

Updating the West End Historic Overlay District Design Review Guidelines

BACKGROUND

The West End Historic District was listed in the National Register of Historic Places in 1986 because of its importance in two specific categories: architecture and community planning. It was not designated as significant for landscape architecture or archaeology. Winston-Salem and Forsyth County have placed the historical heritage of the community among their most valued and important assets. In 1993, the West End was designated as Winston-Salem's first Historic Overlay District; with authority to regulate alterations in the neighborhood given to the Historic Districts Commission (now known as the Forsyth County Historic Resources Commission). The purpose of the Historic Overlay District is to allow flexibility for modernization, while preserving the unique historical character of the neighborhood. The authority of the Forsyth County Historic Resources Commission (Commission) to review significant changes within the West End Historic Overlay District gives protection to the neighborhood.

The year 2003 marked the ten-year anniversary of the *West End Historic Overlay District Design Review Guidelines*. The Commission determined that it was time to revise and update the Guidelines based on cases reviewed in the past decade, plus the integration of new knowledge. In July 2003, a subcommittee was formed to review and update the Guidelines. The subcommittee's intention was to clarify and update subject matter, clearly illustrate appropriate and inappropriate work, and to provide general information, while introducing new categories to assist property owners and the Commission. The end product was a user-friendly document that reflected the prior ten years of experience, as well as time-tested knowledge and new technology in the preservation field. The second edition of the Guidelines became effective in 2006.

CURRENT UPDATE PROCESS

In 2016, the Commission decided to again update the *West End Historic Overlay District Design Review Guidelines*. The goal of this update is to address issues with the Guidelines that had become evident during Certificate of Appropriateness reviews over the last 10 years. A subcommittee of Commission members met from September 2017 until May 2018. Staff distributed a draft of the Guidelines update to the Commission and neighborhood stakeholders in May 2018. A public input meeting was held with stakeholders on June 13, 2018. Throughout the summer of 2018, members of the public were given the opportunity to provide feedback on the draft document through CiviComment. On August 21, 2018, a second public input meeting was held. For the meetings in June and August, 23 members of the public and 4 HRC members attended.

CiviComment was closed on August 27, 2018. Through CiviComment, 467 comments were received from five sources. Of the comments, 89 were related to the Minor Work charts, which Staff has removed in the 2019 draft. 219 of the comments were about the front and the appendix material. Of the remaining 159 comments, 75% were related to typos, grammar, formatting, or opinions and the remaining 25% were more substantive comments proposing changes to the Guidelines. These comments were the basis for deciding to hold more public input meetings and selecting the topics for the drop-in sessions. These topics appeared to be where the most change was desired from the neighborhood as a whole.

INPUT COLLECTION 2019

During the summer of 2019, the Commission and its staff held the subject-specific drop-in sessions to solicit additional feedback on certain hot topics.

Those topics included:

- Visibility
- Signage
- Substitute Materials, Windows, and Accessibility
- Fences, Railings, Parking, Driveways, and Vegetation
- Lighting and Modern Accessory Features, such as Cameras, Solar, EV Stations, Pay-to-Park Kiosks

These meetings were held in various locations during the afternoon and evening, in an attempt to allow more people to come and comment. According to the sign-in sheets, 48 members of the public attended. HRC staff, along with Amber Stimpson, the North Carolina Certified Local Government Coordinator from Raleigh, attended the July 23, 2019 West End Association meeting to review the update process and answer any questions. Residents could also review the draft and boards, presented at the drop-in meetings, online during the process. Staff used a general email address to collect comments from those who could not attend the drop-ins.

Major themes that came out of the entire update process include:

- More emphasis on being a Historic Overlay District, not a Museum-Quality Historic District
- More emphasis on review of changes visible from the streetscape, giving more flexibility to materials and design in areas of low visibility

CURRENT DRAFT

The attached draft incorporates changes made from input received during 2018-2019. The comments include the minor edits solicited through CiviComments and substantive changes from the additional outreach with the neighborhood.

