

Town of Newburgh
Historic Preservation Commission
Minutes October 10, 2019

Members Present:

Brent Grafe, Jim Lang, Steve Shoemaker, Jim Renne, Jeff Cox, Troy Wells, David Wills

Advisory Members Present:

Sue Morrison, Stewart Sebree

Administrative Present:

Chris Wischer, Town Attorney; Tavi Wydicks, Zoning Administrator

Members & Administrative Absent:

Stacie Krieger, Council Liaison

Citizens Present:

Daniel Lorenzen, 227 Cypress Street

Ray Witmeier, 504 E. Gray Street

Kevin Reine, 100 Fairfax Drive

Reading, Correction and Approval of Previous Minutes:

Steve Shoemaker made a motion to accept the minutes from the previous meeting.

David Wills seconded. No discussion. Motion was approved.

REPORTS:

Town Council Liaison:

No report.

Indiana Landmarks Southwest Field Office:

No report.

Staff Report and Code Enforcement Update:

No report.

Newburgh Neighbor Residential Grant Program:

Tavi Wydicks stated that out of the three grant applications that were presented at the last HPC meeting, the Grant Committee approved 201 W. Jennings Street for the full amount requested, and 328 Sycamore Street for \$1,000.00. Ms. Wydicks stated that the remaining balance in the grant fund is \$1,946.67.

Certified Local Government:

No Report.

Unfinished Business:

Discussion – District Expansion

No discussion, holding until November meeting.

227 Cypress Street

David Wills moved to recommend to Council to change the rating from contributing to non-contributing which would not require a COA for the vinyl siding. Steve Shoemaker seconded the motion.

Discussion: Jim Lang stated that he is concerned about setting a precedent and that the HPC Guidelines should be law. Mr. Lang stated that he does not believe that the Commission should allow this exception. Chris

Wischer stated that there was a previous case of removing the rating of a structure in one of the expanded districts, and the Commission required the property owner of the structure to state their case for the change in rating and believes the Commission should require the same in this case. Mr. Wischer stated that the Commission has three options: 1) Enforce the guidelines and demand remedy and/or fines, 2) Reconsider the COA – but guidelines to strictly prohibit vinyl siding, and 3) Reconsider the historic designation of the structure – but this should be done with facts on the record. The Commission furthered discussion regarding the work completed at 227 Cypress Street and the guidelines for the Core and Expanded Districts. Mr. Wischer stated that the legal answer is that the property owners should have followed the approved COA. Jim Renne stated that he drove by the house and the main architectural feature was the scalloped trim and it looks great. Mr. Lorenzen stated that the scalloped trim is also vinyl. Mr. Renne stated that the Commission could impose a fine as to not set a precedent to allow vinyl, but to set a precedent that not following the COA will result in a fine. Jeff Cox stated that he has thought a lot about this situation and has been by the property several times. Mr. Cox stated that this is not about the property owner, but about the guidelines and the Commission's responsibility to enforce them. Mr. Cox stated that this is more of an issue of policy and ordinance, and not of hardship. David Wills stated that he has been on the Commission for 20 years, and the Commission has always done what they could to work with the citizens of Newburgh. Mr. Wills stated that he believes this comes down to what is the Commission's mission. Mr. Wills stated he finds the vinyl acceptable in this situation due to the structure. Mr. Shoemaker stated that vinyl siding was introduced in 1952, so the Town will soon have historic structures with vinyl siding. Mr. Shoemaker stated that purpose is to preserve the charm of Newburgh, and this is a great improvement to the structure. Mr. Wischer asked Mr. Wills why he believes this structure is not historic. Mr. Lorenzen stated that he could answer that questions and approached the Commission. Mr. Lorenzen stated that he emailed the State regarding the SHAARD rating and the State stated that the structure was not listed as historic just surveyed for inventory. Mr. Lorenzen stated that the house was originally a shotgun house but has been added on to more than once and is no longer a shotgun style house. Mr. Lorenzen stated that the per the State, the architectural integrity was the cinder block foundation and the majority of the cinder block foundation had to be replaced due to tree roots damaging the foundation. Mr. Wischer stated that Mr. Lorenzen provided a good argument for removal. Stewart Sebree stated that the last formal survey was conducted in 1985, and the 2010 update was based on the information available from the 1985 update. Mr. Sebree stated the house could have been altered extensively since 1985. Mr. Sebree reviewed the SHAARD Database photo of the structure and a current photo provided by Mr. Renne. Mr. Sebree stated that in his opinion, the structure is no longer a contributing structure. Mr. Lang stated that he is still concerned with setting a precedent. Mr. Wischer stated that the precedent that the Commission would be setting would be that if the COA is not followed, the property owner would have to make a case to remove the rating from the structure and that a truly historic structure would not be removed. Mr. Wischer stated that it may be time to revisit the COA documentation requirements to ensure the Commission has the full information for review. Kevin Reine addressed the Commission and stated that he is friends with Mr. Lorenzen and that Mr. Lorenzen did not put up the vinyl siding to go against the Commission, and that Mr. Lorenzen did not feel the structure was historic due to past additions. Mr. Wischer reviewed the COA and options for remedies. Mr. Renne stated that he is still leaning towards a fine, but on the lower side due to finding the home no longer historic. Mr. Renne stated that this would set a precedent that there are consequences for not following the approved COA and allows for higher fines for truly historic homes. Mr. Lang stated that additions should not negate the historic value of homes. Ray Witmeier stated that he is a resident of Downtown Newburgh and that when Mr. Lorenzen purchased the home it was not historic, and that the Commission added it. Mr. Witmeier stated that Mr. Lorenzen has done great work. Mr. Wills amended his motion to recommend to Council to re-designate the property to non-contributing and levy a fine of \$5.00. Jim Renne seconded the motion. Mr. Shoemaker asked the Commission if is second also needed to be amended and Mr. Wischer answered yes. Mr. Shoemaker stated that he did not wish to amend his second and asked Mr. Wills to change the motion back to the original. Mr. Shoemaker stated that the Commission has reviewed a property before and removed the properties rating due to lack of historical significance and this is the same situation. Tavi Wydicks read the definition of non-contributing rating. Mr. Cox stated that the Lorenzen's knew of the historic rating when they applied for the COA, and they knew vinyl siding was *not* permitted and they completed the work anyway. Mr. Cox stated that he is still concerned about setting a precedent. Mr. Lorenzen stated that he did not know of the historic rating until they tried to get the permits. Mr.

