

**MINUTES**  
**BELOIT LANDMARKS COMMISSION**  
**Meeting of July 15, 2008**

The meeting of the Beloit Landmarks Commission was held on Tuesday, July 15, 2008 in the City Hall Forum.

Present: Kent Maxted, John Dummer, Marjorie Fizzell, Rick McGrath, Daniel Shea, Sandra Williams, Charles Haynes

Absent: -

1. Roll Call  
Commissioner Maxted called the meeting to order at 7:00 PM. Community Planner Drew Pennington called the Roll.
2. Minutes of the June 30, 2008 Meeting  
Minutes of the June 30, 2008 meeting were approved on a motion by Commissioner Dummer, seconded by Commissioner Shea. The motion carried.
3. Rick Barder, on behalf of Preserve Beloit LLC – Certificate of Appropriateness  
COA-2008-21 Review and consideration of a Certificate of Appropriateness to relocate the driveway and to construct a detached garage on the property located at 617 Harrison Avenue.

Mr. Pennington read the staff report.

Commissioner Maxted invited the applicant to the podium. Carla Swain stepped forward and stated that she was representing Preserve Beloit LLC. Commissioner Maxted asked Ms. Swain if any trees would be removed, and she stated that they did not intend to remove any trees. Commissioner McGrath asked for clarification regarding the trees in question, and Ms. Swain described the trees and referred the Commissioners to the pictures in the staff report. Commissioner Fizzell stated that she did not feel that the trees were far enough apart to allow the driveway. Commissioner Fizzell stated that the trees would be terminally damaged by the subsurface activity necessary to install the driveway. Councilor Haynes stated that the driveway would disturb about twelve inches of soil, and commented that mature trees are likely to survive the disruption. Commissioner Maxted announced that the meeting would not be open for public comments. Following this announcement, John Yurkew, the owner of 609 Harrison Avenue, announced his opposition to the project. Commissioner Maxted repeated that the meeting was not a public hearing, and Mr. Yurkew questioned the fairness of the proceedings. Commissioner Williams asked Mr. Yurkew why he was opposed to the proposed activities. Mr. Yurkew expressed concerns regarding aesthetics and the possibility of the damaged trees falling onto his house. Commissioner Fizzell asked Mr. Pennington about the size of the garage, and stated that it was too big.

Mr. Pennington stated that the proposed accessory structure was not larger than the maximum allowed by the Zoning Ordinance. Mr. Pennington stated that Planning & Housing Services staff would ensure that the garage met all applicable codes before issuing a building permit. Mr. Pennington stated that the garage would provide two off-street parking stalls and would eliminate front-yard parking, both of which are required by the Zoning Ordinance. Ms. Swain expressed that removing parked cars from the current front yard stall would be attractive, and Councilor Haynes agreed. Commissioner McGrath expressed his preference for rear yard parking and raised the idea of removing one tree to save the other tree. Commissioner McGrath stated that having only one off-street parking space would hamper the marketability of the home. Commissioner Fizzell stated that the original home likely didn't have a garage. Commissioner Maxted stated that extending the current driveway was not possible. Commissioner McGrath asked about obtaining a professional opinion regarding potential impacts on the trees. Councilor Haynes repeated that he didn't feel that the driveways would seriously damage the trees. Commissioner Maxted stated that, due to the Harrison Avenue reconstruction project, time is of the essence.

Commissioner Fizzell asked Mr. Pennington why the Commissioners weren't told about the driveway when the earlier COA was approved. She stated that the Commissioners were now being rushed to make a decision. Mr. Pennington responded that he did not work for the City when the original COA was processed. Ms. Swain clarified that the driveway was mentioned earlier and was always intended to be a separate submittal. Ms. Swain declared that a garage was a necessity when selling a home. Mr. McGrath questioned the breadth of the previously issued COA.

Following this discussion, Commissioner Dummer moved to approve the COA, subject to the conditions recommended by staff. The motion was not seconded.

Commissioner Fizzell moved to deny the COA. Commissioner McGrath seconded the motion. Commissioners Williams, Fizzell, and Shea voted to approve the motion (to deny the COA), while Commissioners Maxted, Dummer, and McGrath voted to deny the motion. The motion failed to pass.

Councilor Haynes repeated his belief that a garage is a necessity when marketing a home. Ms. Swain claimed that, based upon previous experience, the trees would not be damaged by the new driveway. Mr. Pennington clarified that proposed condition number five could be enhanced to further protect the tree roots. Commissioner Fizzell exclaimed her frustration that the garage and driveway were not included in the prior COA application. Commissioner Fizzell accused the applicant of beginning the work without the COA. Ms. Swain acknowledged that there was a miscommunication with one of the contractors regarding the start date. Commissioner Fizzell stated her displeasure with the previously completed work. Ms. Swain answered that the work wasn't finished. Commissioner Fizzell exclaimed her concern for the person that buys the house. Ms. Swain responded by listing the work that had been completed to date. Councilor Haynes asked Commissioner Fizzell if her opposition was based upon the quality of the work or the proposed driveway and garage. Commissioner Fizzell responded that both aspects concerned her. Commissioner McGrath

asked Commissioner Fizzell what she wanted with respect to the garage. Commissioner Fizzell responded that she would like to see a smaller garage.

Following this discussion, Commissioner McGrath moved to approve the COA, subject to the conditions recommended by staff and a condition stating that “if the removal of one of the mature trees near the proposed driveway is necessary to protect the long-term health of the other mature trees on the property, the applicant may remove one tree. If this option is pursued, the path of the driveway shall be altered so that the roots of the preserved trees remain intact.” Commissioner Shea seconded the motion. The motion carried (5-1).

4. Report on Staff-Approved Certificates of Appropriateness Since Last Meeting

Nothing to report.

5. Committee Reports

A. Awards Committee: Nothing to report.

B. Plaque Committee: Nothing to report.

C. Program/Publicity Committee: Nothing to report.

D. Cemetery Building Committee: Nothing to report.

E. Landmarks/DBA Design District Committee: Nothing to report.

6. Adjournment At 8:10 PM, Commissioner Williams made a motion to adjourn the meeting, and Commissioner Dummer seconded the motion. The motion carried.

Drew Pennington  
Community Planner