



TOWN OF CHAPEL HILL

Historic District Commission

Meeting Minutes

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Chair Robert Epting
Vice-Chair Sean Murphy
Deputy Vice-Chair James Locke
Woodrow Burns

Kimberly Kyser
David Schwartz
Susan Smith
James White

Tuesday, May 14, 2019

6:30 PM

RM 110 | Council Chamber

Opening

Roll Call

Staff Present: Jake Lowman, Liaison to Commission, Becky McDonnell, Liaison to Commission, Anya Grahn, Liaison to Commission, Brian Ferrell, Counsel to Commission

Present 8 - Chair Robert Epting, Vice-Chair Sean Murphy, Deputy Vice-Chair James Locke, Woodrow Burns, Kimberly Kyser, David Schwartz, Susan Smith, and James White

Commission Chair reads public charge

Secretary reads procedures into the record

Secretary swears in members of the public

Approval of Agenda

Announcements

Petitions

Approval of Minutes

1. April 9, 2019 Meeting Minutes [\[19-0412\]](#)
2. April 22, 2019 Meeting Minutes [\[19-0413\]](#)

The Commission requested that the minutes be amended to include further description of the approved option for 723 Gimghoul. A motion was made by Smith, seconded by Murphy, to approve the minutes as amended. The motion carried by a unanimous vote.

Aye: 8 - Chair Epting, Vice-Chair Murphy, Deputy Vice-Chair Locke, Burns, Kyser, Schwartz, Smith, and White

HDC Candidate Interviews

3. Historic District Commission Candidate Interviews

[\[19-0414\]](#)

Candidates Diane Kunz, Nancy McCormick, Angela Steifbold, and John Sweet introduced themselves to the Commission and explained their interest and experience in historic preservation. Chair Epting recommended that the Commission forward a recommendation to Town Council for all of the candidates, including Commissioner Kyser who had re-applied.

A motion was made by Smith to recommend four of the five candidates: Nancy McCormick, Angela Steifbold, John Sweet, and Kim Kyser; the motion failed due to lack of a second.

A motion was made by Murphy, seconded by White, to forward a recommendation to Town Council for all five candidates. The motion carried by the following vote:

Aye: 7 - Chair Epting, Vice-Chair Murphy, Deputy Vice-Chair Locke, Burns, Kyser, Schwartz, and White

Nay: 1 - Smith

Staff Communication

4. *Tree Protection Presentation by Linda Smith, Assistant Director of Parks & Recreation Dept.*

Linda Smith, Interim Director of the Parks & Recreation Department, introduced Arborist Adam Smith. He explained the environmental benefits of trees, the impact of environmental changes and human interference on trees, and the role of the arborist in maintaining the trees. Smith discussed his procedures for inspecting, pruning, and removing trees as part of the Town's larger tree replacement program. Commissioner Susan Smith referenced resources available to property owners through Orange County.

Consent Agenda

A motion was made by Schwartz, seconded by Murphy, for approval of the Applications for Certificates of Appropriateness for the items shown on the Consent Agenda, on the basis of the findings and conclusions proposed by staff for each of those items. The motion carried unanimously.

Aye: 8 - Chair Epting, Vice-Chair Murphy, Deputy Vice-Chair Locke, Burns, Kyser, Schwartz, Smith, and White

- 5. 501 North Street [\[19-0415\]](#)
- 6. 305 E Rosemary Street [\[19-0416\]](#)
- 7. 602 E Rosemary Street [\[19-0417\]](#)

Old Business

- 8. 410 & 412 North Street [\[19-0418\]](#)

Ricky May, owner, presented revised elevations and discussed proposed materials, setbacks and lot coverage, garage design, and history of a rock wall.

Debra Finn, neighbor, discussed the random house placements and setbacks of the existing houses along North Street, and did not find the applicant's proposed placement of the new house to be out of character.

The Commissioners reviewed the proposed plans for the new garage and house. Commission members expressed concern about the proposed two-story garage not being consistent with the Design Guidelines that call for garages to maintain traditional heights, proportion, and orientation. They also requested additional information about the dimensions of the house design. They spoke to the traditional lot layouts that allowed for more space surrounding the buildings on the site. There were also concerns about the lack of documentation of the rock wall.

A motion was made by Smith to deny the application; it failed due to a lack of second.

The Commission directed staff to prepare findings of fact to deny the application based on their discussion for presentation at the next meeting, one set for an alternative motion to approve and one set for an alternative motion to deny the application.

