

# Minutes

## HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. May 1, 2024

Board Meeting Room of Town Hall Annex, 105 E. Corbin St.



Present: Chair Will Senner, Vice Chair Mathew Palmer and members Elizabeth Dicker, G. Miller, Hannah Peele, Sara Riek and Bruce Spencer

Staff: Planner Joseph Hoffheimer and Town Attorney Bob Hornik

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

Chair Will Senner called the meeting to order at 6:30 p.m. He called the roll and confirmed the presence of a quorum.

### 2. Commission's mission statement

Senner read the statement.

### 3. Agenda changes

There were no changes to the agenda.

### 4. Minutes review and approval

Minutes from regular meeting on April 3, 2024.

Motion: Senner moved to approve the minutes from the regular meeting on April 3, 2024, with corrections. Member G. Miller seconded.

Vote: 7-0.

Corrections:

- Page 5 of 9, Paragraph 4, Sentence 3: Delete extra "that" so sentence reads, "The general consensus was that although examples . . ."
- Page 6 of 9, Paragraph 3: Add to end of final sentence: "since the property did not have an existing porch."
- Page 6 of 9, Paragraph 8: Replace the term "fencing" with "railing."

### 5. Written decisions review and approval

Written decisions from regular meeting on April 3, 2024.

Motion: Miller moved approval of the written decisions from the regular meeting on April 3, 2024, as submitted. Senner seconded.

Vote: 7-0.

### 6. New business

#### 1. Certificate of Appropriateness Application: 122 E. Tryon St.

Applicant is requesting after-the-fact approval to pave a previously unpaved driveway (PIN 9874067786).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. All commissioners disclosed that they had visited the site in preparation for reviewing the application. No other conflicts of interest were disclosed.

Planner Joseph Hoffheimer was sworn in. Robert Foy and Marjorie Foy, the property owners, were sworn in to speak on behalf of the application.

Hoffheimer introduced the application by presenting the staff report. He noted that the inventory information, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments:

- The Historic District Commission recently recommended amending the compatibility matrix to allow concrete as an acceptable replacement material for dirt or gravel driveways. However, until those amendments are approved by the Town Board, the current design standards remain in effect. Staff encourage the commission to consider their rationale for recommending that amendment when evaluating this application.
- Due to the age of the house, there is a possibility that a gravel driveway could be considered "historic" in this location, although there are many cement driveways at similar houses throughout the district.
- From online photos, the new driveway appears to be wider than the previous gravel driveway. If this application had come before staff in a couple months, it would likely have been approved as a minor work
- Planning staff became aware of the paving from photos sent to the department on March 31, and staff sent a courtesy email to the applicants on April 2. The applicants submitted an after-the-fact application for a paved driveway on April 10, 2024.
- There was some confusion over what a previous staff member may have communicated verbally, but the paving was never approved by staff or the Historic District Commission and currently requires a Certificate of Appropriateness.
- In the future, staff highly recommend written communication and a paper trail for all similar inquiries.

M. Foy expressed appreciation for Hoffheimer's help with the application process and explained that the applicants did not intend to bypass the required process; they had thought they were following the process and had approval from town staff at the time of construction.

M. Foy gave some background information on the project. The applicants said they had repaved the driveway to accommodate their daily accessibility needs due to health and mobility issues. The previous driveway was composed of quartz pea gravel. The applicants added that repaving allowed for increased mobility and access by providing a harder surface that was elevated to effectively decrease the rise of the step into the house.

In response to one of the staff comments, Senner said that although the driveway could be historic due to its age, he did not consider it to be character defining. Hoffheimer agreed, saying he does not consider the driveway to be historic.

The applicants reiterated that the misunderstanding had been with a previous staff member and expressed their appreciation for the current staff helping them navigate the situation. Commissioners expressed appreciation for the applicant's promptness and responsiveness at following up after receiving notification.

There was discussion of other neighboring parking areas. It was noted that there are many other concrete driveways in the area and a paved parking lot adjacent to the property with 45-50 parking spots.

Peele referred to p. 62 of the design standards, which addresses changes made to structures to accommodate accessibility and life safety needs.

Amy Zimmerman, a member of the public, was sworn in to offer testimony on the application. Zimmerman said that the driveways on the street of the applicant's property are asphalt, brick, and gravel, and that the parking lot is asphalt. She said there are no concrete driveways on that street, and that concrete has a different environmental impact than the materials that currently exist for parking.

The commissioners reminded the applicants and public that their review is not limited to what exists only in the immediate vicinity of the property, but that they also must consider the context of the overall district.

Senner closed the public hearing. The commissioners deliberated, noting that concrete is listed in the compatibility matrix as an appropriate material for driveways and is not incongruent. There was agreement that the changes in dimension of the driveway are modest and not incongruent with other driveways in the district. In addition, the driveway is not character defining for the property. It was also noted that concrete is an appropriate material for the style and age of the house.

