mr. Sill said that's just repairs. Mr. Sill said but some work on the [inaudible] going downstairs, so just other [crosstalk] was miscellaneous repairs.

Mr. Lonon said how much work are you planning, assuming you go forward with the property and you get what you want. How much work are you getting ready to put into the property.

Mr. Sill said yeah, I don't have that number in my head right there, but now part of this is I had some tenants that did some major damage to the property, that impacts the value of the property. Now, I got to go back down and make the repairs for that. They totally damaged some hardwood floors, for example, but almost all my appliances except for one stove, that are totally damaged that need to be replaced, some other flooring and just some other miscellaneous items that I need to get that done in order to make it rentable again.

Mr. Lonon said but you don't know how much that will be yet, so you don't really have an idea of how much more valuable the house will be after you do that work.

Mr. Sill said if I did \$10,000 worth of work, it'll increase the value of the house five to \$8000, depending on the items that I do.

Mr. Lonon said so what I don't think is fair is to look at the value of the house. It sounds like it's in pretty bad shape, right. I mean, is that what you're saying the house is not in good shape.

Mr. Sill said I've already been doing some work since the day that I estimated the value of 120,000. I've been doing some of the work inside and I've got a lot more to do.

Mr. Lonon said so I think we have to look at what the value of the house would be, but for the deferred payments right, because there's clearly been deferred payments. I mean you would agree on that right.

Mr. Sill said that's right. No doubt, that's right. That's what I've had to do. I'm trying to catch it up and bring it up and improve it. That's why I'm here. I guess part of what I'm trying to demonstrate in here too is I'm a builder. National Home Builders Association does a survey and they get all this data they pull it together. How much do builders spend on cabinets, and windows, and doors, and garage doors, and so on and they break it down. The roof constitutes about 3.5% of your cost of a house when homes are built.

Ms. Reid said how many other quotes did you actually receive for the metal roof. As Mr. Steinecke pointed out, it's not really the correct style roof for what you're trying to do.

Mr. Sill said well, yeah, I'll make that point, that roof it is not available.

Ms. Reid said but you haven't sought out any other quotes.

Mr. Steinecke said that kind of roof is available. Vivian Fisher had a house fire a number of years ago and had the same style of tin shingles replaced and put on her roof, new shingles. That product is available, and I'm not seeing due diligence in getting multiple quotes.

Ms. Reid said like we did ask for in the previous meeting.

Mr. Steinecke said what's before us is to decide if you have proven to us that economic hardship is incurred upon you. And I can't say that it has been based on the single quote for a different style of metal roof.

Ms. Reid and what one company, known to be a very good roofing company, would charge you for that. I'm not saying you should go get lesser work but I think as a builder you would agree that going to the most expensive place and getting a quote and not looking at any other options, that may not even be exactly what you need for the roof, is not good business. And you wouldn't think that's good business and that doesn't show due diligence to this Board for you having really pursued this fully.

Mr. Sill said I appreciate that, and I understand that. I guess what I'm demonstrating is, as a builder, the roof ought to be three and a half percent of the value [crosstalk].

Mr. Lonon said for new construction.

Mr. Sill said for new construction, that's right, and it costs a little bit more when you have to tear one off and then put it on, so that makes the number a little bit higher.

Ms. Reid said but you didn't have to tear it off.

Mr. Sill said I certainly wish I had left the ugly roof there, I could be sitting, having a cup of coffee somewhere right now, if I hadn't torn it off. I'm trying to make this better. I'm trying to improve the neighborhood. I believe I have, and it looks better. You look at a picture of what it was before and you look at a picture what it is now, I can't fathom anyone would argue that it doesn't look better.

Mr. Lonon said Mr. Sill, I mean, you would acknowledge though, that when you're dealing with a 100-year-old house in a designated historic neighborhood that there are certain costs and responsibilities that will be over and above what you might do when you're building a spec house to turn around and sell, right. Do you acknowledge there's an additional level of responsibility owning a house in an historic district versus not.

Mr. Sill said I do, I understand where you're coming at, and I fully understand what your goals are, what your efforts are. I guess I look at it as, if you had this historic style front porch and I wanted to come in and put a four by four post in the corner or I want to run some wire and some different modern thing, that didn't match that style, I think it'd be clear that you wouldn't want to do that. If this were a slate roof or a tile roof, you can remove a few pieces that are necessary in a bad spot and you can replace those pieces, even if they don't match exactly right. That's a little bit easier to do instead of having to tear off the entire roof.

