

Minutes
March 4, 2010
North End - Huntington Heights Architectural Review Board

The meeting was called to order at 6:00

Members present:

Chip Carpenter, Mary Kayaselcuk, Robin Stippich, Deirdre Wells.

Members Absent: Drew Velkey notified staff one week prior to the meeting that he would be unable to attend. The Board has two vacancies

Staff present: David Watson

Review of the minutes. Minutes of the February 4, 2010 were reviewed and approved.

Public Hearing

The Chairman explained the protocol for case presentation, noting that all questions and comments should be directed to the Board. The Chairman also requested that all comments be limited to five minutes.

COA-10-226 was moved to the end of the agenda at the request of the applicant.

COA-10-234 345 55th Street. Porch enclosure. Brian and Kathleen Cooper. Staff introduced the case, and reviewed the section III. E. of the Guidelines relevant to the application. Specifically these sections of the Guidelines were noted:

The integrity of the facades, their overall composition, and balance shall be maintained. Exterior wall materials of proposed additions and modifications should match or compliment the composition, color, and texture of the exterior wall material on abutting structures.

The size, style, and placement of windows shall match the size, style, and placement on original structures.

Rake boards and trim boards should match the existing adjoining structure.

The pitch of the roof should relate to that of the existing structure.

Foundation treatment: Footings and exposed foundation material should relate to the footing and exposed foundation treatment on original structures;

The elevation of existing siding material shall match that of adjoining siding in cases where floor elevation is maintained.

The exposed foundation material should match the surface of the original foundation.

The Chairman opened Board discussion.

Mr. Carpenter was asked about the existing windows on the left elevation. The applicant responded that this window would be recovered and reused in the front. Ms.

Stippich stated that she had some concerns relating to the offset window placement, but noted that the use of the back of the addition as a bathroom required this fenestration. Both Ms. Stippich and Mr. Carpenter also noted that the left side fenestration was consistent with the front fenestration.

Mr. Carpenter called for public comment. Hearing none, the public comment was closed.

Ms. Wells made a motion to accept the application as accepted. Ms. Stippich provided a second.

Aye: Kayaselcuk, Stippich, Wells, Carpenter.

Nay:

Motion approved 4:0.

COA-10-235 310 55th Street. Phil Shook. Removal of a single rear window.

Staff introduced the case and cited section IV. J of the Guidelines that pertain to the application. Specifically, the Guidelines call for Board review for the removal of a window noting that particular attention should be given to front and side windows. J.3b notes that in regard to windows in the back of the house, consideration will be given to existing window patterns.

The applicant is requesting the removal of a 1/1 double-hung window located on the rear elevation of the structure. The window is not original to the house and is not visible from the public right-of-way.

Mr. Carpenter opened the Board discussion. Mr. Shook noted that the house was built in 1906 and not 1915 as stated in the staff report. Mr. Shook clarified that the window opening would be sided over to match the existing siding.

Staff provided a recommendation of approval of the application as submitted because the project meets all criteria for additions in the Guidelines.

Mr. Carpenter called for public comment. Hearing none, public comment was closed.

Ms. Kayaselcuk made a motion to approve the application as submitted.

Ms. Wells provided a second.

Aye: Kayaselcuk, Stippich, Wells, Carpenter.

Nay:

Motion approved 4:0.

COA-10-226 345 54th Street. Allen Stambaugh. Construction of a detached garage. Staff introduced the case noting that the 1.5 story brick Cape Cod was built in 1920 and that the proposed garage was being built on an existing foundation. Staff then

reviewed the section of the Guidelines that pertain to accessory buildings. In section III. G, the Guidelines state:

The size and scale of a new accessory building shall compliment and be compatible with the original house and/or neighboring buildings.

Building Exterior: Exterior must match original house materials or be compatible with house and neighboring buildings. The reconstruction of a historically significant building shall match original materials, detailing, size, and scale.

Fenestration and Doors: Windows shall match original house muntins spacing and detailing. Door detailing shall be compatible with original house doors. A building of greater than 80 square feet shall have at least one window on the ground floor level (garages and sheds). Size and scale of window(s) to be compatible with original house.

Roof: Roofing material must be compatible with original house. No flat, low sloped roofs shall be allowed. The roof height (eave and peak) and pitch of new structure must relate to the original house roof form and pitch. **Location:** New structures shall comply with existing city setback requirements.

