

**Minutes**  
**HISTORIC DISTRICT COMMISSION**  
**July 5, 2006**

**MEMBERS PRESENT:** Vice Chair Max Preston, Jessica Dockery, John MacAulay, and Susanne Vergara.

**ABSENT:** Chair Paul Kapp, Barbara Church, and Will Moye, absence excused.

**STAFF:** Margaret Hauth, Stephanie Trueblood.

**GUESTS:** John Shoneman, Wayne Fenton, Ben Jaques, Taj Forer, Chris Wachholz.

**ITEM #1: Call to order and confirmation of quorum.**

Mr. Preston called the meeting to order at 7:04 p.m. and Ms. Trueblood called the roll and confirmed the quorum.

**ITEM #2: Reading of the Commission's Mission Statement and process introduction.**

**ITEM #3: Additions to the agenda and agenda adjustments.**

Ms. Trueblood noted there were no additions or adjustments to the agenda.

**ITEM #4: Approval of minutes from the June 7, 2006 meeting.**

Mr. MacAulay noted a correction on page 13 in the Discussion section, in that the word "blithe" should be "blight."

Mr. Preston noted that Jill Heilman's name was misspelled at the bottom of page 7 and the middle of page 8.

**MOTION:** Mr. MacAulay moved to accept the minutes with the noted corrections.

**SECOND:** Ms. Dockery.

**VOTE:** Unanimously approved.

**SWEARING OF**

**SPEAKERS:** Mr. Preston swore in Stephanie Trueblood, John Shoneman, Wayne Fenton, and Ben Jaques.

**ITEM #5: Application for a Certificate of Appropriateness for Cup A Joe to install a new sign, identical to the existing sign, on the lattice at the rear of the building at 120 W. King Street (4.30.A.13)**

Ms. Trueblood briefly described the application, noting the applicant wanted to install a new sign on the lattice structure located at the rear of the property facing the parking lot. She said the new sign would be 36" wide and 16" tall, made of metal and wood, and identical to the sign located on the front of the building. Ms. Trueblood said the sign complied with all zoning regulations. She stated that the standards that applied were C for materials, D for texture, and I for color.

Mr. Jaques, responding to a question regarding how the sign would be mounted, said he was not precisely sure, but the person making the sign would mount it in whatever way required by the Board. Mr. Preston said that was something the Board needed to know, noting the drawing showed the sign hanging from a metal bar. He asked if that was a drawing of the sign currently in front of the store. Mr. Jaques said that was correct. Mr. Preston said then the Board could disregard the metal bar. Mr. Jaques said yes. Mr. Preston asked if Mr. Jaques knew exactly where on the lattice the sign would be hung. Mr. Jaques responded said it would be hung from the top cross bar of the lattice.

Ms. Vergara asked how tall the arch was, and would the sign fit in the current space. Mr. Jaques said he was not sure about the exact height, but it would fit in the current space. He said it might rest slightly below the under-arch, but it would not exceed the measurements indicated in the application. Ms. Vergara said she would prefer that the sign not cover the bottom part of the arch, because it would hide the arch which was an attractive feature.

Mr. MacAulay commended their efforts to make use of that rear area. He asked if there were any longer range plans for that entire rear area, because there was now some people using the landscaped waterfall area for gatherings. Ms. Trueblood stated that the Downtown Streetscape plan had improved a portion of that area, and people were beginning to utilize the space. She said there was no “master plan” for the use of that area. Ms. Trueblood noted she had received one letter in support of this application.

Mr. Preston said if the Board approved the application, a proviso should be added that the placement of the sign needed to be worked out with the staff.