Mr. Lonon said I think you hit the nail on the head as far as what we're trying to do. It's not what we're trying to do. It's what this Board's purpose is, right.

Mr. Sill said that's right.

Mr. Lonon said our stated purpose is to preserve these properties, right.

Mr. Sill said that's right, I understand. He said all of you saw the photos in there that was shown, but that this house again with wood lap siding and this had that covered with asbestos shingle

siding. For all intents and purposes, it's like a bottle house in the middle of this historic area. It's not historic in nature anymore in the siding aspect.

Ms. Reid said it is a historic house because it's been there for 100 years. You know what I mean. So no matter what's been done to it, [crosstalk] the shell of it.

Mr. Sill said anyway, one of the photos that I've showed in here was just to demonstrate that 80% of what you see when you look at this house is not original. When you look at the entire facing of the house on all sides, that's not original.

Mr. Lonon said so we should just give up on it.

Mr. Sill said no, not at all.

Ms. Kathleen Crowley said I'd like to call attention to the Board that we have a five minute limit on witness presentations and we also have a bylaw of not cross-examining witnesses while presenting.

Mr. Trail said that is all true. We kind of jumped the gun on asking questions of Mr. Sill, so Mr. Sill, we'll go back to you, and is there any other points that you want to add.

Mr. Sill said okay. So the house with the yellow right there, it shows you the percentage of the house that's not original now. My argument would be that, you're thinking a metal roof, it's going to look like that, it basically isn't going to make it more historical. But the biggest thing is whatever the differential between what I can do as a builder myself, doing a normal roof that matches every single house on the street, and on the street behind it, there're no metal roofs on the street I'm on and the one behind it. Some of them have the older three tab shingles, that don't have the 30 year architectural shingles here. Whatever the difference between my cost of what I can do it for, and what I paid, that cost would constitute in my opinion a financial hardship, the amount of money and expenditure that I don't think that I should have to spend. Another point is I own this house. This house has been in my family but before this Board. It wasn't purchased like if you were to buy into my new neighborhood and I say, "Here's the restrictions. When you buy this, this is what you agree to." This is something that was handed down on me to say that, "You got this house and we like your roof. And we want you to have to always pay extra for this roof," I didn't enter this thing that way. I would not have entered it this way, but I recognize it is the way that it is. I'm arguing, that creates a financial hardship. He said one other item that I'd like to share with you, if you guys want to look at it and read over this. I've got a letter from a real estate broker that specializes in buyers and sellers that are buying investment property. He took a look at this property. Well, basically the point that he's ... I've got a letter ... trying to make is that, if I were to be looking to sell this property to you for whatever dollar amount that somebody thinks my house is worth, and certainly if they do want to pay me more than what I'm saying I would accept. So if you do believe it's worth significantly more, I'll be happy to sell to you. But if I were going to sell it to you and we agreed on X for the price and that meant if you got finish this house with the roof with the architectural shingles, or if the committee were to say, "Well, no you got to put on a different roof that's X plus another number," whatever that

differential is would reduce the value of the house to an investor. So if someone's looking to buy this house, what they care about is how much rent can they get minus their expenses, and what's the future of that. That's what they're willing to pay. If they were to buy the house or be looking to buy the house and said, "Well I can buy it with this roof, but if it's going to be dictated to me that this is the roof, I've got to subtract that from what I'd be willing to pay." So that differential creates a hardship to me if my house is now worth less than it was last month because of that. So I'm asking that you let me put on a roof that's going to improve this house and improve this street and I think make the neighborhood look better now than before.

Mr. Trail said before we close out with Mr. Sill, does anybody else have any questions for him before we move on.

There were no further questions.

Public Commentary

Mr. Trail said all right, thank you, Mr. Sill. We will move on now and open it up for public comment. And if there's anyone here who would like to make a comment pro or con, I'd ask you to come forward and please state your name and address. And we will ask you to swear in as well.

Ms. Heather Morrow of 500 Peronneau Street.

Mr. Trail said okay and do you promise to tell the truth.

