

# City of Shelbyville

## Historic District Commission

315 Washington Street  
Shelbyville, KY 40065

### HDC Meeting Minutes

**March 11, 2024**

Call to Order: 5:28 p.m.

**Approval of Previous Minutes (Dec. 10):**

**Motion:** Magan **Second:** Wells **Approved:** Yes

<u>Members:</u>	<u>Present</u>	<u>Guests Present:</u>
Deborah Magan	X_____	
Stephen Collins	_____	Mark Osborne
Rachel Wells	X_____	David Bullock
Tom McGinnis (Chair)	X_____	
Jim Henson	X_____	
Michele Floyd Richardson	X_____	
Julie Mulcahy	X_____	
Brian Cushing (HDC)	X_____	

**Old Business:**

**New Business:**

Presentation by David Bullock, attorney for Melvin Terry Nethery representing him in his lawsuit against the Shelbyville Historic District Commission regarding the stop work order at his house at 516 Third Street. Mark Osborn, attorney assigned to represent the city by the Kentucky League of Cities was also in attendance. Mr. Bullock stated that Mr. Nethery does not believe he needs a COA from the Historic District in order to make alterations on his properties that are located within the Historic District boundaries. Mr. Bullock stated that his goal was to resolve some safety issues with the structure without a COA before asking the court for an injunction so that the work could proceed. Specific issues include: house wrap deteriorating, upper porch not complete [note: there was no COA in place to begin an upper porch], lower porch unsafe and railing coming off, a piece of vinyl siding that was installed without a COA in place has come loose (potentially letting water in), windows that were installed without a COA in place (which changed the size/shape of the openings) have not been caulked, a light fixture is dangling off the back of the house, gutters were taken down and not put back up, and the foundation needs work. Mr. Bullock shared photos of the areas in question with the commission. He stated that the windows that were removed (not original; aluminum installed by Mr. Nethery's father but did not alter the size/shape of the openings and did not impact surrounding decorative elements) have not been

preserved. Soffit elements have also been removed. Commissioner Richardson clarified that the commission is not responsible for the deteriorating conditions of the building; it would not be occurring had Mr. Nethery followed the procedures laid out in the Historic District Ordinance, which he is aware of. A commissioner asked Mr. Bullock if Mr. Nethery disregards Code Enforcement in the same way; Mr. Bullock stated that Code Enforcement does not talk to Mr. Nethery; Mr. Cushing stated that that is not accurate; there was no further discussion on that point. Mr. Bullock stated that if the court rules against Mr. Nethery, he may let the house deteriorate and fall down; Cushing stated that would be demolition by neglect and is illegal; Mr. Bullock stated that it would be the fault of the Historic District Commission for “stymying” Mr. Nethery [see earlier point by made by Commissioner Richardson]. Commissioner Wells asked if Code Enforcement could take further action on this property; Cushing said he would ask. Mr. Bullock stated that Mr. Nethery’s insurance on the structure is currently under threat. Chairman McGinnis stated that he does not trust Mr. Nethery to complete work on the structure correctly if we were to release the Stop Work Order and allow him to proceed without a COA. Mr. Osborne also clarified that we are not in a position to allow the project to continue as it was started. The final outcome of the discussion was that the commission would allow:

- House wrap to be replaced only where house wrap is currently placed and on exposed areas of the soffits.
- The dangling light fixture may be repaired.
- The one piece of vinyl that came loose as shown in the photo presented by Mr. Bullock may be repaired/replaced.

Motion: Commissioner Henson. Second: Commissioner Mulcahy. All in Favor.

Mr. Bullock and Mr. Osborne departed. Cushing asked the commissioners if making matching grant money for this project available for it to be done in accordance with the Historic District Ordinance and Historic District Guidelines could remain a priority. All agreed that it should.

Mr. Osborne returned, and the discussion was concluded.

COA Application by Dillon Boone, 320 Main Street (brick townhouse portion), for a door, door trim, and two lights that were installed without a COA in place; Cushing stated that Mr. Boone thought it would constitute a repair since there seemed to have been a door there previously with the opening having been filled in with block glass for an unknown number of years. The trim was found acceptable since it is wood and not metal. The door would generally be found unacceptable except that the commissioners decided that it is not worse than the large window that was cut out of the front wall and installed at an unknown date (but prior to the establishment of the Historic District). The final decision was that all of it could stay except the lower light; the commissioners decided that it would be premature to specify what should replace it without knowing what code requirements Mr. Boone has to fulfill with it. This will be addressed at the next meeting.

Motion to approve: Commissioner Wells. Second: Commissioner Richardson. All in favor.

COA Application by Alex Doyle & Dillon Boone, 726 Main Street for hardy shake siding on a small anomaly beneath a portion of the roof and black aluminum cladding for the soffits.

Motion to approve: Commissioner Mulcahy. Second: Wells. All in favor.

Commissioner Wells asked about work going on in the rear of the building. Cushing reported that it is to remain a patio but they are modifying grading and drainage to address long standing flooding issues with that part of the property.

COA Application by Preston Downing & Tom Heng, 1023 Main Street to replace vertical wood siding on the upper façade and small portion of the lower façade with horizontal hardy plank siding in Monterey Taupe color. Commissioner Richardson vouched for the quality of Mr. Downing's work. The final decision was that this change was acceptable as long as the siding was trimmed appropriately at the vertical edges. [Note: this is a cinder block building.]

Motion to Approve: Commissioner Henson. Second: Commissioner Wells. All in favor

#### **Other Business:**

Discussion of possibly holding a workshop for realtors to prevent claims of not knowing where or what the Historic District is when selling properties. Cushing reported that such things are available through the Heritage Council and has been done successfully by the La Grange HDC; he will follow up.

Commissioner Mulcahy reported on successful meetings with real estate broker Larry Rogers, who was given a framed map of the Historic District for his office. Cushing also gave one to broker Torrey Smith and will continue distributing them.

Chairman McGinnis reminded everyone that preservation month is coming up (May) and that we should be thinking about preservation awards. The work done by Jeff Walldridge and others at Geroge Broadbent's property at 814 Henry Clay Street (which was long neglected by previous owners) seems to be the main stand out.

Cushing reported on the city's developing plans for the lot that it purchased at the corner of 6<sup>th</sup> and Washinton Streets. While it is exempt from review, the city hopes to have the support of the Historic District Commission. While nothing is finalized, the main working plan is to have the same pavers that are on the rest of 6<sup>th</sup> St. extended onto the lot and feature small framed shops to contribute to and stimulate the commerce element central to the overall 6<sup>th</sup> St. plan. Tevis Cottage, the closest historic frame structure, may be used for inspiration for some elements of these buildings while not attempting to "recreate history" with new buildings, which would be considered inappropriate under the Historic District Guidelines.

**Adjourn: Motion:** Commissioner Magan **Seconded:** Commissioner Richardson **Approved Time:** 6:55 p.m.