Buildings being constructed on existing foundations shall be exempt from this section.

The staff report noted that the project was partially complete, and that the new structure was being built on the exact footprint of a previous garage. There will be two double-hung windows and one in the rear at the second floor level. It was noted that a ground level window was not shown. The applicant did not choose the siding in order to take into account Board input. The roofing material will be medium brown to match the roof on the main house.

The staff report concluded with the following summary:

- The garage height does not exceed the height of the primary structure.
- Vinyl siding is an appropriate siding for the garage. Houses on the three adjacent properties all have vinyl or aluminum siding.
- The elevations show two windows on the second level. A ground floor window is not shown. The muntins are compatible with the primary structure.
- The roofing material will match the house.
- The garage is located within the footprint of a previous garage.

Staff recommended approval of the application with the following conditions:

- A double-hung or single-hung window with 3/6 muntins shall be installed on the ground level.
- Siding width of 6" or 8" should be stipulated. Both are equal in historic appropriateness.

Mr. Carpenter opened the Board discussion.

The applicant stated that the placement of a ground level window is fine with him.

Mr. Carpenter stated that any modification to the windows or doors in the plans should be accompanied by submissions of pictures or samples of the window type. Also, a shingle sample in the form of picture or brochure should also be provided for the records.

Ms. Wells asked if there was any verification of the former garage location. Staff noted that a Codes inspector confirmed with staff that the project was being built on an existing foundation.

Ms. Stippich asked about the garage height of the original garage. Mr. Stambaugh stated that he bought the property in 1995 and the garage had already been removed at that time. He noted that the proposed garage is a 1.5 story structure.

Ms. Wells noted that she was concerned about the height of the structure. Mr. Carpenter noted that when he visited the site, he too noted that though the garage is tall, the height does not exceed the height of the main structure.

Staff noted that the Zoning Ordinance does not allow an accessory structure to be taller than the primary structure. This is true throughout the city.

Ms. Wells stated that it is difficult to review an application for retroactive approval. If the application had come in prior to construction, she would have requested that the height be reduced by at least one foot.

Ms. Stippich asked what the second floor use will be. Mr. Stambaugh answered that this area will be used to store ladders and other equipment from his construction business.

Ms. Stippich asked staff if the upstairs floor area is required to be smaller than the lower floor. Staff responded that in order to receive a certificate of occupation, it must be demonstrated that the second floor does not exceed 2/3 of the area of the first floor.

Ms. Stippich stated that she has a problem with the garage because of its size and feels that, even though it is shorter than the house, it is out of place. She also stated that she is very uncomfortable retroactively reviewing a project of this magnitude.

Mr. Carpenter asked staff if there was any section in the Guidelines beyond that which was cited in the staff report that addresses size and scale of an accessory structure. Staff responded that the only additional comment on size stated that the footprint area of an addition or accessory structure may not exceed 30% of the original structure. Staff noted that this project satisfies these criteria.

Mr. Carpenter asked for public comment.

Alton Huneycutt of 343 54 Street addressed the Board and provided the following written statement:

The Board should not approve the garage at 345 54th Street simply because it has already been built. Mr. Stambaugh was aware of the review requirements before he ever started construction and chose to construct the garage without obtaining a COA and building permit. He was made aware of the requirements when he chose to do construction on his property on 52nd Street in April of 2009.

The scale of the garage, as constructed, does not fit with either the house on the property or the surrounding buildings. The original garage on the site was a one story garage similar to the 55th Street garage directly beside it. The garage under construction is approximately 20 feet tall and is about as tall as the house on the property. The garage is 1.2 inches from my property line and overpowers my backyard and that of my neighbor behind me. Its current size will have a negative effect on the value of my property. I have no objection to a one story garage on the site.

*I contend that the garage does not meet the Guideline requirements of:
Section III. Paragraph c. Items 1a and 2b.*

- a. Encourage projects which strengthen the distinguishing character and qualities of the original structure.*
- b. Require that projects relate to historic design and detail in:*
 - 1. Building Heights*
 - 2. Scale*

Ms. Wells stated that she recognizes the right of a property owner to build a structure for their use, but asked if the same use could be derived from a smaller building.