Ms. Morrow said yes. I made notes so that we can stay on point and respect your time. I have been a resident for the last 18 years in four different personal houses. I also, between my work with the Preservation Trust of Spartanburg with Kristi Webb, and now I do this full time with Heather Homes. I specifically work in Hampton Heights and renovate houses. I've had the opportunity to work on 24 over the past 18 years and I also serve on our Neighborhood Association Board. So if there's one thing I know, it is Hampton Heights. I am asking you guys to really vote a hard, "No," on this one. It's not just because I'm tired of the precedent that this does set, and I'm tired of people being able to be given a way out after they clearly break the rules. I'm going to just talk to of his points from his packet just for the sake of time. But the first is, I have to assume that this is a misuse of the intent behind economic hardship. I would have to hope and believe that it's meant for hardworking residents who might be struggling financially if they did have to pay for something like this or if it's going to set them back much, not for a negligent landlord with an income producing property who broke rules, got caught and is now trying to find a way to pay as little as possible out of his pocket, for maybe to sell it. We don't even know his intent behind it because he hasn't made that clear either. I just think that it is irresponsible to rule in his favor, when there's been negligence this entire time. I don't care about the appliances he has to replace or any of the things. That's deferred maintenance, that's part of being a landlord, that's part of being a property owner. The other thing I do want to just kind of touch on are the properties that he used to determine the value. I want to talk on two different points of those. The first is the MLS spec sheets that he provided to you guys. Those are true

sales prices, and then those people did renovations. 280 South Spring Street which is right beside him, yeah they paid \$100,000. And then Ken Pangel and his team and I came in, rewired, re-plumbed all new bathrooms, kitchens, floors, paint. Everything in the house got redone. That was the starting point, and now their house is considerably worth more. The second one, 172 West Hampton Avenue, same thing, I'm currently in the middle of that renovation. They paid, I think 176,000 for that. And that doesn't even count the sweat equity that Zach Dowds has put into that house. We're redoing everything in that house, also, with the assumption and understanding that our property value is a hot commodity right now. And then the last one is 234 South Spring Street. Although I have not been inside that one since they purchased it, they reached out to me last week about doing major renovations for next year. Those are the starting points meaning our property is much more valuable then, if they're done well. The other three that his realtor used as part of her argument, again, 280 South Spring Street, 169 West Hampton which Anje Hawkins was the real estate for and I met with her as well at the house. He paid 119,000 as is and he has spent a fortune on that house. And it looks beautiful, and it's wonderful, and it's worth a lot now. Then the last one is 268 West Hampton Avenue which, if you've followed anything along, I own that home and I'm not planning to live there. I'm renovating and restoring it. I paid \$55,000 for it but I can assure you I've spent tons of money fixing it up because that is the point of historic preservation, to do it right and not just put a bandaid or lipstick on a pig. I am not a realtor agent nor an appraisal, but again Hampton Heights is a very unique set of properties; and I'm going to say maybe let's meet halfway on the roof, and I don't know what the cost of the roof will be. Let's say let's give it a \$30,000 credit. I would say taking that to account we'd be looking at 64,000 to 76,000 for it. You might notify the homeowner that's willing to pay more for that but if it's fully renovated and done well, there's a starting point of about 230,000. I feel like at this point in history it could go up to about 300,000 and I don't say that jokingly. I have eight people waiting for that house that I'm working on for me to just give them the chance to look at it. That's how hot of a commodity we are in this moment. So my frustration is just that I am tired of negligent landlords being given an out or any property owners. I'm tired of them asking for forgiveness instead of permission. I would like for this to be an example moving forward, saying that, you guys agree with the rules that are set in place, and enforce the historical guidelines and no longer allow people a way around them. Thank you for your time.

Mr. Trail said thank you Miss Morrow. Yes, sir, would you please state your name and address.

Ken Pangel, 266 West Hampton Avenue.

Mr. Trail said do you promise to tell the truth, sir.

Mr. Pangel said I do.

Mr. Trail said okay, proceed.

