

Rec'd 4:32 pm  
3/20/2014  
JL Mills

**Pyle, Mills, Dye & Pittman**

ATTORNEYS AT LAW  
800 AVERY BOULEVARD NORTH, SUITE 101  
RIDGELAND, MISSISSIPPI 39157

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(601) 957-2600  
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(601) 957-7440

Jerry L. Mills

March 20, 2014

**VIA HAND DELIVERY**

Tim Akers, Director of Planning  
City of Oxford, Mississippi  
Courthouse Square  
Oxford, MS 38655

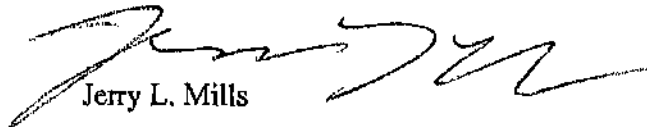
**Re: Appeal of Approval in Part of COA #259(a)**

Dear Mr. Akers:

Sid Brian and Brian Development LLC take an appeal of the decision of the Historic Preservation Commission denying the authority to remove the barn at the Shaw property to you as Director of Planning for the City of Oxford. This appeal is taken from an action of the Historic Preservation Commission which occurred on March 11, 2014. It is requested that you prepare and forward the record of the proceedings of March 11 2014, including the audio tape of the same together with any transcription thereof and other items constituting the record, to the Mayor and Board of Aldermen of the City of Oxford for presentation in accordance with the provisions of your Ordinance.

Sincerely,

Pyle, Mills, Dye & Pittman

  
Jerry L. Mills

JLM/mmh

Oxford Historic Preservation Commission

COA application: 259

Applicant: Brian Development, LLC

Address: 1701 Jackson Avenue East

COA Request: A – Demolish: A) Existing Barn  
B) Existing unoccupied caretaker’s bldg.  
C) Existing single family residence – occupied  
D) Existing residential duplex – occupied  
E) Existing concrete slab

COA History: 2/20/2014 – Part (A) – Tabled

**Part (B) Approved – subject to approval by Ms. Dept. of Archives and History and part (B) in consultant comments:**

*“Original elements of the porch should be repaired and retained to the greatest extent possible. Replace materials in kind in lieu of using synthetic materials. Historic photographs and thorough documentation of existing construction should be used to ensure contributing features like the scroll work detail on the porch trim and tapered posts are not lost in the renovation. Maintain the original scale of the façade.”*

Comments: Property is a contributing element per Historic Survey.

OXFORD HISTORIC PRESERVATION COMMISSION  
CERTIFICATE OF APPROPRIATENESS APPLICATION

107 Courthouse Square, Oxford, MS 38655

I. APPLICANT INFORMATION:

Name of Applicant: Brimm Development, LLC Phone: 225 324-3485  
Applicant and/or Designated Agents email address: sbriane@brim.net  
Mailing Address: 16 Thacker Rd Oxford, MS  
Applicant's Relationship to Property: Owner  Architect  Contractor  Rent   
Name/Address of Owner: Same as above  
Name/Address of Architect: Same as above  
Name/Address of Contractor: Unknown

II. FEE SCHEDULE: Fees shall be submitted with an application for Certificate of Appropriateness and are due 21 days before regularly scheduled Commission meetings.

Minor alterations of less than \$10,000.00 in total alteration costs.....	<input type="checkbox"/>	\$25.00
Major alterations of more than \$10,000.00 in total alteration costs.....	<input type="checkbox"/>	\$100.00
Demolition/removal of structure.....	<input type="checkbox"/>	\$75.00
New Construction.....	<input type="checkbox"/>	\$200.00
Preliminary Conference.....	<input type="checkbox"/>	No Charge

WORK PERFORMED IN THE ABSENCE OF A CERTIFICATE OF APPROPRIATENESS WILL RESULT IN THE DOUBLING OF FEES OUTLINED ABOVE.

III. PROPOSED WORK: (Please continue on a separate sheet of paper if necessary)

Address of Property Subject to Application: Shaw Property - 1701 Jackson Ave East  
Please provide a written description and photographs of each existing condition and each proposed modification. Plans and/or drawings of proposed work MUST accompany this application when filed. If request is for a demolition permit, indicate if the site is to remain vacant.

