

Minutes
HISTORIC DISTRICT COMMISSION
Wednesday, November 7, 2007, at 7:00 PM

MEMBERS PRESENT: Chair Jessica Dockery, Vice Chair Mark Rhoades, Mark Bell, Joseph Council, and Holly Snyder.

STAFF: Tom King.

WITNESSES: Wendy Cash, George Campbell, Laura Wessell, Patricia Revels, Raymond Atwater, Randy Campbell, Douglas Dwyer, John Dwyer, and Geoffrey Hoffman.

ITEM #1: Call to order, roll call, and confirmation of quorum.

Ms. Dockery called the meeting to order at 7:00 p.m., and Mr. King called the roll and confirmed the quorum.

ITEM #2: Reading of the Commission's Mission Statement.

Ms. Dockery read the Commission's Mission Statement and provided information on the Commission's processes.

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

Mr. King said there were just a few issues he wanted to bring forward at the end of the meeting. He also asked that because there were now two persons named "Mark," that they both be distinguished when speaking for benefit of the minutes preparer.

ITEM #4: Approval of Minutes from the October 3, 2007 meetings.

Mr. Rhoades stated on page 11, 5th paragraph, he had not made that statement. Mr. Bell indicated that he had made that statement.

Ms. Dockery said on page 15, second paragraph from the bottom, the word "said" should be put in front of "Mr. Preston" in the third sentence. She said on page 17, 2nd paragraph from the bottom, the third line should read "is already complete" rather than "was." Ms. Dockery said on page 17, the 4th paragraph from the bottom, is should say that Mr. Preston was in complete agreement with Mr. Council, not Ms. Snyder.

Ms. Dockery said on page 18, where it talked about the first floor windows, she did not think that was a full description. She said she also remembered more discussion than what the minutes reflected, particularly regarding the shed roof. Ms. Dockery said there was a statement on that page that said "Ms. Dockery said a majority of the Board was in agreement" but she was not sure how that had been determined. She said on page 19, there was no discussion included about the south side dormer extension or the change from two to three south side windows, and believed that needed to be included.

MOTION: Mr. Council moved to approve the minutes of October 3, 2007 as amended; noting that due to the length of the meeting that the minutes

did not reflect all content; that it was a true summary and not a line for line recollection of the meeting.

SECOND: Mr. Rhoades.

VOTE: Unanimously approved.

ITEM #5: Continuation of an Application for a Certificate of Appropriateness for Tyson Sign Company to replace an existing freestanding wooden sign with a new 19.5 square foot, 6' tall fabricated aluminum sign at 115 East King Street (TMBL 4.30.B.5)

Ms. Dockery swore in Wendy Cash and Tom King. Mr. King provided some brief background on the property and described some of its architectural features. He said the applicant was proposing to replace the existing freestanding sign with a double-faced, non-illuminated 19.5 square foot, 6' tall aluminum sign. Mr. King stated the applicant had previously requested, on October 3rd, a sign that was the same size as that proposed now that included a marquee with changeable lettering, but the revised application did not contain the marquee.

Ms. Cash stated that the HDC, at the last meeting, had requested material samples. She then passed around a sample of the material for the Board. She said she had inquired about reducing the height of the sign, but all Carolina Farm Credit locations were required to display the same logo. She said there was no way to make the sign any less wide and still display the logo appropriately.

Mr. Rhoades stated the current sign was 6' high, and the proposed sign was the same. Ms. Cash said that was correct. Mr. Rhoades said the proposed sign was an additional 6" wider. Ms. Cash said yes, it was a half-foot wider than the present sign if you included the small square with the wording "home loans."

Mr. Rhoades said he believed the new sign was much more conforming than what was previously submitted, and believed it was now in keeping with other signs in Town. He said his concern was due more to the materials, since most signs in Town tended to be of wood. Mr. Rhoades said last month the speaker had indicated the choice of material was a maintenance issue. Ms. Cash said it was not cost effective to continually replace the wood sign. Mr. Rhoades said he appreciated the fact that wood did have some shortcomings; however, page 57 of the HDC Guidelines, #1, indicated that signs in the historic district should retain and preserve materials, features, details and finishes that contribute to the overall character of the district. He said wood tended to be a much more accepted material for signs, and believed wood was more appropriate. Ms. Cash said, from a distance, the sign looked like wood. Mr. Rhoades said it had to do more with the weathering and wearing of wood over time, and maintaining the character of the historic district.

Ms. Dockery said another guideline was #4, which stated to replace deteriorated, damaged, missing signs with the same thing, but instead of retaining they were replacing, so it was the same idea. She said new signs should replace old signs with a similar material.

Mr. Bell stated he liked the revised design since it had dropped the marquee. He said regarding aluminum versus wood, he concurred with Mr. Rhoades that wood was still preferable since it would age a lot better. Mr. Bell asked if the width of the existing sign was 5' 4" wide. Ms. Cash said it was 5' 6" wide. Mr. Bell said, based on the computer generated perspectives, the new sign looked at least 33% wider. He said the sign at the top of those depictions was a lot taller than it was wide.

Mr. Council said he was more concerned about the actual width of the sign and how much of the smaller white building was being blocked than he was with the material. He said the width of the sign might not be negotiable given that the corporate logo had to maintain a standard. Ms. Cash said she was not sure what was meant by the comment that the small building was being blocked. Mr. Council said he was concerned about the view as you were coming toward the white building at the back of the Cheshire building, in that much of that building was being blocked by the new sign. He said he understood that signs had to be kept consistent throughout the locations of the corporation, so that might be something they could not change.

