



# TOWN OF CHAPEL HILL

## Historic District Commission

### Meeting Minutes

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

Chair Sean Murphy  
Vice-Chair Duncan Lascelles  
Deputy Vice-Chair Polly van de Velde  
Chris Berndt  
Brian Daniels

Josh Gurlitz  
Nancy McCormick  
Anne Perl De Pal  
David Schwartz

**Tuesday, March 8, 2022**

**6:30 PM**

**Virtual Meeting**

#### Language Access Statement

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

ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

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#### Virtual Meeting Notification

Board members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_LfkPO\\_znTvqjXBfTcw-hOQ](https://us02web.zoom.us/webinar/register/WN_LfkPO_znTvqjXBfTcw-hOQ). After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 850 1025 9315.

#### Opening

##### Roll Call

Anya Grahn, Liaison to Commission, Charnika Harrell, Liaison to Commission,  
Kevin Hornik, Counsel to Commission

##### Present

8 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels, Josh Gurlitz, Nancy McCormick, Anne Perl De Pal, and David Schwartz

**Absent**

1 - Vice-Chair Duncan Lascelles

*Secretary reads procedures into the record**Commission Chair reads public charge***Approval of Agenda**

Commissioner McCormick asked to include the proclamation to designate May Historic Preservation month as part of the consent agenda.

Commissioner Berndt asked the commission to pull 209 E. Franklin Street from the consent agenda because she could not verify the location of the solar panels based on the information provided.

Commissioner Perl de Pal asked for clarification on the amended agenda. Grahn stated that the application materials for 209 E. Franklin Street were amended to include information from the 2017 renovation. She pointed out she had emailed a revised copy of the agenda that included these materials to the commission, however, the order of the agenda had not changed.

Counsel Hornik advised that commission could take McCormick's request as a motion. A motion was made by Commissioner McCormick, seconded by Gurlitz, to add the Preservation Month proclamation to the consent agenda. The motion carried by a unanimous vote.

**Aye:** 8 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Approval of Agenda**

Chair Murphy asked if other commissioners shared Berndt's concerns about 209 E. Franklin Street. Commissioner Gurlitz said he found the application to be incomplete and lacking specificity in terms of the location of the roof; however, because he was familiar with the building, he was able to determine the solar panels proposed location on the roof. Perl de Pal agreed with Gurlitz, and she thought the application demonstrated the need for complete documentation and photographs for projects.

A motion was made by Commissioner Berndt, seconded by Commissioner Schwartz, to remove 209 E. Franklin Street from the consent agenda. The motion failed with a vote of 4 to 4.

**Aye:** 4 - Christine Berndt, Josh Gurlitz, Anne Perl De Pal , and David Schwartz

**Nay:** 4 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , and Nancy McCormick

**Approval of Agenda**

Commissioner Berndt asked if they could vote separately on the consent items. Hornik confirmed another motion was required. He also clarified that consent items were intended to be addressed together as ministerial items.

A motion was made by Commissioner Berndt, seconded by Commissioner Schwartz, to vote on the consent items separately. The motion failed with a vote of 4 to 4.

**Aye:** 4 - Christine Berndt, Josh Gurlitz, Anne Perl De Pal , and David Schwartz

**Nay:** 4 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , and Nancy McCormick

**Approval of Agenda**

A motion was made by Commissioner Daniels, seconded by Commissioner Van de Velde, to approve the agenda as amended. The motion carried by a unanimous vote.

**Aye:** 8 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Announcements**

Grahn informed the commission that Town staff are returning to the office on April 11, and she would follow up when she has additional information about advisory boards meeting in-person.

**Petitions**

**Approval of Minutes**

- 1. January 11, 2022 Action Minutes [\[22-0151\]](#)

A motion was made by Commissioner Schwartz, seconded by Commissioner Van de Velde, to approve the January 11 and February 8 meeting minutes. The motion carried by a unanimous vote.

**Aye:** 8 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

- 2. February 8, 2022 Action Minutes [\[22-0152\]](#)

A motion was made by Commissioner Schwartz, seconded by Commissioner Van de Velde, to approve the January 11 and February 8 meeting minutes. The motion carried by a unanimous vote.