Mr. Stambaugh replied that he began construction of the garage prior to ARB approval in order to provide storage for a car and materials found to be in violation by the Department of Codes Compliance. Mr. Stambaugh stated that he has been out of town during normal business hours for an extended period of time and was unable to submit an application. He also informed the Board that the City has already taken him to court where he was convicted and fined for building without a permit. He stated that he has already been punished for this act.

Ms. Stippich asked if it is legal to store materials for a business on the property. Mr. Carpenter stated, and staff concurred, that home businesses are allowed so long as materials are stored indoors.

Mr. Carpenter stated that his opinion regarding this structure is that it is taller than he would have liked, and the he (Mr. Carpenter) would have asked for a smaller structure, but would not have required it. The structure does meet the requirements of the Guidelines. Ms. Wells concurred that the project does meet the Guidelines.

Mr. Carpenter noted that material samples have not been provided. He suggested that sample pictures of all material such as siding, shingles, and windows be provided to staff prior to the issuance of a COA. Mr. Carpenter noted that this practice is commonly used by the Board.

Ms. Wells addressed the placement of a window on the first level. Mr. Stambaugh stated that he would place the window on the left elevation facing the yard, preferably in the middle. Ms. Wells stated that centered would be fine. Staff clarified that the window would be the same size as the window used in the upper rear elevation.

Mr. Stambaugh asked if the Board had a preference for siding type. Mr. Carpenter stated that the reveal should match as closely as possible the reveal of the siding on the neighboring garage. The 8" width would be most appropriate in this case.

Mr. Carpenter asked if there was a motion, noting that the Chair cannot make the motion. A motion must be made to accept or reject the application.

Ms. Stippich made a motion to reject the application.
Ms. Kayaselcuk provided a second.

In favor of rejection: Kayaselcuk, Stippich, Wells
Against rejection: Carpenter. (38:46)

After the vote, Mr. Carpenter asked the Board to make clear to Mr. Stambaugh the steps he would need to take in order to get his project approved. Staff added that the Board needs to provide precisely which parts of the Guidelines were not met.

Ms. Kayaselcuk referenced section III G. of the Guidelines where it is stated *the size and scale of a new accessory building shall compliment and be compatible with the original house and/or neighboring buildings.*

Ms. Stippich mentioned *section III F. Factors considered when approving applications, xiv. The blending of accessory uses with main structures. Attention will be given to garages, storage sheds, and other related uses and to the materials from which they are constructed.*

Mr. Carpenter asked for specification regarding the materials used. Ms. Kayaselcuk answered that the issue was not with materials but with the scale. Staff asked for clarification regarding the citation of III. G. Ms. Wells stated that the Board has been fairly lenient in the past regarding materials primarily because of the availability of synthetic materials that closely mimic older materials. Her concern is in regard to size and scale.

Mr. Carpenter then stated that (section) G.1 addressed materials and the Board was not referencing materials as a reason for denial. The Board is not asking that the garage be

built using brick. He asked the Board to confirm that the section of the Guidelines being referenced for denial was (Section III) G, as that addresses size and scale.

Ms. Kayaselcuk stated that she shares concerns about the size and scale of the structure and further stated that the concerns of the neighboring property owners, and the impact of the structure on these properties, must be taken into consideration as well.

Staff asked for clarification regarding section F. as to which criteria the Board wished to reference. Ms. Wells and Ms. Kayaselcuk noted that F. x. discusses *the bulk size of an addition in relationship to the original structure*. Mr. Carpenter noted that the garage is not an addition. It is an accessory structure being built on a pre-existing foundation. Mr. Carpenter stated that his opinion is that if the only section the Board might be able to cite is Section G.

Staff noted that the only aspect of size addressed in the Guidelines related to the requirement that the footprint not exceed 30% of the original structure's footprint. There is no reference that can be used to regulate height beyond that which is mandated in the Zoning Ordinance.

Mr. Carpenter restated his opinions that while the garage is larger than the adjacent garage, it is not out of scale with the house. There have been several garages of similar height approved by the Board in the past year.

Ms. Kayaselcuk stated that she does not believe that the garage is compatible with the house or the neighborhood.

Staff asked what could be done to make the structure compatible. Ms. Kayaselcuk responded that it should be lowered, and that even though the Board has exempted materials, she does not see how a garage with siding relates to a brick house.

Ms. Wells noted that many brick homes in the neighborhood have garages with siding. Mr. Carpenter concurred. Ms. Kayaselcuk restated her objection to the size.

