

ARCHITECTURAL REVIEW BOARD

April 19, 2022

5:00 PM

JENNIFER OBERLIN, PRESIDING

Members Present:

Nicole Konkol
Brittany Sams
Tom Midkiff
Patti Cross
Kevin Breeck
Jennifer Oberlin

Also Present:

Edwin Logan, Attorney
Vicki Birenberg, Historic Preservation Officer
Jordan Miller, City of Frankfort Senior Planner

The first item of business was the approval of the minutes of the March 15, 2022 meeting. Ms. Cross made a motion to approve the minutes. The motion was seconded by Ms. Konkol and passed unanimously.

Ms. Oberlin gave the Chairs Report.

Mr. Miller read the administrative approvals for the period covering March 9, 2022 to April 12, 2022.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4, 17, and 19 of the City of Frankfort Zoning Ordinance, Brad Peters is requesting a Conditional Use Permit to operate a bed and breakfast with a small café and gift shop at the property located at 517-519 Ann Street. The property is more particularly identified as PVA Map No. 061-42-06.001.00.

Jordan Miller, City of Frankfort Senior Planner was present and stated that this is a 12,000 sq. ft. lot surrounded by mixed uses.

Mr. Miller mentioned that this property was recently used as a bed and breakfast with a small café. He explained that the applicants are under contract to purchase the property and are proposing to operate a 4-room bed and breakfast with a maximum of eight people in the existing 2-story building with a café and gift shop.

Mr. Miller stated that the applicant will live on the property and that the previous owners were granted and conditional use permit in January of 2005.

Mr. Miller stated that this house is located in and is a contributing property to both the Old Statehouse National Register Historic District and the Central Frankfort National Register District.

Mr. Miller stated that staff finds that it is compatible in concept with the requirements of the zoning regulations based on the findings of fact on page three of the staff report and suggested that the conditions listed on page three of the staff report be added should the Board approve the request.

The applicant Brad Peters was present and stated that they moved here last August and visited this property. They decided to purchase this property and operate this business as part of their retirement plans.

Mr. Peters replied that they agreed with the staff report and conditions within when asked by Ms. Oberlin.

Based on the findings of fact, Ms. Konkol made a motion in accordance with Articles 4, 17, and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Brad Peters for a Conditional Use Permit to operate a bed and breakfast with a small café and gift shop at the property located at 517-519 Ann Street with the following conditions:

1. A building permit shall be obtained for the proposed use.
2. Any additional projects requiring a building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. The Conditional Use is permitted only at 517-519 Ann St.
4. Any signs for the conditional uses that conform to the standards contained in Article 4 and 13 of the Frankfort Zoning Ordinance may be approved administratively.
5. This conditional use, whose land use is codified as “Bed & Breakfast, Café and Gift Shop” is only applicable to this permit issued to this property owner and is not transferable.
6. Lodging shall be limited to four units in accordance with Article 19.143(B).
7. The owners shall reside on the premises in accordance with Article 19.143(C).

The motion was seconded by Mr. Breeck and passed unanimously.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Jen Williamson on behalf of Will Crumbaugh of Anchor Properties Group LLC, is requesting a Certificate of Appropriateness to demolish the single-family residence at 725 Woodland Avenue. The property is more particularly identified as PVA Map No. 062-14-07-023.00.

Vicki Birenberg, City of Frankfort Historic Preservation Officer was present and explained that this request is to demolish the primary building on the property which is a T-Plan house that is common in the neighborhood. The house is a contributing structure to the South Frankfort Neighborhood District.

Ms. Birenberg stated that ordinarily staff would not recommend demolishing a structure in this neighborhood but this house is quite deteriorated. The house has been altered from the original construction. It is covered with synthetic (aluminum siding, and the windows have been replaced with vinyl. Non-historic fixed shutters have been added. The original foundation has been altered with concrete block. It appears that a rear addition was added in the mid-20th century. The two chimneys have been removed. The front porch is missing a support column for the porch, and the porch has been shored up with a temporary support. This situation also exists at the foundation level at the back of the house, where temporary supports are holding the east historic east wall in place. In 2004, a white vinyl picket fence was installed in the front yard. The applicant's assessment report has extensive photos to show the existing condition on the interior.