Mr. Council said he was not so much concerned about the material. He said on page 57 of the Guidelines, #4, it did not explicitly say that you had to replace deteriorated signs with the exact same material, but if you looked at #6, it did say that new signs should be compatible with the scale of the district. He said #7 stated to fabricate new signage out of traditional materials, including metal, so he was not so concerned about the use of aluminum.

Ms. Cash commented that, regarding the comment about the small building being blocked, that if you were coming from the street you would still have the same view because the new sign stopped at the same point.

Mr. Council said his point was that the long window was being obscured by the new sign. He said he was willing to let that go since they needed to keep the signs the same throughout the various corporate locations.

Ms. Dockery stated that from the sidewalk level, it may not be as noticeable as it was looking straight on.

Ms. Snyder said, when looking at the pictures provided and with all things being equal, they were being asked to choose which one would be more in keeping with their signage guidelines. She said she would say the top rendering would be more appropriate and truer to the guidelines, although that was not the choice they had. Ms. Snyder said she understood that they wanted the sign to look the same at all locations, even in this historic district, and that was unfortunate because the other sign was much more in keeping. She said wood was a material that fit in, and she agreed with Mr. Rhoades that wood would be more appropriate, and with Mr. Council that the sign appeared too wide.

Ms. Dockery said they had a problem because there was no consensus. She said they had a material issue and not a material issue, a size issue and not a size issue. Ms. Dockery said they needed to go through the guidelines again and make a decision.

Ms. Dockery stated that #1 did not apply, nor did #2. She said #3, regarding repair, she would be in favor of it, but the applicant was not. Regarding #4, "replace deteriorated, damaged, or missing signage with new signage that is compatible in design, scale, material, finish, and detail," she said the new sign was a different design, it used different material, and was a different scale.

Mr. Council said he was okay with the material; he would prefer wood but there was a problem with wood signs deteriorating more quickly.

Ms. Dockery asked for a show of hands on the material, and then on the size. She said the straw vote was 3 to 2 not being comfortable with the material, and 3 to 2 not being comfortable with the size. Ms. Dockery said since there was a majority on both issues, she believed a motion was in order.

Mr. Bell asked if throughout the organization the other signs were identical in size and material. Ms. Cash stated that was correct. Mr. Bell asked was there a way to scale the whole sign down. Ms. Cash said not without altering the logo. Mr. Bell asked "even with a smaller logo in smaller print?" Ms. Cash said she had asked that question and been told there was no way to scale it down without changing the look of the logo.

MOTION: **Mr. Rhoades** moved to find as fact that the Tyson Sign Company application is not in keeping with the overall character of the district and does not comply with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C and O, and Design Guidelines 4 and 7.

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

MOTION: **Mr. Rhoades** moved to deny the application as submitted.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

Ms. Dockery stated that the application had been denied, and suggested that the applicant re-evaluate options for material and size, and then reapply. Ms. Cash asked what specific materials might be appropriate other than wood. Ms. Dockery stated there were some brushed metal signs and a lot of wood signs in the district. Mr. Bell suggested they look around the Historic District to see what other options were available.

ITEM #6: Continuation of an Application for a Certificate of Appropriateness for George Campbell to construct a 10' x 24' rear screened porch at 425 North Cameron Street (TMBL 4.19.B.2A)

Ms. Dockery swore in George Campbell. Mr. King stated the house was built in the 1980's, and provided some detail regarding its architecture. He said the applicant was proposing to build a 10' by 24' screened porch attached to the rear of the house and atop a portion of the existing concrete and slate patio. Mr. King stated the porch would have 4" x 4" wood posts, 2' x 6' wood rafters of plywood, and shingle roof material to match the existing house. He said the shingles and the screening would be standard vinyl screen with 2 wooden screen doors, and would be painted to match the trim of the house. Mr. King stated the iron railings would remain intact on the inside of the porch.

Mr. King said the application was heard on October 3rd but deferred due to questions about how the addition would attach to the existing home and whether or not the roof pitch would match that of the existing home. He then displayed a photo of the area of the home under discussion as well as drawings submitted with the application.

Mr. King stated the Standards that applied were C for materials, F for architectural detail, G for roof shape, H for roof materials, and K for general form and proportion, and the Design Guidelines that applied were Additions to Existing Buildings and Decks.

Mr. Campbell said the question about the drawings had to do with how the porch would attach to the roof. He said he had discussed that with a builder who had indicated it would have to be a slope that maintained at least a 4" per lateral foot drop, and in that case it would have to attach onto the existing roof of the house. Mr. Campbell said that was what he was proposing, although it was not clear from the drawing.

Ms. Snyder asked about the overhang. Mr. Campbell said it would be a minimum of one foot on all three sides.

Mr. Council asked what the roofing material was on the house. Mr. Campbell said asphalt shingles. Mr. Council asked would that be continued onto the new roof. Mr. Campbell replied yes.

Mr. Rhoades asked with the new addition, was he planning to alter any of the existing doors or windows. Mr. Campbell responded no, they would remain as is.

MOTION: Mr. Rhoades moved to find as fact that the George Campbell application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, F, G, H, and K, and Design Guidelines for Additions to Existing Buildings and Decks.

SECOND: Mr. Council.

VOTE: Unanimously approved.

