



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, February 14, 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

Present

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

Excused

1 - Brian Daniels

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:

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

Excused:

1 - Brian Daniels

Announcements

Grahn-Federmack advised that the commission will meet on March 23 instead of March 14.

Commissioner Lascelles announced that he needed to leave by 9:30 p.m.

Petitions**Approval of Minutes****1. January 10, 2023 Action Minutes**[\[23-0089\]](#)

Commissioner Schwartz emailed corrections to the January 10, 2023, meeting minutes to staff. A motion was made by Commissioner Schwartz, seconded by Perl de Pal, to approve the January 10, 2023, meeting minutes with the corrections. The motion carried by a unanimous vote.

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

Excused: 1 - Brian Daniels

Historic District Commission Candidate Interviews**2. Historic District Commission Candidate Interviews**[\[23-0090\]](#)

The commission interviewed Michael Booth. Booth talked about his experience as an architectural designer, familiarity with historic structures and the Secretary of the Interior's Standards. He found/advocated that changes to buildings in the historic districts should complement the character of district and utilize materials that emulate their historic nature where possible.

A motion was made by Commissioner Gurlitz, seconded by Perl de Pal, to recommend Michael Booth's appointment to the Historic District Commission. The motion carried by a unanimous vote.

Commissioner Schwartz thought Neal Wolgin was also a good candidate to recommend for the commission. The other commissioners expressed concern with recommending Wolgin's appointment because he declined to be interviewed and the HDC was his second choice.

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

Excused: 1 - Brian Daniels

Consent

3. 700 Gimghoul Road

[\[23-0091\]](#)

Grahn-Federmack explained that the amendment was to replace a portion of the existing fence with a new design. She explained that the amendment was before the commission because portions of the fence would be visible from the right-of-way. She informed the commission that the written decision incorrectly referenced the Cameron-McCauley historic district instead of Gimghoul.

A motion was made by Commissioner McCormick, 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 unanimous vote.

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

Excused: 1 - Brian Daniels

Continuations & Extensions

4. 313 East Franklin Street

[\[23-0092\]](#)

Grahn-Federmack explained that the applicant requested a 180-day continuance.

A motion was made by Commissioner Van de Velde, seconded by Perl de Pal to accept the applicant's request. The motion carried by a unanimous vote.

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

Excused: 1 - Brian Daniels

New Business

5. 308 W. Cameron Avenue

[\[23-0093\]](#)

Harrell explained that the application was for the after-the-fact construction of an addition over the existing exterior basement stairs.

Melida Colindres apologized for not applying for a Certificate of Appropriateness (COA) before starting construction. She said she was not aware of the COA requirement.

Colindres stated that the house was built in 1958. She presented photos of the existing one-story house and a survey. She explained that the proposed 8-foot-by-4-foot addition was intended to remedy an ongoing problem with the basement flooding. She said the flat, wooden basement doors had been replaced several times, but water continued to enter into the basement. She explained that the addition would be constructed over the existing opening and would not change the building's footprint.

She presented photos of the exposed basement stairs and images of the new addition under construction. She said the addition's roof and siding would match the existing house.

Commissioner Schwartz noted that the addition appeared to be a different color than the house in the photos. He asked if Colindres intended to match the color of the house. Colindres confirmed that was her intention.

There was no public comment.

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.

Commissioner Schwartz asked Colindres how the commission could make residents aware of the COA requirement. She suggested a postcard or a periodic notice to owners.

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

Excused: 1 - Brian Daniels

6. 412 West Cameron Avenue

[\[23-0094\]](#)

Commissioner Perl de Pal disclosed that she was familiar with the property.

Grahn-Federmack explained that the application was for an addition, covered patio, new two-car garage, and other site improvements.

Amy Penwarden offered a response to Commissioner Schwartz's question to Melida Colindres. She suggested a guide explaining the COA requirement to new owners.

Nicholas Penwarden presented their application to the commission. Mr. Penwarden spoke of the history of property owners. He described how the historic building changed based on his Sanborn Map analysis. He also presented a site plan and identified current conditions. He mentioned the property includes a 1940s cottage and garage, c. 1860 smokehouse, c. 1860 stone well, and 1940s boxwood garden and two driveways.