**MOTION:** Ms. Vergara moved to find as fact that the Cup A Joe application is in keeping with the overall character of the district and complies with all relevant standards of evaluation and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**MOTION:** Ms. Vergara moved to approve the application as submitted with the modification that the placement of the sign be coordinated with staff

**SECOND:** Mr. MacAulay.

**VOTE:** Unanimously approved.

**ITEM #6: Application for a Certificate of Appropriateness for Taj Forer to replace existing 6/6 wood frame windows with 1/1 wood frame windows and demolish the side porch at 310 N. Hassell Street (4.18.H.1)**

Mr. Preston swore in Taj Forer. Ms. Trueblood provided a brief description of the application, noting the house in question was thought to have been built in the 1840’s and originally was located where the parking lot of the new courthouse downtown is now. She said the house currently had wood windows and doors and clapboard siding. Ms. Trueblood said the applicant recently purchased the house and wanted to replace all of the existing 6/6 wood frame windows with 1/1 wood frame double hung windows to

allow for more sunlight into the house. She stated he would also like to remove the side porch and exterior stairway on the south elevation, as well as the door, all of which were added in the 1980's for access. Ms. Trueblood said Mr. Forer planned to replace the door with a window. She said the standards that applied were C for materials, F for details, and J for proportional demonstration.

Ms. Dockery asked if 6/6 windows were original to the house. Mr. Forer responded he did not know, but if they had been replaced at some time it was quite some time ago because they were in bad shape now. Mr. Preston said generally the concept of replacement was to replace with the same material and same style. Mr. Forer said he understood that. He said he had considered that, and talked with Ms. Trueblood and other about that. Mr. Forer said he came to the conclusion that 1/1 windows would actually allow for more light without having to take more drastic measures, and was a more appropriate choice. He said they were doing everything they could to restore the home and make it as livable as possible.

Ms. Vergara said she had seen a number of 1/1 windows from the early 1900's in Hillsborough so she did not find it unusual for that period, but did not know about the 1800's. She said she had no problem with removing the porch and stairway since those were later additions, and replacing the door with a window.

Ms. Trueblood asked if the applicant planned to replace the casement windows. Mr. Forer said they were planning to do that, noting the house had been without gutters for quite some time and had water damage to the siding and casements. He said it had been recommended that they replace the windows rather than attempting to restore them. Mr. Forer said they had wanted to replace them with wood frame windows to stay in character with the historic district, but to use double-paned windows to increase energy efficiency.

Mr. Preston said he assumed there was no objection to the use of double-paned windows. Ms. Trueblood commented that the previous property owner had called her earlier today and expressed that he believed that 6/6 multi-paned windows were original to the 1840's house because of the glass in them. She said he had expressed that they may well be a character-defining feature of the house, and he had asked that the Board consider that as potentially important although he was not against the application.

Ms. Dockery commented that was a character-defining feature, since 1/1 windows had not been crafted at the time the house was built. She said it was possible to get 6/6 windows in a profile that would let in a lot of light but would not change the character as much. Mr. Forer said he had priced the 6/6 windows because that was a concern of theirs as well, but they were considerably more expensive. He said they had recently discovered that some of the floor joists needed replacing, so that expense had to be considered as well. Mr. Forer said it had placed them in an uncomfortable position of deciding where to put what funds were available but do as many restorations as possible and keep it in as sound a shape as possible.

Mr. MacAulay said when you remove the door and replace it with a window you would be left with a space below, and asked what the plans were to deal with that. Mr. Forer said they planned to place wood underneath and match that with the existing siding.

Mr. Preston asked if all of the lattice around the porch would be removed. Mr. Forer said that was correct. Mr. Preston asked if that area would be touched up and painted white. Mr. Forer said that was also correct, noting the house was currently painted white.

Ms. Vergara asked if the house was visible from the street. Mr. Forer said it was not. Ms. Vergara suggested that if they did approve the 1/1 windows that they keep the 6/6 windows so a possible future owner would know what had originally been in the house. Mr. Forer said he was willing to do that.

Mr. Preston said if those were original windows they glass was likely hand-blown. Mr. Forer said some of the windows did contain very old glass that had a wavy appearance, but many panes had been replaced with newer glass and others were cracked.

