

Town of Lexington
BOARD OF APPEARANCE
Minutes

January 7, 2021

MEMBERS PRESENT: Chair Larry Wilund and Board Members Wayne Rogers, Carlton “Cocky” Oswald, Ian MacLean and Bob Britts were present. The meeting was held at Town Hall in the Council Chambers at 9:00 a.m.

Other Staff members in attendance were Director of Planning, Building, and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Town Engineer Rosemarie Nuzzo, Assistant to the Town Administrator Wesley Crosby, Digital Media Coordinator Darrell Pritchard, and Municipal Clerk Becky Hildebrand.

Two (2) citizens were present and no news media were present.

Chair Wilund read an introduction to the Board of Appearance meeting and called the meeting to order at 9:00 a.m.

ADDITIONS/DELETIONS: None.

APPROVAL OF MINUTES

A motion was made by Chair Wilund and seconded by Board Member Britts to approve the minutes from the Board of Appearance meeting held on October 8, 2020 as submitted. The motion was unanimously carried.

NEW BUSINESS

1. **Review of an Exterior Alteration Proposal at 102 West Main Street (former Carpet One):** Mr. Hanson, Director of Planning, Building, and Technology, stated that KCR Properties (Teresa and Jeremy Addy) submitted a proposal to renovate the buildings located at 102 West Main Street. The proposal includes significant enhancements to the exterior of the buildings and a plan to convert the buildings to a restaurant and brewery. A permit to begin façade improvements was approved with one exception. This exception involved the applicant’s desire to remove the mural of the Roof-Harmon house located on the Church Street side of the building. This issue was discussed by the Board of Appearance in June and the recommended intermediate steps, which included power washing the building. A photo was provided to the Board which were taken on December 10, 2020 after completion of power washing. (Copy attached.) The intermediate steps have been completed by the property owners who are returning to the Board for a final resolution to this issue.

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Mr. Hanson added that when the Board discussed this item in June the property was intended to be developed as a multi-tenant building, but now there is more focus on what the applicants are doing with the buildings.

Chair Wilund asked if any direction on this item had been issued by Town Council. Mr. Hanson stated that there had been no presentations before Council on this or any other art related items. Chair Wilund asked if funding had been addressed through the Façade Grant program. Mr. Hanson responded that Mr. Crosby had discussed the grant application with the applicants, but he did not know where that stood. Chair Wilund asked if there were any questions from the Board. There were none.

Chair Wilund called on the applicants if they wished to speak.

Ms. Teresa Addy, stated that she was the single owner of KCR Properties. She added that she felt if she took the Façade Grant from the Town it would fix it this time, but what would happen the next time. Ms. Addy indicated that she and her husband discussed the issue last night and she thought she was doing the right thing by coming to the Town and letting them know she was going to paint the side of the building so the Town would know beforehand, but it had turned into a mountain and an extra expense for her. She stated that she had it pressure washed twice, had to pay for extra things and had construction crews waiting because she could not get a permit. Ms. Addy stated that when she left this meeting last time she was told it would go to Town Council and someone would get back to her yet she never heard anything. She added that when she called about her permit she was told the Town would not issue a permit until she decided what she was going to do with the mural, all of which she had in writing. She told them it was not her decision because she had tried to tell them that she was going to paint over it. Ms. Addy asked what was she supposed to do, just leave the blank while and the rest of the building be remodeled. She added that nothing was ever said about the mural until she bought the building. She understood that the previous owner, Mr. Clyde Smith, came to the Town before to do some work on the mural and no one ever got back to him. Ms. Addy stated that she did not want the expense for the upkeep and that is what would happen. She added that it was not fair to dig in her pocket when she was not getting paid anything. Ms. Addy stated that if the Town would like for the mural to stay, she was willing to let the Town rent that spot. She thought that was fair because if they were advertising somewhere else they would be renting it and that is where she stood on the issue.

Chair Wilund asked if anyone else wished to speak. There were none.

Chair Wilund called for the Board's discussion. He wished to make several comments and then he would call on the other Board Members. Chair Wilund stated that he had struggled with this issue and he hated to lose the mural, however they have not heard anything in the past six months as far as an alternate plan. He stated that what the applicants presented, for the building, meets the Board's standards. Chair Wilund stated that if the Board voted to not paint over the mural, they do not have a time frame such as five or ten years or if it would be

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indefinite. He added that given the fact that they do not have an alternative for it, he did not see how they could turn it down since the applicant presented a plan that meets their appearance standards. Chair Wilund called on the other Board Members for comments.

