

The Spartanburg Board of Architectural Design and Historic Review
Thursday, January 9, 2020 – 5:30pm
City Hall Council Chambers

Board Member Attendance: Sarah Love, Meg Reid, Thomas Koenig, Melissa Walker, Rhiannon Leebrick, Josh Lonon, Ray Trail, and Brad Steinecke.

Absent Board Members: Kathleen Crowley.

City Staff: Natalia Rosario, Planner III; and Julie Roland, Admin. Assistant.

Ms. Love, the Chair, called the HARB meeting to order at 5:30PM and stated the hearing procedures. She recognized the eight Board Members present constituted a quorum, and she proceeded with the guidelines for the procedure of the meeting.

Mr. Steinecke moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Koenig. The motion was approved by a vote of 8 to 0.

The meeting minutes from the December 12, 2019 meeting were moved for approval by Ms. Walker; and she was seconded by Mr. Trail. The motion was approved by a vote of 8 to 0.

Old Business: None

New Business:

Certificate of Appropriateness for Major Work at 323 S. Hampton Drive in Hampton Heights – For permission to keep a previously installed 9 foot tall, 192 square foot shed in the rear yard of an R-8 SFD zoned property located within the Hampton Heights Historic District. J.K. & Mary Van Arsdall, Owners.

Ms. Rosario was sworn in, and she submitted into evidence the meeting packets the Board Members previously received by email and tonight's presentation as Exhibit A. Ms. Rosario said first item on the docket today is a Certificate of Appropriateness from Major Works at 323 South Hampton Drive in Hampton Heights and it's right across the street from me, actually, to repaint this shed which was installed without a permit, although I will say that the owner did ask, but he asked the Building Department if there were any permits needed. Because it's under 200 square feet, the Building Department did not need a permit, but they did not clarify that he did need approval from this Board. So, the shed in question is here, it is visible from Pinckney, the side of the house. This is the house; it is not visible from the front of South Hampton. Essentially, the staff's recommendation is that the shed as it's designed is not design-wise compatible with the house or generally with the historic character of the neighborhood. Our recommendation is to hopefully allow the applicant time, I propose six months, to do some changes potentially, that would bring it more into conformance with the existing house. That would include perhaps, installing different windows that match more, especially the size and encasement to the house. I did speak to Mr. Van Arsdall, he was here prior to the meeting, and he said they actually chose the color of the shed to match the foundation of the house, because the mint green is perhaps not the most desirable for them. This is how it's seen if you're walking down the sidewalk. There's a four-and-a-half-foot high wooden fence, it is just used as a storage building. I can say living across the street from it, I mean, you notice it, it doesn't look like the house. I wouldn't say that it's completely unattractive, but being that we as a group in our efforts are to uphold the ordinance as it's written, we have asked Mr. Van Arsdall to come and apply and hopefully we can get this into conformance. The other option would be to have him remove it from the property and then potentially come back before you and ask for approval for one that might be more appropriate in design to the home. I'm happy to read through each of the findings if you'd like, but essentially the shed does not look like the house. Mr. Van Arsdall is here if you have questions for him, or if he would like to come speak to you. But that is my recommendation as of now, because we are unable to support the shed as designed, as it exists today.

Board Questions / Comments

Ms. Walker said just to clarify, your recommendation to bring it into compliance would be to change the windows and the color.

Ms. Rosario said the color potentially, and I would leave that to a conversation between you all and Mr. Van Arsdall, depending on what the future color of the main house is; because from my understanding, that may change. And if possible, I would say turning it so that its roof line would at least mimic although of course it's not even at the same pitch, but it would at least have that same kind of alignment with the house. So those are some minor fixes that they could hopefully make this thing more like the house. The other option would be to go out and find a shed similar to those approved recently, that are designed to reflect some of that historic character.

Mr. Koenig said so that would mean like a higher pitched roof.

Ms. Walker said or just turning the building.

Ms. Rosario said yeah, I would say turning the building. I think if you were going to ask him to change the pitch of the roof, you might as well ask him to get a different shed. I also should enter into the record, well maybe during the public portion that I do have a letter from another resident.

Mr. Koenig said so there's space enough to actually turn the building.

Ms. Rosario said yes, I mean, maybe not next to this tree. It could potentially move closer to the back of the house, and then in which case you would see the slope of the roof.

Mr. Lonon said so the proper order, the owner would've brought a design or a picture of the storage building that they were intending to put on the property.

Ms. Rosario said yes.

Mr. Lonon said and so your City's recommendations are based on what is there a basis for that; or is it just it'd look better if it were on the side of the house.

Ms. Rosario said well, the basis of my recommendations is to try to get it to look more like the house, which is essentially what we aim for when we do bring an accessory structure before the Board. Usually, the ones that are approved beforehand are those that are built to reflect the character. That is from the guidelines. The accessory structure should mimic the home and fit in with the character of the neighborhood.

Mr. Lonon said I can't help but wonder if it would be cheaper just to get another storage shed, than to fix this one up to make it look like the house.

Ms. Rosario said Mr. Van Arsdall is shaking his head no of what your definition of more affordable.

Ms. Love said any other questions for Natalia. And if not, then we'll hear from Mr. Van Arsdall as the owner.

Mr. Steinecke said it's my understanding that the guidelines don't govern paint color.

Ms. Rosario said they do not. Although, like I said, the paint color, which I actually didn't know, (this is funny because I literally live right here from where I'm standing) it does; it was chosen to match the color of the foundation. So in that sense it actually does match the house. It's more of the mint green.

Ms. Love said do the guidelines say anything specifically about matching the color of the house.

Ms. Reid said it's material.

Ms. Rosario said there's nothing that really gives the Board or staff any jurisdiction over the color, but that doesn't mean that the color doesn't also play a role in fitting into the context.

Mr. Lonon said and I guess speaking to you and not the City recommendations, but what I'm struggling with is how just doing these things brings it within the guidelines, and I'd like an explanation. It would look more like the house in color and the windows.