MOTION: Mr. Rhoades moved to approve the application as submitted with no conditions.
SECOND: Mr. Council.
VOTE: Unanimously approved.

ITEM #7: Continuation of an Application for a Certificate of Appropriateness for Laura Wessell to install a 2 square foot, wood, oval, hanging sign from an existing sign post in the yard at 121-B West Margaret Lane (TMBL 4.36.E.9)

Ms. Dockery swore in Laura Wessell. Mr. King stated this house was constructed in 1931, and provided some detail of its architecture. He said the applicant was proposing to install a 2 square foot, wood, oval hanging sign from an existing sign post in the yard. Mr. King said the application was originally reviewed on October 3rd, and at that time a COA was issued for the proposed wall sign but not for the hanging sign, as the HDC felt the hanging sign needed to be reduced in size. He said staff was requested to confer with the applicant, which they had done, but at that time the applicant did not want to modify the application.

Mr. King said the Standards that applied were C for materials and O for appurtenant fixtures, and the Design Guideline that applied was Signage.

Ms. Wessell said it was her understanding that the size of that sign was too big when compared to the small sign on the other side of the walkway. She said that tenant was no longer there. Ms. Wessell said she did not believe the sign was out of proportion for the post.

Ms. Dockery said she believed the question was about the arm of the sign post, and if the sign would extend beyond the arm of the post. Ms. Wessell stated it would not.

Mr. Rhoades asked if the sign now proposed was the same dimension as the sign originally proposed on October 3rd. Ms. Wessell said yes. She reiterated that her understanding was that it be in scale as compared to her neighbor's sign, as opposed to the sign itself. Ms. Wessell said her neighbor had displayed a long, thin art and antique sign, so the comparison of her sign to that one did not fit.

Mr. Rhoades said what he had heard Ms. Wessell say was that the art and antique sign was no longer there. Ms. Wessell said that was correct, adding the tenants had recently moved out.

Mr. Bell said the only outstanding question he had from the discussion last time was if the sign would fit, and the concern was the sign was too big and out of place. He said from the minutes of that meeting, it was suggested that the oval shape be retained to match the sign on the wall. Ms. Wessell said that was correct.

Mr. Council said he was comfortable with the sign.

Ms. Snyder said she had been concerned about the length of the sign arm, but that had been addressed.

MOTION: **Mr. Council** moved to find as fact that the Laura Wessell application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C and O, and Design Guidelines for Signage.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

MOTION: **Mr. Council** moved to approve the application as submitted with no conditions.

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

ITEM #8: Application for Certificate of Appropriateness for Patricia B. Revels for the construction of a 4-post wooden arbor at 329 West King Street (TMBL 4.35.C.3)

Ms. Dockery swore in Patricia Revels. Mr. King stated this house dated to 1921, and provided some detail of its architecture and other features. He said the proposed work was to build a wooden arbor in the east side yard. Mr. King said a Minor Work authorization was issued for the proposed 4' high fence connecting from the proposed arbor to the house and from the arbor to the east side property line, and running south for 50 feet. He said the arbor and fence would be painted white.

Mr. King said the Standards that applied were C for materials, I for exterior color, K for general form and proportion, and Q for walls, and the Design Guidelines that applied were Fences and Walls.

Mr. Bell asked if the gates were on the outer two posts or on the inside two posts. Ms. Revels said the drawing was provided by the person who would construct the fence. Mr. King referred the Commission to the submitted plot plan and plan elevation drawing to gain a better understanding of the location. Mr. Bell asked what type of wood would be used. Ms. Revels stated she did not know.

Mr. Rhoades commented on what the arbor would look like, and confirmed it would be white. Ms. Revels said the arbor would not be quite like the photograph that Mr. King had shown the Commission, in that the photograph showed trellises down the side and had seating. She said her arbor would be simpler, and she thought more aesthetically in keeping with 1921 architecture.

Mr. Rhoades asked if the fence was more decorative in nature. Ms. Revels said it served two purposes: it would visibly establish the common boundary shared with a neighbor and would begin to provide some privacy; and, aesthetically it would become the backdrop for landscaping she was now planning for that area, which she believed

would enhance the house itself and be in keeping with the area. Mr. Rhoades agreed it would be in keeping, noting it was a nice fence.

Mr. Rhoades advised that when the fence was constructed, to be sure to stay on her property. He said they had seen instances where homeowners had mistaken the boundary and inadvertently gotten too close to the neighbor's property and had been forced to undo some work. Ms. Revels said she had heard of such instances and appreciated the comments.

Ms. Dockery said regarding the fence, had they discussed "friendly side out." Ms. Revels said she was aware of that requirement.

MOTION: **Ms. Snyder** moved to find as fact that the Patricia B. Revels application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, I, K, and Q, and the Design Guideline for Fences and Walls.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

MOTION: **Ms. Snyder** moved to approve the application as submitted with no conditions.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

Ms. Revels thanked the Commission for its positive response, and invited everyone to become a part of the December 2nd Candlelight Tour.

ITEM #9: Application for a Certificate of Appropriateness for Raymond Atwater to install steel garage doors on a house currently under construction at 436 West Tryon Street (TMBL 4.29.A.5B)

Ms. Dockery swore in Raymond Atwater. Mr. King stated this home was currently under construction, and the application indicated that the applicant had failed to specify the material for the garage doors in the original application for the COA issued in April of 2007. He said the applicant was proposing to use off-white, steel garage doors, and he provided the Commission with a sample of that material.

