

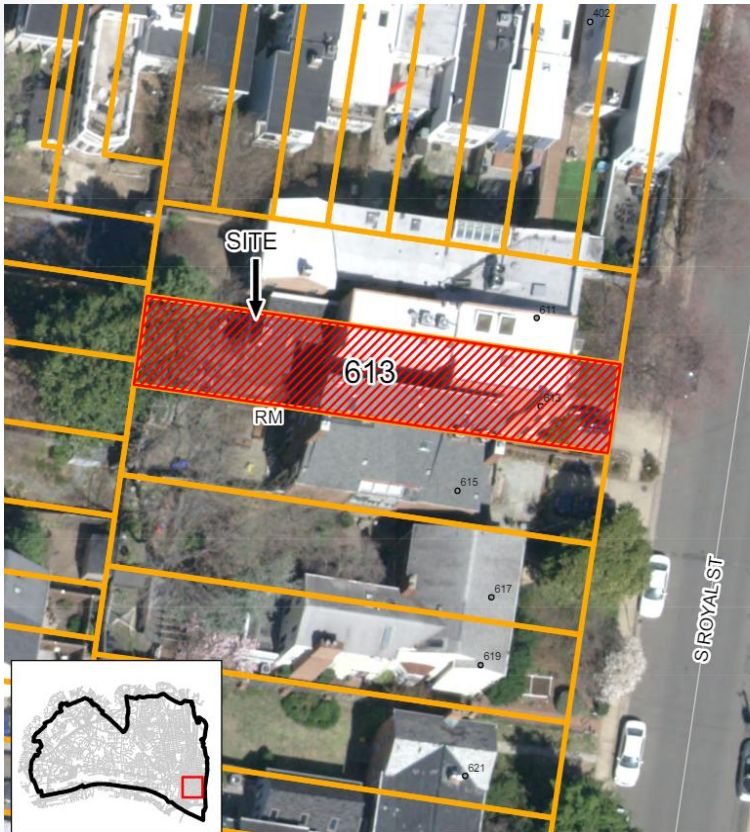



BAR Appeal to City Council

BAR Case #2024-00017
613 South Royal Street


April 13, 2024

613 South Royal Street



 **BAR#2024-00017**
613 S Royal Street

0 12.5 25 50 Feet

N 





BAR Review Process

- Complaint Received
- Violation Confirmed, Stop Work Order Posted and Violation Letter Sent
- Request for a Certificate of Appropriateness
 - Standards (Sec. 10-105(A)(2))
- BAR Deferral of Application
- BAR Approval of Application
- BAR Denial of Modification of Condition of Previously Approved Application
- Appeal to City Council

Painting of Unpainted Masonry



2022



TODAY



First hearing: 10/4/23

- Staff recommended approval with conditions:
 1. *Use different paint colors to distinguish the primary masonry façade from the window/door heads and trim.*
 2. *Replace shutters after the painting is completed.*
- Applicant requested deferral, BAR accepted request 7-0