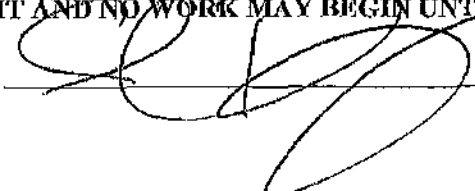
1. COA's for demolition of existing "out buildings" (excluding the Shaw House)
- A) existing barn - non-functional
  - B) existing unoccupied shack - non-functional
  - C) existing single family residence - occupied
  - D) existing residential duplex - occupied
  - E) existing concrete slab

2. COA for repair of 'front' porch on existing unoccupied Shaw House

It is warranted in good faith that the statements above and on attached page(s) are true and correct. I understand that, if this application is approved, it becomes a part of the Certificate of Appropriateness and that I have received approval ONLY for the work specified herein, subject to any conditions or modification imposed by the Commission. I acknowledge that if the owner, contractor, or any subcontractor(s) constructs, alters, relocates, or demolishes any resource in violation of the City of Oxford Preservation Ordinance, it shall be required to restore the resource to its appearance or setting prior to the violation and that the City of Oxford may bring forth civil and/or criminal prosecution and penalties for such violation.

I understand that no changes may be made to the approved drawings/plans or Certificate of Appropriateness application without prior approval from the Oxford Historic Preservation Commission and if such violation is found civil and/or criminal penalties may be brought forth for such violations.

I understand that a CERTIFICATE OF APPROPRIATENESS IS A PRE-REQUISITE TO OBTAINING A BUILDING PERMIT AND NO WORK MAY BEGIN UNTIL A BUILDING PERMIT IS OBTAINED.

Applicant must sign:  Date: Jan. 22, 2014

State of Mississippi  
 Department of Archives and History  
 P.O. Box 571  
 Jackson, MS 39205

HISTORIC RESOURCES INVENTORY

a. Property Name, Historic David Kennedy House		14. MDAH Inventory Code
b. Property Name, Common Shaw House		15. County Lafayette
c. Property Address 1701 Jackson Avenue		16. City Oxford
d. Legal Description 86R:138		20. USGS Quad Map
9. Ownership private	22. Condition fair	21. UTM Reference
e. Former/Historic Uses residence	5. Present Use same	24. Principal Materials brick
f. Significant persons, events, themes, including dates of association		
g. Date of Construction ca. 1860	9. Historic Changes	23. Post Historic Changes rear addns. ca. 1980
10. Architect	11. Builder/Contractor	25. Architectural Style Greek Rev./Italian

3. Outbuildings or Secondary Features (use sep. form if important)  
 See additional sheet.

2. Brief Description: Two-story, five-bay, load-bearing brick masonry center hall house with Greek Revival and Italianate influence, built ca. 1860. Flat and hip roof covered with asphalt shingles, with box cornice. Windows are 6/6 double-hung sashes. Two-story, full-width, undercut porch supported by battered solid piers with scroll sawn brackets and pendent frieze. Entrance contains a four-panel double-door topped with a multi-light transom and flanked with 2/3 length three-light sidelights.

10. Historical Information: The Shaw House, as it is known locally, was built by a brick maker named Dave Kennedy, according to local history. The extensive additions to the rear are of recent origin, although a kitchen wing has incorporated a log cabin of unknown origin.

31. Historical Contexts:

33. Sources of Information:

32. Additional Remarks or Information:

35. Owner's Name and Address

36. Photographer/Source  
John Hopkins

37. Photo Roll/Frame  
3559:5-8

38. Photo Date  
January, 2000

39. Form by Hopkins & Associates, Memphis, TN

40. Survey Project Oxford

Date of Form January, 2000



MDAH INFORMATION

26. Category

27. Functional Type

28. Registration Status/Dates  
 NHL  
 Listed NR  
 In NR District  
 Federal DOE  
 State Landmark  
 Local Landmark  
 In Local District  
 HABS/HAER