Mr. King said the Standards that applied were C for materials, D for texture of exterior construction, and I for exterior color, and the Design Guidelines that applied were New Construction of Primary Buildings.

Ms. Dockery said they could also likely look at New Construction of Outbuildings and Garages, even though it was part of the primary building.

Mr. Rhoades stated the only reason this application was before the HDC was because the material for the garage doors had not been specified in the original COA. Mr.

Atwater stated that was correct. Mr. Rhoades said the doors would be the material and color as stated in the new application. Mr. Atwater replied yes, noting the trim on the house was white. Mr. Rhoades asked if the garage was located towards the rear of the property. Mr. Atwater said it was on the side of the house, but screening had been specified on the site plan at that corner of the garage and at the end of the driveway, to partially screen it from view as you pass. He said you would never get a direct view.

MOTION: **Mr. Bell** moved to find as fact that the Raymond Atwater application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, D, and I, and Design Guidelines for New Construction of Primary Buildings.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

MOTION: **Mr. Bell** moved to approve the application as submitted with no conditions.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

ITEM #10: Application for a Certificate of Appropriateness for Steven Burke and Randy Campbell to construct a 10' x 15' Greek Revival-style garden building and extend an existing gravel driveway at 214 West Tryon Street (TMBL 4.29.C.7)

Ms. Dockery swore in Randy Campbell. Mr. King stated that this home was built in the 1990's, and provided some detail of its architecture and other features. He said the proposed work was to construct a 12' high, 10' x 15' Greek Revival-style garden building to match the house, storage building, and pavilion currently located on the site. Mr. King said the building foundation would be brick, the posts of the building would be of cedar shake siding construction, painted white, with green asphalt shingles. He said there would be one 19th century wood door on the east side, a 4-pane square window to match the existing pavilion windows on the west façade, and a 19th century Greek Revival demilune window on the south façade. Mr. King said lighting on the building would consist of two canned down lights and soffit on the east and north side of the building, with one motion sensor light on the north side. He said the existing gravel driveway and back-around space would be extended about 20 feet to the north of the existing driveway.

Mr. King said the Standards that applied were A, B, C, D, F, G, H, I, J, K, L, M, N, O, Q and R, and the Design Guidelines that applied were New Construction of Outbuildings and Garages, Exterior Lighting, and Walkway, Driveways, and Off-Street Parking. Mr. King then displayed various photos and drawings.

Mr. Campbell indicated there may be a small change to what was depicted on the drawing, in that there may be only two rather than four pilasters just at the end. Ms. Dockery stated it was important to know those particulars.

Ms. Snyder asked about the property, noting it looked very close to the existing building in one drawing but not so close in the site plan. She asked if they were right on the setback line. Mr. Campbell said that first drawing was not accurate, because the lot was actually a trapezoid, and the house itself was oriented so that it lined up better with the property line. He said all the small buildings behind would line up with the new one.

Mr. Council asked if they had at least 10 feet between the property line and the new structure. Mr. Campbell said yes.

Mr. King said the building could be as close as 5 feet to the property line since it is no taller than 12 feet in height, per the Zoning Ordinance. He noted that the GIS maps were not always the most accurate.

Mr. Bell asked about the placement of the demilune window. Mr. Campbell said if you looked at the alignment of the buildings, if you were inside the house looking out to the back, the only way you would ultimately see that window was if it was on that part of the structure, and it would possible have some light coming through it. He said it was just to add a little architectural detail that would be visible from the house. Mr. Campbell said the doors were at the front and facing east across the backyard. He said the driveway was behind it to the west, so the demilune window was just to the southeast front of that side.

Mr. Bell complimented Mr. Campbell on the placement of the prospective building in the photographic renderings. Mr. Campbell stated that Mr. Burke deserved the credit.

Ms. Dockery asked if the lights were definitely not pointing west. Mr. Campbell stated that was correct, adding that no light would go in that direction.

MOTION: **Mr. Rhoades** moved to find as fact that the Steven Burke and Randy Campbell application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards A, B, C, D, F, G, H, I, J, K, L, M, N, O, Q and R, and the Design Guidelines that applied were New Construction of Outbuildings and Garages, Exterior Lighting, and Walkways, Driveways, and Off-Street Parking.

SECOND: **Mr. Bell.**

DISCUSSION: Ms. Dockery noted no comments had been made regarding the parking being extended, and asked was there any concerns. No questions or concerns were expressed by the Board.

VOTE: Unanimously approved.

MOTION: **Mr. Rhoades** moved to approve the application as submitted with no conditions.

SECOND: **Mr. Council.**

VOTE: Unanimously approved.

Mr. King apologized for the belated notice, but indicated the Board had received e-mails of support for this application from Max Walsh, Diana Parrish, Tom Stevens and Debbie Summers.

ITEM #11: Application for a Certificate of Appropriateness for Douglas Dwyer to remove a chimney, remove an existing window, and add a freestanding lamp post and a hanging porch light at 133 East King Street (TMBL 4.30.B.2)

Ms. Dockery swore in Douglas Dwyer. Mr. King described the architecture of the building, stating the proposed work was to install a freestanding low-level safety light in the front yard of the property to be 7 to 8 feet in height, the pole structure would be black metal with an antiqued glass globe lantern-style fixture attached, and matching hanging front porch lights were proposed as well. He said a second facet of the request was the removal of a chimney due to Orange County's assessment that the chimney was too close to the applicant's food service counter and it would create an unsanitary condition. Mr. King said the applicant had considered removing the interior chimney structure and trying to save the exterior chimney, but apparently that could not be approved under the Building Code per the Orange County Building Inspector due to the weight load of the interior walls and the roof, which were not designed to support a brick structure on top of the building.

