

VARIANCE OR APPEAL APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
phone (919) 969-5066 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9788-59-2623 Date: 12/21/18

Section A: Project Information

Project Name: 1 Mint Springs Lane Application for Certificate of Appropriateness
Property Address: 1 Mint Springs Lane, Chapel Hill, NC Zip Code: 27514
Existing Zoning District: R-1/Franklin-Rosemary Historic District Overlay
Project Description: Item 7 of Application for Certificate of Appropriateness: Addition of a single bay garage and roof extension connecting to the garage over the front porch and a driveway expansion.

Section B: Applicant, Owner, and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed):

Name: William Reynolds Ferris and Marcie Cohen Ferris, c/o LeAnn Nease Brown, their attorney
Address: Brown & Bunch, PLLC, 101 N. Columbia Street
City: Chapel Hill State: NC Zip Code: 27514
Phone: (919) 968-1111 Email: lnease@brownandbunch.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 12/21/18

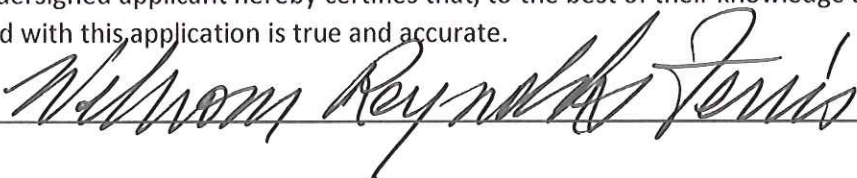
Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: See above
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Email: _____

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 12/21/18



VARIANCE OR APPEAL APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department

Variances and Appeals may be granted by the Board of Adjustment for dimensional regulations, water and sewer regulations, steep slope regulations, house size limitations, Resource Conservation District regulations, Jordan Buffer regulations, and Watershed Protection District regulations. The following must accompany your application. Failure to do so will result in your application being considered incomplete.

<input checked="" type="checkbox"/>	Application fee (refer to fee schedule)	Amount Paid \$	\$600.00
<input checked="" type="checkbox"/>	Digital Files – provide digital files of all plans and documents		
<input checked="" type="checkbox"/>	Mailing list of owners of property within 1,000 foot perimeter of subject property (see GIS notification tool)		
<input type="checkbox"/>	Mailing fee for above mailing list	Amount Paid \$	\$128.00
<input type="checkbox"/>	Written Narrative describing the proposal		
<input checked="" type="checkbox"/>	Statement of Justification – see below for additional information		
<input checked="" type="checkbox"/>	Recorded Plat or Deed of Property		
<input type="checkbox"/>	Stream Determination – necessary for all submittals		
<input type="checkbox"/>	Jurisdictional Wetland Determination – if applicable		
<input checked="" type="checkbox"/>	Reduced Site Plan Set (reduced to 8.5" x 11")		

Type of Variance or Appeal (Choose one of the following):

- ☐ Dimensional Variance ☐ Water and Sewer Variance ☐ Steep Slope Variance

Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(a) of the Land Use Management Ordinance.

- ☐ House Size Variance

Statement of Justification: Respond to parts 1-7 of Subsection 4.12.2(b) of the Land Use Management Ordinance.

- ☐ Resource Conservation District Variance

Statement of Justification: Respond to parts A-I of Subsection 3.6.3(j)(4) of the Land Use Management Ordinance.

- ☐ Jordan Watershed Riparian Buffer Variance

Statement of Justification: Respond to parts A-C of Subsection 5.18.8(d)(1) of the Land Use Management Ordinance.

- ☐ Watershed Protection District Variance

Statement of Justification: Respond to parts 1-4 of Subsection 3.6.4(h)(2) of the Land Use Management Ordinance.

- ☒ Appeal

Standing: Explain to the Board how the applicant is an aggrieved party (NC General Statute Sec. 160A-388(b1)(1))

Statement of Justification: Provide justification for decision that is being appealed.



VARIANCE OR APPEAL APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL
Planning Department

Plan Sets (2 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

☒

Area Map

- a) Overlay Districts
- b) 1,000 foot notification boundary

☒

Detailed Site Plan

FERRIS WILLIAM R
MARIO CYNTHIA
COLEMAN JOANNA
RAYNOR WILLIAM J
STONE JENNIFER
SCROGGS MARK W
JADOT PAUL
ISALY SAMUEL D
HOLT W A
GOFFENA JAMES R
ABRAMS BRIGITTE K
RIVERS LAUREN S
NEELON JEFFREY B
YATES ANDREW J
GODDIN JOHN D
POPKIN BARRY M
BIZIOS GEORGIA
AHEARNE JOHN F
AGARWAL REKHA
SMITH ROY L
HANNA SCOTT A
REN JUN
JONES MICHAEL B
COBLE CHARLES R
KAIRYS AMY B
COTTAGES ON NORTH LLC
GRACE NICHOLSON LLC
WINZELBERG GARY S
PAGE ROBERT J ETAL
ZULRI CHAPEL HILL LLC
VINCENT JEFFREY
PARKER JAMES M JR
SCHMIDT DAVID W
DAVIS JOHN G
WILLIAMS ROBIN
SIDEBOTTOM NANCY W
ALPHA SIGMA HSE CORP DELTA DELTA DELTA INC
WEISBERG STEVEN R
HARRIS ROLAND E
FERTIC LEON H
NORTH CAROLINA ALPHA OF PI BETA PHI INC

1 MINT SPRINGS LN	CHapel HILL	NC	27514
1 POINT BEACH DR	MILFORD	CT	6460
1 ROCKWELL GRN	PENNINGTON	NJ	8534
1 THE GLEN	CHapel HILL	NC	27514
1 THROCKMORTON LN	MILL VALLEY	CA	94941
100 MILL RUN	CHapel HILL	NC	27514
100 ROSE LN	CHapel HILL	NC	275E+08
1001 5TH AVE	NEW YORK	NY	10028
1001 COWPER DR	RALEIGH	NC	2.76E+08
1008 LIVE OAK LOOP	BUDA	TX	78610
101 ROSE LN	CHapel HILL	NC	2.75E+08
1013 ROOSEVELT DR	CHapel HILL	NC	27514
1015 WELLINGTON RD	WINSTON SALEM	NC	27106
104 CAMPBELL LN	CHapel HILL	NC	27514
104 GARDEN STREET	CHapel HILL	NC	27514
104 MILL RUN DR	CHapel HILL	NC	27514
104 ROSE LN	CHapel HILL	NC	2.75E+08
105 ROSE LN	CHapel HILL	NC	27514
108 CAMPBELL LN	CHapel HILL	NC	27514
108 ROSE LANE	CHapel HILL	NC	2.75E+08
10804 PALUXY PASS	CHapel HILL	NC	78726
109 CAMPBELL LN	AUSTIN	TX	27514
109 MILL RUN	CHapel HILL	NC	27514
109 ROSE LN	CHapel HILL	NC	27514
109 WINSTON RIDGE DR	CHapel HILL	NC	2.75E+08
1101 HERON POND DR	CHapel HILL	NC	27516
11117 FARMWOOD DR	CHapel HILL	NC	2.76E+08
112 CAMPBELL LN	RALEIGH	NC	27514
112 MILL RUN DR	CHapel HILL	NC	27514
112 S TRYON ST	CHapel HILL	NC	28284
113 CAMPBELL LN	CHapel HILL	NC	27514
113 MILL RUN DR	CHapel HILL	NC	27514
116 MILL RUN	CHapel HILL	NC	27514
117 CAMPBELL LN	CHapel HILL	NC	27514
1305 KING BIRD CT	CHapel HILL	NC	29466
1412 RIDGE RD	MOUNT PLEASANT	SC	1.76E+08
1524 HERMITAGE CT	LANCASTER	PA	27707
1528 MARINER WAY	DURHAM	NC	33019
16 PINEY MOUNTAIN RD	HOLLYWOOD	FL	27514
16200 FOUR LAKE LN	CHapel HILL	NC	3.48E+08
165 LOUISIANA AVE	MONTVERDE	FL	28806
	ASHEVILLE	NC	

CORNELLA RICK JAY
 CHEEK LISA C ETAL
 GARRISON HERBERT G III
 PARSONS PHILLIP G
 JOLLS ROBERT T
 DANZIGER ERWIN M ETAL
 REYNOLDS JOHN M
 THOMPSON GREGORY D
 ROUTH DAVID S
 DONNAN RICHARD F
 CAREY TIMOTHY S ETAL
 SATHER LURENE GOWEN
 BURKS ARVIL W JR
 ALLEN MELISSA Y
 NUZUM C THOMAS
 FINN DEBORAH RADOVSKY
 BROWN LINDA B
 POWER STEPHEN T
 COHEN KENNETH LEE
 SCARP RIDGE PROPCO LLC
 BROWN MARY F
 510 E. ROSEMARY LLC
 HOLY TRINITY EVANGELICAL LUTHERAN CHURCH OF CHAPEL HILL NC
 PEARCE JOHN A
 RICHMOND MATTHEW
 DEFOSSET MICHELLE
 BERIWAL MADHU
 LI YANG
 FRENCH DRUSCILLA
 PREYER JANE B
 HERNDON BRIAN L
 JOYNER WILLIAM H
 HUNT PAULA
 BUCKNER JOSEPH MOODY
 MANNING PHILLIP V
 HUNTLEY JOAN C
 WATSON SUE FORBES
 SCARP RIDGE PROPCO LLC
 COENEN WALTER DEVEREAUX EDWARD
 DEBREE ELIZABETH H
 CAMP WILLIAM O

171 BUFF RIDGE RD	BOONE	NC	28607
175 NORTH VALLEY RD	SOUTHERN PINES	NC	2.84E+08
1800 OLD FORT RD	GREENVILLE	NC	27834
1880 COVESIDE LN	CORNELIUS	NC	2.8E+08
2 MINT SPRINGS LN	CHAPEL HILL	NC	27514
201 CAROLINA MEADOWS VILLA	CHAPEL HILL	NC	2.75E+08
201 MINT SPRINGS LN	CHAPEL HILL	NC	27514
203 FARM HOUSE DRIVE	CHAPEL HILL	NC	27516
205 N BOUNDARY ST	CHAPEL HILL	NC	27514
206 GILPIN AVE	COVINGTON	VA	24426
206 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
206 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08
209 N BOUNDARY ST	CHAPEL HILL	NC	27514
210 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
213 N BOUNDARY ST	CHAPEL HILL	NC	27514
214 HILLSBOROUGH ST	CHAPEL HILL	NC	2.75E+08
214 N BOUNDARY ST	CHAPEL HILL	NC	27514
215 FRIENDLY LN	Chapel Hill	NC	27514
218 STAGECOACH RD	CHAPEL HILL	NC	2.75E+08
221 N HOGAN ST	JACKSONVILLE	FL	32202
223 FLEMINGTON RD	CHAPEL HILL	NC	27517
2923 SYMPHONY WOODS DR	CHARLOTTE	NC	28269
300 E ROSEMARY ST	CHAPEL HILL	NC	27514
300 READE RD	CHAPEL HILL	NC	27516
303 E ROSEMARY ST	CHAPEL HILL	NC	27514
304 HILLSBOROUGH ST	CHAPEL HILL	NC	2.75E+08
304 N BOUNDARY ST	CHAPEL HILL	NC	27514
305 PERRY CREEK DR	CHAPEL HILL	NC	27514
306 N BOUNDARY ST	CHAPEL HILL	NC	27514
307 E ROSEMARY ST	CHAPEL HILL	NC	27514
307 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
309 N BOUNDARY ST	CHAPEL HILL	NC	27514
310 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08
313 N BOUNDARY ST	CHAPEL HILL	NC	27514
315 E ROSEMARY ST	CHAPEL HILL	NC	2.75E+08
317 NORTH BOUNDARY ST	CHAPEL HILL	NC	27514
317 S JAMES ST	ASHLAND	VA	2.3E+08
330 BELLEVUE AVE	CRESTED BUTTE	CO	81224
345 BURLAGE CIR	CHAPEL HILL	NC	27514
40 FAIR HAVEN RD	FAIR HAVEN	NJ	7704
400 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08

ROSE DAVID E
 EVANS JANET WOOD BROWN
 PRESTON R J SIMS
 DOLAN LOUISE ANN
 BLASS JOSEF TRUSTEE
 FREEMAN KEITH
 LOWRY PATRICIA H
 HILLER NORBET
 MAY ROBERT E JR
 KLEMMER PHILIP J
 GREEN LINDA E TRUSTEE
 BARZIN AMIR
 LOBO LEONARD JASON
 CASTILLO MAURICIO
 LAWLER DEVELOPMENT GROUP LLC
 TOWNHOUSE APARTMENTS LLC
 PARKER H STEWART TRUSTEE
 BLASS JOSEF
 TALLMAN DORIAN J
 RODEN RANDALL M
 KOPP VINCENT A
 HEMSEY DAVID F
 HEATH MILTON S JR TRUSTEE
 MOESER SUSAN D
 GROSSBLATT ARNOLD L
 ENGINE 31 HOLDINGS LLC
 TANNA CHAYA TRUSTEE
 RUSSELL SALLIE SHUPING
 DOHLMAN HENRIK G
 BULLARD MELISSA M
 N C DELTA UPSILON FD
 LEE KRISTINA K
 LEE PETER JAMES
 HAYDON THOMAS W
 FELDMAN JEFFREY B
 SCHELLHORN KAREN
 MEIER BENJAMIN MASON
 SLADE GARY
 SANDERS ANN
 LORENZINI DINO
 BRACEY WILLIAM

402 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
403 NORTH ST	CHAPEL HILL	NC	2.75E+08
404 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
405 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08
405 NORTH ST	CHAPEL HILL	NC	27514
407 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
407 NORTH ST	CHAPEL HILL	NC	2.75E+08
407A HILLSBOROUGH ST	CHAPEL HILL	NC	27514
408 NORTH ST	CHAPEL HILL	NC	27514
409 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08
409 NORTH ST	Chapel Hill	NC	27514
412 E ROSEMARY ST	CHAPEL HILL	NC	27514
415 LAKESHORE LN	CHAPEL HILL	NC	27514
416 HILLSBOROUGH ST	Chapel Hill	NC	27516
420 WESTWOOD DR	CHAPEL HILL	NC	27516
425 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
500 E ROSEMARY ST	CHAPEL HILL	NC	27514
500 N BOUNDARY ST	CHAPEL HILL	NC	27514
500 NORTH ST	CHAPEL HILL	NC	27514
501 E FRANKLIN ST	CHAPEL HILL	NC	27514
501 E ROSEMARY ST	Chapel Hill	NC	27514
504 N BOUNDARY ST	Chapel Hill	NC	27514
504A NORTH ST	CHAPEL HILL	NC	2.75E+08
505 N BOUNDARY ST	CHAPEL HILL	NC	27514
505 NORTH ST	CHAPEL HILL	NC	27514
506 E ROSEMARY ST	CHAPEL HILL	NC	27514
506 E ROSEMARY ST	CHAPEL HILL	NC	27514
507 E ROSEMARY ST	CHAPEL HILL	NC	27514
508 N BOUNDARY ST	CHAPEL HILL	NC	27514
510 NORTH ST	CHAPEL HILL	NC	2.75E+08
5105 REMBERT DRIVE	RALEIGH	NC	27612
511 E ROSEMARY ST	Chapel Hill	NC	27514
511 E ROSEMARY ST	Chapel Hill	NC	27514
511 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
511 HILLSBOROUGH ST	CHAPEL HILL	NC	27514
511 HILLSBOROUGH ST #101	CHAPEL HILL	NC	27514
511 HILLSBOROUGH ST #104	CHAPEL HILL	NC	27514
511 HILLSBOROUGH ST #111	CHAPEL HILL	NC	27514
511 HILLSBOROUGH ST #113	CHAPEL HILL	NC	27514
512 E ROSEMARY ST	CHAPEL HILL	NC	2.75E+08
512 HILLSBOROUGH ST	CHAPEL HILL	NC	2.75E+08

ERREDE BEVERLY J TR	512 N BOUNDARY ST	CHAPEL HILL	NC	2.75E+08
REED PATRICK W	513 E ROSEMARY ST	Chapel Hill	NC	27514
DEBREE DWIGHT H	513 NORTH ST	Chapel Hill	NC	27514
VISCOMI JOSEPH S	514 NORTH ST	CHAPEL HILL	NC	27514
KNAUFF JAMES W IV	515 E ROSEMARY ST	Chapel Hill	NC	27514
BARNHILL MICHAEL V JR	515 HILLSBOROUGH ST	Chapel Hill	NC	27514
MORATO PAOLO	515 HILLSBOROUGH ST #101	Chapel Hill	NC	27514
MOUNSEY JOHN PAUL	516 E ROSEMARY ST	CHAPEL HILL	NC	27514
YARBROUGH CHESTER	517 E FRANKLIN ST	CHAPEL HILL	NC	27514
PRESTON EDWIN T	517 NORTH ST	CHAPEL HILL	NC	2.75E+08
SHROPSHIRE JASON	518 NORTH ST	Chapel Hill	NC	27514
MCALLISTER SUSAN M	521 E JONES ST	RALEIGH	NC	27601
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL ARTS AND SCIENCES FOUNDATION INC	523 E FRANKLIN ST	CHAPEL HILL	NC	27514
NOBLE PATRICK TRACY	523 E ROSEMARY ST	CHAPEL HILL	NC	2.75E+08
WEIDEN CONRAD S	525 NORTH ST	CHAPEL HILL	NC	27514
PERLMUTT LOUIS M	607 E ROSEMARY ST	CHAPEL HILL	NC	2.75E+08
BURNS W WOODROW JR	609 NORTH ST	CHAPEL HILL	NC	2.75E+08
KING JAMES K	610 NORTH ST	CHAPEL HILL	NC	2.75E+08
MOFFATT SUSAN S	7 LONE PINE RD	CHAPEL HILL	NC	2.75E+08
BSL DEVELOPMENT LLC	703 N COLUMBIA ST	CHAPEL HILL	NC	27516
HOCK TANNER	724 GIMGHOUL RD	CHAPEL HILL	NC	27514
MARIANNA LLC	7283 NC HWY 48W	RALEIGH	NC	27603
IFTIKHAR ELIZABETH	808 GREENWOOD DR	CHAPEL HILL	NC	2.75E+08
GWYN GARETH PRICE	901 WILLOW DR	CHAPEL HILL	NC	27514
PHARAOKS RENTALS LLC	9642 TRAVILLE GATEWAY DR	ROCKVILLE	MD	20850
EMMERSON FRED B JR	976 MARTIN L KING JR BLVD SUITE 200	CHAPEL HILL	NC	2.75E+08
FISCHER WILLIAM A TRUSTEE	AVENUE VERDEIL 13	CH1005 LAUSANNE	SWITZERLAND	
TRANI STEPHEN S	P O BOX 2346	CHAPEL HILL	NC	2.75E+08
PLAYHOUSE TRIO LLC	P O BOX 4150	CHAPEL HILL	NC	2.75E+08
WHITTIER DONALD	P O BOX 742	CHAPEL HILL	NC	27514
THE ALTRIDGE GROUP LLC	PO BOX 1198	Carboro	NC	27510
BELL FAMILY PROPERTIES LLC	PO BOX 1113	CHAPEL HILL	NC	27514
ZEMAN PAMELA	PO BOX 16968	CHAPEL HILL	NC	2.75E+08
BETA UPSILON ED FOUNDATION	PO BOX 3270	CHAPEL HILL	NC	27515
SSC CHAPEL HILL APARTMENTS LP	PO BOX 56607	ATLANTA	GA	30343
515 DOWNTOWN TOWNHOMES HOMEOWNERS ASSOCIATION	PO BOX 79032	CHARLOTTE	NC	28271
SPANGLER C D JR	P O BOX 36007	CHARLOTTE	NC	2.82E+08



300 m
1000 ft



ADAMS ST
CHURCH ST
ROSEMARY ST
N COLUMBIA ST
PORTHOLE AVE
NORTH ST
HENDERSON ST
ROBERTSON LN
E FRANKLIN ST
BATTLE LN
SEALAC RD
HOOPER LN
S BOUNDARY ST
PARK PLACE DR
ANDON DR
THE GLEN
FRIDAY LN
CAROLINA AVE
CADDRELL ST
N COLUMBIA ST
ISLE ST
STANSON ST
E LONGVIEW ST
N COLUMBIA ST
COLUMBIA PL IN COLUMBIA PL E
GREENE ST
SUNRISE LN
BOLIN HEIGHTS TER
MILL RACE DR
BOLINWOOD DR
BOLIN CREEK TRAIL
BRECKENRIDGE PL
WILD IRIS LN
DEEPWOOD RD
TENNEY CIR
GLENVIEW ST
CARR ST
PRITCHARD AVE
JADE ST
OSAY ST
MATTY C

STATEMENT OF JUSTIFICATION

Under N.C.G.S. §160A-388, §160A-393, §160A-400.9 and Land Use Management Ordinance of the Town of Chapel Hill ("LUMO"), including §§3.6.2, 4.10 and 4.12, property owners, William Reynolds Ferris and Marcie Cohen Ferris ("Appellants"), appeal the Town of Chapel Hill Historic District Commission's ("HDC") November 26, 2018 denial of Item 7 of their Application for a Certificate of Appropriateness for 1 Mint Springs Lane to the Town of Chapel Hill Board of Adjustment. This appeal is made within the latter of 30 days of filing the decision being appealed or the delivery of the required written notice of the decision to the property owners. The written notice of the decision dated November 26, 2018 was provided to counsel for Appellants by hand delivery on November 29, 2018. A copy of the Town of Chapel Hill Historic District Commission's written decision is attached as Exhibit A.

The Appellants are represented in this appeal by LeAnn Nease Brown, Brown & Bunch, PLLC, 101 N. Columbia Street, Chapel Hill, NC 27514, Telephone: (919) 968-1111, Email: lnease@brownandbunch.com.

Decision Being Appealed.

The decision being appealed is the November 26, 2018 denial by the Historic District Commission of Item 7 of Appellants' Application for a Certificate of Appropriateness to add a single bay garage and roof extension connecting to the garage over the front porch and a driveway expansion.

Standing.

Appellants, William Reynolds Ferris and Marcie Cohen Ferris, are the owners of 1 Mint Springs Lane. See, Deed recorded at Book 2526, Page 454, Orange County Registry attached as Exhibit B and the Application for Certificate of Appropriateness attached as Exhibit C. Owners of property have standing to appeal decisions of the Historic District Commission on Applications for Certificates of Appropriateness regarding their property to the Board of Adjustment. See, N.C.G.S. §160A-388(b)(1)a and §393(d)(1)a.

Background.

1 Mint Springs Lane is an improved lot in the Franklin-Rosemary Historic District. The underlying zoning is residential (R-1).

On May 10, 2018, Appellants applied to the Historic District of the Town of Chapel Hill for a Certificate of Appropriateness. The project included these items:

1. the removal of the pergola at the front porch, changing the front roof structure to a shed roof design over the front entrance, including new ceiling lighting;

2. the enclosure of the rear screened porch and the addition of windows;
3. the removal of the pergola at the rear porch, to be replaced with a smaller shingled roof and adding a deck rail;
4. raising the front walkway and adding lighting;
5. installation of two new guardrails along the driveway;
6. removal of an existing door on the east side of the front façade and filling the opening with matching siding, and
7. adding a single bay garage and roof extension connecting to the garage over the front porch and a driveway extension.

On June 12, 2018, the Historic District Commission considered the Application for Certificate of Appropriateness. Competent, material and substantial evidence was submitted by Appellants to demonstrate that the Application for Certificate of Appropriateness as proposed meets the standards of congruity for the grant of the Certificate of Appropriateness. The evidence presented demonstrated that the proposals were in harmony with the Franklin-Rosemary Historic District and that the standards for the grant of a Certificate of Appropriateness were met. No one testified in opposition to the Application for Certificate of Appropriateness. No evidence was presented in opposition to the grant of a Certificate of Appropriateness. No evidence was received that contradicted the evidence offered by Appellants. A copy of the transcript of the portion of the June 12, 2018 HDC meeting addressing Appellants' Application is attached as Exhibit D.

Even though competent, material and substantial evidence in the record demonstrated that Appellants were entitled to the issuance of a Certificate of Appropriateness for each proposed item, the Historic District Commission continued its consideration of the Certificate of Appropriateness.

On July 17, 2018, the HDC again considered the Application for 1 Mint Springs. A copy of the transcript of the portion of the July 17, 2018 HDC meeting addressing Appellants' Application is attached as Exhibit E. At the July 17, 2018 meeting, the Historic District Commission had before it competent, material and substantial evidence that the Application as proposed entitled Appellants to issuance of a Certificate of Appropriateness. The Historic District Commission approved Items 1 through 5 of the Application. It took no vote on Item 6. On Item 7, a motion was made by Commissioner Carbrej and seconded by Commissioner Vogler that the design as proposed is consistent with the guidelines for the Historic District Commission. The vote was three for the motion and four against. To take action, the Historic District

Commission must have five votes to support any motion. Therefore, the Historic District Commission took no action on Item 7 at the July 17, 2018 meeting.

Appellants received a document from the Town of Chapel Hill dated August 21, 2018 confirming the approved work. The document acknowledged that no action had been taken on removal of the secondary door on the east side of the front façade. The document erroneously stated that the HDC had denied the construction of a garage and roof extension connecting the garage over the front walkway. Appellants called to the attention of the Town of Chapel Hill the fact that no action had been taken on Item 7 and the document was erroneous. Appellants also made the Town of Chapel Hill aware that the 180-day limitation action on items had not yet passed. Items 6 and 7 were returned to the Historic District Commission agenda for October 9.

Appellants again appeared before the Historic District Commission at its meeting on October 9. Appellants offered an additional drawing with options for Item 7 reflecting changes proposed by Commissioner Carbrey at the July meeting. The Historic District Commission reopened the public hearing and received the revisions proposed. It also received additional testimony from Appellants. The evidence presented demonstrated that Proposal 6 and 7 of the Application were in harmony with the Franklin-Rosemary Historic District, and the standards for granting the Application for Certificate of Appropriateness were met. No one testified in opposition to the Application for a Certificate of Appropriateness. Neighbors testified in support. No evidence was received that contradicted the evidence offered by Appellants that the Application as proposed was congruous with the Franklin-Rosemary Historic District. The Historic District Commission approved Item 6. Even though competent, material and substantial evidence in the record demonstrated that Appellants were entitled to a Certificate of Appropriateness for Item 7, the Historic District Commission denied the Certificate of Appropriateness for Item 7.

Over the course of the three meetings, the testimony presented by Appellants on Item 7 showed that Mint Springs Lane is a private easement giving access to four dwellings. (Exhibit E, p. 2). In response to concerns expressed by the Historic District Commission at the June meeting, revisions were made to the plan to cut back the dimensions of the front porch and adjust the scale of the garage roof. (Exhibit E, p. 3). Examples of similar garage placements were introduced into evidence. (Exhibit E, pp. 5-6, 15 and Application materials).

Appellants testified about their reasons for seeking approval of Item 7. Their testimony revealed that they moved to Chapel Hill in 2002 and both taught at the University of North Carolina. Each have worked in historic preservation. (Exhibit E, p. 16). 1 Mint Springs is an old farmhouse built in 1942. (Id.). The garage addition was designed to create a level entryway into the house. (Exhibit E, p. 17). Because

of the topography of 1 Mint Springs, there was no other way to site a level entry for the house. (Exhibit E, pp. 17-18). Currently, the house is accessed by 30 steps up the back. (Id.). Chair Epting acknowledged he "completely recognized that you've really done the garage and the only way the garage can be done on the property." (Exhibit E, p. 18). He accurately acknowledged that it was "necessary in terms of your health and safety in a sense as you grow older and want to stay in that home." (Id.).

Commissioner Carbrej recommended providing a carriage style door to bring more openness to the façade, reminiscent of the farmhouse. (Exhibit E, pp 15-16, 20-21). Appellants were open to the suggestion and, at the October 9 meeting, provided the drawing which incorporated the suggestions made by Commissioner Carbrej.

At the October 9, 2018 hearing, Appellants again shared with the Commission their dilemma: they cannot age in place in their home without the modification to give them a level entryway. Marcie Ferris acknowledged Commissioner Carbrej's wise stylistic modifications. (Exhibit F, p. 5). She reminded the Commission that their home was the only historic home on Mint Springs Lane. (Id.). The other houses are new development. She pointed out that it was difficult to get groceries and other items into the house because the entrances into the home includes steep stairways and unlevel stone pathways and stone steps. (Id.). She explained to the Commission that her 92-year old mother (who is in great health) had great difficulty visiting them because she could not negotiate the entrance ways. (Id.). Dr. Ferris reminded the Commission there were no alternative locations for the garage addition; the topography of the site defined and limited the location of the addition to the area proposed. (Id.). She explained to the Commission they would have to sell their home (and likely leave Chapel Hill) as they could not age in place unless the accessibility issues with the house were addressed. (Exhibit E, p. 7). Despite the competent, material and substantial evidence in the record regarding congruity, despite the Ferris' explanation as to the accessibility issues presented by the house, despite the competent, material and substantial evidence in the record there were no alternatives available due to topography, despite testimony of neighbors in support, despite evidence that the house was the only historic house in the neighborhood and that the design as proposed could be found on other garages within the district, the Historic District Commission considered a motion to deny Item 7. The vote was four to three, which does not meet the requirement in LUMO to pass a motion.

The Historic District Commission again considered Item 7 at its October 16, 2018 meeting to be sure it decided within 180 days. It voted to deny the Application for Certificate of Appropriateness.

Written notice of the decision to deny dated November 26, 2018 was given to Appellants on November 29, 2018. Applicants have timely filed

this appeal of the denial of Item 7 of the Application for a Certificate of Appropriateness by the Historic District Commission to the Board of Adjustment under the provisions for appeal in LUMO and the North Carolina General Statutes.

Errors.

