

MADISON HISTORIC PRESERVATION COMMISSION
MINUTES

October 12, 2021

Attendance: Bush, Clyburn, Eskew, Grant, Rice, Ryals
Staff: Kocher

The October 12, 2021, regular meeting of the Madison Historic Preservation Commission was held at 5:30 p.m. at the Public Safety Building in Meeting Hall. The meeting was called to order by Chair Clyburn.

Item/Issue

Discussion/Action

Approval of Minutes

• Motion by Rice to approve the July 13, 2021, July 14, 2021, and September 14, 2021, minutes with noted corrections; second by Eskew; vote to approve unanimous.

Consent Agenda

The Chair asked if any Commissioners or members of the public wished to call for the item on the Consent Agenda to be moved to New Business for full discussion.

Hearing no calls for removal, the Chair declared the following item approved by consent:
434 Academy St., Gray McWhirter, relocation and alteration of an outbuilding.

New Business:
COA application

Kevin Meeler presented plans for demolition of a primary structure. Kocher reviewed the staff report.

762 Foster St.
Kevin Meeler

Mr. Meeler recounted that he had received approval for removal of the porch, addition, siding, and foundation cover, the latter two to expose the structure for further evaluation. Prior to undertaking this, he hired Curtis Whitsel, preservation contractor, to estimate the cost of doing so and to produce a fuller assessment of the condition of the structure and the feasibility of rehabilitation.

Mr. Meeler noted that, like the Reynolds report and the HPC staff report, demolition was recommended. He covered all aspects of the report which stated that due to original design flaws (undersized structural elements for load) and deterioration nearly every part of the house would need to be replaced. Mr. Meeler said demolition was not the intent at time of purchase, but that all evidence points to this structure no longer being viable.

Eskew was disappointed to learn that the building is in worse condition than previously thought. Rice stated that revelation that, in addition to the deterioration, the structural members are undersized throughout is important. The depression era construction may have contributed to this.

Bush sought and received confirmation that post-demolition plans are for greenspace.

There were no comments from the public.

- Motion by Rice to approve the application as submitted and presented, based upon the aforementioned reports, reasoning, clarification, and findings; second by Grant; vote to approve motion passed 4-2 with Bush and Eskew voting in opposition.

New Business:
Advisory Review

Joseph Smith presented plans for landscaping and outbuildings

498 S. Main St.
Joseph Smith

Bush received confirmation that the function of the barn is as a garage. Rice said the simple design of the barn is appropriate but expressed concern that the lawn and drive in front of the barn is too formal. Mr. Smith agreed noting that the oval lawn has remained on the plan as other aspects have changed. He noted the need for change in this design. Mr. Smith added that the loop of the drive may be removed as well.

Clyburn asked about the height of the arbor. Mr. Smith said that it was not yet drawn but the height should be slightly higher than the top of the garage doors. The arbor reflects the arbor on the other side of the house. Rice suggested the design of the arbor not be elaborate again noting the less formal character of this area of the property. Mr. Smith agreed.

Discussion only. No action taken.

New Business:
Landmark Registration
Per TDR Ordinance

The Designation Committee presented five Landmark registration reports for properties on N. Main Street for consideration by the Commission

Eskew asked how the rear of the properties could be accessed for development. Staff said possibly along the railroad right-of-way or, if development standards changed in the future, some other way. Eskew wanted to know if stand-alone Conservation Easements have been suggested to the property owners. Staff was unaware of such. Eskew stated opposition to registering properties as Landmarks for the purpose of transferring development rights.

Rice worried about the perception that HPC is recognizing portions of these properties as developable.

- Motion by Rice to register the properties at 453, 503, 543 611, and 651 N. Main Street as Landmarks as described in the TDR ordinance provided it is understood that the HPC is neutral on whether TDRs should be pursued. The motion did not receive a second.

- Motion by Eskew to not register the properties at 453, 503, 543 611, and 651 N. Main Street as Landmarks as described in the TDR ordinance and ask for more information regarding the use of TDRs and easements. The motion did not receive a second.

- Motion by Bush to do nothing, second by Eskew. The motion was withdrawn before a vote.
- Motion by Rice to table consideration of registering the properties at 453, 503, 543 611, and 651 N. Main Street as Landmarks as described in the TDR ordinance pending further information on the process; second by Bush; vote to approve motion unanimous.

New Business:
Review of zoning text amendment for potential comment

Bryce Jack, PZC staff, presented the proposed zoning text amendment to be reviewed by the Planning & Zoning Commission and voted on by Mayor & Council.

