

Town of Lexington

**BOARD OF APPEARANCE
Minutes**

June 13, 2023

BOARD MEMBERS PRESENT: Board Members Jeremy Addy, Bob Britts, Carlton “Cocky” Oswald, and Wayne Rogers were present. Board Members Larry Wilund and Ian MacLean were absent. The meeting was held at Town Hall in the Council Chambers at 5:30 p.m.

Others in attendance were Councilmember Ron Williams, Director of Planning, Building and Technology John Hanson, Chief Building Inspector Brent Hawkins, Digital Media Coordinator Michael Tolbert and Assistant Municipal Clerk Karen Hanner.

Three citizens were present and no members of the news media were present.

Board Member Rogers welcomed everyone to the meeting, read an Introduction regarding the Board and called the meeting to order at 5:52 p.m.

ADDITIONS/DELETIONS: None.

APPROVAL OF MINUTES: May 9, 2023

Board Member Addy made a motion to approve the minutes of May 9, 2023, as submitted. Board Member Oswald seconded the motion. The motion was unanimously carried in favor by all those present.

NEW BUSINESS

1. Appeal of an Administrative Decision Regarding Alterations to the Icehouse on Main Building Located at 105 West Main Street

Director of Planning, Building and Technology John Hanson presented the item from Mr. Craig Otto who has submitted an appeal to review changes made to the Icehouse on Main building after permitting. This building was originally reviewed by Town Council prior to the Town selling the property. Once the sale occurred, construction plans were submitted and confirmed by staff before a permit was issued. During construction Mr. Otto made “field changes” that were not pre-approved. The Board is being asked to review these changes and determine if Mr. Otto should be required to revert to the permitted plan before receiving a Certificate of Appropriateness.

The most prominent change to the building was the removal of the second-floor balconies from the Main Street side of the building. These balconies are shown on the drawings Town Council reviewed and on the permitted construction plans.

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Director Hanson stated that the original write-up regarding the sunscreens on the second-floor windows is incorrect and the sunscreens are not missing. He asked the Board to disregard paragraph two.

Another alteration involves the materials used to construct the rear wall that screens the utility area next to the amphitheater parking lot. The drawing submitted to Town Council prior to the sale of the property shows this wall as an 8-foot brick wall, as do the civil drawings included with the approved building plans.

A final concern is the additional lighting placed on the West side of the building. This lighting was not shown on the building elevation reviewed by the staff committee. Given the signage that will be installed on this side of the building, the lighting seems out of place.

The Board is being asked to review the alterations and determine whether they meet the Town's appearance standards.

Mr. Craig Otto introduced himself as the architect of the project along with partners Eric Bland and Chris Moran. He stated the other two partners were unable to attend tonight. He stated everything Mr. Hanson reported was true and he doesn't disagree.

Mr. Otto stated during the initial design process which was done in order to make a presentation to Town Council to buy and develop the property, their goal was to develop the best-looking building that Lexington could possibly get in a very prime location. He said they spared no expense and the lack of the balconies had zero to do with expense. Mr. Otto explained that it was never their intent to present one thing and then do something else. He admitted ignorance and agreed it was no excuse. He added he had no idea that if he made some changes in the design during the process that he needed to go back to the Town to request approval to make the changes.

Mr. Otto responded to Mr. Hanson's statement that the balconies were removed. He stated there are balconies, just not projected balconies. He stated the original design balconies projected four feet. He continued during the construction process they started questioning whether those balconies were appropriate. Mr. Otto said they debated whether they were of any use and they decided they were not, because nobody would really want to go out and stand over the sidewalk on Main Street. He explained they originally wanted balconies on the back of the building to overlook the Icehouse Amphitheater and provide a space to enjoy events. He said they concluded that on the front of the building, they wouldn't be functional and nobody would want to go out there. He continued that he didn't want his office to have balconies on the front so he made the decision to take the balconies out and move them back into the building. He added they have the French doors and railings with what are referred to as French balconies or faux balconies. Mr. Otto said he looked at the Town Appearance Standards and noted there is no precedent or requirement for balconies on Main Street. He added he believes that the balconies as they are now are more aesthetically pleasing and in tune with the existing environment in downtown Lexington. He referred to the attorney offices next to the old courthouse on Main Street and noted there are railings on the windows of the second floor which give the

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appearance of balconies and are an architectural treatment to give a pretty look. He said their building is the exact same thing. Mr. Otto referred to the requirement in the Appearance Standards for the building to be pedestrian friendly and as ground level friendly as possible. He stated he felt the balconies overhead from the sidewalk would be imposing and uncomfortable. He continued that he felt that architecturally and aesthetically the building looked better without the balconies so they followed through and didn't build the balconies.

Mr. Otto said he didn't realize that there were plans in the beginning for a masonry wall screen behind the building hiding the electrical equipment. He noted as the design developed they realized there was not space to do a masonry wall in the back with about 4 ½ feet between the building and the edge of the sidewalk. He described the panels with disconnects that require three feet between the panel and anything behind in order to physically access the panels. He stated the only way to screen that would be to have a very skinny screen wall so they used metal panels that are very similar to the panels around the dumpster pad. Mr. Otto referred to the document showing the vignettes of the exterior of the building which shows a metal screen wall around that equipment and said there was never an attempt to show a stone or masonry wall. He stated the plans that were permitted have a metal screen wall and not a masonry screen wall and they never intended to say they would do a masonry wall and then do a metal wall.