1. The HDC erred by failing to base their decision on competent, material and substantial evidence in the whole record. The competent, material and substantial evidence in the whole record demonstrates that Item 7 in the Application as proposed is congruous with the Franklin-Rosemary Historic District and that Appellants' Application met all requirements for the grant of a Certificate of Appropriateness. There is no competent, material or substantial evidence in the record to support denial of Item 7 of the Application for Certificate of Appropriateness. There is no competent, material and substantial evidence in the record to support the HDC's findings or its conclusion that Item 7 is inconsistent with the applicable Design Guidelines. There is no competent, material and substantial evidence in the record to support the HDC's findings or its conclusion that Item 7 is incongruous with the special character of the Historic District or that the Application for a Certificate of Appropriateness should not be allowed.
2. The HDC erred by basing its decision on errors of law, including its flawed interpretation of North Carolina statutes, its flawed interpretation of caselaw interpreting those statutes, its flawed interpretation of LUMO (especially LUMO §3.6.2), and its flawed interpretation of its Rules of Procedure and Design Guidelines in contravention of LUMO and N.C.G.S. §400.9.
3. The decision of the HDC was arbitrary and capricious.

Reservation of Rights to Raise Additional Issues.

Under N.C.G.S. §160A-388(b)(8), Appellants are not limited at the hearing of this appeal to matters stated in this notice. Appellants reserve all rights to raise additional issues at the hearing.

Prayer for Relief.

Appellants respectfully request the Board of Adjustment review the decision of the Historic District Commission of the Town of Chapel Hill, reverse and vacate the decision, and remand this matter to the Historic District Commission with instructions it grant Appellants' Application for a Certificate of Appropriateness.

13575\01\m\003Statement of Justification

TOWN OF CHAPEL HILL HISTORIC DISTRICT COMMISSION
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS WRITTEN DECISION

Application Number: 18-051
Subject Property Address: 1 Mint Springs Lane
Applicant: James Morgan
Filing Date: 5/10/2018
Meeting Date: 7/17/2018, 10/9/2018, 10/16/2018

I. INTRODUCTION TO THE APPLICATION

Historic District: FRANKLIN-ROSEMARY

Zoning District: R-1

Nature of Project: Consideration of an application for the following items:

1. The removal of the pergola at front porch, changing the front roof structure to a shed roof design over front entrance, including new ceiling lighting.
2. The enclosure of the rear screened porch and the addition of windows.
3. The removal of pergola at rear porch, to be replaced with a smaller shingled roof; deck rail approved with the stipulation that the deck rail is consistent with front porch railing.
4. The raising of front walkway and lighting.
5. The installation of two (2) new guard rails along the driveway.
6. The removal of an existing door on the east side of the front facade and have the opening filled with matching siding.
7. The addition of a single bay garage and roof extension connecting to the garage over the front porch and a driveway expansion.

II. EVIDENCE & TESTIMONY PRESENTED

- A. Application Materials
- B. Public Testimony

III. FINDINGS OF FACTS AND CONCLUSIONS OF LAW ITEMS 1-6

Based upon the Application submitted on this matter, considered under the Historic District Commission Review Criteria set out in LUMO section 3.6.2(e), and the Design Guidelines for the Chapel Hill Historic Districts, the Commission moved in multiple motions to approve items 1-6 of the above stated application based on the following findings of fact and conclusions of law:

- A. This portion of the application is for the removal of the pergola at front porch, changing the front roof structure to a shed roof design over front entrance, including new ceiling lighting; the enclosure of the rear screened porch and the addition of windows; the removal of pergola at rear porch, to be replaced with a smaller shingled roof; deck rail approved with the stipulation that the deck rail is consistent with front porch railing; the raising of front walkway and lighting; the installation of two (2) new guard rails along the driveway; and the removal of an existing door on the east side of the front facade and have the opening filled with matching siding.
- B. LUMO Section 3.6.2(e)(4) Review Criterion A-J are applicable to this Application.
- C. Items 1-6 of the application comply with the following Design Guidelines: *Exterior Lighting* guideline 5 on page 22; *Porches, Entrances and Balconies* guideline 9 on page 43; *Decks* guideline 5 on page 57; *Roofs* guideline 5 on page 37; and *Accessibility & Life Safety Considerations* guideline 5 on page 47.

- D. Based upon the foregoing, the Commission concludes that the proposal for the above referenced items 1-6 are not incongruous with the special character of the Historic District, that it will be constructed in accordance with the LUMO and Design Guidelines, and that the Application for a Certificate of Appropriateness should be allowed for these items.

IV. FINDINGS OF FACTS AND CONCLUSIONS OF LAW ITEM 7

Furthermore, based upon the Application submitted on this matter, considered under the Historic District Commission Review Criteria set out in LUMO section 3.6.2(e), and the Design Guidelines for the Chapel Hill Historic Districts, the Commission moved to deny item 7 of the above stated application based on the following findings of fact and conclusions of law:

- A. This portion of the application is for the addition of a single bay garage and roof extension connecting to the garage over the front porch and a driveway expansion.
- B. LUMO Section 3.6.2(e)(4) Review Criterion A-J are applicable to this Application.
- C. Factual findings related to the application are as follows: (i) the proposed garage is located at the front of the home, the addition is contiguous with the front wall of the house on the western side of the home; (ii) the proposed garage is located in front of an existing bay of the house and would overlap a portion of the existing structure; (iii) the size of the proposed garage is not subservient to the house itself, the width of the garage overwhelms the relevant bay of the existing house; (iv) the proposed garage would be visible from the street, the street view as depicted in the application indicates the new garage addition will be the most prominent portion of the structure seen from the street; (v) this portion of the application involves the extension and enlargement of a paved area this presently unpaved at the corner of the yard; and (vii) the proposed parking area would be clearly visible from the street.
- D. Item 7 of the application does not comply with the following Design Guidelines: *Additions* guidelines 1, 2, 3, 6, and 7 on page 55; *Garages & Accessory Structures* guideline 7 on page 21 (see the first paragraph on page 20 for discussion of traditional garage locations); *Exterior Walls* guideline 8 on page 38; and *Walkways, Driveways, & Off-street Parking* guideline 8 on page 19; and *Accessibility & Life Safety Considerations* guideline 2 on page 47.
- E. Based upon the foregoing, the Commission concludes that the proposal for item 7 above is incongruous with the special character of the Historic District and that the Application for a Certificate of Appropriateness should be denied.

V. DECISION ON THE APPLICATION

Based on the foregoing findings of fact and conclusions of law, the Historic District Commission **approves items 1-6** of the Application for a Certificate of Appropriateness as referenced in Section I of this document on the basis that they **would not be incongruous** with the special character of the district, and the Historic District Commission **denies item 7** of the Application for a Certificate of Appropriateness as referenced in Section I of this document on the basis that it **would be incongruous** with the special character of the district.

Signed this the 26th day of November, 2018.

Robert Epting
Robert Epting, Commission Chair

NOTE: Any changes or additions to the proposed improvements/activity that deviate from this approved Certificate of Appropriateness may be considered a zoning violation of Section 3.6.2 of the Land Use Management Ordinance. Should a change to this approval be desired, please contact the Town to discuss ways of seeking additional approval(s).

Before work begins, please obtain all necessary zoning and/or inspections permits from the Town and present this document when applying for your permits. Attached is the Certificate of Appropriateness placard, which must be displayed at the site during construction, along with a copy of your approved plans and elevations. Any decision of the Historic District Commission in granting or denying a Certificate of Appropriateness may be appealed to the Board of Adjustment and shall be reviewed on the record. An application for appeal shall be filed with the Town Clerk within thirty (30) days of the filing of the decision being appealed or the delivery of any required written notice of the decision, whichever is later. If any application for appeal to the above referenced Certificate of Appropriateness is filed with the Town Clerk, the Town will be sure to contact you.

BOOK 2526 PAGE 454

Mail after recording to Grantee.

R/S \$1,700.00

ORANGE COUNTY NC

03/04/2002

\$1700.00

This instrument was prepared by:

Fred B. Emmerson, Jr.
 Suite 200
 976 Airport Road
 The Cornerstone Building
 Chapel Hill, North Carolina 27514



Real Estate
 Excise Tax

Tax Lot No.:	7.79.B.6 (Lot 1)	7.79.B.6F (Lot 3)
Parcel Identifier No.:	9788-59-2423 (Lot 1)	9788-59-1412 (Lot 3)

MAB

NORTH CAROLINA GENERAL WARRANTY DEED

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

THIS DEED, made and entered into this the 26th day of February, 2002, by and between Fred B. Emmerson, Jr. and wife, Lucy Carol Davis (hereinafter referred to as the "Grantor"), and William R. Ferris and wife, Marcle C. Ferris, having a mailing address of #1 Mint Springs Lane, Chapel Hill, NC 27514 (hereinafter referred to as the "Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

THAT the said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain lots or parcels of land situated in the City of Chapel Hill, Chapel Hill Township, Orange County, North Carolina, which is more particularly described as follows:

All of that real property designated as "Lot 1 and Lot 3," as shown on that plat of a recombination survey by Dale D. Faulkner, R.L.S., entitled "Final Plat - Property of Fred B. Emmerson and wife, Lucy Carol Davis," dated October 28, 1997, and revised November 3, 1997, and February 11, 1998, and recorded in Plat Book 80, Page 116, Orange County Registry, together with certain nonexclusive, appurtenant easements over the private drives and roadways as more particularly described in that document entitled "Declaration of Easements and Provisions for Private Road Maintenance" which is recorded in Book 1721, Page 474, Orange County Registry. The aforementioned real property hereinafter is referred to as the "Lots" and is described on the Orange County tax records as indicated above.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereunto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons

whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. Ad valorem property taxes for the year 2002 and subsequent years, and
3. Restrictive covenants, easements and rights of way of record.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, this the day and year first above written.

GRANTOR:

Fred B. Emerson, Jr. (SEAL)
 Fred B. Emerson, Jr.
Lucy Carol Davis (SEAL)
 Lucy Carol Davis

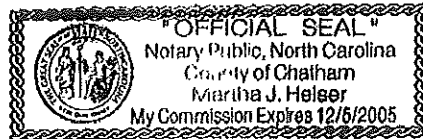
STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I, Martha J. Helser, a Notary Public in and for said County and State, do hereby certify that Fred B. Emmerson, Jr. and wife, Lucy Carol Davis, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 26th day of February, 2002.

Martha J. Helser
 Notary Public

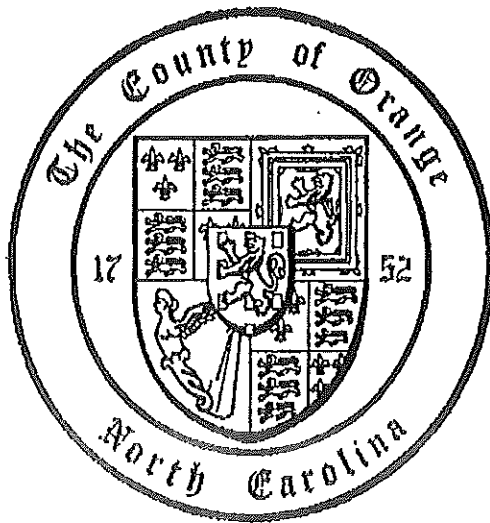
My commission expires 12/5/05



The foregoing certificate of _____ is certified to be correct.
 This instrument and this certificate are duly registered
 shown on the first page hereof.

Joyc
 Regi

FILED
 04 MAR 2002, at 01:48:50pm
 Book 2526, Page 454 - 456
 By: Joyce H. Pearson
 Register of Deeds,
 Orange County, N. C.



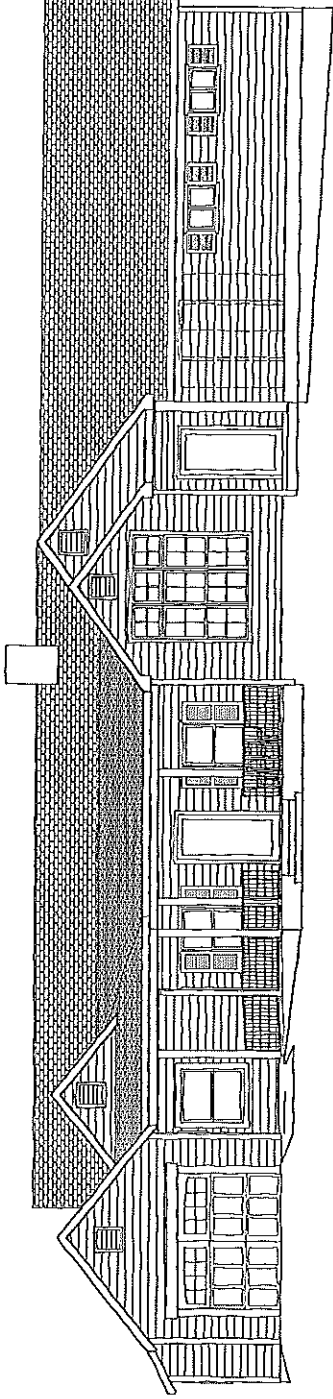
Joyce H. Pearson
Register of Deeds
Orange County
North Carolina

State of North Carolina, County of Orange

The foregoing certificate/s of Martha J. Heiser, Notary/Notaries Public for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day March 4, 2002

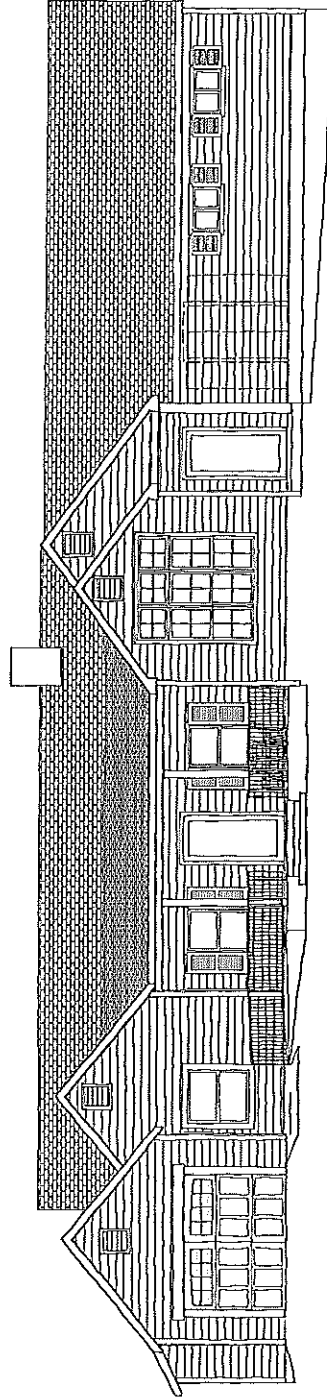
JOYCE H. PEARSON, REGISTER OF DEEDS By: 
Deputy/Assistant Register of Deeds



SOUTH ELEVATION - OPTION 1

(PREFERRED OPTION)

- echoes the major/minor gable pattern of the dining room and side entrance
- provides the convenience of covered access from house to garage
- enhances the visitor entry path



SOUTH ELEVATION - OPTION 2

Shown with connecting wraparound porch roof removed

ferris 3.3.vvxx

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9/24/18
PRELIMINARY
sheet # 153
ELEVATIONS - PROPOSED

BellaDomus
the art of home

BELLADOMUS RESIDENTIAL DESIGN STUDIO
919 952-7525 www.belladomus.com

garage, porch etc. for bill & marcie ferris
1 mint springs lane chapel hill



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Town of Chapel Hill
Office of Planning and Sustainability
Development Services 919-969-5066
planning@townofchapelhill.org

Chapel Hill Historic District Certificate of Appropriateness Application	Project :	18-051
	Permit:	201818375
Project Description: Addition of one-bay garage & front & rear porch roofs	STAFF REVIEW	
	Application complete and accepted	
	Application not complete and returned with a notation of deficiencies	
	BY: Julie Cing DATE: 5/10/18	
Instructions: Submit one paper copy and a digital copy of all application materials collated in one file (pdf preferred)		
Deadlines: Applications are due by the close of business 30 calendar days prior to the scheduled meeting date.		
Note: Only complete applications may be accepted for Certificate of Appropriateness review. Applications that are not complete will be returned with a notation of deficiencies.		

A. Property Information		
Property Address: 1 Mint Springs Lane		
Property Owner(s):	Email: wferris@unc.edu	
Bill & Marie Ferris		
City: Chapel Hill	State: NC 27514	Phone:
Historic District: <input type="checkbox"/> Cameron-McCauley <input checked="" type="checkbox"/> Franklin-Rosemary <input type="checkbox"/> Gimghoul	Zoning District: R1	
B. Applicant Information		
JAMES MORGAN		Role (owner, architect, other): DESIGNER
Address (if different from above): 304 W. Weaver St. Carrboro NC 27510		



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planning@townofchapelhill.org

Address (if different from above):		304 W. Weaver St. Suite 201	
City:	Carrboro		
State:	NC	Zip:	27510
james@belladomus.com		Phone:	919 923 6459

C. Application Type (check all boxes that apply)

☐ Minor Work Exterior works that do not involve any substantial alterations, and do not involve additions or removals that could impair the integrity of the property and/or the district as a whole. See Design Guidelines (p. 69) for a list of minor works.

☒ Historic District Commission Review Includes all exterior changes to structures and features other than minor works

☐ Site-work only (walkways, fencing, walls, etc.)

☐ After-the-fact application (for unauthorized work already performed).

☐ Restoration or alteration

☐ Demolition or moving of a site feature.

☒ New construction or additions

☐ Request for review of new application after previous denial

☐ Sign

D. Basic information about size, scale, and lot placement.

Provide measurements in feet and square feet where applicable. Where possible, please provide accurate measurements from a licensed surveyor, architect, engineer, etc. If exact measurements are not available, please provide estimated information. Current estimated information about lots and buildings can be found on the Orange County Real Estate Data website. Information about lot placement can be found on the Chapel Hill and Orange County Interactive GIS portals.

Zoning District:	Minimum setbacks			Maximum heights		Lot size	
	Street	Interior	Solar	Primary	Secondary		18,205
Required by zoning	28'	11'	17'	29	40		
Proposed	33'	20.2'		22'	25.5'		
	Existing	Change +/-	Total	Total Floor Area Ratio			
Floor Area (main structure)	2318	+ 295	2613	Existing	Proposed	ISA/NLA ratio	
Floor Area (all other)	975	-295 +354	1,329	N/A	N/A	Existing	Proposed
Impervious Surface Area (ISA)	7150	-175 +1069	8,044			.39	.44



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New Land Disturbance							
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E. Applicable Design Guidelines		
<p>The Town's <u>Design Guidelines for the Chapel Hill Historic Districts</u> are integral to the application and review process. These guidelines supplement the required review criteria for Certificate of Appropriateness applications (provided in <u>Section 3.6.2(e)(4)</u> of the Land Use Management Ordinance) by providing detailed, practical considerations for how to make changes to properties while preserving the special character of their Historic District context. Please review the Design Guidelines and consider their applicability to your proposed project. (Attach additional sheets, as necessary.)</p>		
Section/ Page	Topic	Brief description of the applicable aspect of your proposal
	attached to narrative	

F. Checklist of Application Materials					
<p><i>Attach the required elements in the order indicated.</i></p>	ATTACHED ? TO BE COMPLET ED BY APPLICAN T		TO BE COMPLETED BY TOWN STAFF		
	YES	N/A	YES	N/A	NO
<p>1. Written description of physical changes proposed. Describe clearly and in detail the physical changes you are proposing to make. Identify the materials to be used (siding, windows, trim, roofing, pavements, decking, fencing, light fixtures, etc.), specify their dimensions, and provide names of manufacturers, model numbers, and specifications where applicable.</p>	X		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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<p>2. History, context, and character information. Please include a summary of what information you have relied on to understand the relevant character and history of the district and subject property—and briefly summarize that information. At a minimum, include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Current property information for the lot and all structures, including Building Sketches and Building Details, from <u>Orange County Real Estate Data</u>. <input type="checkbox"/> The entry of your property on the most recent inventory of historic resources in the relevant National Register for Historic Places filing, available via the NC State Historic Preservation Office website: for McCauley-Cameron see <u>West Chapel Hill</u>, for Franklin-Rosemary see <u>Chapel Hill Historic District</u>, for Gimghoul see <u>Gimghoul</u>. (If yours is one of the few properties in McCauley-Cameron or Franklin-Rosemary that has not yet been inventoried, please indicate that.) 	X		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Justification of appropriateness. Attach an annotated statement explaining how the proposed change(s) meets the following standards of appropriateness that the Commission considers in making findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the historic district. If a standard is not applicable, type "not applicable".</p> <ul style="list-style-type: none"> A. The height of the building in relation to the average height of the nearest adjacent and opposite buildings. B. The setback and placement on lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings. C. Exterior construction materials, including texture and pattern. D. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials. E. Roof shapes, forms, and materials. F. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration. G. General form and proportions of buildings and structures. H. Appurtenant fixtures and other features such as lighting. I. Structural conditions and soundness. J. Architectural scale. 	X		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4. Photographs of existing conditions are required. Minimum image size 4" x 6" as printed or the digital equivalent. Maximum 2 images per page.</p>	X		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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<p>5. Site Plan Set showing existing and proposed conditions. (Min. scale: 1 in. = 20 ft.)</p> <p>X Site plans must show the relationships between, and dimensions of, existing and proposed buildings, additions, sidewalks, walls, fences, driveways, and/or other structures on the property, as well as property lines and applicable zoning setbacks.</p> <p>X Include both written and drawn scales and show accurate measurements. You may also use a copy of a survey with surveyor's seal deleted. Revise the copy as needed to show existing conditions and your proposed work.</p> <p><input type="checkbox"/> Indicate the area of all structural footprints (existing and proposed) in square feet; also, indicate lot size in square feet.</p>	x		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Elevation Drawings showing existing structural facades and proposed changes. Drawings should be submitted as 11" x 17" or 8-1/2" x 11" reductions of full-size drawings. All details should be reasonably legible. Photographs are okay for facades with no changes.</p> <p><input type="checkbox"/> Elevation drawings showing all proposed changes above current grade from front, back, and both sides.</p> <p><input type="checkbox"/> Include scale bar, written scale, and label major dimensions (including width of structures and heights from finished grade to fascia/eaves and heights to top of roofs).</p> <p><input type="checkbox"/> Label materials to be used (roofing, siding, windows, trim, light fixtures, etc.)</p>	x		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7. Information about context (required for all construction of new structures, proposed impervious surfaces greater than 1500 SF, additions greater than 150 SF, and/or proposed land disturbance greater than 5000 SF.) Detailed information about lots and structures can be found on the <u>Orange County Real Estate Data</u> website; information about lot placement can be found on the <u>Chapel Hill</u> and <u>Orange County</u> GIS portals.</p> <p>For each of the nearest adjacent and opposite properties, provide:</p> <p><input type="checkbox"/> The height of each building (if an estimate, indicate that).</p> <p><input type="checkbox"/> The setbacks and lots placement of each building (an image from the Town GIS database, including scale, is sufficient).</p> <p><input type="checkbox"/> The size of each lot (net land area in square feet).</p> <p><input type="checkbox"/> The size of all buildings on the nearest adjacent and opposite properties, including building footprint areas, Floor Areas (in square feet), and Floor Area Ratios. Provide current figures from <u>Orange County Real Estate Data</u>; indicate any corrections for accuracy you believe necessary and your basis for doing so.</p>	n/a		R/R N/R	<input type="checkbox"/>	<input type="checkbox"/>



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<p>8. Demolition/Relocation Information (required only if demolition or relocation of a feature is proposed).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide a written description of architectural features, additions, remodeling, and any alterations to the structure(s). Make note of any outbuildings on the site plan of the property. <input type="checkbox"/> Provide a history of the structure, giving the construction date and architect or carpenter, briefly noting any significant events, persons and/or families associated with the property. Provide current exterior photographs of the property (4" x 6" as printed or the digital equivalent). If information is unknown, please provide a summary of sources consulted. <input type="checkbox"/> If an argument about structural soundness is being made, attach a signed and sealed report from a professional engineer. <input type="checkbox"/> As necessary, attach a statement explaining how a delay in demolition would cause the property owner to suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. <input type="checkbox"/> Provide any records about the structure to be demolished. 	n/a		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>9. Mailing notification fee per <u>Planning & Sustainability Fee Schedule</u>. For a list of addresses, please refer to the Town's <u>Development Notification Tool</u>.</p>	x		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>10. Certificate of Appropriateness fee per <u>Planning & Sustainability Fee Schedule</u></p>	x		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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C. Applicant signature

I hereby certify that I am authorized to submit this application; that all information is correct to the best of my knowledge, and all work will comply with the State Building Code and all other applicable State and local laws, ordinances, and regulations.

I acknowledge and agree that the Historic District Commission members, Town employees, and Town agents may enter, solely in performance of their official duties and only at reasonable times, upon the applicant's property for examination or survey thereof pursuant to North Carolina General Statute 160A-400.8. However, no member, employee, or agent of the Historic District Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

I understand and agree that an approved Certificate of Appropriateness is valid only for the particular application, plans, specifications and related project details presented to, and approved by, the Historic District Commission. If any of the data contained in this application, any plans or any specifications presented to the Commission are changed or altered for any reason, including, but not limited to, changes or alternations deemed practically necessary during construction, required due to subsequent Town reviews, or otherwise, a new hearing before the Historic District may be required. By signing below, the applicant agrees to notify the Development Services Center of any changes or alternations in the data contained in this application, the approved plans or the approved specifications related to the project that is the subject of this application.

Hearings on Certificate of Appropriateness applications before the Commission are quasi-judicial proceedings. Therefore, Historic District Commission members are not permitted to discuss a pending application with the applicant or other party. By signing below, the applicant agrees to refrain from speaking with or contacting any member of the Historic District Commission about an application outside of the formal evidentiary hearing on the application.

James Morgan		5/10/18
--------------	---	---------

Applicant (printed name)	Signature	Date
--------------------------	-----------	------

William Ferris		5/10/18
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Signature	Date
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QUESTIONS?
Call or email us!

Town of Chapel Hill
Office of Planning and Sustainability
Development Services 919-969-5066
planning@townofchapelhill.org

Certificate of Appropriateness Supplemental Requirements

***In addition to Residential Zoning OR Administrative Zoning Compliance Permit Requirements**

Certificate of Appropriateness applications are subject to review and approval by the Historic District Commission as well as by Town staff. For assistance with this application, please contact the Chapel Hill Planning Department.

Please submit *all* materials listed on this sheet. The Historic District Commission meets on the second Tuesday of each month at 6:30 pm. For confirmation of a meeting date and the placement of your request on the agenda, please call the Planning Department. Applications are due one month in advance of meeting.

Application Process:

1. Historic District Commission Review of Certificate of Appropriateness (COA) Supplemental materials
2. Staff review of Residential / Administrative Zoning Compliance Permit (ZCP) materials

****COA (step 1) and ZCP (step 2) materials may be submitted simultaneously or separately.**

Required Application Materials

(In addition to Residential Zoning Compliance Permit or Administrative Zoning Compliance Permit Requirements)

An Electronic copy of each document is required in addition to paper copies.

Provide a single set of the following materials:

<input checked="" type="checkbox"/>	1. Application Form. Either <u>Residential Zoning Compliance</u> or <u>Administrative Zoning Compliance</u> .
<input checked="" type="checkbox"/>	2. Recorded plat or deed verifying property's current ownership
<input type="checkbox"/>	3. Recorded plat of easements, right-of-way, and dedications, if applicable
<input checked="" type="checkbox"/>	4. <u>Mailing List of Property Owners</u> , applicable within 100 feet of property boundaries The Town will prepare a formal notice to be mailed to surrounding property owners about the application. You may find it helpful to discuss the proposed changes with your neighbors in person so you can address their concerns both in your planning and presentation.
<input checked="" type="checkbox"/>	5. Mailing notification fee. The fee per address can be found on the <u>Planning Department's Fee Schedule</u> .
<input checked="" type="checkbox"/>	6. Certificate of Appropriateness fee per <u>Planning Department's Fee Schedule</u>
<input checked="" type="checkbox"/>	7. Reduced Site Plan Set (reduced to 8.5" x 11")
<input checked="" type="checkbox"/>	8. Building Elevations (label building height from top of roof to finished grade line)



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QUESTIONS?
Call or email us!

☐ 9. Floor Plan, only if accessory apartment, duplex, or commercial application.

(Continued)

☒ X

10. Written Description

Describe all proposed changes to the property, list all materials to be used, and address the criteria (listed below) that the Commission uses to determine appropriateness. Presenting your proposal with these criteria in mind will provide a clear basis for the Commission's deliberations.

- a) The height of the building in relation to the average height of the nearest adjacent and opposite buildings;
- b) The setback and placement of the building on the lot in relation to the average setback and placement of the nearest adjacent and opposite buildings;
- c) The exterior construction materials, including textures and patterns;
- d) The architectural detailing such as lintels, cornices, brick bond, and foundation materials;
- e) The roof shape, form, and materials;
- f) The proportion, shape, location, pattern, and size of any elements of fenestration (windows, doors);
- g) The general form and proportion of the buildings;
- h) The accessory fixture and other features (including lighting fixtures, hardware, awnings, etc.);
- i) The architectural scale in relation to existing structures and surrounding buildings; and
- j) Structural conditions and soundness.

Provide photographs of existing property and elevation drawings of the proposed changes. Depict changes in as much detail as possible, paying special attention to those features which the Commission uses to determine appropriateness. This section of the application allows the Commission to see the current state of the property, to visualize the proposed changes, and to assess the impact. The visual description must include dimensions. For new buildings and major additions, the visual description must include the interior floor plan.

☐ **11. Information Regarding Surrounding Properties**

For new construction or large projects, the applicant is required to provide information on:

- The height of the nearest adjacent and opposite buildings;
- The setback and placement of the nearest adjacent and opposite buildings;
- The scale of the nearest adjacent and opposite buildings, including percentage of lot coverage.

