



TOWN OF CHAPEL HILL

Historic District Commission

Meeting Minutes

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

Chair Brian Daniels
Vice-Chair Polly van de Velde
Deputy Vice-Chair Nancy McCormick
Michael Booth
Josh Gurlitz

David Hawisher
Duncan Lascelles
Clarke Martin
Don Tise

Tuesday, December 10, 2024

6:30 PM

RM 110 | Council Chamber

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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Opening

Roll Call

Anya Grahn-Feder Mack, Staff Liaison, Anna Scott Myers, Staff Liaison, Robert Hornik, Counsel to the Commission

Present

7 - Vice-Chair Polly van de Velde, Deputy Vice-Chair Nancy McCormick, Michael Booth, David Hawisher, Duncan Lascelles, Clarke Martin, and Don Tise

Excused

2 - Chair Brian Daniels , and Josh Gurlitz

Secretary reads procedures into the record

Commission Chair reads the Public Charge

Approval of Agenda

A motion was made by McCormick, seconded by Booth, to approve the agenda. The motion carried by a unanimous vote.

Announcements

Petitions

Approval of Minutes

1. November 12, 2024 Action Minutes

[\[24-0549\]](#)

A motion was made by McCormick, seconded by Booth, to approve the November 12, 2024 meeting minutes. The motion carried by a unanimous vote.

Information

2. Administrative Certificate of Appropriateness Approvals

[\[24-0550\]](#)**Consent Agenda**

3. 742 Gimghoul Road

[\[24-0551\]](#)

A motion was made by Hawisher, seconded by Martin, to renew the expiring Certificate of Appropriateness for 365 days. The motion carried by a unanimous vote.

Reports

4. 107 Battle Lane

[\[24-0552\]](#)

The applicant, Kimberly Kyser, showed the commission images of a new privacy fence, connecting to an original privacy fence approved by the Historic District Commission 22 years ago and built in 2004-2005. The section of new fence is 32 feet wide and 6 feet tall. Kyser explained that the fence is the same height as the original fence, made with high quality wood, and painted to match the existing fence. She added that no structural members were exposed on either side of the fence.

Kyser informed the commission that the property has the first swimming pool in Chapel Hill, built in 1950 by her father. She said the pool area now includes her new house and is surrounded by fencing because that is state law for the pool.

Kyser shared images of the fence from her side and the neighbor's side. She said the fence has a batten design and her neighbor painted it the current color.

Commissioner McCormick asked if the application was an After the Fact COA. The applicant confirmed that it was.

van de Velde asked if there were any conflicts. Commissioner Tise informed the commission he used to live at 119 Battle Lane, facing Ms. Kyser's house but he had no conflict.

Commissioner Hawisher asked about the picture of the unpainted fence. Kyser explained that the new neighbors built a fence on the property line along the chain link fence on her property. She heard from her friend, the previous commission's chairman that fences were no longer part of the HDC review and she was confused over who would approve it. Kyser also explained that without the fence, there was chaos and confusion over the addresses and where construction trucks could park.

The chair asked for public comment.

Bill Raynor, who lives at 514 E. Rosemary Street, told the commission that he is very familiar with what the HDC does and understands the rules and regulations due to the 18 month process with the commission for his own home. He told the commission that they were dealing with an After the Fact COA for a former commission member who should have known better. Raynor stated that the Chapel Hill Historic District Design Guidelines and Standards are clear that fences and walls are part of it and you just have to look at the Standards to understand approvals. Raynor noted that the fence being an extension of an existing fence and that the application is an After the Fact is not relevant.

Raynor cited the principles saying, "Consequently, a visually open feel is characteristic of the district's streetscapes and should be maintained" and "Chain-link or solid privacy fencing... or walls are inconsistent with the informal, visually open setting of the districts and are not appropriate choices for front and side yards, visible from the right-of-way." Raynor argued that based on the pictures Ms. Kyser showed, the new fence is inconsistent with the Design Standards in every way.

Raynor added that he watched HDC meetings for 18 months and saw the applicant, in her role as a commissioner, vote against several fences similar to the fence in this application. He referenced the HDC meeting from March 13, 2008, in which Ms. Kyser, as a commissioner, voted against a similar fence and quoted her saying, "... because it's not open and airy enough, and interrupts the sightlines between properties" as the reason.

Mr. Raynor argued that the fence is incongruous with the special character of the district and recommended denial. He reiterated that the fence under question is a privacy fence and should be viewed differently from the existing pool fence.