Mr. Pangel said as Heather mentioned, alluded to us working together. I am a general contractor, licensed electrician and I do have a roofing company also. A couple of things that I wanted to highlight in this, again, speaking as a contractor I've restored several houses in Heights, rewired

about 20 or so now. Never thought I was going to live in Hampton Heights but I've lived here for eight years now and absolutely love the neighborhood. As not to reiterate totally what Heather just said, but to set a precedent of any form, I am totally opposed to it. Ten years ago I would have told you, "That's no big deal." My concern here is this: The hardship that's been created is by a builder that knows better than to dodge the permitting process because \$9,000 was thrown away. That's not hardship to me, that's ... Well, I shouldn't use the word stupidity but it is to me, to be able to do that and dodge something that clearly. I spent a lot of money on permits every year for everything that I do in all different townships. I worked in Greenville, Anderson, and so on. That's just part of the process and again it's understood. That 9,000 would have been saved, had he gone in to pull a permit. So I don't have any sympathy at all. I'll be honest this is my first time to ever come before the Board, and usually it's a time scheduling thing that I can't be here. This one was important enough to me. I hope Hampton Heights is my home for the rest of my years. I hope that we can take pride as every year, our neighborhood gets stronger. Hampton Heights, is the oldest subdivision, and we're taking pride in it. 20 years ago I would not even consider living in this area. So to have somebody come in and try and dodge the procedure they're supposed to take place, I think it's wrong. I don't think there should be any variance at all. I don't think we should set any precedent and I'm asking the Board to please, hold to it. Thank you.

Mr. Trail said thank you, sir. Anyone else.

City Attorney Bob Coler said Mr. Chair, just a reminder, it's not necessary swear in in public comment. They're not witnesses.

Kristi Webb. I live at 520 Hampton Drive in Spartanburg and I have also owned a home in Hampton Heights for the better part of 20 years. Some of you may know, I was the Executive Director for the Preservation Trust for about 10 years from 2000 to 2010. Like Heather, we worked at the Trust to restore over 40 homes in that historic district. One of the big priorities that was placed on myself as a homeowner and as the Executive Director was maintaining, repairing, and restoring existing historic features of the home. That was top priority. So what we felt is our work was protected by the strength of this review process and how critically important it was to hold everybody to the same level standards so that we can ensure that our property values were strengthened and we had the support. The fidelity of the Historic Ordinance is paramount. One of the major tenants of the ordinance is like-for-like. As a homeowner and during my 10 years at the Trust, this was and continues to be a guiding principle. Understanding that not all work will be considered like-for-like, I along with many others have sought permission of the Historic Review Board to request a change. I stress permission because in the case of 276 South Spring Street, the investor/owner of this property did not seek approval for the roof work nor did he pull the necessary work permits that would have triggered such a review. We must strongly discourage the adage, "Better to request forgiveness than seek permission," for this is a dangerous precedent. Again, the fidelity of the Historic Preservation Ordinance is paramount.

Adherence to its guidelines, protects Hampton Heights historic homes and it's owners. Thank you.

Mr. Trail said thank you. All right, anyone else for public comment.

Mr. Sill said may I address a couple points that were made.

Mr. Trail said no, I don't think so.

Mr. Keith Shambaugh and I live at 546 Cecil Court in Hampton Heights. I think it was discussed at the last meeting that Mr. Sill had not pulled a permit with regards to roof replacement. I did some research on the internet and as a successful builder and developer, one would reasonably believe that Mr. Sill would have known that there are building codes differences between the county and the city. What I've always been taught is that if you're unsure of something ask, so I did. I called the County Building Code office today. And within 30 seconds of someone picking up the phone, I easily found out that in the county you do not need to pull a permit for changing out a roof, but in the city you do. Within 30 seconds of someone answering the phone, I had an answer to the question that I asked. A quick search on the County's Assessor website, I easily came up with 12 entries under Mr. Sill's name. Two of the 12 appear to be co-investors with Mr. Sill. It appears that he has made investments in other areas of the county, at least three since 2016 totaling \$475,000. This again according to the Assessor's website. The best that I can tell is that he has owned 276 South Spring Street since 1999, but as he has quoted, it's a family thing, but that's what the Assessor's website said. There was a family transaction of \$10 back in 1999. Since I have moved into Hampton Heights in 2004, 276 has seemingly always been a rental property with very little attention paid to it, aesthetically. In that time, it would stand to reason that enough money should have been collected via rent to make improvements to the house. Perhaps those assets were used elsewhere. We have a number of rental properties in Hampton Heights, some with excellent landlords who value their properties and make sizeable investments in keeping them up and are assets in our neighborhood. Then on the other side of the spectrum, landlords who do as little as possible so their properties are just legal. I have a couple of those right around the corner from my house on the end of Peronneau. I'll be glad to show them to you sometime, if you'd like. These are the landlords who do not live in Hampton Heights. These are the landlords who do not respect the historical designation of our neighborhood, something that drew me to Hampton Heights when we made the decision to buy our house in the neighborhood. We have bought the house since 2004 and we have invested in our community. 276 South Spring Street is merely an investment property, a cash cow you might say, that has been milked for years. If this petition claiming economic hardship were from a Hampton Heights homeowner or resident, a neighbor, perhaps it could be or should be considered. But since it's from a landlord regarding his investment property and the landlord has other cashflow assets and as a successful business builder and developer and housing market is not too shabby right now. I got onto his website today and he has quite a few properties listed. The lowest starting at \$299,900 all of these being in the county, but he has cashflow assets besides the house on South Spring Street. I would ask you, at this point in time, keeping the whole big picture in mind, of your responsibility