Mr. King said a third facet of the request was the removal of another window, one of which faced the alley between this structure and the building owned by Orange County to the west. He said the window was proposed for removal due to State health code requirements and per the Orange County Health Department. Mr. King pointed out on the plans two windows already approved for removal as well as the window proposed for removal.

Mr. King stated the narrative of the application also stated that that the metal railings on the front of the building needed to be adjusted due to grade changes at the front of the property. He said the applicant proposed to use black metal railings if they needed to be replaced, and staff had indicated that that change could be approved as a Minor Work, so that was not a part of this application. Mr. King said the applicant was also requesting that they be granted approval under this COA to pave the driveway with asphalt to facilitate garbage service. He indicated that request had been added to the application after the materials were sent to the HDC members.

Mr. King said the Standards that applied were C for materials, F for architectural details, J for proportion of openings, O for appurtenant features, and P for structural conditions and soundness. He said if the proposed modification for the asphalt paving of the driveway was included, those Standards would be R for ground cover and paving. Mr. King said the Design Guidelines that applied were Roofs, Windows and Doors, and if the proposed driveway modification was included, then Walkways, Driveways, and Off-Street Parking would also apply.

Ms. Dockery said if you covered the window from the inside but left it, would that be acceptable to the Health Department or did the window itself have to be removed and

covered over. John Dwyer said it had something to do with the actual opening, noting it was an old, cast weight window, and to run the sheetrock through you had to take the window apart. Ms. Dockery said she was thinking you may be able to place stainless steel directly across it and you would only have to clean the inside.

Mr. Rhoades said he was appreciative that they were trying to make improvements to the building, but he got a little “torn” when you took an historic home and converted it or modified it in order to suit the needs of the business. He said he then began to feel that the home was being altered in a way that may be detrimental to the home and the historical quality of the house. Mr. Dwyer stated it was a commercial building beforehand, that is, a law office; they were not taking a home and turning it into a business. Mr. Rhoades said to come in and convert the home by removing windows and chimneys in order to use it for some sort of business purpose or any purpose was really detracting from the home itself. He said he would much prefer to see some of the features of the home preserved.

Mr. Rhoades said in regards to the chimney, it would be helpful to him to have some supporting documentation as far as the weight loads, but ultimately he believed that removing that sort of feature detracted from the historic quality of the home. He said it was the same with the windows, stating he did not know if it was possible to move the food service area to a different location, or perhaps find a way to build the sheetrock out into the interior and box around it. John Dwyer said it was directly behind the slicer counter, and by Board of Health rules they had to have the area behind the slicer covered. He said the chimney had to be removed because they could not clean it. He said the chimney encroached into the deli cases, and a section of the chimney could not be removed or reduced. He added the chimney was not for a fireplace, but was used as a flue for a deck heater.

Mr. Rhoades said his real concerns were with the window and chimney. He said he believed the lighting proposed and the driveway was fine, as well as the rails. Mr. Rhoades said he was concerned about the home being modified to meet the needs of the business rather than the business being modified to fit into the existing home. Douglas Dwyer said they were at this point because after much planning and inspections they had finally received Board of Health approval with the window and chimney being removed. He said if the HDC approved this, then they were ready to move forward since no other approvals would be required. He added that the window was only about four feet from the County building, and it was a non-visible item.

Mr. Bell asked if the windows could be used anywhere else. John Dwyer responded no, because there was no wall space or open area. Mr. Bell asked how old the structure was. Mr. Dwyer stated 1940. Mr. Bell noted there were several organizations nearby that reclaimed that type of material, and suggested he contact one of them.

Mr. Bell asked if crushed gravel was acceptable for the load of the garbage truck. Mr. Dwyer said it wasn't the gravel, it was the fact that there was only 11'3" of clearance from the rock wall to the building. He said the trucks required 12'5", so no company in

this area would go down the driveway. Mr. Dwyer said with crushed stone, the problem was getting a truck back there to do it. He said they would need to utilize two to three-yard roll-out dumpsters, and the asphalt was to ease that process. Mr. Bell said his concern was that it would create more runoff, so they would need to be aware of the grade to prevent water from running towards the building and under the adjacent wall. Mr. Dwyer said he had already contacted Orange County Soil and Erosion Control to make sure the grade levels were correct.

Ms. Snyder said it was unfortunate to take a house like this and modify it to their needs, but at this point in time, without thinking about what future needs might be, this house was 70 years old and had met a lot of different types of needs. She said there might be some other use in the future and they were attempting to save as many buildings as possible in the historic district. Ms. Snyder said it was a shame to not have the chimney, and she wanted to be absolutely certain that there was no way that the chimney could be wrapped in stainless steel. She said she would have rather ferreted out the walls and bypassed the windows, and put a sheetrock wall in front of it.

Ms. Snyder said she understood those things may not be practical at this point. She suggested that, at the very least, they save the windows and keep them in storage so that if someone in the future found a different purpose for the house, then they would have the possibility of reinstalling the windows that matched the ones on the front. Mr. Dwyer stated they had given the doors to someone for reuse.