Wischer stated that notices were mailed out to all property owners, and a lot of information was provided regarding the expansion.

David Wills moved to recommend to Council to remove the historic rating from the structure at 227 Cypress Street and amended the expansion ordinance to reflect the change. Steve Shoemaker seconded the motion. The Commission discussed the use of vinyl siding and the role of the Commission. All members of the Commission voted aye, with the exception of Jim Lang who voted nay. The motion passed.

Mr. Shoemaker stated that he would like to go on record and state how well this issue was handled by Mr. Cox and Mr. Wischer.

COA Application – 201 W. Jennings Street

Tavi Wydicks stated that this application is being withdrawn due to the fact that the work being completed is not visible from the right of way.

COA Application – 508 W. Water Street

Tavi Wydicks stated that the Commission reviewed this COA application for the addition of a porch at the September meeting as part of the grant application, but there was not a vote on the application. Ms. Wydicks provided a materials list to the Commission stating that the primary materials will be treated wood and aluminum. The Commission discussed the application.

Jim Renne moved to approve the COA application. Troy Wells seconded the motion and the motion passed.

New Business:

COA Application – 3 Market Street Mural

Tavi Wydicks stated that the Commission briefly discussed this at the last meeting, and that the mural requires a special use permit from BZA and due to the building having a historic rating also requires a COA. Steve Shoemaker asked if approval from HPC could be granted prior to BZA approval and Chris Wischer answered yes. Ms. Wydicks stated that there is no information in the guidelines relating to murals. Mr. Wischer stated that signs cannot be denied based on content, and the Commission simply needs to look at if the mural negatively impacts the historic structure.

Steve Shoemaker moved to approve the COA application for the mural. Troy Wells seconded the motion and the motion carried.

Announcements:

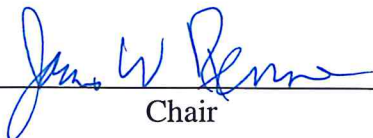
Petitions and Comments from Citizens Present:

None

Adjourn:

Jeff Cox made a motion to adjourn.

Troy Wells seconded and the motion carried.


Chair


Recorder