in regards to the historical designation of Hampton Heights. If he were a multimillionaire which he may be, I don't know, but if he were a multimillionaire, would he be claiming economic hardship. Does he deserve that economic hardship. I don't know. That's something for y'all to decide. Thank you very much.

Mr. Trail said thank you, sir. Is there anyone else.

Ms. Sandy Battacchio, and I live at 175 West Hampton Avenue. My first tour with Spartanburg was in the 90s. I swore I would never ever move into that neighborhood. My second tour started 10 years ago and I saw this house, I fell in love with the neighborhood and moved in and have been there ever since. My house is substantially bigger than Mr. Sill's, and I've had that metal roof replaced and I assure you, I did not pay \$66,000 for it. That's why I chose to stand up here right now because that number cannot be real and everything. The person who restored my roof did it properly, we had the proper seams, because I was very stressed over having this beautiful hundred year old roof having to be removed and everything. Then I'd like to point it out I'm also a landlord, not in this neighborhood. I live in a hundred year old house, I own a 70-year-old house, and I own a 25-year-old condo. And I have a 50-year-old house up in Gatlinburg. I'm not a builder and I don't have a lot of money but I take care of my properties and I've had bad renters and I've had to replace things and everything. That goes with the territory. If you have bad renters and they ruin your floors, it's your responsibility. You should save up enough money to take care of this. Thank you for your time.

Patrick Martin, I live at 280 South Spring Street which is the house right next to 276 South Spring Street. I got to know Mr. Sill for the first time when his previous tenants were evicted. No ill will towards Mr. Sill, we've had a number of cordial conversations. To confirm what Heather said before, when we bought the house at 280, we did buy it for \$100,000. We've since then put \$50,000. Our current equity, we estimate is above \$200,000. As the owner of the property, I just wanted to say that I've not seen Mr. Sill at the property for the two and a half years that we lived at the property before the tenants moved out. So over that time the property did continue to diminish in value. The last thing that I'll say is that our neighborhood isn't just for investment, our neighborhood isn't just to make some money off of it. Our neighborhood is a place of community to be invested in, by living there. My desire is that the property would be taken over and cared for by somebody, maybe Mr. Sill, I'd hope for him to move in and be my neighbor, but somebody that would make it a place, yeah, that really makes the community a better place, so that's all.

Scott Clausen; I live at 608 South Irwin Avenue, and been a resident for 38 years now. Just a thought, I think in comparing apples to apples, or apples to oranges, there are certain aspects of the roof that may already be complete. I think plywood was brought up, or sheeting or something like that. I don't know if a metal roof would require new sheeting, but there is new sheeting on 75% of the house. If that is required of a metal roof, that's already been installed. So I think when evaluating an economic hardship you need to drill down to the cost of what is needed that is to

be done and what is already done that can be utilized in putting this puzzle together, so to speak. I just thought I'd add that to it.

Mr. Trail said thank you, sir. All right, if we don't have any other comments, I'll turn it back to City Staff.

The City Attorney informed Mr. Trail, with the consent of the Board, you can elicit comments from Mr. Sill, or the City because they were both presented but that's up to the chairman if you think it would be beneficial with the consent.

Mr. Lonon also said before we finish public comment, I think now will be the appropriate time to point out that I believe there were six or seven emails that I received from residents who are not here, who also opposed finding economic hardship. I forwarded those to Miss Rosario to be included in the record. I don't know if there's anything else we need to do, if that needs to be distributed.

