

DURHAM



1 8 6 9
CITY OF MEDICINE

Durham City/County Planning Department

101 City Hall Plaza ★ Durham ★ NC ★ 27701

Telephone: (919) 560-4137

Fax: (919) 560-4641

www.ci.durham.nc.us/planning/index.html



**DURHAM HISTORIC PRESERVATION COMMISSION
COMMITTEE ROOM - SECOND FLOOR - CITY HALL**

January 8, 2002

8:30 AM

AGENDA

- I. Call to Order/Roll Call
- II. Approval of Minutes
- III. Public Hearing for Certificate of Appropriateness (report and recommendation given at the meeting);

DHPC 02-1 714 Shepherd Street – Retroactive COA to replace existing siding with vinyl siding. The structure has been partially clad in vinyl siding without prior approval and all work has stopped pending Commission decision (see enclosed documents).

IV. Old Business

Continuation of discussion of the property located at 113 W. Main and 118 E. Parrish Street

V. New Business

VI. Adjournment

NOTE: If Commissioners are unable to attend, please call the Durham City/County Planning Department at 560-4137 or e-mail scruse@ci.durham.nc.us prior to the meeting.



Equal Employment Affirmative Action Employer



Durham City/County Planning Department

101 City Hall Plaza
Durham, NC 27701
Phone: (919) 560-4137
Fax: (919) 560-4641

NOTICE OF VIOLATION

December 5, 2001

Mr. John Hunter
1734 Wynne Road
Durham, NC 27713

CERTIFIED MAIL # 7000 1670 0011 3198 1830
RETURN RECEIPT REQUESTED

Dear MR. Hunter:

During a recent field inspection in your area, we noted the following zoning violation at the address noted below:

ADDRESS: 714 Shepherd Street DURHAM TAX PARCEL: 155-05-017

PIN#0821-11-57-5093

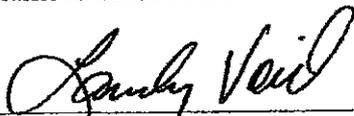
VIOLATION: Installing vinyl siding over the existing siding without seeking approval from the Durham Historic Preservation Commission.

**TO BE CORRECTED WITHIN 15 DAYS FROM
THE DATE OF RECEIPT OF THIS NOTICE**

The above condition constitutes a violation of the Durham City/County Zoning Ordinance, Section 5.6.4(4) C, (SEE ATTACHED) Correction of this violation Section 5.6(3) (SEE ATTACHED)

Please note further that failure to comply with this request may result in the imposition of a civil penalty in the amount of \$300.00 per day for each day the violation exists after the compliance deadline. The Zoning Ordinance also allows for the pursuit of (a) prosecution of this violation as a criminal misdemeanor, and (b) injunctive relief through the Durham County Courts. Additionally, Sec. 20.2.2 of the Code allows a person charged with a violation of the Zoning Code the right to appeal the determination to the Durham Board of Adjustment within thirty (30) days from the date of receipt of this notice.

Should you have any questions regarding this matter, please call the undersigned at the number listed below.



Landy Void, Zoning Enforcement Officer

Tel. No. 560-4137, Ext. 224

December 10, 2001

To: Steve Cruse

Subject: 714 Shepherd Street

Reference: 12/05/01 Notice of Violation (Landy Void)

Enclosed is the cover sheet, Complaint and Notice that I received from the Durham Department of Housing dated 10/31/2001.

In summation of our discussion on 12/10/01 @8:57 a.m., It is ok for me to install the doorbells, fixtures, and to protect the work that I have already done against the elements. If this is not correct, please let me know.

What I don't understand is why I did not receive a certified letter informing me that this property was zoned as being in a historic district in June 2001. In the case of an absentee homeowner, let's say Raleigh or New York, and the homeowner sent a Durham company to do work on the house. How would the homeowner know that the zoning was changed to historic? As you mentioned you do not have to notify homeowners because it is a matter of public record, no one knows when the city makes changes unless notified so why would someone be searching public records all of the time. I don't understand if you can send me a notice of violation, why you could not send me a notice of the zoning change, whether certified or not. Any non-resident homeowner (in town or out of town) that owns property on Shepherd Street or any other street in that area that was not notified and did not search Durham public records daily would not know that it is now a historic district.

Thanks


John Hunter



Durham
Department of Housing

101 City Hall Plaza
Durham, North Carolina 27701

telephone (919) 560-4570
560-4187
fax (919) 560-4090

CN:01

COMPLAINT AND NOTICE

DOCKET# MH2001-08406

Georgia S. Hunter, Owner
1734 Wynne Rd
Durham, NC 27713

Re: 714 SHEPHERD ST.
To: Georgia S. Hunter, Owner

Owners and parties in interest in the dwelling located at the above address.

It has come to my attention, and my preliminary investigation has disclosed a basis for the charge, that the above mentioned dwelling is in violation of the Housing Code of the City of Durham, Article VI Chapter 6 of the city code. The conditions so disclosed are in violation of said code, Section 6-158 in the following particulars (Listed on the Attached Page(s)).

Pursuant to SECTION 6-158 of the above mentioned Ordinance, you and each of you are hereby notified that on Friday, November 30, 2001, at 08:00 AM, in the office of the Department of Housing and Community Development on the first floor of 401 E. Lakewood Av., Durham, North Carolina, a hearing will be held on the above charges before the undersigned Inspector. You are further notified that you have the right to file ~~Answer and to appear~~ in person or otherwise and offer testimony, if you desire to do so, at said hearing.

d. d not show

This the day: Wednesday, October 31, 2001.

In the event that the dwelling referred to above becomes vacant before these violations are corrected, an Occupancy Permit, in accordance with Section 6-158 of the Housing Code of the City of Durham, must be obtained from the Durham Department of Housing of the City of Durham, before said dwelling can be re-occupied. Re-occupation of said dwelling before the Occupancy Permit is issued shall constitute a misdemeanor.

Richard Valzonis
Housing Code Administrator

Toya Merritt
By: Toya Merritt
Housing Specialist

223



Re: 714 SHEPHERD ST.