Ms. Stippich stated that she believes the Board should table the issue and do more research. Mr. Carpenter responded that this was not possible since a motion had already been made and approved. Staff noted that the Board could strike the previous motion and vote again. Mr. Carpenter clarified that Board has already made a decision to reject the request for a COA.

Staff explained that the applicant had several options available. He can appeal the Board's decision or he can resubmit a modified application for the April 1 meeting.

Ms. Wells asked if it would be possible to lower the roof line. Mr. Stambaugh stated that it would not be possible to lower the roof and still have the needed storage area.

Ms. Wells asked the Board what would need to change in the application for the Board to accept it as a new application for review. Ms. Stippich responded that the height issue must be addressed. Mr. Carpenter asked specifically how much lower the garage must be modified. This number must be based on something, it cannot be arbitrary. Ms. Wells and Mr. Carpenter noted that the height of the garage falls within requirements of the Guidelines. Staff reminded the Board that aesthetics may not be considered in the review of the Guidelines.

Mr. Carpenter asked again for a specific recommendation for the applicant regarding the steps he can take to get approval of the COA. The Board responded that the addition of two windows on the left side lower level elevation would break up the large expanse of the wall. Material samples should also be provided, noting that the reveal of the siding should be close the aluminum siding on the adjacent garage. The applicant reminded the Board that the adjacent garage is sided with T-11 sheeting with only the front area over the door covered with 8" aluminum siding.

Staff asked the Board for direction regarding the content of the letter of denial that must be sent to the applicant. Specifically, why is this application being turned down? The Board is obligated to provide the section of the Guidelines that were used as the basis of the decision. Should the applicant choose to appeal the Board's decision, City Council will determine if the Board applied the Guidelines correctly. Staff stated an opinion that the discussion so far has not shown where the decision to deny the application is supported by the Guidelines.

Ms. Kayaselcuk referenced section III. General Guidelines C. Policy a. that states *Encourage projects which strengthen the distinguishing character and qualities of the original structure design.* Based on this statement, Ms. Kayaselcuk stated that she does not believe the garage matches the neighborhood. Mr. Carpenter responded that this section of the Guidelines acts as a mission statement. It does not specify design criteria.

Mr. Carpenter restated that from what he has heard tonight, the only applicable section of the Guidelines for this COA request is section G. If the objection is to the scale of the structure, the Board must state concretely what height limit is acceptable, and why.

Ms. Stippich stated her opinion that the garage is not compatible with the adjacent properties, and that the structure impedes on the adjacent property owner's liberty. Staff stated that the Board's mission is to determine the historic appropriateness of the structure, noting that there are two story garages throughout the neighborhood. Ms. Stippich asked how many two story garages there are in this section of Warwick Boulevard. Ms. Wells stated that there was at least one that was recently approved one block away.

Staff restated the request for guidance from the Board in crafting a letter of denial. Staff provided a summary of events as: *A motion was made to deny the request for a COA. It*

was then seconded. The motion was approved by a vote of 3 to 1 based on what? The Board answered that the denial was based on scale, as noted in section III. G. of the Guidelines.

Mr. Carpenter asked Ms. Kayaselcuk what, in her opinion, could be done to make the scale acceptable. Ms. Kayaselcuk responded that the proposed garage should not be taller than the garage on the adjacent parcel. Ms. Stippich concurred.

Ms. Wells was asked her opinion regarding what could be changed in the application to make it acceptable for review at the next meeting. Ms. Wells responded that the addition of two windows, or one window and a personnel door, would be acceptable to her.

Mr. Carpenter noted that as he voted not to deny the application, he was not required to state an opinion of what should be changed.

Staff clarified that the denial letter will mention the need for lower level windows, and a door.

Mr. Stambaugh asked if there would be more than four members at the next meeting in order to break a tie. Mr. Carpenter stated that there were currently two vacancies on the Board, and one Board member was out of town for this meeting.

New Business

Mr. Stambaugh approached the Board for a preliminary review of an application submitted for the April meeting. Elevation drawings of the proposed project were provided to the Board members. The plan calls for restoration of the second floor porch to its original form with the rails modified to meet modern codes requirements. Ms. Wells requested that the measurements and dimensions be noted on the drawings. She also recommended the inclusion of a scale with the drawings.