**Aye:** 8 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

### Information

3. Administrative Certificate of Appropriateness Approvals & Requests for Maintenance & Repair [\[22-0153\]](#)

### Consent

4. 209 East Franklin Street [\[22-0154\]](#)

A motion was made by Commissioner McCormick, seconded by Commissioner Daniels, to approve the consent items. The motion carried by a vote of 7 to 1.

**Aye:** 7 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Nay:** 1 - Christine Berndt

5. 246 Glandon Drive [\[22-0155\]](#)

A motion was made by Commissioner McCormick, seconded by Commissioner Daniels, to approve the consent items. The motion carried by a vote of 7 to 1.

**Aye:** 7 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Nay:** 1 - Christine Berndt

### Old Business

### New Business

6. 108 Henderson Street [\[22-0156\]](#)

Grahn stated the Town was working with the University to paint a mural on the side of the brick building. She explained that the commission is reviewing the application for the change in materials. She also stated the building is

listed as not contributing as it does not maintain much of its historical integrity.

Steve Wright, Town of Chapel Hill Community Arts and Culture, explained that the proposed mural is on the north-facing corner of the non-historic building known as Zog's. He mentioned the project has many partners including the Downtown Partnership, Carolina Performing Arts, Orange County Arts Commission, World Wide Wealthy, LLC (the building owner), and Zog's.

Wright said the mural will honor the history of hip hop in Chapel Hill. He explained how painting on exterior brick buildings is considered an art form in Chapel Hill. Their goal is to complete the mural in time for the Hip Hop South Festival on the University's campus. He explained the mural will be painted on the existing brick veneer using high quality acrylic paint and be approximately 22 feet tall by 18 feet wide. He explained that most murals in downtown use acrylic paint that can resist damage for 10 or more years if the paint is applied correctly.

Commissioner Daniels asked about the expected lifespan of the mural. Wright explained they usually ask for a 10-year lifespan in the artist's contract. He also said the mural would be evaluated near the end of its lifespan.

Commissioner Berndt asked for clarification on the application as they were not presented with a specific design. Grahn clarified that the Commission was reviewing the size of the mural and the painting of brick. She further clarified that the commission does not have purview to regulate content. Hornik stated that regulating the mural's content would be a significant first amendment issue.

Commissioner Perl de Pal asked about the size of the mural. Wright explained the mural would be painted close to the building's edge because that was the most visible area that is also not blocked by neighboring buildings.

Commissioner McCormick asked what would happen after 10 years and if the paint could be removed without harming the brick. Wright explained that the mural will be evaluated near the end of the 10-year lifespan. He explained the mural may be painted over with a new one or with a solid color that matches the wall if there is no desire to keep or maintain it.

Commissioner Schwartz said the Design Standards say to not paint brick. He asked how the mural could be reconciled with the Standards. Grahn stated

she believed the section about not painting brick is in the historic building section of the Design Standards. She said the commission could determine if the building's brick is historic and worth preserving. She reiterated that the building was chosen because it is listed as not contributing to the National Register of Historic Places district. She said the building was constructed in the 1970s with a brick veneer and painting the brick veneer would not cause the same damage as painting historic brick.

There was no public comment.

Commissioner Gurlitz agreed with Schwartz that painting the brick conflicted with the Design Standards. He proposed to add a condition to the approval that the mural be removed from the brick wall at the end of its lifespan rather than painted over.

Chair Murphy expressed uncertainty in regulating the mural for 10 years. He stated the Design Standards prevent painting historic brick on historic structures and reiterated that the mural would be painted on a small section of the façade on a 1960s non-contributing structure. Murphy also said the motion should clearly identify the referenced standards to avoid requests to paint masonry and painting a mural is not a way to paint the brick on a house.

Commissioner Van de Velde referred to Grahn's statement that the façade was a brick veneer, and the standards refer to historic brick. Berndt said she found the building to be historic as it was constructed in 1960, and she thought the commission needed to look at the historic context of Henderson Street according to the Design Standards. She expressed concern with adding a contemporary mural to a historic street and painting the brick.

Commissioner Daniels stated that historic does not always mean traditional. He felt the mural was chosen based on the building's use and proximity to other public art. He also thought Grahn's explanation about painting the brick was compelling.