Ms. Rosario said so what we are proposing with the windows is to install some sort of window that would mimic the look of some of the windows on the house. And that's the size and casement. You can see the casement on those are much thinner, doesn't have as much of a distinct profile as these. The other thing is that the wood pattern on the house is horizontal where it is vertical on the shed if that's a concern for the Board.

Mr. Steinecke said I'm trying to imagine what would make that look like the house.

Ms. Rosario said it wouldn't make it look exactly like the house.

Mr. Koenig said by turning the house, the pitch doesn't look that much different, because you don't see that much from the pitch anymore of the roof.

Ms. Rosario said and if you wanted it to look exactly like the house you would have a custom stick built shed, which most people don't do anymore. The closest that we usually get is to wooden sheds that have some of the similar divided lights, similar pitched roofs, either hardwood or cedar shake board.

Mr. Lonon said and granted I didn't do it at my house in Hampton Heights, but the shed at my house has the same siding as the house, the same roof. It was clearly built to match the house.

Ms. Rosario said yeah, and so that's up to y'all to make the decision as to whether or not you feel that these proposed changes bring it more into conformity, or if you would want to see something that is very specifically built.

J.K. Van Arsdall of 323 South Hampton Drive came forward and was sworn. He said so like she was saying, really I guess we just talked to the wrong people. I didn't realize that there were two separate departments. So we spoke to someone at Building Inspections for the city, which we were under the impression that as long as it was under 200 square feet then we didn't have to get a permit. But we didn't realize there was that other half of it. So that's why I would've just, if I knew who to contact and all of this, then I probably wouldn't be here and maybe have a much more expensive shed. So yeah, that's the main concern I guess. The other thing, which maybe Mr. Lonon was getting at, I couldn't find actual guidelines. They're very specific on building a new house or repairing a house, but there aren't really many, to my knowledge, on the actual out building. And one thing that I did find, I'm not sure if it's relevant or not. I only had a couple days to prepare for this, I didn't realize this was so official. I came here from soccer practice. But anyway, it is from new construction guidelines which says it's Sec. 6.3.3 alterations to non-contributing buildings in historic areas. And it says as the guideline, "Do not add false historical details to try to make a non-historic property fit into a historic area, but make every effort to make sure that additions and alterations do not detract any further from the character of the historic environment." Which, to me, seems to say maybe try not to mimic these. So that was a little confusing to me also. And then again, the placement of the shed, so I'm a blacksmith and an artist also, and we moved from a 3,000 square foot house with a barn and a two-car garage into a 1,200 square foot house with nothing, except for some stuff under the foundation which we also just had to fix. So, I have got thousands of dollars' worth of tools and supplies that were in storage that I also use all the time, so that's why we tried to get that shed as quickly as possible. And we placed it there but there's a tree in the front, I don't know if you can quite tell on the image, but closer to the house, talking about angling it. I don't mind, I mean, I like it there as far as my workspace, but if I have to turn it I wouldn't mind that, although I don't know physically how I would quite do that without tearing up the yard and stuff. So that, and then also the fence, I don't know if ... the fence is pretty rundown but then we probably also have to get a permit for a new fence to build a higher fence, so I don't know if building a higher fence would be a better option as well, but I guess I'm open to that. But like I said, we just put about \$6,000 worth of foundation work so far, and another \$12,000 to \$15,000 to finish the foundation. We're getting a new roof currently

also, which is another \$6,000 and I would replace the windows, that doesn't bother me too much. But that's probably going to be more difficult than it really seems. Probably another \$1,000 out-of-pocket just to store some of my stuff and have a workspace. So that's mostly all I've got.

Mr. Steinecke said it looks like there's a driveway that used to be cut in.

Mr. Van Arsdall said yeah, there is a bit of a driveway, it's sloped down and it's a little lower. That's why you see it up a little bit on the cinder blocks so that it's level. The other thing is, that's a dead-end road on Pinckney Court so not many people really go that way. There are only a few houses down the end, it's on the backside of the neighborhood, if that matters. So, I understand that it may not be in compliance, but I honestly don't know what the actual guidelines are for out buildings. It says they must be approved, but it doesn't really say the strict guidelines. And it seemed like all the information was probably from the mid '90s, and it hasn't really been updated since then.

Mr. Lonon said are the requirements for an outbuilding different from the houses. It's still a structure, right.

Ms. Rosario said yes. I mean, I think if you were to approve a main house, you would probably scrutinize with the Board, which I'll probably have something for you in the upcoming months. But yes, essentially materials, shape, slope, windows.

Mr. Steinecke said it's my recollection they're referred to as auxiliary structures in the guidelines, not accessory structures.

Ms. Love said there is a section that is specific for outbuildings like we looked at last week in Beaumont. It has a short section on mirroring the house.

Ms. Rosario said so I'll read them to you. "The guideline is to build a new structure to the rear of a historic building where it will have little or no impact on the street scape. The new building will be visible from the street, respect the established setbacks and limitations of the other buildings in the area. Landscaping is also an important component, and the concrete adjacent from the sidewalk path of the area needs to have grass along it. The guidelines for new construction shall reference predominant design characteristics that make an area distinctive in order to achieve a creative and compatible design solution.

Ms. Love said any other questions for the owner.

Mr. Lonon said I'm curious as to who you spoke with at the Building Department.

Mr. Van Arsdall said actually my wife called somebody and spoke with them.

Mr. Koenig asked and it was just they didn't mention that this was required.

Mr. Van Arsdall said well, they mentioned that it was a historic district and the historic guidelines, but the impression she got, I wasn't on the phone or the correspondence, but the way that ... it was worded like, "Oh, but if it's under 200 square feet it should be fine." But what he meant I guess, which now if it's under it's fine with us, not with ... I didn't realize there was another approval needed. I've never lived in a historic district, so it wasn't very familiar territory for us.

Mr. Lonon said I don't question that at all. I think for me as a Board member, I think it's really exhausting, all the folks that come before us who plead ignorance, and I think that's absolutely what happened, and I think that's partly on the City. But bit by bit, the neighborhood is changing because people either don't know or just don't follow the rules. And it matters. Anyway, that's my view.