Ms. Rosario said we usually read them into the record. [crosstalk] If you all would like to read them out loud [inaudible].

Mr. Lonon said I'm sorry, there was one other email included in that, from a realtor, Cindy Barrett, who I had do a CMA. I think that's been distributed to the Board [inaudible] by email-

Ms. Grothe said yes, you should all have that.

Mr. Sill said which everyone should have had, which for the record indicated that if a property is in good shape in the neighborhood, that a \$90 per with valuation is not unreasonable at all at this point. I just wanted to point that out [inaudible].

Mr. Trail said all right. Mr. Sill, we don't normally do this, but we will allow you five minutes.

Mr. Sill said yeah, I just wanted to clarify a couple things about the cost of other houses in the neighborhood. It is great that people have bought some houses at some lower prices and have done some tremendous work to them and improved those houses. In real estate, a comparable sale is what it sold for and its condition at that point in time. So when you look next door and say, "This house sold for 100,000. It had coffered ceilings and some updated appliances and countertops and floors that are newer and more modern than my house and sold for 100,000. Now it's been improved and it's worth more than that now." But when you're trying to use a house as a comparable sale to determine the value of one house, it's at the time that it's sold. At 100,000 it had these items, somewhat would say were a little bit nicer than mine when it was 100,000. It's a lot nicer than mine with their improvements and so when Heather buys a house and they're going to fix and now it's worth a lot more. So I wasn't trying to insinuate that there's not a house in Hampton Heights worth more than 200,000. I was just identifying that three of them have been sold in the last nine years to other people and in the real estate it becomes a comp when it's been sold at that price. When we can a willing buyer that we'll pay 230,000 300,000 or 500,000 for that, then that becomes a comp if there's a buyer, not just what someone put into the house. I just wanted to clarify that about the difference in that value.

I don't know, but it just occurred to me that Heather's reputation is so stellar and she does a great job. If you would like to buy the house for this figure that some people think I'm low-balling for, maybe that's what we ought to do, that you should buy it from me. Several people think the value I've put on it is too low. Maybe you ought to just buy it from me, and fix it and I'd love to come along, check on it from time to time, and see how good a job you do and how great you can do with it. Maybe that's an answer, to do that. But my contention is if my house has low value and then if I can use this roof, and if I have to do this other roof, it's that value minus the difference in that roof price, whatever the roof price is, with ever how many estimates I get, whatever that difference is, was going to reduce that value of what someone might be willing to pay for. I think she would acknowledge that, if she could buy it without doing the roof and with doing the roof, it would be at two different prices. I just wanted to clarify that part, so maybe we need to talk some time.

Mr. Trail said thank you Mr. Sill. Miss Grothe, do you have any more to add.

Ms. Grothe said well no, I mean not unless you want me to read any of these emails out loud. I can if you'd like.

Mr. Coler said Mr. Chair, I'll interject one more time, I promise.

Mr. Trail said okay, sure.

Mr. Coler said I think if it's information the Board is going to use to make a decision, the [inaudible] requires it to be published so the public can see what information is being used to guide you. So if you want to use it, I think the most prudent aspect will be to publish it. If you choose to not use that information and just acknowledge that the emails came in, then they do not need to publish them. If you're going to use them, I think it's, the public is entitled to hear them.

Mr. Lonon asked was it sufficient to enter into the record.

Mr. Coler said I think it's got to be published.

Ms. Reid said is it supplemental to things we've already heard or is it something different that-

Mr. Steinecke said is there additional information.

Ms. Grothe said I feel like we should just read them.

Mr. Lonon said since I forwarded the emails; I think the emails from the residents of Hampton Heights pretty much reflect what we've already heard. I think one thing that is different would be the email from Cindy Barrett.

Mr. Trail said just to make sure that we are covered, I'm going to ask you to read them if you would, please.

Ms. Grothe said okay. This is from Cindy Barrett. She's a realtor. So she emailed Josh Lonon here. "Josh, here are the comps we discussed. Hampton Heights is unique and an appraiser is going to do their best to stay within the neighborhood for comps because its uniqueness. As you can see, only five homes have been sold through the MLS in the past year in Hampton Heights.

