

**GAINESVILLE HISTORIC PRESERVATION COMMISSION  
MINUTES OF MEETING  
DECEMBER 6, 2021**

**CALL TO ORDER** Chair Cathy Day at 5:30 p.m.

**Members present:** Chair Cathy Day, Vice Chair Emily Wiley and Commissioners Jack Bailey, Dick Bachman and Ruth Bruner

**Members absent:** None

**Staff present:** Director Rusty Ligon, Special Projects Manager Jessica Tullar and Office and Records Coordinator Gwen Fleming

**Others present:** Councilman George Wangemann

**MINUTES OF November 1, 2021**

**Motion to approve the Minutes as presented.**

Motion made by Commissioner Bachman

Motion seconded by Vice Chair Wiley

**Vote – 5 favor**

**OLD BUSINESS**

**NEW BUSINESS**

**A. Certificate of Appropriateness**

- 1) Request from **Chantel Smith** for a Certificate of Appropriateness for a Major Work Project involving a building change on a 0.30± acre tract located on the north side of Ridgewood Avenue, approximately 865± feet west of its intersection with Simmons Street (a/k/a **410 Ridgewood Avenue, NW**).

Ward Number: Two

Local Historic District: Ridgewood Neighborhood

Tax Parcel Number(s): 01-041-001-013

Proposed Work Project: Building change, involving the painting of the unpainted historic brick exterior facade

**Staff Presentation:** Special Projects Manager Jessica Tullar gave the following staff presentation: The applicant's request involves painting the unpainted brick/masonry façade to refurbish the principal structure. The subject property is located in the Ridgewood Neighborhood Local Historic District and contains a residential-style principal building. According to the Historic Resources Structural Survey, the principal building is a bungalow-type house with Craftsman-style elements that was constructed around 1927, and was later modernized in the 1950s with metal casement windows and brick cladding when an addition was added.

According to historic Sanborn Fire Insurance Maps, the subject house originally was constructed of wood siding – not brick/masonry materials which include stone, clay brick, architectural terra cotta, cast stone, cement bricks and concrete blocks. A site

inspection was conducted by the City Building Official and staff to determine whether or not the exterior cladding material was masonry. Upon inspection of both the exterior and interior cellar/crawlspace, the Building Official determined that the exterior cladding material is clay brick/masonry rather than a “sheathing” of asphalt or similar material. Although the exterior masonry cladding is not original to the house, it appears to be a historic treatment. Based on the timing of its installation and the uniformity of the brick and mortar; it appears the existing masonry cladding material may be considered “modern brick” that likely was mass-manufactured, making it harder and less porous than historic brick.

Masonry material generally is porous, allowing moisture to be absorbed and to wick out through the brick or through weep holes. Covering unpainted brick masonry with water-repellent or waterproof coatings reduces or prevents water vapor permeability, which can cause water to be trapped inside and lead to damage if the water or vapor cannot escape (i.e. weep holes).

Painting the unpainted brick masonry exterior cladding appears to be in conflict with the Design Guidelines. However, staff believes that removal would significantly damage the face of the brick and diminish the textured character of the brick. The subject house appears to have numerous weep holes running along all facades near ground level, and the crawlspace is vented on multiple sides. Furthermore, staff believes a chemical solvent would be required to remove the paint which likely would damage the brick and possibly create environmental concerns with runoff and leaching into the soil.

**Applicant Chantel Smith** stated she was never informed by the seller, listing agent or the attorney when she purchased the house that it was on a historic registry and assumed it would have been on a deed. She said the first she knew about it was when she began painting and some neighbors complained at which time she was contacted by Mrs. Tullar. The applicant stated that she felt there was a lack of information when she purchased the house and not sure if she had known if she would have purchased it.

**Commissioner Bruner** asked Mrs. Tullar if someone purchases a home in the historic district if they are told at the time of purchase and is it possible for the city to notify them. Mrs. Tullar stated state law does not require for it to be disclosed in real estate transactions or to be on a deed. Mrs. Tullar explained that the City is not notified when property is being transferred, but she stated that historic designation is noted on the zoning map and GIS system with parcel tag warnings. She also mentioned that there are street topper signs which generally identify the boundaries.

