



TOWN OF CHAPEL HILL

Historic District Commission

Meeting Minutes

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

Chair David Schwartz
Vice-Chair Sean Murphy
Deputy Vice-Chair Diane Kunz
Madhu Beriwal

Robert Epting
Jennifer Hoffman
Nancy McCormick
Angela Stiefbold

Tuesday, December 10, 2019

6:30 PM

RM 110 | Council Chamber

Opening

Roll Call

Staff Present: Anya Grahn, Liaison to Commission, Becky McDonnell, Liaison to Commission, Brian Ferrell, Counsel to Commission

Present 7 - Chair David Schwartz, Vice-Chair Sean Murphy, Deputy Vice-Chair Diane Kunz, Madhu Beriwal, Robert Epting, Jennifer Hoffman, and Nancy McCormick

Absent 1 - Angela Stiefbold

Commission Chair reads public charge

Secretary reads procedures into the record

Secretary swears in members of the public

Approval of Agenda

Announcements

Anya Grahn, staff liaison, provided an update on the Design Guidelines revision process. The HDC authorized Chair Schwartz to appoint individuals, including non-HDC members, to the committee supervising the work of the consultant.

Becky McDonnell, staff liaison, provided an update on the recent adoption of text amendments governing HDC procedures. HDC members Epting and Schwartz expressed concerns about the process by which these changes were adopted, particularly the fact that the amendment language presented to Council members for their approval differed from the draft language provided to the HDC and the public in advance of the Council meeting. Chair Schwartz requested that in future, if changes are made to a proposed text amendment after the public notice of the draft text amendment language—e.g., in between the date of publication of the agenda for

the Council meeting at which action will be taken on the proposed amendments and the date of the Council meeting—then Council action on that agenda item be postponed by at least a week to give the HDC and the public the opportunity to review and comment on the final language of the proposed text amendment.

Presentation in honor of Council Member Nancy Oates

Chair Schwartz and Commissioner Epting thanked Council Person Nancy Oats for her service and time spent as the Council liaison to the Historic District Commission. They presented her with a copy of the book, "North Carolina Architecture," published by UNC press.

Closed Session

A motion was made by Epting, seconded by Kunz, to go into closed session. The motion carried by a unanimous vote.

Brian Farrell, counsel to the Commission, and the commissioners discussed recent decisions by the BOA to overturn the Commission's denial of Certificate of Appropriateness (COA) applications because of due process and quasi-judicial procedures.

A motion was made by Epting, seconded by Kunz, to return to the open meeting.

Petitions

Approval of Minutes

1. November 12, 2019 Meeting Minutes

[\[19-1003\]](#)

The commission moved to continue the minutes until the January 14, 2020 meeting in order for staff to make corrections to the minutes regarding the case at 707 Gimghoul Road.

Old Business

2. 707 Gimghoul Road

[\[19-0897\]](#)

Chair Schwartz asked if new Commissioners Hoffman and Beriwal had familiarized themselves with the application and the minutes of the previous meetings. Commissioner Beriwal recused herself as she had not reviewed the previous meeting minutes; however, Commissioner Hoffman was prepared to vote as she had reviewed the previous meeting materials.

Ken Shelton, property owner, described the poor condition of the house and design challenges they had faced. He explained his intent to construct a three-car garage with habitable space above to allow for greater flexibility. He

discussed his intent to preserve the green space and tree canopy around the house.

Ben Johnson, designer, reviewed the feedback he had heard from the Commission during the November meeting. He reviewed the 1932 and 1959 Sanborn Fire Insurance Maps to explain the history of the existing two-car garage. He found that the existing garage was built between 1932 and 1959, likely after World War II. He explained that the garage structure that existed today was not constructed in c.1920 and was not the structure depicted on the 1932 Sanborn Fire Insurance Map. He discussed the hardship of maintaining the existing garage as his client did not find it was a useable structure, they were not able to relocate the garage, and they did not believe they could successfully construct an addition to the garage. He reviewed alternatives to the location of the garage that they had considered but had found not feasible due to site and design constraints.

