

HISTORIC PRESERVATION COMMISSION

Be it remembered that the Oxford Historic Preservation Commission did meet in regular session on Tuesday, June 14, 2011 at 5:30 p.m. in the second floor courtroom of City Hall with the following members present:

Jeff Asti, Chairman
Jack McKenzie, Vice Chairman
Campbell Best
Julie Spears
Molissia Swaney
Babs Ton
Shawn Telford
Sonia Weinburg Thompson

Katrina Hourin, Assistant City Planner
Alicia Thompson, Secretary

1. The meeting was called to order by Chairman Jeff Asti.

After the meeting was called to order, the following business was transacted:

2. **Approval of the Agenda.** Chairman Asti asked if there were any changes to the agenda. There being no changes, motion was made by Commissioner McKenzie and seconded by Commissioner Best to approve the agenda.

All present voting aye.

The motion was approved.

3. **Approval of the Minutes from the May 10, 2011 Meeting.** Chairman Asti asked if there were any modifications to the minutes from the May 10, 2011 meeting. There being no changes, motion was made by Commissioner Best and seconded by Commissioner Thompson to approve the minutes from the May 10, 2011 meeting.

All present voting aye.

The motion was approved.

4. **Public Hearing for Case #116 – 1405 Madison Avenue.** Chairman Asti presented the Commission with an update regarding the condition of property located at 1405 Madison Avenue, Oxford, Mississippi. He informed the Commission that the property owner, Charles Calhoun, had been notified to attend the hearing but that the staff of the Planning Department had received an email notification from Mr. Calhoun that he would not be in attendance. Chairman Asti further informed the Commission that Mr. Calhoun had been notified to attend three previous hearings but each time he notified the staff of the Planning Department

via email on the date of the hearings that he would not be in attendance. Chairman Asti further stated that in his opinion the property owner has had ample opportunity to come before the Commission regarding the condition of his property. Chairman Asti stated that he had drafted a timeline of events and asked that the following information be made part of the record regarding 1405 Madison Avenue:

The file maintained by the City of Oxford, Mississippi – Case 116 of the Historic Preservation Commission is incorporated by reference into these findings:

The file reflects that this matter began with a letter dated June 9, 2010 – just a little more than one year ago. A letter was directed to the homeowners of 1405 Madison to the homeowners of 1405 Madison Ave informing them of the Historic Preservation Meeting of July 13, 2010 and the Initiation of Demolition by Neglect Proceedings under the policy and procedures for Demolition by Neglect adopted by the City of Oxford, Mississippi pursuant to Section 54-301 of the Code of Ordinances of the City of Oxford, Mississippi.

The return receipt of June 18, 2010 indicates no one accepted the notice of June 14, 2010 and the postal service was unable to forward the letter.

On July 9, 2010 a second letter was directed to the homeowners at 1007 Windy Oaks, Oxford, Mississippi and was received by Deaine Calhoun.

No action was taken at the July 13, 2010 meeting but appearing the next day in the Oxford Eagle was an article where it reflects that the property owners were attempting to employ the good offices of the local newspaper and the article quoted the Owner of the property complaining that the requirements of the preservation ordinances were “stringent”. By email to Melanie Addington dated July 15, 2010 I responded to the article by stating that the ordinance is part of comprehensive zoning ordinances of permitted uses of property and certain prohibitions, in this case from allowing the property to deteriorate. With property ownership in a Preservation District comes responsibilities, and in the case of the property at 1405 Madison, it is a significant resource in the City of Oxford that should not be allowed to deteriorate. That said, the property owner is allowed to do as they please with the interior of the building so long as the foundations, floor supports, walls, vertical supports, roof and other enumerated supporting components are not allowed to sag, split, and buckle due to deterioration or to otherwise allow deterioration to occur that effects the resource. The same is true in relation to keeping structures water tight. This is all common sense maintenance that comes with personal responsibility of home ownership. There is nothing “stringent” about what the ordinance requires home owners to do.

Section 54-19. Statement of Purpose.

- (a) The city hereby recognizes that the city is known for unique qualities that have proven increasingly attractive to residents, business interests, and tourists.
- (b) As a matter of public policy, the city aims to preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural, and archaeological merit. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting the city.
- (c) More specifically, this historic preservation chapter is designed to achieve the following goals:
 - (1) Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, social, economic, political, archaeological, and architectural identity;
 - (2) Insure the harmonious, orderly, and efficient growth and development of the city;
 - (3) Strengthen the civic pride and cultural stability through neighborhood conservation;
 - (4) Stabilize the economy through the continued use, preservation, and revitalization of its resources;
 - (5) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - (6) Promote the use of resources for the education, pleasure, and welfare of the people;
 - (7) Provide a review process for the preservation and appropriate development of the city's resources.

