



# 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, April 12, 2022**

**6:30 PM**

**Virtual Meeting**

#### Language Access Statement

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

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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\\_9o6-c1fLSYSmDb1vpALrcw](https://us02web.zoom.us/webinar/register/WN_9o6-c1fLSYSmDb1vpALrcw). After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 883 1399 4132.

#### Opening

##### *Roll Call*

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

##### **Present**

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

*Secretary reads procedures into the record*

*Commission Chair reads public charge*

### **Approval of Agenda**

A motion was made by Commissioner Perl de Pal, seconded by Daniels, to approve the agenda. The motion carried by a unanimous vote.

### **Announcements**

Grahn advised the commission will continue meeting virtually. She also said the June meeting may need to be rescheduled because another board will use the Zoom license.

### **Petitions**

### **Approval of Minutes**

1. March 8, 2022 Action Minutes [\[22-0264\]](#)

A motion was made by Commissioner McCormick, seconded by Perl de Pal, to approve the March 8, 2022 meeting minutes. The motion carried by a unanimous vote.

### **Information**

2. Administrative Certificate of Appropriateness Approvals & Requests for Maintenance & Repair [\[22-0259\]](#)

### **Old Business (Limited to 15 minutes)**

3. Gimghoul Castle at 742 Gimghoul Road - Conditional Zoning District [\[22-0260\]](#)

Harrell explained that the commission needed to make a recommendation to the Town Council for the Conditional Zoning Application for Gimghoul Castle. She reminded the commission that they already approved a Certificate of Appropriateness (COA).

LeAnn Nease Brown, counsel to the applicant, explained the Conditional Zoning Application was needed to allow for the club use to continue and so the applicant can move forward with the work approved for the COA.

Commissioner Perl de Pal asked about language in the staff report about memorializing the use. Grahn explained that the castle was built for the Order of the Gimghoul. She said the Town adopted zoning that created a residential

zoning district in which the castle is located, but the district does not allow a club use. The Conditional Zoning District would allow the castle to continue as a club use. Brown stated that the deed also restricted the current use.

Commissioner Berndt asked about the 10-foot buffer requirement. Grahn explained that a 10-foot Type "B" buffer is required by ordinance, but the applicant requested to maintain the existing area. Grahn further explained the buffer would need to be replanted according to the Conditional Zoning Permit should the buffer be modified in the future. Berndt thought that should the property be redeveloped in the future the applicant be required to construct a wider buffer more in keeping with the existing amount of trees surrounding the castle. Berndt recommended that the dimensions of the existing buffer and the intent to maintain it be clear in the Council resolution.

A motion was made by Commissioner Daniels, seconded by Van de Velde, to forward a recommendation to the Town Council for approval of Resolution A. The motion carried by a unanimous vote.

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

**Excused:** 1 - Josh Gurlitz

A motion was made by Commissioner Daniels, seconded by Van de Velde, to forward a recommendation to the Town Council for approval of Ordinance A. The motion carried by a unanimous vote.

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

**Excused:** 1 - Josh Gurlitz

## **New Business**

### **4. 504 North Street Unit A**

[\[22-0261\]](#)

Harrell explained the proposal to demolish the existing house and construct a new hose. She also reminded the commission about Grahn's email advising them to disregard a page from the application materials due to inaccurate information.

Erik Mehlman, the architect, said the first part of the project was to remove a non-contributing, non-historic dilapidated home built in 1980. He said the proposal is to build a new contemporary home with traditional form, scale, and mass. He explained that Sallie Shuping-Russell, the owner, purchased the home with the intent to restore the property. He said she spent 14 months working with architects before deciding that rebuilding was a better option.

Mehlman presented elevations, plans, and photos of the existing house. He explained that a tree fell on the rear of the house and revealed significant wood rot of the roof structure. He also presented photos of inside the house to show the extent of water damage that revealed other roof leaks had rooted the roof and floors.

Mehlman presented a site plan. He stated the lot was nonconforming as it is landlocked and has no street frontage. He said the driveway easement contains packed gravel, and they proposed to maintain the gravel as part of the driveway improvements. He also presented photos to the site from nearby houses to show the difficulty of viewing the existing house from the street.