Ms. Dockery asked if the State Rehab Code affected the Health Code at all. Mr. Dwyer said that health codes trumped every other code. He said they had done everything possible to utilize the space in the most efficient way possible and still meet all Code requirements, and what they had now was the best solution.

Mr. Bell said with the chimney, they were out 4 inches from having room to put the coolers where they needed to go. Mr. Dwyer said yes, and then they would have to somehow be sealed in either fiber or stainless. He said if they took a notch out of the chimney it would no longer be structurally sound. Mr. Dwyer said there was a flue pipe inside with only one layer of brick.

MOTION: **Mr. Council** moved to find as fact that the Douglas Dwyer application is in keeping with the overall character of the district and does comply with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, F, J, O, P and R, and Design Guidelines for Roofs, Windows and Doors, Exterior Walls, Exterior Lighting and Walkways, Driveways, and Off-Street Parking.

SECOND: **Mr. Bell.**

VOTE: The vote was 4-1, with Mr. Rhoades voting Nay.

MOTION: **Mr. Council** moved to approve the application as submitted with no conditions.

SECOND: Mr. Bell.

VOTE: The vote was 4-1, with Mr. Rhoades voting Nay.

ITEM #12: Application for a Certificate of Appropriateness for Bengt Walker to remove an existing garage door and place a 15 square foot (3' X 5') projecting wall sign at 220 South Churton Street (TMBL 4.36.E.14)

Ms. Dockery swore in Geoffrey Hoffman. Mr. King provided some details on the architecture of the structure, noting it was dated to 1932 when Bill Richmond constructed it as a car dealership. He said although the date made the building historic, there was little original fabric remaining as the one-story, flat roof, brick veneer building had a replacement façade. Mr. King said the proposed work was to remove an existing side garage door and replace it with a painted wooden door of antique construction, and windows that would match other windows on this level of the façade of the building. He said the windows will be of painted wood construction with muntins to match existing materials and design, and new seals for windows and doors would match the existing materials and any replacement brickwork would match existing brick.

Mr. King said the applicant was also proposing a 3' x 5', 15 square foot hanging wall sign to be attached to the brick wall by steel angle. He said the sign would be lit by a recessed fluorescent bulb mounted in the underside of the steel support structure, and the proposed scroll work of the proposed support structure was noted on the plans as optional.

Mr. King stated the Standards that applied were C for materials, D for texture of exterior construction, I for exterior color, J for proportion of openings, and O for appurtenant features. He said the Design Guidelines that applied were Windows and Doors, and Signage.

Ms. Dockery asked for a description of the lighting of the sign. Mr. King stated the fluorescent lighting would be recessed within the bar, so the lighting would be from the top down, and not out. Ms. Dockery said she would like to specify that it only be lit from dusk to dawn.

Ms. Dockery said the combination of garage doors looked to be about the same width as the original garage. She asked would the doors be fitted within the same space. Mr. Hoffman said yes, the size of the masonry opening was not changing and in fact was being preserved. He said they were proposing that the sign be away from the landscape timbers, which they believed was a good idea.

Mr. King said the issue with the sign was that if it were flush mounted on the retaining wall that it would not meet the sign requirements, which was that the sign could not comprise more than 32% of the wall that it was on. He said that he had been informed that Staff had, in the past, used the wall the sign was attached to in figuring this calculation. In this case, the hanging wall sign would use the area of the wall it is

attached to, which would make the sign compliant given the area of the wall the support structure is to be attached to.

Ms. Dockery asked would it be attached to the mortar joints, and not into the brick itself. Mr. Hoffman said it would be attached to the mortar joints. He also provided the Commission with a photo of the proposed light, noting it would down-light the surface of the sign itself. Mr. Hoffman said there would be no other signage.

Ms. Dockery said the first page drawing of the site plan showed the old version of the corner lot, so the Gateway project would actually be much closer and this would be much more visible from the back of that building than the older building currently shown that had now been demolished. Mr. Hoffman said he did not recall, but he believed it was a moot point because it was all below grade in any case. He said from a Code standpoint, you had to have egress points so far away from each other that they were fortunate that the masonry openings allowed them that placement of the two doors opposite of each other for egress.

Mr. Bell asked if the hinges on the door would go to the left and then the door open back. Mr. Hoffman said the door would open outward for egress purposes, and the hinges were on the left. Mr. Bell asked about the door. Mr. Hoffman said the door would be an authentic, old-fashioned looking door. Mr. Bell said he thought it was a salvaged door. Mr. Hoffman said that would be ideal, if they could find one. But, he said, they had found a patternistic authentic-looking door because the owner wanted to do as much of the work himself as possible.

Ms. Dockery asked would it be a wood door either way. Mr. Hoffman said that was correct. He said as he had looked at more pictures of that building, it was nonconforming and believed they were attempting to re-authenticate the look of the building. He said the garage doors were much deteriorated at this point.

Mr. Rhoades asked for a summary of the exterior changes that would impact the HDC so they would have a clear understanding of what those items were.

Ms. Dockery said the existing garage door opening was going to be altered to allow within that space a new door and new window, which was a wood door with metal windows. She said to replace "in kind" did not need the approval of the HDC, but if they wanted to upgrade to wood that would cause no argument. Ms. Dockery said the metal windows would be in the same pattern as now seen; and, the sign would hang up from the wall on metal brackets with lights shining down.

Mr. Rhoades asked if the brick that would fill in between the new 3' entry door and the garage door would be a veneer. Mr. Hoffman said it would be recycled brick from what they removed there. He said he would take great pains to make sure the coursing was maintained.

