

Elkhart Historic & Cultural Preservation Commission

Meeting Thursday, June 20, 2024

Call to Order:

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Meeting for Thursday, June 20, 2024 at 7:01 pm.

Roll Call:

Present: Bobby Glassburn, JA Whitmer, Ann Linley and Bill Zimmerman. Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks.

Absent: N/A

Approval of Agenda:

Ann Linley gave everyone a moment to look over the agenda. Linley asked Eric Trotter if there were any changes to the earlier version of the agenda. Trotter confirmed no changes.

Linley asked for a motion to approve the agenda as presented. Motion made by Bill Zimmerman, seconded by JA Whitmer; motion carried.

Approval of Minutes:

Linley thanked the members of staff for doing minutes every month and said she greatly appreciated it.

Linley gave everyone a minute to look over the minutes from April 18, 2024 to see if any corrections needed to be made.

Linley said she would accept a motion to approve the minutes as presented. Motion made by Whitmer, seconded by Bobby Glassburn; motion carried.

Linley said the April 18, 2024 minutes are approved.

Financial Report:

N/A

Hearing of Visitors:

N/A

Old Business:

N/A

New Business:

A: 24-COA-04, 234-236 Division Street - Installation of a privacy fence

Deb Parcell: 234-236 Division is an American Foursquare, rating contributing from 1920.

Description of the proposed project: Replace deteriorating wood fence on the north and east sides of property with a white vinyl privacy fence. Parcell said that an example picture is attached to the staff report. Install white vinyl privacy fence on west side. Continues black aluminum fence on west side from back area to front of property for security and privacy. Parcell said that they do not have an exact design for the black fence but they submitted several examples with their application the day before the meeting. Parcell passed the pictures to the board members. Parcell added that all the types of fences in the pictures are typically permitted where they are visible from the public right way.

Finding of Fact:

- 1) Existing wood fence on east and north sides of house are deteriorated.
- 2) Vinyl is not considered an appropriate material in the historic district.
- 3) Owner request vinyl for security and privacy.
- 4) Recommended fence styles are slat, picket, and wrought iron fence style is currently undetermined. The board members have the possible styles pictures.
- 5) Black aluminum fence will be most visible from the street, and meets Historic district guidelines.
- 6) Vinyl fence is at the rear of the property, visible on the west side due to adjacent vacant lot.
- 7) Fence will not affect the Historic integrity of the house.

Staff Recommendation:

White Vinyl fence: While wood is a more appropriate fence material for the Historic district, to address safety and privacy concerns, approval is recommended with the condition of approval of final style selection by staff.

Black aluminum fence: Approval as submitted with condition of approval of final style selection by staff.

Linley asked if the homeowner was present to speak to the proposal project and invited them to come to the podium, introduce themselves, and sign in.

The homeowner introduced herself, Toni Brayton, with address 236 Division Street. Linley opened the commission with questions to the homeowner. Brayton said to the board that her hearing is not really great. Linley said that they would do their best to speak loud. Linley said you have lived in the district for a number of years. Brayton said that they have lived in that house for forty five years.

Whitmer asked how many years have the wooden fence been there. Brayton responded about twenty years and pointed out that they have done a number of repairs to it but it got to a point that they could not keep fixing it anymore.

A board member asked a question that was inaudible. Brayton responded that she thought about it but her main goal is to have privacy and security and added that with a wood fence you can see through the slots. Brayton said that she was drawn to the vinyl flat panel type fence because of past problems where they had trespassers climbing over the fence and all kinds of things. Whitmer asked if the aluminum fence would go alongside the pathway. Brayton said that she was not familiar with the city code and asked for recommendation since she also wanted to do the same

kind of black aluminum fence on the east side along the side of the house. Whitmer asked if they plan to bring the vinyl fence from the back forward to the house. Brayton responded that they do not want to bring the vinyl fence down the street. Glassburn said no she meant the black aluminum fence. Whitmer confirmed the black aluminum fence down to the street and Brayton responded yes. Whitmer asked what distance was between the fence and the house. Brayton asked what she meant. Glassburn repeated the question to Brayton how close would it be to the house and he said that it looked like six or seven feet. Brayton responded that she thinks it was around nine feet on the side and pointed out that she did not want a tall fence because it felt as a fortress. Glassburn said that he lives right next door and he is actually her neighbor. Glassburn shared that when they first started working on their fence that was a discussion they had putting a fence around the backyard and then having the same kind of a metal fence on both sides but they had not have the funds to do it.