Ms. Birenberg stated that historic properties either retain their or integrity or they do not. The National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. These seven aspects include location, setting, design, materials, workmanship, feeling, and association. To retain historic integrity the property will always possess several, and usually most, of the aspects.

For this particular resource, the integrity of location is intact. The integrity of design has been severely compromised by the replacement of historic features. The essential form of the house on the exterior has not changed. The integrity of the setting is partially intact – this was compromised years ago by the construction of the large apartment building next door. The historic retaining wall remains, however, which is a feature of the historic setting. The integrity of materials and workmanship are severely compromised by the insensitive alterations, some of which have created structural issues for the house. The integrity of feeling and association is partially intact, as the relationship between this house and the other gable and wing examples found on the same block remains, even if the house has experienced alterations to its original design and materials.

Ms. Birenberg mentioned economic hardship and stated that the applicant submitted that rehabilitation would cost more than the fair market value after rehab.

Ms. Birenberg stated that given the condition and integrity this may be a reasonable request under the unique circumstances with regard to this property. Ms. Birenberg mentioned the findings of fact on page five of the staff report and stated that they recommend the conditions on page five of the staff report should the Board approve the request.

Ms. Birenberg stated that the applicant has included the twenty percent Federal and State tax credits. The total rehabilitation came in at \$308,527.50 before site work and use of credit which lowers that amount by \$123,000.

The applicant Jen Williamson was present and stated that they have read the staff report and agree with the conditions.

Ms. Williamson stated that they understand that demolition is a great concern and that they have considered alternatives.

Ms. Williamson mentioned that other historic properties in the district have been demolished for various instances. She also mentioned that the Board has reviewed cases in the past and deemed it appropriate to demolish.

Ms. Williamson stated that the property has a considerable slope and the finished floors in the interior are uneven.

Ms. Williamson stated that in this case the building has already lost a lot of its historic integrity and that makes you question what they are rehabbing. She stated that due to the loss of integrity this case qualifies to be demolished.

Ms. Williamson stated that this comes with a redevelopment plan that will be heard tonight. The new structure facing the street will carry the same features with the T-Plan style home and gabled roof.

Ms. Williamson stated that she thinks this is a real unique situation and hopes the Board feels comfortable with demolition. She pointed out that we need development in this area and to make investments in this area.

Staff received two public comments and Ms. Oberlin read a letter from the Franklin County Trust for Historic Preservation into the record.

Mark Harrison was present and stated that he is the owner of a house that burned down several years ago. He stated it is a large house and the cost of rehabilitating it, have been enormous. He stated that if this house has to be rehabbed to the extent described tonight then \$300,000 is not a realistic number.

Mr. Harrison stated that another issue with rehab work is finding vendors that can do the work. He stated that they have had to do a lot of the work themselves because they found that the vendors couldn't actually do the work. Mr. Harrison stated that in his case he won't live long enough to make a profit off the improvements they have made to their home.

Based on the findings of fact, Mr. Midkiff made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Jen Williamson on behalf of Will Crumbaugh of Anchor Properties Group LLC, for a Certificate of Appropriateness to demolish the single-family residence at 725 Woodland Avenue with the following conditions:

1. The remaining fireplace and mantel will be salvaged for another use.
2. The historic retaining wall will be protected during demolition.
3. A demolition permit shall be obtained before beginning work.

4. Stormwater runoff and drainage from any demolition activities will be mitigated by implementing the recommendations of the City Public Works Department before any demolition permit is issued.
5. Any additional projects requiring a building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect (staff approval) is issued.

The motion was seconded by Ms. Cross and passed with Mr. Midkiff, Ms. Sams, Ms. Cross, Ms. Konkol and Ms. Oberlin voting in favor. Mr. Breeck voted no.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Jen Williamson on behalf of Will Crumbaugh of Anchor Properties Group LLC, is requesting a Certificate of Appropriateness to subdivide the lot at 725 Woodland Avenue into two parcels and construct a 2200 square foot single-family home on the front parcel and a 2880 square foot duplex on the rear parcel. The property is more particularly identified as PVA Map No. 062-14-07-023.00.