**FAVOR: Sam Wright**, 1098 Antioch Campground, stated he has restored a few old houses and agrees that it is beautiful and looks fantastic now but before was ugly, orange and an eye-sore. Mr. Wright stated the orange color was taken from Frank Lloyd Wright that had some old houses that were orange and would use a process to get the color of rust and that the brick treatment on this home was mimicking Frank Lloyd Wright’s technique. He stated the brick on this home is still in production and suggested the brick is not age appropriate for a 1920s house and did not look good before it was painted. Mr. Wright stated he did not agree that this would be a major work project after reviewing the rules and thinks the rules should be changed or reworded regarding painting brick. He stated that the owner is being denied income at this time due to meetings and should be renting/selling it during this process. He told Ms. Smith that it now looks lovely and that she had done a good job with it.

**James Ensley**, 340 Ridgewood Avenue, stated he has resided at this location for three years and agrees the house before was ugly but now is gorgeous. He thinks she did an amazing job and is happy to look at it now rather than before.

**Kathryn Hobgood**, 660 Ridgewood Avenue, stated she did a \$250,000 renovation to her home two years ago. She stated she loves what was done to Ms. Smith's home and has been trying to do it to her home for twenty years but has not received approval. She said that she understood the reasoning for it but would like to whitewash or mineral wash the brick to blend better the different brick and with her addition. She stated the painted home is beautiful. Ms. Hobgood stated the sidewalks in the area need to be repaired. She said she has been respectful of all the rules, staying within the boundaries for the renovations, and agrees the owner should have followed directions, gotten approval to do it the right way. Everyone knows it is historical. She said the home and street looks better with more of it needing to be done to match the Square. Also, Ms. Hobgood said her brother owns a house across the street and does not want to put anything into it because he cannot do whatever he wants and no one wants to rent it. She then said the house next to her has vinyl siding on it and does not seem appropriate. She thinks the painted home is beautiful and makes it look like a nice, safe area and only improved the house. She said her home was one of the first renovations on the street with people following suit from her renovation which brings the value up. She stated before the renovations her house appraised for \$130,000 but now appraised for \$480,000 and if it was painted that it would be much better because the red brick is an eye-sore.

**C. J. Greene**, 839 Cherokee Road, stated she has sold six to eight houses on Ridgewood in the last ten years and never been notified by a deed record, attorney or anything in the process as to the exact historical area. She said it would be good if maps could be sent to real estate agencies to get the word out, and then she mentioned that a neighbor said they were told there are not in the district but a historic district sign is posted on her property. She again stated the owner or attorney did not disclose it but she did make two calls to get approval but did not get returned calls. Ms. Green stated the home does look beautiful but more communication is always better.

**OPPOSE: Andrea Crozier**, 641 Ridgewood, stated she has lived at the location since 1983, first as a tenant and then as the owner. She stated at the beginning before the historical designation, they all went to meetings because it is a big deal and so many restrictions. She mentioned just making changes like the windows you cannot like in a regular neighborhood. Ms. Crozier said as they listened and agreed it was a historical street in Gainesville. She agreed and thinks the house looks much better than it did, but stressed that that was not the point. She said rules and laws are established to hold order, to set boundaries, to seek approval or comply whether like it or not. She stated if you do it and then seek permission/forgiveness, then anyone can do whatever they want to do and hopefully no one will do anything distasteful. Ms. Crozier knows of situations that had asked permission to do things but were told no. She agrees that the wording should be revisited or clarified but is hard to believe a real estate agent would not know it is historic given the knowledge of the town and area. She said there are toppers on the signs that says it is a historic district. She also stated the seller said it was in a disclosure in the contract and has looked up the listing online, which states it but might not have been there when Ms. Smith bought the house. She said rules should be the same for all, and then she shared that her house was built in 1947 and is brick. Ms. Crozier mentioned that she would like for it to be painted but knows the rules about not being allowed to paint it but allowed to repaint it as maintenance. Jessica Tullar explained that you are not allowed to paint an unpainted brick surface without going

through the design review process because it is considered an exterior material change due to the potential of compromising the porosity and breathability of the brick masonry. Ms. Crozier stated it is not as much about maintaining the look as it is the house structure itself. She again said the house looks much better and did everyone a favor in that manner, but reiterated that things need to be clear and that all real estate agencies need to be advised where the historic preservations are located before any purchase because of rules and restrictions.