Description of Violations

Condemned Structures

Violation / Location / Notes	Date Reported	Active?	DateCorrected
1. **If repairs are made, structure must be brought up to the City of Durham's Minimum Housing Code and an Occupancy Permit issued from the Department of Housing.** ////	08/31/2001	<input checked="" type="checkbox"/>	
2. The front porch is unsafe. //// Far right-side porch column is not plum and has shifted.	08/31/2001	<input checked="" type="checkbox"/>	
3. This property is an eyesore and a public nuisance to this neighborhood. ////	08/31/2001	<input checked="" type="checkbox"/>	

Exterior Walls

Violation / Location / Notes	Date Reported	Active?	DateCorrected
4. There is deteriorated siding on all sides of structure. ////	08/31/2001	<input checked="" type="checkbox"/>	
5. There are holes in the exterior siding. ////	08/31/2001	<input checked="" type="checkbox"/>	

General Maintenance

Violation / Location / Notes	Date Reported	Active?	DateCorrected
6. Refuse and Debris has been allowed to accumulate on site. //// Pile of tree limbs in front yard on right-side. They must be removed.	08/31/2001	<input checked="" type="checkbox"/>	

General Requirements

Violation / Location / Notes	Date Reported	Active?	DateCorrected
7. Before structure is occupied an Occupancy Permit must be issued from the Department of Housing and Community Development. ////	08/31/2001	<input checked="" type="checkbox"/>	

Painting

Violation / Location / Notes	Date Reported	Active?	DateCorrected
8. The structure is not treated with a protective coating or preservative for the prolonged economic value and life of the structure. //// Entire structure needs to be scraped and painted. All decayed wood needs to be replaced.	08/31/2001	<input checked="" type="checkbox"/>	
9. Peeling Paint on all exterior wood surfaces. ////	08/31/2001	<input checked="" type="checkbox"/>	

Porches / Steps / Stairs

Violation / Location / Notes	Date Reported	Active?	DateCorrected
10. The porch needs support posts. ////	08/31/2001	<input checked="" type="checkbox"/>	

pof

Violation / Location / Notes	Date Reported	Active?	DateCorrected
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Re: 714 SHEPHERD ST.

Description of Violations

roof

Violation / Location / Notes

Date Reported Active? DateCorrected

11. There is rotted and/or missing fascia board.

08/31/2001

////

On the right-side in the front of the house there is rotted fascia.

December 2, 2001

To: Toya Merritt

Richard Valzonis

Subject: 714 Shepherd St.

Reference: (1) Complaint and Notice 10/31/01

(2) Complaint and Notice 4/17/01

(3) Finding of Fact and Order 6/25/01.

(4) My 6/28/01 letter to Richard Valzonis

Two out of two times that I appeared for hearings set by the Durham Department of Housing (DDH), the housing specialist did not show. Of the two out of two times neither were there apologies by DHH for their no shows nor during the approximately 30 minutes while I was there did the specialist make any effort to come in. I have lost approximately eight hours of salary for these no shows. My time may not be valuable to DHH but it is to me. With this lost salary, I could have paid toward the completion of my father's funeral expenses, bought more building supplies, or put it toward my son's education. I am on the job site at 6:30 a.m., at daybreak I am working. When this hearing was scheduled for 11/30/01 at 8:00, this did not permit me to go to work. By the time I left DHH, picked up the truck and trailer, it was 9:30. This is the second time I have appeared at times set by your agency and your representative was not there.

The previous time that I was there and the housing specialist did not show I talked to Richard Valzonis about the complaint/notice. On 6/25/01, I received a "Finding of Fact and Order" stating that I failed to show for the hearing. It was not me that failed to show, it was the housing specialist, and in addition, some of the violations were not true.

I disagree with the fact that you stated the porch is unsafe, the front column was not plumed but the porch corner was supported by two 4x4's. This was done because a tree was removed but the work was stopped because a gas line was encountered. You can see the other trees marked with ribbon. The debris is from the tree, the yellow strip is marking the route of the gas line. I also disagree that the porch needs support posts. I have taken these down to bring in to show you because I don't understand what is wrong with them, the vertical support is not rotten.

That five or six feet of fascia board is not missing, I took it down. The adjoining fascia has been replaced along with the wooded gutters. This house was already being worked on (top down-starting with the new roof).

I requested, while I was there on Friday 11/30/01, a copy of the procedures or proceedings where DHH can inform the tenant of a property of violations, which may not all be true, before a hearing is entertained by the owner and DHH. No one seems to know of any. I was told on 11/30/01 when I was there by one of your representatives that DHH did not do this, the other representative said DHH did it sometimes. I plan to challenge this, it is not logical. Tenants calling asking could they go home? What are we to do with this? ..etc. I told them to call DHH.

According to the Morehead Hill Neighborhood News (MHNN), there were two houses in the area that were in violations per Toya Merritt, second page. Please provide me with the information for the second house.

I also purchased a copy of the minimum housing code. As I walked thru the neighborhood, there are houses with no paint, no paint protection, columns not plumed (some out of plum by more that 15 degrees from true vertical), bad roof (covered with tarps), bad boards, etc. What profile is use to define houses in violations, I am trying to get a good understanding of this.

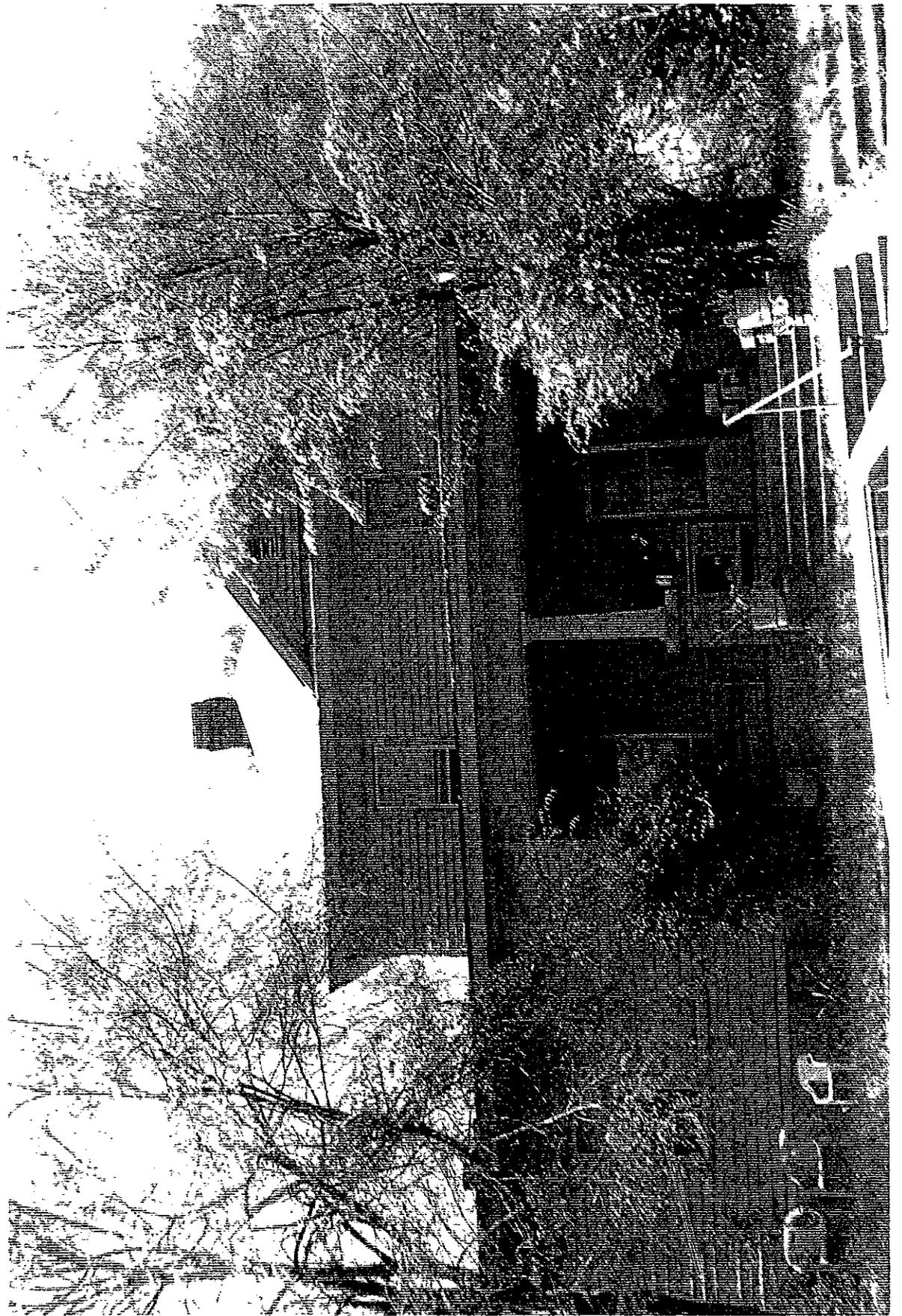
I am also requesting all the information on houses in violation since 01/01/01 thru 08/31/01 in this area if other than the two mentioned in the MHNN. If there is a cost for this information please let me know.