Vicki Birenberg, City of Frankfort Historic Preservation Officer was present and explained that this proposal is the redevelop the lot and subdivide the parcel into two lots. The one facing Woodland Avenue would be a single family 2,200 sq. ft. home. For the lot on the rear they are proposing a duplex with parking pad along Shaw Lane.

Ms. Birenberg mentioned the other duplexes on the street which shows diversity in the area.

Ms. Birenberg stated that the materials are not labeled on these drawings, but it does appear that the roof of the front-facing unit is proposed to have materials that are in keeping with the previous historic structure and the other structures on the street. In that sense, the proposal is in keeping with the Relationship of Materials guideline in Article 17.11F. Staff feels that the designs for both buildings meet the design guidelines in Article 17.11, which addresses the relationship of architectural details, particularly varied rooflines that are a characteristic of many historic buildings in the vicinity of the proposal and the arrangement of the openings on the front elevation facing Woodland Avenue.

Ms. Birenberg stated that the plans as submitted are compatible in concept with the Zoning Regulations and Design Guidelines for new construction based on the findings of fact on page four of the staff report and suggested that the conditions listed on page four of the staff report be added should the Board approve the request.

The applicant Jen Williamson was present and stated that they have been working with the City on this project since January and she thinks it has been a productive process and is happy with where the work led them.

Ms. Williamson replied that they had seen the staff report and agreed with the conditions when asked by Mr. Logan.

Based on the findings of fact, Ms. Konkol made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Jen Williamson on behalf of Will Crumbaugh of Anchor Properties Group LLC, for a Certificate of Appropriateness to subdivide the lot at 725 Woodland Avenue into two parcels and construct a 2200 square foot single-family home on the front parcel and a 2880 square foot duplex on the rear parcel with the following conditions:

1. Final details with regard to design features and material selections for both buildings will be approved by staff.
2. The historic retaining wall will be protected during construction.
3. A building permit shall be obtained before beginning work.
4. Water runoff will be mitigated by implementing the recommendations of the City Public Works depart.
5. Any additional projects requiring a building permit shall require review and approval by the Architectural Review Board.

The motion was seconded by Ms. Sams and passed unanimously.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the Frankfort Zoning Ordinance, Jen Williamson, on behalf of Dusty Skains and Astrid Garrison, is requesting a Certificate of Appropriateness to demolish an accessory building at 309 Steele Street. The property is more particularly defined as PVA Map No. 062-13-21-014.00.

Vicki Birenberg, City of Frankfort Historic Preservation Officer was present and stated that this application is to demolish an accessory building at the rear of the property. She explained that the primary building is a contributing structure and the 2013 nomination also listed this building as contributing but staff believes that was a mistake.

Ms. Birenberg stated that according to a 1912 Sanborn fire insurance map, there appears to be a different building in that location. On the 1925/55 Sanborn map the lot configuration is different and there is a tiny building there.

Ms. Birenberg stated that this subject outbuilding behind the main structure is rectangular frame construction with a shed roof covered with asphalt shingles. The foundation appears to be concrete block and is open underneath the building. There is a small bump-out on the north side with its own shed roof. The main body and small bump-out are covered with artificial siding. The front projection is sided with OSB board, which has been spray-painted with stick figures and other designs, including letters. There are no windows, only small, rectangular vents near the eaves of the roof and main body of the building. There are two paneled wood doors on the north side.

Ms. Birenberg stated that this building does not meet the criteria for integrity. The outbuilding does not have integrity of materials. The outbuilding also lacks integrity of feeling or associations. It does not represent a particular time or aesthetic period in our history, and it does not appear to be associated with the historic house until sometime after 1955.

Ms. Birenberg stated that the plans as submitted are compatible in concept with the requirements of the Zoning Regulations, based on the findings of fact on page four of the staff report and suggested that the conditions listed on page four of the staff report be added should the Board approve the request.

Jen Williamson was present on behalf of the applicant and stated that this was the state of the building when the owners purchased the property three and a half years ago. Astrid Garrison was also present and they stated they have seen the staff report and agree with the conditions.

Ms. Garrison stated that this outbuilding is actually five structures and when they purchased the property, homeless people occupied it and that there is nothing old about the structure.