Inaudible

Brayton said that she talked to her husband about starting at the back corner of the house and bringing it up at least to the front corner of the house if not close to the sidewalk because she would like to have a boundary between their property and their neighbor. Glassburn said that there are plenty of houses on that street that have one fence that goes all the way out to the sidewalk. Glassburn corrected himself and said on the next block closer to Main Street there are like four or five but not on their block. Brayton said that she was not sure which street it was. Glassburn explained the location of five fences that go right up to the sidewalk and he wanted to point out that there's already a precedent for a fence to go that far. Whitmer made a comment that was inaudible. Brayton asked what the city code is. Whitmer said that she was not sure what the setbacks on the sidewalk are. Glassburn said that Trotter would work with her on that.

Whitmer had a question on the west side of the house where the driveway is but it was inaudible. Glassburn asked Brayton if she was thinking to block the front of the driveway with the fence and then have it be open and closed. Brayton responded that they would like to have a gate across the driveway because they had people drive in their cars all the way into the back of their driveway. Glassburn confirmed that had happen to him too. Linley asked if it would be the black metal too. Brayton responded yes. Whitmer asked where she would start the fence. Glassburn asked if they were going on the west side up to the property line with the black metal all the way through or having white vinyl up to a certain point. Brayton explained that they want to have white vinyl on the west side from the back as far forward as they are allowed and from whatever point then have the black aluminum up to the front and she repeated that she does not know what is allow. Whitmer asked Brayton if she is adding white vinyl where she presently does not have wood fence. Brayton responded yes where we do not have a fence on the west side.

Inaudible

Brayton explained that she did not have a wood fence on the west side originally because they did not have space for it. She continued to say that going back twenty years or more their property line was right on the edge of their driveway and there was not room and their driveway was very narrow about seven and a half – 8 feet. Brayton said that one side was about to the house and the other side was right to the property line and there was not room to put up a fence. Whitmer asked how she is going to place it now. Brayton answered that they got thirty feet more of property. Glassburn

said that it happened around the time that they did theirs because they got that too on their side and explained that the city shrunk that vacant lot by thirty feet on each side. Glassburn confirmed that each property owner got thirty feet on their side and Brayton got thirty too and he shared that he also had the same issue, a driveway that literally the curb was actually splitting the property line technically because the funeral home that used to own their lot and the empty lot their stuff went across. Glassburn continued to explain how the city gave both houses their thirty additional feet of property about the same time. Brayton added that when they got out of their driveway they were stepping on the neighbor's property to get out of the car. Zimmerman said when the city shrunk the lot you each property owner got thirty feet. Glassburn responded yes. Zimmerman asked what the city's purpose of shrinking the lot was. Glassburn responded that they requested the whole lot from the city but the city said they wanted to keep it available for a house and that lot is the largest lot there now and they said even if you were to put a quad building in there, it did not need to be as wide as it was. Glassburn shared that part of the deal whenever they took over their house and started working on it was that they would get an extra twenty feet of property. Zimmerman asked Glassburn if the city just gave it to him when the city shrunk it because they owned it. Glassburn responded yes but it was sold to them for a low amount of money because it is a little twenty foot strip that nobody else could do anything with it and it was part of their home purchase. Glassburn said that he did not know about Brayton's but he has two sets of property taxes that he pays every year, one for the house and one is for the additional lot. Zimmerman asked if that's two different parcels. Brayton shared she got the same issue when she got her thirty feet in putting part of that lot to her tax record. Glassburn said that they did it for them but it is its own property and he technically own two properties because they already had a mortgage on the house and could not combine it without refinancing everything. Zimmerman asked if the city owns the rest of the lot. Glassburn confirmed it and said that they got the little strips on the side and the city owns the middle part.