(Code 1968, §14 ½-21; Ord. No. 2000-5 § 1,3-7-2000)

This case was rescheduled for August 10, 2010 and the day of the Preservation Commission meeting the homeowner informed the City via email that he would be unable to attend; that he had met with various contractors to get proposals for remedial repairs but that because of his current financial position that he was considering selling his property.

At the August 10 meeting this commission directed Randy Barber, pursuant to Section III, Initial Review of the Policy and Procedure to conduct a visual inspection of the property.

By letter dated September 10, 2010 Mr. Barber reported back finding that deterioration was evident in the roof, front porch, and floor joists. This letter was served on the homeowner on October 7, 2010.

Independently and by coincidence Ms. Thompson of the Commission was shown the property by a real estate broker based on her desire to possibly

purchase the property. She reported her visual observations of decay and deterioration to the flooring and other elements of the home.

More than 30 days passed from the time Mr. Barber's letter was served on the homeowner and a hearing was conducted under Section IV where a preliminary determination was made after formal discussion of the report of Mr. Barber. At the January meeting of Preservation Commission the homeowner appeared and requested additional time to comply with remediation and in the interim would be replacing the roof and would be filing a COA with respect to the repair or replacement of the porch.

No action has been taken by the homeowner as promised and we are here under Section V of the Policies and Procedures for an official determination.

The notice letter for a final determination was sent on May 4, 2011 and received by the homeowner on May 10, 2011 and that it is more than 30 days from today's date as required by the Policies and Procedures.

The homeowner has, instead, sent yet another "day-of-the-hearing" email asking for an additional 30 days. He has provided no other evidence of remediation no has he followed through on any plan to repair the deterioration which he has acknowledged exists as outlined in Mr. Barber's letter of September 10, 2010.

Chairman Asti then stated that based upon the foregoing he would entertain a motion under Section V (a) of the Policies and Procedures for Demolition by Neglect that the property is suffering from demolition by neglect and asked if there was such a motion.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Ton and seconded by Commissioner Spears finding that property located at 1405 Madison Avenue is suffering from demolition by neglect.

All present voting aye.

The motion was approved.

Chairman Asti then stated that based upon Section V (b) of the Policies and Procedures for Demolition by Neglect that the Commission held the option to direct the City Building Official to file misdemeanor charges against the homeowner for allowing the property to deteriorate and asked if there was such a motion.

There being no questions from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner Swaney to direct the City of Oxford's Building Official to file misdemeanor against the homeowner for allowing the property to deteriorate.

All present voting aye.

The motion was approved.

5. **Public Hearing for Case # 138 – 331 Van Buren Avenue.** *(Prior to the hearing, Commissioner Spear recused herself because she was representing the applicants).* Julie Spears of Julie Spears Architecture came before the Commission representing Beau and Marjorie Whittington seeking a Certificate of Appropriateness for property located at 331 Van Buren Avenue, Oxford, Mississippi. Ms. Spears informed the Commission that the applicants were proposing to make the following changes to previously approved plans: changing the pattern of the previously approved screened porch from three sections of screen to five sections of screen so as to be more consistent with the shutter sections on the side of the porch; removing the existing plastic, poorly sized shutters from the window on the front of the house; and building a manually operated wooden picket gate across the drive instead of the previously approved automatic metal gate. Ms. Spears presented the Commission with a site plan and schematics of the previously approved elevations and the proposed elevations. Discussion was made between Ms. Spears and the Commission regarding the proposed modifications.

There being no questions or comments from the public or the Commission, motion was made by Commissioner McKenzie and seconded by Commissioner Best to approve the request for a Certificate of Appropriateness for property located at 331 Van Buren Avenue, Oxford, Mississippi.

All present voting aye.

The motion was approved.

6. **Public Hearing for Case 139 – 912 University Avenue.** Ed Meisenheimer came before the Commission seeking a Certificate of Appropriateness to modify a previously approved rear yard fence on property located at 912 University Avenue, Oxford, Mississippi. Mr. Meisenheimer informed the Commission that a modification to the fence had already been done and apologized to the Commission for completing the work without the Commission's approval. Mr. Meisenheimer further stated that modification to the fence included adding caps that matched the existing fence on the owner's property. Mr. Meisenheimer then presented the Commission with photos of the following:

1. The existing fence on the property when it was purchased in 2003;
2. The previously approved fence with cap added;
3. A different angle of the previously approved fence with cap added; and
4. The previously approved fence adjoining the Bell/McCoughlough property.