Commissioner Perl de Pal was unsure of the building's construction and asked Grahn to verify the brick veneer. She thought the concept of celebrating hip hop history was great and thought the applicant should incorporate the mural as part of a gateway to the historic district. Murphy asked commissioners not to provide suggestions for the content of the mural because content is outside of their purview.

Commissioner McCormick did not think painting a small portion of the building would harm the historic context or be incongruous with the special character of the district. She described the district as vibrant and thought the mural may heighten awareness of it and the surrounding buildings on the street.

Commissioner Schwartz said the condition about painting the brick was meant to preserve its integrity. He also asked for confirmation on the brick veneer. Gurlitz stated that brick veneer was used in the historic district since the 1920s and he was unsure of the difference between painting historic brick and brick veneer.

Hornik reminded commissioners that any exterior changes in the historic district would need to be reviewed by the Commission. Schwartz felt there was value in including a condition about painting the brick in the approval. Gurlitz said Hornik's reminder eased his concern and he withdrew the condition. He also said he hoped the mural would become part of the texture of the Town and expressed concern over requiring it to be removed if the public enjoys it.

A motion was made by Commissioner Daniels, seconded by Commissioner Perl de Pal, that the mural was not incongruous with the special character of the district. The motion passed with a vote of 7 to 1.

**Aye:** 7 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Nay:** 1 - Christine Berndt

A motion was made by Commissioner Daniels, seconded by Commissioner Van de Velde, to grant the Certificate of Appropriateness. The motion passed with a vote of 7 to 1.

**Aye:** 7 - Chair Sean Murphy, Deputy Vice-Chair Polly van de Velde, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**Nay:** 1 - Christine Berndt

7. 179 East Franklin Street

[\[22-0157\]](#)

Grahn explained the Town is proposing to repair the cupola and roofing at the

Post Office. She said the majority of the project is repair and maintenance; however, the applicant did propose to replace the roofing. Due to the cupola's exposure to the elements, there was also interest in replacing rotted wood with PVC materials that match the existing dimensions and profiles of the wood elements.

Rob Tatum presented photos of the existing building and explained the construction of the existing wood decking and roof system. He described their proposal to remove the roof system and install a more durable roof system. He mentioned that chimney swifts annually roost on the chimney and are causing water to enter the basement. He said they contacted the Audubon Society to use a military cap on the chimney to allow the swifts to continue to roost but prevent water infiltration.

Tatum stated that they are proposing to remove the existing wood siding, trim, and molding on the cupola. He said they will thoroughly document all materials removed so they can be reinstalled in the same place. He said all the wood will be primed and painted to match the existing. Tatum also described additional repairs to the limestone band, the mortar joints in the front entrance walkway, and to cracks in the wall.

Chair Murphy asked for clarification on the project scope. Tatum clarified that the work is mostly maintenance. Commissioner Berndt asked if the mechanical equipment will be replaced. Tatum confirmed there will be no changes to the equipment.

Berndt asked how much of the siding on the cupola would be replaced with wood or PVC. Tatum said the Town requested to use PVC where possible. He said they found some of the molding in PVC, but planks were harder to find. He explained that if they can find the exact profile and dimensions of the existing siding, they would use PVC for the damaged and deteriorated moldings. He said if they cannot find the exact profile in PVC, then it would be milled from a harder wood to match the existing. Berndt asked if it would be cedar. Tatum said cedar could be used but confirmed it would be a harder wood.

Commissioner Perl de Pal asked about the color of the roof membrane and expressed concern for how it would affect the planned nearby 7-story structure. Tatum said it would be white or light gray to reflect the sunlight better, cool the building, and reduce demands on the mechanical equipment.



Perl de Pal also asked about the use of copper. Tatum explained how the membrane will be fused together. He said the metal is white and they are making a copper cover to snap over the white coated metal. He explained that the cover will help them heat weld the flashing. Perl de Pal also asked about the use of PVC on the roof. Tatum clarified that the PVC is proposed only on the cupola.

There was no public comment.

Commissioner Berndt expressed concern about the replacement of wood materials with PVC proposed on the cupola. She felt it was the prominent feature of the historic building. She asked if the Town would consider milling wood rather than using PVC for the cupola repairs.

