



# 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  
Brian Daniels

Josh Gurlitz  
Nancy McCormick  
Anne Perl De Pal  
David Schwartz

**Tuesday, January 10, 2023**

**6:30 PM**

**RM 110 | Council Chamber**

#### Language Access Statement

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ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

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

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#### Opening

##### *Roll Call*

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

Commissioner Lascelles arrived at 6:36 p.m.

##### **Present**

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

*Secretary reads procedures into the record*

*Commission Chair reads the Public Charge*

#### Approval of Agenda

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

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

### **Announcements**

Grahn-Federmack advised that the 2023 meeting dates will be posted on the Town's website.

### **Petitions**

### **Approval of Minutes**

1. December 13, 2022 Action Minutes

[\[22-0941\]](#)

Commissioner Schwartz emailed corrections to the December 13, 2022 meeting minutes to staff. A motion was made by Commissioner Van de Velde, seconded by Lascelles, to approve the December 13, 2022, meeting minutes with the corrections. The motion carried by a unanimous vote.

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

### **Information**

2. Administrative Certificate of Appropriateness Approvals and Maintenance Memos

[\[22-0942\]](#)

Commissioner Perl de Pal noticed that some of the administrative approvals were related to projects that were under review by the Commission. She expressed a general concern of "scope creep" with staff approvals and a specific concern with the storm windows approved for 504 E. Franklin Street.

Grahn-Federmack explained that staff can approve repair and maintenance work and the installation of the storm windows according to the Land Use Management Ordinance (LUMO) and Design Principles & Standards. Commissioner Lascelles asked if Perl de Pal had a specific concern about 504 E. Franklin Street. Perl de Pal stated that she thought the windows changes needed to be part of the original application.

Hornik advised that neither staff nor the Commission can prohibit an applicant from applying for separate approvals for minor works. He explained that level of authority required amendments to the LUMO and Design Principles & Standards.

Perl de Pal clarified that her concern was about the community and not staff. She worried about projects that were simultaneously under review by the Commission, Board of Adjustment (BOA), and staff. She did not believe there were checks and balances where these reviews overlap. Hornik stated that there was no overlap in the Commission's and BOA's authority; the BOA cannot make decisions on COAs and the HDC cannot make decisions on variances. He explained that the HDC and BOA are regulated by separate processes as defined by State law and the LUMO.

### **Continuations**

**3. 313 E. Franklin Street**

[\[22-0943\]](#)

A motion was made by Commissioner Schwartz, seconded by Daniels to continue the hearing to the February 14, 2023 meeting as requested by the applicant. The motion carried by a unanimous vote.

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

### **Old Business**

**4. 109 Fraternity Court**

[\[22-0944\]](#)

Grahn-Federmack explained that the application was to replace the existing wood siding with Hardiboard on the wings of the Colonial Revival fraternity house.

Commissioner Van de Velde disclosed that her husband had been a member of the fraternity but at a different institution. Hornik confirmed that this did not constitute a statutory conflict of interest. There were no other disclosures.

Debra Scott said the house was built in 1924 and Sigma Nu moved into it in 1935. She stated the PSI Association has maintained the house since 1968, and all previous repairs were in-kind materials. Scott explained that the wood siding on the two wings was deteriorating, in part because of water intrusion from the 1924 built-in gutters. She presented photos that showed the location of the gutters beneath the railings. She explained that the boards have been replaced but water issues persisted.

Scott stated that wood products are not what they were historically. She explained that younger growth wood was not a long-term solution because the

material can be porous and soft if not allowed to properly cure. She also was concerned that the continuous water intrusion would lead to black mold within the walls.

Scott said the request was to replace the deteriorated wood siding with concrete composite. She passed around samples of wood and composite siding to the commissioners. She stated the columns and trim would remain wood. She explained that the composite product would be the same dimension, color, and texture as the original. She also referenced how the Design Standards allow for substitute materials when in-kind replacement is not feasible due to water infiltration.

Commissioner Lascelles asked if the water infiltration was caused by the built-in gutters, and if they planned to address the gutters. Scott said the gutters were historically accurate and would be maintained. Bob Lewis, president of the house, stated that the gutters had been repaired as part of a recent re-roofing project and the water leakage had been addressed.

There was no public comment.

Commissioner Gurlitz agreed that wood products today were more porous than old growth wood. Gurlitz thought the replacement siding materials was appropriate. Commissioner Schwartz agreed.

A motion was made by Commissioner Daniels, seconded by Van de Velde, that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness (COA). The motion carried by a vote of 7 to 1.

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

**Nay:** 1 - Anne Perl De Pal

**5. 504 East Franklin Street**

[\[22-0945\]](#)

Grahn-Federmack summarized the commission's concerns from the December 13, 2022 meeting and that the applicant was asked to address the pergola, stoop, and third-floor door.

Commissioners Gurlitz and Lascelles confirmed they reviewed the December meeting and previous materials.

There were no disclosures.

Anna Haig, the property owner, described her and husband's connection to Chapel Hill and that the improvements were intended to make the house livable for their family.

Haig addressed the pergola first. She presented a site plan and map of the showing the existing landscape and evergreens. She said she walked around the house and found few places where the patio would be visible from the street. She stated the patio was moved 9 inches inside of the chimney projection. She also said they may add shrubbery to provide additional screening for the patio. Haig presented renderings of the patio and a dimensioned site plan.

Haig restated the commission's concern about the horizontal banding on the third-floor door. She presented an elevation drawing that showed the proposed door at the same height as the adjacent windows. She said she spoke with Building and Development Services (BDS) staff and believed they could install a smaller door. She confirmed that she did not have BDS approval for a smaller door but said she would come back to the commission if BDS could not approve a smaller door.

