



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, June 11, 2019

6:30 PM

RM 110 | Council Chamber

Opening

Roll Call

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

Present 6 - Chair Robert Epting, Vice-Chair Sean Murphy, Deputy Vice-Chair James Locke, Kimberly Kyser, David Schwartz, and Susan Smith

Absent 1 - Woodrow Burns

Secretary reads procedures into the record

Announcements

Chair Epting provided an update on the 306 N. Boundary Street application. He stated that upon further review, the Town Attorney has advised the Commission that a 4-2 vote, taken upon the motion to deny the application's proposed new garage, was in fact sufficient to take action. He noted the Town Attorney has considered the conflict between State Law (N.C.G.S. Sec. 160A-388 (e)(1)) and the Land Use Management Ordinance (LUMO) Section 8.4.9, which requires not less than five votes. He advised that since two members were recused, those seats would not be counted to determine the membership present and qualified to vote, and thus four votes, being a majority of the six making up the present qualified membership, were sufficient to take action. Chair Epting further explained that, in light of this new information, the vote on the garage at 306 N. Boundary Street is a denial.

Chair Epting also stated that the Commission will follow the Statue rather than the Ordinance where such issues as to the necessary vote count to take action arose in the future. As a result, ordinarily five votes will be necessary to take action, except where the qualified membership is reduced to seven or less due to recusals. In those cases, action will be taken by a majority of the present qualified membership.

Approval of Agenda

Petitions

Approval of Minutes

1. May 14, 2019 Meeting Minutes

[\[19-0515\]](#)

The Commission requested that the minutes be amended to include that Commissioner Smith had discussed Orange County resources for assessing the health of trees during the last meeting. The minutes were approved unanimously.

Consent Agenda

The Commission elected to remove the application for 304 N. Boundary Street from the Consent Agenda. A motion was made by Murphy, seconded by Smith, to approve the applications shown on the consent agenda upon the findings of fact and conclusions of law proposed by the staff. The motion carried by a unanimous vote.

3. 723 Gimghoul Road

[\[19-0517\]](#)

4. 126 Mallette Street

[\[19-0518\]](#)

5. 407 E Franklin Street

[\[19-0519\]](#)

Old Business

6. 412 E Rosemary Street

[\[19-0520\]](#)

Staff Liaison Grahn introduced the application, explaining that it was a request to construct a new two-story accessory building behind the historic house at 412 E. Rosemary Street.

Randall Roden, neighbor, discussed the impacts of the project to his property, including noise, light, commotion, increased traffic, and parking demands. He referenced North Carolina Court of Appeals Case 202 NC 177 regarding standing. Chair Epting proposed to rule that Roden had standing as he shares a driveway with the applicant; there were no objections and Roden was determined to have standing as a party in these proceedings.

Amir Barzin, owner, presented the application. He discussed how the existing c.1920 garage on the property could not be expanded because it was a legal non-conformity that did not comply with required setbacks. He presented examples of similar structures in the neighborhood in terms of mass, scale,

and height. The Commission discussed the guidelines regarding the traditional height for accessory structures, and noted that many of the examples were contemporary buildings. The Commission discussed the relationship between the proposed accessory building and the existing house. Architect Jason Dail addressed the cost difference between rehabbing the existing structure and building a new one.

The Commission requested a formal application with respect to demolishing the garage and a revised application for an alternative design for the new accessory building. A motion was made by Schwartz, seconded by Smith, to continue the item to the July 9, 2019, agenda. The motion carried by a unanimous vote.

7. 410 & 412 North Street

[\[19-0418\]](#)

Town staff relayed a request to the Commission from Ricky May, applicant, to present additional information. Without objection, the Commission reopened the public hearing.

Mr. May presented an alternative garage proposal, Option B. The Commission found that the design was an improvement over the previously proposed garage; however, they expressed concerns that the size and scale of the building could still overwhelm the house. They requested dimensional drawings of the house and garage to verify the height of the structure, a roof plan, and further documentation of the rock walls. They requested staff revise the draft motions with a finding that they would deny the application based on the lack of complete information.

Chair Epting proposed to rule that this item be continued to the July 9th Historic District Commission meeting. The motion carried by a unanimous vote.

New Business

2. 304 N Boundary Street

[\[19-0516\]](#)

Madhu Beriwal, owner, presented her proposal to construct a new black aluminum fence around her property. The Commission expressed concerns about the amount of the lot that would be enclosed by the new fence.

Members of the public spoke and expressed concerns about the impacts and visibility of the fence along North Boundary Street.

A motion was made by Murphy to close the public hearing. The motion failed with a vote of 3-3. Epting, Schwartz, and Smith were in opposition.

A motion was made by Schwartz, seconded by Smith, to continue the item to the July 9th meeting. The motion failed with a vote of 3-3. Murphy, Locke, and Kyser were in opposition.

A motion was made by Kyser, seconded by Smith, to deny the application as it did not comply with LUMO Criteria G and J as informed by Design Guidelines 2 and 7 on page 17, and the narrative on page 16 of the Design Guidelines. The motion passed with a vote of 5-1 with the following vote:

Aye: 5 - Chair Epting, Deputy Vice-Chair Locke, Kyser, Schwartz, and Smith

Nay: 1 - Vice-Chair Murphy

8. 733 Gimghoul Road

[\[19-0521\]](#)

Architects Brian Grant and Georgia Bizios presented an application for a renovation of the historic house at 733 Gimghoul Road. The Commission discussed the stained glass windows on the second level of the gable ends; the architects discussed the need to replace the windows as they are single-pane and inefficient.

A motion was made by Murphy, seconded by Kyser to approve the application with the condition that the proposed second level windows on the east and west elevations be modified by raising the sills a maximum of six inches and that the existing stained glass windows be maintained in as close to the current location as feasible.

Commissioner Smith requested a correction to the proposed findings in the staff report to reflect that the eastern deck would be IPE and the western deck would be a brick stoop.

The motion carried with a vote of 5-1 as follows:

Aye: 5 - Chair Epting, Vice-Chair Murphy, Kyser, Schwartz, and Smith

Nay: 1 - Deputy Vice-Chair Locke

9. 203 Battle Lane

[\[19-0522\]](#)

Architect Bret Horton presented the plans to renovate the existing house. He discussed the history of the site and the changes that have been made over

time. He explained the proposed scope of work.

The Commission discussed alternative options for restoring the house. They expressed concerns about the addition of a terrace on the side of the house, rather than the rear elevation of the house. The Commission requested that the applicant provide additional views of the new terrace from Boundary Street, a window survey, and renderings of the property showing the trees. They also requested that the lighting minimize ambient illumination and be focused downwards.

Chair Epting proposed, without objection, that this item be continued to the July 9, 2019, Historic District Commission. The motion carried by a unanimous vote.

Adjournment

Next Meeting - July 9, 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.