☐ **12. Demolition Information (if applicable)**

Provide a description of architectural features, additions, remodeling, and any alterations to the structure(s). Make note of any outbuildings on the site plan of the property. Provide a history of the structure, giving the construction date and architect or carpenter, briefly noting any significant events, persons, and/or families associate with the property.

1 Mint Springs Lane

COA application for garage & porch construction etc.

History & setting

1 Mint Springs started life in 1942 as a modest cross-gabled cottage of one and a half stories. It has since been extended to its present size of 2,316 s.f. on the main floor plus about 200 s.f. in a low-ceiling area on the upper floor. There are two areas of unfinished partial basement with the remainder of the foundation area being crawl space.

A brick patio between two front-facing gables on the south side of the building is roofed with an open pergola. Brick steps and a sloped brick walk lead up from this patio to a parking pull-in on Mint Springs Lane.

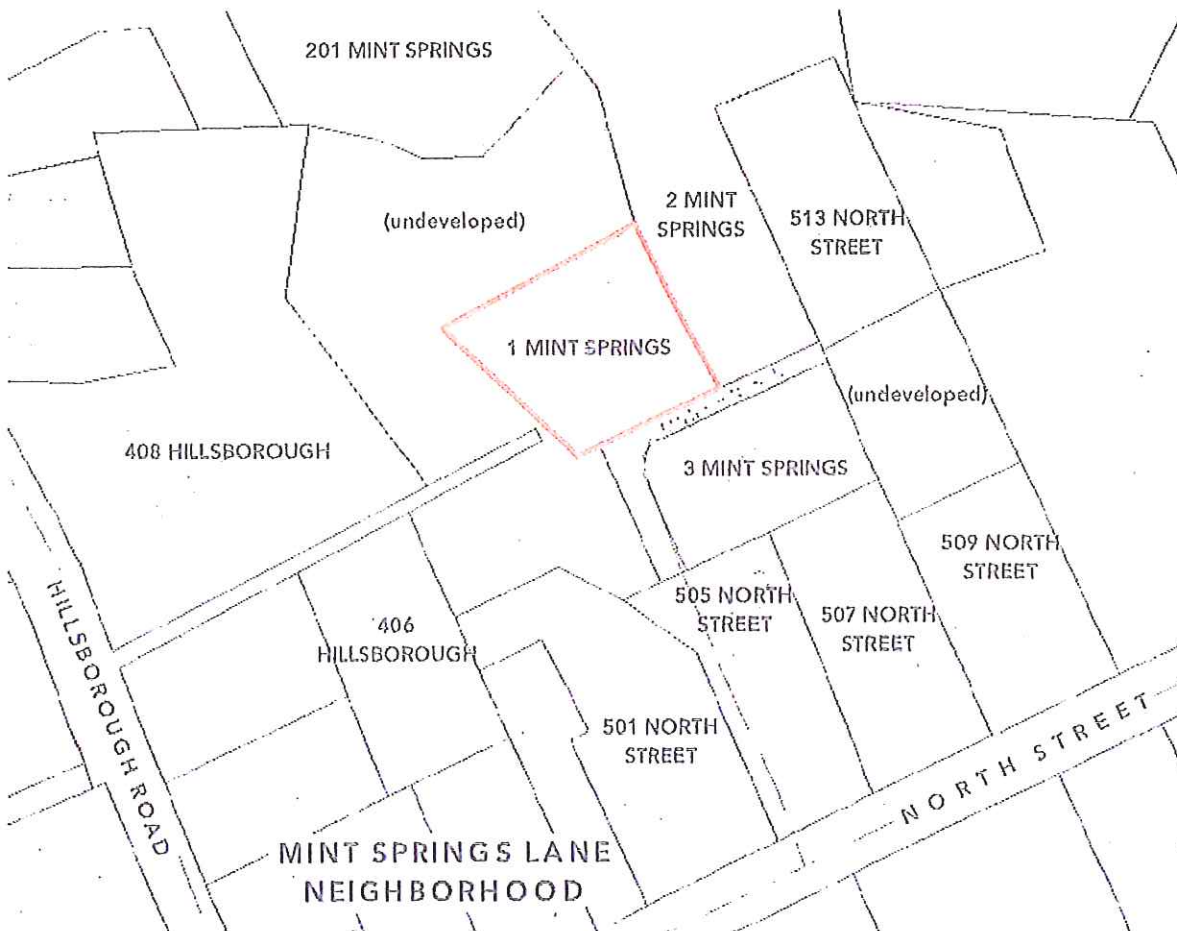
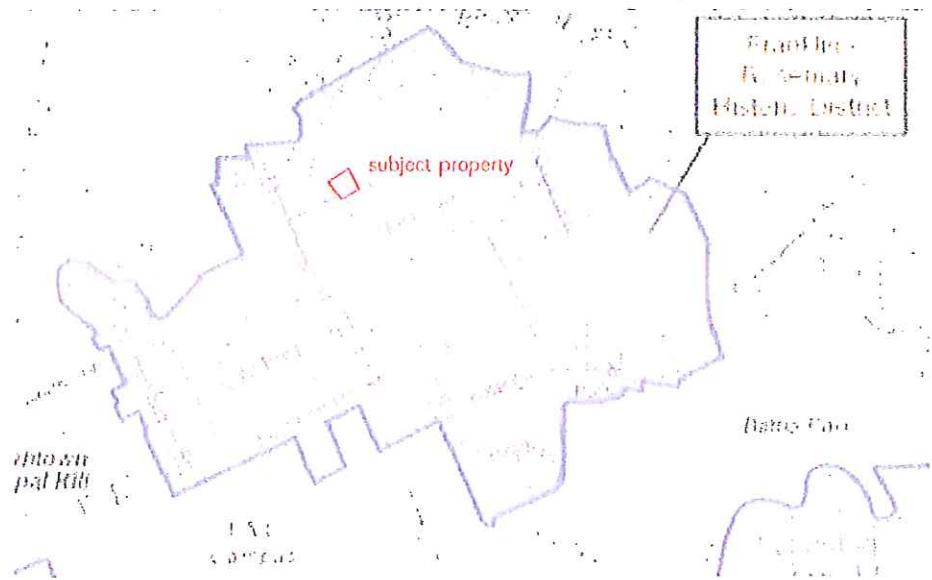


There is an open carport on the west side of the building at basement level leading via a set of external stairs up to a deck at the rear and thence to the interior. The stair and part of the deck are sheltered by a pergola which has been roofed over with transparent plastic sheeting. This is currently the main access to the house for bringing groceries etc. There is presently no way to approach the property with an at-grade entrance and the present proposals are to correct this deficiency as part of a comprehensive upgrade of the home to provide safety and accessibility.



Context

Mint Springs Lane is an asphalt-paved private right of way leading off North Street in the Franklin-Rosemary Historic District of Chapel Hill. It provides access to six lots of which one is yet undeveloped and in the same ownership as the subject property.



View of subject property from the south.

Looking toward the subject property from partway along Mint Springs Lane. The house on the right is 505 North Street, the lane occupies a private access easement over this lot. The left side gable of the subject property is just visible beyond.



*Entrance to
Mint Springs
Lane from North
Street*



Looking south from driveway of 1 Mint Springs

Vehicles are parked on Mint Springs Lane; North Street is out of view beyond. 3 Mint Springs is half-hidden center left, 505 North Street center right. The new garage will be just to the left of this viewpoint.

Proposed changes to the property in this application

1. New garage

A single-bay 354 s.f. garage will be added at the south west corner of the home at a scale proportionate to the home's existing front elevation. The grades on the existing asphalt driveway along this side are such that the floor of the garage will be set about six inches below the interior finished floor level. This sets the peak of the garage gable slightly lower than the adjoining original front gable while matching it in width and roof slope.

2. Front Porch and connecting walkway

The pergola over the area of patio between the front gables will be removed and replaced by a permanent shingled roof with an elevated central portion having a hipped roof of standing seam metal. This elevation will give emphasis to the preferred main door of the home (there are currently three doors facing Mint Spring Lane) and optimize daylight entry to the interior. The level of the patio below the roofed area will be raised to just below the front door threshold and finished with mortared flagstone. The rest of the existing brick patio will remain undisturbed. A connecting ramped walk will lead from this porch to the side door of the garage and this will be covered with a hipped wraparound shingle roof to provide all-weather step-free access to the interior of the home.

3. Rear Porch & decks

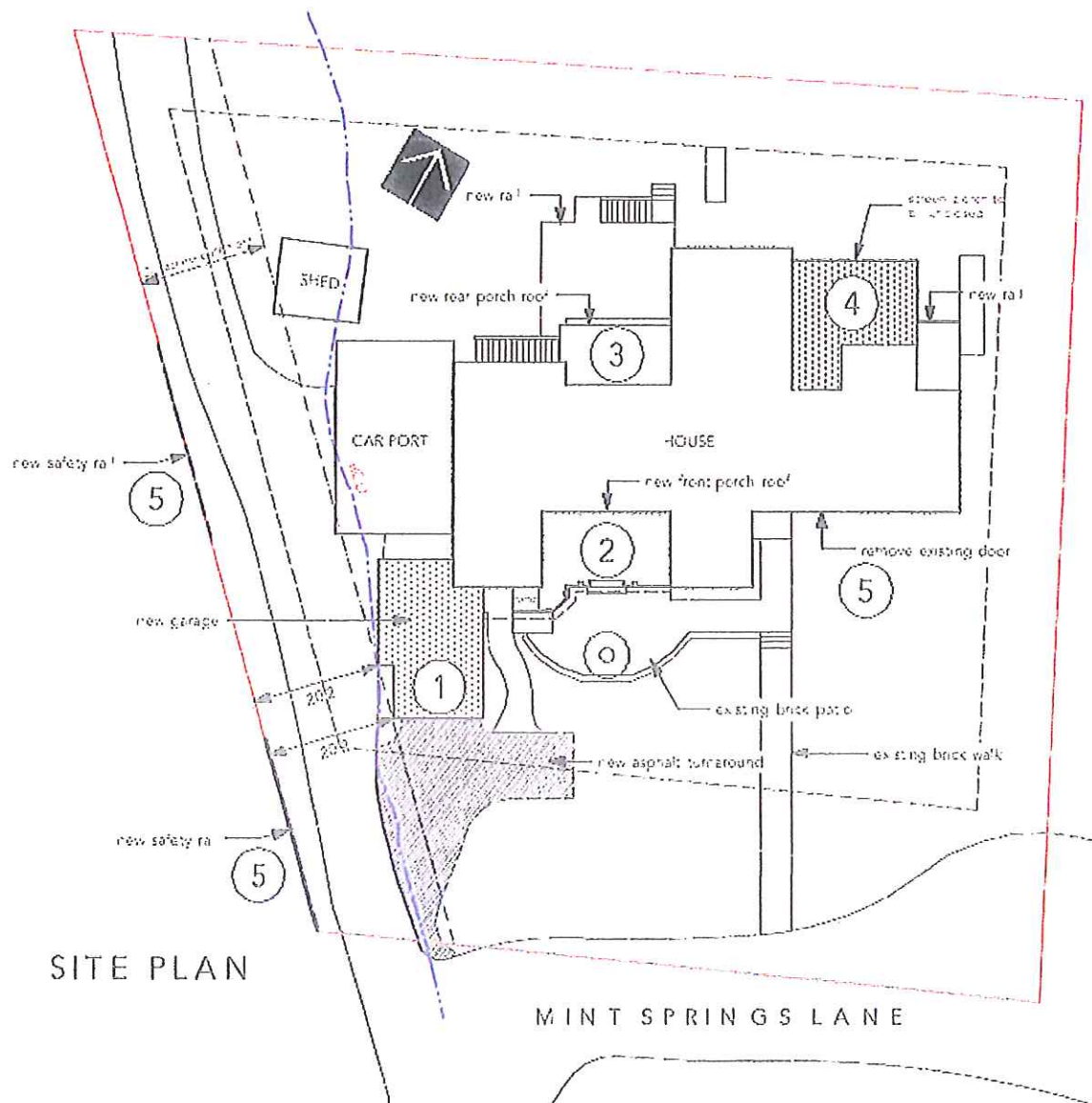
The existing pergola will be removed and a new permanent shingled roof constructed at a smaller scale over part of the deck. The exterior stair to the basement-level carport will be left uncovered. The existing deck structure will be retained but the existing wooden rail will be replaced with a metal stanchion and wire system. This has been chosen to require minimal maintenance and to open up downhill views into the landscaped lower area of the lot. The same rail system will be used to replace the decaying wooden rail on the small deck and stair area at the northeast corner of the building. These rails will not be visible from any part of the public street.

4. Conversion of Screen Porch to Sun Room

The screen porch at the northeast corner will be weatherized with new windows fitted to the existing post structure and the lower parts of the perimeter wall will be insulated and externally faced with siding. This will add 294 s.f. to the first floor conditioned space bringing the total to 2,610 s.f.

5. Other items

An existing exterior door pair at the east side of the front elevation will be removed and the opening seamlessly filled with siding to match existing. Sections of pressure-treated wood safety rail will be installed along the western edge of the property to prevent turning vehicles falling into the ravine.



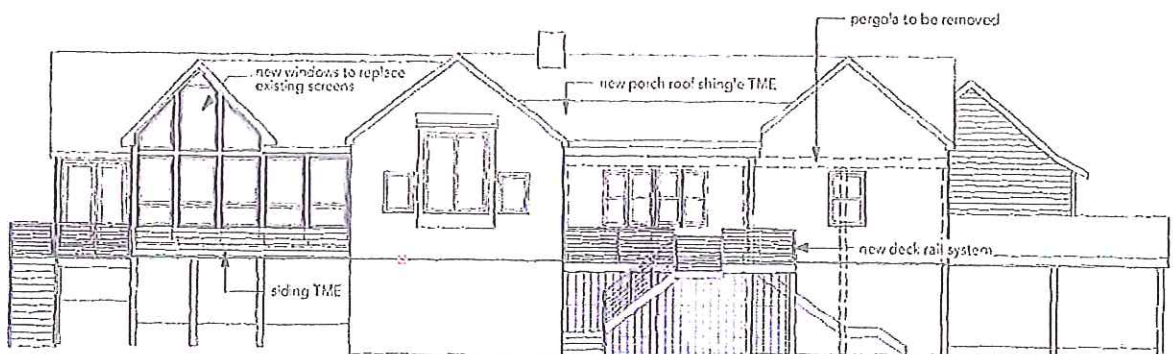
Front elevation (south)



Side Elevation (west)



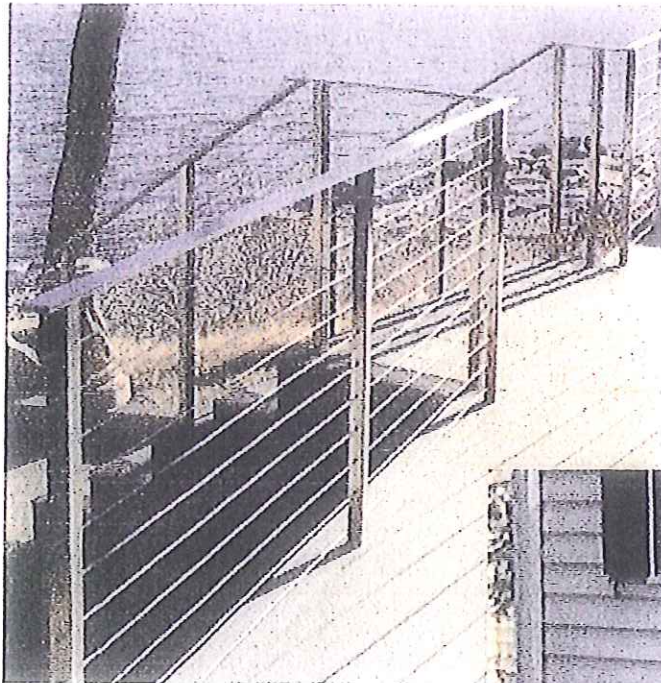
Rear elevation (north)



Note: larger scale versions of these drawings are separately attached.

Materials

Most materials including asphalt roof shingles, lap siding and trim details on new construction will match those already existing on the subject property. Flagstone to be used to surface the front porch and walk will be similar to an existing flagstone walk which will be removed to make way for the new garage. New materials to be introduced to the property are listed below.



Proposed rear deck rail.

Stainless steel wire in polished aluminum frame. This rail will not be visible from any part of the public street or the Mint Springs Lane private right of way.

Proposed front porch rail.
Painted steel front porch rail typical of many found in nearby historic district properties





Standing seam metal roof.
This porch roof is on East Rosemary Street, many similar examples abound throughout the historic district

Safety rail

A low wooden rail approximately 24" high will protect turning vehicles from the steep drop off beside the driveway.



HDC Design Guidelines Checklist

- **SETTING** - proposals are compatible with guidelines. The garage and porch additions are consistent in form, scale and proportion with the existing home and with the surrounding structures and streetscape.
- **SITE FEATURES AND PLANTING** - major trees adjacent to the work area will be protected and disturbed minor plantings will be relocated on site
- **ARCHEOLOGY** - N/A
- **PUBLIC R.O.W.** - There is no public right of way on the site. A private access easement along the side of the property will be maintained.
- **WALLS & FENCES** - New metal porch rails at the front of the property are consistent with a simple pattern common in the neighborhood. New deck rails at the rear of the property will be contemporary in style. A low vehicular safety rail will be installed along the ravine edge, this will be unpainted pressure-treated wood appropriate to the woodland setting.
- **WALKWAYS, DRIVEWAYS, OFFSTREET PARKING** - New surfaces will all be in accordance with the design guidelines. New walkways will be flagstone. New driveway access to the garage and turnaround will extend the existing asphalt.
- **GARAGES AND ACCESSORY STRUCTURES** - The new single-bay garage will be consistent with the style, period and proportion of the home in accordance with the design guidelines.
- **EXTERIOR LIGHTING** - New exterior lighting will consist of low unobtrusive fixtures along the walkway and ceiling mounted porch lighting consistent with the design guidelines.
- **SIGNAGE** - N/A
- **MASONRY** - The brick foundation wall to the garage will be similar to that on the existing house and in accordance with the design guidelines.
- **WOOD** - Wood columns supporting the roof of the front walkway and porch will be traditionally trimmed and painted and in accordance with the design guidelines
- **ARCHITECTURAL METALS** - new metal rails and roof are compatible with guidelines

- **PAINT & EXTERIOR COLOR** - New siding and trim will match that of the existing home in accordance with the design guidelines.
- **ROOFS** - new asphalt shingle and standing seam metal roofs are compatible with guidelines
- **EXTERIOR WALLS** - new windows are consistent with the existing building and compatible with guidelines
- **WINDOWS AND DOORS** - new garage windows and doors are consistent with the style of the home and compatible with guidelines
- **PORCHES ENTRANCES AND BALCONIES** - New front and rear porch treatments are compatible with the original style of the home. The pergolas which they replace are not original and as best we can tell were added within the last twenty years. The screen porch at the rear, also not original to the house, will be enclosed with a window pattern that conforms to the existing post layout as recommended by the design guidelines.
- **STOREFRONTS** - N/A
- **ACCESSIBILITY AND LIFE SAFETY** - The major intent of the garage and front porch addition is to create step free access to the home. The addition of a wooden rail at the side of the driveway at the ravine edge is to avoid accidents during a vehicle turning manoeuver especially during icy weather.
- **UTILITIES ETC** - N/A
- **NEW CONSTRUCTION** - N/A
- **ADDITIONS** - The garage and porch roof additions are compatible with the scale, materials, proportions and details of the original building.
- **DECKS** - No new decks or changes to existing decks are proposed other than the replacement of decayed railings as previously noted.
- **RELOCATION** - N/A
- **DEMOLITION** - N/A

Unofficial Property Record Card - Orange County, NC

General Property Data

Parcel ID: 9700592423
Property Owner: FERRIS WILLIAM R
FERRIS MARCIE C
Mailing Address: 1 MINT SPRINGS LANE
City: CHAPEL HILL
State: NC
Zipcode: 27514

Property Location: 1 MINT SPRINGS LN
Property Use:
Most Recent Sale Date: 3/4/2007
Legal Reference: 2526/454
Grantor: EMMERSON
Sale Price: \$50,000
Land Area: 0.42 AC

Current Property Assessment

Card 1 Value: Building Value: 260,400 Other Features Value: 3,500 Land Value: \$0.00 Total Value: 643,900

Building Description

Building Style: Single Fam
of Living Units: 1
Year Built: 1942
Finished Area (SF): 2473
Full Baths: 4
of Other Fixtures: 0

Foundation Type: 1 1/4 Basement
Roof Structure: Gable
Roof Cover: Shingle
Siding: Frame
1/2 Baths: 1

Heating Type: Combo HAA
Heating Fuel: N/A
Air Conditioning: 100%
of Bsmt Garages: 0
3/4 Baths: 0

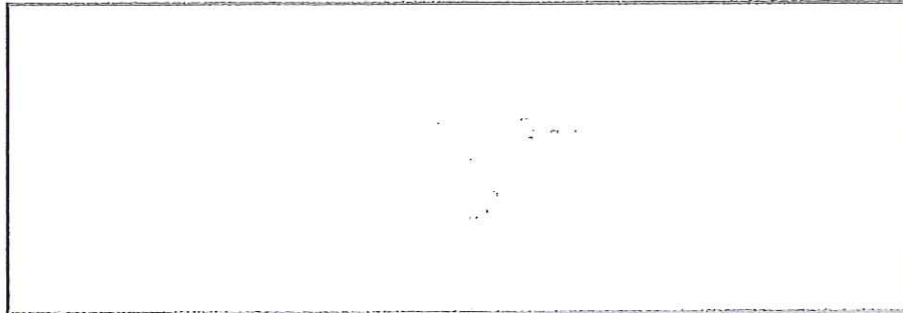
Legal Description

#1 EMMERSON & DAVIS P80/116

Narrative Description of Property

This property contains 0.42 AC of land mainly classified as with a(n) Single Fam style building, built about 1942, having a finished area of 2473 square feet, with Frame exterior and Shingle roof cover, with 1 unit(s).

Property Sketch



Disclaimer: This information is believed to be correct, but is subject to change and is not warranted.

An entry for this property is not found in the National Register for Historic Places

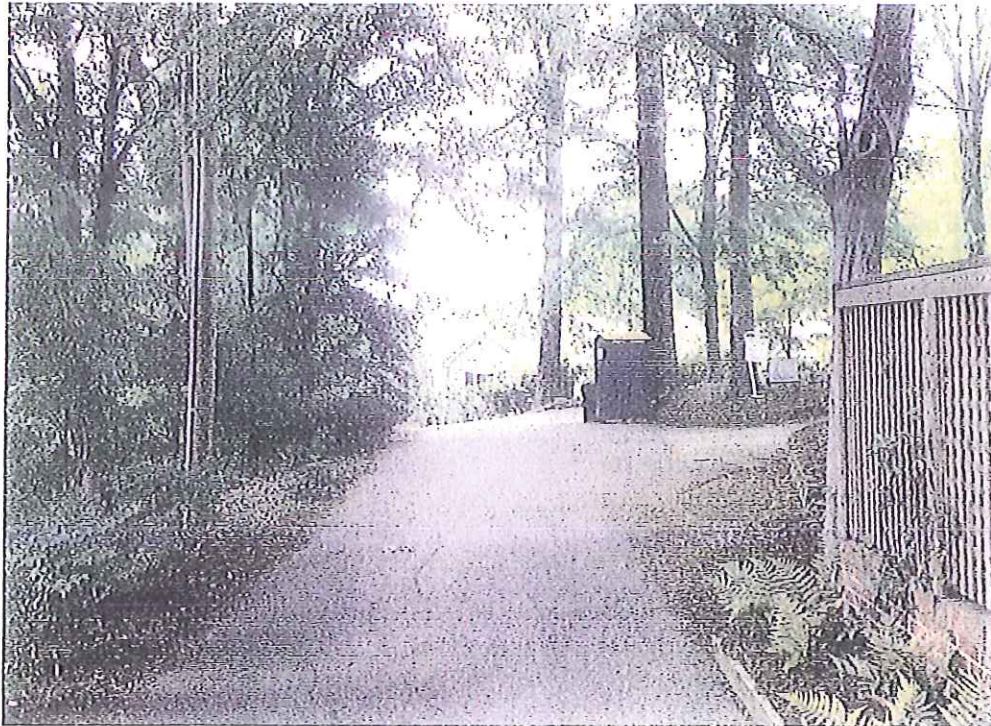
1 Mint Springs Lane

COA application for garage & porch construction etc.

Supplemental photographs - existing condition



The approach on Mint Springs



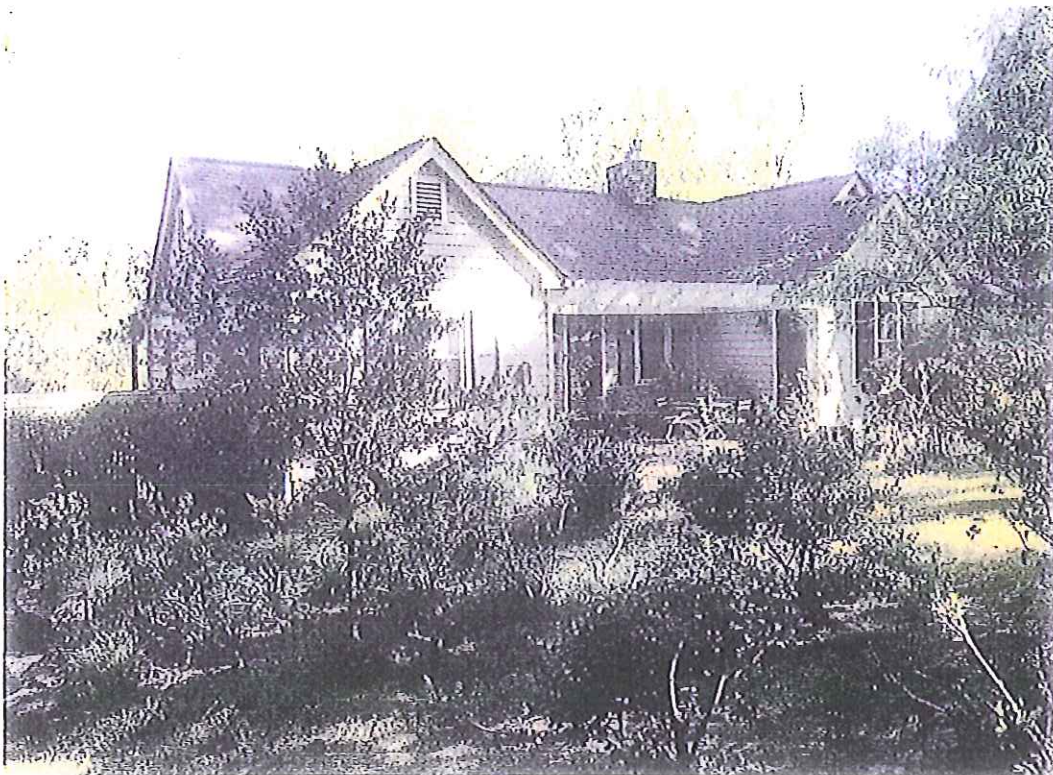
The approach on Mint Springs



Rear of property, screen porch etc.



Side view & garage site



Mail after recording to Grantee.

2/5/02, 4:00 PM

ORANGE COUNTY, NC

02-04-2002

\$1700.00

This instrument was prepared by:

Fred B. Emmerson, Jr.
Suite 200
976 Airport Road
The Cornerstone Building
Chapel Hill, North Carolina 27514

NOTARY
PUBLIC
CAROLINE
J. HARRIS

Real Estate
Folio 12

Tax Lot No.:	7.79.B.6 (Lot 1)	7.79.B.6F (Lot 3)
Parcel Identifier No.:	9788-59-2423 (Lot 1)	9788-59-1412 (Lot 3)

MAK

NORTH CAROLINA GENERAL WARRANTY DEED

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

THIS DEED, made and entered into this the 26th day of February, 2002, by and between Fred B. Emmerson, Jr. and wife, Lucy Carol Davis (hereinafter referred to as the "Grantor"), and William R. Ferris and wife, Marcie C. Ferris, having a mailing address of #1 Mint Springs Lane, Chapel Hill, NC 27514 (hereinafter referred to as the "Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

THAT the said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain lots or parcels of land situated in the City of Chapel Hill, Chapel Hill Township, Orange County, North Carolina, which is more particularly described as follows:

All of that real property designated as "Lot 1 and Lot 3," as shown on that plat of a recombination survey by Dale D. Faulkner, R.L.S., entitled "Final Plat - Property of Fred B. Emmerson and wife, Lucy Carol Davis," dated October 28, 1997, and revised November 3, 1997, and February 11, 1998, and recorded in Plat Book 80, Page 116, Orange County Registry, together with certain nonexclusive appurtenant easements over the private drives and roadways as more particularly described in that document entitled "Declaration of Easements and Provisions for Private Road Maintenance" which is recorded in Book 1721, Page 474, Orange County Registry. The aforementioned real property hereinafter is referred to as the "Lots" and is described on the Orange County tax records as indicated above.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereunto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons

ECG 2526 111 455

whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. Ad valorem property taxes for the year 2002 and subsequent years, and
3. Restrictive covenants, easements and rights of way of record.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, this the day and year first above written.

GRANTOR:

Fred B. Emmerson, Jr. (SEAL)
Fred B. Emmerson, Jr.

Lucy Carol Davis (SEAL)
Lucy Carol Davis

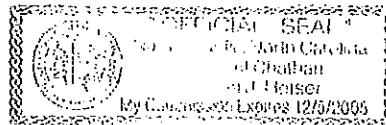
STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I, Martha J. Heiser, a Notary Public in and for said County and State, do hereby certify that Fred B. Emmerson, Jr. and wife, Lucy Carol Davis, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 26th day of February, 2002.