Average price per square foot is \$93.39 and a minimum is \$89.83. Hampton Heights is in great demand and homes do not come available very often. Even in a home that is not updated, I can absolutely see price per square foot of 70 to \$80. Anything below that has to be almost uninhabitable. "If there is someone that has a home in Hampton Heights and they are interested in selling, I know there are many people that would be interested in purchasing that home to renovate and sell. I have been a realtor for 12 years in Spartanburg full-time and out of over 800 agents with the Board of realtors I am in the top 50, year over year. So my opinion is based on 12 years of experience in a successful business. Should you have any other further questions, I'd be happy to answer them." And then she included an attachment, a CMA summary report, Residential Summary Stats. She provided five different homes, 216 Carlisle, 195 Brookwood Terrace, 210 Carlisle, 331 South Irwin Avenue and 203 West Hampton Avenue and provided what the price was, what the amount was per square footage, what the high and the low was, the average and the median. Y'all have that chart in front of you. So I think that this probably is the only one. I sort of combed through the other emails that were sent over and we'll include them as a part of this file but I think that's probably the only one that says anything a little bit different than what the folks-[inaudible].

Ms. Grothe said oh and I had another thought too. When Mr. Sill had mentioned that asbestos shingles had been installed on the outside, so he was saying that that had changed the historic integrity of the house. I wonder at what point those type of shingles become historic in their own right for having been there. I don't know when they were installed.

Ms. Reid said it's 50 years.

Mr. Trail said all right, thank you very much.

Ms. Grothe said sure.

Mr. Trail said okay, we will deliberate in this Board. Before we do, I want to thank everybody from Hampton Heights that showed up. It's really nice to know that you care enough about your neighborhood to come to these meetings and be heard. So we thank you for that. Now we'll open it up to Board comments or motions or anyone got anything.

Mr. Crowley said I kind of want to get down to the brass tax of if we don't approve this economic hardship, what's going to happen to the house because as the HARB, our responsibility is to the structure and the integrity of the neighborhood, not discrepancies between neighbors or anything like that. So if we don't approve this and he can't get a new roof, is there a backup where he could sell the property, but there's a risk that it could become more dilapidated and decay over time because of said road blocks. Just kind of want to highlight that. It's like, what is our intent. To preserve the integrity of the house and history of the neighborhood.

Ms. Reid asked did she think the economic hardship is a separate issue, right.

Ms. Crowley said yeah, I think that's really important to siphon off these two things. I think that's important for the Board to do. That's my sense is that, so we're not just saying like if we deny this economic hardship then the house will become more dilapidated.

Ms. Reid said but that's a potential factor.

Mr. Coler said the matter before you tonight is he wants permission to not put a metal roof, to put something else on. If that is denied, he has no choice. He has to replace it with a metal roof. If he chooses not to and the place begins to decay then the way that the code envisions, it would begin to fall into a code enforcement issue. And each and every day that house is left, not secure, weathertight, watertight, he would then have to begin to deal with our code enforcement process to address those issues. But the sole question before you tonight is, are you going to allow him to use something other than metal. If the answer's yes, obviously he can go forward. If the answer's no, then he would have to make a choice whether to put a metal roof on, or begin the process, which I suspect would start relatively quickly in an appeal.

Mr. Trail said okay, thank you.

Mr. Coler said I hope that answers your question. I'll be glad to expand if there's anything else.

Ms. Crowley said well, I'm just wondering, I mean, it's a phrasing thing, but if we look at a precedent of something that hasn't been a metal roof and he gets a pass for this roof, there are roadblocks after that, sorry, post that that would prevent him from doing any other work that would not be approved. And it would be a hotspot property that people will be watching, always. I just don't want to see the house go into deterioration because we can't come up with a solution that we all agree upon.

Mr. Steinecke said that would be a loss to his investment.

Female said I think it will be a loss to the neighborhood.

Mr. Steinecke said but I mean if we made the determination that he needed to put a metal roof, to replace it with like-for-like materials as is pushed by the guidelines and he chose not to do that and the house then fell into disrepair, that would not be a wise move for him in terms of safeguarding his investment, and would be a loss the neighborhood, but would also be a significant loss to him. I think that that's his responsibility first and foremost.

Mr. Lonon asked the City Attorney what is the repercussion for conducting work without city approval. Is it just restoring the house to its former state or are there fines, or what happens.