I will not be available for a hearing during the month of December thru January 15.

Thanks

John Hunter

Faxed 12/03/01



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Finding of Fact for the DHPC meeting held on January 8, 2002

Commissioner Arneson made a motion of finding the fact in case DHPC 02-1 at 714 Shepherd Street that the continued use of vinyl siding to cover the house is not incongruous with the historic district because of these issues: the work being planned prior to the designation of the historic district and in fact some of the work had already begun and many of the materials had been purchased; and due to the economic hardship those circumstance and the fact that the guideline does not prohibit the use of vinyl siding, those issues will make it appropriate to use vinyl siding in this case. Seconded by Commissioner Mulvaney.

cc: Steve Couse

*Received a telephone message on 3-11-02,
Mr. Hunter requesting a hard copy of the
fact of finding for the DHPC meeting
held on Jan 8, 2002. It was mailed on 3-12-02
to him @ 714 Shepherd St. Durham, NC 27701
First Class*



Equal Employment Affirmative Action Employer

Durham Historic Preservation Commission

January 8, 2002

The Durham Historic Preservation Commission at their meeting of 1/8/02 approved the following Certificate of Appropriateness:

DHPC 02-1 COA for new vinyl siding to replace existing wooden siding for the property located at 714 Shepherd Street (Morehead Hill Historic District) with the following condition:

The owner shall apply the siding with as little harm as possible to the underlying original siding.

NOTE: This approval is for siding only. No trim, historic details, or windows from this date shall be replaced without further approval from the Commission.

CERTIFICATE OF APPROPRIATENESS APPROVAL	
A Certificate of Appropriateness has been approved by the Historic District Commission for building modifications or new construction as indicated on these drawings.	
By <u>S. Cruse</u>	Date <u>1/8/02</u>
Director of P&CD Dept. or Designee	

Stephen Cruse, Senior Planner
Durham City-County Planning Dept.
(919) 560-4137 x236
email: scruse@ci.durham.nc.us

DURHAM HISTORIC PRESERVATION COMMISSION
January 8, 2002
Minutes

COMMISSIONERS PRESENT

Beth Mulvaney
Rob Emerson

Steve Gaddis
David Arneson

Joel Kostyu

COMMISSIONERS ABSENT

Daniel Ellison (absent)
Pepper Fluke (excused)
E.K. Powe (excused)

Call to Order/Roll Call

The meeting was called to order and the secretary called the roll.

Approval of Minutes

There were no minutes approved.

**Public Hearing for Certificate of Appropriateness DHPC 02-1 714 Shepherd Street
– Retroactive COA to replace existing siding with vinyl siding. The structure has
been partially clad in vinyl siding without prior approval and all work has stopped
pending Commission decision.**

Chairman Gaddis started off the meeting with reading a statement before the hearing for COA cases for the Commissioners. Cruse updated the Commissioners on the history of the house located at 714 Shepherd Street. Cruse distributed some photos of the house porch for the Commissioners to review. Cruse read to the Commissioners the zoning ordinance regarding for the Certificate of Appropriateness (COA) for local historic district. Cruse received an anonymous telephone called from a resident in regarding that the applicant was in violation according to the zoning ordinance for local historic district. Cruse read the zoning ordinance in regarding local historic district to the Commissioners. The applicant has proceeding to apply vinyl siding to the exterior of the house. Cruse and the Zoning Enforcement went to visit the site of this property. The vinyl siding was on the left hand side of the front porch. It has not been place on the remained of the structure. It has intended to replace the entire structure with the vinyl siding. It is being applying direct on top of the existing siding. The stop order was put in place. Cruse reviewed the guideline for an historic district to the Commissioners. Mr. John Hunter (Owner) spoke before the Commissioners and was willing to answer any questions that they may have. **Commissioner Arneson made a motion of finding the fact in case DHPC 02-1 at 714 Shepherd Street that the continue use of vinyl siding to cover the house is not incongruous with the historic district because of the issues the work being plan prior to the designation historic district in fact some of the work has already begun and many of the materials has been purchase due to the economic hardship those circumstance and the fact of the guideline for the use of vinyl siding,**

those issues will make it appropriate to use vinyl siding in this case and seconded by Commissioner Mulvaney. A motion was made by Commissioner Gaddis to grant a Certificate of Appropriateness for case DHPC 01-2 work at 714 Shepherd Street which is the application for vinyl siding basic upon finding of fact is just approved with Mr. Hunter do as little as possible upon the vinyl damage underline materials submit the fact of a later date so chose to restore to the wood siding and seconded by Commissioner Emerson. The Commissioners decided to take a tour of the site. The Commissioners made a motion to extend the meeting for fifteen minutes.