Whitmer said a concern that was inaudible. Brayton responded that she considered that and she appreciate the Historic aspect of the neighborhood but she is torn because it is not her fault that the lot next to hers is vacant. Brayton added that she really wants some privacy especially because the lot next to hers is the neighborhood playground and they have found baseballs, soccer balls, and tennis balls, even aluminum bats in their yard.

Inaudible

Brayton said she would like to. Zimmerman asked if that fence would run from the back wooden fence coming forward up along that west side of the lot and then it would come over and place a gate in front of the driveway. Zimmerman asked if that was what she is asking for and he rephrased the question: on the west side where the driveway is, the black vinyl fence would run all along the side. Brayton responded it is white vinyl and yes that's what I would like to have but I do not know what is allowed or what the city code is and added that she just wants to protect their cars and the house on that side. Parcell clarified with Brayton if she wanted the white vinyl fence to come from the back up to about even with the back of the house and then the black open from the front of that which would be within the guidelines because vinyl fence in the backyard, even though that's not exactly the first and foremost choice, still is minimally visibly and as Brayton sad it is not her fault that the lot on the side is vacant and eventually there would be a house there someday and we will not be able to really see it at all. Parcell explained that they don't want to see a solid fence extending

beyond the front of the house. Parcell showed Brayton that anywhere between along the front corner on back it could be solid but the black aluminum would need to be in the front. Whitmer asked something that was inaudible. Parcell responded that privacy fence can be with the front façade of the house. Whitmer said that it would look weird because the other side is different. Parcell agreed with Whitmer that whatever is one side should be in the other and added that those are the guidelines, they don't want to see a solid fence in the front of the front façade of the house. Parcell was not sure what the city requirements are for that. Brayton repeated that she just want a solid fence to better protect her cars. Parcell understood that she does not want them to get hit.

Zimmer wanted to make sure he was understanding correctly and repeated on the west side of the house the white vinyl fence would stop where the white vinyl fence stops at the rear of the house on the east side too and then coming forward from there would be the rod iron. Brayton said she is willing to do whatever is recommended. Zimmerman said his pictured is the white vinyl fence at the backyard and then on the sides it comes from the back of the yard up toward the house and it stops at the back of the house then the rod iron fence continues and comes forward out toward the street and then the gate goes across the driveway. Zimmerman asked if that's what Brayton wanted to do. Brayton responded that she wants to have a fence that goes along the side of their house where her cars are parked and up to the front corner of the house and she repeated that she does not know what is permitted and that's what she wants in order to protect their cars that are parked along the west side of the house. Parcell said that Trotter confirmed that those are ok with the city standards and they could have a solid fence as far as the front of the house but it cannot extend beyond that.

Inaudible

Whitmer said that it is odd to have one side vinyl and one side wrought iron and Zimmerman said that was his problem too. Brayton said that she would have part of the west side the black aluminum from the front corner of the house forward and on the east side the black aluminum would go back a little farther because it is so close to their neighbor's house.

Inaudible

Whitmer wanted to clarify if the gate across the driveway would be within staff discretion. Brayton said that she did not know she could do that because the gate was something that was talk about and felt more secure and private if they can close down the driveway. Whitmer said that it is better to complete everything at once that way Brayton did not have to come back to the board.

Zimmerman said that his concern is on the west side of the house because bringing the white vinyl fence up all the way along the side of the house and stopping at the front of the house and then tying it in would be visible from the road. Also on the east side of the house he was envisioning it coming up and stopping on the west side where the white vinyl stops on the east side and then continuing with the black fence coming forward toward the street. Linley asked if that's something that Parcell could work on with the applicant. Zimmerman responded that he was ok with that and he agreed and understood the reasons for Brayton wanting to fence it in but he was just concern with the look of it because the sizes are not uniform. Linley said that everyone was ok with the COA as long as staff is involve in helping with the fence style.