Commissioner McCormick asked if the applicant considered a more open fence. Kyser said there are breaks in the fence and there are plants in between parts of it. Kyser also repeated that she was informed that the commission no longer reviews applications for fences and that staff makes those decisions.

Hawisher asked to clarify where the new part of the fence is based on the site plan. Kyser pointed it out on the presented site plan.

van de Velde stated the fence is 32 feet long and that's not an insignificant length. She also asked for clarification on the purpose of the fence and whether it was installed just for privacy. The applicant said yes and for safety. Kyser reiterated the commission already approved this type of fencing years ago. Van de Velde reminded Ms. Kyser that as she already pointed out, the rules have changed, and the commission must work with the current guidelines and regulations.

Commissioner Lascelles was confused by the application and has heard a muddled story as to why the fence was installed. He said it is not a small matter since the fence is 32 feet long and 6 feet tall. He explained that as the member of the public pointed out, solid fences are inconsistent with the guidelines and the surrounding area, and he agrees. He continued to explain that just because something was approved in the past does not mean you can do it now.

Hawisher confirmed with counsel that the application being After the Fact does not change the standards applied.

Martin noted that the house is in the district and the house's character, described in the packet, is that the house is largely obscured by a tall fence. She also noted that she did not feel the commission had enough information with respect to other similar examples in the district.

Lannie Shaw was sworn in and explained that the pictures do not accurately show what Ms. Kyser is asking for. The fence connects segments of the

existing fence and is architecturally correct as it blends in with the rest of the fencing. He also said the fence does not interfere with the visibility off the road.

Kyser showed that she planted an evergreen that would help shield the fence. She also explained that there is a story behind Mr. Raynor's comments and that he sued her and the rest of the commission when he didn't get his way. van de Velde remarked that the story was not directly relevant.

Hawisher asked to go back to the site plan and confirmed the road going from the bottom left to the top right of the image was Hooper Lane and asked if the fence was visible from Hooper. Kyser said it was not.

Lascelles said he agreed with Martin's comments and that it was difficult to determine what was new fence and what was existing. Commissioner Tise previously lived in the neighborhood and said the new portion of the fence doesn't have a strong visual impact from Battle or Hooper. He does disagree with Mr. Shaw that with the house on the corner of Battle/Hooper, it's a pretty harsh element given the style of the house.

Martin reframed the conversation in context of section 1.3 of the Design Standards which says tall, solid privacy fences are appropriate in rear yards and for animal control. She wonders if it feels like it is in a rear or side yard or like a front yard. She reaffirmed the commission needs more information. McCormick agreed and said they usually get pictures of nearby examples. van de Velde added that it would be helpful to know what the fence looks like from the house Commissioner Tise referenced and from the road.

Lascelles summarized that the commission would like to see clear lot lines on a site map, diagrams over which house is whose, better distinction between what part of the fence is new and what part of the fence was existing, views of what can be seen or not seen from public roads, and examples of other fences in the district. Booth agreed.

Martin asked the applicant if it was possible to access the pool before the new fence was built and was the new fence installed to fully enclose the pool. Kyser said no, there is a long driveway that leads to the house, and the pool is secluded behind fences. The addition of the fence was designed for the house next door and their driveway there.

Commissioner Hawisher moved, seconded by Martin, to continue the public hearing to the January 14th meeting. The motion carried by a unanimous vote.

5. 111 Ridge Lane

[\[24-0553\]](#)

Beth Grimes, the owner of the house, explained that she and her husband bought the house in March 2024 and they want to add about 450 square feet to include a new primary bedroom, bathroom, and closet, as well as expand the kitchen. She showed that the house sits on the two alleys that run through the Gimghoul Historic District. Grimes showed pictures of the updated driveway that the previous owner completed and explained there haven't been any other changes since the 1980s.

Grimes showed various images of the existing house including perspectives from the back of the house, the side from Ridge Lane, and the corner of the yard. She pointed out one tree they will have to remove to accommodate the addition. She told the commission they would also keep the landscape buffer between the two houses. Grimes displayed pictures of the current screen porch which is deteriorating. The applicant proposes to replace the screen porch with the same size but alter the roof line to address some drainage issues causing water to enter into the house. They also plan to add a pathway leading from the parking space down to the stone patio. Grimes elaborated that the screen porch will stay the same footprint except they plan to extend the roof overhang and the entrance to the porch and this will be the only change visible from the front of the house. She also mentioned the replacement of the lattice on the side of the porch with wood slats. The applicant showed 3D renderings of the addition and renderings of the steps and stone patio with examples of materials to be used.