Mr. Otto explained they added some sign lights and said the signs on the retail side of the building would be front lit. He added there are two sets of lights, one over the left storefront and one over the right storefront. He said there were potential future plans to split that retail suite into two separate retail spaces which would need signage for each suite. He continued that the lights are there for aesthetic reasons to make the building very attractive at night and also to light the signs.

Mr. Otto stated they will provide the two sunscreens on the back of the building. He added it would serve the two meeting rooms as a sun treatment.

Mr. Otto reported he had looked at the purpose of this committee and it is to determine whether or not a building meets the requirements of the Architectural and Appearance Standards. He stated he believes they meet all the requirements of the Standards and he sees no reason why they should not receive a Certificate of Appropriateness.

Mr. Otto referred to the lighting that was installed was a part of the plans that were submitted to the Town for a building permit. He added they didn't show on the preliminary drawings but were a part of the permitted drawings along with the metal screen wall.

Mr. Chris Moran commented on the balconies and stated it was more aesthetically pleasing to pedestrians to not have two concrete slabs hanging over the sidewalk.

Mr. Eric Bland thanked the Board and stated they had no intent to circumvent any requirements or permits granted and added he just learned about this three weeks ago.

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Mr. Bland said he and Mr. Moran are lawyers and the decision they made to come to Lexington was a big decision. He added the quality of life in downtown Columbia is deteriorating and he made the commitment to move his office and staff to Lexington. He stated he wanted to be a part of a building that would be a legacy and change this area of Lexington and he is extremely proud of this building. He added he loves it here and he wants his dollars spent here. He continued that this is not a money issue but it is an aesthetic issue and he has concerns about cutting holes into the front façade of the building to put in the approved terraces. He added he didn't know they were supposed to do it and they didn't do it. He said when he saw the New Orleans terrace he thought it looked great. Mr. Bland said he was personally committed and wants to be part of the Lexington community. He stated he thinks this adds to Main Street and is consistent with the design of the Amphitheater and open-air market. He said he would be really disappointed to be made to put those balconies on the building when the architect made a discretionary decision that it would look better without them.

Mr. Craig Otto commented that if they had to add the balconies back, the steel beams to hold the balconies up would extend into the building approximately twelve feet and cantilever out onto Main Street and would require cutting four holes into the front of the building and patch it up. He said it would look like an older patched building and that would hurt because the building is gorgeous as it stands.

Board Member Addy commented that the way the building is built now he believed would be approved. He felt they were considering punishing them for not building balconies that if the plan had been presented would have been approved. He added the way they have designed the building that is great for downtown and adds value.

Board Member Rogers agreed it is a good building that contributes positively to Main Street and there is a higher standard where it was built as an important, prominent spot. He added that he would like to see it have a balcony in break down scale or windows with a canopy as some type of streetscape that gives it scale and right now it has a flatness to it. He said he liked the corner treatment on the west with the corner piece that is different and adds an entrance to the downtown area. He commented that it gets held to a higher standard and the detail helped make the building and he misses it being there. He said he supported the Town's review that said it was an important piece. He continued that he is glad the sunscreens are going on and he supports the idea of the metal screen wall which works nicely. Mr. Rogers noted the lighting would make sense once the signage is in place. He added that it wasn't approved but they don't detract from the building. He stated he feels the streetscape is missing something that the balconies were adding earlier.

Mr. Otto commented that one big difference in this building from others on Main Street is the slope of the sidewalk which drops approximately six feet. He added an entrance and canopy are appropriate for a flat sidewalk but he didn't think it worked as well on the sloped sidewalk.

Mr. Rogers stated he understood about the entrance but he was missing the depth that was created. He added the sunscreens create depth and when looking at the renderings

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versus pictures of the actual building there is a loss of depth that he felt was important. Mr. Otto stated he felt there was too much of that going on and continued that there would be three elements sticking out on that building and that was a bit much so he stuck with the top two.

Board Member Britts stated he had mixed emotions for what was best for the Town and would defer to the more experienced members of the Board.

Board Member Addy stated it was his opinion that if it was presented as it is built he would have approved. He added he understood and felt the sunscreens and roof line add depth.

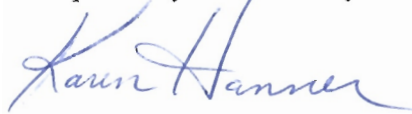
Mr. Otto noted the purpose of the Committee is to judge the building based on the Appearance Standards and to determine whether or not the staff decision to deny the Certificate of Appropriateness meets the guidelines. He stated he believes they have exceeded those and to say the balconies make the difference to meet those standards is a stretch.

Board Member Rogers stated if this building had been submitted without them and staff stated it didn't meet the standard, he thought they would have had the argument as the building is tall and needs something to break up the fenestration at the street level. He added he didn't think they would approve it like it is drawn without a debate.

Board Member Addy made a motion to approve. Board Member Britts seconded the motion. The vote was three in favor and one opposed (Rogers).

ADJOURNMENT: There being no further comments or questions, Board Member Addy made a motion to adjourn the meeting which was seconded by Board Member Oswald. The motion was unanimously carried in favor by all those present. The Board of Appearance meeting adjourned at 6:25 p.m.

Respectfully submitted by:



Karen Hanner
Assistant 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.