29. District Name

Rating C/N C  
 Inventory #

42. Other HPD Information

43. Evaluation

- a. Already Listed NR
- Individually Eligible
- Eligible if Restored
- Contribute to District
- Apparently Not Eligible
- Insufficient Information
- Not Extant

b. Area(s) of Significance

c. Evaluated by/date



Outbuildings  
1701 Jackson Avenue

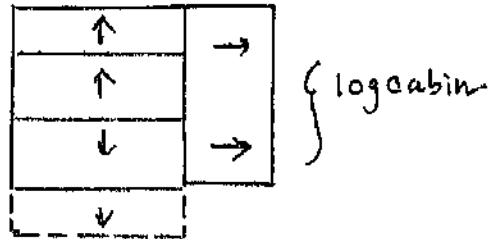
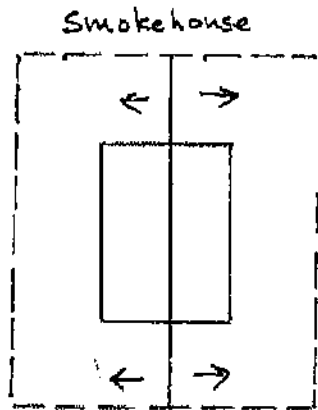
Smokehouse, ca. 1860. One-story, one-bay, log smokehouse with dovetail notches, added/reconstructed overhanging gable roof, sheet metal roofing.

Cabin, ca. 1860. One-story, one-bay, log cabin with square notches, with added one-bay log addition, side gable roof, partial-width shed roof porch supported by simple posts.

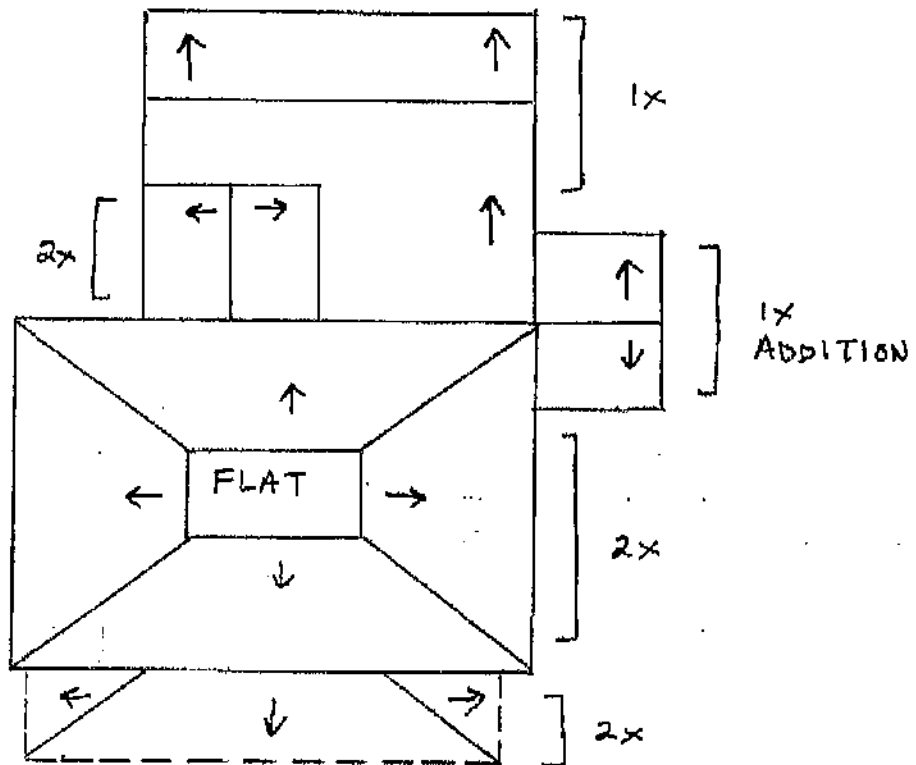
Barn, ca. 1920. One and one-half story, one-bay, frame, gable roof, sheet metal roofing, board and batten siding.



SHAW HOUSE  
1701 Jackson Ave.



cistern



1701 JACKSON AVENUE

Sent prior to Complementary Review

HISTORIC RESOURCES INVENTORY

1/13/14

State of Mississippi  
Department of Archives and History  
P.O. Box 571  
Jackson, MS 39205

along w/ 16 other prop.

1/20 Meeting

1.a. Property Name, Historic		14. MDAH Inventory Code 294
1.b. Property Name, Common		15. County Lafayette
2. Property Address 308 North 16th Street		16. City Oxford
3. Legal Description 86R:110, 137		20. USGS Quad Map
19. Ownership private	22. Condition fair	21. UTM Reference
4. Former/Historic Uses duplex	5. Present Use vacant	24. Principal Materials brick veneer
6 & 7. Significant persons, events, themes, including dates of association		
8. Date of Construction ca. 1985	9. Historic Changes	23. Post Historic Changes
10. Architect	11. Builder/Contractor	25. Architectural Style Modernist

13. Outbuildings or Secondary Features (use sep. form if important)

12. Brief Description: One-story, five-bay, brick veneer duplex with Modernist influence, built ca. 1985. Hip roof covered with asphalt shingles, with box cornice. Windows are 6/6 metal frame sashes. Two entrances, both set in a recessed alcove, each contain six-panel doors flanked by single-light sidelights.

