

**Charlotte-Mecklenburg
HISTORIC LANDMARKS COMMISSION
October 11, 2021
Virtual Meeting
6:02 p.m. – 7:25 p.m.**

Draft Minutes

Present:

**Ms. Diane Althouse/County
Mr. Robert Barfield/County/HLC Secretary
Mr. Akadius Berry/County
Ms. Lesley Carroll/County
Ms. Leila Farsiani/City
Mr. William Hughes/City/HLC Chair
Mr. Garrett Nelson/Mayor
Mr. Jeffrey Parsons/Mayor/Projects Committee Chair
Mr. Joshua Shope/City
Mr. Edwin Wilson/City/HLC Treasurer
Mr. Jack Thomson, HLC Executive Director
Mr. Stewart Gray, HLC Historic Resources Program Manager
Ms. Elizabeth Stuart, HLC Administrative Assistant
Mr. Tommy Warlick, HLC Consulting Preservation Planner**

Absent:

**Mr. Brian Clarke/County/HLC Vice Chair/Survey Committee Chair
Ms. Elizabeth Luke/County**

Note: This meeting was held virtually through the Webex video conferencing platform.

1. Consideration of Minutes

MR. BARFIELD PRESENTED A MOTION SECONDED BY MR. BERRY THAT THE MINUTES FOR THE SEPTEMBER 13, 2021, MEETING OF THE HISTORIC LANDMARKS COMMISSION BE APPROVED. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

2. Chair's Report: William Hughes

Mr. Hughes announced that Mr. Berry was reappointed to a second term on the Commission and thanked him for his commitment. Mr. Hughes also announced that Ms. Carroll has been appointed for a first term and welcomed her to the Commission.

3. Public Comment Period

Mr. Hughes explained that the public comment period is to provide an opportunity for the Commission to receive public input. There were no comments from the public.

4. Financial Report: Jack Thomson

Mr. Thomson reported that refinancing for White Oak has been finalized and the final payment for Outen Pottery has been received. Mr. Thomson noted that both properties would soon receive deeds of satisfaction. Mr. Thomson stated that the owners of the Rozzell House are also seeking to refinance with an outside lender. Mr. Thomson stated that an unidentified electrical problem at the Wallace House is being addressed. Mr. Thomson stated that Jay Rhodes, who provided finance administrative support to the Commission from the Asset and Facility Management department, has left his position for a new external opportunity and that the Commission will transition to new support.

5. Closed Session to Consider a Right of First Refusal on the Sidney and Ethel Grier House, 4747 Grier Farm Lane, Charlotte: Jack Thomson

Mr. Thomson stated that this item would be reviewed in the Staff Report and asked that it be removed from the agenda as a closed session item with consensus from the Commission.

6. Adoption of the Rules of Procedure

Mr. Thomson stated that he received no comments from Commissioners regarding the draft Rules of Procedure document, which is evolutionary in nature. Mr. Thomson noted that staff developed an initial draft with the assistance of Ed Yeager, Deputy County Attorney, which was then reviewed by Vice Chair Clarke, who is a legal professional. Mr. Gray stated that this is a living document that needs to be adopted in order to proceed with application considerations for Certificates of Appropriateness.

MR. SHOPE PRESENTED A MOTION SECONDED BY MR. BERRY THAT THE HISTORIC LANDMARKS COMMISSION ADOPT THE RULES OF PROCEDURE AS PRESENTED. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

7. Quasi-Judicial Hearing for the Shaw House, 2400 Mecklenburg Avenue, Charlotte

HEARING ON CERTIFICATE OF APPROPRIATENESS

Owner/Applicant: Mecklenburg Park LLC

Subject Property: Victor Shaw House

Address: 2400 Mecklenburg Ave

PIN: 09505544

The Commissioners affirmed that they do not have any known conflicts of interest which would prevent their participation in this hearing, and that they have not engaged in any ex parte communication which would prevent their participation in this hearing.

The following persons were sworn in to give testimony at the hearing: Jack Thomson, Rob Haney, Sean Green, Stewart Gray, and Ben Collins.

Staff introduced Dan Becker, consultant for quasi-judicial meetings.

Staff presented the findings of fact.