**Continuation of discussion of the property located at 113 W. Main and 118 E.
Parrish Street**

Mr. Wright did not show up for the meeting because he in Albany, New York. The issue is the Parrish Street building has not been fully repaired yet. They are under the assumption the Commission approval of the Main Street façade that is shown in photo that was distributed to the Commissioners to review. Cruse updated the Commissioners of the project that was done partially by Mr. Wright. **A motion was made by Commissioner Gaddis moved to give Cruse the Administratively authority for this situation and come to a final solution involves to do as much repairs to adjoin bricks and feasible and seconded by Commissioner Kostyu.**

Old Business

Cruse indicated that he would to take the National Register contract to the City Council by Monday, January 14, 2002. Cruse updated the Commissioners in regarding the Demolition-By-Neglect. Cruse explained to the Commissioners in regarding the Certified letters procedures. Cruse also updated to the Commissioners in regarding the Retreat that will be on February agenda.

Adjournment

The meeting was adjourned.

Respectfully submitted,

**Rose Merritt
DHPC Clerk**

DURHAM



1869
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DURHAM CITY-COUNTY PLANNING DEPARTMENT
314 N. MANGUM STREET • DURHAM, NC 27701
919.560.4137 • fax 919.560.4641
www.ci.durham.nc.us/departments/planning/default.asp



Mailing Address:
101 CITY HALL PLAZA • DURHAM, NC 27701

**DURHAM HISTORIC PRESERVATION COMMISSION
COMMITTEE ROOM - SECOND FLOOR - CITY HALL**

February 5, 2002

8:30 AM

AGENDA

- I. Call to Order/Roll Call**
- II. Approval of Minutes**
- III. Public Hearings for Certificate of Appropriateness:
(report and recommendation given at meeting)**

DHPC 02-3 306 E. Main Street former River of Life Church – The applicant (Durham County) is requesting a COA to demolish the deteriorating building. Staff report to be read and distributed at meeting;

DHPC 02-8 714 Shepherd Street The owner is requesting installation of vinyl windows and other exterior changes. Staff report will be presented at meeting.

Note: DHPC 4-7 were administratively approved COA's for the Historic Preservation Society of Durham's plaque program.

- IV. Old Business**
 - A. National Register Historic Districts update
 - B. Durham County Inventory
 - C. Commission retreat discussion
 - D. Downtown changes update

V. New Business

VI. Adjournment

NOTE: If Commissioners are unable to attend, please call the Durham City/County Planning Department at 560-4137 or e-mail scruse@ci.durham.nc.us prior to the meeting.

DURHAM HISTORIC PRESERVATION COMMISSION

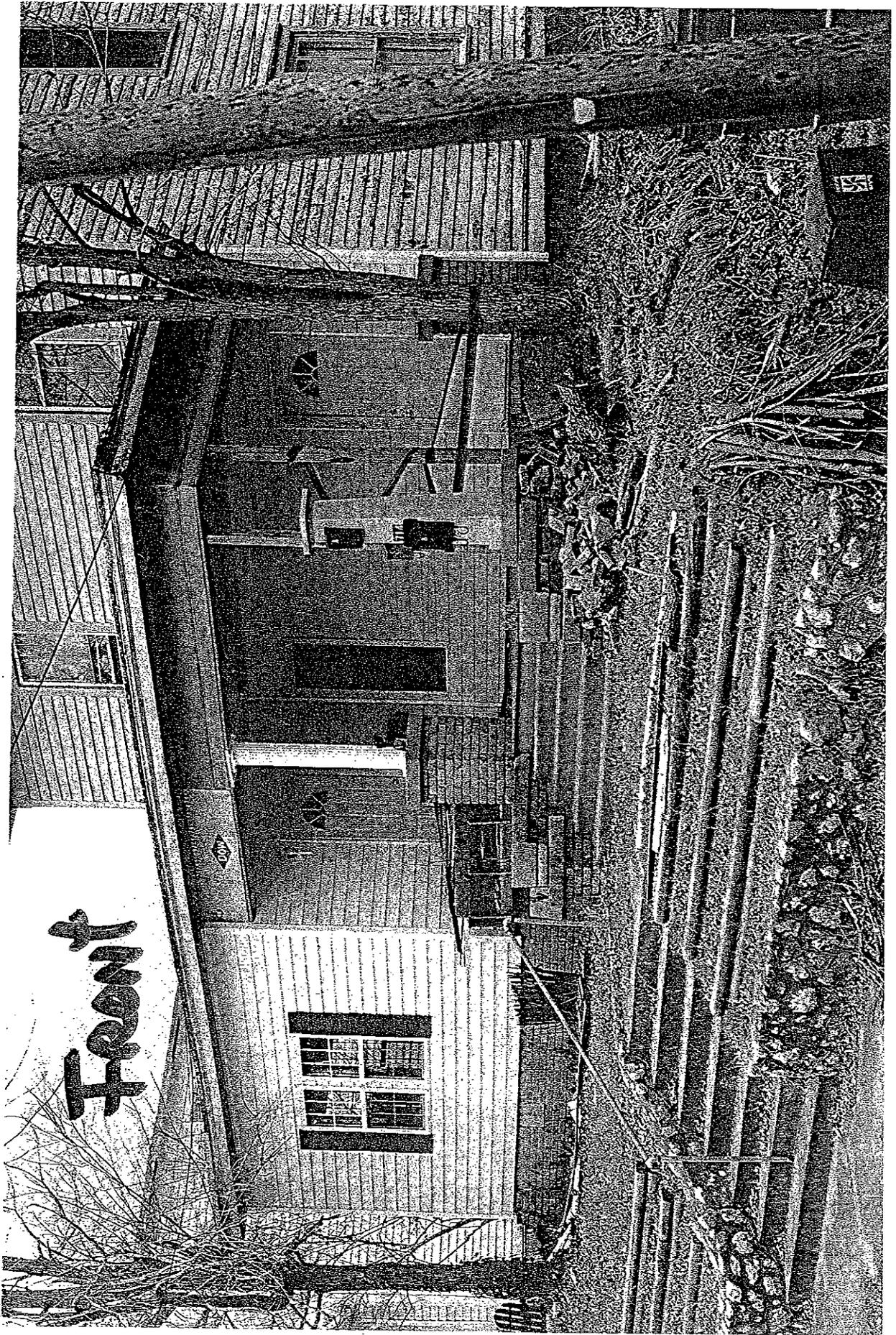
Meeting Date: 2-5-02

VISITOR ROSTER (PLEASE PRINT)

1. John Hunter
2. BEV WILSON
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

DEC. / 2001

Front



DURHAM HISTORIC PRESERVATION COMMISSION
February 5, 2002
Minutes

COMMISSIONERS PRESENT

Daniel Ellison	Pepper Fluke	Beth Mulvaney
Steve Gaddis	Joel Kostyu	Rob Emerson
David Arneson		

COMMISSIONERS ABSENT

Roy Moore (excused)
E.K. Powe (excused)

Call to Order/Roll Call

The meeting was called to order and the secretary called the roll.