Martha J. Heiser
Notary Public

My commission expires 12/5/05

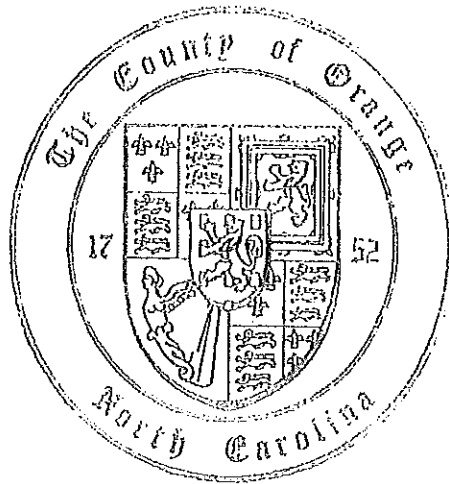


The foregoing certificate of _____ is certified to be correct.
This instrument and this certificate are duly registered
shown on the first page hereof.

Joyc
Reg

By:

RECEIVED
FEB 27 2002
CHATHAM COUNTY
REGISTERED
DEEDS



Joyce H. Pearson
Register of Deeds
Orange County
North Carolina

State of North Carolina, County of Orange

The foregoing certificate/s of Martha J. Heiser, Notary/Notaries Public for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day March 4, 2002

JOYCE H. PEARSON, REGISTER OF DEEDS By: _____

Deputy/Assistant Register of Deeds

**Brown & Bunch
Chapel Hill Historic District Commission
June 12, 2018 Meeting
1 Mint Springs**

Panel and Staff:

Epting: Robert Epting, Chair
Kyser: Kimberly Kyser, Vice Chair
Sweet: John Sweet, Deputy Vice Chair
Carbrey: Craig Carbrey
Vogler: Mary Francis Vogler
Murphy: Sean Murphy

Applicant's Witnesses:

Morgan: James Morgan

M/F: Male/Female Speaker

[BEGIN TRANSCRIPT AT 00:58:30]

Epting: I think we have one item of new business. That is the 1 Mint Springs application for certificate of appropriateness.

[INAUDIBLE]

Epting: Yes, sir. State your name and tell us whether you were sworn or not.

Morgan: I am James Morgan, designer of this project, and I have been sworn in.

Epting: Thank you.

Morgan: So, 1 Mint Springs Lane is across the street from the—if you call it a street—kind of a little byway—from the project you looked at earlier, and this. Okay [ph]. Here it is. So, this is the earlier [ph] project. This is our project. You can see that Mint Springs comes down here from North Street and takes a sharp right here, between the two properties. It's a private right-of-way, serving just a few properties in this area.

In the Rosemary-Franklin Historic District, set back from North Street on a private lane. Originally built in 1942. It's a small, unpretentious cottage and has been extended a couple of times. A large kitchen addition at the back, dining room addition at the front, and a screened porch addition at the back. And it has some partial basement areas with—that are utility areas, basically.

And this is the turning of Mint Springs Lane off of North Street. And this is looking towards the property from about halfway down the lane, and—how do I click it forward? There we go. And you can just see the left-hand gable of the property from about halfway down the lane. You can't even see it from the street.

So, this is the existing front of the building, and there is a brick walk down from Mint Springs Lane, and several steps, and a long slope, and the space between the two front gables here has an open pergola spanning across between it. And this is the dining room addition, which, I think, dates from the early 2000s. And the other additions are not visible in this. The gable on the left there is original.

A major focus of this addition is to improve homeowner access. The—Dr. Bill Ferris, Dr. Marcie Ferris are long-term members of the academic and town community, and they would like to stay in this house in their advancing years. And currently, the—there's a—the access to the house is difficult. You saw the brick walk going down. It's a long way from Mint Springs Lane. The parking access is down below at the lower level here, and this is the—these are the steps up to the main floor of the house. So the driver for this whole project was to improve accessibility and safety in this area.

So, there are various components to this application, and they're numbered here on this site plan. Area Number 1 is the garage addition, which would be at main floor level—actually, set about six inches below main floor level. That will connect with the main entrance of the house via a new roof over the—where the pergola is currently, between the two gables. So this will be a roofed connection, an open porch to the main entry of the house. That's Item 2 on your list.

Number 3 on the list, there's another pergola out the back, covering a part of the deck. We want to replace that with a shed roof. It will be reduced in area from the current pergola.

Item 4 is—this is the screened porch area at the back, and the proposal is to replace the screens with windows, which will follow the existing structure of the screened porch. They will be custom-fit to the structure of the screened porch, and that will become conditioned space. And also, along the back here—can't really read at this scale—we are proposing to replace existing deck rails, which are deteriorating, with a new metal rail system.

Then, Item 5 is a hodgepodge. We want to remove a door along the front elevation here, which is confusing. Currently, there are three doors facing Mint Springs Lane, and we'd like to reduce that to two to reduce confusion. And that will—the door will be removed and it will be replaced with siding to match what is there.

The other element of Item 5 is this is a very steep drop-off on this side of—this driveway is a right-of-way to a house in behind here. There is a very steep drop-off in behind on the side of there, and we'd like to put in some safety

rails, which would be a low pressure-treated wood rail, standing about two feet high, just to prevent a vehicle rolling over the side.

And so that's the scope of the work. Here's the proposed south elevation. You can see the garage on the left there. It's a—it matches in width and height the original west side gable, and it's actually set a little bit lower than the west side gable and will not—so as not to dominate the elevation. Down below here you see the existing front elevation.

So, we're bringing in a shed roof over the space between the gables to form an open front porch, a welcoming entry, also a sheltered entry from the garage. And there is a continuous sheltered path from the side door to the garage to the main door of the house.

And this is the—this is a sketch of the approximate footprint in relation to the house. One thing that we've taken care of is that the—so this is an original bedroom of the house right behind here. It's still in its existing—its original shape, and the exist—the original window openings will remain in this situation. So we've offset the garage in such a way that both from the—of the original windows of this room are preserved and maintained.

And side elevation, on the west side here, this is the garage, as the driveway goes on down through here. This is the carport. And the rear elevation. We've got the new rails along the decks here, and this is the screened porch with windows to enclose it, fitting—custom-fit to the post openings of the screened porch.

Materials, the new construction. Apart from the roofs, the new construction is going to be siding, trim, and shingles, all to match the existing.

There are no rails on the front of the porch area at present. We plan to introduce them. They are not required for code purposes, but the—but purely to define the space. And those rails will be black painted metal rails as you see throughout the historic district.

On the rear elevation, the homeowners would like a low-maintenance rail, which will allow them to enjoy the back deck with views to the gardens below. And they've spent a lot of energy on creating a beautiful garden space in back, and this is our proposal. Obviously, this is not an historic rail, but it's entirely shielded from the road by the building itself, and it's not visible from adjoining lots either.

And we've got a standing seam metal roof, a small area of standing seam metal roof on the front elevation. I can switch back to that, if you like. Before we do that, this is an impression of the wooden rails—safety rail—to prevent vehicles sliding off the edge. It is a very steep drop-off.

And the rest of the presentation is item by item, on the design guidelines checklist. I don't know if you want me to go through that. [INDISCERNIBLE]

Epting: I think you should go through that.

Morgan: Okay. Setting the garage and porch additions in consistent in form, scale, and proportion with the existing home and with the surrounding structures and streetscape.

Major site features. Major trees adjacent to the work area will be protected. Disturbed minor plantings will be relocated on the site. No archaeology that we are aware of on the site.

Public right-of-way. There is no public right-of-way on the site. There is a private access easement along the side of the property, which will be maintained throughout construction and afterwards.

Walls and fences. New metal porch rails up front of the property consistent with the simple pattern common in the neighborhood. New deck rails at the rear of the property are contemporary in style. A low vehicular safety rail will be installed along the ravine edge. This will be unpainted, pressure-treated wood appropriate to the woodland setting.

Walkways, driveways, off-street parking. New surfaces will all be in accordance with the design guidelines. New walkways will be flagstone. The mortared flagstone of existing pathway in the location of the garage, which, obviously, will be taken off—taken up, but the—it—there will be a new walkway along the side of the garage which will be flagstone, irregular [ph] flagstone. New driveway access to the garage and turnaround will extend the existing asphalt. New single-bay garage will be consistent in style, period, and proportion of the home in accordance with the design guidelines.

Epting: Mr. Morgan, could you pull the microphone back towards you just a little bit?
Thank you. It's difficult to hear you.

Morgan: Okay. The new single-bay garage will be consistent with the style, period, and proportion of the home in accordance with the design guidelines.

New exterior lighting will consist of low, unobtrusive fixtures along the walkway, ceiling-mounted porch light, and consistent with the design guidelines.

The masonry. The brick—there's no signage. The brick foundation wall to the garage will be similar to that on the existing house, and in accordance with the design guidelines.

Wood. Wood columns supporting the roof of the front walkway and porch will be traditionally trimmed and painted in accordance with the design guidelines.

Architectural metals. New metal rails and roof are compatible with the guidelines.

Paint and exterior color. New siding and trim will match that of the existing home, in accordance with the design guidelines.

Roofs. New asphalt shingle and standing seam metal roofs are compatible with the guidelines.

Exterior walls. New windows are consistent with the existing building and compatible with the guidelines.

Windows and doors. New garage windows and doors are consistent with the style of the home and compatible with the guidelines.

Porches, entrance, and balcony. New front and rear porch treatments are compatible with the original style of the home. The pergolas which they replace are not original as best we can tell, were added within the last 20 years. The screen porch at the rear, also not original to the house, will be enclosed with a

window pattern that conforms to the existing post layout as recommended by the guidelines. No storefronts [ph].

Accessibility and life safety. The major intent of the garage and front porch addition is to create step-free access to the home. This is not—this is a convenience feature, but it's also an important safety feature as the homeowners plan to age in place in the home. The addition of a wooden rail at the side of the driveway at the ravine edge is a safety feature to avoid accidents during vehicle turning maneuver, especially during icy weather.

No change to utilities. It's not new construction.

Additions. The garage and porch roof additions are compatible with the scale, materials, proportions, and details of the original building.

Decks. No new decks or changes to existing decks are proposed, other than the replacement of decayed railings as previously noted.

I want to go back to this slide. The elevation shows a standing seam roof—metal roof—at the center of the porch. This is intended to draw attention to the front entrance, which the homeowners would prefer the—that visitors use. And it is elevated in order to allow light—daylight to come into the main living room of the house behind.

Epting: Are there questions of Mr. Morgan?

Sweet: I have two questions. One, I think you may have covered this, but I'm a little slow. So, could you remind us the history of the pergola that's currently above the front entrance?

Morgan: I believe it was added within the last 20 years. It's a—just an open pressure-treated lumber.

Sweet: And is there any evidence about whether there was a porch or any kind of rooflet there?

Morgan: No. There's no indication that there was any previous porch entry. It was a very plain building.

Sweet: And the entrance there is the original portion of the house that the front door and the—the central front door and the two windows flanking it are part of the original 1942 structure?

Morgan: That's correct. Yeah. All these windows [ph]. The windows have been replaced. I think it is probable they were originally divided-light windows, but they've been replaced with insulated glass units some years ago. I don't know when.

Sweet: All right. And I was curious about the—if you could just bring us back to the photograph that showed the current carport and talk about the plans for the current carport?

Morgan: Okay. So, the carport, I think that was installed, maybe, 15 years ago or so. And there's no plan to change it. It will still be there. The new garage will house one vehicle. They will keep another vehicle down there. But the coming and going will be from the new garage.

Sweet: So, just to—so what you're showing here is the rear of the carport with the staircase up to the back of the house?

Morgan: Right. Now, so—

Sweet: On the left? Is that right?

Morgan: So, this is the driveway going down to the house beyond. The carport entrance from the side, if we imagine ourselves going down here and looking in here, yeah, this is—

Sweet: And the cars load into the carport from the right-of-way along the—

Morgan: That's correct.

Sweet: —west side, north side of the property?

Morgan: Yeah, it's a side entry.

Sweet: I see. Thank you.

Kyser: I visited this site today on foot, and also the other one, Number 3, Mint Springs, and I was struck by the sudden drop in the grade after the carport situation, so I see that that's, you know, as time goes on, that's a pretty treacherous situation as one ages.

Morgan: Yeah. This goes down pretty steeply here—

Kyser: Yeah.

Morgan: —and it falls away to the side.

Kyser: Go back to that picture. Back to what we were looking at.

Morgan: Yeah.

Kyser: So, you will attach the new garage to the pergola, or?

Morgan: No, the garage is not attached to anything except the corner of the house there.

Kyser: So you'll do away with the planting section that's in the picture?

Morgan: That's correct.

Kyser: Yeah.

Morgan: Yeah. The garage comes out pretty much to cover that. It comes out pretty close to the edge of the driveway that you see. There may be—currently, there is a kind of—there is a vehicle pull-in here you can see. And the—

Kyser: Next to the garbage cans and things?

Morgan: Yeah, that's right. And there is the potential for taking up some of the blacktop there and reinstating some planting, because the vehicle space there will have a new vehicle pull-in as part of the—

Kyser: So the garage will sit pretty far forward on the building? In front of the building?

Morgan: Yeah.

Kyser: Yeah. Okay. Thank you.

Morgan: So, we've got the new—a new parking pull-in here, and it's possible that some of this blacktop will be taken up and it will be disturbed by the foundation of the—by the construction of the new foundation and going back with some planting dirt and relocation of some of the plants that are in this area would make sense.

Epting: Mary Francis?

Vogler: I do have a question, and it concerns Item 5 on your slide, which is the removal of the third front door.

Morgan: Yeah.

Vogler: And I believe that in presenting that, you said it would be replaced with siding, but here it is replaced with another window.

Morgan: No. Okay. So, actually, this—so this is the current front door here.

Vogler: The existing. Yes.

Morgan: There's actually shutters beside it, which, I apologize, this is not real clear. So, this is where that door currently is, and it will be just siding all the way through.

Vogler: Well, that's what I understood. I was just trying to explain the picture to myself.

[LAUGHTER]

Morgan: Yeah. I apologize it's not terribly clear.

Vogler: And—okay.

Morgan: Yeah, it's kind of hidden from this view back down here. It's not a very conspicuous part. You see it when you come down the walkway here. And there's a door right in front of you, and there's a door over here, and there's a door over here. We want to reduce that confusion.

Epting: Other questions down there on that end? Okay.

Vogler: I see the utility of having the elevated roof over the front door—the original front door. Can you help me out with—can you justify this roof which has something of an oriental or Asian quality partly [ph] to it. It's most—

Morgan: Well, it's—obviously, many of the houses in this neighborhood are very eclectic and there's many examples of different stylistic influences. It's obviously not the original style of the house. But there's a kind of weird anomaly in the design guidelines in that the—right at the beginning, it talks about the National Parks Services recommendation that additions should not try to pretend that they are original. That, if we are talking about history, that the history should be legible in the different additions. And so, the—this window, for example, is nothing like anything on the house that was there originally. And the vaulted dining room in behind that it gives light to.

So, there's already a kind of the—and the screened porch, the form of the screened porch looks like a '70s A-frame. There is an eclectic [ph] pattern here with each period contributing something a little different. And while the garage is very much in the original pattern, we didn't feel it is out of—contextual to have a slightly different emphasis for the—for that key front porch. And as I say, there's a strong functional foot. Also, the view from there is uphill and we don't—we wanted to kind of open the view from the front door up into the sky. They have a very beautiful front yard. They're looking forward to sitting out there. They do now, but the rain comes in there, and it's not shady, and they're looking forward to enjoying that space. So we wanted it to be light and open. And so it's a performance issue, but I'd say it's not unsympathetic to the way the house has developed over the years.

Kyser: And I'm asking of you, and perhaps of my fellow commissioners, is there something in the guidelines that talks about intensifying the eclecticism of an already added-on house? And what I mean by that is, there is something about that roofline and the height of this stoop that is sort of jarring. So we have a 1942, sort of cottage style, wouldn't you say?

Morgan: Oh, yeah.

Kyser: Yeah. This—

Morgan: And, you know, like Topsy, it has grown [ph]. And this is, we feel, an appropriate continuation of that growth.

Kyser: In my opinion, that is not a continuation of that growth. It's incongruous with the—even the efforts to be—for the window you say is not at all new to the

house, the big picture window thing, at least it has some references to other styles that are in the district that have paned windows that are somewhat like that. Did you think about lowering that roofline?

Morgan: Well, the homeowners got very attached to the idea of it being bright and open and it contributing to a brighter interior, so I wouldn't be terribly excited about it.

Epting: It would be the brightest and most open if it weren't there at all, wouldn't it?

Morgan: Oh, yes, indeed. The—what is driving this is the—is having a dry connection. Rather than punch through the wall of the original house and take a hallway through an original bedroom, we took the strategy of making an exterior connection which was, nevertheless, dry and protected. And that is what's driving this whole process here.

Epting: Well, I agree with your assertion that the house has grown hodgepodge, but I have to say that it strikes me that your proposal would make it "hodge-podge-podge." You're just adding more podge to the hodge, it seems to me.

[LAUGHTER]

M: And I would agree [ph].

Epting: I find it to be incongruous with the character of the house and with the character of the district. I don't know if you heard me say last time, but I spent one of my years in law school living in Mrs. Thomas's basement at the top of Mint Springs. She owned the house at the corner of Mint Springs and North Street. And so I knew that house very well when it was original. And my memory of the house is before it had that big window on it, that you say they put an elevated dining room behind.

I'm curious, though—excuse me for spewing; most of what I just said probably doesn't make much difference. But I am curious about the tremendous drop under the—what is proposed to be the new garage. I assume that you are going to set that garage on a foundation rather than on a fill [ph]. Is that right? With that tremendous drop—continue to exist on the same angle that it's there now [ph].

Morgan: Oh, it—yeah, yeah. It will have a full foundation wall and then it will be filled with washed stone before the garage slab is poured. Yeah.

Epting: Or the floor of the garage.

Morgan: Yeah. So, it will be a—

Epting: I guess I am not understanding, there doesn't the—is the front area of the garage, where the garage—proposed garage door is—yeah, I mean, you can see there is a tremendous amount of drop there that is going to have to be filled or the garage is going to have to be set on a—

Murphy: Is that just an exposed foundation wall?

Epting: —foundation wall. What's going to hold the garage floor up?

Morgan: So, there will be a washed stone fill. They'll start by excavating the area and getting down to bearing dirt. They'll build a foundation wall around the perimeter and they'll fill it with washed stone and pour the slab on that. It's standard construction.

Epting: Is that fill going to come up to garage floor level?

Morgan: It'll—up till four inches below it, yeah.

Epting: Okay. All right [ph].

Morgan: And—

Epting: So that's, I guess, the question I was—I had. That's going to be quite a bit of fill.

Morgan: The height of the wall—this is a bit misleading. The height of the wall at the back here is going to be about four, four-and-a-half feet at the tallest, which will mean it will have to be a reinforced wall with that much under-strength [ph], unbalance fill. But it's all standard construction. There's nothing special about it. And the—we won't be able to match the brick exactly, but it will be, to all intents and purposes, a—[OVERLAPPING]

Kyser: I am going to jump in and ask—interrupt you and ask the question that Sean was trying to ask [LAUGHS]. Is that going to be exposed foundation on the side?

Morgan: It will be brick.

Kyser: It will be brick?

Morgan: Yeah.

Kyser: Is that what you were trying to ask?

Murphy: Yeah. I think the garage, in particular, to me, is sort of the next generation of inconsistent addition to the structure. It's the most forward-facing new portion of the house. It's not necessarily consistent in location with where a garage would typically be found on a property. I understand the practical location of it to get it up to the first floor, but to me, it's just not consistent with the character of the house, what character is left or has been established, or the district.

Morgan: Well, I'd have to disagree with you on that, but—

Epting: John?

Sweet: Are you familiar with the 1959 revision of the Sanborn maps for Chapel Hill?

Morgan: Of the which?

Sweet: 1959 Sanborn maps that shows this house?

Morgan: No.

Sweet: I mean, I think looking at the history of this house may be helpful. I'm looking here at a scan of the 1959 correction of the Sanborn maps, and it shows, you know, a pretty substantial house, one story, with the garage—they used "A" as the abbreviation for "auto house." And auto house is their word for garage. But it shows "A" and "B," which means the car parking was in the basement of the house as of '59. As I look at it, I don't—I'm not sure I see a portico, but it's possible that what—there seems to be a little feature that could be a portico. Anyway, I just—since I'm looking at that, I wanted to share what I'm seeing, on that end [ph].

Morgan: Yeah, there is an old garage door in the back of the carport that the—it's hard to see where a vehicle would have parked in there, because it's just a dirt cellar, basically. I mean, I guess you could have slid a car in there, but it's pretty much taken up with mechanical stuff right now.

Kyser: We've had an application at—is it 505 that's facing North Street, the yellow house—?

Morgan: Yeah.

Kyser: —for an elevator from side, lower side parking [ph].

Morgan: Right. I prepared that application.

Kyser: Yeah. It's not my job to suggest that kind of thing, but it could be a solution [ph].

Morgan: We actually considered an elevator at the beginning, but an elevator would have actually done a lot more damage to the original building in this case. On 505, there was already a garage—a real garage in at the basement level, and there was an enclosed porch at the first floor level and a—we made a small shed roof addition at the upper floor level to accommodate a three-level elevator. That is not—that was not feasible without really messing with the original house in a bad way.

Kyser: Well, it seems to me that an elevator shaft is a fairly small addition that could go to the back, and then you wouldn't—to Sean's point, the prominence of this garage and its placement is incongruous.

Epting: The problem for me is that you're—if it were built the way you've proposed it, you would have what is going to look like, from up towards North Street looking down, looking to the north. It's going to look like a garage with a house attached, instead of a house with a garage attached. It changes the whole character of the structure to stick the garage out there on the front edge. And I thought I remembered seeing—and I don't have the guidelines open to the right page—but I thought I remembered that we have specific guidelines about where garages should go on a residential lot.

Kyser: We do.

Sweet: We do.

Epting: And there's nothing at all that says we ought to put it out on the front of the house.

Kyser: Hold on. Garage, 55.

Sweet: Well, also, yeah, 20 to 21.

Kyser: Okay.

Epting: You took a good deal of pain to recite the features of the house, and at the end of each recitation, you put a comma and said, "Consistent with the guidelines," but you didn't say how each of those features were, in fact, consistent with specific provisions of the guidelines.

Morgan: Well, I—

Epting: And I don't know how you could do that with respect to where you propose to place the garage. I am sympathetic with the practical desire of the present owners to put the garage where you have proposed it, but I find it to be completely incongruous with the guideline—with the character of the district and the guidelines that say how we're supposed to protect the character of the district.

Morgan: Well, I think it would be worth giving consideration to the fact that Mint Springs Lane is not a public street and the visibility of this whole property from the public street is, essentially, nil. I point you to this slide, which shows—

Epting: Excuse me for interrupting you, but our guidelines don't say anywhere, "If you can't see it from the street, you can do whatever you want to."

Morgan: Actually, there were several references in the guidelines to variations from the recommended practice, which are—which can take place in elements—in areas that are not visible from the street.

Epting: Well, if so, perhaps you should recite those particular ones, instead of saying, comma, "consistent with the guidelines [ph]."

Morgan: Well, I think specifically this is mentioned in relation to fences. I am extrapolating that concept. But I think this is a very special circumstance. The fact is that, the—if we go back to basics, the historic district is to preserve the essential character of a neighborhood as perceived by the public as they walk around it, and obviously, it protects things like, rather like the neighborhood preservation districts prevents overbuilding and inappropriate scale and so on. But, the notion that this will negatively affect the ambience, the total ambience of the historic district to someone who is moving around it along the public thoroughfare is obviously not feasible.

Sweet: I want to say two things before we close the public hearing.

Epting: All right.

Sweet: And one is to reiterate my understanding of the law and of the guidelines is that the intention of the historic district is to preserve the special character of specific neighborhoods for the benefit of all visitors, occupants, residents, homeowners, not just viewers from an automobile on the public right-of-way. So, I understand there are places in the guidelines, for example, on enclosing porches, that emphasize the location of the porch under consideration to major views, but that is not—in my understanding, that's not an exclusive emphasis on—the character is embodied for the structure itself, for the neighboring properties and visitors as well as for people in the public right-of-way.

I would just—the thing I forgot to do earlier is to disclose that I, for many years—I teach in history with Bill Ferris. We arrived at Carolina at the same time. So I just wanted to disclose that I've been to the site and viewed it, and I

have a very warm, professional relationship with Bill and Marcie Ferris, the owners, and value them as neighbors. I don't think that compromises my ability to evaluate this application fairly.

Epting: Are there other questions of the applicant? Are there any other members of the public who wish [ph] to comment on this application? If not, is there a motion to close the public hearing?

Kyser: So moved.

Epting: Is there a second?

Carbrey: Second.

Epting: All in favor, say aye.

M/F: Aye.

Epting: All opposed, no. The public hearing is closed. Now, you may continue your remarks about the application.

Kyser: Well, I would like to cite page 55. Number 2, it says, "Minimize damage to the historic building," and this is with—pertains to garages. "Minimize damage to the historic building by constructing additions to be structurally self-supporting, where feasible, and attach them to the original building carefully to minimize the loss of the historic fabric. Limit size and scale of an addition to minimize its visual impact. It is not appropriate to introduce an addition if it will visually overpower the building or site and substantially alter the proportion of constructed area to unbuilt area on the site." It goes on for Number 4, and 5, and 6, and 7, that seem to contradict the positioning of this garage design.

I also have a problem with that front porch situation. It seems incongruous to the spirit of the house as it was and what is left of it, and just intensifies the randomness of design elements. I hope I said that right.

[INAUDIBLE]

Sweet: I would add that, I think, maybe, different elements of this application are—should be considered separately. The proposal to add wooden guard railings along the precipitous drop along the driveway seems to me a reasonable precaution, given the grading there and the safety issue. I don't see anything in the guidelines that precludes that or suggests that that would be inharmonious or inappropriate.

I think there's an issue about the screened porch and other features in the rear of the property. I do think that the changes to the front of the property are relevant to a series of areas in the design guidelines that are not included in the application or the staff report that I think are crucial. We haven't even really talked about the parking area in front, but the guidelines on page 19, Guideline Number 8, emphasizes the importance of new parking areas in places not visible from the street. That's a good example of a "visible from the street" issue.

The driveway should be—new parking areas shouldn't be in front of houses. They should be to the side or behind. That they should be visually screened. So that—I think that the front parking turnout, I think, is problematic.

I think the placement of the garage is addressed in the guidelines on pages 20 to 21 on garages, which emphasizes that the traditional location of garages is towards the rear. Certainly, if not at the rear of a property, behind the façade line.

That the traditional location is defined in the comments on page 20 and then, Guideline Number 7 on page 21 emphasizes using traditional locations for new garages. I think the garage itself is a good design. It's appropriate in scale and size for traditional garages in this neighborhood—in this district. So I think the garage itself is—could be compatible. It's the siting of the garage that, to me, is concerning.

I find the new porch in the front and the new rooves on the front problematic, in the extent to which they violate a series of guidelines that really emphasize in new construction that the emphasis is to retain the character, as much as possible, of the original structure and not to overwhelm the historic aspects—historic character of the site.

And in this case, it seems like the proposal is to largely cover over and superadd over most of the original—the existing [ph]—extant portion of the façade of that house, the 1942 façade of that house, which—and in a way that, to me, dramatically changes its character.

The question of removing the door and covering it with siding to the right of the house, the third front door, doesn't strike me as a major concern. So that strikes me as appropriate.

Epting: Other comments? Craig, this may be your last [ph].

Carbrey: That's right. [LAUGHTER] No pressure. I agree with the other comments about the porch. I guess, as I was looking at it, I was wondering, personally, if it could almost be just extensions of the pergola that created the new—just say we keep the garage there, for instance, separate pergolas that tie to the larger pergola, and

then you could either cover it with a section of flat roofs and even put skylights in it or something like that, if you're concerned with bringing light back deeper into the space near the entrance. But when I see the existing photos, I like how that pergola connects the gables and is just a very simple, understated roof. I agree with comments of fellow commissioners that the porch stepping up at such a high elevation definitely, I think, attracts unnecessary attention to the entrance. I know that's actually part of what was trying to be achieved with the design, but I prefer in its existing form as being more understated and simple. I think it could be a variation of that.

Related to the garage, I understand the comments that others have been making; I just wonder if there is a garage to be added to this site, where can it actually go, given the face—the fact that there's utility easement—or excuse me, an access easement on one side and then, everywhere else, you have a major drop-off that makes the purpose of having a garage on the same level as the main living area of the house kind of a difficult thing to achieve.

[INAUDIBLE]

Sweet: I would—sorry. I would request that we reopen the public hearing, briefly, because I would like to make an observation about evidence that—

Epting: Without objection, the public hearing is reopened then.

Sweet: All right. I just wanted to say that I am looking at the photograph from 1992 of the front of this property, which we recently scanned and are in the process of making more publicly available, which I could pass around or we could introduce in a future meeting.

Kyser: Wow.

Sweet: But it shows the house in 1992, pretty much where it was in 19—

Kyser: Can you put it up so we can see it? Up here. It's right here.

Sweet: Well, I don't know if this is the best method. I just wanted to disclose that I've seen a photograph of the house from 1992, and it influences how I think about this application.

Kyser: Huh. Can you see it?

Sweet: And it may be that we should make this evidence and the Sanborn map publicly available and come back to this matter at a future time.

Kyser: This one has that in the corner, too [ph].

M: Certainly, I'd like the applicant, to the extent he hasn't had a chance to see those, have an opportunity to come around and look, and make sure he's familiar with what you're talking [ph]—

Epting: Mr. Morgan, would you come up and have a look at what Commissioner Sweet is talking about? And then consider whether or not you might want to defer our action on this until a later meeting when we have considered [ph].

F: Did you see it—[OVERLAPPING]

Sweet: I just wanted [ph]—this is the 1959 version of the Sanborn map. It's difficult to access. You have to see that. I can make it available through Julie [ph]. But this shows the private drive and the original configuration of the house, which has this little extension here, and then a little bump there. And then it goes pretty far to the right, more than I thought it did.