Ms. Love said thank you for coming. It doesn't seem that anybody has other questions for our owner. At this time then we would move to public comment. Any objections to that. Before we open it to our guests, we do have a letter from a neighbor.

Public Comments

Ms. Rosario said yes, Carol B. McCullough of 496 Pinckney Court could not be here tonight, but she did write to us. It says, "Dear Board members, please accept this letter as my statement in response to the December 16th 2019 letter from Rachel Grothe of the City of Spartanburg Planning Department. I'm unable to attend the scheduled meeting. The recently installed shed at 323 South Hampton Drive in Hampton Heights in my opinion does not conform to architectural guidelines for this historic district. The structure is not compatible with the house that shares the lot, nor does it reflect the predominant style of buildings in the area. I mentioned specifically the angling pitch of the roof, the siding that is vertical versus the horizontal on the house, windows on the side/vinyl unlike that of the house, exaggerated trim such as exhibited by most houses in the area is not present. A secure foundation is lacking, and the color scheme does not match the primary structure. I ask that these factors be taken into any decision to grant a Certificate of Appropriateness for this very visible structure. Perhaps the owners will reconsider this particular unit, or maybe work with the Board to modify the shed. Respectfully submitted, Carol B. McCullough.

Ms. Love said thank you. Any other comment on this item. All right, seeing none, anybody opposed to closing the public comment. All right, then we'll go ahead and note that the public comment is closed and move to Board discussion.

Board Comments/Deliberations:

Mr. Lonon said I guess I should have saved my diagram for this part and say again, looking at the larger picture while I've been on this Board, exceptions are continually made because people don't want to upset the neighborhood. They don't want to provide the hardship and required work the people to make the right changes, to making changes about pertaining the right permission and if we keep on going down this road, all the work that's been done to keep these areas historic is going to be gone. And all these little exceptions don't seem like much, but when you add them up it's dramatic. I mean, in my opinion, the structure is absolutely nothing like the historic houses in the neighborhood, and I'm having a hard time understanding how you could alter that structure to match.

Mr. Steinecke said we had a Ms. Taylor come before us maybe a year or so ago to build a pottery studio behind her property, and she went to great effort to match every characteristic of that new structure to her home. And I feel that the efforts such as hers, which we approved, are undercut somewhat if we turn a blind eye to situations that don't follow the guidelines in any sort.

Ms. Reid said I also think, like you're talking about the hardship issue, the Coker family came before us four months ago with one he bought off a lot that matched close enough to be ... that it felt very tied together with the house and they were going to paint it and everything, and that was a three minute decision on our part. So I feel like if you do that work in advance, it's not a hardship to come before this Board and sort of do it the right way. And that's three doors down from that. So there are sheds right around it that look very much tied to the house.

Mr. Lonon said that's right, so essentially there are already built sheds that would match the house.

Ms. Reid said you don't have to have one built by a custom craftsman as far as I'm aware, because Eric said he went to a lot and purchased his. Especially with that siding and shingle.

Ms. Love said at this time would there be any motions.

Mr. Lonon moved to deny the request and was seconded by Mr. Steinecke. Motion was denied by a vote of 8 to 0.

Discussion of Certificate of Appropriateness for Major Work at 276 S. Spring St. in Hampton Heights – Discussion with Board Members 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. No decision will be rendered. Board will hold a public hearing and render decision at the February 13, 2020 meeting. Todd Sill, Owner.

Ms. Rosario said tonight we won't actually be voting on this because we did not receive the packet in time to have the 15 days advertisement to be legally able to vote on this. However, Mr. Sill is not available next month and did want to at least have the opportunity to have this discussion to review this proposal and then come back to it next month. Okay, so this is 276 South Spring Street; we did touch on it last month. Background again, home had partial or most of the original roof taken off without a permit, due to the request under economic hardship. This is to essentially finish the roof with asphalt shingles. The original roof to replace it for \$66,000 versus an \$11,000 installation cost for asphalt shingles. So, under the economic hardship section, Mr. Sill has provided the following information for you to consider as you consider his request. So, the estimates of the cost of the proposed alteration or removal and any estimates of additional costs that will be incurred to comply with the requirements for the issuance of a certificate of appropriateness, as I said, \$66,599 for the installation of a metal roof versus \$11,000 for asphalt shingle. A report from a licensed engineer and architect with experience in rehabilitation asked for the structural soundness of any structures on the site and their suitability for rehabilitation. No such report was provided as it appears that the replacement of the roof is the only viable option. The structure generally is sound, except for the roof, which is being replaced because it has formed leaks over time. The estimated market value of the site under the following conditions, in its current condition after any changes recommended by the Board, and in case of a proposed demolition. After renovation of the existing structure for continued use, Mr. Sill has estimated the value of the home to be \$120,000. However, the county assessor has assessed the property at a total market value of \$171,000 with a total taxable income of \$87,451. He has not indicated what the value of the home would be with a new metal roof, but I would assume it would be \$120,000 plus \$66,000. The amount paid for the property that they purchased and the party for whom purchased, including the description of the relationship if any, between the owner of record on the application, and the person on record with whom the property was purchased and any terms of financing between the seller and the buyer. Mr. Sill's family has owned the house since it was built over a century ago. He has indicated that he has had to place a mortgage on it. Demolition is not proposed, so we can skip that. If the site is income producing, which it is, the annual gross income for the previous two years, itemized operating and maintenance, expenses for the previous two years, any depreciation and deduction in annual cash flow before and after debt service, if any during the same period. The owner indicated that he has averaged \$13,597 in rental income per year over the last 10 years. Mortgage payments, taxes and insurance were \$13,552 for 2019. Repairs on the house have averaged \$2,485 per year over the last 10 years, and utility payments are \$782 per year over the last 10 years. Stats and analysis of the average rent calculates to \$1,133 per month. The house currently contains three apartments in the main house and one apartment over the garage, for a total of four. Based on the number of units and the amount of rent collected, it appears that the average rent for one unit is \$283, which is pretty low for this area. Any other information considered necessary by the Board to reach a determination as to whether the site yields or may yield a reasonable return to the owner, I do not have any additional information regarding that. And just so that you know, after the hearing the Board shall review all of the evidence and determine within 30 days whether the denial of a certificate will deprive the owner of reasonable use of or economic return from the site. If the Board determines that economic hardship has not been properly proven by the owner, the application for certificate shall be denied. If the Board determines that unreasonable economic hardship will occur to the owner, the Board may delay its decision for 90 days in order to investigate and make recommendations regarding alternatives. If the end of the 90 day period the Board has found that the approval of the certificates and unreasonable economic hardship still will occur, then the Board shall issue a certificate. Again, this is discussion only at this point, keeping in mind that you may vote on it next month and/or based on whatever you all decide tonight, if Mr. Sill is not able to make it in February and you all can't come to a decision tonight. I don't have that information to consider. So, there it is. In terms of economic hardship, the rental rate as described is very, very low, compared to all the other rental rates in the area, and as they have been for some time. So as staff to the Board, I would recommend that