Linley asked for a motion to approve **24-COA-04 234-236 Division Street** based on the staff recommendations and involvement in the process. Motion made by Glassburn, seconded by Whitmer; motion carried.

Linley said 24-COA-04 234-236 Division Street is approve.

A: 24-COA-05, 227-229 Division Street - Installation of privacy wood fence

Parcel said basically across the street from the last COA and another American foursquare 1910.

Description of proposed project: The owner proposes to construct a wooden fence enclosing the back yard, placing pressure-treated 4x4x8 posts 2 feet from the alley and 1 foot inside the property line, with a concrete base. The posts are put 2 feet into the ground. The pickets will be 1x4x6 pressure-treated dog-eared wood with 1x4x8 supports that the pickets will be secured to. Three gates-two on the sides and 1 double gate at the rear of the property. The fence will be sealed and stained when finished. Parcel would like to note that the posts are already in the ground and mentioned they are very secures and she met with the contractor and homeowner.

Staff Recommendation:

The proposed fence is in the rear yard, minimally visible from the street. It meets the Historic District guidelines for size, location, material, and design, and can actually be approve by staff but it is retroactive. Parcell asked the board for their blessing on that.

Linley asked if there was anyone to speak to it and said it can be approve since it is retroactive. Linley asked if anyone had questions for Parcell in regards 24-COA-05 227-229 Division Street.

Linley asked for a motion to approve **24-COA-05 227-229 Division Street** coming before the Historic Commission because it is retroactive. Motion made by Zimmerman, seconded by Glassburn; motion carried.

Linley said 24-COA-05 227-229 Division Street is approve.

Announcements:

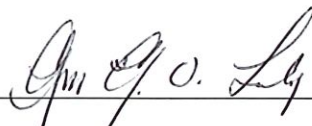
Linley asked if there were any announcements that evening and Trotter said no. Linley asked the commission if they have any questions for the good of the order.

Parcell said she wanted to bring two things to their attention: 1. 226 State Street is for sale. It came in the market last year was purchased in February of this year and it is on the market again. The price went from 53,000 to 179,900. It had a lot of changes inside: the paint color changed, plastic shutters added and it has new doors. Parcell compared the realtor's picture versus google street view from last summer. Parcell said that they have starter sending out letter in other towns to the realtors when they notice that something is for sale in the Historic District and they do not mention that in their listing. Parcell wanted to know if that was something that the Elkhart Historic commission would like to start doing and mentioned that she could generate a letter so the board can look at it before she mail them out. Linley said that it would be a wonderful idea and everyone on the board agreed to it. Linley said that it is for everybody's best interest going forward. Parcell said that it is since the last people were not aware. 2. 201 Division Street was originally a duplex with two front doors and the owner wanted to condense into one opening because the use is

different now but that only piece of character left because everything else has been changed on that house. Parcell said that they have a covenant on the exterior and they said no to their request and told them that if they wanted to use just one door they could have nail the other one down but they needed to keep both doors as well as the attic window which has a little x grid. Parcell went down Division Street to check on fences and noticed that there was only one door with one opening with sidelights which was not an appropriate design and said that they would tackle it first. Parcell said that is it just right down the door by Glassburn's house. Glassburn confirmed it was the green one on the corner on Division Street. Parcell said that every window have been changed, new siding, the foundation is different all those left were the two front doors and the brick porch, the brick columns still there, everything else has been replace. Linley said that Parcell has all the covenant to start with Indiana Landmarks. Parcell said that it is a conversation between her director and the personnel over top to see where they wanted to go with this because it is pretty blatant violation of their covenants. Parcell wanted to make the Historic Commission board aware and would keep them post it. Whitmer suggested something that was inaudible. Parcell said that it can be done since La Porte did that few years back and South Bend was in the process of it when she left. Parcell continued to say that she knows that it can be done and came in with a cost and agreed that it would be an excellent suggestion.

Adjournment:

Linley said that she would accept a motion to adjourn the meeting at 7:34 pm. Motion made Whitmer, seconded by Glassburn; motion carried.



Ann Linley, Chair