Based on the findings of fact, Ms. Sams made a motion in accordance with Articles 4 and 17 of the Frankfort Zoning Ordinance, to approve the request from Jen Williamson, on behalf of Dusty Skains and Astrid Garrison, for a Certificate of Appropriateness to demolish an accessory building at 309 Steele Street with the following conditions:

1. The permit shall be obtained to reflect the work approved in this request.
2. Any additional projects requiring a building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.

The motion was seconded by Mr. Breeck and passed unanimously.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Brian Hix, on behalf of the Kentucky Justice Association, is requesting a Certificate of Appropriateness to allow the demolition of a garage at the property located at 736 Shelby Street. The property is more particularly identified as PVA Map No. 062-14-07-015.00.

Vicki, Birenberg, City of Frankfort Historic Preservation Officer was present and stated that this proposal is to demolish a historic garage on the property.

Ms. Birenberg stated that the primary building is a Contributing Structure to the South Frankfort Neighborhood District and the garage was included in the 2013 nomination.

Ms. Birenberg stated that the garage is not beyond repair and the cost to rehab the building is \$8,600 instead of \$2,900 to demolish.

Ms. Birenberg stated that the request is partially compatible in concept with the requirements of the zoning regulations. Staff recommended the garage be repaired based on the findings of fact on page four of the staff report, which support the repair of the garage. Ms. Birenberg mentioned the conditions on page four of the staff report should the Board approve the request.

Ms. Oberlin asked what the difference was in this request and the previous request. Ms. Birenberg replied that in this case the garage is historic and not beyond repair, in the other case the building had been altered over time and there were no historic features or integrity.

Attorney Brian Hix was present on behalf of the Kentucky Justice Association which is a lobbying wing of the Kentucky Tribe Lawyers Association. He stated that they contacted him in August and asked him to find some property and two days later they closed on this building for over \$180,000 and they have since made over \$200,000 in improvements.

Mr. Hix stated that they had previously requested that the columns be permitted to be repaired along with a driveway extension and the application included demolishing this building. They ended up pulling that application and got staff approval for the columns and driveway extension. He stated that they are now before the Board to demolish this garage/shed.

Mr. Hix stated that they have read the staff report and they do not agree with the recommendation but do agree with certain parts of the report that address the structural issues with the garage itself.

He mentioned that this was the third request on the agenda for demolition after two have been approved. They know that this Board is a panel of people tasked with preserving historic properties. He said at the end of the day you have to think about what is reasonable in the historic preservation and when you look at the primary structure it has been restored and maintained to a certain degree.

Mr. Hix stated that he and his law partner Charlie Jones examined this property and they think it is similar to the previous application and that this garage was mistakenly indicated as a contributing structure. He stated that if you look at the PVA map and the Sanborn map, The Sanborn map shows this structure located right up against the primary structure and the PVA map shows that it is significantly behind the structure at the rear of the property.

Mr. Hix stated that they believe this to be a shed more so than a garage due to the size and not being able to park a car inside and open a door.

Mr. Hix stated that his client will never sell this property and that if they do it means trail lawyers no longer exist. They want to be next to the Capital. They want to be able to entertain their clients and staff.

Mr. Hix stated that they have no use for this structure and when you consider usefulness they could use this space to provide entertainment on the exterior of the property.

Mr. Hix stated that the cost to rehab this building does not add value to his clients property in a proportionate fashion. He mentioned the compromised structural integrity. Mr. Hix mentioned that the neighbors are concerned that they are going to wake up one morning and find this building in their yard due to recent high winds we have been experiencing.

Mr. Hix stated that this property will never again be used as a residence and questioned if we should discourage other businesses from relocating downtown simply because the property was designed as a residence in 1920. He stated that we want to encourage this type of development and use in this area. He stated we have to look forward to progress and requiring his client to keep this garage is not reasonable. He asked that the Board find that the structure contributes no reasonable significance to the history of downtown.

Based on the findings of fact, Ms. Sams made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to deny the request from Brian Hix, on behalf of the Kentucky Justice Association, for a Certificate of Appropriateness to allow the demolition of a garage at the property located at 736 Shelby Street. The motion was seconded by Ms. Konkol and passed unanimously.

Ms. Birenberg provided some updates on the 2022 Work Plan.

There being no other business, Ms. Sams made a motion to adjourn. The motion was seconded by Ms. Cross and all were in favor. The meeting adjourned at 7:10 p.m.