M: Yeah, right.

Sweet: And the "A" and "B," one-story auto and basement. And I think the solid dot means, probably, a composite roof. That's the photo, which shows—I think what this is showing is, pretty much, the original configuration of that house; with this long addition—I mean, this long section, the little bump out here, the bigger bump out there, and the door in the middle with a little bit of an awning over the door.

Morgan: Right. But it's not visible currently. It's been resided, I'm sure.

[INAUDIBLE]

Sweet: So that's what I'm looking at. It helps me understand the history of the site and the original appearance of the structure.

Kyser: But I'd like to say to Craig's point that, you see the cover over the front door unifies those gables, and it's just in line with the roofline, and that just is much more in keeping with the cottage style. Do you agree, Craig?

Carbrey: Uh-huh.

Kyser: Yeah, that's what you're—I thought that was a good point.

Morgan: Yeah, that's not a gable. It's a hip [ph].

Kyser: Well, whatever, but it's unobtrusive [ph]. That.

Carbrey: I don't know if that's a—just a roof.

Kyser: It's an awning?

Carbrey: It looks like it's just the existing gable roof from that—

Sweet: That is a little awning.

Kyser: It's a little awning.

[OVERLAPPING—INDISCERNIBLE]

Sweet: Because the scalloped edge, very mid-century.

Kyser: Yeah.

Vogler: [OVERLAPPING] front door, because it kind of hits the front door.

Sweet: Anyway, I just wanted to make sure that that was available.

[INAUDIBLE]

Epting: If you are interested, I think we would be interested in your rethinking the proposal, in light of the discussion that you've heard tonight. This is not a matter that came to us for a courtesy review first, and so perhaps it would be appropriate to ponder whether or not there are changes that could be made to the application that would make it—

Morgan: We'd certainly be up for that.

Epting: Okay. I would prefer not to vote on it tonight, if we have your consent to that continuance to a later meeting.

Morgan: Certainly.

Epting: Okay.

Kyser: Is there a deadline?

Epting: Well, if there's no objection, then we will—

Kyser: Is there a deadline?

Epting: There is not a deadline for our considering this tonight.

Kyser: No, no. For his to coming back? Does he have to come back in a certain length of time?

Sweet: Yes, I think Julie [ph] can already make [OVERLAPPING] photograph available [ph].

Epting: Well, we'll let him come back when he's prepared to come back.

Sweet: I can—I'll forward the Sanborn map.

[OVERLAPPING—INDISCERNIBLE]

Kyser: No, but there's nothing else on stringent [ph] procedural things.

Epting: Mr. Morgan, could we expect to hear back from you within, say, 30 to 60 days?

Morgan: By when, sorry?

Epting: By 30 to 60 days?

Morgan: Oh, yes.

Epting: Would that be enough time?

Morgan: Yes.

Epting: Okay. Good. Just proceed through Julie Curry.

Morgan: Okay.

Epting: We will look forward to working with you down the road.

F: We don't need all this, right?

M: We don't know yet.

[INAUDIBLE]

[END TRANSCRIPT AT 01:53:00]

**Brown & Bunch
Chapel Hill Historic District Commission
July 17, 2018 Meeting
1 Mint Springs**

Panel and Staff:

Epting: Robert Epting, Chair
Kyser: Kimberly Kyser, Vice Chair
Carbrey: Craig Carbrey
Smith: Susan Smith
Vogler: Mary Francis Vogler
Murphy: Sean Murphy
Locke: James Locke

Applicant's Witnesses:

Morgan: James Morgan
M. Ferris: Dr. Marcie Ferris, Homeowner
B. Ferris: Dr. Bill Ferris, Homeowner

M/F: Male/Female Speaker

[BEGIN TRANSCRIPT AT 00:35:30]

Epting: The next matter is with respect to revision, the COA for 1 Mint Spring. Is that—who's here to present with respect to that? Please come up.

Susan, I'm trying to get us out of here. That's why I suggested we didn't need to make a whole list.

Smith: Yeah. Just obvious and important, though. It's at the back.

[INAUDIBLE]

M: If it's from the southeast side, that means it's [OVERLAPPING] came from the northwest, it's headed southeast.

[INAUDIBLE]

F: Here's what it says on mine.

M: Okay.

F: Is it past [ph]?

M: It's about to pop up again.

F: Here's mine.

M: There it is right there. Yeah, it's going by on that side.

F: It's a good thing.

M: Yeah, it's a good thing.

Epting: Say your name and whether you've been sworn, please, sir.

Morgan: I am James Morgan. I have been sworn on this project.

Epting: Good. Mr. Morgan, proceed.

Morgan: So, we brought this to you awhile back, and you had some negative comments, and we've made some changes to it. The proposal is to add a garage to this dwelling, and a—and some—and a front porch to provide access from the garage into the house under cover, and this is in the interest of providing sheltered, level access into this home, which is otherwise unavailable.

The location of the property is on Mint Springs Lane. And if you are familiar with Mint Springs Lane, it's a private easement across three properties, giving access to four dwellings. There is a fifth lot that is accessed from Mint Springs Lane, it is—which is undeveloped, and it is in the ownership of the homeowners of 1 Mint Springs.

In preparing this design, we've paid attention to the overriding instructions in the introduction to the design guidelines that each property should be recognized as a physical record of its time, place, and use. We have not tried to create a false sense of historical development or added conjectural features. And

we've also taken care that all of the elements can be removed, leaving the property in its previous condition.

There was a—there were a number of comments in our previous presentation about the front elevation, and the changes we've made since then. You really didn't like the center feature of the front porch. We've deleted that. We've cut back the dimension of the front porch considerably, and we've adjusted the scale of the garage roof, and we reduced the projection of the garage. So those are the principal changes since the last presentation.

Detailed plan. You can see that the area of covered porch is now much closer to the house, so basically, it's a wraparound. So, this is—the black and white photograph is from 1992, I believe. This is a survey photograph when the historic district was established; I believe that's correct. And there have been a number of changes to the building since then.

First of all, that opening you see down towards the front door, that's no longer there. That's heavily overgrown with plantings.

The second thing you'll notice is that I couldn't take the photograph from the same location because the building is totally obscured from this location. Second thing you'll notice is that the dining room projection in the middle of the building there has been totally overridden by a major impact on the elevation, much deeper and more conspicuous projection there with a stepped gable and a composite window. You'll also notice a pergola has been added between the two front gables. This was all done in the late 1990s.

We are not in a position to even consider restoring the original dining room projection, but we would like to remove the pergola, which we feel is out of character with the original cottage. And so that is what is driving our present—excuse me—proposal. So, we've got here the front elevation and you can see the patterning that we're trying to achieve. And the three-dimensional view shows the wraparound porch leading back to the front door. And the—if I can go back to the plan, you can see the garage locks into the corner of the building, without affecting any of the existing features, the windows and so on, and can be removed without impacting the original structure.

Here is a model of how the building would look from the same perspective if the vegetation was not there, and it's just a general view. So, obviously, adding the garage adds some complexity to the roof plan. The design guidelines refer to the fact that complex roofs, which combine a variety of roof forms, are found throughout the historic district. Obviously, you'll recognize the example there, which is a very conspicuous and well-loved example of that feature.

We are adding some parking in front of the garage, and as you can see from this montage, that parking will be invisible from any portion of the street. Actually, I am going to correct myself. It is a private easement and not a street. The Land Use Ordinance defines a street as a right-of-way or easement greater than 20 feet in width. Mint Springs Lane is exactly 20 feet in width. So this is not—it's not a public street. It's not even a street. Nevertheless, we—anyone who does take—wander down Mint Springs Lane will be unable to see the additional turnaround parking area there.

This is a view from the other direction. Again, a montage, trying to show it in the context of the landscape.

Introduce compatible new garages and accessory structures as needed in ways that do not compromise the historic character of the district. Site new garages or accessory structures in traditional locations that are compatible with the character of the building and site [ph]. Maintain the traditional height, proportion, and orientation of garages and accessory structures in the district. That is the instruction in the guidelines. The introduction refers to a typical situation of garages behind the principal structure, oriented with the doors facing the street.

We were not able to find many examples of that. 615 East Rosemary Street is an example. But most of the garages that we see walking around the district have a very different presentation. Glenburnie Road, you see the garage is a major part of the front elevation. 2 Mint Springs, which is immediately adjacent to 1 Mint Springs, has a side-loading garage in front of the building. It is a major projection from the building. 610 North Street has a carriage house type garage structure, which is subsequently being remodeled, as far as I can tell, into living accommodation in front of the house, facing the street.

Another side entry on Senlac Road, and across the street from it, at 514 Senlac Road, we see a garage which is completely in front of the whole house structure. In fact, it's the only part of the house that you can see from the street.

379 Tenney Circle, we have a—this is a home which is more comparable to 1

Mint Springs, in terms of its form and scale, and it has a garage projecting at—on

the front of the house, facing the street. 606 North Street, another architectural style entirely. Again, facing the street and very conspicuous. 201 Mint Springs, this is behind the property and it has a three-bay garage, which is the only thing you see when you approach the building. And 525 North Street, again, garage is very conspicuous at the front of the building.

I don't know why the material is oddly—the lettering is off there. But you've seen this before. This is, basically, the materials that we're going to propose. We've got the siding, trim, and roof shingles of the garage addition will match the existing. We have a proposal for a deck rail at the back, which is a more contemporary look. We'll have a wrought iron rail at the front of the building, which is of a pattern that is common in this historic district.

The area around the front porch, we would like to use an irregular flagstone, and then there is the safety rail on the side of the driveway, which is very steep going down to 201, and has a—there's a severe drop-off on the side. So that would be a simple wooden rail against the woods there.

Some examples of the paving we're looking at. We would be looking at the irregular flagstone paving. I'm showing a couple of other examples around the historic district.

Wraparound porches, obviously very common in the district, gallery porches. And these are all two-story houses and ours is a single-story house, so we scaled the porch down suitably to blend in with the scale and proportion of the building.

Last of all, we asked the neighbors. There were—say there were five properties here off Mint Springs Lane. It's a private and rather reclusive corner of the historic district. The four neighbors who are likely to be the only ones to see this, apart from the UPS guy and their invited guests, we asked all of them what they thought of the project.

So, these are the letters we got in reply: "Arnie [ph] and I both wholeheartedly support your plans. The changes seem to be totally in keeping with the historic character of the neighborhood. The more people who decide—our kitchen window at 505 North Street overlooks the front of your house. I believe we would probably be the most affected by your changes, and we think they are great. The more people who decide to remain in their homes, as we have, and make tasteful changes to those homes, the stronger is the character and quality of life in our neighborhood, to the benefit of all. We send you our total support and hope that the HDC will approve your well-thought-out plans to enhance the beauty and livability of your home."

Epting: The addition of the letters raises an interesting question about whether or not they may be submitted as part of the record. Ordinarily, testimony, evidence, needs to be sworn in order to be accepted here. So, it would be my view that the—it would not be proper for us to consider those letters and those opinions. If you wanted to bring those folks to testify under oath, then it would be appropriate to have their statements. But I don't think it's appropriate to have their statements presented by way of letter, which are not sworn and are, in this context, merely

hearsay. So, if you would proceed beyond the letters at this point, I would appreciate that.

Morgan: I'd just like to point out that every single neighbor has fully supported responses.

Epting: I understand that statement. Thank you.

Morgan: That's it.

Epting: Okay. Thank you very much. Are there questions of the applicants' representative?

Smith: I wanted to know how far back did you move the garage from the previous?

Morgan: About a foot.

Smith: One foot?

Morgan: A foot, yeah. We couldn't move it any more.

Smith: Oh.

Morgan: It wouldn't be functional.

Smith: And the other changes you made again?

Morgan: There was a negative reaction to the center feature of the larger porch that we established at the front, and we just deleted it.

Smith: Oh, right. Okay. That's—oh, and lighting was mentioned in the COA, but I didn't see any evidence of lighting fixtures. There's something—half lights or something, you mentioned?

Morgan: There will be recessed lights in the soffit of the porch.

Smith: Oh, okay.

Epting: Other questions? Susan, were you through? I didn't mean to cut you off.

- Smith: Yes, I'm through. I did, actually, just for point of fact, look at last month's video and also visited the site.
- Epting: All right. Kimberly?
- Kyser: We commented on the style of railing that you chose for the back deck and how it was—
- Morgan: I don't remember any comments on that.
- Kyser: —it seemed very much inconsistent with the other railings. Page 7—57 in these guidelines, "Design and detail decks and any related steps and railings so they are compatible with the historic building in scale, material, configuration, and proportion." And that seems to still be inconsistent with—that choice of that kind of railing is—
- Morgan: The deck is already existing. We went by the section on rails, which I—which is elsewhere, I believe, which says, essentially, that anything that is out of sight from the public street is really up for grabs.
- Kyser: I would not agree with that.
- Morgan: I'm sorry. I can't find that section.
- Epting: In my experience with the Historic District Commission, which stretches back now some 30 years, I don't think I've ever come across a representation that anything that cannot be seen from the street may be done without regard to the guidelines. But if you can find such a statement in there, I'll be educated, as I am every time I look at the guidelines.
- Morgan: My recollection is that this did not come up at the previous presentation or I'd have made more recommendation on that [ph].

Epting: It did come up at the previous hearing.

Kyser: It did.

Epting: I remember it, because I was about to make the point that, while I liked the railing, myself, it seemed out of character with the house and with the district, and I was—someone beat that to my remark, and so, I remember that there was discussion of that last time.

I'm curious. I'm not going to take up more time looking for that suggestion that you made about the—if it weren't visible from the street, but are there other questions by other members? I have one or two when the other members are finished.

M: I have no questions.

M: I don't think so.

Epting: Mary Francis?

Vogler: No questions.

Epting: I have—I'm curious about how you square up the design guideline found on page 55, "Additions, Garages," that reads, "Minimize damage to the historic building by constructing additions to be structurally self-supporting, where feasible, and attach them to the original building carefully to minimize the loss of historic fabric." To me, last time, and this still seems to be the case, even though you may have moved it back by a foot, this garage addition seems still, to me, to be a blemish across the front elevation of the house. It seems to me that it changes the character of the house, it changes the elevation of the house, as it's viewed from the—as it were, the Mint Springs Street side. And so I would like for you to

convince me that that is not the case, and that, in fact, this guideline is met by your—by the garage proposal. I am not much concerned with the rest of the proposals, but I remain concerned about the garage.

Morgan: Can you clarify your concern? Are you concerned about the removability?

Epting: I am concerned because I don't think it is structurally self-supporting and attached to the house carefully to minimize loss of historic fabric. I think it's tacked on to the end of the house and changes that whole end of the house, in terms of its total elevation, that is its roofline, its structure. The elevation that is seen from the street, it just strikes me as being out of place. But it's not important as to whether it strikes me as being out of place; it's important for you to show that your design complies with this particular guideline. I don't think it does, but I'm willing to hear what you have to say about that.

Morgan: Well, I think I read that clause differently, that the—that it's about removability. It is self-supporting. It doesn't depend on the house for support. The entire structure will be entirely independent of the house, and there's nothing to stop it.

Epting: It's not attached to the house?

Morgan: It is attached to the house, in terms of enclosure, but not in terms of structure.

Epting: Right. I understand. So, the last part of this guideline suggests the need to attach them to the original building carefully to minimize the loss of historic fabric. It may well be that I'm the only one who's seeing that as a sore spot against the original historic fabric of that house. And if so, fine. I'm glad for people to disagree with me about that. But I don't think that design matches up with that particular guideline.

F: Can you put the thing [ph] back up, so we can look at it again?

Morgan: Sure. It's a very difficult project to show, because there's no easy visibility of the house from any point.

Kyser: Why don't you—excuse me. Could you just go back a few more slides so we can see the actual graphic? There you go.

Morgan: Is that the one?

Kyser: Right there [ph].

Epting: Yeah, that one.

Morgan: Okay. Oh, page 17, just to go back to walls and fences. "Introduce contemporary utilitarian walls and fences, if necessary, in rear and side yard locations only where they do not compromise the historic character of the building." That's the element that I was looking at, is page 17.

Kyser: Walls and what?

Epting: Walls and fences?

Morgan: Yeah. This is for the deck rail.

Epting: Oh, I'm sorry. I thought we were talking about the garage.

Morgan: Yeah, I just—you wanted clarification of what my thinking was on that—
[OVERLAPPING]

Epting: Oh, yeah. Okay. I got it. I'm sorry. I was unable to change bicycles. Right, so [ph].

Kyser: May I just cite that the decks and railings are page 57, number 5, design and detail?

Epting: Let's finish talking about the garage, and then we'll talk about the decks and rail again, if you want to. And I don't mean to badger you about it, I want you to—I'd like to be convinced that this is added on in a sensitive way that doesn't change the historic character of that house.

Morgan: I think this is a house of relatively recent vintage. And it's certainly a lot younger than most of the houses in the area. It's almost impossible to find a comparable structure. The little brick house, a little further down North Street, is about as close as you can get, about 10 years younger, and the one on Tenney Circle. The vast majority of the buildings that we're trying to protect in the historic district are of very different character. There seems to be nothing unusual about the proposal we're adding here, except the fact that it is a—it's just—it is not going to be the same after we add the garage. I mean, it's going to be different. The addition of the garage actually creates a kind of a very welcoming courtyard feel at the entrance to the house.

Epting: A very interesting what? What was that word you used? A very interesting what?

Morgan: Courtyard.

Epting: Porch yard?

Morgan: Yeah. It's like two sides of a courtyard.

F: Courtyard.

Epting: Courtyard. I'm sorry.

Morgan: Yeah. So, it's enclosing—it's providing some enclosure to the front yard. There is no other location on the site where a garage is possible. That's what drove us to

this location. It is possible we could put something on the right-hand side, but the grading would be really destructive. We were able to bring this project in, feeding off an existing asphalt driveway, which goes down to 201 Mint Springs, and I think we've actually done a good job in extending the character of the house, not disrupting it.

Epting: And there may well be others who agree with you and disagree with my concerns about it. Let's see if others want to talk further about the garage.

I would say one other thing about the garage. It seems to me the design guidelines express at least an implied preference for garages that are detached from the home and not connected to the home. That's why they say when you connect it to an existing residence, you should do it in a sensitive way that doesn't change—again, not the character of the neighborhood or the district, but the character of that house.

Morgan: And I feel that that's what we've done here.

Epting: And I understand. I've heard you say that several times and I am trying to be convinced of it. I want [LAUGHS] to be convinced of it. I'm sorry. You know, the public hearing is closed. If you want us to reopen it so you may speak, we will let you speak.

M. Ferris: I thought we signed up to speak.

Epting: Oh.

M: I don't think we closed it.

Epting: Well, I thought I ask—

M. Ferris: We're the homeowners.

- Epting: I understand. I thought I asked whether there were other—
- Carbrey: Yeah, I don't think we closed it.
- Epting: Okay. Well, we're not closed.
- F: We didn't close it.
- Epting: Let's finish our questions of your builder, and then we'll be glad to hear from you. I'm sorry.
- Morgan: I've shown you many examples of garages around the neighborhood, within the historic district, both that are attached and integral to the house—and some of those were—preceded the establishment of the historic district, and quite a number of them have been approved since the historic district. And there seems to be nothing unusual about actually attaching a garage to a house, and I think we've done it in a sensitive manner, given the constraints that we have on the lot.
- Epting: Yes, I understand that. And it may well be that everybody else would agree with that, and it may well be that I end up agreeing with it. I don't want to prolong the discussion. I don't think it's necessary, unless the others want to chime in on it.
- Carbrey: I'd just like to add a couple comments.
- Epting: Okay.
- Carbrey: The placement just—we'll talk about that as a separate issue, but, as I look at the elevation, I guess, a couple slides down, your View A, a couple things strike me. First of all, the main—the primary gables on the existing house are open gables. They don't have the small rooflet that is over entrances or over other windows. I feel like opening up the gable, if the garage stays there, would be an instant benefit to that. And also, you're confronted, as you're coming up the driveway

now, with a blank wall, because it's just a flat garage door, all roof, gable that's small roof, and just a small vent. I feel like even adding a carriage-style door to that elevation would make a big difference in what you're confronted with as you're coming up to the house. It's at least looking more like a carriage house or something more open and appealing, as opposed to a blank garage door, which you would, I think, drive up to in any suburban household. So I think there's a couple character changes that could be made to that elevation that would, at least, help it reference other parts of the house, that front elevation. I don't know if that made sense or not.

Epting: We'd be quite open to such suggestions.

Carbrey: Did the other—did that make sense to the other commission members?

F: I think [ph].

Epting: Other questions of this witness? Well, thank you, sir. And let's hear from your other witnesses, please.

B. Ferris: My name is Bill Ferris, and my wife and I are the owners of the home. I just thought it would be helpful to give a little background. We moved here in 2002 and have taught at the University of North Carolina since that time, and we purposely wanted to live in the historic district. Our backgrounds are in historic preservation. Marcie has worked at Plymouth Plantation and Historic Williamsburg, and I, as a folklorist, have worked in preservation of the South for all of my life.

And so we felt very comfortable. I grew up on a farm. This is an old farmhouse that was built in 1942, the year I was born. So I feel a personal

connection. This was a little farm that the home was built on, and we want—we've just retired from teaching this month at UNC. And we love Chapel Hill. We love the neighborhood, and we want to, basically, age in place, and we've worked with James to create a design that will allow us to remain in the house and to also respect the neighborhood, and the privacy, and our neighbors. And so, what we've put together, we feel, is respectful of what you represent, and we appreciate the opportunity to come before you. Thank you.

Epting: Thank you, Dr. Ferris. And would your—would you like to speak? We invite you to come forward.

M. Ferris: Sure. Hi. I'm Marcie Cohen Ferris. And that's for my allegiance [ph] or whatever [ph]. But I think the suggestions that a couple of you have raised—and Kim, about the railing, you know, those are not deal breakers for us. We're certainly happy to, you know, keep that railing in the back. We need a metal railing, you know, but, of course, it would be in character with the house. That's fine with us. An adjustment to make that gable, or that, you know, the garage a little more open in design. But that's why we went to an architect. We wanted to very carefully make this addition.

But this addition for us, this garage, is to also make sure that we have level entrance—entryway into the house. And for years, we've not been able to figure out any other way. We're in a very tight little position there, and I know that many of you have come and looked at it. So we really couldn't add a garage or adapt the entryway any other way than this. James has been the first person that's been able to come up with a plan for us that really made sense. Because

otherwise, we've got about 30 steps up the back, you know, where we haul groceries, and it's just getting, you know, less sustainable over time. And that's what this is about, you know, to make this a place that we can stay.

And given, I think, our backgrounds, both in historic preservation and the study of the South, we're very sensitive that the design be more than appropriate for the space. I mean, this is the neighborhood we've lived in, and this is the work we do, so we're very grateful to y'all's consideration of it. And thank you for your, you know—for your time and your patience with the project.

Epting: Thank you. Are there questions that anyone wants to ask either of the last two witnesses?

[INAUDIBLE]

Epting: I got to say, earlier, on one of the other Mint Springs applications, and I'll say it again just for the record in yours, that I spent my last year as a law student in Ms. Thomas's basement apartment—

M. Ferris: Yeah.

Epting: —that opens out on—in the directions of Mint Springs, and so I'm very familiar with your house and know a little bit of the history of the farm when it was still a farm, and completely recognize that you've really done the garage in the only way the garage can be done on the property.

M. Ferris: Yeah.

Epting: And that it's necessary for—from your statement, necessary in terms of your health and safety, in a sense, as you grow older and want to stay in that home.

M. Ferris: We've not yet backed into [OVERLAPPING] but we will, one day. [LAUGHS]

Epting: It seems to me that reasons that might make it inappropriate in other circumstances, I can be convinced and am becoming convinced that there are reasons for leaving garage in the way it is now proposed. We don't bring these points up to aggravate property owners or to interfere with their needs. We try to do so in order to maintain the character of the district, and in particular in this case, because the guidelines say with respect to garages, you have to look at the impact not just on the district but on the house.

M. Ferris: Right.

Epting: We go an extra step, and that's why you've had these additional questions, not in an unfriendly way. We all consider all of us to be neighbors, and we are trying to do a sensitive job here, that's why we've done what we've done [ph].

M. Ferris: Well, we really appreciate that.

Epting: If you don't have any further evidence, then we will see if there's a motion to close the public hearing?

Kyser: So moved.

Epting: Is there a second?

Murphy: Second.

Epting: Discussion? If there's no discussion, then all in favor of closing the public hearing, say aye.

M/F: Aye.

Epting: Any opposed say no. Public hearing is closed. Discussion by commissioners, or if anyone is ready for us to propose a motion, we can do that.

Kyser: I appreciate Craig's comments for improvements on this. I do think, overall, this is a very distracting addition of garage, and I have problems with the positioning of that garage. It seems to dominate the entranceway to the house as you—I don't know what the solution would be to have a garage and put it somewhere else on the property to accomplish their goals. Those are just my thoughts and would hope they'll change the railing on the back to something that's traditional, like wrought iron or wood, something.

Epting: I wonder if Craig might restate the suggestions so that we could incorporate them as conditions into a motion. Could you—

Carbrey: No, I don't have an issue with that. My suggestions were that, instead of having the closed gable for the proposed garage, have an open gable similar to, I guess, a previous addition that's—I'm not sure how to describe it, but as we're all looking at this image here, the one that's to the right that has the gable that's in the foreground there. I think that would make this gable, or this front of the house more similar to other portions of the house in detailing and aesthetics. And I also think a carriage-style door, whether it looks like a pair of doors, or something like that, would be more appropriate for that façade, so it brings a little bit more openness to what you're seeing as you approach the house.

Epting: It might remind you a little bit of a barn in the old days. [LAUGHS]

Carbrey: Well, right. I think the issue of whether that's the right spot for it is a separate issue. I'm looking at it strictly from an aesthetic standpoint, and I think those changes could help improve it and relate it more to the rest of the house, as opposed to it looking dissimilar, and I think there are no other areas where that

little roof—I'm not sure if I know the specific architectural term for it, but the rooflet or whatever that's above that garage door, I find that distracting, personally.

Epting: The—from a personal familiarity, and I've been by—you haven't seen me, but I have walked down over the course of the last several weeks. I'm convinced that there's no other location for a garage there. There's no other practical location, certainly, and the impracticalities of putting it elsewhere really eliminate the possibility, so my own sense is that, if there is to be a garage, that's the place it should be, and it should be done in a sensitive matter. And I think y'all agree with that. I am convinced that it can be done that way, and I think Craig's suggestions are appropriate.

So, what we would ordinarily do at this point is try to relate the proposal to our guidelines and then make findings of fact about the proposal that incorporate reference to the guidelines that are being matched by—or being met by the proposal. And then, based on those findings, we conclude that it's not incongruous to allow the additions and modifications you propose. It's not incongruous with the character of the district. And based on that, then we would move forward with a vote on whether or not to allow the permit—the certificate of appropriateness. I think I've said all that correctly.

So, that being the case, is there further discussion by commission members?

Smith: Well, I have a question.

Epting: All right.

Smith: And that is, would the changes, the elimination of the, sort of, eyelid rooflet and the addition of the carriage house door, would we not need to approve that?

F: We would, I would think.

Smith: We—it seems to me we would.

[OVERLAPPING—INDISCERNIBLE]

Epting: It depends on how specifically we can describe those in tonight's meeting.

Carbrey: My explanation may not be sufficient for others to visualize it, so—

Smith: No.

Kyser: No, but aren't there a lot of different styles of carriage—

Carbrey: Sure.

Smith: Yes.

Kyser: —doors and different styles of this, that, and the other, and what one person thinks is a small diminution of the rooflet—

Carbrey: Yep.

Kyser: —is not what somebody else might, and so it would be important to have it—to—
so should we isolate that part of the application and say that everything is
approved except for the garage that needs to come back with a—

Epting: Is there a sense of consensus on the commission that the other parts of the
application are appropriate and meet the guidelines that are applicable and are not
incongruous with the character of the district [ph]?

Murphy: I mean, I have a couple comments. One is I appreciate the applicants' revision of
the submission from the last meeting. I think the roof over the front entry, in

particular, removing that and putting the new porch—connecting porch is a dramatic improvement.

Where I'm still struggling a bit is, Commissioner Kyser, at the last meeting, and everyone else, had a similar discussion that the garage, in particular the placement, did not meet, you know, our guidelines, page 55, number 2 and number 4 through 7.

M: Yeah.

Murphy: And I—moving that garage back one foot, in my opinion, does not now meet those requirements of our guidelines. And if our task here is to determine whether a submission meets or does not meet the guidelines, then, in my opinion, it does not meet the guidelines, outside of my opinion of whether we should change the door or—I still think the garage location and placement and scale, relative to the existing house, is not in—not consistent with our guidelines.

Kyser: I agree. I can't. I've been searching for some—

Murphy: I've also been looking for—

Kyser: —encouragement, but I don't see it in the guidelines.

Epting: Well, as I said, I'm not prepared to argue about it further one way or the other, but, you know, we are a body of seven tonight. Five votes are required in order to take an action, so it may be that there are not sufficient votes to approve the garage without further thought, perhaps modifications being proposed, but my own sense about it is that we ought to move ahead with that—those part of the application that we might approve. And so the question I asked a moment ago was, is there consensus that the other matters with—that are the other

modifications that are proposed are not inconsistent with the guidelines and therefore would be appropriate, is not incongruous with the character of the district.

Smith: I guess I would want those specified. Just for the record, you're talking about a traffic railing. You're talking about lighting along the walkway and a porch ceiling fixture now. Enclosing the screened back porch and installing new windows. Are these the things you're mentioning?

M: Yeah, so from the staff report, it would be Items B through F.

Smith: B through F. Right. I'm reading it bottom up. Right. I just wanted to float the idea of, perhaps, more of a carport or something more open. Although a carport—

Epting: It's not up to the commission to—

Smith: I know it isn't.