Approval of Minutes

There were no minutes approved.

**Public Hearings for DHPC 02-3 at 306 E. Main Street former River of Life Church
The applicant (Durham county) is requesting a COA to demolish the deteriorating
building.**

Cruse read from the staff report to the Commissioners. Glenn Whisler (County Engineer) spoke before the Commissioners and was willing to answer any questions. Cruse made a visit to the site a number of years ago with Frank DePasquale, Tom Miller and the late George Pyne and further described what he saw inside the building at that time to the Commissioners.

A motion was made by Commissioner Emerson and seconded by Commissioner Mulvaney for the finding of fact that for case DHPC 02-3 involving the building located at 306 E. Main Street - the condition is very poor, renovation is not economically feasible, the building has lost most of its architectural historic significance through inappropriate renovations and that the property owner has demonstrated that rehabilitation is not appropriate. The motion passed unanimously.

A motion was made by Commissioner Gaddis and seconded by Commissioner Fluke to grant a Certificate of Appropriateness for case DHPC 02-3 for complete demolition of the structure located at 306 E. Main street (Downtown Durham Historic District) effectively immediately with the following condition: 1) The DHPC requests a listing of all historic buildings owned by the county (this list may be compiled after the demolition of the above structure); 2) Outside historic consultants will be called upon by the owner to determine if any historic elements could be salvaged prior demolition; 3) Any salvaged historic items to be sold by the County or offered to a person or company that recycles and uses historic artifacts in an appropriate manner.

Public Hearing for DHPC 02-8 at 714 Shepherd Street the owner is requesting installation of vinyl windows and other exterior changes.

Cruse distributed a photo of house for the Commissioners to review. Cruse updated the Commissioners in regarding the case. Mr. Hunter went before the City Council to complain about his past experiences with the staff and Commission concerning his case. At City Council's request, Cruse will bring a report to the Council when the Commissioners make a final decision on this property in the future concerning this case. Cruse and several Commissioners went to visit the property with Mr. Hunter. Cruse explained to the Commissioners some of the legal procedures in making a decision concerning this case. Cruse explained to the Commissioners what he saw at the site. Mr. Hunter spoke before the Commissioners and was willing to answer any questions that they may have. Mr. Hunter passed out photos for the Commissioners to review. Melissa Malcolm-Waver (owner at 716 Shepherd Street) spoke before the Commissioners about her objections to the planned changes and was willing to answer any questions that they may have. Cruse updated the Commissioners what had taken place at the City Council meeting. The Commissioners asked Mr. Hunter to compile a list of what his intentions were for the house. Commissioner Gaddis asked Mr. Hunter if Gaddis could have the Pickett Brothers Roofing to come and have a look at the roof to see if there was an easier way to repair it. Mr. Hunter stated that it was all right. The Commissioners and Mr. Hunter agreed to have a special meeting to be held on Tuesday, February 19, 2002 at 8:30am. to consider the requested changes to his property.

Old Business

Cruse updated the Commissioners regarding the National Register Historic proposals and the contracting of the Historic Preservation Society of Durham to carry out the nominations. Cruse is schedule to attend a City Council Work Session on Thursday, February 7, 2002 at 1:00pm. The HPSD contract then would go before the City Council on Monday, February 18, 2002 for approval. Cruse updated the Commissioners regarding to the Durham County Inventory about the bid that was received. Cruse also updated the Commissioners regarding to the Demolition-By-Neglect. He explained to the Commissioners the process involved with this kind of Zoning Ordinance text amendment. This item of discussion tentatively will go before the Joint City/County Planning meeting in March as the first step. Cruse discussed with the Commissioners about the possibility of a Commission and staff retreat for a half day in the spring or summer. Cruse discussed with the Commissioners the various Downtown projects and changes that are in discussions and updated them on this issue as to the role of the Commission. Cruse also spoke of several buildings that are under renovation. Cruse updated the Commissioners on the Hope IV Project. Cruse has been asked to participate with the Hope VI architects in a day long charette to look at the vernacular architecture of Northeast Central Durham on Tuesday, February 12, 2002. The purpose is to help the architects design appropriate new structures in the Hope VI area that complement others in the area.

New Business

Commissioner Gaddis spoke to the other Commissioners about a Raleigh Historic District Commission newsletter that he had received in the mail and passed it around for their review. Cruse updated the Commissioners regarding the North Carolina Central bond issue. Cruse and other Planners from department attended a meeting several weeks ago. Cruse explained to the Commissioners the plans for expanding the campus. There will be a town hall meeting tentatively scheduled for Thursday, February 21, 2002 at the

new Education Building on campus and the State will show the plans for the public to comment. The Architects and representatives from NCCU will be at the meeting.

Adjournment

The meeting was adjourned.

Respectfully submitted,

**Rose Merritt
DHPC Clerk**

Durham Historic Preservation Commission

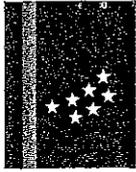
February 5, 2002

By the authority of the Durham Historic Preservation Commission and the City Manager, I approved the following Certificate of Appropriateness (COA) administratively:

DHPC 02-8 COA for the placement of gas and electric meters on the sides of the house as needed to meet code and the rebuilding of the brick pier on the right side of the front porch to match the adjacent one on the house located at 714 Shepherd Street (Morehead Hill Historic District).

Stephen Cruse, Senior Planner
Durham City-County Planning Dept.
(919) 560-4137 x236
email: scruse@ci.durham.nc.us

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Mailing Address:
101 CITY HALL PLAZA • DURHAM, NC 27701

February 8, 2002

Dear Mr. Hunter:

This morning I received your voice mails you sent to me last night requesting further information. Your first request was for the number of letters sent out for each of the four mailings announcing the public hearings starting in January 2001. Each mailing consisted of over 200 letters. Some letters were sent to interested parties outside of the neighborhood and are not on our lists. These include other neighborhood associations, the Historic Preservation Society of Durham and various individuals. Per your second voice mail request, I have also enclosed a hard copy listing of all of the property owners on Shepherd Street. This information is not from the Planning Department so I had help from other staff to retrieve the data from the City's Spatial Data Explorer. This information is available to you on the City's web page (www.ci.durham.nc.us) if you need further information.

Your third voice mail concerned your disagreement over the approved Certificate of Appropriateness you received from the Historic Preservation Commission in January. I suggest that you talk to the Commission at the special meeting on February 19 (8:30 am in Conference Room B on the ground floor of City Hall). Regarding that meeting, I still need the list of all the changes that you are requesting. I cannot complete your application until I receive the exact list of the items you wish to replace.