- MOTION:** **Ms. Dockery** moved to find as fact that the Bengt Walker application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, D, I, J, and O, and Design Guidelines for Windows and Doors, and Signage.
- SECOND:** **Mr. Council.**
- VOTE:** Unanimously approved.
- MOTION:** **Ms. Dockery** moved to approve the application as submitted with no conditions.
- SECOND:** **Mr. Bell.**
- VOTE:** Unanimously approved.

Mr. Hoffman thanked the HDC for its positive response, noting the project had been well received by other Town officials, as well.

Mr. Rhoades added they had had applicants come before the HDC that had sought some sort of approval for a project that would take place at a future date, and offered up that in this situation when the time came to actually implement the changes, that they conform to some of the materials discussed tonight, and that should be conveyed to the owner of the property. Mr. Hoffman said he would do so.

ITEM #13: Interview Emily K. Eidenier for HDC Vacancy.

Ms. Dockery introduced Emily Eidenier to the Board, and asked her to provide some information about herself. Ms. Eidenier provided some brief background information about herself and her interests, as well as why she was interested in serving on the HDC.

Ms. Dockery provided some information about the HDC and its meeting schedule.

Mr. Council stated Ms. Eidenier had a great resume. He asked was she completing her MPH in 2009. Ms. Eidenier responded yes. Mr. Council said having done a Masters, having done four years of doctoral work, and then doing a juris doctorate, he was concerned about her being in graduate school while trying to serve on the HDC. He said he remembered well the time constraints, and asked did she feel she would be able to contribute time to her studies as well as time to this Board? Ms. Eidenier stated she did. She said the meetings of the Board were generally once each month, and she had received the packet and been through that. She said she believed what was required of her to serve on the Board was something she was willing to dedicate time to, and she had been in her program for over 3 months and she understood what was required for her graduate work. She said she was sure she would be able to balance her work with the HDC schedule.

Mr. Council said he knew that she had attended the meeting last month that was rather contentious, and asked was she comfortable discussing the merits of an application in an open and public forum. Ms. Eidenier said she was assuming he was referring to the fact

that people in Hillsborough likely knew one another, and what she might do if she knew someone who brought forward an application. Mr. Council said no, he was actually referring to sometimes contentious meetings they had and was asking was she comfortable having those types of dialogues and interactions with people. Ms. Eidenier said she believed she was, in that the Guidelines provided an avenue to keep things from becoming personal issues. She said she believed she would be able to understand and use those Guidelines in the decision-making process and be comfortable discussing that publicly, knowing that her opinions were bolstered by those Guidelines.

Mr. Bell asked in what area was her MPH. Ms. Eidenier stated she was a Masters of Public Health candidate in Health Behavior and Health Education. She said she was not sure what position she would hold upon graduation, but she did have interests in climate change and natural disasters, and making sure people in this country were prepared for different types of natural disasters. Ms. Eidenier stated she currently worked for the NC Institute for Public Health in their Center for Public Health Preparedness, working on Avian Flu.

Mr. Rhoades asked her if there were other reasons to serve on this Board other than to be active in the community. Ms. Eidenier said that there were a lot of different elements of saying you wanted to be involved in the community, in that she wanted to meet people making decisions and understand how those decisions were made, and she wanted to feel that she was a part of the community's growth. She said it was a combination of wanting to be more social and discover other people interested in local politics and how things came together, as well as having an interest in the Town and its development.

Mr. Bell asked would she say she was an advocate of preservation of the Town. Ms. Eidenier stated definitely yes.

Mr. Rhoades asked did she think she may have to relocate after finishing graduate school. Ms. Eidenier said she certainly hoped not, noting she recently married and her husband was a humanitarian worker in Darfur, Sudan. She said he would be returning next year, and she was hoping they would either rent or buy a home in Hillsborough. Ms. Eidenier said it was her vision to stay in this area as long as possible, noting she was an only child and her parents were here.

Ms. Dockery stated the HDC terms were three years, so it would be really good to have someone make that three-year commitment.

ITEM #14: Staff updates.

Exempt and Minor Works:

Mr. King stated they had received a request a few days ago from the Burwell School at 350 North Churton Street for the removal of a large Sycamore tree behind the building. He said that was approved as an Exempt Work because they had received a letter from the Agricultural Extension Service indicating that the tree was dead and it was a hazard.

Mr. King said Douglas Dwyer's application for the Rooster's Nest was changing its name to Grandma's Place Deli, and he had a Minor Work for changing the color scheme from green with white lettering to an off-white background with gold trim and black letters with grey shading. Ms. Dockery said the HDC did not generally concern itself with colors.

Possible Training Session:

Mr. King stated Tina Moon with Orange County's Environment and Resource Conservation Department, who was the County's Historic Preservation Planner, had noted that their historic properties commission had expressed interest in a training session with Rich Ducker from the School of Government at UNC-Chapel Hill on the legal aspects of the commission. He said they were asking this Board if they wanted to participate in that training. Mr. King said a date had not yet been set, but they were aiming for December or January. He said it might have to be sometime in February, and it might need to be a special meeting. Mr. King said it would likely be held at the County's Food Lab. He said he had told Ms. Moon that he would propose it to this Board, and if they were interested they would begin looking at possible dates.

Mr. King said this Board met on the first Wednesday of the month, the Board of Adjustment met on the second Wednesday of the month, and the County had meetings on the third Wednesday of the month. So, he said, Wednesdays may not be the best day to have the training. Ms. Dockery stated it may be better to have the County suggest a date.