The input from West End residents was not consistent, so staff has reviewed the recommendations, state enabling legislation, local ordinances, and the Secretary of the Interior Standards for Rehabilitation for guidance on what and how the Commission can regulate the specified topic. Therefore, the changes that are being suggested meet current preservation standards and legislative rulings, as best as possible.

General comments implemented in the attached draft include:

1. Clarify and decrease the number of Guidelines, removing repetitiveness
2. Suggested grammar and typo errors have been corrected
3. Terminology used throughout the Guidelines was made more consistent

4. Guidelines relating to color were removed completely, except for references to masonry
5. Flexibility in Guidelines for areas at low visibility added

Topics below have been changed more substantially based on the results from the public input meetings:

- a. Purpose of the HO District
- b. Visibility
- c. Noncontributing Structures
- d. Driveways and Parking Areas
- e. Landscape Features
- f. Accessory Features
- g. Fences
- h. Signage

RESPONSE TO SPECIFIC QUESTIONS OR ISSUES

1. Allowing work without a COA when not visible

The Guidelines have been updated to review from a “streetscape” perspective, while following the required review from the North Carolina enabling legislation and City of Winston-Salem Unified Development Ordinances. By law, the Commission must review any plans to erect, alter, restore, move, or demolish any exterior portion of building, other structure, above-ground utility structure or outdoor advertising signage in the District. Structures are defined as masonry walls, fences, light fixtures, steps and pavement and other appurtenant features.

2. Strict versus lenient visibility and new type of COA

Agreement on definitions of high versus low visibility is critical for the Commission to apply the Guidelines and treat each application fairly. Visibility will be addressed in the front of the Guidelines book. It is the Commission’s decision on how restrictive to set the standards in the Guidelines for determining visibility. Please review the visibility boards, the proposal from the West End Neighborhood Association, and comments submitted from the public, and plan to give direction to staff at the November 6, 2019 Commission meeting as to what method should be used to define visibility. The only forms of review the Commission may adopt are Minor Work COA and Major Work COA. Other activity would either be routine maintenance or is work that does not cause an incongruity with the building or district.

3. Trees

The regulation of trees on private property is a controversial topic. The National Register Nomination, which was submitted as the Historic Overlay District report, included an inventory of contributing features in the District. The only significant trees mentioned were the avenue of trees at the Hanes Park main entrance and the Willow trees by Peter’s Creek. According to the North Carolina enabling legislation, the review of the Commission is to be of exterior features of any building or other structure. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area. Staff has contacted the State Historic Preservation Office and the term “significant landscape and natural features” does not necessarily mean to keep every tree in the District. Significant landscape and natural features would be those described in the report for designation.

4. Substitute Material

Substitute material is an issue that was reviewed, and new guidelines have been added to each building section that give the Commission the ability to approve such materials, if 1) a feature is deteriorated beyond saving, and 2) the applicant can prove that the new material will match the historic in appearance and design. The burden of proof falls on the applicant.

5. Fees

Questions were also asked during the process about fees and fines for after-the-fact work. Staff will be reviewing fees and fines for COAs in the spring of 2020 bring them forward for approval by the elected bodies, if warranted.

Next Steps

Comments on the attached draft will be collected from the Commission and other stakeholders by the November 6, 2019 Commission meeting. At the November meeting, the Commission will have to openly discuss any recommendations for revisions to the draft. It is up to the Chair's discretion to allow more comment or input from the public. The Commission must then discuss any other substantive changes and decide what changes need to be made to the draft. The hope is that the Commission can direct staff at the November meeting with all the necessary changes, so a final draft can be submitted to the Commission at the December meeting. All required public notification will begin at that time. Staff anticipates that the public hearing and vote for approval of the revised set of Guidelines will be at the Commission's February 5, 2020 meeting, with Commission review beginning under the new Guidelines upon adoption.