you ask for additional information to properly confirm what the rental rates have been so that we can confirm how much income his property has actually produced over time. I think that's an important part of making this determination, and that's my recommendation. I will say that the metal roof is/was one of the only metal roofs still left in the neighborhood. It was in bad shape, and likely would need replacing if it was still needing to be replaced at any point in time with another metal roof. I did not come before you for permission originally, Mr. Sill would like to replace the prefab architectural in order to bring the property into conformance. Conformity with the rest of the houses on South Spring Street.

Board Questions / Comments

Mr. Steinecke said so you said that the county assessment value for the property, the rest of the information that's on here though, where did that come from.

Ms. Rosario said that was provided by Mr. Sill, I apologize. Even with a rudimentary amount of digging you can find on Zillow that these apartments were listed between \$495 and \$795 for the past five years, peaking at \$795 a month which would have been more around \$2,800 to \$3,000 a month in income.

Ms. Walker said but there's going to be documentation.

Mr. Koenig said yeah.

Ms. Rosario said right. So what I received from Mr. Sill is a write-up and his description of proposed work, which I believe is in your packet. I have also received a write-up from Guy Roofing for the replacement of an existing metal roof.

Mr. Lonon said I apologize that I wasn't at the last meeting, but procedurally, can you explain why we are only having, I guess, an informational session as opposed to going ahead and voting on this tonight.

Ms. Rosario said oh, because we did not have enough time to legally post the property for 15 days ahead of this meeting, and Mr. Sill will not be available for February. So, I wanted us to be able to have this conversation, or at least be able to bring the conversation in a timely matter.

Ms. Love said so this will allow Mr. Sill to present his case and for us to ask questions today, because he can't come next time.

Ms. Rosario said right.

Mr. Lonon said is the roof going to remain exposed until the next meeting.

Ms. Rosario said well, it's been stabilized, but it has been in the condition that you see in these pictures, since the summer I believe, August. We did stop work then, and it has taken until probably the last month to get the quote from Guy Roofing for the replacement. August 17th I think.

Ms. Reid said just for the record, it does say in this letter that he did not have any major leaks, he was doing this for aesthetic purposes.

Ms. Rosario said sure.

Ms. Reid said the primary motivation for taking it off initially was aesthetic.

Ms. Rosario said I would believe that the roof was not in great shape. I would also believe that there were probably some leaks in it too.

Ms. Walker said and just to clarify, even if this house weren't in a historic district, he would still have needed a permit to begin work, and he did not have a permit.

Ms. Rosario said yes.

Mr. Steinecke said is there a reason that we shouldn't wait until March, when he would be here and able to discuss this further with us if the roof is currently stabilized. In other words, we've discussed this

already in one meeting and we're going to be discussing it again tonight. I'm concerned what gain is there to be had by discussing it again and again for three meetings.

Ms. Rosario said other than Mr. Sill was hoping to get the roof approved and on sooner rather than later, there is no reason as why we would not take it up in another meeting. So this is just an effort to try to have these discussions, work out a solution as soon as possible, as legally possible. There's no reason why we could not come back in March when Mr. Sill is available again.

Ms. Reid said and would this give us an opportunity to ask for more information, some more details about his job as a ... what kind of money and resources he has, better numbers on the rent which I've heard from people that lived next door was \$795, like I said. Even if there's only three of them. Some actual documents that back this up.

Ms. Rosario said sure, yeah. And that is the other side of this, to give y'all an opportunity to review what he has now. And if it's not enough, to request additional information so that you can make a decision based on all the facts.

Ms. Love said other questions for Ms. Rosario.

Mr. Koenig said right now, the state of the roof, if I remember right, that was already re-shingled but the top wasn't, right.

Ms. Rosario said this portion remains tar paper. This portion of the roof has been finished, let me see if I can't find it from another angle. Ah, so basically the only portion that still has any of the original roof is this slope, and a little bit right here. So the majority of the original roof is gone. Some portion is not finished, and another portion already has asphalt on it, so it's kind of three different things going on at once.

Ms. Love said other questions. Then at this time Mr. Sill, I know you expressed an interest in addressing the Board. And if you would, state your name for the record.

Mr. Todd Sill of 129 Nazareth Church Rd., Moore, SC.

Mr. Sill said yeah, I guess just to clarify one thing. There's three apartments, not four. Most recently, the maximum rent I've ever gotten on it, on a lease, was \$750, and they didn't pay actually the \$750 but I did have a lease one time for \$750. The downstairs was most recently rented for \$675, and the garage apartment has been rented for about eight years for \$400. So those are the actual amounts on the lease, and I don't know if you're in the rental business or not, but that would be figured if everyone paid and it were 100% rented then that's what you would get, you would multiply those numbers. But in the rental world, you don't always collect all of the rent and it's not always occupied. And you evict somebody and it stays vacant for a month or two and then you start over. I gave you the actual numbers. Now, hypothetical numbers, if you bought the house from me, you would buy it from me for what the city says it's worth \$170,000, I'll sell it to you tonight for \$150,000 and if you can get it for \$150,000 and rent it for the max then you can do that. But the house is worth about \$120,000. I'm a real estate broker, I've been doing this for 30 years. So I know a little more about the values of real estate than maybe the average homeowner. So I'll give you my estimate of that and that probably allows me to go down and appeal that for my property taxes for the \$170,000. But the house would be more valuable once I get the roof on than before. Unfortunately, the way real estate works on the builder, if I build you a house and you put a component in your house that's disproportionate to the value of the house, so I'm going to build you a \$200,000 house and you're going to put a \$50,000 worth of light fixtures in the house, that doesn't add to the value. It adds something to the value of the house, but it doesn't add that same proportion. If it's a \$200,000 house and you put \$50,000 of lights now it's \$250,000. It doesn't work that way in the real estate world. It's not completely a compounding amount. So putting a \$66,000 roof on a \$120,000 house, on its face is a perspective of any financial person, for me personally it's not a practical thing to do, to put that type of a roof on a house of that value. So that's my primary argument, is none of that would make