Public comments came from Benjamin Justus who spoke on behalf of Medora Wilson, the property owner at 821 Filmore Avenue. Mr. Justus stated that Ms. Wilson owned the property directly behind fence in question and owned the original fence that separated the

properties. Mr. Justus further stated that the Meisenheimers originally went to remove and rebuild a fence without consulting Ms. Wilson or the Historic Preservation Commission. Mr. Justus added that Ms. Wilson let them know she did not want the fence removed and that she would repair it, or they could remove her fence on the condition that she and Historic Preservation Commission approved of the new design. Mr. Justus further added that after numerous documented conversations, a design that satisfied all neighbors and concerned parties was approved and ready to be presented the Commission. Additionally, Mr. Justus stated that the Commission approved the attached design as presented by David Bell and that only with this process in place did Ms. Wilson feel comfortable allowing her original fence to be removed.

However, Mr. Justus stated, the fence approved by the Commission and the actual fence constructed were not the same. He further stated that during construction of the new fence, it became apparent that the Meisenheimers were no longer following the plans for the approved fence. Mr. Justus further stated that the height, design, and of the fence all differ from the approved design. Mr. Justus also stated that the Meisenheimers were contacted multiple times to discuss concerns about the changes to the fence plans, however those attempts were met with complete disregard.

Mr. Justus commented that it was his wish that the Commission not approve a new Certificate of Appropriateness for the proposed modifications and that the Commission please hold the Meisenheimers to the standards that the Historic Preservation Commission represent requiring the Meisenheimers to comply with the original design that the Commission approved. Mr. Justus added that the request could easily be achieved by removing the lattice work and cutting the posts to the appropriate height.

At this point in the meeting, Mr. Justus presented the Commission with photos of a view of the fence in question from his property and stated that he was opposed to the color of the fence. Mr. Justus stated that the color of the fence was a natural wood color and that the property owners had installed white lattice with caps to the top of his fence which did not match. Chairman Asti informed the parties that the Commission did not have jurisdiction over color, but offered that a possible solution might be painting the lower portion of the fence on Ms. Wilson's side to match the top portion of the fence. Mr. Justus rebutted and stated that Ms. Wilson originally asked that the applicant not paint her side of the fence. Further lengthy discussion was made regarding painting the fence and Mr. Justus stated that painting the fence would not satisfy his client, Ms. Wilson. Mr. Justus added that he and Ms. Wilson would rather that the applicant be required to return the fence to its original design.

Commissioner Swaney asked Mr. Justus what other property owners bordered the Meisenheimer's property. Mr. Justus stated that Gary and Carolyn Carter's property also bordered the Meisenheimer's property. Mr. Meisenheimer then presented the Commission with letters of recommendation from his neighbors. Further lengthy discussion was made regarding the request and Commissioner Best suggested that the Commission table a decision on the request and give the parties thirty days to reach an amicable solution.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner McKenzie to table a decision on the hearing for thirty days giving the parties time to reach an amicable solution.

The vote was as follows:

Asti	Aye	Swaney	Nay
Best	Aye	McKenzie	Aye
Spears	Aye	Telford	Aye
Ton	Aye	Thompson	Aye

The motion was approved.

7. **Public Hearing for Case #140 – 802 Old Taylor Road.** Joel Little and Hassell Wilkinson of Little and Wilkinson Construction, LLC came before the Commission representing Dr. and Mrs. Hayden Perkins seeking a Certificate of Appropriateness for property located at 802 Old Taylor Road, Oxford, Mississippi. Mr. Little informed the Commission that the applicants were desirous of making exterior renovations to the property and stated that the proposed renovation would include some window replacement, new double doors, and the construction of an elevator and storage areas as well as the addition of a study within the original footprint. Mr. Little explained the applicants' request and presented the Commission with depicted as:

1. **Front elevation of house which showed the existing roof to be replaced;**
2. **West side of the east portion of the house showing the shutters, window, & stucco;**
3. **Front elevation of the west side of the house;**
4. **West side of the west portion of the house where the elevator and storage room are proposed to be added as well as the study added within the footprint of a part of the porch;**
5. **Part of the existing back porch that is proposed to be infilled with a new study;**
6. **The double door unit that will be copied and added to the new study;**
7. **Model for the new rear of the east side windows;**
8. **Breezeway windows;**
9. **East side of the rear of the east wing where new windows are proposed to replace existing windows.**

Additionally, Mr. Wilkinson presented the Commission with renderings of the floor plans, elevations, kitchen electrical plans, as well as a photo of the types of windows to be used in the project. Discussion was made regarding the proposed project and Commissioner Spears expressed concerns over the proposed changes to the rear elevation. Commissioner Spears offered some suggestions to improve the rear elevation and discussion was made regarding the suggestions. Mr. Little stated that he could not discuss the design of the project since it was designed by Architect Frank Tindall. Further discussion was made regarding redesigning the rear elevation and Commissioner Best asked if the Commission could

approve part of the application without the rear elevation. Discussion was made regarding approving part of the application without the rear elevation and Mr. Little stated that he was open to being granted an approval on part of the application so that he could commence work as soon as possible. Chairman Asti informed the applicants that the rear elevation would become known as “Part A” and the remaining portion of the application would become known as “Part B”.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner McKenzie to approve “Part B” of an application for a Certificate of Appropriateness for property located at 802 Old Taylor Road, Oxford, Mississippi.

