



TOWN OF CHAPEL HILL

Historic District Commission

Action Minutes

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Chair Robert Epting
Vice-Chair Kimberly Kyser
Deputy Vice-Chair John Sweet
Woodrow Burns

Craig Carbrey
Susan Smith
Mary Vogler
James White

Tuesday, January 9, 2018

6:30 PM

RM 110 | Council Chamber

Opening

The meeting opened at 6:40 p.m.

a. Secretary reads procedures into the record

Aaron Frank (Town staff) read the procedure into the record.

b. Swearing in of public hearing participants

Aaron Frank (Town staff) swore in members of the public wishing to testify during the evening's meeting.

c. Roll call

Nancy Oates (Council Member Liaison), Brian Ferrell (Attorney), Mike Klein (Staff), Aaron Frank (Staff)

Present 7 - Chair Robert Epting, Deputy Vice-Chair John Sweet,
Woodrow Burns, Craig Carbrey, Susan Smith, Mary
Vogler, and James White

Absent 1 - Vice-Chair Kimberly Kyser

d. Public charge

Chair Bob Epting read the public charge into the record.

2. **Approval of Agenda**

3. **Announcements**

4. **Petitions**

5. **Approval of Minutes**

Commissioner Smith noted that at the December 12th minutes should write that item 5a is *congruent* rather

than *in congruence*.

A motion was made by Carbrey, seconded by Burns, that this was approved.. The motion carried unanimously.

December 12, 2017 Draft Action Minutes

[\[18-0023\]](#)

6. Reports and Updates

Reports and Updates

a. Update on Outreach Initiatives

No update was provided and the Chair intended to provide an update at the February meeting.

b. Update on SHPO grant proposal for Design Guidelines

Commissioner Sweet reported that the SHPO grants are now open and the Commission will be submitting an application for a grant to help fund our project to update our Design Guidelines. His Committee also intends to pursue funding to complete the survey of 58 properties that are located mostly to the north of the Franklin-Rosemary Historic District.

7. Consent

a. None

8. Old Business

a. 219 E Rosemary Street - Alpha Phi Sorority (COA Application)

[\[18-0024\]](#)

Josh Gurlitz and Laura Moore presented the application on behalf of the applicant.

A motion was made by Vogler, seconded by Smith, that this Discussion Item be Close the Public Hearing. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Vogler, to make a finding of fact that the proposed stone wall with low columns at major entrances is appropriate given the history and features of the property and the Design Guidelines featuring landscaping in public rights of way and for walls and fences on page 15, 16, and 17. Low stone walls are characteristic of the District and have existed on this property, and are therefore congruent. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Vogler, to make a finding of fact that the proposed tea arbor is incongruent with the

design guidelines on page 14, 15, 16, and 17. It is a location where a low gate of iron or wood would be appropriate although a tea arbor would not be. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Smith, to make a finding of fact that the location, design, and scale of the proposed sidewalk are consistent with the Design Guidelines for public rights of way, as well as for driveways and walkways on pages 19 & 20. Brick is an appropriate material inside the property and Chapel Hill grit is an appropriate material in the public right-of-way. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Burns, to make a finding of fact that if a different sidewalk material is necessary, subject to fire department approval, that brick is an appropriate sidewalk material and preferred to concrete. Commissioner Sweet made a friendly amendment to the motion to cite consistency with the Design Guidelines Pages 46 & 47 regarding safety. The motion carried by a unanimous vote.

A motion was made by Burns, seconded by Cabrey, to make a finding of fact that the lighting plan as proposed is congruous with the historic district. The motion carried by a unanimous vote.

A motion was made by Burns, seconded by Cabrey, to make a finding of fact that the project as proposed is located in a portion of Franklin-Rosemary Historic District close to downtown for where there are a number of other large institutional buildings of similar scale intermixed with smaller scale residences. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Smith, to make a finding of fact that the size and scale of the project as proposed is too large and covers too much of the lot and too greatly overwhelms the original structure for it to be appropriate and congruent with the design guidelines. The motion failed, with only three votes in the affirmative.

Commissioner White introduced findings of fact for each of the LUMO review criteria excluding 3.6.e.4.f and j.

A motion was made by White, seconded by Carbrey, to make a finding of fact that the height of the building is congruous with adjacent buildings. The motion passes 5-2, with Commissioners Sweet and Smith voting no.

(3.6.2.e.4.a)

A motion was made by White, seconded by Vogler, to make a finding of fact that the setback and placement of the building on the property is congruent with the special character of the historic district. The motion passes 5-2, with Commissioners Sweet and Smith voting no. (3.6.2.e.4.b)

A motion was made by White, seconded by Cabrey, to make a finding of fact that the exterior construction materials including textures and patterns are congruent with the Franklin-Rosemary District. The motion carried by a unanimous vote. (3.6.2.e.4.c)

A motion was made by White, seconded by Cabrey, to make a finding of fact the architectural detailing such as lintels, cornices, and foundation materials is congruent with the historic character of the neighborhood. The motion carried by a unanimous vote. (3.6.2.e.4.d)