any sense. In the country we would call that \$100 shoe shine on a \$3 pair of boots. So it doesn't make sense to put that kind of money for that kind of component. But my objective is to make the house look better, and bring it up to the standards of the neighborhood, and have a roof that's in conformity with every other house that's on that street and on the street behind it. Most all of those houses are asphalt shingles, even though the street behind it there are quite a number that are three tab shingles, mostly the ones on street are architectural style, so it's just a multi-layer type of shingles. So I'm just trying to make it look like the other ones on the street, and make the house look better. I didn't have a lot of leaks on the roof, I don't have any active leaks. However, the rest of the story I think how it relates, you read that you don't have to get a zoning permit to put on a roof in the county, but it turns out you do in the city. I do work in the county, I don't do work in the city, so that's the explanation of why I proceeded with the work, not realizing that you needed to have a permit for a roof. So that's how I got part of the way done. So then when we stopped, and then could only cover the paper to put the shingles on. And then I did have a leak that already blew out the ceiling and that cost me \$1,000 to do that, and I recognize that wouldn't have been the case. Frankly, if I had realized any of that I would have just left the ugly roof on there and I'd be doing something else tonight. But I actually thought that I could enhance the neighborhood and bring this house up to blend in neatly with the other houses that are in the neighborhood. But there's a form that says economic hardship to be expressed and I just put down to fill in the blanks and tried to answer those questions. My initial intent is just to argue that this roof will make this house look better and will make the neighborhood look better. And to do the other roof is just not economically feasible to do that, to put that type of money on a roof for a house with this value.

Mr. Lonon said in the value of the house, did you use an income approach or did you look at comps.

Mr. Sill said yeah, I'm looking at the market value and not the income approach.

Mr. Lonon said what's that break it down per square foot. It's 2,546 square feet.

Mr. Sill said yes, sir. And obviously that's based mostly on the condition of the property.

Mr. Lonon said so you're valuing the house at \$47 a square foot. That's extremely low. Is it livable. It's habitable, right.

Mr. Sill said yes sir.

Mr. Lonon said okay. I can tell you there are houses, I live right around the corner, and there are houses on those streets right now that are going for \$95 to \$105 per square foot. So I guess what I'm asking and what I'm getting to is if it was a comp approach, what other houses in the neighborhood have sold recently for \$47 a square foot.

Mr. Sill said well, I'll tell you too, I'm a builder, and I know that most people typically look at properties in the basic starting point, but if you're looking at two properties, if you're in the neighborhood and national builders has built 20 houses in a row, almost every house is the same, they've got the same kitchen, the same sink, all the different components are the same, you can roll down through there and put a tape on the house and say it's this many square feet probably going to be pretty close to this in price. But I'm a builder, so I recognize that just like my truck, if you price your vehicle by the pound, my truck weighs a lot more than a sports car.

Mr. Lonon said I'm sorry, but you're a real estate broker, right.

Mr. Sill said yes.

Mr. Lonon said and when you are appraising a house, you either look at comps, if it's going to be or you look at income, right.

Mr. Sill said I'm saying the starting point is square footage, but then there's a lot of other factors in there.

Mr. Lonon said that's what I'm asking, what factors, right. So if the house is in great shape in the neighborhood, and there are other houses right around that are in good shape, that are going for the 90s

per square foot, what is it about this house that makes it worth that much less. Like half of what you would pay for another house.

Mr. Sill said I'll make another example about that, too. There are qualities of scale-

Mr. Lonon said I'm a real estate holder, so yeah.

Mr. Sill said so there are economies of scale. So a 3,000 square foot house, I've got a subdivision I'm building. I've got a 3,000 square foot house and a 22,000 square foot. They don't sell for the same price.

Mr. Lonon said that's not how houses sell. If there is a 2,500 square foot house in a neighborhood, and there's another 2,500 square foot house in a neighborhood, if that house sells for this amount and there's another 2,500 square foot in the neighborhood and it sells for this amount, and then there's a 2,000 square foot house that sells for this amount, those are the comps that you look at in pricing a house, when you're selling or buying it. So my question is simple, I understand how that works and I don't need you to explain that. My question is, what is so bad about this house that makes it only worth \$47 per square foot. Because if it is based on other recent comps in the area, it is worth twice what you are saying, which is very much material in our decision as to whether or not there's economic hardship.

Mr. Sill said would you give me \$150,000 for it right now.

Mr. Lonon said I haven't seen the house. And that's what I'm asking for, is what is it about the house, a very simple question, what is it about the house that it's in such bad shape.

Mr. Sill said the size of the house, plus work that needs to be done on the house, I estimate it to be worth \$120,000. I'm not saying that's hard and fast.

Ms. Love said what work needs to be done on the house is I think the question that we're asking.

Ms. Reid said there's five people living in it.

Mr. Sill said right.

Ms. Reid said these are things that have happened in the term.

Mr. Sill said I'm just saying flooring, paint, and fixtures and things of that nature that need to be done.

Mr. Lonon said cosmetically.

Mr. Sill said that's right. So I'm just saying that's my estimate. I'm not here to try to beat the dead horse is it \$120,000 or is it \$130,000 but when asked a question what's my opinion of the value I answered and gave you my opinion.