Commissioners Comments

Mr. Nelson stated that the dormers are necessary for permitting due to proposed bedrooms.

Mr. Wilson stated that he was in the house with the prior owner and thinks that the proposed changes are excellent historic preservation that will enhance the house.

Mr. Nelson asked why the plans did not clearly indicate the configuration of the stairs on the west side elevation of the proposed addition. Mr. Green, the architect of the project, stated that the final grade height at that location had not been determined, but that the simple masonry steps design shown on the plans would be constructed to meet the final grade.

The Applicants' Comments

The applicant stated that the original windows are being preserved. Windows being removed to accommodate the addition will be reused on the reconstructed east wing. There was a different window schedule for the additions, and the proposed new wood windows would have glass dividers that would approximately match the existing window sticking.

Mr. Haney, part of the application team, complimented the architect, and stated that in his opinion the proposed changes were sensitive and do not detract from the style or design of the house. He also thanked Dr. Dan Morrill for originally bringing the home to them after a demolition COA had been applied for, leaving the home in jeopardy. Mr. Haney stated that the cooperative nature of PMI and HLC has proven to be a model for the country – proving public-private collaborations can work.

No one spoke in opposition to the project.

Mr. Hughes opened the floor for a motion to approve the findings of fact.

The Commissioners discussed a proposed motion.

Mr. Barfield made a motion that the HLC accept the presented findings of fact with the added fact that the existing windows that will be removed to accommodate the new additions be reused on the reconstructed east wing, and that the proposed new wood windows have glass dividers that would approximately match the existing window sticking. Mr. Nelson seconded the motion.

Once made, there was no more discussion of the motion.

Findings of Fact

Exhibits presented to and considered by the Commission:

Exhibit A – project description from the application

The overriding goal of the development team is to return the primary elevation of the Shaw House, as seen from Mecklenburg Avenue, to its original design.

Secondarily, we are proposing minor expansion, changes and modernizing of the residence to meet to the needs of the current market. Our proposal removes and/or renovates additions made after the completion of the original structure. The renovation plans include the removal of a portion of the study located on the east side of the home (please note this change was previously approved by the HLC) and the removal of the back deck and terrace beneath. In addition to these changes, we are also proposing new living spaces and design elements which make the home more functional for future homeowners. This includes the addition of a family room (located on the back portion of the house, not visible from Mecklenburg Avenue), adding two new dormers on the rear elevation of the residence, minor modifications to the 2nd level bedrooms and finishing two new bedrooms on the 3rd floor within the existing area of the unfinished attic. The new proposed living space, located in the rear of the house and extending from the original kitchen, offers an exterior design and material usage which does not compete or detract from the original Shaw House. Other exterior living spaces, terraces and landscaping create functionality and privacy while appropriately integrating with the overall Mecklenburg Park development plan.

Exhibit B - aerial images/map

Exhibit C - photo key plan

Exhibit D - photographs of subject property (25 images);

Exhibit E - proposed plan

Findings and Conditions:

1. The application is to renovate and expand the house.
2. All work will be in accordance with attached drawings and plans.
3. All permits, variances, or approvals as required by law must be obtained before work may commence.
4. That the SISFR was used to evaluate this project:
 - A. The proposed removal of the circa 1980 wing extension and proposed restoration of the east wing is not incongruous according to SISFR Standard #2.
 1. The project as shown in Exhibit E retains important character-defining interior and exterior building elements including masonry and millwork.
 2. The remaining historic interior and exterior architectural design, layout, and features of the house are being retained.
 3. The circa 1980 wing extension did not contribute to the historic character of the building. Its removal and the proposed restoration of the east wing will reinstate period historic features of the house.
 - B. The proposed removal of the circa 1980 wing extension and proposed restoration of the east wing is not incongruous according to SISFR Standard #2.

The project as shown in Exhibit E retains important character-defining interior and exterior building elements including masonry and millwork. The remaining historic interior and exterior architectural design, layout, and features of the house are being retained. The circa 1980 wing extension did not contribute to the historic character of the building. Its removal and the proposed restoration of the east wing will reinstate period historic features of the house.