Motion: Miller moved to find as fact that the 122 E. Tryon St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Walkways, Driveways, and Off-Street Parking. Member Elizabeth Dicker seconded.

Vote: 7-0.

Motion: Miller moved to approve the application as submitted. Member Sara Riek seconded.

Vote: 7-0.

2. Certificate of Appropriateness Application: 118 W. Tryon St.

Applicant is requesting to build a wood post/welded wire fence on the north, west and east sides of the property and an aluminum fence on the middle west and east sides of the property (PIN 9874070048).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. All commissioners disclosed that they had visited the site in preparation for reviewing the application. No other conflicts of interest were disclosed.

Mary Ann Peter and Robert Peter, the property owners, were sworn in to speak on behalf of the application.

Hoffheimer introduced the application by presenting the staff report. He noted that the inventory information, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments:

- The commission may approve aluminum fences on a case-by-case basis and recently has approved similar backyard aluminum fencing at 309 Mitchell St. and 207 E. Queen St.

M.A. Peter confirmed that the sections of aluminum fencing will be added along the front portion of the fence, which will be most visible. The post and wire fence will be added around the rest of the perimeter of the property as shown on the site plan, except for the portion on the eastern property line which already has an existing post and wire fence owned by neighbors. The proposal is to connect the new fence with the existing fence.

M.A. Peter confirmed that fence is proposed to be six feet high. There was discussion among the commissioners that most other aluminum fences in the district are not that high. Peter responded that the commission has approved applications for similar fences of the same height.

There was discussion of the proposed fence's low visibility from the street and the surrounding vegetation that provides screening. R. Peter said that there are woods on each side of the house, and that they chose aluminum instead of post and wire for the front of the house since it would be more visible to the public.

The point was raised that the compatibility matrix indicates that top and bottom rails are required for a post and wire fence. M.A. Peter explained that they chose to match the neighbor's existing fence, which does not have top or bottom rails, to make it appear more seamless. The commissioners agreed that the intent to match the style of the existing fence makes it not incongruous. Hoffheimer added that the new amendments to the design standards, once they are approved by the Town Board, will remove the requirement for top and bottom rails for wood and wire fences in back yards.

The commissioners summarized the discussion, noting that there appeared to be no objection or concern that the proposal was incongruous with the district, and that this particular property provides significant screening of the fence with dense vegetation, so it will be minimally visible from the street.

Senner closed the public hearing.

Motion: Miller moved to find as fact that the 118 W. Tryon St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Fences and Walls. Riek seconded.

Vote: 7-0.

Motion: Miller moved to approve the application as submitted. Dicker seconded.

Vote: 7-0.

### 3. Certificate of Appropriateness Application: 107 N. Hillsborough Ave.

Applicant is requesting to convert an existing side deck to a screened porch (PIN 9864763399).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. Member Hannah Peele disclosed a conflict of interest. Peele said she is a neighbor of

the applicant and holds a fixed opinion that prevents her from providing an unbiased review of the application.

Motion: Senner moved to recuse Peele from consideration of the 107 N. Hillsborough Ave. application. Miller seconded.  
Vote: 6-0.

All commissioners disclosed that they had visited the site in preparation for reviewing the application. No other conflicts of interest were disclosed.

Mitchel Sorin, the property owner, was sworn in to speak on behalf of the application. Sean Kehoe, a member of the public, was sworn in to provide testimony.

Hoffheimer introduced the application by presenting the staff report. He noted that the inventory information, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments:

- The compatibility matrix only allows MasterRib roofing on a case-by-case basis for additions. However, the existing structure has a MasterRib roof.

Sorin clarified that the proposed project will involve demolishing the existing deck and rebuilding it as a screened porch instead of enclosing the existing structure. He confirmed that the peak of the new roof will be lower than the peak of the existing roof, as shown on the south elevation, and that the fiber cement siding will be installed smooth side out.

Hoffheimer noted that the new construction will not be very visible to public view.

The commissioners expressed appreciation for the straightforward application, and especially the detailed sketch of the proposed work to help them visualize the project and the summary of design standards the applicant had included.

Sorin explained that new two-foot square footings would be installed under the existing structural wood posts and that he intended to minimize impact on the nearby trees. He said he did not know whether there were existing footings under the deck.

The commissioners expressed concern about the impact to the existing trees. It was suggested that if this project had been proposed as new construction rather than a change to an existing structure, the commission might have scrutinized the proximity to the existing trees and would have asked for justification as to why the new structure had to be located on this side of the house rather than in another location away from the trees.

Sorin estimated that the trees are between 14 and 18 inches in diameter. Hoffheimer said that his understanding from discussions a few months ago indicated that the trees did not meet the mature tree threshold.