**MOTION:** Ms. Vergara moved to find as fact that the Forer application is in keeping with the overall character of the district and complies with all relevant standards of evaluation and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** Ms. Dockery stated she was opposed to replacing the 6/6 windows with 1/1 windows because it was a character-defining feature. She said she did not want to set that precedence based on cost. Ms. Dockery said she had no problem with removing the porch, and had no problem with dividing this into separate applications and considering them separately. Ms. Dockery said the windows were almost a century apart, and would not support the 1/1 windows. Mr. MacAulay said when you see the house, you get a very oblique view of the windows. Ms. Dockery said that was assuming that the next owner did not remove the trees, so you could not depend on that.

**MOTION:** Ms. Vergara moved to approve the application as submitted with the proviso that the applicant retain the original 6/6 windows for future owners to make them aware of what was originally on the house.

**DISCUSSION:** Mr. Preston observed that Ms. Dockery's point was the rule. He noted that the house was moved and was not in its original location, so it had been changed. Mr. Preston said he would not want to start a precedent with respect to any observable feature of an historic house in the district. He said he had listened to all statements and had driven by the house, observing that it could not be seen from the street. Mr. Preston said he was basing his decision with respect to that, and that it would not become a precedent with respect to that feature.

**VOTE:** The motion was approved by a vote of 3-1, with Jessica Dockery voting Nay.

Mr. Preston noted that this issue was of grave concern to the Board, but they did not want to change the character of the district one piece at a time. He said it was important that if Mr. Forer came back in the future with other proposed changes, that he stay within the guidelines.

**ITEM #7: Application for a Certificate of Appropriateness for John Shoneman to replace existing windows with larger fixed pane and awning windows and enclose the side entry at 313 N. Hassell Street (4.18.G.8)**

Ms. Trueblood provided an overview of the application, noting it was a 1960's ranch house with a brick exterior and vinyl windows. She noted the only footprint change was on the north side of the house with the enclosure of a small exterior pathway that lead to the side door in order to convert it into an interior hallway under the existing exterior roof. Ms. Trueblood noted that on the east side of the house, which was the front, the applicant proposed to convert the garage into a bedroom by removing the garage door and replacing it with a picture window. She said on the north side, the proposal was to put in a fixed triple-pane window and move the exterior door out. Ms. Trueblood said on the west side of the house, the proposal was to replace the side door with new windows, shift the location of the back door, and add two new awning windows. She explained that awning windows were the type that cranked up.

Ms. Trueblood said on the south side of the house, the proposal was to replace two sets of windows with new larger awning windows. She noted that two gable vents would be added to the roof. She said all existing and proposed windows were vinyl framed.

Mr. Shoneman said the house was currently a two-bedroom home with one bath, and they intended to make it a three-bedroom home with two baths by virtue of enclosing the existing one-car garage. He said it was brick veneer, and they would match the existing brick as closely as possible. Mr. Shoneman remarked they would bring the door out to align with the existing wall.

Ms. Dockery said on the south and north side he had proposed fixed triple-pane windows, and asked if he could find 1/1 windows to match the rest of the windows, noting that on the west side there would be 1/1 and it looked quite similar in shape. She said there were 1/1 consistently throughout until you got to this part, and it looked different. Mr. Shoneman said they would try to do that.

Mr. Preston asked about the original windows in the house. Mr. Shoneman responded the original windows were likely metal, and were all replaced previously. He said they were currently all white vinyl windows.

Ms. Vergara asked if the request for new vents meant that no vents were there now. Mr. Shoneman said these would be in addition to those already in the roof. He said the boxing would be painted white to match.

Mr. MacAulay confirmed that brick would be used around the new window in the front. He asked about plans for the driveway, asking if they intended to expand it to include a parking apron or anything like that. Mr. Shoneman said they had no such plans.