**Jennie Clayton**, 637 Bradford Street, stated she knew it was a historic home before purchasing and actually asked permission before doing certain things and was told no. She stated one thing was to put a metal roof because of the drainage issue with mold and gross stuff. Ms. Clayton said she was told not in a historic district even though others had it but had been grandfathered in. Ms. Clayton said she went through the process because it was a rule. She agrees with the house looking better but asked what is stopping someone from painting their house purple.

In response to the comment, Mrs. Tullar stated if it is painted already, then you can paint it any color you want. State law explicitly prohibits the control of paint color, and reiterated that if it is unpainted brick masonry, it should go through the design review process because it is an exterior material change. Mrs. Tullar stated if anyone calls the office wanting an exterior material change then they are advised of the design review process. She explained that many work items either fall under “Ordinary Maintenance/Repair” or are handled by staff as “Minor Work” projects. She said the items with a high level of irreversibility, like additions and demolition, are considered “Major Work” projects. Mrs. Tullar also shared that since the Commission started reviewing design review requests in 2005, there has not been a large number of requests coming through because most have been handled as either ordinary maintenance/repair or by staff as minor work projects. She stated that the lack of major work projects suggests that those who own or have purchased the historic homes choose to repair and maintain or make minimal changes because they, as the owner, want to preserve the historic character. She explained that local designation and design guidelines are intended to help protect owner investment in the historic property, not to keep someone from making changes or improvements. The process – whether through staff or this Commission – is intended to guide homeowners approach material changes in the best way possible to protect their investment.

**Steven Thomas**, 625 Bradford Street, stated the rules and regulations that comprise the historic district will not be worth the paper it is written on if permission is given to one person to do a certain thing and then another person will come along wanting to do something else and is the reason why it is done. Out of curiosity Mr. Thomas asked, “If someone does do something without getting permission, is there a penalty for it?”

Mrs. Tullar explained that whether or not a property is located in a historic district, the City’s policy is to inform an owner or tenant of a violation, share the ordinance or rules, explain steps for correcting any violation, and provide a timeframe in which to come into compliance. She further explained if an owner or tenant chooses not to take corrective action steps within the specified timeframe then the City will issue a written warning and allow additional to come into compliance. If that owner or tenant still fails to take steps to come into compliance, then the City will issue a citation and take the matter before the Municipal Court Judge who rules on the citation and assesses fines. It is not the City’s policy to automatically issue a citation. She then explained that tonight’s hearing before the Preservation Commission is such a corrective action step for this case.

Mr. Thomas commented that in the ten minutes allowed, no one stated that the brick needs to be brought back to its original state. Commissioner Bruner stated the point is it cannot be brought back, to which Chairperson Day commented it would do more damage. Mr. Thomas then said it is understood it would be a hardship for the homeowner to remove the paint and potentially be an environmental and material mess to fix.

**LADY** – A lady in the audience, who did not identify herself, stated she wanted the homeowners in attendance to know that she has spoken to Jessica about how you have to get permission if you want to have a tree removed on your property. Mrs. Tullar stated the approval process depends on the location and condition of the tree. She explained if it is a healthy, mature tree that is not hazardous then the request will go through a different review process than if the tree is unhealthy and/or hazardous. Mrs. Tullar also stated only the trees in the front yard that are healthy and mature go through this Board. She shared that without such a process one of the Ridgewood district homeowners would have been able to remove all six of their healthy, mature trees which would have significantly impacted the character of the district. Mrs. Tullar said trees and landscape are part of the character of the neighborhood.

**Kelly Moen**, 626 Dyer Street, stated she was actually the first historical house to work on and stated neither of them knew what they were doing. She said she purchased the house not knowing it was historical and thought if she had known she would have never purchased the house. She stated she had bought a dozen homes prior to that making sure they were not historic, all on Ridgewood. She said someone stated the marker on top of the signs indicated a historical area but is not correct. She said people had the opportunity to opt out of it which people did and she only buys the homes that they opted out. She stated she is all about making money in real estate and improve the neighborhood. She only buys on Ridgewood because she loves Ridgewood, she calls it her “hood” and her kids own homes on Ridgewood. She stated she is an interior designer by trade but does more of buying, selling, remodeling; and on historic homes, she keeps everything the same, very preserved and all about historical preservation.