Epting: —propose a redesign of the project.

Smith: I know it isn't.

Epting: And I don't want to spend our time doing that.

Smith: I'm just—

Epting: The question I asked, I would like each of you to try to give us an answer to is whether or not there's consensus with respect to the other items. There may not be. There doesn't have to be consensus. There may be five votes, if we had a motion.

Locke: Yeah, for B it says, "Remove pergola and add roof structure." We're not actually adding a roof structure, right?

M: No.

Locke: Are we adding a port—a sloping down roof in the front?

Murphy: That's in the back.

Epting: That's in the back.

F: It's not clear to me what B is either.

Locke: It says, "Front porch and porch door changes. Connecting walkway, removing pergola and add roof structure." Is that on the front porch?

Murphy: That's in the front to connect to the garage.

F: That's the front.

Locke: Okay.

Smith: I mean, I think there was a picture shown, but I don't know either. That was unclear to me as well.

F: A and B. There are two B's in here. That's the problem.

M: Okay. I got you.

[OVERLAPPING—INDISCERNIBLE]

Epting: Okay. Let me ask you to let me recognize you before you speak. James, go ahead.

Locke: Oh, yeah. I mean, I was just clearing that up for Item B if we were going to go itemize, list by list.

Epting: Yeah.

Locke: But the—so the roof structure is coming out on the projecting gable on the left side of this picture. It's not going to be on this picture, but on the plans, it shows to connect the walkway from the garage to the front door.

F: That's right.

Locke: Okay.

F: There are two B's. That's confusing.

Epting: Is there a motion? Does any commissioner have a motion with respect to any of the proposed changes?

F: Sean, I think, did [ph].

Epting: Sean, did you have a motion?

Murphy: Yeah, I'm trying to create it in my mind here. So, I guess I'd like to make a motion that we approve certain elements of the application, those being the front porch and front door changes, connecting walkway, removal of the pergola and adding of the roof structure at the front of the house, the rear porch deck changes, removing of the pergola and adding the roof structure, the enclosing of the screened back porch and installation of new windows, the lighting along the walkway and porch ceiling fixture, and the installation of two new traffic railings, with the stipulation that the railing on the rear deck be of the same wrought iron style and character as that of the front of the house that is proposed.

Epting: Okay. Now, what we don't have reference to in that motion—

Murphy: I know.

Epting: —are the guidelines themselves. So can you find the guideline or refer to several guidelines?

Murphy: For lighting, I'd like to refer to page 22. Number—

Epting: And so you suggest that your—the proposal is consistent with the guideline found on page 22 and numbered 5?

Murphy: Yes, correct.

Epting: Okay. And with respect to—

Murphy: With respect to lighting, and that the proposal is consistent with page 37, “Roofs,” number 5, which talks about replacing in-kind roof features. That the proposal is also consistent with page 43, “Porches, Entrances, and Balconies,” number 9, as well as page 47, “Accessibility and Life Safety Considerations,” number 5.

Epting: All right.

Murphy: And then page 57, “Decks and Railings,” number 5, “Design and detail decks and any related steps and railings so they are compatible and consistent.”

Epting: Okay. Good. So, we have a motion to approve the parts of the proposal exclusive of the garage proposals. Is that your intention?

Murphy: That is my intention.

Epting: Okay. And with respect to the guidelines that were recited in the motion, is there a second to that motion?

Kyser: I second it.

Epting: Is there further discussion of that motion?

Locke: Yes. I would make one change and remove the walkway because it's on the only remaining historic gable that is projecting on the left side of the south elevation.

Epting: Say that again so I can understand it.

Locke: All right. The walkway from the proposed garage to the front door has a new roofline suggestion on the front—on the projecting gable. In this picture, it would be the left gable. And since it is the only remaining historic gable, I would suggest that that not be approved, and it should be removed from our motion.

- Kyser: The walkway?
- Locke: The walkway roofline.
- Epting: The roofline over the walkway, or the walkway as well?
- Locke: The roofline, not the walkway itself.
- Epting: Yeah, the walkway itself would be consistent with safety considerations—
- Locke: Yes.
- Epting: —in terms of their being able to move on a flat surface, I think [ph]. Okay. So what you're talking about is taking away the proposal to extend the roofline because of the addition of that walkway?
- Locke: Yes.
- Epting: All right. Would that be acceptable to the maker of the motion and to the seconder?
- M: Maybe it's part [ph].
- Murphy: That might complicate it a little, because I'm not sure the—that roof is going to be required if the garage is found to be in—if we can find—if the applicant can find a suitable location for the garage—[OVERLAPPING]
- Epting: Well, let's deal with the garage portions of it, including whether or not that might become appropriate in a second motion. And let's deal with this motion as though—
- Murphy: Okay. So, I think we can edit that motion as proposed.
- Epting: Okay. All right. Good. Can you consent to that?
- Kyser: I guess, yes.
- Murphy: Sorry, Julie [ph].

- Epting: Now, is there further discussion of that motion?
- Smith: Yes. This is rather confusing to me. I don't know if anybody else is confused by this. Maybe it's—you know, I just picked up what I could from the video last time. But I'm unclear about this. I just wondered if there's a need to push forward certain amounts of this, or whether we can just forward the whole proposal. I mean, extend—
- Kyser: Let's take a vote.
- Smith: —the proposal, depending on how the applicants feel, so that—
- Kyser: We've already got a motion and a second.
- Smith: I know. I'm just stating why I'm not going to be able to vote for that. I'm unclear about it.
- Epting: Any further discussion? Any further discussion at this time? There will be no further discussion. All in favor of the motion, say "aye."
- Kyser: Aye.
- Vogler: Aye.
- Murphy: Aye.
- Epting: Any opposed, say "no."
- Smith: No.
- Carbrey: No.
- Locke: No.
- Epting: Three. Okay. That motion fails. Three to four. Is that right?
- F: Uh-huh.
- Epting: Okay. Any other motions?

Kyser: Is it—do you have—can—

Epting: Do you have an alternate proposal to make?

Locke: I think that there's discussion still about some of these line items that I don't think we've actually clarified. But I would suggest that we probably go through each one and approve or not approve, if that makes sense.

Epting: All right. Have a go at it.

[LAUGHTER]

Locke: All right. So, I would like to make a motion to find the traffic railings incongruous with the design guidelines.

Epting: The traffic railing?

Locke: Yeah, the install two new traffic railings.

Epting: At the edge of the driveway to keep people from running into the—

Locke: Yeah, incongruous.

Epting: That's not congruous with the historic district?

Locke: No, I'm saying that it is incongruous.

Epting: Well—

Kyser: No.

Locke: Oh, we're saying that it's not—[OVERLAPPING]

Kyser: You're saying the wrong word. It's congruous.

Locke: Oh. It's congruous. There we go.

Epting: If that's easier for you, yeah. The statute says that the duty of the commission is to determine whether a proposal is not incongruous, in which case it would be approved.

Locke: Okay. Not incongruous.

Epting: So, here [ph] the traffic railings, it seemed to me, are pretty easy. That's a good place to start.

Kyser: Okay. Good.

Epting: Okay. So, is there a second to that?

M: Second.

Kyser: Oh, we're going one by—okay, yeah. I second.

Epting: She's already seconded [ph].

Kyser: All right. Second.

Epting: Any further discussion? If not, all in favor, say aye.

M/F: Aye.

Epting: Any opposed, say no. That—your traffic railings are a good place to start, apparently. All right. Go ahead.

Locke: I would like to make a motion, the lighting along the walkway and porch ceiling fixings [ph], we have it as "D," is incongruous—

F: No. Is not—[OVERLAPPING]

Locke: —not incongruous with the—

Kyser: Congruous.

Locke: Congruous—I keep using the wrong words—the design guidelines for the Chapel Hill Historic District.

Epting: Well, no. I mean, let's just—let's be entirely precise about this. What you are moving is to approve it because it is consistent with the design guidelines and, as a result, not incongruous with the historic character of the district. Okay? So it's

not a matter of being not incongruous with the guidelines. The matter that it's as a result of meeting the guidelines, it is not incongruous with the special character of the historic district. But I knew what you meant as soon as you said it.

Smith: Shouldn't he cite a guideline?

Kyser: Should he—yeah, page 22, number 5. You want to add that to—

Epting: Yeah, go ahead. Let's load it up.

Locke: That it meets number 5 on page 22 under "Lighting."

Epting: That's sufficient.

F: Okay.

Epting: Now, do you have a—let's see, why don't we see if there's further discussion about that motion. Susan, is there any further discussion on that motion?

Smith: Well, I haven't seen path lights. I haven't seen an example of path lights, so how can I vote on it?

Epting: Well, we're about to vote.

F: Yeah.

Epting: All in favor, say aye.

M/F: Aye.

Epting: Any opposed to it, say no. That passes six to one. Have at it.

Locke: Oh, I have not seen the new windows on the exterior, so with C, I'm going to make a motion to find that C is not consistent with the design guidelines of the historic district.

Epting: Well, if you haven't seen them, you wouldn't know that.

Locke: Well, that's true.

Epting: I would suggest that it's just not appropriate to have a motion at all on that, if you're not ready to vote.

Locke: There we go.

Carbrey: Well, I believe that was presented to us at the previous meeting where they're infilling the existing screened porch.

Vogler: It was presented the last time.

Carbrey: Yes.

Epting: To enclose the screened porch, as I recall.

Kyser: Yeah.

Carbrey: That's correct. Yes. It's the same light configuration, just using windows instead of screen material.

Epting: And so, are you offering a motion with respect to the screened porch?

Carbrey: I would like to offer a motion, yes, in respect to Item C as listed on the staff comments, "Enclose screened porch and install new windows." I'm trying to find—

Kyser: It's number 3, I think. No?

Vogler: Page 43.

Kyser: Yeah, but it's number 3 in the list. It's page 43, number 9. Okay.

Carbrey: Yeah, okay, thank you, Item 3, page 43 from our guidelines, "Porches, Entrances, and Balconies," Item Number 9.

Epting: Consider enclosing on the rear elevation.

Carbrey: That's correct.

Epting: Okay. Gotcha. Is there a second to that motion?

Murphy: I'll second.

Epting: Is there any further discussion of that motion? If not, all in favor, say aye.

M/F: Aye.

Epting: Any opposed, say no. You're voting no?

Locke: Yeah.

Epting: Okay. That's six to one, with Jamie voting no. Further motions?

Smith: I don't know what rear porch—

Kyser: Rear porch, deck changes, remove pergola, and add roof structure. Those are two different parts of the—one's on the front, isn't it? The pergola?

Carbrey: No, there's a new roof structure at the back that spans between the gables.

Kyser: Is it a pergola too?

Carbrey: I think it was [OVERLAPPING] now it is a covered roof [ph].

Epting: Pergola is in the front, the added roof structure's in the back [ph].

[INAUDIBLE]

Epting: Okay. Are you—

Kyser: I'll make a motion to approve, let's see—all right. We've already done—is it the same one?

Vogler: It's the second B.

Carbrey: It's B2.

Kyser: No, I'm talking about the guidelines. Anybody? Which one is it?

Epting: Yes, same guideline.

Kyser: It's the same? Page 43, number 9?

Epting: Yeah.

Kyser: Okay. Okay. I cite that as the evidence.

Epting: That the proposal is consistent with that guideline?

Kyser: With that page, yes, the porches, entrances, and balconies—

Epting: And which you would conclude that the proposal is not incongruous with the special character of the district?

Kyser: Yes, I do.

Epting: And therefore, that part of the application should be allowed?

Kyser: Yes.

Epting: That's your motion?

Kyser: That's my motion. Do I need to repeat it?

Epting: Very good. No.

Kyser: Okay.

Epting: Second to that motion?

Carbrey: Sorry. Before you do that, Commissioner, would we—do we need to add what Commissioner Murphy discussed previously in regard to the railing design for that one? There was some talk about—[OVERLAPPING]

Kyser: Oh, yes. Excuse me. Then I would also add page 57, number 5, "Decks," and then the category is "Railings." Yes, thank you.

Epting: All right.

Kyser: Yeah. So, we have two references on that vote. So, it's page 43, number 9. It's also page 57, number 5.

Epting: Is there further discussion of the motion?

- Murphy: Just the add-on for that motion that I had was that the rear deck railing be consistent with the character to the front [ph].
- Kyser: Specified. Yeah. Friendly amendment. Yes. So, yeah, friend—I take that friendly amendment to mean that the change in the materials of the railing will be wrought iron, the same as the railings and so forth on the front of the house.
- Epting: Okay. Further discussion?
- Vogler: I have further discussion about wrought iron railings if the porch is to be a screened porch. There are other appropriate railings.
- Kyser: The deck is going to be a screened porch?
- Carbrey: No. The screened porch has gone away. It's now a glass [ph]—
- Kyser: No. The deck is a deck.
- Vogler: Excuse me. Okay. Okay.
- Epting: Further discussion? Are you ready to vote? If so, all in favor, say aye.
- Kyser: Did you have a second?
- Epting: We did have a second.
- Kyser: Okay.
- Epting: All in favor, say aye.
- M/F: Aye.
- Epting: Any opposed, say no. Are there any no votes? It's unanimous.
- F: Okay.
- Epting: Now, are there any further motions?
- F: Okay.
- Murphy: You gonna give the front porch another shot?

- Epting: I think your ideas were good with respect to the front porch. See if you can make a motion.
- Locke: Yeah, I mean, I'm trying to figure out how to say this and which line item it really is under B.
- Murphy: It's the front porch.
- Locke: That is the roof structure, though, right here.
- Epting: We keep talking to first B and second B here, because on the agenda, actually, it reads A, B, and then B, instead of A, B, and C. So, the first B would be the front porch. The second B would be the rear porch. That's—we are now at the first B, front porch, and front door changes.
- Smith: Wouldn't it be important to wait until the garage is settled before that connecting walkway and so on are in place? I mean—
- Epting: Well, if we have a motion, we are going to consider the motion.
- Kyser: I make a motion that we approve the front porch and front door changes, connecting walkway, remove pergola, and add roof structure. And the supporting evidence in our guidelines is—let's see—it is page 37, number 5 for roofs, and that's all I see. If somebody else—
- Epting: I like page 47. I mean, I think ramps, handrails and other things that make things safer to use—walkways safer to use are encouraged.
- Kyser: Okay. Okay. I'll add that.
- Epting: And so, let's add that one as well.

Kyser: Page 47, number 5. So, that's two references. It's page 37, number 5, and page 47, number 5 of the guidelines that specify the standards by which we should—I'm saying we should approve this, that those standards are met.

Epting: Okay. So, the motion is that those—that part of the application be approved because it shows consistency with the design guidelines that you just made reference to, and therefore, they are not incongruous with the historic character of the district. See, we're getting the swing of this.

Locke: We're getting there.

Epting: And should be approved.

Kyser: Yes.

Epting: That's the motion.

Kyser: That's the motion.

Epting: And there's a second?

Carbrey: I'll second.

Epting: And there's further discussion?

Locke: Yes. I would just disagree that the roofline that is going to be proposed connecting the proposed garage to the front door is inconsistent with the building's integrity.

Epting: So, you would suggest that we ought to remove consideration, that is, remove approval of that additional roofline from this motion, correct?

Locke: Yes.

Epting: All right. Do you accept that suggestion?

Kyser: Not yet. I—Sean, what do—could you—?

- Murphy: I think, in looking at that elevation, without a garage there, it's the roof to nowhere.
- Epting: Exactly. That's why we'd be removing it.
- Murphy: So, I think what Jamie is proposing is correct, that for now—
- Kyser: Okay. Yeah, I accept that.
- Murphy: —for this application, if we remove that section of roof—
- Kyser: But how should I verbally?
- Epting: We just—you just accepted it.
- Kyser: Okay. I accept your comment, your friendly amendment.
- Epting: Now changed by removal of such part of that additional roofline, as would be related to and necessary by reason of the garage, which we are not voting on yet.
- Kyser: Okay. Except that does include the part over the door.
- Murphy: Over the front entry.
- Kyser: Front door and all that, yeah, okay. I accept that, yes.
- Epting: The rest of the front of the house—you know, this is the same way he's going to build it. He's not going to build it all at one time.
- Kyser: Okay.
- Epting: On the same day. Going to do this part. So we're getting to the end of the house.
- Kyser: Okay. I accept the friendly amendment.
- Epting: Any further discussion? If not, all in favor of the motion say—
- Kyser: You didn't have a second, did you?
- Epting: Yes, we did. Right down there on the end.
- Locke: I second.

- Epting: Or no, I'm sorry. Craig seconded that one.
- Carbrey: I did for—
- Kyser: The first part.
- Carbrey: —Ms. Kyser's before it was—
- Epting: Yeah. Do you accept the changes?
- Carbrey: I will accept the changes, yes. Second.
- Epting: And so, it's been moved, seconded, changed, and accepted. All in favor, say aye.
- M/F: Aye.
- Epting: Any opposed, say no.
- Smith: No.
- Epting: Six to one, I believe. Susan votes no. So, we're now left with the matter of the garage, and the question is whether we can undertake to—or whether we ought undertake to try to reconfigure that in a way that can find five votes here tonight or whether it would be a more productive use of everybody's time for you to propose something else in that regard. And I've told you how I feel about it. I think others have said how they feel about it. My own sense about it is it would be better to bring it back, but if you'd rather have a vote on the garage tonight, well, then I'm willing to push forward and see whether we can get a motion with respect to the garage.
- B. Ferris: I think we've gone as far as we can go. If this is not acceptable, I think we'll probably just move. That was our way of remaining in the neighborhood—
- Epting: Yeah.

B. Ferris: —to have that garage and that access. But if we can't have that, we'll start looking at other places to live.

Epting: Well, and that would be, from our perspective—and mine, certainly—regrettable, and I would be sad about that.

B. Ferris: We would regret it, too, but we don't want to continue this process. It's too expensive. We've spent a fortune to get here tonight. We still have to do the work. I mean, if we keep spinning our wheels, we don't have the resources to do that.

M. Ferris: I mean, Mr. Chairman has already said this is the only place to put this garage addition.

Epting: Understood.

M. Ferris: There is certainly no other place in—that doesn't impact our neighbors—

Epting: Right.

M. Ferris: —in really significant ways. That's why we've chosen this spot. And we could, in no way, be assured that if we came back with 10 other garage designs, that we'll be going through this process with you guys for another few years and you never would approve it.

Epting: I hear what you're saying. You're being heard. I will also say that our public hearing is closed, and so I probably shouldn't have directed that question to you at this point.

M. Ferris: Well, we understand. We appreciate it.

Epting: Yeah. I would be sad if we couldn't find a resolution to keep you right in that house. Is there such a resolution? Does anybody have a motion to make that

would allow the construction of the garage in that location, something that would conceivably meet the requirements of the guidelines? If not, our business about this item would be finished.

Kyser: Are you wanting a motion?

Epting: No, I mean, we've already had a motion that failed that included the garage.

Kyser: Well, that's—

Smith: I thought part of our concern was the new roofline and whatever the new door was going to be put on it, and part of that—

Kyser: The lack of specificity. That's the—

Epting: I thought that Craig's suggestions in that regard were easily enough—easy enough to put down on a piece of paper, and easily enough described in a motion tonight to accomplish the purpose. We did have a vote earlier on a combined motion, that is a motion to combine all these other things with it, and when that failed, we went seriatim: A, B, B—or B, B, C, D, and E. And now we're back to A and it seems to me—

Carbrey: Well, sorry, I think the combined vote, though, didn't include A, correct, Commissioner Murphy?

Epting: Right.

Carbrey: So, right, that's still been an item that was not addressed.

Epting: And so, if Craig could make a motion that was relatively specific, with respect to the changes that seemed to be acceptable to most of the commissioners, perhaps we could have a vote that at least we would see where we are [ph].

Carbrey: I'm happy to make a motion. I think the bigger issue, though, is those commissioners that disagree with its placement in general, so is that a—

Epting: Right. I agree.

Carbrey: I'm happy to make a motion so people will then vote accordingly, but—

Epting: I would like to hear a motion. I would like to do our best—

Carbrey: All right.

Epting: —to finish this item tonight, as the applicant has requested.

Carbrey: All right. I would like to make a motion that the—that Item A listed under description of work: "New single bay garage addition and driveway extension," be approved with two proposed design modifications. One being an open gable, with detailing similar to the existing gables on the house, and then, two, a carriage-style door for the garage. For the findings of fact for a garage addition, I'll reference page 53, "New Construction, Garage," Item 2, and this is based on the fact that the garage, as proposed, seems to have a freestanding structure, and it also will be reversible, should that garage addition decide to be demoed in the future.

Epting: How about the accessibility and life safety considerations guideline on page 47, number 5?

Carbrey: Sure. I'm happy to add that to the list. Page 47, accessibility and life safety considerations, Item 5, as it's listed in our staff comments. I mean, I could also—under page 55, "Addition of Garage," potentially Item 4: "Design addition so it is compatible with the historic building in roof, form, mass, and overall proportion."

Epting: Is there a second to that motion?

- Vogler: I'll second the motion.
- Epting: All right. Further discussion of that motion?
- Murphy: Maybe I'm confused.
- Epting: All right.
- Murphy: We're making a motion for the front façade of a garage that, I think, most of the commissioners have said is in a location that's not consistent with the guidelines. So is this motion to change the elevation of the garage, or does it include the construction of the garage?
- Carbrey: I will indicate that it—or clarify that it includes the completion, the construction of garage, and the proposed design modifications we have listed.
- Epting: I will say that I argued with myself. I probably took too much time. I argued with myself, initially, being of the view that the garage was not consistent with the guidelines.
- M: Commissioner, do we need to—we purposely left out the roof overhang for the walkway.
- Epting: Right.
- M: Does that need to be included in this motion, if we're wrapping it all in?
- Epting: Well, it clearly is part of the design of the garage, which is being approved, and so, I don't think it necessarily has to be mentioned specifically. But that's the intent—the intention is to [OVERLAPPING] the part of the design.
- Carbrey: If it needs to be, for sake of clarity, I'm fine with including that stipulation.
- Epting: Okay. So I was—
- Kyser: Any more discussion?

- Epting: Yeah. I was in the middle of discussing it myself, actually.
- Kyser: I'm sorry. I was going to add my two cents. No, go ahead.
- Epting: I'm happy for you to go first.
- Kyser: No, no, you go. You're already in the middle of it. Sorry.
- Epting: So I'm going to vote for the motion because I think it, arguably, is consistent with the guidelines, and that it's essential, in terms of safety and their health concerns, in terms of creating a level surface for access to a house that they want to live in for years to come, which will not be possible if they don't do that. So I'm going to support that motion.
- Kyser: Well, I would say, citing the same pages and citations in the guidelines, for me, there they do, they enlighten exactly the opposite, the reason that it's not congruous, that this design is not supported by evidence in the guidelines. So it's a matter of interpretation here, isn't it? I guess [ph].
- Epting: It's a matter of requiring at least five votes, and the very reason that we have this form of proceeding is because people often disagree, and out of disagreement comes strength and resolution. And that's what the democratic process is about. And so, when we disagree, we're not showing weakness or lack of resolve. What we are showing is that we are giving full—some [ph] consideration _____ from different perspectives, to this proposal, and I'm proud of the work and proud of the process, and however it comes out—any further discussion? All in favor of the motion, say aye or raise your right hand.
- M: Aye.

Epting: Three people have voted for the motion. All opposed, raise your right hand. Four people are voting against the motion, so the motion fails. So, a substantial part of your proposal has been approved, and the matter of the garage has not been approved.

Smith: I'd like to change my vote. Can I do that?

F: Well, it doesn't change anything.

Epting: You voted in the affirmative, and so you can make a motion to have a new vote. Let's see if there's a second to that motion. Would you like to make a motion to have a—to reconsider that matter?

Smith: Yes.

Epting: All right. Is there a second to that motion? I'll second it. All in favor of reconsidering that motion, raise your right hands. One.

Carbrey: I'm confused by what—I'm sorry.

Epting: Reconsidering the previous action. A person who has voted in favor of the previous action may make a motion to reconsider—

Smith: I voted against.

Carbrey: You voted against.

Epting: I'm sorry.

Smith: I voted against it.

Epting: You voted on the prevailing side of the vote?

Smith: Yes.

Epting: Okay. You're enabled to make that motion then. A motion has been made and seconded. All in favor of the motion, raise your right hands. Are you voting for your motion?

Smith: Yes.

Epting: Anybody else voting for the motion? One, two, three, four. Okay. That motion fails. The motion to reconsider failed by a vote of three to four. I think we've given all the consideration that we can to this.

Carbrey: I thought we had four. I'm sorry. I thought we had four that voted in favor of that second.

Epting: It takes five votes to have a favorable outcome.

Carbrey: Okay. Thank you for that clarity.

[INAUDIBLE]

Smith: For the motion, the other motion—[OVERLAPPING]

Epting: All right. Thank you for coming tonight. Thank you for being patient with our deliberations. I am sorry that we weren't able to satisfy all of your requests.

[INAUDIBLE]

[END TRANSCRIPT AT 01:52:51]

**Brown & Bunch
Chapel Hill Historic District Commission – 1 Mint Springs
October 9, 2018**

Epting:	Robert Epting, Chair
Kyser:	Kimberly Kyser, Vice Chair
Carbrey:	Craig Carbrey, Commissioner
Smith:	Susan Smith, Commissioner
Vogler:	Mary Frances Vogler, Commissioner
Murphy:	Sean Murphy, Commissioner
Locke:	James Locke, Commissioner
White:	James White, Commissioner
Ferrell:	Brian Ferrell, Attorney
Lowman:	Jake Lowman, Staff Liaison
Reynolds:	John Reynolds, Witness
Debree:	Dwight Debree, Witness
Magness:	Scott Magness, Witness
Morgan:	James Morgan, Applicant Architect
Ferris:	Dr. Marcie Ferris, Applicant Resident
M/F:	Male/Female Speaker

[BEGIN TRANSCRIPT 00:08:39]

Epting: The second item of business tonight is the—is a request to reopen the public hearing and take further evidence with respect to the 1 Mint Springs Lane [ph] COA application. The agenda materials indicate the extent of the change that is being proposed with respect to the placement of the garage. There was one other matter on that agenda item when it was last before us upon which we did not take a vote, and that was the proposal to remove the front door on what I'm going to guess is the east end of the house—that is, the east side of the front of the house—and to resurface that with—so that the finish would be consistent with the rest of that side of the front of the house. I'm inclined to take these as two separate items.

I think it is appropriate since we failed to vote on that second item last time for us to vote on that item first. I did—I will recall that there was discussion and, I thought, agreement on the part of the commission, that that was a change that would—was not incongruous with the character of the historic district. And I think, therefore, it would be appropriate if we had a motion to approve that change to start out our business on this item.

F: Pardon me? What?

Murphy: I'd like to make a motion that we approve that door location. But I do—we did not take roll or approve the previous meeting minutes—[OVERLAPPING]

Epting: We did not do that. I passed right over that part of the agenda because those matters weren't shown on the agenda, but we'll do that. Let's do that as soon as we finish this item.

Vogler: Okay, I second his motion.

Epting: So there's a motion to approve the application as it is shown in the application, to remove that doorway on the front of the house to the right side of the house as you're looking at the house. Is there any discussion of that motion?

F: No.

F: No.

Epting: So are you ready to vote? Just say—so all in favor, say aye.

M/F: Aye.

Epting: Any opposed say no.

Locke: No.

Epting: Okay.

M: No.

Epting: All right. Did you want to make any statement about your vote? Or it's not necessary—

Locke: No.

Epting: But I wanted to make sure you had the opportunity to do that.

Locke: I'm good.

Epting: Okay, good. So that part of the application is approved. Now, the second part of the application, it seems to me, that is to propose a different—slightly different location in—of the—for the garage—is something that in my judgment will require us to reopen the public hearing.

I think I heard at least one commission member, maybe several members shared this view in the last meeting, say that with this change and with that change, it would be, to them, not objectionable, but rather, would more likely be approved. And so I think what—the way I view this proposal to amend the application is that you're being responsive to the suggestion made in that last meeting by one or more of the commission members about what would be, in their view, more appropriate. And on that basis, it seems to me appropriate to reopen the public hearing and to have a presentation with respect to how the application is changed.

Is there any objection to following that course by any member of the commission? If not, then let's reopen the public hearing and hear from the applicant about any—about the—the remaining part of the application, which I think has to do with the garage.

Ferrell: And Mr. Chairman, just as another matter of housekeeping, the secretary to the commission is going to swear in the witnesses and he can do that all at the same time this evening.

Epting: Very well.

Ferrell: And he may have a statement to read just to get some procedures on the record as well.

Epting: Thank you. Thank you for reminding me of that. We'll make sure that's on the agenda next time [ph] so I read it better than I did this time.

Ferrell: I talked with the secretary about that, too. Thank you.

Lowman: Anybody wanting to speak, please stand up [INDISCERNIBLE]. I affirm that evidence I shall give to the Historic District Commission on the referenced application shall be the truth and nothing but the truth, I so affirm.

M/F: I affirm.

Lowman: And Mr. Commissioner, Mr. Chair, just as another matter of housekeeping, I would like to read into the record the following: that the Chapel Hill Land Use Management Ordinance, the Chapel Hill Historic District Guidelines Handbook, the rules of procedure, adopted by the Chapel Hill Historic District Commission, as well as the significant reports, and any presentations or evidence presented tonight be entered into the record.

Epting: So moved [ph].

Lowman: And I will say as part of the last iteration of 1 Mint Springs that we did not have five affirmative votes in any manner, so that tonight, we're looking, whether it be for approval or denial, that we have at least five affirmative votes in one capacity

or another. Oh, and to Mr. Murphy's point about the minutes from the last meeting, because of the Florence Hurricane delay, we do not have minutes for that September meeting because we would have had to have them turned around in two hours after that meeting. So we'll see those in November for both tonight and September's meeting.

Epting: Very well.