Mr. Lonon said right. What we are to determine is your justification for seeking this certificate- your justification for seeking this certificate is economic hardship, okay. So we can look at, based on resources available, I suppose, but I think the argument that you're hoping that we'll consider is that the cost of this improvement is so disproportionate to the value of the house to where it is unreasonable and will cause you economic hardship, right.

Mr. Sill said that's right.

Mr. Lonon said so based on that, these numbers really matter, they're really important in making that decision. And so if the house is worth \$240,000 because it would sell for \$95 a square foot, that's a completely different analysis than whether the house is worth \$120,000 in which the cost of this improvement would be half the value of the house, right. So that's what we really need to get to the bottom of. The burden is on you coming before the Board, to seek the certificate from the Board, to seek this Board, the city's permission to allow you to make the change you want to this historically significant house. The burden is on you to come to us and prove economic hardship. I was bothered as soon as I got this packet, by the fact that there did not seem to be any documentation supporting these numbers, and I was even more bothered when I started crunching the numbers on the value that you gave on the house,

and the rent based on what we know that property was rented for. Everybody in the neighborhood knows what that property was renting for apparently, you can look it up on Zillow. I'm really disturbed on top of the fact that you did the work without receiving permission, understanding that you are a real estate professional, a broker, a contractor, and you've been doing it for a very long time, and you know that ignorance is no defense in these things. And then on top of that, you're going to seek forgiveness rather than permission, based on numbers that are clearly inaccurate, these numbers are so inaccurate, I'm having a hard time believing that you came before this Board in good faith. I really am.

Mr. Sill said you're talking about the rental.

Mr. Lonon said the rental and the value of the house.

Ms. Love said I think that what we need then from here, is-

Mr. Sill said can I just ask this question, though. If you pre-suppose that-

Ms. Rosario said let me interject for Julie's sake in the minutes, let's let one person finish their thought and then another, and then another person respond.

Ms. Love said I think what we need from you is actual documentation of the home's value, because that does play a significant part in this decision. So whether it needs to be something that you can provide to us to show the value of this house. And I think that would satisfy your question.

Mr. Lonon said I can tell you right now, I have no intention of approving your certificate based on economic hardship without some numbers that seriously back up these numbers you provided. That's where I am.

Ms. Reid said I think even, put gently, it's a dangerous thing to go into allowing this kind of, with not a lot of numbers to back it up, landlord situation to this property. I live behind this property, and it was a blight, to put it kindly, until you evicted the last group of people, thank you for doing that. It's not a good house, not maintained, and I think that giving this kind of hardship, this kind of forgiveness situation without any sort of documentation is not a good way to move forward with this, no matter what the outcome is, I need to see some leases and some things that prove that these numbers are not just pulled out of the air. And it sounds like a definite third-party estimate of the value of the house with comparable properties. That type of documentation will be required, because the value of the house is now in question.

Mr. Lonon said I'll also just point out that the requirement is that we have rent information for the past two years, not an average of the past 10 years in which would include the recession and all of that. I think the Board needs to see what's current.

Mr. Sill said if Spartanburg County's assessed value of the house is \$170,000 if it were \$170,000 and like I said, I'll sell it to you tonight for \$150,000 and you can make \$20,000, if it's worth \$240,000 think of how much you can make. But if it is worth \$170,000 is there anyone that feels comfortable that a \$66,000 roof on a \$170,000 house is reasonable.

Mr. Lonon said I'll give you my answer to that question, as it depends on what you're looking for. If you're looking for a roof that's going to last over 75 or 100 years, then very much so. If you're looking for a roof that's going to last 10 or 11 years, then there's a different analysis. So I think the question is what the intentions are in having the house. When we have these houses, under the architectural guidelines, we are caretakers of these historically significant houses. And so it's a different analysis, I think, then if you were just living in any other house as to what you're willing to spend on it, because of the historic nature of these houses. So I can't tell you right now, no, that that's an unreasonable amount to spend for a roof of a house if what you're looking for is to keep it historically accurate and you're looking for a roof that may last a century as opposed to 10.

Ms. Leebrick said and to build on that, I don't think it's fair to ask that question because we don't have the data. I think what the Board is asking for, is that you bring the data and it should be from official records that you can provide, and so with the packet of official records then we can make a decision. But we can't make a decision without the official records. And it's very clear in the guidelines, am I wrong there, of what the official records would be. Just the two years itemized operating, which you provided some but not I think thorough in the type of data collection you would need. And I feel like someone can help walk you through that if you need it.

Mr. Sill said I understand and I think that's very practical if you want to see the two years, I just don't get it.

Mr. Lonon said we want to see what's current. Has the house been vacant since August.

Mr. Sill said yes, it has.

Mr. Lonon said when did those folks leave. Do you remember the date.

Mr. Sill said I evicted the people upstairs in May range, and then the lady downstairs somewhere ... I'd have to go back and look.

Mr. Lonon said so it's been vacant since June.

Mr. Sill said yeah.

Mr. Lonon said and what's your intention going forward. Do you want to continue renting it out, are you going to sell it.

Ms. Love said I think that is important, because in your letter you say you want to pay the remaining eight years on your mortgage. I think that's really important to the record what your intention is with the property. Because you're talking a lot about resale, so I don't know if you're interested in selling the property.

Mr. Sill said well, this is making me more interested in a resale than I previously was. I'm a lot more interested in a resale for anybody that wants to take advantage of somebody and turn it over if you think you can sell this house I'll come celebrate with you, I might even come renovate for you and help you work on it, if that's what you felt you could do. If I thought I could do that I would do that, but I don't have the confidence that you have that you can sell the house for that amount of money.

Ms. Love said do you have questions for us about what documentation is required if you would have that submitted prior to the next meeting, we would need that in order to render a decision at that meeting.

Mr. Sill said I guess one question for you, is it necessary to have an economic, I forgot the terminology that you have here-

Ms. Love said we don't have to consider this as an economic hardship, we do not.