Mr. Penwarden said the addition included bedrooms and a family room. He mentioned the addition was proposed in a way that left the original living areas intact. The addition would be attached to a previous 1990s addition (the existing sun porch). He said that none of the windows or historic walls of the original structure would be removed or concealed. The addition would be inset from the existing building with a lowered roof ridge but match the height of the eaves. It would also have hardiboard siding to match the 1990s addition, a metal roof to match the existing roof, and matching windows and operable shutters where appropriate.

Mr. Penwarden presented existing and proposed elevations and described the other exterior changes. He said the proposed patio was located on the rear elevation. The patio would be partially visible from Kenan Street.

He explained their proposal to construct a new two-car garage near the cottage that would be accessed from Kenan Street. He explained that the existing garage was listed as a contributing structure on the National Register of Historic Places and would be used as a workshop. The size and style of the proposed garage was like the existing garage and others found in the neighborhood. He said the driveway would be widened and a blue flagstone walkway installed to connect the garage, smokehouse, and house. He also said the gravel driveway on Cameron Avenue would be used for guest parking, and a portion of it would be reclaimed as landscape.

Mr. Penwarden said the fence along the west side of the rear yard would be retained and a new fence would be installed to enclose the backyard. The

fence between the shed and two-car garage would be removed. The brick in the boxwood garden would be relayed and boxwoods replanted. He presented renderings of all proposed changes from various vantage points.

Commissioner Gurlitz asked if the proposed windows for the second-story bedrooms met building code egress requirements. Jody Brown, the architect, confirmed the windows complied with the building code.

Commissioner Van de Velde asked the applicant to clarify which structures are contributing and non-contributing. Mr. Penwarden confirmed that the main house, cottage, smoke house, garage, and stone well were all contributing structures.

Commissioner Perl de Pal asked about the depth of the lot and how the location of the proposed two-car garage compared to other lots in the neighborhood. Mrs. Penwarden explained the lot was .75-acres, the garage was proposed in a similar location to neighboring lots, and that it appears further back because of the lot's depth.

Perl de Pal was concerned about removing a portion of the brick path near the boxwood garden. Mrs. Penwarden explained that the addition required removing landscaping and a portion of brick path, but the boxwood garden would remain intact. She also said the brick would be reused in new paths.

Commissioner Schwartz asked the applicants to discuss how they differentiated the addition from the main house. Mrs. Penwarden reiterated that the addition was inset from the rear of the house and the lower roof line. Mr. Penwarden explained that the materials were chosen to match the 1990s addition instead of the original house. Perl de Pal asked if any changes were proposed to the 1990s addition. Mr. Penwarden confirmed no changes were proposed.

Chair Murphy said the application mentioned a pergola and lighting plan. Mrs. Penwarden explained that they were considering installing a pergola as a formal entrance to the boxwood garden. She also anticipated the need for lighting for the patio and garage. Murphy advised commissioners that the motion should omit those items.

There was no public comment.

Chair Murphy thought the work in the boxwood garden could be considered

maintenance work. Counsel Hornik and Grahn-Federmack confirmed that staff could approve the repairs as maintenance, but it would not hurt to include the work in the Certificate of Appropriateness.

The commissioners appreciated the presentation and found the proposed changes were sensitive to the original house.

Commissioner Gurlitz mentioned that a character defining feature of the Cameron-McCauley district is accessory buildings. He found the application consistent with the district's character.

Commissioner Perl de Pal said most houses facing West Cameron Avenue have a garage facing the street, and that the proposed garage is not consistent with neighboring properties. Gurlitz and Van de Velde reiterated that the garage was only visible from Kenan Street. Murphy said that historic garages typically face the same direction as the main house. He also acknowledged that the house was on a corner lot and the applicants were utilizing the existing curb cut and gravel drive.

Schwartz asked about the change in the impervious. Mrs. Penwarden explained that the garage is the only change, and the proposal includes reclaiming part of the existing gravel driveway.