30. Historical Information: Built upon land formerly associated with the Shaw Place (see 1711 Jackson Avenue)

31. Historical Contexts:

33. Sources of Information:



MISSISSIPPI HISTORIC RESOURCES INVENTORY  
Page 2

32. Additional Remarks or Information:

35. Owner's Name and Address

36. Photographer/Source  
John Hopkins

37. Photo Roll/Frame  
3559:4

38. Photo Date  
January, 2000

39. Form by Hopkins & Associates, Memphis, TN

40. Survey Project Oxford

Date of Form January, 2000

Attach Photograph



MDAH INFORMATION

26. Category

27. Functional Type

28. Registration Status/Dates  
 NHL  
 Listed NR  
 In NR District  
 Federal DOE  
 State Landmark  
 Local Landmark  
 In Local District  
 HABS/HAER

29. District Name

Rating C/N N  
 Inventory #

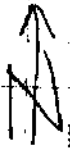
42. Other HPD Information

43. Evaluation

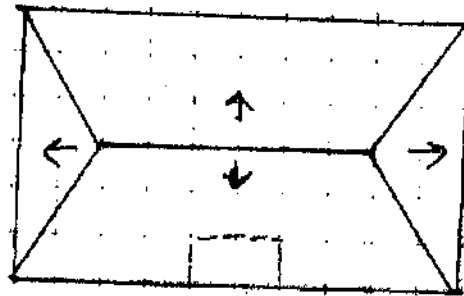
- a. Already Listed NR
- Individually Eligible
- Eligible if Restored
- Contribute to District
- Apparently Not Eligible
- Insufficient Information
- Not Extant

b. Area(s) of Significance

c. Evaluated by/date



N. 16<sup>th</sup>



fix

308

Recessed  
entry

From: [sbrian@nrri.net](mailto:sbrian@nrri.net)  
Date: Fri, 7 Feb 2014 21:36:43  
To: Katrina Hourn<[khourin@oxfordms.net](mailto:khourin@oxfordms.net)>  
Reply-To: [sbrian@nrri.net](mailto:sbrian@nrri.net)  
Subject: Kennedy Shaw House Porch Repair

For clarification, the intent in doing the above referenced repair is primarily to stop the ongoing deterioration of the property and to stabilize and secure the house. We will be doing this by restoring the existing porch with material similar to what it is currently constructed of and to a look that it originally possessed. The concrete foundation of the porch seems to be in a good state of repair and should not need replacing and should be usable.....so no change as it relates to the porch first floor surface and foundation.

## SITE VISIT SUMMARY

TO: KATRINA HOURIN  
FROM: VIRGINIA PENCE  
DATE: MARCH 18, 2014  
SUBJECT: MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY  
Shaw Property Visit - 11:30 AM - 1:30 PM on March 5, 2014  
PRESENT: Billie Brian, Brian Development LLC [billie@billiebrian.com]  
Sid Brian, Brian Development LLC [sbrian@nri.net]  
Bill Gatlin, MDAH Architectural Historian [bgatlin@mdah.state.ms.us]  
Katrina Hourin, City of Oxford Assistant City Planner [khourin@oxfordms.net]  
Virginia Pence, City of Oxford Historic Preservation Consultant [virginiapence@gmail.com]  
Todd Sanders, MDAH Local Government Assistance Coordinator [tsanders@mdah.state.ms.us]

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The group toured the house and grounds to familiarize MDAH with the Shaw Property and general plans for restoration of the main house.

During the visit, representatives from MDAH outlined the nomination process. Review of the application would include the primary structure, including non-historic additions, and overall site with all outbuildings or added buildings. Justification for reduced parcel would be provided to MDAH with National Register of Historic Places Preliminary Evaluation. While the entire site would be included in the evaluation, only the reduced parcel (if approved) would be listed on the National Register.

MDAH clarified that unless the renovation work is seeking Federal or State Tax Credits, no further review by MDAH is required to alter the property. They rely on the local Historic Preservation Commission to review and approve alterations. If Tax Credits are desired, then a complete review by MDAH and the National Parks Service is required prior to starting any work.