A motion was made by White, seconded by Burns, to make a finding of fact that the roof shape forms and materials are congruent with the historic neighborhood. The motion carried by a unanimous vote. (3.6.2.e.4.e)

A motion was made by White, seconded by Carbrey, to make a finding of fact that the general form and proportion of building is congruent with the historic character of this particular historic district taken as a whole. The motion failed, with only three votes in the affirmative. (3.6.2.e.4.g)

A motion was made by White to make a finding of fact that accessory and other features such as lighting, hardware, awnings, and etcetera are congruent with the historic character of the neighborhood of this particular historic district as a whole. The motion failed for lack of a second. (3.6.2.e.4.h)

A motion was made by White, seconded by Deputy Vice-Chair Sweet, to make a finding of fact that the structural conditions and soundness of the project are congruent with the historic district as a whole. The motion carried by a unanimous vote. (3.6.2.e.4.i)

A motion was made by White, seconded by Cabrey, that based upon these findings of facts the Certificate of Appropriateness be approved. The motion passes 6-1, with Commissioner Sweet voting no.

Recess

Chair Epting moved to take a 5 minute recess at approximately 8:23 p.m. The meeting reconvened at 8:28 p.m.

9. New Business

307 Hillsborough Street

[\[18-0025\]](#)

Brian Herndon and James Morgan presented the application on behalf of the applicant.

A motion was made by Deputy Vice-Chair Sweet, seconded by Carbrej, to close the Public Hearing for this Discussion Item. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Carbrej, to make a finding of fact that the materials for the garage are congruous with the house, including the standing seam roof, and the enviro-shade, which is intended to create an appearance that is compatible with the district. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Vogler, to make a finding of fact that the size and location of the windows are congruous. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Vogler, to approve the Certificate of Appropriateness based upon its congruity with the historic district. The motion carried by a unanimous vote.

127 Mallette Street

[\[18-0026\]](#)

Ron Webber spoke representing the applicant.

Adam Lowe spoke regarding the application.

A motion was made by Deputy Vice-Chair Sweet, seconded by Carbrej, to close the Public Hearing for this Discussion Item. The motion carried by a unanimous vote.

A motion was made by Deputy Vice-Chair Sweet, seconded by Vogler, to re-open the Public Hearing for this Discussion Item. The motion carried by a unanimous vote.

The application was withdrawn and no action was taken.

229 E Franklin Street

[\[18-0027\]](#)

Lee Albertson spoke representing the applicant.

A motion was made by White, seconded by Vogler, to close the Public Hearing for this Discussion Item. The motion carried by a unanimous vote.

The Commission directed the applicant to work with staff to provide additional application details and deferred a decision on the application until a future meeting.

10. Recommendation to Council for Commission Member Appointment

The Commission unanimously recommended that the Council appoint Joseph Reckford to the Historic District Commission.

No motion was made.

11. Recent Council Items (continued from December meeting)

a. Consider Proposal to Adjust Land Use Management Ordinance Amendment: Historic District Commission Procedures and adopted Council Resolution (October 18, 2017 Council agenda item)

[\[18-0028\]](#)

The Commission solicited the input of SHPO and following this discussion recommends that the Council adopt the Model Ordinance as the preferred approach for future Commission proceedings. No motion was made.

b. Consider Transmitting Proposed Revisions to the Ethics Guidelines for Town Advisory Boards and Commissions to the Historic District Commission and the Board of Adjustment for Review and Recommendations (November 29, 2017 Council agenda item)

[\[18-0029\]](#)

The Commission elected to forward the proposed revisions to the Ethics Guidelines to Town Council. No motion was made.

Commissioner Burns announced that the Historic Preservation Workshop will be held on January 20th from 9:00a.m. to 12:00p.m. Chair Epting announced that a Quasi-Judicial training will be held on January 22nd at 6:30p.m.

12. Courtesy Review

a. 321 W Cameron Avenue - Alpha Sigma of Chi Psi Inc.

[\[18-0030\]](#)

Bert Johnson presented a courtesy review for a low stone wall (fire-pit). The Chair recommended the application be placed on the Consent Agenda of a future meeting. No motion was made.

b. 179 E. Franklin Street - Post Office Alley Renovations Project

[\[18-0031\]](#)

David Swanson presented the Post Office alley renovation project and received comments from the Commission. No motion was made.

13. Adjournment

The meeting adjourned at 10:31 p.m. Without objection the meeting was adjourned by the Chair.

Order of Consideration of Agenda Items:

- 1. Staff Presentation*
- 2. Applicant's Presentation*
- 3. Public Comment*
- 4. Board Discussion*
- 5. Motion*
- 6. Restatement of Motion by Chair*
- 7. Vote*
- 8. Announcement of Vote by Chair*

Public Charge: The Advisory Body pledges its respect to the public. The Body asks the public to conduct themselves in a respectful, courteous manner, both with the Body and with fellow members of the public. Should any member of the Body or any member of the public fail to observe this charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until a genuine commitment to this public charge is observed.

Unless otherwise noted, please contact the Planning and Development Services Department at 919-969-5066; planning@townofchapelhill.org for more information on the above referenced applications.

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