Clyburn and Rice asked what prompted Mayor & Council to seek this change. Mr. Jaeck said it was a recognition of areas where the size of lots does not match the zoning and to potentially allow lot splits to match the existing character. Clyburn asked why 300 ft. was chosen. Mr. Jaeck said this is the length of a typical city block and would tend not to encompass a second intersection. Rice asked why it is intersection based. Mr. Jaeck said they are an easily identified point. Clyburn asked how many parcels would be eligible in the historic district. Mr. Jaeck said this has not been determined.

Bush found the procedure chaotic. Eskew said it was an attempt to densify the historic district.

Public Comment.

Eric Joyce said that he suggested that the HPC provide comment. He said that there was no ulterior motive. It was prompted by a specific situation, not by an ulterior motive to increase density.

Renee Brewer said that such situations should be decided case by case and by changing the law.

Annie Hunt Burris said nodal zoning has to do with transportation.

Paul Anderson said that this changes the historic district in detrimental ways.

Carol Winslow had emailed questions. Clyburn said the questions were more for the PZC. Ms. Winslow said knowing how this would affect the district is important. Mr. Jaeck answered some of the questions: 1. All other lot requirements other than area would not change; 2. It does not change road widths; 3. The lot size would be determined by the median size of lots in the area.

Clyburn stated he did not support the change. Bush said it would further complicate the zoning process.

- Motion by Eskew for the HPC to strongly advise PZC and Mayor & Council to reject the proposed text amendment to be done through a letter

crafted by the Executive Committee; second by Rice; vote to approve motion unanimous.

(The resulting document is attached)

Staff reports

Kocher reported the recent administrative approvals.

- 596 S. Main St. – construction of a rear yard fence
- 630 Foster Park Ln. – construction of a rear yard fence

With no further business, Rice moved for adjournment.

Read and approved this 9th day of November 2021.

MEMORANDUM

October 14, 2021

To: Madison Mayor & Council, Hon. Fred Perriman, Mayor
Madison Planning & Zoning Commission, Mr. Robert Trulock, Chair

From: Madison Historic Preservation Commission, Mr. Flynn Clyburn Chair

Subject: HPC response to nodal zoning proposal

The Historic Preservation Commission (HPC) sincerely appreciates the City Council seeking the Commission's input and recommendation regarding the alternative zoning standard proposal conveniently referred to as nodal zoning.

HPC considered the nodal zoning proposal at its regular meeting on Oct. 13, 2021. Commissioners received the Oct. 4, 2021, staff report by Bryce Jaeck in advance of the meeting. Mr. Jaeck presented the proposal to the Commission and answered several questions. Commissioners also heard public comment in person and via electronic connection.

Following considerable discussion, the HPC voted unanimously to “strongly advise” the Council and the Planning Commission that implementation of the nodal zoning proposal within the Madison Historic District would not be appropriate and could potentially negatively impact the integrity of the district. HPC, of course, offers no opinion regarding the appropriateness of the proposal for the balance of the city.

In coming to this conclusion, HPC noted that the Historic District includes historic structures erected as early as 1811 and as recently as 1971. Over those 160 years, houses and other buildings of all sorts and sizes have been built on parcels of widely varying size and configuration. Often times the varying sizes and types were adjacent to or nearby each other. The prevailing 19th Century pattern included widely-spaced main homes often surrounded by nearby secondary structures some of which were residential. Twentieth Century development tended to involve smaller tracts and in some areas more uniformity, but the size of homes and tracts nearby each other continued to vary widely.

In the latter part of the 20th Century the City of Madison established zoning regulations that applied to the Historic District. This brought a degree of consistency and predictability to future development within the District, but given the history of more than a century and a half of residential and commercial evolution of the district, it necessarily produced some historical anomalies, especially regarding lot size and parcel configuration.

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The nodal zoning proposal attempts to regularize such anomalies by using statistical averages to determine what parcels may be further subdivided and which ones cannot. It is the opinion of the HPC that this approach is likely to increase rather than reduce problematic situations. Statistical averages did not drive the historical development of the District and imposing such an approach now could invite action that would compromise the integrity of the district by encouraging inappropriate new construction on small lots in areas where that may not be historically appropriate.

At the October 13 HPC meeting there were questions from the commissioners and from the public about specific parts of the proposal such as the justification for using the standard of 300' from an intersection as the basis of analysis. Such details, however, were of less concern than the general apprehension that the policy could have negative impact even if details were tweaked. The HPC reacted positively to the remark of one member of the public who argued succinctly that any consideration of problematic cases should be addressed on a "case-by-case basis." Another sentiment heard at least twice was that the nodal zoning proposal seems to be a "solution in search of a problem."

cc: Ken Kocher, Bryce Jaeck