Johnson presented renderings of the proposed garage and discussed its setting. He spoke to the proposed setback and location of the garage. He explained how the garage would be obscured from view with landscaping, and their intent to maintain the existing trees and vegetation. He presented the dimensions of the garage and the steps taken to limit the mass of the building. He also described the design of the garage as it related to the house, with special consideration to replicating the house's form and materials. He also presented images showing the proposed footprint and how it could not be successfully rearranged without impacting the site's setting. He also presented renderings showing the cupola removed, the third bay further recessed from the facade of the garage, as well as limiting the trellis to only the third bay. He asked for the Commission to consent to the demolition of the existing garage without delay as it was not historically significant to the district.

Anya Grahn, staff liaison, provided an overview of the history of the two-car garage. She walked through the history of the garage structure, as depicted on the Sanborn Fire Insurance Maps. She also clarified how National Register for Historic Places surveys were completed and how errors could occur. She did not believe the present garage existed c.1920.

Patrick Long, neighbor, spoke in support of the proposed design. He discussed the tree canopy as it contributed to the neighborhood's historic character and his appreciation that the owner would maintain the trees. He

also discussed the relationship of the garage and its placement on the site, set back significantly from the street to minimize its visibility.

A motion was made by Epting, seconded by Kunz, to close the public hearing. The motion carried by a unanimous vote.

The Commission's discussion focused on the proposed construction of a three-car garage. They discussed that there was only one other three-car garage in the Gimghoul neighborhood, and they found that one- and two-car garages were more prevalent. They supported the applicant's proposal to remove the cupola and trellis as the Commission found it simplified the garage's design and made it appear more like an auxiliary structure. They found that the garage was congruous with the existing house as it mimicked its form and materials. They discussed the steps the designer had taken to minimize the massing of the structure and they believed recessing the third bay reduced the massing. They referenced the Design Guidelines' discussion of one and two-car garages oriented toward the street.

The Commission found that the proposed garage structure was not incongruous with the district because the double lot size allowed for a larger structure and the unusually large front setbacks reduced the visual impact of the structure as viewed from the street. They spoke to the proportion and scale of the garage as it related to the large lot size and existing structures. They did not believe a three-car garage would be appropriate on a smaller lot, but that this lot could accommodate a larger structure. Further, the apparent mass of the garage was reduced by recessing the third bay.

A motion was made by Epting, seconded by Hoffman, to approve the demolition of the garage without delay as it was constructed outside of the period of historical significance. The motion carried by a unanimous vote.

A motion was made by Epting, seconded by Hoffman, to approve the proposed renovation of the house, site improvements, and construction of the garage with the recessed third bay, trellis above the third bay garage door, and removal of the cupola. The commission found that as the existing lot is a combination of two separate lots, the peculiar large size and significant distance of the house and garage from the Gimghoul Road property line creates extraordinary setbacks from the street and neighboring properties.

Aye: 6 - Chair Schwartz, Vice-Chair Murphy, Deputy Vice-Chair Kunz, Epting, Hoffman, and McCormick

Recused: 1 - Beriwal

New Business

3. 1 Mint Springs [\[19-1004\]](#)

A motion was made by Epting, seconded by Kunz, to continue this item to the January 14, 2020 meeting. The motion carried by a unanimous vote.

4. 201 E Franklin Street - Unit A [\[19-1005\]](#)

Anya Grahn, staff liaison, explained that the applicant had asked to continue this item to the January HDC meeting. A motion was made by Epting, seconded by Kunz, to continue the item to the January 14, 2020 meeting. The motion carried by a unanimous vote.

Staff Update

Anya Grahn, staff liaison, explained that the mayor had asked each advisory board to identify three goals or priorities for the next five years. The Commission discussed the need to better align the existing LUMO with the state model preservation ordinance, their need for a full-time staff liaison, and their interest in creating a more transparent process for the community.

Adjournment

Next Meeting - DATE

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.