Sorin referenced the site plan and pointed out the two trees that are closest to Hillsborough Avenue, saying they are far enough away from the project that they probably would not be affected by the

project. He pointed out that the tree closer to the porch looks very close to the edge of the structure. However, the footings underneath are set apart from one another so will have minimal impact on the tree. Sorin said he would be open to installing a tree protection fence during construction.

The commissioners acknowledged that the footings were chosen in order to be mindful of the trees and that there is already an existing deck within the footprint of the proposed structure.

Sorin added that the location of the structure was chosen for functionality: that site is just outside the kitchen. He said the other side of the house is where bedrooms are located, so it would not make as much sense to put a porch there. The commissioners noted that because there is an existing deck, there is an existing door, and moving the porch would lead to other modifications to the house exterior which may not be desirable.

The commissioners reviewed the elevations. Sorin confirmed that the material below the mesh screening would be a 2 ½-foot high fiber cement or painted wood railing with lattice material between the verticals.

There was discussion of the motion security light. The commissioners reminded Sorin that lights should be pointed down to minimize impact on neighbors. Sorin confirmed that the lights will be small, three to four inches, and are adjustable. He said the intention is that the light will turn on when a car enters the driveway for lighting between the parking spot and the house. He said the lights will face west, and that neighbors are to the south. The commissioners expressed appreciation for the applicant minimizing light disturbance by choosing motion sensors rather than using lights that are perpetually on.

Kehoe, a neighbor, spoke in support of the application. He said that the project is not at a scale that would require excavators, and he asked that the commission not require tree protection fencing in this instance. Senner replied that if no heavy equipment is being used, there is no need for tree protection fencing.

Senner summarized the commissioners' discussion, saying there did not seem to be any concerns about the application, especially considering that the proposed porch is clearly subordinate to the existing structure with a lower roofline and following the footprint of an existing deck; the proposed materials are compatible with the design standards; and overall the project appears to be not incongruent with the district.

Vice Chair Mathew Palmer expressed appreciation for the comprehensiveness of the application.

Senner closed the public hearing.

**Motion:** Miller moved to find as fact that the 107 N. Hillsborough Ave. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Additions to Residential Buildings. Member Bruce Spencer seconded.

**Vote:** 6-0.

**Motion:** Miller moved to approve the application as submitted. Palmer seconded.

**Vote:** 6-0.

4. Certificate of Appropriateness Application: 437 Dimmocks Mill Rd.

Applicant is requesting to install windows in the northwest wall of the mill, demolish Suite 50, regrade, and add a bus drop-off (PIN 9864646207.006).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. Riek said that she works in the property under review and holds a fixed opinion that prevents her from providing an unbiased review of the application.

Motion: Senner moved to recuse Riek from consideration of the 437 Dimmocks Mill Rd. application. Miller seconded.

Vote: 6-0.

All commissioners disclosed that they had visited the site in preparation for reviewing the application. No other conflicts of interest were disclosed.

Elena Wells and Will Riedel were sworn in to speak on behalf of the application.

Hoffheimer introduced the application by presenting the staff report. He provided some additional information about the staff report and shared the staff comments:

- The years listed in the inventory relate to different portions of the building.
- The historic inventory information is the National Register nomination information, which is from 2011.
- For local review purposes, portions of the building are contributing. Suite 50, which is up for demolition, is not considered to be contributing by National Register standards but meets the contributing threshold for the Historic District Commission because of its age.
- Staff interpret the National Register nomination to indicate that the northwest wall is over 50 years old and is considered contributing for National Register purposes. Though much of this section was veneered in the 1970s, staff's copy of the National Register nomination does not show those sections as non-contributing.
- The commission may apply the Secretary of the Interior's Standards regardless of "contributing" status.
- Staff do not find the existing doors and loading docks on the northwest wall to be historically significant, but Suite 50 may have some significance for local review purposes. It could be considered character defining and it is over 50 years old.
- Any demolition remains subject to Section 3.12.6 of the Town's Unified Development Ordinance, and the Commission may delay issuing a demolition COA for up to 365 days from the date of approval.
- The northwest wall once had windows, but staff have not seen any photos of these.
- The materials for the doors, sidewalk, and patio will need to be clarified.
- West Triangle Charter High School will require a special use permit from the Board of Adjustment.
- Because the Historic District Commission only reviews exterior changes, it may decide on the submitted application at this meeting. However, depending on what the special use permit process requires, this application may have to return to the commission if the special use permit requires any major changes (including site changes).

There was a request for clarification of the commission's purview relative to the location of the property. Hoffheimer explained that two local landmarks, Eno River Mill and Bellevue Mill, are subject to Historic District Commission review despite being outside of the geographic boundaries of the Historic District.