- 9. 306 N Boundary Street [\[19-0007\]](#)

Commission members Epting and Burns were recused by the Commission from this agenda item.

Vice chair Murphy reminded the commission that the only outstanding item not previously determined by the Commission was the two story-garage. A motion was made by Kyser, seconded by Schwartz, to reopen the public hearing. The motion passed with a vote of 5-1 with Murphy in opposition.

Catherine Burns, neighbor, spoke about due process and her feeling that she had been denied sufficient notice and opportunity to participate in this proceeding, to the extent that her due process rights were violated.

No one else appeared to speak at the public hearing. A motion was made by Kyser, seconded by Schwartz, to close the public hearing and it passed without opposition.

Commissioners discussed the original design intent of the house and pointed out that there was already a two-car attached garage on the lower level of the house. They also discussed the scale, massing, and neighboring views of the garage. Commissioners cited Land Use Management Ordinance Criteria G and Guideline 7 on page 21 of the Design Guidelines as being applicable to this project. The commission acknowledged that the HDC had to take action within 180 days of receiving a complete application per the Land Use Management Ordinance, and that the Commission's 180 day window for action will end on June 10, 2019, before the next regular meeting.

A motion was made by Schwartz, seconded by Locke, to deny the garage portion of the application. The motion failed with the following vote:

Aye: 4 - Deputy Vice-Chair Locke, Kyser, Schwartz, and Smith
Nay: 2 - Vice-Chair Murphy, and White
Recused: 2 - Chair Epting, and Burns

No other motions were proposed, and the Commission moved on to the next agenda item.

New Business

10. 370 Glandon Drive

[\[19-0419\]](#)

Jim Spencer, architect, presented a plan for a new residence on a vacant lot. Spencer explained the topography of the site, size and placement of the new house, as well as plans to maintain a stacked stone wall and existing trees. Spencer presented an updated site plan that called for the preservation of five

big trees.

Spencer explained the increased 45 foot setback in the existing HOA covenants, and testified that he understood those covenants were being changed to include a 35 foot setback. The property owner/applicant confirmed this and asked the Commission to consider allowing the 35 foot setback to be used instead of the 45 foot setback if the covenants are changed in time to be used in the construction of the house.

Commission members discussed the massing of the proposed house, the design for storage space above the garage, and the materials for the house and new retaining walls. They expressed concern about the placement of a stone barbecue beneath the side porch ceiling and requested it be relocated into the backyard. The Commission also spoke to the scale of a bay window on the garage, and the use of poured concrete as a material for the new retaining walls. The architect responded to questions about maintenance of the existing stacked stone walls. The Commission requested that the historic retaining wall be documented prior to any demolition. .

A motion was made by White, seconded by Schwartz, to approve the project with the stipulation that the bay window on the side of the garage be reduced to a rectangular bay with shed roof and that the retaining wall be documented prior to any demolition, so that it can be accurately replaced as part of the building project. The motion passed unanimously with a vote of 8-0.

Aye: 8 - Chair Epting, Vice-Chair Murphy, Deputy Vice-Chair Locke, Burns, Kyser, Schwartz, Smith, and White

11. 412 E. Rosemary Street

[\[19-0420\]](#)

Without objection, the Commission moved to continue the public hearing to the June 11, 2019, meeting

Staff Update

Brian Farrell, counsel to the Commission, informed the Commission that its decision to deny two new single-family residences at 412 and 417 West Patterson Place was upheld in a recent decision on the applicant's appeal to the Board of Adjustment.

12. Post Office Alley Improvements

Adjournment

Next Meeting - June 11, 2019

Order of Consideration of Agenda Items:

- 1. Staff Presentation*
- 2. Applicant's Presentation*
- 3. Public Comment*
- 4. Board Discussion*
- 5. Motion*
- 6. Restatement of Motion by Chair*
- 7. Vote*
- 8. Announcement of Vote by Chair*

Public Charge: The Advisory Body pledges its respect to the public. The Body asks the public to conduct themselves in a respectful, courteous manner, both with the Body and with fellow members of the public. Should any member of the Body or any member of the public fail to observe this charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until a genuine commitment to this public charge is observed.

Unless otherwise noted, please contact the Planning and Development Services Department at 919-969-5066; planning@townofchapelhill.org for more information on the above referenced applications.

See the Advisory Boards page <http://www.townofchapelhill.org/boards> for background information on this Board.