F: [INDISCERNIBLE]

Epting: Yes, thank you.

Ferris: Great. Good evening, everybody. My name is Marcie Cohen Ferris and I'm a co-owner with my husband, Bill Ferris, of our home at 1 Mint Springs Lane.

Chairman Epting and members of the commission, we're really grateful for this opportunity to speak with you again tonight and thank you also reopening the public hearing. We deeply appreciated the wise counsel of Commissioner Craig Carbrey, who suggested a stylistic modification for our proposed one-car garage addition. His suggest, which our architect, James Morgan, has incorporated in the revised drawing that you're looking at, has the aesthetic of a carriage door that we think works really nicely and is complementary to the 1940s design of our home.

So there is two options: a covered walkway with the garage addition, which is on the top; and then an uncovered walkway with the garage addition. And we really like the redesign of the garage door. We are absolutely committed to respecting the historic fabric in the architectural style of our home; that's why we're there. And it's actually the only historic home on our little Mint Springs

Lane cul-de-sac.

We bought our home from Lucy Carol Davis in 2002, and she designed and built and sold two new homes on our lane in the 1990s. So we prefer Option 1 because we carry a lot of groceries and other things into the house—the covered walkway—but offer Option 2 so that members can see the difference, as I know there was a discussion at the prior meeting about the appearance using each approach. So I just quickly wanted to remind y'all about why we're adding this one-car garage addition to our home.

So this little addition and the covered walkway from it will allow us to safely and easily enter our home with level, unhindered access. Because currently, the entrances to our home include a steep stairway in the back of the house, which we mainly use; unlevel stone pathways, which are in the front; and then several stone steps that go down to another door, not the one we're—we had three doors. So we appreciate the two doors.

I have a 92-year-old mom who is in great health, but she even has great difficulty visiting us right now because she can't negotiate the stairs, and Bill and I know that it's just a matter of time before we both experience the same challenges as we age. So as both the commission and we have tried to present, there are no alternative locations for the garage addition, and really, the topography of our site has defined and limited the location of the garage addition to where we placed it and where James helped us think about it.

And additionally, we have had no negative responses about the proposed addition from our neighbors, and our neighbors on the Mint Springs Lane, John and Stacy Reynolds, who live behind us, down below our house, are in closest

proximity to our proposed addition, are here this evening, as well as our neighbors Scott Magness and Dwight DeBree [ph], who live to the right of us.

If this design—you know, we hope it's approved, but if it's not approved, I really think, unfortunately, we will have to sell our home and likely, you know, leave Chapel Hill. We cannot age in place unless the accessibility issues with the house are addressed. And again, you know, we're so grateful for your time and consideration of our application, and I don't know if it would be appropriate, Jake, now. We've got—our neighbors are here—if they have the opportunity to—or if y'all would—

Epting: We'll be happy to hear from them, but I want to ask a couple of questions, if I might.

Ferris: Sure.

Epting: First of all, I think it would be important to point out exactly how this is different than the previous application that we were looking at.

Ferris: Right, I think it's primarily just the design of the actual garage door. Is that correct? So we had not reflected the windows and kind of the carriage door style on the earlier drawing. I think it was just a flat garage door, and Craig suggested, you know, to make it more that style, a change would really make it feel so much more appropriate and I think it looks great. So that's the main difference. It opens it up, lightens it up.

Epting: Yeah, I think Craig's suggestion and this elevation shows that this suggestion was a good one.

Ferris: Right.

Epting: Now, let me—I'm going to help you out by calling on you to confirm that there—
because of the topography, just to the left, as we're looking at the garage—

Ferris: Right.

Epting: The elevation there, either Option 1 or Option 2. The topography so—slopes off
steeply.

Ferris: There's a steep drop-off.

Epting: And for that reason, there's not a place where you could locate a garage, where
you could—it would be feasible to locate a garage other than against the side of
the house.

Ferris: That's correct. The road that goes by that garage addition goes down to Stacy and
John's [ph] house behind us.

Epting: Yes.

Ferris: And then to the left of that road is the deep drop-off.

Epting: Yeah. Mm-hmm. And so we—you know, we look at the guidelines and where
the guidelines talk about constructing additions, which this garage would be.
Ordinarily, they should be structurally self-supporting as opposed to joined to the
historic structure. "Where feasible," it says. So I'm really calling on you to make
the case that it's not feasible to locate the garage at another place on the lot, nor
would it serve your safety purposes. Not just convenience-wise, but safety
purposes, to put it in a location where you still had to climb the stairs up from the
back.

Ferris: Yeah, that's—you expressed it exactly as it is.

Epting: All right, I think that's important. Others have questions of this witness?

Smith: I do. I was at the site today and looking again at the existing carport and the staircase and I was hoping that you would have come up with an alternative because having the garage in front of the house and—does conflict with many of the guidelines that I read, and I appreciate your wanting to age in place. I hope to myself, and I was just wondering if there was a way to do the carport on a higher level but set behind the house and if you have explored that option at all.

Ferris: We really did think about several of those options and thought about other possibilities for the carport. But in the end, this really seemed the most appropriate and the least problematic and impinging on kind of the style—the historic aesthetic of the house. You know, we tried many different options but this seemed to cause the least disturbance on the site, generally.

Smith: Are you at all concerned with the large oak in front of your house? Because right now, there's pavement all around it except for on the yard that you are—and you have in front of the house and you're proposing additional asphalt turnaround in that same area under the drip line of that oak. I'm concerned about your safety as well. Because—

Ferris: Yeah.

Smith: —the more you do there, the more it jeopardizes that—the health of that tree. Although that's not in our purview, I'm just personally—

Ferris: No, that's a great point.

Smith: —concerned about the additional pavement in front of your house. And I also wanted to know whether you had explored other ways to get into your home through that back stairs with some kind of automatic lift.

Ferris: Yeah.

Smith: I know we talked a little bit about it in June.

Ferris: Yeah.

Smith: But I wanted to know whether you had looked at that again. Because I think the carport as it is is tucked away so nicely, like it is in many of the other houses in the historic district.

Ferris: Yeah.

Smith: So, did you look at that at all as a—

Ferris: We did, yeah.

Smith: You know, I forget what you call those. They go up the stairs.

Ferris: No, we did. We have friends down at the beach who use that frequently, and, you know, so we kind of contacted a couple of companies that provide that. They just—and I'm sure it could work. It did not seem like the appropriate option for us because it could deal with groceries but not so well with people and dogs and mothers. I mean, it might be right for some folks but not really for us or for the—I just felt like, you know, we agreed that we just got a much cleaner, effective design solution with what we're proposing because we like the design. You know, I understand the commission may feel different, but we thought it was really a very kind of beautiful, simple solution to our problem without bringing in a lot of mechanics in the back—because we like the aesthetic of the back, too; that's a really beautiful area for us. So that's how we felt about that.

Smith: Oh, I didn't think that that would affect the back at all.

Ferris: Well, it would mean putting in one of those elevator—[OVERLAPPING]

Smith: Oh, not an elevator. Have you seen those things that go up that make—you sit on this little chair that goes up. Anyway—[OVERLAPPING]

Ferris: Yeah, I have. I—we feel the same way, and I understand what you're saying about the tree and we've been really careful in our property to bring in pretty terrific tree management and we would carefully get their counsel again, and we would try to limit additional pavement as—to keep that as concise and tight as possible.

Smith: So would you be willing to limit the turnaround?

Ferris: That's hard for me to say until we know what the decision is, but we'll—

Smith: Right, okay. I—

Ferris: —we'd be—we would be prudent. And it's not our desire to cover our front yard in a lot of additional pavement. Because I really appreciate what you're saying. We feel the same way.

Smith: Right. That—those are my questions on the garage but I wanted clarification on the roof in terms of some of it being a standing seam metal, and I wasn't clear where that is. Is that just on your new covered walkway?

M: That was the previous application. It's gone.

Ferris: That's gone.

Smith: Oh, I'm reading it here.

Ferris: James is saying that was our previous application.

Smith: Oh, I thought I read it here. Oh, with an elevated central portion having a hip roof of standing seam metal.

M: That's all gone.

F: That's gone.

Smith: Well, that's what we got. That's what's—when I clicked on the link, this is what—this is the description I got. So maybe I don't even have the correct just description for—or maybe we all don't have the correct description for what you're proposing. I guess you're just saying that will be asphalt. I mean, asphalt shingles.

Lowman: Ms. Smith, if I could clarify just quite quickly. That was an older application, but it was supplemented with the new design. This is only the new one page that was submitted with this iteration.

Smith: So we're not supposed to read the description?

Lowman: Not in that portion of the application, no.

Smith: It says, "Proposed changes to the property in this application."

Lowman: That was the previous iteration—

Murphy: I think the front page was updated.

Smith: Pardon me?

Murphy: The front page of the application was updated. If you look at the front page of the application, it says, "Exist—addition of existing one-bay garage in front and rear porch roofs."

Smith: Okay, I'll scroll up there. Okay, I'm happy to see that. I'm finished. Thank you.

Ferris: Thank you.

Epting: Other questions of the applicant?

Kyser: Yeah, I do have a question. I think I asked this of you the last time. Why would an elevator not be reasonable? It seems like there's space under your house and

there was a previous garage under there or something and so it would be already—

Ferris: Well, you know, I'd love to hear from Bill or James, too, but, you know, we've talked about it a lot. It's really just not the choice that we would like to make. I feel like it adds, you know, another level of technology that I'm not really comfortable with. You know, I just don't—I think we have a better solution that's, you know, much more effective for the long-term use of this house that keeps our back without, you know, one of those units that you—I'm dealing with aging mothers, aging dogs, people, and I just don't find that elevator and I believe Bill agrees with me—

Kyser: I'm not talking about the chairlift. I'm talking about a proper elevator like your neighbors are having.

Ferris: Oh.

Kyser: You can get dogs and old ladies and everything in there, so.

Ferris: Yeah. We never considered that as an option. No one recommended that as an option.

Kyser: It seems like an option.

Ferris: I don't believe it's an option. It was never recommended to us by any of our contractors, by the two architects we've worked with or anyone who's viewed the site thought that that was an appropriate option. I understand why it works for our neighbors, Carl and Arnie [ph] in front of us, but it's a completely different situation. And they live in a very tall house and they absolutely needed that

elevator added. Our situation is different. You know, the topography is different from where they are and it's just not an appropriate option for our house.

Kyser: Thank you.

Locke: Yeah, I have a question. The right bay, you see this big window wall?

Ferris: Right.

Locke: When—is that—that's not original, is it?

Ferris: No, it's not and I think that probably was put in by Lucy.

Locke: Okay, and you guys bought the house 2002, right?

Ferris: Correct.

Locke: Okay, so what I'm worried about is this left bay. All right, the one that you're going to attach. Option 1, potentially do a walkway. Number two, potentially attach the thing. This might be the only last really historic bay that's left on the house. Does that make sense? Like, do you understand my concern?

Ferris: Which historic bay? Do you want to get up and point it out to me?

Locke: Yeah, the one on the left, this one. So if this has been remodeled, then this is the only really historic one left.

Ferris: Mm-hmm.

Locke: Then it might be difficult to get this. To really argue that this is not going to interrupt the historic feel or the character of the space.

Ferris: Yeah, I don't agree with you and I don't think we thought that was an issue because we so carefully and sensitively wanted to honor and maintain its integrity and I think this does. It's not our intent to block that original bay but to actually—right now, we can't come in the front of the house the way that it's set

up, so we'll enjoy it more and so will our neighbors and our guests by having, you know, more accessible access to the front of the house.

Locke: All right, thank you.

Smith: Are you saying you can't walk in your front door along those little steps that you have?

Ferris: That's a good point, Susan. There are stone steps that come down and, you know, they're attractive but they're difficult to negotiate. You know, we've added—we've added, you know, handrails. You know, we've tried but they're unstable and unlevel. I mean, you can repair them, but it's just not—it's not easy to negotiate, especially in bad weather, in ice and snow, and it's not covered.

Smith: Like a brick—like a brick walkway. I didn't see any railing there, but I did see stone steps that led from the road that goes down the hill to your neighbors.

Ferris: Yeah.

Smith: A few large—

Ferris: Right, right, those are—

Smith: —flat [ph] stone steps. We're talking about the same place?

Ferris: Yeah, those are difficult to negotiate.

Smith: Right, and so you haven't found it something you want to do to kind of make that all smoother, like with a brick walkway or something?

Ferris: Well, that's what we're proposing, is this level access.

Smith: Yeah, but that's through the garage. It's not the existing one. Are you going to keep the existing one?

Ferris: The carport?

Smith: No, the existing flagstone walkway.

Ferris: No, we would make that a level access.

Smith: Okay. Maybe it's hard to see because there's no plan here. I have a plan view here. So it looks like with the additional asphalt turnaround, you're going to have a brick—you're going to add a brick walkway that goes towards that bay on the left-hand side.

Ferris: Is that correct, James? Yes.

Smith: Or am I all wrong about this?

Ferris: No, I think—no. Susan, I think you got it right. I think you're right. That it's—we're going to make that a level access with a brick from the carport—from the new garage addition to the front door. We would remove those unlevel steps—the stone steps.

Smith: Okay.

Ferris: I mean, they worked for us when we first move in. It's just become increasingly not possible to use them.

Smith: Okay.

Epting: Are there other questions of the applicant? You said some neighbors were here?

Ferris: Yeah.

Epting: And would like to have them—

Ferris: Yeah, I'd love to invite them up.

Epting: —make brief statements about your application?

Ferris: Yeah, John and Stacy, do you want to start for us? John and Stacy Reynolds [ph], who live right behind us, down the hill from us.

Epting: Welcome, glad to have you.

Reynolds: Hi. Council, thank you for the opportunity to speak. As Marcie mentioned, we live down—if you’ve been there, we live down beyond Bill and Marcie, and we can attest to what you’ve mentioned as far as just the topography. It’s challenging. We can tell you; we walk up it every day. It is steep and it—I think it’s—they’ve done a really good job of trying to do something that enhances really the functionality of the house while still retaining, you know, the historicity of the house.

There really is—if you hadn’t been there, you’re just—you just aren’t going to understand it. There is no other access to do anything like this. And the way the carport is, I can tell you, when it’s wintertime and there’s the threat of sleet or snow, if we’re going to drive, we’re going all the way up and either going to North Street or we’re parking in front of Bill and Marcie and they’re gracious enough to let us park there.

But once you start going down that common-access driveway, you’re in trouble if you are trying to maneuver that in bad weather, and the way that carport is right now, you know, they’re—just to do that the way it is, is riskier. I mean, this is an improvement on that. So I’d like to comment on that, and then just the sheer drop-off, the limitation of space, trying to preserve what they have. And I think this is it. And it’s going to enhance it.

And I think with—you had referenced what some of the other neighbors have done. We appreciate it and a lot of the things that have—it’s a beautiful area. We love living here, love our neighbors, and what’s been allowed with the

other—the houses has been great and we're glad that they're allowed to stay and be in Chapel Hill and, you know, just for Bill and Marcie to be able to stay there.

I mean, that's, you know, community of the things that are around here that we all enjoy. The best part of the community are people, and allowing Bill and Marcie to stay, I would say that as well.

I do have a question, Susan. You had mentioned guidelines and the structure of a—was it a forward-facing garage? Was it—did I understand right, goes against guidelines? Could you—

Smith: No.

Reynolds: You had said something about it—

Smith: No—[OVERLAPPING]

Reynolds: Somehow this structure went against guidelines and I—

Smith: Yes.

Reynolds: And what exactly is that?

Smith: Garages are normally behind the front façade and, normally, they're separate structures, self-standing, as Bob mentioned. So this is not only not self-standing but it's in front of—it's way in front of the front façade of the house.

Reynolds: But you've been there?

Smith: Yes, I have.

Reynolds: Today. And so you saw the limitation of just that area. And guidelines isn't—it's a guideline. It's not something that's—decent, guaranteed [ph].

M/F: No.

Epting: Let me mention what guidelines mean. In order to have a historic district commission, in order to have an ordinance that is effective, the law requires that at the outset, and from time to time, a series of design guidelines be adopted and followed by the commission. So a part of every application is that the architect or the applicant—if they want to do a garage, they look at the part of the guidelines that applies to the accessory buildings in garages. There is a chapter. It's not more than a page long. My memory is maybe a page, page and a half. And then they fit the desired improvement in the guidelines, and so a part of your question seems to be, are these guidelines suggestions or are they applicable? They are applicable. If they weren't applicable, then every decision the commission made would be arbitrary.

So the purpose of the guidelines is to keep the decisions of the guidelines consistent and not arbitrary. And it's really unfortunate. I think if there is a failing, the—well, one of the failing that I would fix, if I could, is that I would want to make sure that every applicant who walks in the door insists to our clerks, "We want to make an application for a certificate of appropriateness. How do we go about doing that?" The first thing I would do is say, "What is it you want to do?" And if they said garage, I would hand them the guidelines, which are about 40 pages, 50 pages, and I would say, "Go over to page—whatever page that is." Have a look at that because when you make your presentation to the HDC, you're going to have to show—it's your burden of proof to show that the improvement you want to make is consistent with the guidelines.

If it is consistent with the guidelines, then it is congruous with—or the way this ordinance puts it, “Not incongruous with the special character of the historic district.” So excuse me for gushing, but thank you for the opportunity to say that. I think we should be saying it more frequently and we should be saying it every time an applicant walks in the door, and we should be saying it to every realtor and lawyer and architect and contractor who deals with improvements to structures within the historic district.

Again, the guidelines are there to keep us from acting in an arbitrary manner. So my question to—I’m glad you asked it first. My question to Susan was going to be, if you don’t approve this application, then you need to be telling the applicant what guidelines they failed to meet. That’s fair enough. In fact, it’s more than fair. You, it seems to me, deserve that. And so—and she told you precisely.

Smith: I have a list of several.

Epting: Yeah, told you pretty precisely.

Smith: But we’re not at that place of discussion yet.

Epting: Yeah, and so—but I thank you for the opportunity to have that discussion. I think that’s important. Everybody wants Bill and Marcie, if I may, to stay in the community. Everybody would like to make it as comfortable as possible for them to be able to do that. Nobody on this commission wants to take the blame for their having to go somewhere else, I assure you. On the other hand, we are obligated to follow the guidelines, for the reasons said [ph].

Reynolds: The—you know, the—for them to get a garage there that isn't—because to do it another way is going to—I think they've done it in a way that's subtle. I think it's attractive. I think it enhances it not to have the carport and have that instead, and it's just too bad that these guidelines are somewhat flawed, I would say, and that they can't account for circumstances like this. Well-intended but for a specific geography like this, I think it's lacking.

Epting: And we hear you. And that's precisely why I asked Marcie the questions that I asked her about the physical limitations and the impracticability of putting it anywhere else because there—there is that phrase in the guidelines that says “where practical.”

F: Or feasible.

Epting: I'm sorry, where feasible.

F: Feasible, mm-hmm.

Epting: And so that's in the record, that's in the evidence and it will be up to the commission to decide whether that is sufficient to fit the proposal within the guideline. But thank you for coming and supporting your neighbors, who are our friends as well, so. Any other neighbors who want to—yeah, please, come on up.

F: Just two more [ph].

Debree: So Dwight Debree, Scott Magness. We live at 513 North Street, so we are to the right of their house when you face their house. We also own properties at 507, 509, 511, and 515. So we own the five properties in a row on North Street there. I just want to mention first off, they're the best neighbors in the world,

[LAUGHTER]—everybody in our neighborhood. And everybody's so conscious

and everybody really does want to do the right thing by you all, by the town, by design, by all that [ph]. And we try very hard. I think we're all very proud of that.

M: Right.

Debee: When we built our house in 2007 in the historic district and got great advice from everybody here and we really wanted you all to like it as much as all our neighbors.

The main two things I'll speak to—we love the new design. I do think, as John said, I think it really improves it. I mean, what happened across the street, the house they just renovated, it's terrific. I mean, I came and reviewed the whole plans before they approved it and it turned out even better than I expected. So I love this new design. And also speaking, we're on that steep slope as well. It is very steep and I can't imagine another way to put this anywhere else. So as you say, I just don't know that it's feasible to meet some of the guidelines of behind or to the side.

Another point, it's in very keeping [ph] with the Joels' [ph] house right next door. They have a carriage door that we look out right over and I love their carriage door. It's extremely attractive. I think it's very fitting for the neighborhood and other things in the area. So I think from our perspective, I think it's the only feasible approach from what we could imagine.

We love the design. I think it's very in keeping with our house and the neighborhood, and so I think—that's the most important things I think we can

Speak to you all and is that, you know, we think it's a great option for them [ph].

We think—we'd love to see them be able to do it.

Epting: Great.

Magness: Yeah, and I would second everything that Dwight said. It's—it is very steep and I can give you some anecdotes. Marcie and I have dogs and we would—I would bring the dog over for a play date and there were a number of times, going down the front steps, that I would slip. A little bit wet and I would slip. The side part is even worse, and my dog would sometimes misbehave and run away.

I would go down that driveway, and one time I went all the way to the ground. And it wasn't even that wet, so I think there's some, you know, practical evidence that it's really dangerous around that area, and where they've placed this carport is, in my opinion, the only place they can put it where they do not have to, you know, go to those sorts of dangerous areas.

M: Right.

Magness: And I think also another thing that's a really important distinction for these other technological options that you brought up—for instance, the chairlift and the elevator. Those break, right? So you can imagine a situation where they come home at night with groceries or an aged parent and they can't get in the elevator. Then what do they do? The walkway where the garage is placed won't break and they can always get into their house safely. So I think that's a very important distinction between that particular option of the elevator. That's all I have to say.

Epting: Any questions of—thank you for coming.

M: Thank you.

Epting: Anybody else? Any other people here from the public who would want to comment on this application? Is there a motion, then, to close the public hearing?

[OVERLAPPING—INDISCERNIBLE]

Smith: Can I ask another question, please? I just thought of another question for—

Epting: Yeah, but let's don't talk anymore about elevators or lifts. That's not part of the application.

Smith: I wasn't going to do that [ph].

Epting: And we're not in a position to impose that.

Smith: I don't know why you would assume that I would.

Epting: Well, because you already have, but that's all.

Smith: Right, so I wouldn't bring it up again.

Epting: All right.

Smith: Okay. Yeah, so your neighbor just mentioned carport and this is a garage and I just had a thought—well, if this was an open, covered but open design, I wondered if you had explored that at all. Because the openness of it may not be, you know, as imposing as in front of this—the last historic bay of your house. Did you explore that at all? Because if it was there and it was open, you could still have access. Did you?

Ferris: We did think about that and still felt that this was a more attractive design for the whole aesthetic of the front of the—

Smith: Okay.

Ferris: It just—and it also was more of a practical space that we could use that garage for one car, but also use it for storage of other things, you know, that—and we would want it closed for that reason. But we did think about both options.

Smith: And the existing carport. Is that going to remain?

Ferris: That would remain.

Smith: Okay, as you have a second car and you put the second car down there?

Ferris: Right, exactly.

Smith: Okay. Thank you.

Morgan: Add just one thing [ph] to that. This is James Morgan, the architect. We went right through the historic district until we found—although we found, I think, half a dozen examples of garages toward the front of the house, projecting from the front of the house, which we actually put in our PowerPoint presented to you the last occasion. I couldn't see a single example of a carport in front of a house in the historic district. There probably is one, but I didn't turn one up. So we saw the garage as it would have been built at the time of the house, the house was constructed with a more responsible and a more congruous solution.

Epting: Other questions, other evidence? If not, is there a motion to close the public hearing?

Kyser: I make a motion to close—I make a motion to close the public hearing.

Epting: And a second?

White: Second.

Epting: All in favor, say aye.

M/F: Aye.

Epting: No? Okay, the public hearing is closed. Now, discussion. Let me, if you would, raise your hands and I'll call on you as you raise your hands. Any discussion?

Locke: Yeah, I think some of the accessibility and life safety considerations are probably applicable to this as well. So just for staff recommendation in the future. If this is going to be argued as a safety-hazardous condition, then I think we should just have that in mind as well.

Epting: Well, I think there's evidence to that effect and the question of the weight of that evidence is for the commission.

Locke: Right.

Kyser: I would like to make a remark.

Epting: Okay.

Kyser: Many houses in the historic district have no garages at all, and many of us live in the—who live in the district have challenging landscapes around us and constrictions that would prohibit the reasonable addition to an existing house to make it a comfortable aging place. So, and that's kind of a distracting thing. I know it's coming up with so many people—all of us a certain age thinking about it. But, I mean, if bit by bit we change the character of the district by adding old-age accommodations, I mean, I don't know where we'll be in the future. So, the traditional placement is of a garage in the back and freestanding, and I can only think of one that was on the front of the house, permitted to put up, and that was a brand-new house. Thank you.

Epting: You mentioned separate guidelines for garages. The guidelines that are quoted in the proposed findings of fact from the staff in the staff report pertain to accessory

buildings, which a garage is. There is a separate section on garages. Are there particular guidelines in that section that you would propose to be relevant to the findings that need to be made?

Kyser: Just give me a minute. Number seven on this—on page 21: “Introduce compatible new garages and accessories as needed in ways that do not compromise the historic character of the site or district. Site, new garages, and accessory structures in traditional locations that are compatible with the character of the building and site. Design them to be compatible with the main house in material form, scale, and detail. Maintain the traditional height, proportion, and orientation of garages and accessory structures in the district.” And those standards have been defined as being in the back of the house and being one story and so forth.

Epting: And, Susan, did you have any other guidelines in that section that you thought were pertinent to designing [ph]—

Kyser: Excuse me, I—may I add one more before I close off?

Epting: Sure, mm-hmm.

Kyser: Number eight, locate new utilitarian storage buildings in the rear or side yard locations that are visually screened from the street. Now, that’s not a garage but it’s still an additional outbuilding.

Epting: Okay.

Smith: You know, this is a really difficult case before us because I find that the structure does not—is not compatible with the guidelines that I have read. Looking at the one on accessibility on page 47, number four and number six. It says, “Introduce

new or alternate means of access to the historic building as needed in ways that do not compromise the historic character of the entrance or front porch.” So I don’t think that this says necessarily—I think that that hasn’t compromised the front porch. Whether it’s compromised the overall structure and that bay, I would say that it does. And number six says, “Minimize the visual impact of life-safety features through compatible design and discreet siding. Locate new life-safety features in locations that don’t compromise the architectural integrity of the building and that are not visible from the street.” That is the part I read related to that.

Then on—you’ve already mentioned on page 20 and 21. Then, on page 18 and 19 on parking, off-street parking, number eight. It says, “In residential sections of the districts, it’s not appropriate to locate off-street parking areas in locations that are visible from the street where the paving will abut the principal building but where the paved area will substantially alter the proportion of the site that is paved versus landscaped.”

And then on page 18, under considerations, it says something about proportions of the landscape to the new asphalt. Let’s see. Well, I thought I had something there. Oh, not—oh, yeah, here: “New parking area should not significantly alter the site’s proportion of landscape area to constructed area.” And I think, besides the garage, the addition of the asphalt entrance to the garage and the turnaround, I think, is significant in altering what is a very beautiful front lawn there.

Those are the guidelines I believe that I looked at. I also looked at the staff comments from before and I think that Kimberly already mentioned them. Number two and three on page 53? Did you?

Kyser: No, I didn't—[OVERLAPPING]

Smith: New construction, garage. Number two: "Minimize damage to the historic building by constructing additions to be structurally self-supporting where feasible, and attach them to the original building carefully to minimize the loss of historic fabric." And number three: "Limit the size and scale of an addition to minimize its visual impact." The addition of that garage makes an even, what I found, fairly long or wide front façade even larger.

Like I said, I feel this is a really difficult decision. I appreciate your wanting to age in place very much. I feel that it's my duty to adhere to the guidelines here, and I can appreciate how the slope prohibits your moving that garage. But those are my thoughts on that.

Murphy: If I may. Thank you.

Epting: Surely.

Murphy: So when I saw this back on the application for this evening, I also went to the site early this morning to take a look and refresh my memory, and I also went through some of the previous times this had been reviewed by the commission.

And it was first reviewed on June 12th, and at that time, we had two what I would call "substantial comments." And the first was the location of the garage and the second was a roof—a high roof over the front entry. And at that time, the applicant withdrew the application, I believe, to put it on the next month's agenda

to make some revisions. And we had some fairly lengthy discussions about the location of the garage and where it did not—we felt it did not comply with the guidelines. And the staff report from June lists, you know, a host of those, which I will not read through again.

And then at the July meeting, the application was brought up a second time, with a revision to the roof of the porch. And at that time, we approved all items except for the door, as I understand tonight, and I thought that was included. But, with the exception of that door and the garage again because of the location, there was still substantial concerns over the location.

And so tonight, I believe the garage is in the same location it has been since June, and I have the same—still hold the same concerns and I will not be repetitive and read all of the locations in the guidelines. While I do appreciate everything that the owner has done and I believe, aesthetically, the garage is in kind and in aesthetics with the house, I believe that the location is not consistent with the requirements of the guidelines. And if we are here to apply the guidelines to projects before us, then I—that's where my concern still rests, the same as it has since June. And I understand the concerns with the site and I sure do appreciate those. There's nowhere in our guidelines that I see that allows us to make provisions for things like topography and aging in place or other things, so.

Epting: Okay, thank you. Others?

Vogler: I have a question of you. I cannot find the term "feasible."

Kyser: I didn't find it, either.

Vogler: And—

Epting: I was reading it from the proposed findings. If you look at your—if you look at the staff report.

Vogler: Ah, okay.

Epting: The staff report brings forward guide—design guidelines for new construction editions. On page 55, provide Guidelines 2, 4, 5, 6, and 7. Number 2 says, “Minimize damage to the historic building by constructing additions to be structurally self-supporting where feasible.”

Vogler: Okay.

Epting: So I think—there’s not any question but that the garage is in a place where the guidelines would prefer that it not be. It seems to me that the question is whether or not it is feasible to put it anywhere else, and it’s up to the commission to decide that question. And so that’s not to say that either resolution for or against is right or wrong. It’s up to the commission to make that decision.