Other items reviewed during the visit include:

Caretaker's Cottage – Mr. Brian pointed out the structure within an overgrown area of the site. The group discussed possible reasons for omission from previous reports. In certain seasons, it may not be visible from the property or the street. The group also discussed the general condition of the structure as apparently damaged beyond repair. MDAH did not express any great concern for the removal of this item.

Site Work – Mr. Brian outlined the initially proposed terracing scope. MDAH stated that the site relationship to the historic structure will be reviewed along with any work seeking Tax Credits, even though landscape work is ineligible for credit. They discouraged drastic changes to the existing site contours near the historic structure.

- The group noticed evidence of an existing brick path from the front door that stopped short of the south hill edge. Evidence of another brick path or patio, was also found in an area to the east of the front porch.

Porch Repairs – Mr. Brian outlined proposed repairs to the front porch. Ms. Hourin and Ms. Pence clarified to what extent these repairs were approved by the HPC. The group discussed the work that may be performed before or during the evaluation to protect the structure from further damage.

MDAH stated that the existing porch structure appeared to be original with exception of the guardrails. A reproduction rail based on extensive photographic evidence was recommended in lieu of a new design that met current building codes. Often when new code-compliant rails are installed on historic homes, they are detrimental to the historic scale of the façade.

Ms. Hourin confirmed that a newly adopted version of the code would permit a reproduction rail.

MDAH recommended repairs in kind following thorough documentation (measured drawings & photos) of the existing porch construction and methods following Historic Preservation Brief #45: Preserving Historic Wood Porches.

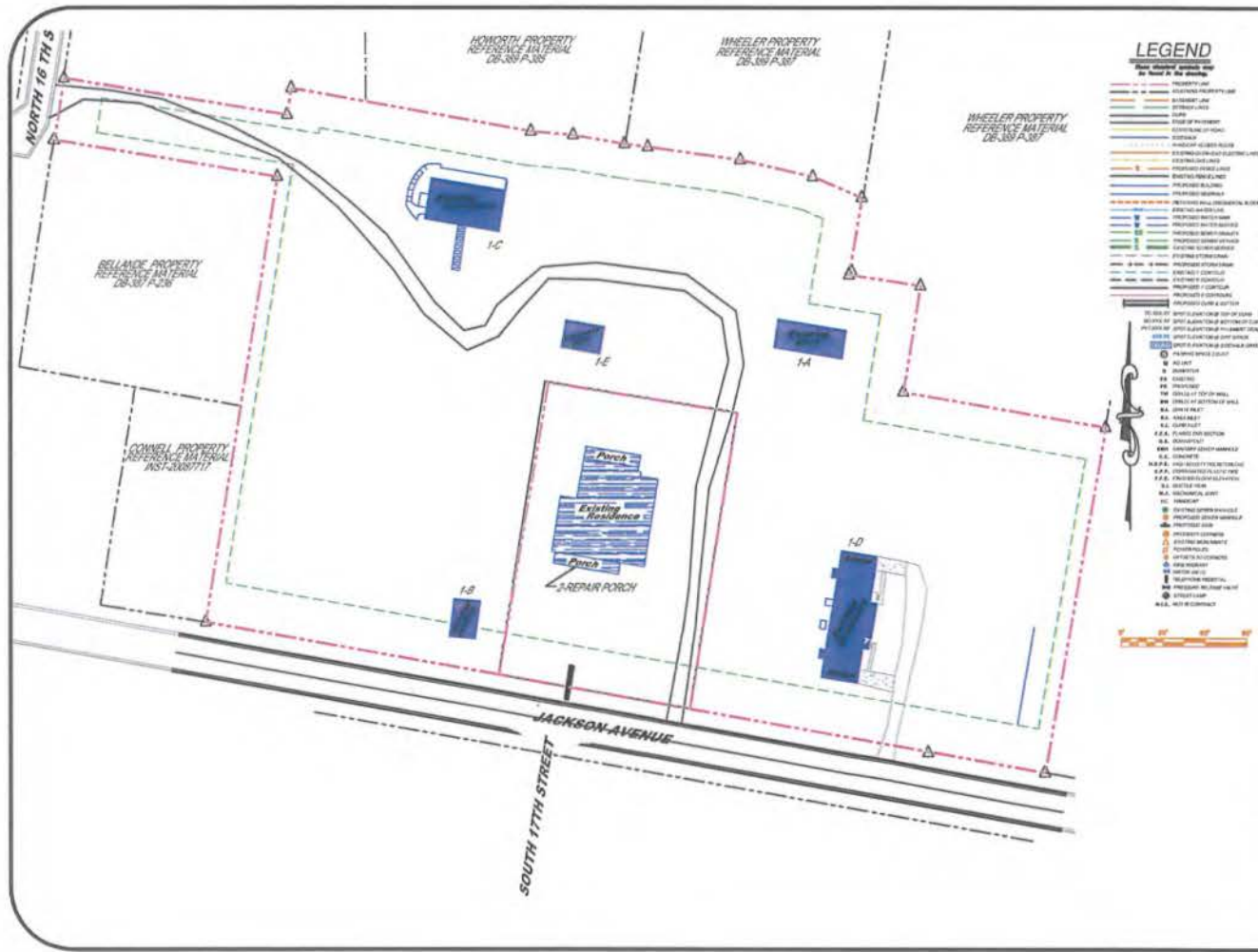
House Exterior – Non-historic additions will be evaluated with the primary structure. MDAH hoped that the large additions to the north side of the structure did not obscure the original elevation too much for proper evaluation. The general consensus was that the log cabin type addition would likely be approved for removal. The smaller northeast addition would depend on the period of significance established for the property during the evaluation. The group reviewed several areas of improper masonry repairs. MDAH did not recommend attempting to repair these areas as it could cause further damage to the historic masonry. They strongly recommended any restoration/renovation plans include limited tuck pointing of the masonry on an as needed basis following Historic Preservation Brief #2: Repointing of Mortar Joints in Historic Masonry Buildings.