Haig said that Preservation North Carolina (PNC), which has an easement on the property, approved all the changes the Commission were concerned about including the first-floor staircase. She said PNC thought a perpendicular staircase was a traditional design. Haig presented a site plan that showed the staircase coming straight down and to the side for comparison.

Haig presented additional photos of the property. She pointed out the limited visibility of the dormer from the street. She also showed a photo where the location of the patio was flagged. She asked the commission to allow for a larger patio and offered to build the staircase to the side if the commission wanted.

Commissioner Schwartz asked how approving the third-floor door would work. Grahn-Federmack explained that the applicant would need to amend the COA if BDS cannot approve a smaller door.

Commissioner Perl de Pal asked about the construction of a fence. Haig said the fence was not part of the application. Chair Murphy stated that the

commission was specifically addressing the three concerns from the last meeting and directed Perl de Pal to reach out to staff outside the meeting about the fence.

Perl de Pal asked if the proposed railings would be painted black or white. Haig said they had not decided on a paint color at the time. PNC had directed her that she should use black wrought iron or white-painted wood railings.

Perl de Pal asked about the flat roof of the portico. Chair Murphy stated the roof was not one of the three items the commission agreed to review. Hornik said he understood the commission's directive from the December meeting presumed that sufficient evidence was submitted for the project except for the three items previously mentioned.

Perl de Pal asked about the banding on the third-floor dormer. She found the dormer to be part of the house's original construction. Haig disagreed and did not think the dormer was part of the original 1814 structure but was built when the porch was added. Haig also reiterated that their intent to maintain the existing door frame and horizontal banding. Perl de Pal wanted to confirm the banding was maintained and cited a previous project where the Commission approved a design that was not buildable. Murphy restated that the door would come back to the commission as an amendment if BDS could not approve it at the height currently proposed.

Commissioner Schwartz asked if Haig preferred the perpendicular or side staircase. Haig said PNC approved the perpendicular staircase, and that she had no preference. She asked if the commission could approve both options because she needed to confirm PNC would approve the side staircase. Perl de Pal asked about the railings. Murphy reiterated that the railings were not under review.

There was no public comment.

Commissioner Daniels believed the new proposal adequately addressed all three concerns. Lascelles and Van de Velde agreed. Van de Velde also mentioned that the pergola was a separate structure and would not interfere with the house's integrity. Commissioner Gurlitz was aware of other examples of perpendicular staircases in the district.

A motion was made by Commissioner Daniels, seconded by Perl de Pal, that

the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness (COA) with the amendment that section 3.3 be referenced instead of section 3.4. The motion carried by a unanimous vote.

Chair Murphy called a five-minute break after the end of the item.

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

## **New Business**

### **6. 516 East Rosemary Street**

[\[22-0946\]](#)

Chair Murphy recused himself from this item because the applicant was his brother-in-law. Hornik clarified that this was a statutory conflict of interest, and a vote was not required. Vice Chair Lascelles acted as Chair for this item.

There were no other disclosures.

Walker Harris, the builder representing the owner, explained that the project was mostly interior work. He said the exterior changes are related to an interior kitchen expansion across the back of the house. He explained that the existing bay windows would be shortened, and the windows replaced; one door would be removed; and an existing door and window would swap locations. He said the siding matching the existing house would be used around the openings.

Commissioner Schwartz asked if any work was proposed for the original house. Harris confirmed no work was proposed for the original house; the proposed project was on a later addition.

There were no commissioner questions or public comment.

Commissioner Perl de Pal appreciated the quality of the application. Commissioner Van de Velde thought removing the bay window was an improvement. Commissioner McCormick agreed.

A motion was made by Commissioner Perl de Pal, seconded by Schwartz, that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness (COA). The motion carried by

a unanimous vote.

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

7. 211 Hillsborough Street

[\[22-0947\]](#)

Grahn-Federmack explained that this item was a COA amendment to modify the front door of the enclosed porch, construct a new deck, and landscape improvements.

There were no disclosures.

Kevin Clark, architect, explained that the proposal was for a half-glass door for the side-entry to the enclosed porch. He said the deck was removed from the application in February 2021, and part of the amendment was to add it back. Clark said there were no proposed changes in materials, and the proposed amendments are of a similar footprint and design to those previously approved. He said the most recent elevation showed a brick stop that would be replaced with the deck. He also stated a retaining wall connected to the deck would be added with additional planting to manage runoff. He mentioned that a recombination application was in process as the proposed work encroached on the adjacent property under the same ownership.

Commissioner Schwartz asked for clarification on what was approved but removed. Clark explained that the three elements were new in some form. He said the deck was included in the 2021 application but had a storage unit below it. He said the design was slightly different and the storage unit was not part of this application.

Clark said the most recent approval included a brick stoop, but the lawn would be raised to meet the deck, so the stoop was not needed.

Commissioner Daniels asked if the work would be visible from the street. Clark confirmed that the porch sits behind the profile of the house.

There was no public comment.

Chair Murphy thought the new deck without the storage in the basement level was an improvement.



A motion was made by Commissioner Daniels, seconded by Perl de Pal, that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness (COA). The motion carried by a unanimous vote.

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

### **Legal Training: Addressing Complaints from the Public**

Hornik advised commissioners to refer questions or complaints from neighbors and residents to staff. He also explained that complaints for work outside of the historic districts and not related to a Certificate of Appropriateness (COA) should go to Code Enforcement. He reminded the commissioners that they do not have any enforcement authority.

#### *Adjournment*

Next Meeting - February 14, 2023

#### *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.*

Virtual Meeting Notification

**[23-0040]**