Mr. Sill said right, so in other words, is there any potential for consideration of that outside of that. Regarding the bylaws or whatever, is this really the purpose of the Board, to put that type of burden on somebody to have to spend \$50,000 more than they need to, which is not going to add \$50,000 in value to the house. A buyer will not pay \$50,000 more if you do this instead of this. I want to meet that buyer if there is one, but there's not a buyer that would pay that much more probably, to have that house, to pay \$50,000.

Ms. Love said so at our next meeting you would really like us just to consider whether or not you can continue working, continue to finish the roof that you started based on you like the way that looks, and it's a cheaper alternative. Is that what you're asking.

Mr. Sill said well it was just recommended that I look at the economic part of it, because if maybe you're seeing the data you can see, I'm just seeking by that this property is not producing for me the amount of

money that would allow me to support paying for a roof like this. Not to mention the fact that I have the money to do that.

Ms. Love said right, and I don't think that anybody is saying that is not an option, we're just saying we need more information to consider that option.

Mr. Sill said okay, but I can give you a printout of the rent over the last two-year period of time.

Ms. Love said that would be something that we would need, and something that provides us with a real value, current value of the house. Because the houses comparable to this in the neighborhood seem to be selling for much more than what is listed on the county record at this time.

Mr. Sill said okay, yeah, I had a hard time finding anything that sold for the amount of a similar size, or sold for these higher dollar amounts, and I know that there have been a handful that have been tremendously and renovated and so on, and often times those have been apparently purchased on the low-end, all the money's been in it, then resold so people are selling a really nice house that they've put a lot of money into it, but there's not a lot of homes that have turned back through the marketplace that I've seen. And what I was trying to get across for the rest of you as a real estate attorney is that when you have a neighborhood that's got a 3,000 square foot house and a 1,600 square foot house behind it, the 1,600 square foot house if everything equal, it's going to cost you more per square foot because there are economies of scale. If I'm building a new neighborhood that has 2,000 square feet and one that's 4,000 square feet and they both have \$40,000 lot, they both had a garage, and one driveway, one kitchen, and one set of appliances, so 30% of the cost doesn't change when I go from 2,000 foot house to a 4,000 foot house. So the bigger house costs proportionately less than the smaller house costs proportionately less by the pound than a small BMW car.

Ms. Love said right, and we wouldn't be dealing in this neighborhood with new construction, so we'd certainly be looking at-

Mr. Sill said I'm using a simple example I think that most people can understand, but there's still ... my point is that when you use the price per foot because we're not weighing bananas, then you can't take the price per square foot of a smaller house and what it sold for and extrapolate and say that big house would receive that same-

Ms. Love said so I think some comparable homes and the work that an appraiser might do would be helpful here, to have that information as specifics.

Ms. Walker said and I would add, to just go back to a question that you asked a minute ago, what's the goal of this Board. Well, we've been charged by the City with making sure that changes to houses in Historic Districts comply with the City's ordinance for preservation. It's not about making your life hard, it's not about being arbitrary, it's about making sure that these guidelines are enforced.

Mr. Sill said and I appreciate that and I understand the goals and objectives of that, and I just happen to be one of the people getting run over by that, and the difference is I'm building in a neighborhood, if you come to buy one of my houses, here are the restrictions and you agree to this if you buy this house, these are things that are being imposed on me that I didn't buy the house with that in agreement. This has been something that's been imposed upon me.

Mr. Steinecke said at the same time, your family has reaped huge savings over the century of not having to replace the roof on the house, so there's been a long period of time in which a homeowner with asphalt shingles would've had to replace that roof several times leading up to now, whereas it seems if your family's owned that house for a period of time, and you haven't had to expend that cost.

Mr. Sill said I have a number of times the roof's been replaced.

Mr. Steinecke said the other thing is there are a number of different roof types that are throughout the neighborhood, other than metal or shingles, and asphalt shingles. There's a terra cotta roof, there are slate

roofs throughout the neighborhood. So it's not targeted just at you in that way, there are a number of properties for which there's a great responsibility of earning the roof.

Mr. Sill said well, and I guess what I was propping is that the roof on this house, if this roof continues it'll look like all the others on the street, when you drive down the street it'll just be uniformed and these houses will look alike. And I'll add this one other thing, is this house unlike the others along the street, has a large pallet of shingles that have been put on the siding of the house, so it's not a clapboard like the original, all that was covered I'm guessing in the '40s or the '50s. So this house doesn't have architectural significance in any way, shape, or form, because it's already a Volkswagen that's had the hood taken off of it and had a Rolls Royce hood put on the front. It doesn't have the architectural integrity of the other houses on the street already, so it's like taking that Volkswagen, putting that hood on the front of it that looks like a Rolls Royce and saying but the tires don't match. This doesn't look like a Volkswagen to start with. So this one doesn't look like it originally did anyway. 80% of what you see is the siding that is not original. 80% of what you see. So to argue that a house that's 80% inaccurate to start with now needs a \$50,000 wasteful roof put on the top I think is a tough argument to make. Keeping the component closer to ... it wouldn't be the same. A new roof is made of the same material, but it doesn't look the same, so again it's not like we're talking about putting that same roof on, there's no telling what that would cost if you were trying to go back and put the original roof, just to say it's the same material but if it's a standing seam roof that looks a lot different than the type of shingles that are on there. So even if you did put that metal roof at \$66,000 it's not going to look like the old one did, it'll be different.

Ms. Love said any other questions for Mr. Sill. Mr. Sill any questions about what you would need to provide to the Board. And if you want to amend your application for consideration next time to remove that economic hardship piece, that's something that you could do and submit to Mrs. Rosario.

Mr. Lonon said I have a question, has this house been monitored in the meantime to make sure that there isn't damage being done as far as the roof being open.

Ms. Rosario said right, yes, he has information to stabilize as needed for additional shingles.

Mr. Sill said and the rest of that story is not quite, so they said we could try to stabilize it so that we could cover what was there, but there's a section in the back that's just a precarious spot that comes up against the wall that just covering it with the felt paper has not been sufficient, so I do have an extended leak that's going on in that area.

Ms. Love said is it tarped.