Kyser: I would like to respectfully go back to number two on page 55.

Epting: All right.

Kyser: I do not read it in that sense. It says, “Minimum [ph] damage to the historic building or construction—constructing additions to be structurally self-supporting where feasible.” It doesn’t mean where you wish it to be; it means something—and attach them to original building carefully to minimize the loss of historic fabric.

Epting: And your reading of that is certainly a reasonable reading of it. It’s up to the commission to decide, at least five members of the commission will decide what that phrase means and whether or not, based on that phrase or any other phrases

there, this application proposes something that could be found to be not incongruous with the special character of the historic district.

Now, we should move towards trying to make a motion, either for against the application. If you make a motion that says—that would propose to deny the application with respect to the garage because it is incongruous with the special character of the district, then you should add to your motion the guidelines based upon which you would make that finding.

Likewise, if you—anyone wants to make a motion to approve the application on a finding that it is not incongruous, please supply with your motion reference to one or more guidelines which can be the basis of that decision. I'm ready to hear a motion.

Ferrell: Mr. Chair, before you entertain a motion—

Epting: Yes?

Ferrell: I just note that Mr. White wasn't present when this application was heard last. There is a provision in your rules of procedure that if a member assures the chair he's familiarized himself with the application and has reviewed the prior discussion in the matter, he can vote on going forward. But I just wanted to—

Epting: Thank you for reminding me about that. Jim White, do—have you had a chance to review the record in the matter from the original and then the subsequent hearing?

White: I have reviewed it but I am uncomfortable weighing in, not having been part of the original discussion.

Epting: All right. Then I think you may be recused from the—

White: Yeah.

Epting: —from the vote on this matter.

Smith: Are we making a motion for the garage and the new asphalt turnaround or are they separate? Or does anyone have any concerns about that additional asphalt, on the commission?

Epting: The application, of course, shows the asphalt turnaround and the garage. If you wanted to vote on those separately, I would entertain a motion in that regard. If you want to vote on them as they have been applied for, I would entertain a motion in that regard.

Smith: I just wondered if any other people had any concerns about that size or that design.

Vogler: I have an additional concern and that is we were presented tonight with two possibilities. One was a covered roof and the other without a covered roof. And while I have the floor, I would like to ask if anyone has looked at the pictures of the original house before it was altered with the large window in the front. It—I find that instructive in that it seems to me that the current aesthetic—that is, the relative size and shape and the pitch of the roof, the height, and so on of the proposed garage is more in keeping with the original house than the existing house, which has the abnormally large and odd gable projecting with the large window.

Epting: On that left end. Well, I don't see such a picture in the package.

Vogler: On the right end [ph]. Right, it was not in the package but I thought we had pulled that up in a previous—

Murphy: Commissioners, we did pull it up in one of the previous meetings and I believe it was attached to the—

Vogler: Yes.

Kyser: The June meeting, I think.

Murphy: Maybe the July meeting minutes, yeah.

Epting: I'm sorry, I don't recall it. So I can't answer that question. I do think we're at a place where we should have a motion one way or the other and have a vote on this matter.

Smith: Are we also voting on whether the walkway is covered or not? Those are two separate motions.

Epting: We will vote on the motion as it is made. As I said a while ago, if you want to make a motion on the asphalt separately from the garage—

Smith: I'm not talking the asphalt. I said the covered walkway versus the—because that picture is not up there and—

Epting: It depends entirely on the motion. I won't know whether we're voting on that until I hear a motion. Is anyone inclined to make a motion? Craig Carbrey is always good at motions.

Smith: Articulate [ph].

Carbrey: Based on the discussion, I think I'll probably be making a motion that goes against what other commissioners are thinking. Hold on one second. Sure, I'll make a motion. Is it okay if I do that without findings of fact or—?

Epting: Yes.

Carbrey: Okay. In the matter of 1 Mint Springs Lane, I'd like to move that the proposed garage addition be approved. I will actually reference page 55, Item 2: "Minimize damage to the historic building by constructing additions to be structurally self-supporting, more feasible, and attach them to the original building carefully to minimize the loss of historic fabric." In my opinion, the way it is adjoining just the corner on the existing façade is a structurally self-supporting addition to the house. Of course, I don't have the images up. If you wouldn't mind, Jake. Thank you. And I will base it also on the south elevation, Option 1, as proposed in the drawings that were presented at this meeting. Did I cover all the bases?

Ferrell: If you could, because we have a particular guideline for garages, if you will, please reference the applicable guideline from the garage section and I'm happy—yeah, that's on page 21.

M: All right.

[INAUDIBLE]

Ferrell: And I believe that Item 7 was read out before.

M: Sure.

Epting: Yeah, number 7.

Carbrey: Sorry, I'm reading it right now. I'm rereading it. Yeah, I'll just—I'll reference Item #7 from page 21 in the guidelines. There are parts of it that I think are appropriate. Some of them probably not as ideal for the motion I'm making. I apologize. That's not the best one.

Epting: Okay. The—there is a motion. Is there a second?

Vogler: I'll second the motion.

Epting: For the purpose of having a vote. Okay. So there is a motion to approve the application for a certificate of appropriateness. In particular, with respect to the amended application showing the—shown as South Elevation Option 1 on the documents before us tonight. Did you intend that that should include the asphalted area?

Carbrey: Yeah, as proposed in the plan.

Epting: Okay.

Carbrey: Thank you.

Epting: That motion has been made and seconded. Ready for a vote? Further discussion?
All in favor, say aye. Aye.

M/F: Aye.

Epting: All opposed say no.

Smith: No.

Epting: That motion fails. The vote was, I believe, four to three.

F: Mm-hmm.

Epting: Did you get the—did you get the—

Lowman: Clarify Ms. Smith's vote on that one.

Epting: Okay.

Lowman: Was that a—

Smith: Pardon me?

Lowman: Can I clarify your vote for that one? Was it a nay?

Smith: It was nay.

Epting: I think the—did I say it right? There are three votes in favor and four votes opposed?

Kyser: Mm-hmm. I think that's right.

Epting: So that vote failed. Is there another motion?

Kyser: I would like to make a motion to deny it and I'm going to use the exactly same guidelines for denial.

Epting: If you would, since it's a denial and, therefore, more important to be specific—

Kyser: Oh, I will. I'm going to—

Epting: Let's say exactly what part—

Kyser: No, I will. In fact, I'm going to add another one.

Epting: All right. Thank you.

Kyser: The way I see—I am also—first of all, I'm going to cite page 55, number two. But also, to add to that, number three, which is not in the recommendations from the staff. And then on page 55—

Ferrell: And if we can, because as the chair mentioned—

Kyser: Read it?

Ferrell: No, not necessarily, but if you will, in addition to citing which guideline, can you mention the facts that—that you're citing—

Kyser: Okay.

Ferrell: —that support your conclusion.

Epting: That makes that guideline applicable [ph].

Kyser: Okay, number three on page 55 says, "Limit the size and scale of an addition to minimize its visual impact."

[INAUDIBLE]

Kyser: It goes onto a sentence that's not quite as clearly applicable but it talks about minimizing the compromise of this addition to the visual impact of the original building. And then on page 21, number 7.

Ferrell: Just to clarify, are you saying that the facts show that they didn't limit the visual impact? The size and scale of the addition doesn't minimize the visual impact? Is that—

Kyser: Well, I think a garage in the front of a building—putting it in the front of the building maximizes the visual impact.

Ferrell: Thank you.

Kyser: And number seven on page 21 says, "Introduce compatible new garages and accessory structures as needed in ways that do not comprise the historic character of the site or district. Site new garages or accessory structures in traditional locations that are compatible with the character of the building and the site, design them to be and so forth." Maintain them—I mean, it is a traditional scale of a garage but in—not in this—but the positioning of the garage is not in the historic—it's not the historic pattern of development in the positioning of garages.

Epting: All right, now, are there others—well, let's, first of all, see if there's a second to that motion. So your motion would be to deny based on the—

Kyser: The guidelines.

Epting: Not compatible with those guidelines. And so is there a second to that motion?

Locke: I second.

Epting: And in terms of discussion from other members, if other members who intend to vote in favor of this motion would rely on other guidelines, I'd like to hear those as well. Jamie, in particular, I was interested in hearing what you had to say about it.

Locke: I mean, I'd also include number nine on page 21, as it creates a false sense of—a false historic sense because this is—I mean, I would classify this as an H-style ranch house and it could be interpreted as a ramble ranch after everything is said and done.

Epting: All right. Others?

Smith: I'm not sure which guideline is applicable here or whether you're going to include Option 1 or 2? [OVERLAPPING] because I was concerned in the first motion of Option 1 being proposed. Option 2 does not cover that historic bay, so I would be factoring that in.

Kyser: They're exactly the same.

Smith: No. The porch.

Epting: No, she's pointing out that the proposed porch—[OVERLAPPING]

Kyser: Oh, okay.

Epting: —on Option 2 does not proceed out all the way to the garage but it does on Option 1. So your motion is respective with respect to Option 1, I believe. Is that correct?

Kyser: Well, it's the positioning of the garage that's the—

Epting: Which is the same on both of them.

Kyser: —central [ph]. Yeah.

Epting: All right.

Kyser: Okay.

Epting: Is any—

Smith: I just didn't know whether she had to include Option 1 or 2 in her—

Epting: All right, are there other concerns by other commissioners with this motion? That is, are there other guidelines that any other commissioner would find to be applicable?

Murphy: Yes.

Epting: Okay, list them [ph], Sean.

Murphy: I believe one of the guidelines that was previously cited on page 55, number one for additions. It says, "Introduce additions in locations that are not visible from the street, usually on rear elevations, inset from either rear building corner." And then it goes on a little about locating additions carefully so that you do not damage or conceal significant building features or details.

Epting: Okay, all right. Are there any others? Now, you've heard other commissioners suggest other guidelines. Do you accept those as part of your motion?

Kyser: Yes, I accept all the other suggestions, the friendly amendments. Thank you.

Epting: Is there further discussion of the motion? If not, are you ready to vote? If so, all in favor of the motion to deny the application, say—well, raise your hand.

M: Aye.

Epting: This is on the motion to deny. All those opposed to the motion to deny, raise your hand. I think we have a four-to-three vote.

F: Yeah.

M: Right, so we can't.

Ferrell: And what I'll say is for failure to receive the required five votes in either before—
for or against the motion, you don't—you have no action taken, and what I'll tell
you is that your—the Land Use Management Ordinance provides that failure to
take action on an application within 180 days of submittal is an approval. And I
believe we're coming up on that deadline.

Epting: When is—do we know when that deadline is?

[INAUDIBLE]

Lowman: It's—I'd have to do the quick math, but potentially this month. I don't think the
November meeting would—I think it would be past that 180-day deadline.

Epting: Would it be appropriate to ask the applicant whether they would consent to
extending the 180-day deadline so that the matter could be considered again in the
November meeting when we will have two new members of the commission?

M: Will those two new members abstain—[OVERLAPPING]

Epting: Only one of those would have heard the evidence. They may vote, I take it, if
they become familiar with the application. That was the—

Ferrell: That's what your rules of procedure say is if they familiarize themselves with the
prior applications and the discussions, et cetera.

Epting: Dr. Burns [ph] certainly.

Ferrell: Right. Again—

Epting: Has been here before [ph].

Ferrell: Whether or not—

F: Dr. Sweet [ph]?

Epting: Yeah.

Ferrell: I haven't confronted the question of whether or not they can—the letter of the ordinance can be waived in that way.

Epting: Well, and it may be unfair to ask the applicant on such short notice even to consider that. But I would like to do whatever we could to accommodate both the applicant and the commission in coming to a vote. If it is plain that the commission would have denied this application, then it is fair to the public that we should try to preserve that opportunity. If it is plain to the applicant that—well, I should just—I shouldn't try to speak for the applicant. I'm just trying to be fair to the applicant. I—

Kyser: Can I whisper a question?

Epting: I'm sorry.

Kyser: [INDISCERNIBLE] the deadline [ph].

Epting: I don't think it's likely that any of the commissioners who are here are going to be persuaded to change their vote. I don't think we're going to get to five votes. I think the only way we can get to five votes is at a subsequent meeting. And yet, the 180 days will pass.

Locke: But we did only vote on basically an entire package. We didn't talk about the individual design aspects of the plans. I mean, there are two plans in front of us.

Epting: Well, we haven't finished.

Locke: Right, and so that's all I was going to say.

Epting: If you want to make another motion, we'll consider another motion.

- Locke: All right, let me look at it real quick. Let me find it. [INDISCERNIBLE].
- Additions is what, 22? Fifty-five, right. That's what we're looking for. I mean, I would like to make a motion to say or to decline the porch extension all the way to the proposed garage, and that is because of number two on addition guideline, guideline addition number two, "To minimize damage to the historic building by constructing additions that are structurally self-supporting," and this is not self-supporting.
- Kyser: Wait, you're talking about page 55?
- Locke: Page 55, Guideline #2 for additions.
- Epting: I'm trying to perceive how that motion is in order if there is no garage out there on the end.
- Locke: Well, I mean, we're giving them—we'd give them permission anyway to do that and I'm saying if this specific design is affecting the characteristic of the house. So even if the garage were to get approved and they were to—allowed to have that, I'm still saying that this is intrusive to the historic character and that it should be denied.
- Epting: So Option 1, showing the porch extension—
- Locke: Right.
- Epting: —to where the garage would be, you're suggesting is incongruous with the character of the district.
- Locke: Right.
- Epting: Okay, if you'd like to make such a motion, we will see whether it gets a second.
- Vogler: I would second that. Mm-hmm.

- Epting: Okay. Do you want to recite guidelines that would be—that would support your motion?
- Locke: Number two: “Minimize damage to the historic building by constructing additions so they’re structurally self-supporting where feasible and attach them to the original building carefully to minimize the loss of historic fabric.” And I do not think this does that.
- Epting: Okay, and what—do you want to say specifically how it doesn’t do that?
- Locke: Because it attaches to the building and it’s going to automatically take away from the historic material.
- Epting: Further discussion on that motion?
- Ferrell: I just would like to clarify. You asked me a specific question and I’d like to read the rule because it was responsive and I missed—I didn’t quite capture the ordinance. You asked about the 180 days. Action on the app—this is—I’m reading from the rule about the 180-day deadline for commission action. “Action on the application within 180 days of the acceptance of an application or within such further time, consented to by written notice from the applicant, the town manager, the commission shall approve the application.” So—and the rule does provide for the applicant to agree in writing to extend the 180-day period, and I think that’s relevant just because I got a note here from the secretary that says that they’re willing to agree to hold it open. So I just—you asked me the question and I want to provide a full response.
- Epting: Well, thank you for that willingness. I think that would get us to a subsequent meeting. I can’t say what the votes would be in a subsequent meeting, but we

would certainly have two, if not three, folks here who are not here tonight at the November meeting. Dr. Burns and the council, I think, plans to consider the two nominees that we've sent forward at its meeting a week from tomorrow. So we should have three folks here next time that we don't have here tonight.

Carbrey: If that's the case, does that mean Commissioner Vogler and myself will not be present because we've been replaced? I see our terms have expired.

Kyser: I thought we're missing more people than that.

Smith: That's true.

Ferrell: We don't know what seats they'll appoint to, I don't think, do we?

Kyser: We don't know [ph].

Epting: Not really.

Ferrell: Or if they'll appoint.

Carbrey: No, I understand. You're saying in the best case if they do appoint—

[OVERLAPPING]

Epting: You're not. I mean, conceivably I think one could argue that you haven't been replaced until the newly appointed commissioner is sworn in and takes the oath. I frankly am uncomfortable dilly-dallying to try to squeeze this vote in. Given the changing membership, on the other hand, you know, I think both the community and the applicant deserve some ending to this process that is more definitive than a three-to-four vote. So.

Kyser: Well, could we vote on this proposal that—

Epting: We will in a moment, yes.

Kyser: Okay.

Epting: So the motion before you is to disapprove that part of the application that shows—that is shown is South Elevation Option 1, with the roof extending all the way out to where the new garage would be if it were approved. I take it—the motion does not involve Option 2 in any way?

Locke: No, I'm not approving Option 2.

Epting: Okay, is there further discussion about the motion?

Carbrey: Sorry, for my own clarity. This has nothing to with the garage addition?

Locke: No, it's this right here.

Carbrey: I understand. I just wanted to make—you know?

Locke: Yeah. Yeah, oh yeah. It's just the walkway [ph].

Carbrey: If there wasn't a garage, that wouldn't be there anyway, right?

Locke: Right.

Smith: And can I ask a question? Why aren't you referring to Option 2?

Locke: Because I don't approve of the garage, so I'm not going to approve Option 2. I'm just—I just do not—that extra roofline along the remaining historic bay is, I think, inappropriate according to Guideline #2 of additions.

Smith: Okay, but in Option 2, it does not go anywhere near the garage.

Locke: Exactly.

Vogler: And may I ask a question?

Epting: Yes.

Vogler: I—or state what I think. I heard in Craig's motion was to choose Option 1.

Carbrey: One, yeah. My first option I made that was denied. That's correct.

Epting: So with that—

Vogler: And I don't know how those pieces fit together, but—

Kyser: Did we put all your motions [ph]—?

Epting: We are going to vote when I call for the vote.

Kyser: No, I'm just confused. So his original motion—

Epting: Does everyone understand the motion?

Vogler: Was—his original motion was to deny.

Kyser: That included [ph], okay. All right.

Vogler: And so now we're adding to that a layer, presumably.

Epting: Yeah. Further discussion? Do you understand the motion? All in favor of the motion, say aye..

M/F: Aye.

Epting: All opposed say no?

M: No.

Epting: That motion carries five to two. So Option 1 is no longer an option. Option 2, if the matter were further considered, it would be considered on Option 2. And so the matter is held over until our November meeting. Thank you for being here tonight and thank you for your efforts and thank you for your patience.

[END TRANSCRIPT 01:34:17]

[BEGIN TRANSCRIPT 02:15:30]

Epting: I understand that you have some news for us about the Ferrises' consent to extend the deadline.

Ferrell: I do. The Ferrises provided the writing asking to extend the 180 days. Just for the purposes of consideration, staff made a back-of-the-paper calculation. The

180 days expired in this app—in this case, November 10th. Your next meeting is November 13th. In the interim, Mrs. Ferris rescinded the agreement to continue the—to extend the deadline. In my mind, what that will—[OVERLAPPING]

Epting: I am inclined to question the authority of the applicant to rescind that consent after we have taken—after we have passed that item on the agenda, because the effect of that rescission [ph] could be to prevent us from taking action, one way or the other, deliberately, which I think would be improper and they would ordinarily be estopped from doing that.

Ferrell: I think what they've done is muddled the waters and created an argument to present to staff that the 180 days has passed; it's a hard and fast rule, we consented or not. It's a question we considered and then we rescinded, and so were [ph] entitled to it. I think that's what they've done, is set up that argument. Whether or not that's a winner, I agree that there's, I think, a legitimate estoppel. They consented to it, you moved on, the item has been passed, and so that consent was relied upon. But I want you to have all the facts and I think—
[OVERLAPPING]

Epting: I understand. I appreciate you providing that. I wonder whether you would find it appropriate for the board to consider a motion to reconsider the vote on that item. The last vote having been taken on a resolution to deny a fail by a vote of four to three. That is, it did not pass because it didn't have enough votes. I take it that a person having voted one way or the other in that would be able to make a motion to reconsider.

Ferrell: I think so, and I think the way to avoid the 180-day problem is to have a resolution one way or the other—

Epting: Right.

Ferrell: —this evening, and then you don't get into the question of what does the first writing and then second writing mean.

Epting: Well, it seems to me there are two or three ways to accomplish this. I'm not inclined to let the 180 days run out because I feel like I've had my shoes untied by that attempt to rescind. I don't accuse him of bad faith; I simply say, "It's not fair to take the benefit of a—of our having moved on and try to claim the benefit of the passage of 180 days when we were under the impression that consent was in place."

Ferrell: Right.

Epting: This meeting is not over yet, and it seems to me it would be appropriate to reconsider that vote, either in this meeting or in a special meeting called for the purpose of reconsidering that vote before the end of the 180 days. And we're going to do one or the other.

Ferrell: Sure, no, I think you can do it tonight. [INDISCERNIBLE]

Epting: Is it your view that that motion should be made by a person who voted—that is, by a person who supported that motion or did not support that motion?

Ferrell: And to avoid any issues about reconsideration, if somebody who voted with the—well, you know, reconsideration is not necessarily the right question, I don't think, because none of them—neither—no votes got—no votes were approved, you see.

But I do think if for clarity and to avoid the issue if somebody who voted on—if it

was the vote was against, if somebody voted for, they could bring it up and we'd avoid the question of the reconsideration [ph].

White: Is—is it okay, Mr. Chairman—

Kyser: You're making a motion again?

Epting: What?

White: Is it okay to do this with the applicants not in the room?

Epting: Well, that's why I'm considering—

M: It's public [ph].

Ferrell: The public hearing has been closed—[OVERLAPPING]

Epting: They chose to leave the meeting.

Ferrell: If I'm correct, the public hearing was closed. There's no question in my mind that the—until you're gavel down, you're permitted to consider applications properly noticed and provided in your agenda. Given this rescinding, there had to be some recognition that this may be the result; that a vote be taken tonight. So I think from a legal perspective, I don't have—I have more concern about what the muddy waters are than I would about you taking a final action tonight.

Vogler: I have a question about the rapid chronology. When they left the room, did you already have a written agreement before they left the room?

Ferrell: I have a writing here that says, "Jake, we will agree to extend the 180 days."

Vogler: But then Marcie returned—

Ferrell: And then Marcie—

Vogler: And then brought you a recension [ph]?

Ferrell: If you recall, she returned here.

Vogler: I see.

Ferrell: She handed the second writing to Jake and I'll read it to you. It says, "Jake, so sorry, but we rescind the extension behind the 180 days. Marcie and Bill Ferris."

Vogler: I—that was just a question. I did not know that she had given a written statement to you before leaving the room.

F: She came back.

Vogler: I know that—

M: But the initial was—

[OVERLAPPING—INDISCERNIBLE]

M: —and a written before she left.

Vogler: That's right, she gave a verbal but the—

Ferrell: No, there was a—because it was a writing. She didn't sign it, but—

Vogler: I realize that. I'm saying that there were two things in writing and I was clarifying that she—before she left, she had given you a written statement saying that they would accept this agreement and then she returned to rescind that decision.

Ferrell: I'm sorry I missed that. That's correct.

Vogler: Mm-hmm. Thank you.

Epting: All right, it would occur to me that—

M: Can we make motions?

Epting: In just a minute.

F: Can we discuss a little bit [ph]?

Epting: It occurs to me that the rescission was given under circumstances where it might have been assumed that it certainly could have been known by the applicant that the commission could take further action on the matter tonight or at a subsequent meeting. I'm inclined to do it tonight. On the other hand, because of the reason that Jim suggests, if we did it at a special meeting later, we would have the opportunity to give notice to the applicant that we're going to reconsider the motion. And if they want to come in, they may. I don't think that they're entitled to be heard at that time, because the public hearing is closed.

M: The public hearing is closed [ph].

Epting: And so that would be another argument why we didn't—we don't have to give them notice, but I think giving notice is the fair thing to do, and that suggests to me that we not do it tonight but that we do it at a special meeting. And that would be our—if we did it this month, our third meeting this month.

Smith: And also, if we schedule it at a time when we hear from counsel, we may have different people on the commission that if they prepared for this, would they be able to vote?

Ferrell: Well, I think anybody that votes would have to be prepared according to your rules, which would mean having had reviewed all of the—[OVERLAPPING]

F: Videos?

Ferrell: —materials in the prior deliberations on the matter. That's what your rules say, so I think that's a predicate to anybody participating.

Epting: Yeah.

Kyser: What's the argument against doing it right now?

Epting: If we did it at a later date, we'd be able to give the Ferrises notice that we were about to do it and they could come if they wanted to.

Murphy: But they've left us in a position where I don't believe—I mean, we had the notice tonight. This—the meeting is still open, as I heard.

Epting: The meeting is open, yeah. So, you know, I'm—I don't want to rule about how we do it. If there's a motion from one of you that we should reconsider and deny the application, I would entertain that motion tonight. On the other hand, I would be willing to say we will come back for a special meeting next Tuesday night for the purpose of reconsidering that matter and concluding it.

Locke: Could it be legitimate to deny it on the grounds of an incomplete application?

F: What?

Locke: Their Option 1 and Option 2 doesn't really clearly define the pavement options that they're really looking for, and I think that it might be an incomplete application. And since this is the third, fourth time in front of us already, this is getting very confusing on the timelines and I believe we've already voted on some things and have denied certain things, and then it came back in front of us with some—I mean, did we not disagree with that walkway last time? I cannot remember specifically on that one.

Kyser: But it seems to me, we also agreed on—most of us—many of us agreed on the positioning of the garage, period.

M: That has been consistent.

Locke: Right, and so I would like to make a motion to move to deny application based on an incomplete application.

Epting: I will tell you why I am uncomfortable with that motion before I even ask if there's a second. I think if you're going to deny this motion, you have to look toward the probability of the commission's action being appealed to the Board of Adjustment. The Board of Adjustment is going to want to know whether there are significant, substantial grounds for having denied this application, and I don't think the Board of Adjustment would find that to be a substantial argument.

So, I mean, I'd be a lot happier if I looked back there and saw them walking back in the room so we'd be having this conversation with everybody who is affected in the room, but that isn't going to happen. So I think the question is, do we have a motion to reconsider the last vote we took, which failed to pass because it only got four votes. If we have a motion to reconsider a second and that motion passes, then we will vote to reconsider that last vote. In other words, we will vote again. And I suspect we will then have five votes, but I don't know.

Ferrell: And again, just for clarity, if that's—that motion is made by someone who voted the opposite way last time, that would, one, tell you that you may have a different vote count and, two, take away any question about whether the reconsideration was done properly [ph].

Epting: So the three people that voted no were Craig and the chair and I forgot—

F: Mary Frances.

Epting: Mary Frances. So it would depend upon whether Craig or Mary Frances wanted to make a motion to reconsider that vote this evening.

Vogler: I personally feel very uncomfortable making any sort of motion or taking any action that the Ferrises do not know about.

Epting: Bless your heart. I do too. Craig?

Carbrey: I agree.

Epting: All right, well, there's not going to be a motion to reconsider tonight. I will tell you that it is my strong inclination to ask that we have a special meeting next Tuesday night for the purpose of further consideration of this particular application.

Ferrell: And what I would say is if you will just continue this meeting until a time and date certain, which is next—

Epting: We don't have to re-notice [ph].

Ferrell: Next Tuesday at 6:30.

Epting: Good.

Ferrell: There will be no need to re-notice and you can conclude your business from this meeting at that time.

Epting: All right, we don't have to re-notice, but we will, of course, let the Ferrises know that we're going to—we intend to do that.

Lowman: And then we will not be able to meet in here. I will double-check to make sure that the room across the hall is available, but Planning Commission will be in here at 7:00 and it will be set up for that purpose.

Epting: Okay. All right.

Lowman: So I will just confirm that and send a notice out for the board.

Epting: But there would be some meeting room here, most likely?

Lowman: The room right across the hall, 110, I believe it is.

Epting: Yeah.

Ferrell: The conference room.

Lowman: The conference room, the first-floor conference room.

Epting: Okay, Susan?

Smith: I'm just confused. So if we have the two new board members—

[OVERLAPPING—INDISCERNIBLE]

F: We won't.

Epting: That's the day before the new board members will be appointed.

Smith: Why don't we make it? Oh, we don't—you don't want to make it then because you want Mary Frances and Craig to be—

Vogler: No, it has nothing to do with the person [ph]—

Epting: It has nothing to do with the other board members. There are two candidates and the council will choose one or both of them.

Smith: On what day?

Epting: On the 17th. That's Wednesday after next Tuesday.

Smith: Oh.

Kyser: The 17th is Tuesday.

Epting: That's Wednesday. Whatever the heck the date is.

Kyser: Oh, no, you're right—[OVERLAPPING]

M: The next meeting would be Tuesday the 16th at 6:30 in the conference room.

Epting: In the conference room.

Vogler: And then the people will presumably have to be told, taught about quasi-judicial committees and there's a certain training to be involved in—then they have to be sworn in.

Epting: Well, one is—yes.

F: Well, one—

Epting: We're not worried about the new members.

F: [INDISCERNIBLE]

Epting: We're having this meeting before the new members are coming. So no more conversation about new members. The only possibility is that Wood Burns [ph] will also be here then.

Locke: And what happens if the Ferrises don't show up?

Epting: They don't have to show up.

F: They don't have to but they know—[OVERLAPPING]

Epting: We're just—we're in a meeting.

Locke: But then we're just giving them the opportunity to show up is what we're doing?
Okay.

Epting: Correct. We're trying to be fair. Okay, now—

Vogler: And Board of Adjustments will be happier.

Epting: So let's have our presentation on the design guidelines rewrite process going forward.

Vogler: Board of Adjustments, they're mad at us anyway [ph].

Lowman: We'll gladly do so. Give me just a moment to pull the presentation up here.

Vogler: Well, that's pretty [ph].

Epting: While you're pulling it up, I will say that it seems to be more—most likely that—
that what the Ferrises will do is see that they may have made—they may have
been less than cautious in attempting that rescission and it may be that they will
withdraw the attempt to rescind.

F: They'll rescind the rescission.

F: Can they do that?

Epting: Well—

M: That's like a double negative.

[OVERLAPPING—INDISCERNIBLE]

Epting: Let's don't go further about that. Let's just agree that we're going to continue this
meeting until next Tuesday across the hall and we will proceed at that time with
respect to that agenda item.

Lowman: And I will reach out to the Ferrises tomorrow.

Epting: All right.

Lowman: So that's taken care of.

[END TRANSCRIPT 02:32:14]

[END RECORDING]