Board Member Rogers wished to speak in favor of keeping the mural, but not for the applicants to maintain it. He added that he had conversations with Council and he thought the Town was working behind the scenes on a way to fund public art, but that would not fix this problem. Board Member Rogers added that it was his opinion that the mural was part of the Town's story and he did not think the Addys or the Town should maintain it. He thought the power washing was a success and it created a vintage mural with chips and fading like an old piece of art would look on the exterior of a building. He added that there are examples of that in other towns that we ride through where you might see an old Adluh Flour or cola murals which also tell a story. He commented that if it did need maintenance, it should be done by the Town, but he did not think it would need maintenance if it was left as a vintage mural. Board Member Rogers stated that this mural is even more significant because it tells of a building that used to be there. He heard from citizens who liked it even as it was getting power washed.

Board Member Oswald asked if anyone had approached the Town Council about the upkeep of the mural. He explained that he was not at the last meeting and wanted to catch up regarding the item. Board Member Rogers responded that there had not been formal conversations with Town Council, but there had been conversations in Town, not about this project, but about the need for the Town to help pay for public art. He did not think that the mural restored would be as successful as it is right now after being power washed, so he was not interested in money to restore it. Board Member Rogers stated that he left the last meeting with the understanding that it was going to be power washed to see what was left. He added that if the Town was interesting in coming along with funding, that would be a different story. Board Member Oswald confirmed the location of the mural on the building based on the photo.

Chair Wilund added that he could see the argument for that as addressed by Board Member Rogers. He appreciated the point of view for the way the mural is now, however you have the owner of a building that we do not have a plan for how to keep it, leave it as it is, or paint around it, or even an agreement for what is desired. He was not sure as a Board how they vote to allow the applicants to paint over it. Chair Wilund stated that in order to make a motion he needed some idea as to where the Board stood on the item.

Board Member Oswald asked Ms. Addy if the mural would hinder the project as proposed.

Mr. Jeremy Addy responded and asked if it was this much trouble to decide what to do about it now, what would happen in five years when it is more dilapidated. He thought at this point it would be better to just do away with it which is the best solution. Mr. Addy stated that if this had been handled in a

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more timely manner it would give them more confidence for the future, but the way this has been handled thus far does not instill any confidence in moving forward. Mr. Addy asked if they leave the mural the way it is now, because the Board likes the way it looks, at what point down the road does it become too dilapidated that it needs something else done to it and they will have to go through this all over again.

Board Member Oswald asked when the original mural was painted. Mr. Addy responded he thought around 2004. Board Member Oswald thought was he was hearing was the condition of the mural as it is now and the authenticity of it is not a problem. Chair Wilund responded that would depend on who you ask because he thought there were people who appreciated it as it is. He added that he has an appreciation for it too.

Mr. Jeremy Addy interjected that the people who like the mural as it is now are not the ones writing the check. He added that if someone likes it they are more than welcome to buy the building and decide what they want to do with it, but they own the building and they should not be limited as to what they can do with their building if it meets the standards of what the Board expects.

Board Member Britts stated that he would be in favor of painting over it instead of keeping the mural which is in really sad shape right now. He thought a historic plaque or small sign using the words that are now located outside the box at the bottom of the mural would identify the house without having the full blown mural. He added that it has deteriorated so much to the point it cannot be saved without spending a lot of money on it.

Chair Wilund encouraged the owners to take a photograph of the mural and get it framed as a memento of it. He asked only as a point of encouragement rather than a requirement.

Board Member MacLean stated that he agreed with Chair Wilund.

Ms. Teresa Addy stated “I’m going to go legal now and I wasn’t going to go this way, but legally you have no right to tell me what I can do with the side of the building”. She added that she bought the building and the building belongs to her and the mural was not grandfathered in on anything. She stated that the Town was not grandfathering anything else over there so she did not understand why it was such a big deal. Ms. Addy stated that if the Town was willing to help her, then she was willing to help the Town and that is where she stood on the issue.

Chair Wilund made a motion to approve painting over the mural as requested by the applicant. The motion was seconded by Board Member Oswald. The motion carried with a vote of four (4) in favor and one (1) opposed (Rogers).

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ADJOURNMENT: There being no further comments or questions, Chair Wilund made a motion to adjourn the meeting which was seconded by Board Member Oswald. The motion was unanimously carried by all those present. The Board of Appearance meeting adjourned at 9:16 a.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Larry Wilund
Chair

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.