House Interior – MDAH commented that the interior of the primary structure appears to be in generally good condition. Most areas of flooring, windows, walls, trim, etc., appear to be original materials in need of restoration. Fireplace surrounds were in good condition, but to what extent the collapsing firebox and hearths were original is not clear. Painted, fabric wall covering is not likely original. MDAH commented that wall covering could be removed for wall restoration, and encouraged repair of original plaster in kind. Non-historic closet additions in upper bedrooms could be retained or removed without affecting eligibility.

Parcel Boundaries – The group used the site plan submitted to IIPC and the Planning Commission to approximate proposed limited parcel boundaries. MDAH commented that the east and west boundaries appeared to follow the natural fall of the site. The offsets in each direction would help distinguish the historic property from surrounding development. Non-historic buildings (one and two-family structures) on each side of the property appeared to support a limited parcel nomination as these additions detract from the historic site. The north line appeared to be closer to the primary structure than the natural contours of the site near an existing drive. MDAH did not appear to have a strong opinion about the north line except its relationship to the barn.

Barn – The group toured the perimeter of the barn. MDAH commented that it could be restored, but had mixed comments on the necessity of restoration to the successful nomination of the primary structure. The barn did not appear to be significant enough to be nominated as an individual element. MDAH pointed out that inclusion of this piece of site would hinder the justification for a limited parcel. The group discussed several ways the structure could be incorporated into the development.

- The barn appeared to be built in two parts with the east half as a later addition. Evidence of a similarly sized adjacent structure was also noted in the form of a block perimeter and plumbing elements.