A motion was made by Commissioner Lascelles, seconded by Perl del Pal, that the application, except for the pergola and site lighting, 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: 7 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Josh Gurlitz, Nancy McCormick, Anne Perl De Pal , and David Schwartz

Excused: 1 - Brian Daniels

7. 211 Hillsborough Street

[\[23-0095\]](#)

Grahn-Federmack explained the project was to modify retaining wall material, construct a fence, wood trash enclosure, and other improvements.

Brian Chandler presented plans for the proposed amendments. He explained that the plans presented at the January meeting included landscape elements

that were not reviewed by the commission. He said the commission approved a privacy fence to wrap the backyard, and now the proposal was to only enclose the 'bump-out'. The fence would be pressure-treated, dog-eared pine that would follow the grade. He said it would not be painted and would naturally gray.

Chandler said they were trying to establish adequate screening for the proposed deck. He said they would air spade to identify the root structure of existing trees and enclose them with a dry-stacked fieldstone retaining wall that steps up with the grade. This would allow soil to be placed over the roots rather than cutting them.

Chandler showed a plan for the proposed gate on Hillsborough Street. The gate would be between two posts and boxwoods. He also showed a rendering of the proposed trash enclosure on the existing parking area.

Commissioner Gurlitz asked if the retaining walls around the tree were intended to create planter beds, and Chandler confirmed. Gurlitz expressed concern that the stone would compact the soil and lead to losing the trees. Chandler said another option was to air spade and plant around the tree roots, but that may not result in adequate screening. Gurlitz said a fence may do less damage. Chandler explained that the deck was 8 feet off the ground and a 6-foot fence would not screen it. Chandler also said the existing trees do not provide enough screening, and the screening was important for the client. He also explained that their landscape architect recommended the retaining walls.

Commissioner Perl de Pal said there were not many gates in the Franklin-Rosemary district. Chandler was not familiar with other gates in the neighborhood. He said the proposed gate provided a sense of privacy with a solid bottom and open slats on top.

Commissioner Schwartz was concerned that stucco was not a congruous material for the retaining wall. Chandler said there was stucco on the existing house and the retaining wall would be buried on under planting. He also said the material change was cost-saving and faster to install. Chair Murphy commented that the wall was in the back and would not be visible from the street.

Perl de Pal asked if there were other options for the location of the trash

enclosure. Chandler was not sure how the location was chosen.

Murphy suggested continuing the item because there was information Chandler could not provide. Commissioner McCormick agreed with the suggestion and requested for more information about the gate. She said openness was a character of the district and found the proposed gate was too opaque.

A motion was made by Commissioner Van de Velde, seconded by Gurlitz, that the application be continued to the March meeting, with the understanding that more information was needed for the trash enclosure, gate design, and retaining wall materials. The motion carried by a unanimous vote.

Legal Training - Quasi-Judicial Proceedings and Questioning Applicants

Counsel Hornik discussed the evidentiary procedure guide he prepared for commissioners. He explained that decisions must be based on evidence presented during the hearing. The guide also included a list of recommended questions to ask applicants and information on determining if evidence was competent, material, and substantial.

Hornik also mentioned that Commissioner Gurlitz's reference to the character essay was a good practice. He recommended reading the essays with each application in mind to pick out elements that helped identify the special character.

Commissioner McCormick asked if the standards needed to be incorporated for each application. Hornik acknowledged that staff incorporate the standards when the rules of procedures are read. He also recommended Chair Murphy incorporate the standards during each hearing.

Chair Murphy asked if there was a deadline for withdrawing a COA application. Hornik explained that the commission could deny a request to continue an application and deny the application if they find they do not have competent, material, and substantial evidence to approve it. He clarified that denying an application would not preclude an applicant from applying for a new Certificate of Appropriateness.

Hornik encouraged commissioners to contact him if they had questions about quasi-judicial procedures.

Adjournment

Next Meeting - March 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 for more information on the above referenced applications.

See the Advisory Boards page <http://www.townofchapelhill.org/boards> for background information on this Board.