I will be happy to give you further help and will provide any other relevant documents. Aside from the items and information that I am providing today, I have previously provided you with copies of the 4 letters announcing the public hearings, a copy of the page of the mailing labels used for those mailings that includes your name and correct address, a copy of an example of the types of ads placed announcing the public hearings and the dates those ads appeared, three audio tapes of the two Historic Preservation meetings you attended (you paid for these tapes), a copy of the Morehead Hill Historic District Preservation Plan, copies of federal and state reports about artificial siding on historic properties, the two Certificates of Appropriateness you received this year and other miscellaneous materials.

If you would like further information, please contact me at the Durham City-County Planning Department (919) 560-4137 ext.236 e-mail scruse@ci.durham.nc.us. Thank you.

Sincerely,

Stephen Cruse, Senior Planner

Enclosures

cc T. E. Austin

DURHAM



1 8 6 9
CITY OF MEDICINE

Durham City/County Planning Department

101 City Hall Plaza ★ Durham ★ NC ★ 27701

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Fax: (919) 560-4641

www.ci.durham.nc.us/planning/index.html



**DURHAM HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING**
City Hall Ground level Planning Department Conference Room B
February 19, 2002
8:30 AM

AGENDA

- I. Call to Order/Roll Call
- II. Public Hearing for Certificate of Appropriateness:

DHPC 02-9 714 Shepherd Street owner is requesting installation of vinyl windows and other exterior changes. Staff report will be presented at the meeting
- III. Adjournment

If Commissioners are unable to attend, please call the Durham City/County Planning Department at 560-4137 or e-mail scruse@ci.durham.nc.us prior to the meeting.



Equal Employment Affirmative Action Employer

DURHAM HISTORIC PRESERVATION COMMISSION

Meeting Date: 2-19-02

Special meeting

VISITOR ROSTER
(PLEASE PRINT)

- 1. Barbara Deason
- 2. *[Signature]*
- 3. Melissa Malkin-Weber
- 4. JAN WILSON
- 5. *[Signature]* *Engel*
- 6. *[Signature]*
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

DURHAM HISTORIC PRESERVATION COMMISSION

Public Hearing on February 19, 2002

The Durham Historic Preservation Commission will conduct a public hearing on Tuesday morning, February 19, 2002 in Conference Room B on the Ground Floor of City Hall in Downtown Durham at 8:30 am. to consider issuing a Certificate of Appropriateness (COA) for the case below:

DHPC 02-9 – COA for exterior renovations (including replacement windows, doors, columns and roofing and the installation of shutters) on the structure located at 714 Shepherd Street in the Morehead Hill Historic District. Owner – John Hunter, Jr.

All parties are welcome to attend and speak to the issues related to this case at this hearing.

For further information, contact Stephen Cruse, Senior Planner, at the Durham City-County Planning Department (919) 560-4137 Extension 236 or email – scruse@ci.durham.nc.us.

This notice has been sent to owners of properties surrounding 714 Shepherd Street and representatives of the original Morehead Hill Historic District committee. The notice has been advertised in the Herald-Sun newspaper on February 8 and will appear on February 15 as well.

DURHAM HISTORIC PRESERVATION COMMISSION
Special Meeting
February 19, 2002
Minutes

COMMISSIONERS PRESENT

Beth Mulvaney
Rob Emerson
Daniel Ellison

Steve Gaddis
E. K. Powe

Joel Kostyu
David Arneson

COMMISSIONERS ABSENT

Pepper Fluke (excused)
Roy Moore (absent/vacant)

VISITORS

Barbara Deason, Melissa Malkin-Weber, Jan Wilson, Gretchen Engel, Blain Butterworth, Jeff Ashingler, John Hunter

Call to Order/Roll Call

The meeting was called to order and the secretary called the roll.

Approval of Minutes

There were no minutes approved.

Public Hearing for Certificate of Appropriateness: DHPC 02-9 at 714 Shepherd Street the owner is requesting installation of vinyl windows and other exterior changes

Cruse distributed and read from the staff report to the Commissioners. Cruse explained to the Commissioners what he can and has approved administratively in the past regarding this case. Mr. Hunter spoke before the Commissioners and was willing to answer any questions that they may have. Commissioner Gaddis reminded Mr. Hunter of some of the things that he addressed in his comments (complaints about staff and their notification of property owners) would need to be addressed by others such as the Board of Adjustment (BOA) instead of this Commission. Melissa Malkin-Weber (resident) spoke against the proposed changes of vinyl siding before the Commissioners and was willing to answer any questions that they may have. Jeff Ashingler (resident) spoke before the Commissioners and was willing to answer any questions that they may have. Jan Wilson (resident) spoke before the Commissioners and indicated that the applicant had let the house deteriorate for fifteen years and that the deterioration of this house was one reason that the neighborhood wished to become a local ^{historic} district. He was willing to answer any questions that they may have. Cruse recommended, and the Commissioners and Mr. Hunter agreed, that Mr. Hunter work up an exact list of the changes he is seeking. The list should go to Cruse to see if he could administratively approve some of the changes and then bring the rest to the Commission at the regularly scheduled March meeting of the Commission. The public hearing portion was closed and the Chair indicated that the decision would be made on the other issues at the March meeting.

Adjournment
The meeting was adjourned.

Respectfully submitted,



Rose Merritt
DHPC Clerk

DURHAM



1 8 6 9
CITY OF MEDICINE

Durham City/County Planning Department

101 City Hall Plaza ★ Durham ★ NC ★ 27701

Telephone: (919) 560-4137

Fax: (919) 560-4641

www.ci.durham.nc.us/planning/index.html



**DURHAM HISTORIC PRESERVATION COMMISSION
COMMITTEE ROOM - SECOND FLOOR - CITY HALL**

March 5, 2002

8:30 AM

AGENDA

- I. Call to Order/Roll Call**
- II. Public Hearing for Certificate of Appropriateness (continued from February 19 Special Meeting):**

DHPC 02-9 714 Shepherd Street owner is requesting installation of vinyl windows and other exterior changes
DHPC-02-10 R 806 Shepherd St.
- III. Elections of New Officers**
- IV. Old Business**
 - a. Durham County Inventory
 - b. Downtown Development Update
 - c. Retreat Planning
- V. New Business**
- VI. Adjournment**

NOTE: If Commissioners are unable to attend, please contact staff at 560-4137 or e-mail scruse@ci.durham.nc.us prior to the meeting.