**Special Projects Manager Jessica Tullar** stated the markers indicate the general boundaries with street signs and said Mr. Thomas was actually involved as an applicant in the designation and would be better able to speak to why all properties along Ridgewood were not included in the designation request. Mr. Thomas stated they did not have people opt out. He explained that they just did not get the entire area that they wanted to be historic. There was a discussion among several people about an area being historic or not, skipping one house and another or one street and another. Mrs. Tullar then said the northern side of Ridgewood from Simmons Street over to Denton Drive and on the southern side from Bradford Street over to Denton Drive are included in the district. She further explained that the southern side from Green Street to Bradford Street is not included per the designation application submitted in 2004/2005. Another person stated he worked in real estate for a while and shared there is a lack of notice or disclosure of properties being locally designated. Mrs. Tullar reiterated that State and local law do not require local historic designation to be disclosed on any kind of real estate transaction but required to be on the zoning map. She said if you go through the zoning office and ask questions or go onto the GIS, it is noted. Mrs. Tullar then showed a map of the entire district with the shaded area being a historic district, explaining that the only change since the 2005 designation is the addition of one property that was an owner-initiated designation.

**Commissioner Bachman** stated the changing of small items in the historic district is a problem the Board is facing. He said the committee is there to enforce the design guidelines and preservation ordinance. He stated this is a violation of the rules the Board has. Commissioner Bachman said the house does look better, but at the same time, he question what if another person thinks, “she got away with it,” and paints their brick too. He said they are not trying to be bad guys, just trying to enforce the rules.

**Commissioner Bailey** stated he has been on this Commission for many, many years and does not remember ever facing a situation exactly like this one but hopefully will learn something from this for the future.

**There was a motion to approve the application dated 11/05/2021 for a Certificate of Appropriateness for a Major Work Project involving a building change at 410 Ridgewood Avenue, NW.**

Motion made by Commissioner Bailey

Motion seconded by Commissioner Bachman

**Vote – 4 favor, 1 oppose (Bruner)**

**Mrs. Jessica Tullar** shared the Board recently participated in training on brick masonry by an AIA-registered architect who also is a historic preservation professor at Georgia State. During this September training, the Board learned about the difference in brick masonry pre- and post-WWII, the different treatments of masonry, and the importance of considering the impacts of painting the different era brick masonry. She then shared the Board participated in a more recent training on code enforcement, learning that it is best to keep in mind the “big picture”. Mrs. Tullar said with the amount of changeover in ownership and this particular COA case, staff recognizes the need to conduct another round of public outreach to include informational flyers and such ideas as lunch-and-learns with real estate agents and attorneys contractors. She said, as Commissioners Bachman and Bailey stated, the City does not want to slap hands and publicly criticize people. When someone calls the office, staff does its best to inform owners and tenants, to answer questions and help owners understand the rules or process, and to move along the request as quickly as possible. She shared that unlike some communities in Georgia, Gainesville’s preservation program is very property owner-friendly – explaining that the Gainesville is one of a few communities throughout the whole state that includes a staff review process. Mrs. Tullar also noted that the design guidelines are written in a way that allows this Commission and staff to look at each individual request and property on their own merits and own characteristics. As such, the Commission and staff are able to keep in mind that what might be an appropriate change for one property, might not apply to apply to a different but similar property.

**Commissioner Bruner** addressed the concern mentioned earlier in the meeting of – “if one person did it and got away with it, then I will do it too”. She suggested that the City look at the possibility of establishing a fine significant enough to deter someone from completing projects without first going through the design review process when required. Mrs. Tullar stated that such a process already is in place, reminding the Board of the City’s policy on non-compliance, and offered that the planned public outreach efforts will help.

## **MISCELLANEOUS**

## **ADJOURNMENT**

### **Motion to adjourn the meeting at 6:15 p.m.**

Motion made by Commissioner Bruner  
Second made by Vice Chair Wiley  
**Vote – 5 favor**

Respectfully submitted,

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Cathy Day, Chair

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Gwen Fleming, Recording Secretary