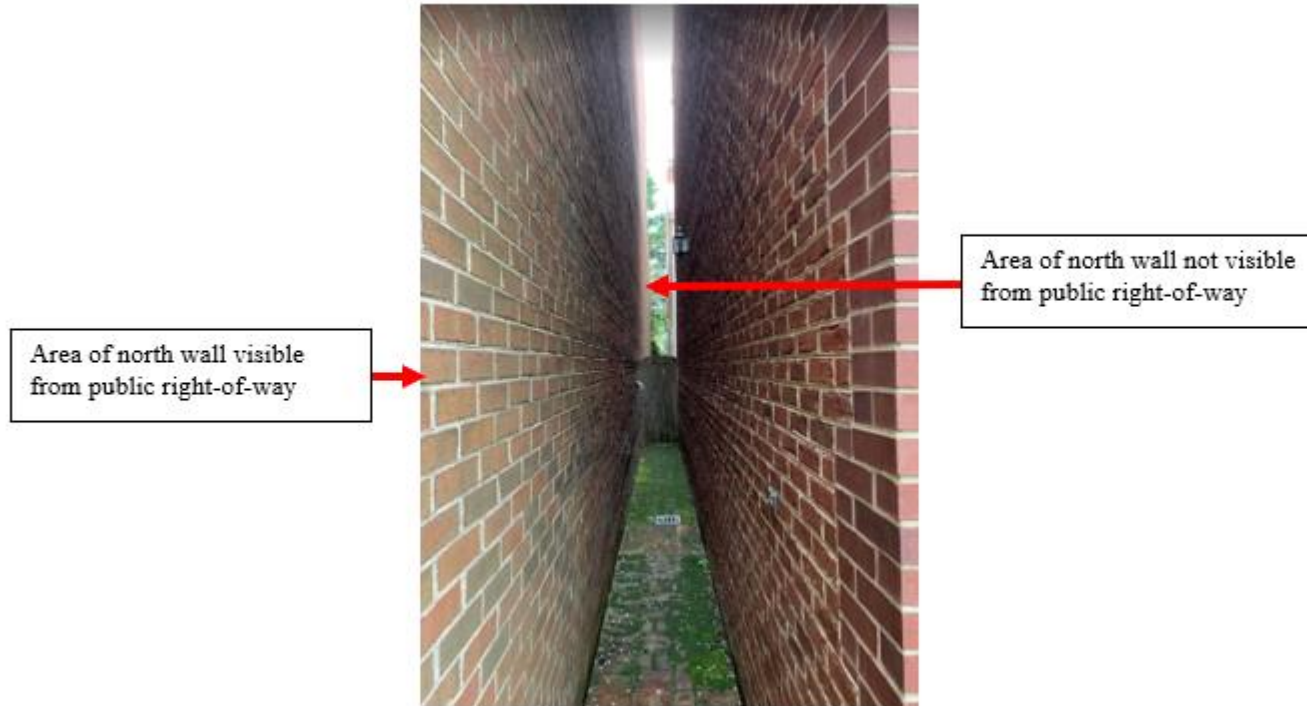
Second hearing: 11/2/23

- Staff recommended approval with conditions:
 1. *Paint all sides of the house that are visible from a public right-of-way.*
 2. *Use different paint colors so that the primary masonry façade is distinguished from the window/door heads and trim.*
 3. *Replace shutters after the painting is completed.*
- BAR approved 3-1 with staff recommendations

Painting done after second hearing



Photo of walkway





Third hearing: 2/21/24

- Staff recommendation: denial
- BAR denied 4-1

Early buildings painted only on front façade



502 Duke



220 North Royal

Other painted masonry buildings on 600 block of South Royal Street



616 South Royal



619 South Royal

Issue of access

- Appellant is concerned about the need to access neighbor's property to paint the wall
- Only the area in front of the gate must be painted per the BAR conditions; appellant does not need to enter 611 S Royal's backyard, only the walkway
- 1995 Declaration of Easement: “...for the benefit of lot 38 [613 S Royal]...to permit ingress and egress unto lot 39 [611 S Royal] as reasonably necessary to repair and maintain the northern wall of the house.”
- Difficulty of physically conducting the work in narrow space
- **BAR does not get involved in private property issues or interpretation of legal documents**

Difficulty of access



Staff's arguments

- Leaving the north elevation unpainted would set a precedent for the surrounding block by introducing an uncommon/unique paint configuration that is not compatible with the surrounding buildings.
- The style of painting only the front façade of a building and not the sides is associated with Early (historic) buildings and is thus not appropriate for this Late (modern) building.
- Accessing neighbor's property – Staff does not interpret legal documents or get involved in private property matters
- Narrow space – other examples of narrow walkways with painted walls

Painting masonry policy

- 720 King Street was appealed in July 2023 for painting a Late building
- City Council reversed the BAR's denial and requested that the BAR create a policy for painting previously unpainted masonry
- Staff proposed an administrative policy to the BAR in December 2023, BAR did not adopt it
- **Currently, there is no policy that specifically addresses whether or how previously unpainted masonry should be painted.**



Recommendation

- That City Council **uphold** the BAR's denial of the modification of a condition of approval for the previously approved Certificate of Appropriateness for after-the-fact painting of previously unpainted masonry