Equal Employment Affirmative Action Employer

The following items need approval from the Commission if they are to remain on the structure:

- **The round fluted aluminum columns in the front**
- **The three security doors in the front**

Vinyl Shutters

The following items need approval from the Commission if the Commission finds them appropriate:

- **Removal of existing wooden windows, casings and trim.**
- **Installation of vinyl windows (not currently installed but already purchased). The windows are approximately an inch smaller than current original wooden windows.**
- **Installation of vinyl corner boards to replace existing wooden ones at all corners of the house.**
- **Roof changes including overhangs, fascia boards, eave venting, gutters, drip edge and any change in roofing materials.**
- **Full glass storm doors on the front.**
- **Half glass storm doors on the sides.**
- **Miscellaneous details: dryer vents, outside faucet, crawlspace door, rear light and new heating and air conditioning systems (outside elements only).** *Sills*

Previously approved items or items needing no approval:

- **Vinyl siding.**
- **Rebuilding of brick pier on front of house.**
- **Front light fixtures, mailboxes, locks, foundation crack repairs, faucets, door bells, dryer vents on back of house, Gas pipes and meters, electrical panels, driveway gravel, trimming and removal of overgrown trees, painting of front porch and temporary cargo containers.**

DURHAM HISTORIC PRESERVATION COMMISSION

Meeting Date: 3-5-02

**VISITOR ROSTER
(PLEASE PRINT)**

1. John Hunter
2. John GERVASIO 1820 JAMES ST 27707
3. Melanie Eberhart
4. Melissa Malkin-Weber
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

The COA motion by Commissioner Ellison and Gaddis

A motion for Certificate of Appropriateness by Commissioner Gaddis and seconded by Commissioner Emerson for case DHPC 02-9 at 714 Shepherd Street for Mr. Hunter should replace the columns with box paper columns. He would be allowed to leave in place the doors on, installed vinyl shutters the two sets on the upper front two windows, remove the existing wood windows and ceils, and drip cap, install new vinyl windows, install corner boards, vinyl, change the roof to repair the geometric problem by reducing the size fascia boards and hard back trimming back on somewhat as the original piece of molding is, at this point Cruse should we should run this pass Cruse to approve and repair what is there on the fascia leaving it as it is the Certificate of Appropriateness proves that the storm doors on the opposite side and miscellaneous details listed on this list and the vinyl windows to replicate single vertical mounting of each cache.

Commissioner Gaddis repeat to Mr. Hunter in regarding to the motion, a Certificate of Appropriateness would grant him to permission to do these things to retain the doors on the front, to put in the two pairs of vinyl shutters, to remove the existing windows ceils and drip, to install the vinyl windows with one provision if he try if all possible to replace that mud den pattern which is removable with a single vertical bar such as in the existing window now, install the vinyl corner boards, make the roof changes necessary to repair this which to reduce the width of the fascia boards, go back with some trims to repair any other pairs that needs to be leaving the fascia around that porch as it is now constructed, Cruse to approve the trim on the fascia boards that goes underneath the edge of the roof, full glass storm doors half glass storm doors on front side and miscellaneous details: dryer vents, outside faucet, crawlspace door, rear light and new heating and air conditioning systems (outside elements only). Mr. Hunter is being asking to rebuilt the front porch columns as paper box columns of wood. There were a vote and passed six to one. Commissioner Ellison made his vote on fact that many of these things inappropriate to stay focus in the section that basic on economic hardship and the work can be the designation of the historic district. There a vote and it passed six to one.

Durham Historic Preservation Commission

March 5, 2002

The Durham Historic Preservation Commission at their meeting of 3/5/02 approved the following Certificate of Appropriateness:

DHPC 02-9 COA for renovations to the property located at 714 Shepherd Street (Morehead Hill Historic District) as listed below:

- To retain the security doors;
- To retain the existing shutters and place two pairs of vinyl shutters on the second floor;
- To remove the existing windows, sills and drip moldings, and replace with the vinyl windows with one provision that, if possible, replace the muntin pattern (if they are removable) with a single vertical bar as in the existing wooden windows;
- To install the vinyl corner boards;
- To make the roof changes necessary to repair it. This includes reducing the width of the fascia boards, replacing damaged fascia boards, and adding a trim piece similar to the existing trim under the edge of the roof (this trim to be reviewed and approved by Steve Cruse);
- To install the glass storm doors (full glass and half glass) on the front and sides of the house;
- To install miscellaneous details – dryer vents, outside faucets, crawl space door, rear light, and new heating and air conditioning equipment (exterior only) and
- To construct and install tapered, box posts out of wood to match the existing post to replace the two aluminum ones currently on the house.

Note: It is the owner's responsibility to apply at the City-County Inspections Department for any building permits that may be needed.

Stephen Cruse, Senior Planner
Durham City-County Planning Dept.
(919) 560-4137 x236
email: scruse@ci.durham.nc.us

'DURHAM HISTORIC PRESEVERATION COMMISSION
March 5, 2002
Minutes

COMMISSIONERS PRESENT

Daniel Ellison	Pepper Fluke	Beth Mulvaney
Steve Gaddis	Joel Kostyu	Rob Emerson
David Arneson		

COMMISSIONERS ABSENT

Diane Oxley (hasn't been swear in yet)
E. K. Powe (absent)

VISITORS

John Hunter, John Gervasio, Melanie Eberthart, Melissa Malkin-Weber

Call to Order/Roll Call

The meeting was called to order and the secretary called the roll.

Approval of Minutes

The minutes from September, October, November and December were distributed and will be approved at the April 2, 2002 meeting.

**Public Hearing for Certificate of Appropriateness (continued from February 19
Special Meeting): DHPC 02-9 at 714 Shepherd Street owner is requesting
installation of vinyl windows and other exterior changes**

The meeting started off with the distribution of a list of what is being asked for approval by Mr. Hunter for Commissioners to review. Cruse gave an overview of the list of what was approved previously by Cruse and the Commissioners. Commissioner Gaddis began with some of the discussion that took place at the Special Meeting held on February 19, 2002, and the other Commissioners joined in about the vinyl windows among other items on the list. The Commissioners went over the list and discuss the items. Mr. Hunter (applicant) spoke before the Commissioners and was willing to answer any questions that they may have. Commissioner Gaddis updated the Commissioners on the roof issue with Jim Picker and told the Commissioners what he and Mr. Picker saw and gave their assessment of how the repairs should take place. Mr. Hunter distributed more photographs of the house for the Commissioners to review. Mr. Hunter also distributed a brochure regarding the storm windows and doors for the Commissioners to review. Mr. Hunter spoke before the Commissioners regarding the guidelines and review criteria and of the economic hardship he is facing. Cruse explained to the Commissioners that economic hardship is relevant to discuss as an issue for approving a COA, but defining what "economic hardship" means is more complicated. **Commissioner Gaddis stated a finding of fact is in this particular case we find that some of the the work that is going on is not in compliance with preservation guidelines but given the circumstances that led to this work commencing and to the fact that it was**