Mr. Sill said it's not tarped. It has been tarped, part of it is tarped but this area that I'm talking about has ... well, we've put paper down in that area, but if we decide to go down to the main tarp with the different slopes and shapes in the back of the roof to be able to complete the impact to that area, unfortunately that is an ongoing area. What I'd like to do, can't see it, when we get done you won't be able to see it, in that area is to be able to re-shingle that area just to see if we can stop that leak. And whatever you tell me to do at the end of all this, that part can still be redone but I could at least stop that part of the leak. But I sent my guys out just to see if they can stop that leak, and they were asked to stop again. So maybe they would allow us to just go ahead and do enough to at least keep from having continued damage while we continue to wait.

Mr. Steinecke said there are a few different roof lines on the house, there's sort of the main two story section that seems to have the one sort of roof covering, and then there's a back portion-

Mr. Sill said there's one in the back and then there's actually the roof and dead space that's in this, where there's water that's coming in-

Mr. Steinecke said and those are like the additions or something, that seems like they're not original.

Mr. Sill said well, part of that in the back I think were additions from the original.

Ms. Love said thank you Mr. Sill for joining us today. If you have any amendments to your application we'll look for those in February.

Update on Approved Certificate of Appropriateness for Minor Works since the December 12, 2019

Meeting:

Ms. Love said moving on then to an update of approved works. Those are on the second to last page, and if anybody has any questions about those two items, 323 South Hampton Drive and 172 West Hampton.

Mr. Steinecke said it was the staff's determination that the windows were not original.

Ms. Love said right, yeah, you can look that they're not even being included. And the paint patterns.

Mr. Steinecke said okay, but that didn't come from the homeowner saying that they were original ones.

Ms. Love said no. Any other questions.

Ms. Leebrick said can I ask a quick question about just ... I can probably dig back through the minutes, but in terms of the economic hardship, I understand that it was put in place to protect people probably living in the houses, rather than landlords. When and if it's gone into effect, is that usually the case not to protect somebody that's not making money off the property.

Ms. Rosario said well no, the economic hardship portion actually does reference income producing properties, so it is permissible for someone who makes money off of their property to come in under the economic hardship, you just have to show in detail.

Update on 201 Caulder Avenue

Ms. Rosario said so I'm pretty sure they've chosen to extend the inspection period until January 31st. We're still working through the items necessary for the transaction to move forward. I haven't heard anything other than that, or anything different, so we'll likely be back before you with more permissions.

Staff Announcements

Ms. Rosario to check on some Continued Ed Trainings that would be acceptable to qualify for MASC Credits for those of you who still need credits for 2019 / 2020.

Ms. Rosario said I have found out that I can appeal at the State level to have certain courses classified as your education and training, so I'm going to try to do that with the one that Mrs. Love sent and I'm going to try to do that for a couple of other Boards as well. So I will just make the argument that this is more relevant and just as educational as some of the other ones, I certainly agree that they are.

Ms. Love said excellent, so we'll look forward to gathering to watch the webinar as soon as it is approved. We will most definitely invite you.

Ms. Rosario said and then the other thing which isn't on here as a staff announcement, I'll go ahead and tell you because I know you all are active and engaged citizens. This coming Monday, January 13th the City Council which will be held at County Council Chambers, both the installation of two new Council members as well as a presentation from the so far selected comprehensive planning firm to City Council on the process of the conference of what planning brings to the table. That firm is Town Planning and Urban Design Collaborative out of Franklin, Tennessee. There are some consultants in Mobile and Greenville to design from Spartanburg inspiring from D.C. and City explained ... I'm actually not sure, but they have done work before in Greenville. So that's an exciting meeting, we'll also have information on the new development for Norma's Ridge in terms of I think something that actually works for the folks that live there. And it should be quite a to-do. So please come if you don't have anything else to do if it's something you would be interested in seeing all of that.

Mr. Steinecke said I have one other question for you about the roof material in the guidelines. So there's a portion of the back of the house that it seems like is an addition in some sort of way, it's really not at all

visible. So it's really not at all visible from the street back there, and I'm just wondering if there is clarification in the guidelines about roof material for areas that are not ... Can you pull up the image that I sent you. So, like that whole area in the back there, there are a few different roof material types as it appears in this image. And I think an argument might be able to make that a replacement for the main structure above the two-story section might be a little differently than the area in the far back. And possibly save a whole lot of money doing that consideration. But I'm not clear on what the guidelines might say about it.

Ms. Walker said I know that my house did not have a unit in its original state, so I had cedar shakes on the main part of the house and the sunroom that had a metal roof. Which was not an uncommon thing. So I think it would not be reasonable the sun porch is at the back of our house.

Mr. Lonon said Heather came before us at one point about the greenhouse that's on the corner of Spring and West Hampton, and there's a portion of it that hasn't been but I think the main structure of the house is asphalt shingle, and I think it was like a replacement of that, I don't think they changed the material there.

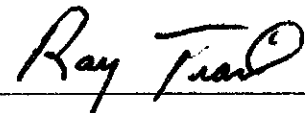
Ms. Rosario said I think everybody has the guideline. Okay, historic roofing materials such as clay, tile and slate should be repaired rather than replaced if at all possible while repair or replacement of like materials is often considered to be cost prohibitive. It should be remembered that life expectancy of these roofs slate 60 to 125 years longer, clay tile 100 plus years is considerably greater than most replacement materials. Clay, tile, and slate roofs are always character defining features of the buildings, therefore if replacement is necessary. New materials should match as closely as possible to the scale, texture, and original color of the historic material. And you can reference preservation 29 and 30 from the federal government which provides those, and I can't remember the name of that certain administration right now.

Ms. Love said the Secretary Standards for Rehabilitation on the Park Service website.

Mr. Steinecke said but it sounds like it doesn't say anything about placement within the property.

Ms. Rosario said it does not. So I would say that is up to you, and just the staff recommending to you that it's not visible from the right of way, you do have the ability to approve different materials as we've done before in terms of vinyl windows, that sort of thing.

There being no other business, the meeting adjourned at 7:00PM.



Ray Trail, Vice-Chair

Minutes edited by Logan Witter, Leah Anderson, and Julie Roland