Mr. Coler said I don't think there's anything in our code that is punitive. The way it generally works, if people choose to proceed without the permits asking for forgiveness later instead of permission, all codes that I'm aware of in this body has the ability to say, "You went forward under your own peril, put a \$20,000 shingle roof on it, take it off and start from scratch." That's generally the remedy as the codes envision it. He could generally be cited for a violation of a city code in that he proceeded without a certificate of appropriateness and he could be subject to a summons in court, a fine or not a fine. I think that's the only two remedies, but again, anybody

can go forward, if they do so at their own peril and if they get caught, whether it's during the process or after, this Board and council have the ability to make them take it off and start from scratch. I think that's the way the cities have dealt with this in the past.

Mr. Trail said okay. I'll make one comment. We did have one instance prior to this where someone put solar panels on a roof and we did vote and they did have to take them down and they had to eat the cost of the solar panels, so it has been done.

Mr. Coler said I think that's the way it generally works.

Mr. Lonon said I'll just say that generally, I'm most disturbed in this whole process by, I guess the applicant's lack of acknowledgement of the importance of maintaining these houses, and preserving these houses and the importance of what we do. I've gotten the feeling through the last two hearings that we're just considered a road block in the way of his investment. And as a resident of Hampton Heights, that bothers me a lot. I feel like we're from Venus and he's from Mars and we just can't connect with him.

Ms. Reid said my main concern is the economic hardship is based on numbers that we have absolutely no way of knowing if they are correct. We have numbers for something. We have no comparison numbers. We don't think it's exactly the right kind of roof. Somebody from the public comments said they did the same thing and didn't spend \$66,000. I have not seen anything to convince me that he actually has to spend \$66,000. Has anybody seen anything to prove that. I haven't seen it. I've seen a piece of paper with Guy Roofing stationary, it's their letterhead, which, I mean, I believe it, I'm sure it's a real quote, but it's one quote and it's for a number. Also, it includes taking off the roofing materials which I mean, I guess they're going to have to do it for some of the roof. It's not that I don't believe he doesn't have hardship. I don't believe the number that he's giving us is, and he has not produced better numbers or more solid numbers. So that is at the crux of my issue.

Ms. Steinecke agreed with Ms. Reid. It's just not been proven to me that that number is the solid one. And when we know that that type of roofing material is available currently, and that was not used in the quote and was not realized by the applicant. The burden of proof is on him and I don't see it having come to us [crosstalk].

Ms. Crowley said I've seen people, I've seen homeowners bring in three doors because they want to make sure they have the right kind of door, the little sheet from Lowe's, and the doors, the considerably more expensive one versus the other. And we've discussed that. I think that it would be incredibly dangerous to let somebody just tell us that this is a three-quarters of \$100,000 repair with absolutely no solid proof of it, and actually proof from other people that have done the repair saying that it did not cost them that much. That is the danger for every single person that comes before us not having to provide proof of what they are putting before us.

Mr. Trail said any other comments.

Mr. Koenig said the thing that I really have to say, I can't put my head around, is that Mr. Sill said that ... Or it was stated that the house was basically transferred to him for \$10 in 1999, which I'm pretty sure Hampton Heights already was a historic neighborhood to that point. So at that point, if this was a legal matter and there was a contract done, the entire process of all the guidelines and everything should have been available to him. And then the argument basically saying it's like, "Because I didn't know," and that's what he at the beginning claims, it doesn't work.

Ms. Reid said we're going to have a lot more repairs on Saturday mornings, I think, if we let this go, because that's when this was done. This was done at 6:00 in the morning, on a Saturday or 8:00 in the morning to try to get around the city permitting. It's only by chance that I think Natalia was walking her dog by and spotted him. So I think that the evasiveness of that move is something that has to be when we talk about precedent.

Mr. Steinecke moved to deny the economic hardship request; and it was seconded by Ms. Reid. The motion to deny was approved by a vote of 7 to 0.

Update on Approved Certificate of Appropriateness for Minor Works since the January 9, 2020 Meeting. The Board Members received the list of Minor Works approved by Staff in their meeting packets, and there was no discussion.

Update on 201 Caulder Avenue.

Ms. Grothe said she had not heard from the real estate agent regarding 201 Caulder Avenue; and that Staff would continue to keep it on the agenda.

There being no other business, the meeting was adjourned at 7:00 P.M.



Ray Trail, Vice Chair