Commissioner McCormick echoed Berndt's concerns over the non-wood material. She also asked if there was a way to separate approval of the cupola in the motion.

Chair Murphy clarified that a motion for approval can be made with a stipulation that wood is the material used in the cupola. Hornik said they could make a motion that the proposed repairs to the cupola were incongruous with the character of the district based on the application as presented. He said this would allow the applicant to reapply for the Certificate of Appropriateness with a design that is more congruous. McCormick thought stipulating the condition of the wood material would alleviate her concern.

Commissioner Daniels also thought the cupola was the defining feature of the building. He said it was clear to him that the Design Standards require a wood for wood replacement. Commissioner Van del Velde agreed about the in-kind wood replacement. She expressed concern about specifying the species of wood to allow different species of hard wood as an option.

Commissioner Perl de Pal agreed with Van de Velde. Perl de Pal also commented on the proposed chimney cap. She thought the A-frame would be more in conflict with the cupola and encouraged the applicant to look at the flat cap option. Murphy agreed.

Chair Murphy asked if Tatum would accept the condition of the wood for wood replacement, and Tatum accepted.

A motion was made by Commissioner Daniels, seconded by Commissioner

Schwartz, that the project is not incongruous with the special character of the district with the condition that the cupola be repaired in-kind with wood. The motion carried by a unanimous vote.

A motion was made by Commissioner Daniels, seconded by Commissioner Van de Velde, to grant the Certificate of Appropriateness. The motion carried by a unanimous vote.

8. 211 Henderson Street

[\[22-0158\]](#)

Harrell explained the applicant proposed to renovate the rear courtyard to include new walkways, a terrace, and a lawn area made of artificial turf.

David Swanson introduced Karen Dias and Jean Service, representatives of the sorority. Dias provided history of the house and explained how the sorority has struggled with using the courtyard. Service noticed the downspouts in the backyard directed water onto the concrete walkway, and the broken concrete created gullies that directed water to the foundation. She explained they were looking for ways to make the space usable and fix the drainage issue.

Swanson showed plans of the existing and proposed conditions. He explained the house was built in 1926 and renovated in the 1960s when the sorority bought it. He showed photos of the existing courtyard and pointed out how it was bounded by the house and a 6 foot tall solid wood fence that also separated it from the parking lot and neighbors. He explained how an elevated patio was added years ago. He also showed photos from the parking lot to demonstrate that the courtyard is not visible from the public right-of-way. He showed renderings of the proposed courtyard and explained how the shaded area was a good opportunity to use artificial turf. He said the artificial turf will be plant-based. He stated they are not removing any trees but will add shrubs. He also said they plan to use traditional red bricks engraved with donor names.

Commissioner Berndt asked about the adjoining properties not shown on the map. Swanson explained there is residential property to the north, an old bar and vacant parking lot to the south, and the parking lot of the Daily Tarheel to the west. Berndt also asked if they are changing the fence. Swanson clarified that portions of the existing fence would be removed for construction and the same portions would be reinstalled when the project is complete.

There was no public comment.

Commissioner Daniels asked if the artificial turf was in the commission's purview to review. Chair Murphy questioned if the artificial turf would fall under hardscape. Grahn explained that landscaping was previously outside of the commission's purview as a living thing. She recommended creating a policy on how to handle artificial turf for future applications. Hornik recommended the Commission proceed as if they do not have regulatory control over artificial turf if they are uncertain.

Commissioner Schwartz thought the artificial turf would fall under their purview as a manmade covering like gravel or masonry. He exemplified his comment by stating the Commission would want to review an application that proposes neon pink artificial turf. Hornik asked Schwartz for the section in the Design Standards or ordinance that states artificial turf is in the commission's purview. He also cautioned the Commission on regulating based on preference instead of codified rules that are accessible to the public.

Commissioner Perl de Pal thought landscaping was emphasized less in the Design Standards because it was covered by other regulations and commissions. Commissioner Gurlitz said they discussed trees and landscape buffers in commercial situations when drafting the Design Standards. He did not recall the reasons for not discussing landscaping in residential areas or regulating landscaping in the design standards. Schwartz said the Town did not authorize the Commission to regulate landscaping.

