



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### MARIETTA HISTORIC PRESERVATION COMMISSION

*David Freedman, Chairman*  
*Rebecca Nash Paden, Vice Chair*  
*Christopher Campbell*  
*Martin C. Kendall*  
*Carol Williams*  
*Mark Kirk*  
*Steve Imler*

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Tuesday, June 30, 2020

6:00 PM

Marietta City Hall Council Chamber

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**Present:** David Freedman, Steve Imler, Mark Kirk, Martin Kendall, Chris Campbell, Carol Williams

**Church Cherokee Historic District Reps:** Paul Elliott, Don Gillis

**Forest Hills Historic District Reps:** Rolvyn Lentsch, Ruby Mercier

**Absent:** Rebecca Paden

**Staff Present:**

Rusty Roth, Director

Shelby Little, Planning & Zoning Manager

Robin Osindele, Urban Planner

Joseph Atkins, Board Attorney

Sandra Lloyd, Secretary

#### CALL TO ORDER:

Chairman Freedman called the meeting to order at 6:00 PM

#### MINUTES:

**20200542 Regular Meeting Minutes**

Review and approval of the June 1, 2020 Historic Preservation Commission regular meeting minutes.

**A motion was made by Commissioner Williams, seconded by Commissioner Campbell, that the June 1, 2020 Historic Preservation Commission minutes be approved as amended on page six (6) by correcting the vote on item 20200472 to "3-5-1", adding "Kendall" opposed. The motion was Approved as Amended and carried by the following vote:**

**Vote: 6-0-0**

**BUSINESS:**

**20200483 208 Frasier Street-Durham Residence**

Discussion of design guidelines for the Durham Residence.

*Chairman Freedman opened by stating that at the last meeting, he discussed removing the Secretary of the Interior's standards from the guidelines but had not done so. He inquired of Commissioner Imler if he had removed those standards from the guidelines.*

*Commissioner Imler responded by saying that he provided Chairman Freedman with some input about having the guidelines being as specific as possible as a clear summary specific to that residence. He distributed an example of "specific property guidelines" for the board to review. He stressed the four components rehabilitation, restoration, reconstruction, and preservation and that internal conflict can exist between the four; (highlighted in red). His suggestion is that for this specific property that is being re-done, "in-state" should exist and be summed up that the property be kept "as-is" with preservation being the overriding factor going forward. For a stand-alone house such as this, Commissioner Imler's suggestion is to customize the guidelines that may borrow from the language and customize it for the specific property.*

Staff will provide pictures for the next meeting.

There were no other comments.

**Discussed**

*Chairman Freedman elected to change the order of the agenda to discuss item 20200544, 355 Church Street making item 20200535, 292 Vance Circle the last item discussed.*

**20200544**

**355 Church Street - Demo/New Construction Infill/Additions**

Applicant, Brenda Lyle, is seeking approval for:

Demolition - Carriage House/Garage

Addition/New Construction-Garage and breezeway will be visible from Church Street; entryway and mudroom on side; new concrete driveway to replace asphalt

Driveway extension will be permeable pavers and grass.

Applicant, Brenda Lyle Wood, was accompanied by Graham Wood and builder John Elliott.

**A motion was made by Historic District Representative (HDR) Gillis, seconded by HDR Elliott, that this matter be Approved and Finalized. The motion carried by the following vote:**

**Vote: 8-0-0**

20200535

**292 Vance Circle-Material Change in Appearance**

Applicant, Chris Campbell, is seeking approval for material changes to include:

Metal roof over side porch.

Brick wall going from the side of the house to the driveway.

Materials for garage: shake, vertical boards (tongue and groove), board and batten

Real cedar roof.

Basement windows.

Side porch railing.

*Applicant, Commission member Chris Campbell (who is also the homeowner and applicant) recluses himself from this vote.*

**A motion was made by Commissioner Kirk, seconded by Commissioner Kendall, that this item be Approved and Finalized including last minute items:**

**Garage side windows to the left of the double door**

**Round window instead of a vent**

**Raise the foundation an additional four inches (4') to accommodate sixteen inch (16') trusses**

**The motion carried by the following vote:**

**Vote: 7-0-1, Campbell Abstained from this vote.**

**Additional items were administratively approved by Planning & Zoning Manager Shelby Little outside of this meeting, and were deemed to be basically "for your information" items; they were submitted by applicant via email dated July 1, 2020 after the meeting (copy attached):**

**The foundation will be as described**

**The house will be as it has always been (9' ceilings on the main level) and the second level will be the same as planned.**

*Prior to adjourning the meeting, Chairman Freedman was requested to provide an overview of the City Council meeting where item 20200472-441 Church Street, Material Change in Appearance, from the June 1, 2020 Historic Preservation Commission meeting was appealed.*

Mr. Jones presented his appeal and several members of the Historic Preservation Commission (HPC) were there and spoke on behalf of the Commission: David Freedman, Attorney Joe Atkins, Steve Imler, Chris Campbell and Paul Elliott.