Mr. King said by February this Board may have two new members so that training would be beneficial for them, as well as for him. Ms. Dockery asked how long the training would be. Mr. King said it would likely be in the evening, but they could start earlier if necessary. He said he believed the County's normal meeting starting time was 7:00 p.m. Mr. King offered to email the Board after getting back in touch with Ms. Moon to identify a date.

Appeal of Jeff and Kelly Hopper decision:

Mr. King said Wednesday, November 14th at 7:00 p.m. the Board of Adjustment would hear the appeal of Jeff and Kelly Hopper from the HDC's decision to deny their COA application of October 3rd. He said it would be helpful if some or all of this Board could attend in case questions arose that they could answer. Mr. King said what the BOA was doing at that meeting was reviewing the record to make sure procedures were followed and that written findings of fact were made. He said he believed they were in good shape on that score. He said Town Attorney Bob Hornik would be at that meeting.

He said that Mr. Council had called him to discuss an issue that pertained to a letter. Mr. King said he had gone through the file and found a letter he did not recall this Board getting, that was from a Ms. Fenn and Mr. Wood that was supporting the request, and they indicated that they were Early American historians. He said he thought the reason it had not been sent was because they had been warned about hearsay evidence

and people not being present to be cross-examined. Mr. King said that letter would be sent to the Board of Adjustment with the notation that it was not read into the record of the HDC, nor presented to the Board, at their meeting on October 3rd.

Mr. King said according to Mr. Council there was possibly another letter, but he could not find an additional letter in the file, either in the property file or the Board file. He said in the proposed training session that would be something they could get some guidance on and perhaps set out a policy about what would be considered hearsay evidence.

Mr. Council said a couple of problems would occur with that. He said one was that he had spent some time this afternoon looking at federal rules of evidence and looking back on State rules of evidence, and it was going to be a hard call. Mr. Council said many times you have the hearsay rule, but then there were at least 23 exceptions to the hearsay rule. He said where a letter came in or did not come in he believed would be fairly fuzzy. He said that, as for the person that talked with them about this issue, he would really like for them to be an evidentiary attorney, and he would really like for them to be an experienced attorney.

Mr. King said he believed that Rich Ducker was an attorney, but he would double-check. He said Mr. Ducker was considered an expert in land use law in the State. Mr. Council said his concern was that he would like to have a statement from someone that who was an expert in evidentiary law, not just land use law, because that was the crux of the issue.

Mr. Bell asked if this Board would receive a copy of the letter or letters. Mr. King said he would make sure that they did.

Mr. Council said he believed the reason the person who had talked with him had said there were two letters was because the two people had different last names. Mr. King said he would forward copies to the Board prior to the BOA meeting.

Ms. Dockery asked which members would be able to attend that meeting. No one committed to attending at this time. Ms. Dockery suggested that perhaps Max Preston could attend, since he was on the Board when that application was heard. She said whoever attended would only be asked to provide clarification, if anything. Mr. King said that was correct, noting the BOA would be looking strictly at the record and what was submitted.

Other business:

Mr. King said Peter Yeganian had submitted an application to serve on this Board, and Douglas Dwyer had expressed some interest and had submitted a letter. He asked if they wanted to do that tonight or wait until the December meeting. (Note: As noted below, the Board noted that they would like to hold off on recommending anyone, including Ms. Eidenier, to the Board until they had interviewed all three noted applicants. Mr. King stated that he would inform Ms. Eidenier of this.).

Mr. Rhoades said he was concerned about a property on Margaret Lane next to the current Turnip Patch Park. He said there was an issue with one of the windows being added that was 1/1 sash, which did not conform with the other windows approved for the house. Mr. Rhoades said that was a known outstanding item, and asked what the current status was. Mr. King said he knew that Ms. Trueblood had been in touch with the owner, but did not yet know if it was being resolved.

Ms. Dockery said it was supposed to be a temporary window. Mr. Rhoades said correct, and it had been there for a very long time. He said he would like to request that it be addressed again.

Mr. Rhoades said he also had a question about the fence in that same area, the Turnip Patch Park fence, which he knew had been approved but the way it was installed with the slope made it appear awkward. He said the Town was going to look into that. Mr. King said that was correct, that they were going to try to do something, such as landscaping, to soften that affect. Mr. Rhoades said that fence was an eyesore.

Mr. Council said he would like to have an update on the status of the house near the corner of West King Street and Nash Street, the house that was missing its siding. Ms. Dockery said she believed the owner had until today to do something about that, in that their COA was expiring. Mr. Council said no siding at all had been put up.

Ms. Dockery said the original siding was rotten and the owner had torn it off and put up plywood until he would re-side it. But, she said, he had not yet done anything that she could see.

Ms. Dockery asked if the Board wanted to wait and vote until all applications for vacancies had been received. Mr. King said they had three applicants at present.

Mr. Council said he believed they should wait if it did not put them in a quandary. Ms. Dockery said they did need to fill the vacancies within six months, and they did not want to just get a “warm body” but would like to have choices. She asked Mr. King to provide them with copies of the applications for the next meeting, and they could perhaps vote at that time.

ITEM #15: Adjourn.

Ms. Dockery moved to adjourn the meeting at 9:05 p.m., seconded by Mr. Council. The vote was unanimous.

Respectfully submitted,

Tom King, Secretary