Mr. Preston asked if the new brick would be consistent with the existing brick. Mr. Shoneman said that was correct.

**MOTION:** Ms. Vergara moved to find as fact that the Shoneman application is in keeping with the overall character of the district and complies with all relevant standards of evaluation and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**MOTION:** Ms. Vergara moved to approve the application as submitted with the condition that the walls be filled in with matching brick, the new vents be matched to the trim and painted white, and with the suggestion that the fixed windows be 1/1 rather than single-paned.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**VOTE:** Unanimously approved.

**ITEM #8: Application for a Certificate of Appropriateness for Chris Wachholz to reconstruct a relocated 1938 log cabin adding a new ground floor structure at 325 W. Queen Street (4.29.B.2A)**

Mr. Preston swore in Chris Wachholz. Ms. Trueblood stated that next to 325 W. Queen Street was a vacant lot, and they had done a notification for both lots because eventually both of those lots would be reconfigured. She said the lot they were considering tonight was vacant and the HDC had previously approved the siting of a structure on this site set back approximately 210 feet from the road.

Ms. Trueblood said the applicant was proposing to relocate and reconstruct a 1938 one-and-one half story log cabin, with a footprint of 60 feet by 30 feet. She said the foundation would be masonry with stucco and the exterior chimney would be stone. Ms. Trueblood said the exterior would be pine logs stained dark brown with sandstone color chinking between the logs, and a green metal roof. She said a rear deck would be added made of pressure treated wood, a gravel driveway, and little landscaping due to the large natural area. Ms. Trueblood stated that windows and doors would also be of wood. She added that this was a green and lush area, and the cabin would not be visible from the road for much of the year.

Responding to a question, Mr. Wachholz noted that the cabin was about 1,900 square feet on the one floor. He said it was one of the largest log buildings he had ever seen, and believed it would make a great addition to the Town. Mr. Wachholz said they would take the utmost care with it, and when reconstructed it would continue to look like a 1938 log building, other than the deck in the rear. He commented that the rear of

the cabin was far back from the road and not visible from any street, noting it was one of the largest blocks in the historic district and was all wooded. Mr. Wachholz said the area was steep and contained a creek, and it was unlikely that there would ever be enough clearing to make the cabin visible.

Ms. Vergara asked if Mr. Wachholz planned to recreate the cabin in its original form. Mr. Wachholz said the chinking would be newer material and more attractive, and there would be new wood windows and doors throughout. Ms. Vergara asked about the location of the doors. Mr. Wachholz said the doors would be in their original locations, and they would be using the original doors. He said what was new was the addition of a basement with additional living space.

Mr. Preston asked if the house would have a full foundation. Mr. Wachholz said that was correct.

Mr. MacAulay said he was concerned that this was a heavily wooded area, and putting it that far back on the property would leave only a natural barrier consisting of undergrowth and a few trees. He asked what plans did he have for a backyard, noting it appeared that if any clearing was done that they would be encroaching on the barrier between his property and the natural area. Mr. Wachholz said he did not plan a lot of landscaping or planting, noting he had chosen this lot for the cabin because of its natural setting.

Mr. MacAulay noted the driveway took a circuitous route to the cabin, and asked if that route was chosen because of concern of large trees. Mr. Wachholz said yes, in part, and also to make a pleasant drive through the woods and to stay away from the house to the east and protect the privacy.

Mr. MacAulay asked if he was doing anything to protect the creek. Ms. Trueblood said there had been questions in front of this Commission in the past as to whether or not this was actually a creek. She said she had contacted the County's Soil and Erosion Control Office, and this creek did not show up on any USGS maps nor did it show up on the hydrologic GIS maps. Ms. Trueblood said that this creek did not qualify as an intermittent stream. She said the Neuse buffer requirements did not apply.

Mr. MacAulay asked if Mr. Wachholz was connecting to the public sewer system. Mr. Wachholz responded that he was.