Tise complimented the thoroughness of the architect and the application.

Hawisher asked why they wanted to replace the lattice with slats. The applicant said it was a design preference and the lattice was covered with a vine, allowing it to rot over time. Grimes said they preferred the horizontal look. van de Velde asked about the material of the slats and if it was frosted glass. Grimes said they would be wood slats with no glass between the wood members.

Lascelles noted the design was well thought out and sensitive to the area, working with the topography. Tise described the removal of the architectural

character with previous updates to the house. He admired the horizontal slats being more contemporary which tells the story of a fragmented past in a sensitive way.

Hawisher agreed but points to Section 3.6.1 of the Design Standards which says lattice is one of the decorative features of porches that should be retained. Lascelles responded saying he thinks the lattice is incongruous with the look of the house. He thought it was probably tacked on in the 80s or 90s and looks irrelevant. Martin agreed and found the lattice is no longer functioning as intended to support a vine.

There was no public comment.

Commissioner Lascelles moved, seconded by Hawisher, that the application was not incongruous with the special character of the district. The motion carried by a unanimous vote.

6. 217 Vance Street

[\[24-0554\]](#)

Joanye Pitts, the applicant and owner's daughter, showed an older picture of the house and explained that a spin off tornado from Hurricane Debby took down an old oak tree and damaged the existing fence. Pitts told the commission the tree tore up the front rock wall, fence, and some other trees. She showed the commission a site plan and described the original fence as a wire mesh weave attached to wood posts; the new fence is the same footprint but all wood. Pitts elaborated, saying the old fence was covered in vegetation and she planned to plant new vegetation to help mitigate the view of the fence. She told the commission the new fence is an open weave, wood plank fence and the old fence was 36 inches tall, but the new fence is 60" tall. She plans to train ivy to grow up the fence and plans to repair the damaged stone walls in-kind. Pitts stated the fence was necessary to create a barrier between properties to prevent people from walking through the yard; the solid wood with an open design provides a deterrent for passerby's but still providing visibility through the fence.

Pitts showed images of the old fence and the new fence. She also summarized the Design Standards, pointing to 1.3.6, 1.3.8, and 1.3.9. Pitts reiterated that the view between the yards was already opaque with dense vegetation. Pitts stated the slat design allows for the feel of a garden landscape and she presented pictures of examples already existing in the Cameron-McCauley District including the fence near the SECU.

McCormick asked if Pitts had considered something other than English Ivy because it is invasive and spreads quickly. McCormick said it is not in the commission's purview, but asked if the applicant would consider something else. Pitts said she would. commissioners made several suggestions for an alternative vine.

Hawisher asked when the original fence was built. Pitts said she believes her grandfather installed the fence 15 to 20 years after he purchased the property in 1947 to establish a garden in the front yard but the garden was not well attended and grew over.

Tom Grasty, a neighbor that lives at 216 Vance Street, stated his house is one of the earliest houses built on the street. Grasty voiced his support of Ms. Pitts and said he couldn't make a judgement whether the wood was satisfactory but everything she's done until now has been in good faith. He also told the commission he was happy she was rebuilding the fieldstone wall and fence which she wasn't obligated to do but it will contribute to the neighborhood.

Van de Velde asked if the fence was going to be allowed to weather. Pitts said that would be preferable to painting or staining and it would become gray after about 10 years. Pitts said if she does paint or stain it, she would choose a soft brown that would be more subdued. Jacob Jacobs, who installed the fence, elaborated that the fence was untreated pine and would weather to gray within a year and has already started to turn now.

Lascelles commented that replacing the fence in kind would not have been congruous with the district, but a wood fence is not incongruous. Martin found the fence compatible with the site and the district, saying the applicant has met 1.3.5.

Commissioner Martin moved, Lascelles seconded, that the application was not incongruous with the special character of the district. The motion carried by a unanimous vote.

Discussion Items

Historic District Commission Retreat

The commission created a subcommittee to help plan the retreat. Lascelles and Tise volunteered to be on the subcommittee and Gurlitz previously agreed to

volunteer.

Historic Preservation Month

The commission created a subcommittee to plan outreach for Preservation Month in May. McCormick, Van de Velde, and Hawisher volunteered to be on the subcommittee and Gurlitz previously agreed to volunteer.

Adjournment

Next Meeting - January 14, 2025

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 Department at 919-968-2728; 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.