progressing since the time of purchase was before the designation of the district; we are going to approve these things: doors, vinyl shutters that is two more sets, removal of the existing windows, sills, drip, installation of the vinyl windows, installation of the corner boards, roof changes and specifically, these cutting down the fascia boards to be able to make a repair to the built in gutter to go back in the trims similar is the one that it is to replace that fascia that is necessary where that is rotted leave it as it is otherwise, to allowed full glass storm doors on the front and the half glass storm door on the side and to approve miscellaneous details. Seconded by Commissioner Arneson made a one modification the vinyl windows to be install with muntin bars the replicate the sustain. Commissioner Gaddis added that the muntin bars in the windows that are going in existing opening should match if that is possible. The replacement columns are made to match what was previously there based on all the evidence that they were tapered box posts. Commissioner Ellison made an alternative finding of fact that we find the work on this house a continuous stream of work that predates the designation of the historic district and that includes work completed and purchases made in conjunction with that continuing work. That fact coupled with the issues regarding notification about the designation and the economic hardship involved create extraordinary circumstance in this instance and based on those finding of fact we therefore find also that as indeed stated in the motion that these would not cause approval of these changes without the unusual circumstances. The parties agreed on these revisions to the motion and Chairman Gaddis seconded the motion. The secretary called the roll in case for the finding of fact. The motion passed five to one. The following motion was made by Chairman Gaddis: **The Commissioners approve the Certificate of Appropriateness (COA) for case DHPC 02-9 at 714 Shepherd Street (Morehead Hill Historic District) regarding the renovations as follows: To retain the security doors; to retain the existing shutters and place two pairs of vinyl shutters on the second floor; to remove the existing windows, sills and drip moldings, and replace with the vinyl windows with one provision that, if possible, replace the muntin pattern (if they are removable) with a single vertical bar as in the existing wooden windows; to in stall the vinyl corner boards; to the make the roof changes necessary to repair it. This includes reducing the width of the fascia boards, replacing damaged fascia boards, and adding a trim piece similar to the existing trim under the edge of the roof (this trim to be reviewed and approved by Steve Cruse); to install the glass storm doors (full glass and half glass) on the front and sides of the house; to install miscellaneous details – dryer vents, outside faucets, crawl space door, rear light, and new heating and air conditioning equipment (exterior only) and to construct and install tapered, box posts out of wood to match the existing post to replace the two aluminum ones currently on the house. Note: It is the owner’s responsibility to apply at the City/County Inspections Department for any building permits that may be needed. Seconded by Commissioner Emerson. The secretary called the roll in this case for the COA. The case passed five to one.**

DHPC 02-10 at 806 Shepherd Street Renovations

Cruse distributed handouts and spoke about the background of the house, which is located in the Morehead Hill District to the Commissioners. The owner needs some renovations done to the house and has come before the Commissioners. Mr. John

Gervasio (owner) spoke before the Commissioners and was willing to answer any questions that they may have. **A motion was made by the Commissioners to grant Cruse the authority to approve the Certificate of Appropriateness administratively for the repair of the concrete block and tree removal, additional stucco to the wall and the roofing materials. Seconded by Commissioner Kostyu.**

Old Business

Durham County Inventory - Cruse is following up with others for alternative funding and formats and will report back to the Commissioners tentatively next month. Regarding the Downtown development update, Cruse indicated he was told that the FRP for a company to demolish the Woolworth Building is being prepared and no date has been set currently. The city is currently working on their list of historic properties that they own and the county is also doing this. These are the lists the DHPC requested when the Woolworth and River of Life Buildings were brought forward for demolition. Retreat Planning will tentatively be on next month's agenda. Commissioners could possibly get together over the summer for a half-day. Cruse will attend and give a brief presentation about the proposed Demolish-By-Neglect Ordinance at Joint City/County Planning Committee (JCCPC) held on Wednesday, February 6, 2002 at 12:00 noon. Once they move the item it will go before the Planning Commission, which handles text amendments for zoning ordinance and then City Council for adoption.

New Business

Cruse distributed handouts for the Commissioners to review. Cruse needs a resolution of recommendation from the Commissioners for the Council to adopt The Downtown Streetscape Design Guidelines. The Downtown Streetscape Design Guidelines, which were created by Sara Young – with help from the Durham Appearance Commission (DAC), Cruse and other Planning Staff. It affects the Downtown Historic District in that all downtown fixtures, furniture and signage is being coordinated through these guidelines. It may be on the April agenda for the resolution and he handed them out today to save postage and to give the Commission ample opportunity to review them. The minutes that were passed out will be approved at next month's meeting.

Adjournment

The meeting was adjourned.

Respectfully Submitted,

**Rose Merritt
DHPC Clerk**

DURHAM



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CITY OF MEDICINE

Durham City/County Planning Department

101 City Hall Plaza ★ Durham ★ NC ★ 27701

Telephone: (919) 560-4137

Fax: (919) 560-4641

www.ci.durham.nc.us/planning/index.html



March 11, 2002

Dear Mr. Hunter:

I apologize for not responding earlier to your voice mail that you left last Thursday, but I was out of the office that afternoon and all day Friday. First of all I need to correct something you said on the telephone message. You indicated that the case was for a four-plex or an apartment. Actually, the case involved a duplex that is adjacent to a four-plex. You also asked why you were not notified about the case since your rental property is also located on Shepherd Street. The policy is that we notify owners of those properties that immediately surround the structure and we did that for this case. You were not notified because your property is a block away.

You further enquired about why a formal public hearing was not held for the case following yours on March 5. Regarding public hearings, the Commission can, at their discretion, approve a Certificate of Appropriateness (COA) without having a public hearing. In the case that took place after your COA was approved, the Commission decided to authorize staff to approve some alterations proposed for the other property administratively. As you recall, several of your property's changes were approved by me administratively as well without a public hearing. The more elaborate changes the other owner is requesting (new roof design over the entrance doors and enlarged windows) will be dealt with at a formal public hearing in the future. Another reason that the Commission authorized me to approve some of the changes administratively was because this duplex house is not historic (built in the early to mid 1960's), and it is listed as an "intrusive" structure in the district. Your property is historic (circa 1910) and it is "contributing" to the district.

I hope that this helps you. If you would like further information, please contact me at the Durham City-County Planning Department (919) 560-4137 ext.236 e-mail scruse@ci.durham.nc.us. Thank you.

Sincerely,

Stephen Cruse, Senior Planner

cc T. E. Austin



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