All present voting aye.

The motion was approved.

The motion was approved and the applicant was directed to return with a redesign for “Part A” of the application.

8. **Public Hearing for Case #141 – 613 South 11th Street.** Glenda Alderson came before the Commission representing Lendy Alderson seeking a Certificate of Appropriateness for property located at 613 South 11th Street, Oxford, Mississippi. Mrs. Alderson informed the Commission that Lendy Alderson was desirous of constructing a 6’ X 20’ enclosed back porch with a balcony off the second story master suite. Mrs. Alderson presented the Commission with renderings of the east elevation and north elevation, photos of the rear view (east elevation) of the existing property, photos of the proposed wrought iron balcony railing and proposed French doors 45”W by 89”H), and a site layout depicting the proposed addition. The Commission reviewed the photos of the rear view (east elevation) and Chairman Asti asked Mrs. Alderson if the proposed French door would impact the existing electrical feed for the house. Discussion was made regarding the electrical feed on the home’s east elevation. Chairman Asti commented that although he understood the applicant’s request for a screened porch; he did not understand the need for the balcony and French door. Further discussion was made regarding the request and Commissioner Ton commented that the drawings did not appear to be to scale. Further discussion was made and Commissioner McKenzie suggested that the Commission table a decision on the hearing and allow the applicant to return with scaled drawings at the next month’s meeting. Commissioner McKenzie also suggested that Assistant City Planner Katrina Hourin check with Oxford Electric Department regarding the impact that the existing electrical feed would have on the proposed French door.

There being no further questions, motion was made by Commissioner McKenzie and seconded by Commissioner Ton to table a decision on the hearing and allow the applicant to return with scaled drawings at the next month’s meeting.

All present voting aye.

The motion was approved.

9. **Public Hearing for Case #142 – 1533 Jefferson Avenue.** Glenda Alderson came before the Commission seeking a Certificate of Appropriateness for property located at 1533 Jefferson Avenue, Oxford, Mississippi. Mrs. Alderson informed the Commission that she was proposing to install a fence from the front corner of her property to the line of shrubbery down North 16th Street to the edge of her existing garage. Mrs. Alderson presented the Commission with a plot plan depicting the proposed fence, photos of the front yard from Jefferson Avenue, and a photo of the proposed wrought iron fence and explained that she was desirous of installing the fence for the safety of her grandchildren. Discussion was made regarding the applicant's request.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Ton and seconded by Commissioner McKenzie to approve the request for a Certificate of Appropriateness for property located at 1533 Jefferson Avenue, Oxford, Mississippi.

All present voting aye.

The motion was approved.

10. **Public Hearing for Case #143 – 1108 South Lamar Boulevard.** John Abernathy of Abernathy Building Company, LLC came before the Commission representing Dr. Don Newcomb seeking a Certificate of Appropriateness for property located at 1108 South Lamar Boulevard, Oxford, Mississippi. Mr. Abernathy informed the Commission that the applicant was proposing to take in the gallery on the southeast corner of the property extending the small lean-to on the north east corner of property and enclose the back porch extending the bedroom on the northwest side of the property. Mr. Abernathy presented the Commission with photos of the existing property; a revised floor plan; elevations of the existing structure; and elevations of the proposed modifications and explained the applicant's request.

Chairman Asti commented that he objected to the proposed enclosure due to the fact that it would alter the appearance of the home's existing wrap around style porch. Mr. Abernathy rebutted and stated that original home was constructed in 1990 in a "creo style architecture". Mr. Abernathy stated that the applicant was desiring to bring the porch forward so as to incorporate more space and added that the applicant was desiring to take in a portion of the back porch for additional closet space. Further discussion and debate was made between Chairman Asti and Mr. Abernathy regarding the request.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Swaney and seconded by Commissioner McKenzie to approve the request for a Certificate of Appropriateness for property located at 1108 South Lamar Boulevard, Oxford, Mississippi.

The vote was as follows:

Asti	Nay	Spears	Nay	
Best	Aye	McKenzie	Aye	
Ton	Aye	Telford	Aye	
Swaney		Aye	Thompson	Aye

The motion was approved.

There being no further business to come before the Commission, motion was made by Commissioner McKenzie and seconded by Commissioner Telford to adjourn the meeting.

All present voting aye.

The motion was approved and the meeting was adjourned.