- C. The proposed addition of rear dormers and the rear addition are not incongruous according to SISFR Standard #9.
1. The dormers are on the rear, a secondary façade that does not contribute to the public view of the historic character of the property.
 2. The dormers are proportional to the existing dormers, but their detailing is simplified to differentiate them from the historic trim that characterizes the original elements of the building.
 3. The room addition is on the rear and is a secondary façade that does not contribute to the public view of the historic character of the property.
 4. The rear addition is subservient to the massing, size, and scale of the historic main block of the house.
 5. Detailing of the window trim and roof eaves and cornices is simplified to differentiate them from the historic trim that characterizes the original elements of the building.
- D. The proposed changes to the kitchen and the hyphen are not incongruous according to SISFR Standard #2.
1. On the first story the project as shown in Exhibit E retains important character-defining interior and exterior building elements including masonry and millwork.
 2. The wall sections being altered do not characterize the property
- E. The proposed changes to the interior of the second story are not incongruous according to SISFR Standard #2.
1. On the second story the project as shown in Exhibit E retains important character-defining interior building elements including millwork.
 2. The wall sections being altered do not characterize the property.
- F. The proposed changes to the interior of the second story are not incongruous according to SISFR Standard #10.
1. The proposed new wall sections could be removed in the future without impairing the space's historic character.

G. The proposed changes to the interior of the third story are not incongruous according to SISFR Standards #2 and #9.

1. The third story is currently unfinished, and the proposed changes would not affect materials or space that characterize the property.

FACTS ADDED AT THE OCTOBER 11, 2021 HLC HEARING FOR THE PROPOSED PROJECT

1. The existing windows that will be removed to accommodate the new additions be reused on the reconstructed east wing, and that the proposed new wood windows have glass dividers that would approximately match the existing window sticking.

The motion was approved with all in attendance voting in favor, with the exception of Mr. Parsons abstaining.

Mr. Hughes opened the floor for a motion to approve the application for a COA.

Mr. Wilson made a motion to approve the COA application with the condition that the final window designs could be approved by staff. Mr. Berry seconded the motion.

Once made, there was no more discussion of the motion.

The motion was approved with all in attendance voting in favor, with the exception of Mr. Parson abstaining.

Mr. Hughes thanked the applicants for their cooperation and wished them success on their project. Mr. Hughes stated that the quasi-judicial hearing was closed.

8. Survey Committee Report: Brian Clarke

Mr. Gray stated that the Survey Committee would meet virtually on Wednesday, October 20.

9. Projects Committee Report: Jeff Parsons

Mr. Parsons stated that he missed the latest Projects Committee meeting due to traveling commitments.

Mr. Thomson stated that the Projects Committee met on October 6 for a strategy session, which focused on the following topics: project/property identification; intervention/partnerships; acquisition of property interests and trying to mitigate risks; marketing; sale; and monitoring/enforcement. Mr. Thomson stated that the Committee will meet soon for further discussions.

10. Staff Report: Jack Thomson and Stewart Gray

a. CLG Training Update

Mr. Gray stated that the Commission has met the CLG training requirement for this year. Mr. Gray thanked Mr. Hughes, Ms. Luke, and Mr. Shope for helping the Commission meet this requirement.

b. Discussion of a Right of First Refusal on the Sidney and Ethel Grier House, 4747 Grier Farm Lane, Charlotte

Mr. Thomson stated that the Grier House was placed for sale in late September. Mr. Thomson stated that on October 7, staff received a contract with terms from a prospective buyer. Mr. Thomson noted that the property does have deed restrictions placed on it, under which the Commission has retained a Right of First Refusal (ROFR), giving the Commission the opportunity to create a contract as a third party under the same terms. Mr. Thomson explained that the deed restriction provides only 72 hours for the Commission to respond before the seller can move forward with another offer. Mr. Thomson stated that the Grier House is fully protected by deed restrictions and that the ROFR served its purpose by informing staff that the house is for sale. Mr. Thomson stated that he will schedule a meeting of the Executive Committee to discuss how to respond to a ROFR in a timely manner while adequately informing the public.

11. Old Business

There was no old business.

12. New Business

There was no new business.

MR. PARSONS PRESENTED A MOTION SECONDED BY MS. ALTHOUSE THAT THE MEETING OF THE HISTORIC LANDMARKS COMMISSION ADJOURN. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

The meeting adjourned at 7:25 p.m.