Mehlman explained that part two of the project was to build a contemporary style home. He presented elevations and footprints of the proposed home. He explained the house was moved slightly north and it was 100 square feet larger. He also explained how they found the 1.5-story height to be congruous with 1- to 2-story houses in the neighborhood.

Shuping-Russell said the house was near her backyard, and she purchased it so it would not become a student rental. She explained that the scope to renovate the house was larger and more costly than anticipated, which led her to constructing a new house in its place. She also found the proposed house to be in the same tone as the previous one.

Commissioners discussed whether a contemporary-style house was congruous with the context of the neighborhood. They discussed the casement windows' style, size, and solid-to-void ratios. They considered the 2,478 square foot size of the house and its orientation on the lot to maximize daylight and energy efficiency. They discussed the proposed materials, and Berndt expressed interest in seeing material samples.

Berndt also asked if the lot needed to be conforming before the applicant built

the house. Hornik recommended the commission focus on congruity instead of zoning. Mehlman said nonconforming was not a good word to describe the lot and confirmed there was an access easement on the property. Chair Murphy stated the important point for the commission is that the existing house is non-contributing.

Commissioners discussed the design of the house in relationship with surrounding structures. Mehlman described how the proposed materials like asphalt shingles, and cement board siding were commonly used in the district. Piesse also explained gable roofs the changes to the roof pitch between the house and the porch. She also said shed dormers were not uncommon in the historic districts and provided photo examples. Commissioners expressed frustration that they could not visit the site to see the context for themselves. Murphy advised the commission to focus on the application as presented.

Perl De Pal quoted Design Standards for window openings and asked the applicant to help the commission understand the relationship with these regarding rhythm and patterns. She said it was unclear if the proposed house was 2-story in relation to the nearby structures. She also said the illustrations excluded the contextual neighborhood. Mehlman and Piesse provided photos of neighboring 1.5- and 2-story homes in the neighborhood.

Berndt asked about potential drainage issues, and Mehlman said that one of the reasons for siting the new house was to address drainage and improve flow from east to west.

Berndt stated it would be helpful if the commission could visit the site to see how close the structure is and if the proposal has an impact on the other home. Mehlman confirmed that there would be no impact on the other house. Piesse also said that the backs of all the adjacent houses face the property. She offered to present photos showing proximity of nearby houses to the existing one. Commissioner Schwartz reminded the commission that Ricky May's garage was approved by the Board of Adjustment and not the commission. He thought the commission should not penalize current applicants for encroaching closer to the neighbors.

McCormick asked if nearby houses had casement windows. Piesse explained that there was a lot of variety in the types of windows on houses and that some houses have a mix. She said that being consistent with the window types on the new home was staying true to its contemporary design.

There was no public comment.

Commissioner Daniels said that it was his first time reviewing an application for new construction and asked how the commission applied the Design Standards for a new modern structure. McCormick reiterated that she wanted to understand the context and expressed concern about whether the use of casement windows was consistent with the neighborhood context. Schwartz pointed to page 111 of the Design Standards that included a photo example of modern construction. He was not concerned with the casement windows and did not find them to be inconsistent with the Design Standards. Perl de Pal discussed the solid-to-void ratio of the new house compared to its neighbors. The commissioners considered whether photo evidence was sufficient to understanding context, their interest in conducting site visits, and whether the house's contemporary design was compatible with neighboring houses. Murphy said the commissioners each need to decide if they are uncomfortable with the information and context as presented. He cautioned the commissioners of letting their frustration with site visits interfere with whether they thought the information was adequate.

Hornik reiterated the commission's responsibility was to make their decision based on the competent, material, and substantial evidence presented during the meeting and to determine whether the information presented is sufficient to persuade the commission that the proposed changes are or are not incongruous with the district. He explained that site visits are rarely relevant and are not evidence presented to them on the record during an evidentiary hearing. He said if the commission could not determine if the proposal is incongruous, then they could continue the hearing. He said if there was evidence that could only be found during a site visit, then they would need to notice a special meeting to reopen the hearing during the site visit. He said at that point they could collect any information they believe to be necessary or relevant with the applicant and owner under oath, and then continue the hearing to reconvene and decide. Hornik echoed Murphy and said the commissioners needed to determine if the material presented to them was sufficient to determine congruity.

