

**TOWN OF CHAPEL HILL
HISTORIC DISTRICT COMMISSION
WRITTEN DECISION
(HDC-24-45)**

Subject Property: 402 Hillsborough Street, Chapel Hill, NC
PIN#: 9788-59-0112
Historic District: Franklin-Rosemary Historic District
Property Owner: David E. Rose & Keely A. Muscatell
Applicant: David E. Rose & Keely A. Muscatell

At its regular meeting on January 14, 2025, after conducting a duly advertised public meeting, and after considering the above-referenced application for certificate of appropriateness, the application materials, staff report, and exhibits presented at the meeting or otherwise appearing in the record, and the approval criteria established under N.C. Gen. Stat. § 160D-947, Section 3.6.2(e) of the Land Use Management Ordinance (the “LUMO”), and the relevant provisions of the Chapel Hill Historic Districts Design Principles & Standards (the “Principles & Standards”), the Town of Chapel Hill Historic District Commission (the “HDC”) voted 8 to 0 to **APPROVE** a certificate of appropriateness for all elements of the application on the basis that the proposed work is not incongruous with the special character of the historic district.

Findings:

1. The Subject Property is located at 402 Hillsborough Street, Chapel Hill, NC (PIN 9788-59-0112), is located within the Town’s Franklin-Rosemary Historic District and is zoned Residential-2 (R-2).
2. The Subject Property is owned by David E. Rose & Keely A. Muscatell (the “Owner”).
3. The certificate of appropriateness application (the “Application”) was submitted by David E. Rose & Keely A. Muscatell (the “Applicant”) on December 17, 2024.
4. The Application sought approval to demolish an existing deck and to construct an elevated screened porch addition on the east (rear) elevation of their house. The screened porch will be constructed of wood posts and beams and include skylights on the north and south sides of its projecting gable roof. The porch will open onto a new wood deck on the north side of the porch and wood steps on the south side. These will be enclosed by black aluminum railings.
5. The Application was scheduled for hearing by the HDC at its regular meeting on January 14, 2025. Notice of the HDC’s regular meeting was provided as required by law.
6. HDC Member David Hawisher was absent from the January 14, 2025, meeting. All other HDC Members were present.

7. The staff report and application materials associated with the January 14, 2025, evidentiary hearing were entered into the record for the meeting.
8. During the January 14, 2025, evidentiary hearing, the Applicant testified and provided evidence showing:
 - a. The existence of other similar screened porches within the Franklin-Rosemary Historic District.
 - b. The materials and design of the proposed screened porch and deck will complement the materials and design of the existing home on the Subject Property.
 - c. The proposed screened porch and deck will not be visible from the public right-of-way.
9. No additional public comment was provided on the Application.

Conclusions

1. Based upon the competent, material, and substantial evidence in the record, the approval criteria described in N.C. Gen. Stat. § 160D-947, Section 3.6.2(e) of the LUMO, and in the Principles & Standards, the work proposed in the Application is not incongruous with the special character of the Franklin-Rosemary Historic District.

ACCORDINGLY, based on the foregoing, the Town of Chapel Hill Historic District Commission hereby **APPROVES** the Application proposed by the Applicant for the Subject Property and **DIRECTS** Town Staff to issue a Certificate of Appropriateness to the Applicant.

This the ____ day of _____, 2025.

Brian Daniels, HDC Chair