Commissioner Daniels did not agree that the artificial turf was hardscape because it is not a hard surface and does not fall under decks and patios in the Design Standards. He thought it needed to be determined. Murphy agreed that whether artificial turf was landscaping needed to be clarified in the Design Standards.

Commissioner Berndt asked Chair Murphy to reopen the public hearing because she had a question for the applicant about the brick patio abutting the historic building. Murphy declined to reopen the public hearing and referred her to the application materials as presented.

Counsel Hornik said the commission could continue the discussion about the artificial turf to a future meeting and consider the other work separately. Chair Murphy expressed concern with splitting the project as the applicant may redesign the entire courtyard if they cannot add artificial turf.

Commissioner Schwartz reminded the Commission that they are inclined to grant the Certificate of Appropriateness if they find it to be not incongruous with the district. He said he did not think it was incongruous and reiterated that it will not be visible from the right-of-way. He also acknowledged that use of artificial turf is increasing in the district and it is something to consider in the future.

A motion was made by Commissioner Schwartz, seconded by Commissioner Daniels, that the project was not incongruous with the special character of the district. The motion carried by a unanimous vote.

A motion was made by Commissioner Schwartz, seconded by Commissioner Daniels, to grant the Certificate of Appropriateness. The motion carried by a unanimous vote.

9. 218 Pittsboro Street

[\[22-0159\]](#)

Harrell described the proposed brick paver patio with seatwalls in the front yard of the Newman Catholic Student Center.

David Swanson introduced Karen Ille, a representative of the Neman Catholic Center. Ille clarified that the patio would be in front of the church, not the student center. She also explained how the patio was in response to changes the church experienced during the pandemic and a way to recognize loss. She said the church wanted to provide a healing garden or contemplative space but had no room behind the building.

Swanson presented photos of the existing yard and showed a tree that would be removed. He described the design of the patio as simple, low-key, and understated. He showed renderings of the proposed patio with low brick seatwalls with a bluestone cap. He also explained that the project is donor driven and they are working with a limited budget.

Commissioner Schwartz found the materials and vegetation to be congruous with the district. Commissioner Perl de Pal said she found the design sensitive and met the design standards by matching the brick materials and the respectful height of the seatwall. Commissioners Berndt and Gurlitz agreed. Gurlitz thought the addition of the patio would enhance the streetscape.

A motion was made by Commissioner Van de Velde, seconded by

Commissioner Perl de Pal that the project was not incongruous with the special character of the district. The motion carried by a unanimous vote.

A second motion was made by Commissioner Van de Velde, seconded by Commissioner Perl de Pal, to grant the Certificate of Appropriateness. The motion carried by a unanimous vote.

**10. 1 Mint Springs Lane**

[\[22-0160\]](#)

Grahn explained how the proposed bathroom addition would be over an existing rear deck.

James Morgan described the location of the 1940s farmhouse and provided images to demonstrate how the addition would be shielded from view. He also showed building elevations of the addition over the existing deck and explained how use of the corner board differentiated the addition from the rest of the house.

Barbara Ford summarized how she found the project met the design standards. She explained that the addition was designed to be inconspicuous on the inside corner of the house over an existing deck. She said the floor height and siding of the addition would match the existing. She also stated the roof of the addition would be below the existing ridgelines. She described that the 44 square foot addition would have two new windows that are compatible in size and proportion to the existing windows on the adjacent elevations.

There was no public comment.

Commissioner Schwartz asked why the house was not listed on the National Register of Historic Places. Grahn explained that Mint Springs Lane is in the local district, but the national register boundary did not include Mint Springs Lane.

Schwartz found the project kept with the standards for additions and did not overpower the existing structure. He recognized that the design did not include a hyphen as encouraged by the standards. Van de Velde said they kept the corner board to differentiate between the addition and the existing house. Commissioner Gurlitz thought the hyphen would increase the size of the addition.

A motion was made by Commissioner Daniels, seconded by Commissioner

Schwartz, that the project was not incongruous with the special character of the district. The motion carried by a unanimous vote.

A second motion was made by Commissioner Daniels, seconded by Commissioner Perl de Pal, to grant the Certificate of Appropriateness. The motion carried by a unanimous vote.

#### *Adjournment*

Next Meeting - April 12, 2022

#### *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](mailto: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.*