Commissioners discussed whether the project was consistent with the special character of the neighborhood. Van de Velde and Lascelles found that the new house was congruous with its surroundings. Van de Velde questioned what the commissioners called context given that the house was located in

the rear yards of historic houses. Daniels expressed concern about large spans of windows not complying with Standard 4.5.1. Schwartz described the neighborhood, its many student rentals, and found the Design Standards applied to houses with a street frontage. Lascelles advocated that the proposed house was similar in size and shape to the existing one. Perl de Pal considered the demolition of the existing house, discussed the windows, size of the house, and driveway expansion. She requested that staff ask applicants to provide more photos documenting the context of the site.

Hornik added that the commission could not deny a Certificate of Appropriateness for demolition, but they could delay demolition for 365 days subject to very specific rules. He also said they would make a motion to authorize the demolition as it does not relate to congruity standards.

A motion as made by Commissioner Daniels, seconded by Van de Velde, to approve the request to demolishing the existing non-contributing structure. The motion carried by a unanimous vote.

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

**Excused:** 1 - Josh Gurlitz

A motion was made by Commissioner Lascelles, seconded by Van de Velde, that the proposal was not incongruous with the special character of the district and to grant the Certificate of Appropriateness. The motion carried by a vote of 6 to 2.

**Aye:** 6 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , and David Schwartz

**Nay:** 2 - Nancy McCormick, and Anne Perl De Pal

**Excused:** 1 - Josh Gurlitz

5. 206 McCauley Street

[\[22-0262\]](#)

Commissioner Gurlitz joined the meeting at 8:19 p.m.

Grahn explained that the existing house was a mix of non-historic vinyl and wood windows. She said the applicant proposed to replace the windows with

fiberglass, replace the asphalt roof, exterior lighting, and the wood front door.

Leslie Brock, the applicant, explained she purchased the house in February 2020. She said the existing double-hung vinyl windows were in poor condition, and she would like to replace them with fiberglass but was open to aluminum clad. The existing wood trim would be repaired. Brock presented photos of the deteriorated membrane on the flat roof which she intended to replace in-kind. She also proposed to replace the asphalt shingles on the porch roof. She described the poor condition of the front door and presented photos showing past repairs. She explained that she was considering a fir replacement door. She also proposed replacing the exterior lighting fixtures.

Brock presented photos showing the use of these new materials and features in the historic district. She explained white double-hung windows without grids were common, and that she preferred fiberglass windows as they were more energy efficient and required less maintenance than new wood windows. She said that the existing wood trim would be maintained as the windows were custom made to fit the historic window openings. She stated that the new door would be constructed of fir as that material was available. Brock clarified that the application had been amended and she no longer sought approvals for changes to the patio.

Commissioners discussed whether the front door was an in-kind replacement. Berndt pointed out that the existing door was not identical to its replacement. She asked how similar the windows were in the existing and proposed doors. Brock said the scale of the photographs was cut off, and she did not think the photos were accurate. She thought it was a standard 12-light door. Berndt also asked about the front door because the doors presented were not identical.

Commissioner Perl de Pal asked if this was a mail order catalog structure. Brock said the property seemed to be, but she could not find documentation to confirm it. Perl de Pal asked about the restoration of the two original wood windows, and Brock said she intended to replace them as well so that all the windows on the house were consistent. Perl de Pal asked if the proposed door would be the same dimensions as the existing door. Brock could not confirm if the panes were identical with measurements but said they appeared to be. Perl de Pal asked if Brock contacted anyone about replicating or restoring the existing door, and Brock said she had not.



Commissioner Schwartz discussed whether a divided light window was more in keeping with the character of the house and pointed out that other houses on the street had this style of window. Brock presented photos showing that one-over-one double-hung windows had been on the house for some time. She was not opposed to divided lights.

There was no public comment.

Schwartz asked the commission what would how to consider the windows from a preservation lens. Commissioner Gurlitz said he looked at many catalogs and there were catalog homes that did not have divided lights. Gurlitz also acknowledged that the commission could not tell exactly how this house was ordered. He said he was comfortable with the assumption that the original home did not have divided lights. He also said fiberglass windows allow for more flexibility than aluminum clad windows.

