

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, MARCH 24, 2008

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Senhauser, Spraul-Schmidt, Fisher, Wallace, and Kreider present. Chatterjee, Raser, and Young absent.

MINUTES

The Board unanimously approved the minutes of March 10, 2008 (motion by Fisher, second by Spraul-Schmidt).

CERTIFICATE OF APPROPRIATENESS, 2365 AUBURN AVENUE, AUBURN AVENUE HISTORIC DISTRICT

Staff member Caroline Kellam presented a report on a proposal to re-establish six residential units and construct a parking lot at 2365 Auburn Avenue. The proposal included construction of a 20-car parking lot, alteration of two basement windows for fire egress and minor repairs to the building. Ms. Kellam further explained that under the Zoning Code, establishing residential units on the ground floor and garden level required approval of a Substitution of a Nonconforming Use.

A pre-hearing meeting was held on Thursday, March 13, 2008 with the applicant, Ean Siemer, an abutting property owner William Hillard and his attorney Brian Hirsch in attendance. All of Dr. Hillard's issues related to a private sewer, removal of trees and a buffer between his property and the new parking lot. During this meeting, Mr. Siemer agreed that no exterior lighting on the property and in the parking lot would shine into abutting properties.

Ms. Kellam said that it was important this building be rehabilitated and returned to a residential use. She said that although altering the basement window openings did not meet the guidelines, the changes would not be visible from the street. Ms. Kellam added that the approval should be conditioned on the applicant reusing the retaining wall stones for the parking lot entrance. She requested that the condition requesting MSD review work to the private sewer system be eliminated since MSD had no jurisdiction over the sewer in question. Ms. Kellam recommended approval of the Substitution of the Nonconforming Use and a Certificate of Appropriateness for the proposed work.

The applicant, Ean Siemer stated that he was glad to see the MSD condition removed and he agreed to staff's conditions.

Mr. Kreider inquired about the need for 20 parking spaces and the tree removal. Mr. Siemer explained that although there are only 6 units, there are 18 bedrooms total with the potential of 18 residents. He said that the parking lot was intentionally sited in the rear of the building in order to meet the guidelines. Mr. Siemer explained that one mature Walnut tree, a Hackberry and overgrown honeysuckle and shrub trees were removed from the property. He said that new trees would be planted and the front yard would be re-landscaped.

In response to Mr. Krieder, Mr. Siemer said there would be no new lights installed in the parking lot, but that additional lights would be installed on the exterior of the building.

Dr. William Hillard and his attorney Peter Koenig, Buechner Haffer Meyers & Koenig Co., L.P.A., addressed the Board. Dr. Hillard requested the MSD condition put back into the recommendation citing public health and safety issues. Dr. Hillard stated that because of prior sewer spills, several

neighbors created a private sewer easement with a maintenance agreement. The previous owners of 2365 Auburn Avenue were a part of this easement. Dr. Hillard stated that the applicant had ignored this maintenance agreement. He further expressed concern that light will shine onto his building from the parking lot and expressed concern about the removal of mature trees. Mr. Koenig elaborated that the applicant removed the trees and the buffer and is putting back a buffer that is not as substantial as the original buffer. Dr. Hillard questioned if the applicant had received the necessary permits and distributed photographs of the subject property to the Board.

Mr. Koenig summarized his client's issues as lighting, landscaping, drainage/sewage and zoning. He asked why the Board could not reasonably involve MSD in the review. He expressed concern regarding the removal of trees and questioned the Board's authority to approve a Substitution of a Nonconforming Use.

Ms. Spraul-Schmidt indicated the building was originally built as a residence and it was appropriate for it to return to residential use.

In response to the Board, Mr. Siemer said that he had received all necessary permits. He stated that the sewer was in good shape and that the maintenance agreement had never been ignored as asserted by Dr. Hillard. Mr. Siemer pointed out that Dr. Hillard had an identical parking lot next door with no landscaping. He reiterated that he was willing to plant some additional Spruce trees.

Mr. Kreider stated he was comfortable leaving MSD out of the review given that the property owners have a written legal agreement. Mr. Senhauser added that the Board has no purview over MSD or private sewer easements.

The Board agreed that the buffer between the two properties must be adequate with tall and dense plantings.

Ms. Wallace wanted it to be on the record that the Board does think health and safety issues are important, but that it was appropriate for the building to return to its historic residential use.

BOARD ACTION

The Board voted unanimously (motion by Spraul-Schmidt, second by Kreider) to take the following actions:

1. Approve a Substitution of a Nonconforming Use from Section 1447-11 permitting the applicant to re-establish residential uses on the garden level and first floor at 2365 Auburn Avenue finding that such relief from the literal implication of the Zoning Code:
 - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - b. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located.
2. Approve a Certificate of Appropriateness for the rehabilitation of the building at 2365 Auburn Avenue with the following conditions:
 - a. Reuse the stones from the retaining wall on Hollister and construct piers flanking the entrance to the parking lot.
 - b. Final plans to be reviewed and approved by the Urban Conservator prior to issuing a building permit.

ADJOURN

As there were no other items to be considered by the Board, the meeting was adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser, Chairman

Date: _____