The Council was reminded of their obligation to the Commission as outlined in the ordinance.

The discussion went on for more than an hour and the Commission was able to educate the Council as to the responsibilities of the Commission. Following the discussion, Councilman Morris made a motion to approve the appeal and the motion carried with two council members voting against the appeal (Richardson, Copeland). Council members Johnny Walker and Michele Cooper Kelly were sympathetic to the Commission but voted in favor of the appeal. Chairman Freedman felt that Cooper-Kelly and Walker voted in favor of the appeal, feeling that the cost to replace would be too great a penalty to impose. Chairman Freedman indicated in an email message to Walker and Cooper-Kelly that the financial issues should not enter in the equation when deciding on such issues. Council person Cooper-Kelly replied that was a fair assessment and that she hoped to be able to support the commission in the future.

Chairman Freedman feels that the Commission gained some respect from the City Council; Commissioner Imler felt the Council gained appreciation for what the Historic Preservation Commission (HPC) does.

In further discussion, HD Representative Don Gillis questioned what processes are in place to ensure that an applicant actually builds what has been approved by the HPC.

Commissioner Mark Kirk responded by pointing out that in an informal discussion with City attorney Doug Haynie, he expressed that he felt the Commission acted as a glorified home-owners association (HOA) challenged with the task of turning homeowner's applications down. Attorney Haynie negated that by pointing out people have already lived in their homes prior to the historic district being created and the commission is tasked with oversight and governance. Commissioner Kirk said the one component he felt was missing is the authority to fine and penalize

for violations; without that the HPC has "no teeth".

Chairman Freedman replied that the HPC cannot impose fines or penalties but the City can.

Commissioner Imler responded by pointing out that the issue is really "discoverability". He mentioned that Council person Cooper-Kelly advised that it should be reinforced to applicants that lack of compliance could result in penalties or fines.

Commissioner Kirk inquired if there could be a level of change from the approved plans that could be applied for through the City, much like an administrative variance, as opposed to having the applicant come back before the HPC.

Commissioner Imler stated that there could be a review process if discovered. He gave an example of a sign permit. Someone from the City will come out and inspect that sign. There needs to be some way to have these projects looked at and a determination made that the project is being built as approved; if there are deviations, where does the applicant go to get these changes approved based on the degree of change being made. As permit review takes place, can a review also be made of the physical appearance and in some way alert the HPC if what is being built is not what was approved.

Commissioner Kirk agreed that there needs to be some coordination between what the building inspectors see with what this board approves. There is no verification process.

Director Roth explained that part of the challenge is that the Commission approves renderings which do not contain the specific building details that the inspectors look for.

Commissioner Kirk posed the question - when a builder comes back for a permit with all of the required items, can there be a quick review and comparison by the Planning and Zoning department of the submitted plans versus what was approved by the HPC to ensure that the requirements have been met?

Chairman Freedman - this is the first time we've had an issue like this. In his experience most people are responsible and those who come before the HPC build what is applied for; if there is a change most have come back to get that change approved.

Zoning Manager Shelby Little indicated that changes to the permitting procedures are in process -The new permitting software is attempting to identify any building

permits that have been through the HPC. Planning and Zoning checks to confirm that the submitted building plans match what has been submitted to the HPC. Language is included to state that if the applicant deviates from the approved Certificate of Appropriateness, they would have to come back before the Commission. Any projects that have Certificates of Appropriateness, will have a zoning and architectural inspection in addition to the building inspection.

Attorney Atkins added that this issue has plagued every local government that he has represented. What the HPC is seeing and dealing with is not unique.

Commissioner Campbell added that so much of what HPC does goes unseen. Realtors has expressed to him that house flippers avoid these areas that are listed as historic districts thereby protecting the historic nature -and that is what Commissions like this are charged with doing.

**ADJOURNMENT:**

Chairman Freedman adjourned the meeting at 6:50 PM



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David Freedman, Chairman



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Sandra Lloyd, Secretary