**REVISIONS:**

NO.	DATE	DESCRIPTION

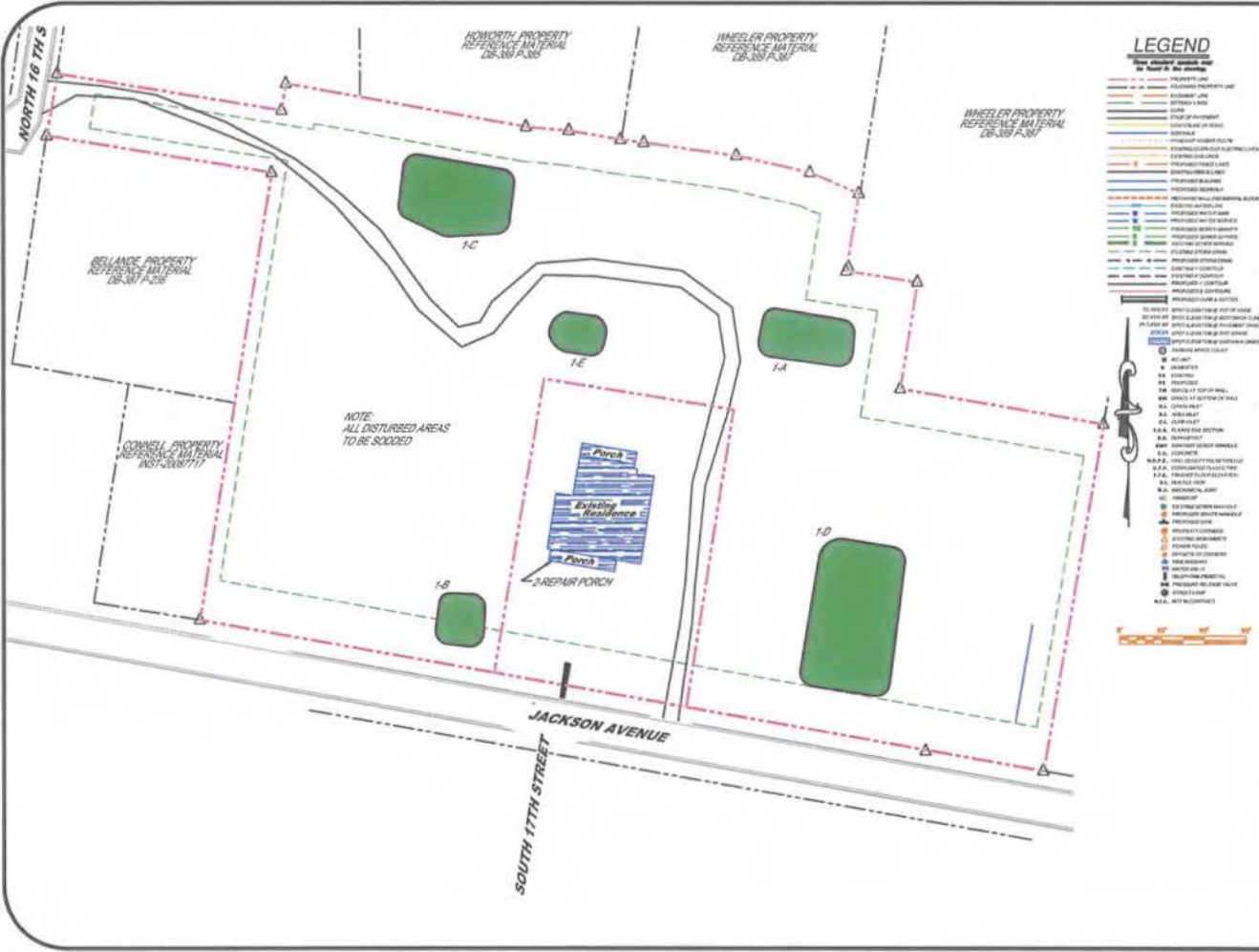
**DEMOLITION PLAN FOR SHAW PLACE**

PROJECT NO.	DATE
FILE NO.	SCALE
DATE OF PLAN	

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. THIS PLAN IS TO BE USED FOR PERMITS ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE ENGINEER AND ARCHITECT ASSUME NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAN.

DATE: 10/15/11

SCALE: 1/8" = 1'-0"



**REVISED SOUTH WESTERN ENGINEERING & CONSULTANTS, INC.**

**REVISED SOUTH WESTERN ENGINEERING & CONSULTANTS, INC.**  
 2001 SOUTH 17TH AVENUE, SUITE 100  
 DENVER, COLORADO 80202  
 TEL: 303.733.8800  
 FAX: 303.733.8801  
 WWW: WWW.RSW-ENGINEERING.COM

**REVISIONS:**

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/1/03	PRELIMINARY		
2	10/1/03	REVISED		
3	10/1/03	REVISED		
4	10/1/03	REVISED		
5	10/1/03	REVISED		
6	10/1/03	REVISED		
7	10/1/03	REVISED		
8	10/1/03	REVISED		
9	10/1/03	REVISED		
10	10/1/03	REVISED		

**SCALE**

**1.0**

ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.  
 CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER  
 LANDSCAPE DESIGN AND INSTALLATION SPECIFICATIONS.  
 SEE SPECIFICATIONS FOR MATERIALS AND METHODS.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY  
 PERMITS AND APPROVALS.  
 THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES.  
 THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.





































# SHAW PLACE CONCEPTUAL MASTER PLAN & KENNEDY-SHAW HOUSE RESTORATION