Van de Velde asked if the commission could speculate about what the house may have had. She said it seemed like their best option was to refer to what was there. She was not concerned with the exact measurements for the front door. She preferred the door to be hardwood because she thought it was a stronger material, but she also acknowledged she was not familiar with what mail order homes would have had.

Commissioner Lascelles said that he could see the commission encourage reverting to the original design if there was definite knowledge of it. He commented that it was a slippery slope otherwise.

Perl de Pal agreed with Gurlitz. She said a lot of mail order houses did not have divided lights, and that it was not uncommon in that period or structure. She said fiberglass windows were good and reasonably priced. She said it was hard to encourage Brock to add wood windows where there currently are none. She was concerned about the door. She thought it may be original, and that Brock should try to match the current door in materials.

Hornik reminded the commissioners that they could not mandate preservation or a particular outcome or design feature as part of the COA application. He said they were only to consider the application was or was not incongruous with the special character of the district as presented. Schwartz asked Hornik how that worked with their option to approve a COA with conditions. Hornik advised the commissioners to be careful about mandating certain design

elements where the materials presented to them were not incongruous with the character of the district. He said incongruity needed to be supported by evidence in the record. He said the commission might be justified in conditioning the species of door if the evidence suggested that what the applicant proposed was incongruous and that a hardwood door was congruous. Perl de Pal asked if the commissioners could use their own knowledge. Hornik said that the commissioners were not participants in the evidentiary hearing. He reiterated that their decision needed to be based on competent, material, and substantial evidence as presented during the hearing.

Murphy mentioned a standard that says in-kind replacement. Schwartz asked about the meaning of in-kind because he thought it related to materials. He asked about the extent of in-kind and if it meant wood species or replacing wood with wood. Hornik advised that the commission needed to decide how they defined in-kind. Perl de Pal and Gurlitz commented that the proportions of the light to wood was more important. Gurlitz said the material of the door would affect the cost to the owner and maintenance.

Berndt mentioned Design Standard 3.5.5 said the replacement door should match material in-kind. She thought that meant the replacement door should be the same. Murphy referred to the following sentence about the technical feasibility of in-kind replacement. Berndt said she heard Brock say she had not pursued replicating the door. Van de Velde thought it was outside of the commission's purview to insist that Brock replicate the door.

A motion was made by Commissioner Van de Velde, seconded by Lascelles, that the application was not incongruous with the special character of the district. The motion carried by a unanimous vote.

**Aye:** 9 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

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

**Aye:** 9 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

**6. Chapel Hill Historic District Design Principles & Standards Update**

[\[22-0263\]](#)

Grahn recommended that staff move forward with correcting scrivener's errors in the Design Standards. She explained that major modifications could be addressed as part of the Planning Department's 2023 work plan.

Chair Murphy thought that staff should be able to correct scrivener's errors. He proposed that the commission form a small task force in the fall to work on proposed updates that could be implemented by staff in 2023. He did not think the items in the staff report prevented the commission from reviewing applications. Commissioners Van de Velde and Perl de Pal agreed. Commissioner Lascelles thought this would give them more opportunity to apply the Design Standards and explore areas they had not yet touched.

Commissioner Schwartz thought the photo captions could be easily revised without much discussion. Van de Velde said that it was not simple because it could affect the formatting of the document. Murphy said the captions did not prevent them from doing their work.

Schwartz asked staff to provide the list of photo captions that had been presented during the Design Standards project. Grahn said the commission can appoint someone to review the minutes or video from the 2020 meeting about the captions. She recommended they bring the captions back to the group for a consensus on what needed to be updated. She also reiterated that changes to text may require formatting.

Perl de Pal asked if the document can be shared because she has interns. Van de Velde thought there may be an issue with the interns working on a Town document. Murphy asked Schwartz to review the photos to note which captions needed to be changed with the understanding that it would not be done until 2023.

McCormick said if there were obvious captions that needed to be updated, they should be fixed when time was available. She also reiterated that formatting is complex. She did not think the changes were critical to their work

and had not caused public confusion.

Perl de Pal asked about site visits. Hornik referred to an email he sent to commissioners during the meeting. He offered to meet with small groups of commissioners to explain why site visits are rarely necessary or relevant for their charge.

McCormick also gave an update on Preservation Month. She said it seemed like the Council would approve their proclamation.

#### *Adjournment*

Next Meeting - May 10, 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.*