**MOTION:** Ms. Vergara moved to find as fact that the Wachholz application is in keeping with the overall character of the district and complies with all relevant standards of evaluation and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**MOTION:** Ms. Vergara moved to approve the application as submitted.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.  
**VOTE:** Unanimously approved.

**ITEM #9: Application for a Certificate of Appropriateness for Orange County to replace the existing windows at the Central Recreation Center at 300 W. Tryon Street with single thermal pane aluminum-frame windows with interior mullions (4.29.C.1)**

Ms. Trueblood introduced the item, and described nearby structures. She stated that the application was proposing replacing all of the windows in the recreation center, due to severe deterioration. Ms. Trueblood said the existing windows were metal frame, single-pane windows. She said the replacement windows would be single thermal pane windows to match existing sections, with horizontal mullions between the glass. Ms. Trueblood said the color would be bronze, the same as used on the Human Services building, and the window frames would be aluminum.

Mr. Fenton provided a sample of the material to be used, noting they would be painting it bronze similar to the color used in the Richard E. Whitted Human Services Center Building. He noted they would be replacing all of the exterior windows, with the exception of the south facing windows on Tryon Street that had been previously replaced, so we were talking about the east and west sides. Mr. Fenton displayed photos of the building and pointed out particular features. He said they wanted to replace the windows with more energy efficient and attractive windows.

Mr. MacAulay asked which of the options noted in the description of the windows were they choosing. Mr. Fenton said they were proposing to use glass with a slight tint that would improve energy efficiency but would not stand out and look out of place.

Mr. Preston observed that he believed if they would match as closely as possible the brown used on the library building that it would provide consistency to the area. Mr. Fenton said they would try, but because those windows had been in place for many years there had been some oxidization of the color.

**MOTION:** Ms. Vergara moved to find as fact that the Orange County Public Works application is in keeping with the overall character of the district and complies with all relevant standards of evaluation and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**VOTE:** Unanimously approved.

**MOTION:** Ms. Vergara moved to approve the application as submitted.

**SECOND:** Mr. MacAulay.

**DISCUSSION:** None.

**VOTE:** Unanimously approved.

**ITEM #10: Updates.**

Ms. Trueblood said they were moving into enforcement with the property owner regarding the trellis on 113 N. Hassell St. In reference to the Webb House, she said the

Garrisons and their attorney had seen the file and she expected that the Town would receive a letter from the attorney in a week or so that expressed the Garrison's right to appeal to the Board of Adjustment.

Mr. Preston said the items that seemed to be in deviation from what they had discussed continued to grow, noting they were using a different width siding than what was approved. Ms. Trueblood provided an overview of this situation for the benefit of Mr. MacAulay, who was not on the Commission when this issue was discussed. She said the Garrisons had been addressed some other issues, and the only thing she was aware of that they continued to be noncompliant about was the siding material. Ms. Trueblood said they had gone over the entire file as well as all of the discussion with the Garrisons, and wood siding was the only material ever discussed. She said it had been understood from the beginning that the Commission would only approve wood siding that matched, width with the existing siding.

Ms. Trueblood said from the training they had done regarding the Commission's process, they had created an updated handout that could be provided to people that explained all of the steps involved and well as submittal requirements. For instance, she said if the footprint of a building were being changed at all, it would require eight copies of scaled architectural drawings among other things. She said if the footprint was not changed, then less detailed drawings would be suitable. Ms. Trueblood said she would like to see this go forward to provide specific information to the public. She provided the Commission with the handout and asked that they email comments back to her.

Mr. Preston asked if there was a way to avoid the situation they had experienced with changing window styles, noting they had not known when that particular application came forward that it was that nature of an historic building. Ms. Trueblood said the building in question was a 1840's building, but it was a non-contributing building according to the inventory because it was moved from its original location. Mr. Preston said he did not like to have to justify what changed the character of a structure. Ms. Trueblood said what she wanted to move the Commission towards was to nail down an understanding of how we deal with contributing versus noncontributing structures, because it was now vague and we were looking at it on a case-by-case basis.

Ms. Vergara asked if moving a house to a different location automatically made it noncontributing. Ms. Trueblood replied yes, if the context of the structure is changed. She said if there was something genuinely specific about the house it could be considered contributing or if the context was similar. Ms. Dockery said a house was historic due to important historical people, events, or the history of the building itself. But, she said, once you pick it up and moved it you took it out of context and you lost that, unless it was connected to a person alone.

Ms. Dockery said she had a major concern about this. She said when someone looked at our guidelines and it said one thing, and they we say that we know that is wrong but we were going to let it go because it was noncontributing or it was hidden by trees, that

was wrong and not how we should interpret it. Ms. Dockery said if you take an 1840's house, regardless of where it came from, and put an arts and crafts window in it you might as well move a trailer in. She said you would be taking a defining characteristic of the house and changing it. Ms. Dockery said if you allowed that to happen because the house would be hidden by trees, then the next owner came in and removed the trees, then you have an 1840's house with arts and crafts windows that would negatively impact its vicinity.

Ms. Dockery said we could not use the excuse that the house could not be seen, or that the applicant did not have much money, or that the applicant was trying really hard. She said what the Commission had done tonight regarding the windows at 310 N. Hassell Street sounded to her like we were saying that since we couldn't see it, it was okay to do it. She said that really concerned her, noting it was a bad precedent.

Ms. Vergara asked if they decided to still grant him the 1/1 windows, what could they have said to justify that. Ms. Dockery said if you have to think to justify it, then the Commission should not be justifying it.

Mr. Preston said if it were a noncontributing building that had been moved, and he could not be tax credits for it, that was a different circumstance. Ms. Dockery said the Commission could still regulate it.

Mr. MacAulay said the house itself was not in good shape, and it appeared we were saying we wanted brass knobs on our trailer doors. He said the rest of the house did not exhibit the character that we were talking about due to its condition. Ms. Dockery said the structural condition was not what we were suppose to entirely focus on, and to say you have fix the structural part and we would let the outside appearance slide seemed to go against what they were here to do. She said the Commission was trying to make sure it still looked like an historic district. Mr. MacAulay said if the house was in disrepair and falling down, then 6/6 or 1/1 windows did not matter.

Ms. Trueblood provided a description of the original nominations for historic structures in the 1970's, noting there were only 70 homes listed in that nomination. She noted that it had been updated in the 1980's to include businesses and other structures along Churton Street. Ms. Trueblood said she believed Hillsborough was in a good position to receive a State grant early next year to have the Town's nomination updated and include other structures.

Mr. Preston said what she had described posed a seriously dilemma for the Commission. He said they knew there were houses that were contributing but were not listed as contributing, but had been treated as if they were noncontributing in some way. He said we could not treat people differently under due process. Ms. Trueblood said the only thing the Commission was empowered to do was look at the houses as to how they contribute or for how they compliment the character of the district. She said she could see how you could say to that property owner that even though you were in a noncontributing house 1/1 windows was not congruent with the character.

Ms. Dockery said if we let the buildings that were noncontributing become more and more noncontributing and less like the ones that are contributing, then it affected the entire district and brought down the value. She said they could not let them slide. Ms. Trueblood said there would never going to be a rule that said that all noncontributing houses could have vinyl windows or metal windows. She said it would always be a case-by-case issue, because you had to look at how a particular house affected the overall character of the district.

Ms. Trueblood said she would provide the Commission with maps that showed the age of all structures in the district, and all the contributing and noncontributing GIS maps.

**ITEM #5: Adjourn.**

Mr. Preston adjourned the meeting at 8:42 p.m.

Respectfully submitted,

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Margaret Hauth, Secretary