There was discussion of the process of review, and Senner and Hoffheimer reminded the commission that this review should reference the Secretary of the Interior's Standards for Rehabilitation.

Wells introduced the application by providing some background information on the project. She said that in 2022 the Department of the Interior and the National Park Service requested a master plan for the Eno River Mill, which included changes to the exterior and demolition of Suite 50. She said that the two entities agreed that the proposed master plan was the best way forward for the building. Wells explained that the building has drainage issues and is not currently ADA accessible, nor is it economically feasible to modify it to meet ADA accessibility requirements. The only rational way forward, she said, is to demolish and rebuild.

Wells confirmed that the portion of the building under review is not currently in use and cannot be used due to ADA accessibility issues. Wells said the footprint of the entire structure is 300,000 square feet, and that the portion of the building in question is less than  $\frac{2}{3}\%$  of the entire footprint but is causing a disproportionate amount of challenges.

Hoffheimer reminded the commissioners that they can ask for documentation about the ADA requirements to use as evidence.

Riedel added that if the building cannot be demolished, it will sit unoccupied because it is not economically feasible to modify it to meet accessibility standards. He said the proposed façade will provide a better public presentation of the mill as viewed from Dimmocks Mill Road than currently exists. He said the project will allow the mill to provide service to students who use the entrance when they ride the bus to the proposed charter school. He claimed that the current unused state of the building has nothing to offer in terms of historic value since it is sitting unused. He said the overall goal of the project is to continue the effort to make the mill a cultural center and that adding a charter high school to that building is a step toward that goal.

There was discussion of the fact that the use of the building is not within the jurisdiction of the commission, and that the intended occupancy is immaterial to the decisions made at this meeting. There was also clarification that for an application of this sort, the commission is tasked with assessing the compatibility of the proposed materials relative to the rest of the mill, rather than using the standards outlined in the compatibility matrix.

The commissioners reviewed the site plan. Riedel confirmed the drive would be asphalt and sidewalks would be concrete, with a concrete curb. He said the canopy would be steel posts with a standing seam roof of a non-reflective color, though he said the specific color has not been chosen yet. He said other canopies in the mill are made of galvanized metal. Riedel said the structure will be steel posts painted to match other similar structures in the building.

Riedel said the new entry would be white aluminum storefront doors, in keeping with most of the rest of the mill. Windows would be white aluminum storefront construction. He said the intent in the design and placement of the windows is for the wall to maintain an industrial aesthetic. He said school activities will need light, and windows more economic and safer than skylights.



A concern was raised that adding windows might detract from the character of the existing structure. There was discussion about which type of the building's existing windows the new windows will match. Riedel said they plan to match the newer, more rectangular windows in the back of the building, rather than the older windows with arches over them. He said the National Park Service does not want the property owners to imitate historic elements if they are not historic or restorations. Senner said that the Historic District Commission holds the same opinion. Hoffheimer said that one challenge staff have found with this building is that so many different changes have been made over time and it can be difficult to determine which elements should be considered reference points for its historic nature. Miller expressed concern over the congruity of the windows since they match the newer style rather than the more historic style. Senner said he did not believe the windows to be incongruous, given the diversity of window styles throughout the mill.

Riedel gave some history on this portion of the building. He said that there were other buildings on the side near Dimmocks Mill Road that extended out to the road. The historic wall that faces Dimmocks Mill Road was torn down, and this new wall with oversized bricks was added in its place. The drives and loading docks were added later. Hoffheimer said the brick wall is from 1971, and Wells said the loading docks were added in 1989.

Riedel said the same style of brick will be used to integrate the new portions into the existing wall. He said they will salvage brick from the demolition to use to fill in the new parts. Wells added that there is a lot of old brick stored in the building from past projects that could be used.

There was discussion of details of the plan for the proposed charter school. Wells said the project is planned to be separated into four phases over four years. Staff reminded the commission that the Board of Adjustment will review the details of the project, including transportation plans.

There was discussion of the paved drive. Riedel confirmed that the substrate underneath the surface of the drive will be engineered to accommodate the load of the school buses, and that loading and unloading will happen along the drive and then the buses will leave the area.

There was further discussion of the windows. Riedel confirmed that the new windows will face northwest. Miller noted that though it is important to not duplicate historic windows, the arched windows are a point of character, and he sees the style of the older windows as more in keeping with the character of the building as a whole than the windows in the newer part of the building in back.

Riedel explained that the original building and wall are from the 1800s, and that within the entire mill there are no existing original windows. The current windows were designed based on historic photos and there are several types of existing windows in the mill, progressing through different styles and eras. He said they chose to use rectangular windows in that wall because they seemed to be most appropriate for that elevation.

There was discussion among commissioners, staff, and council about application requirements. Commissioners informed the applicants that typically when the commission reviews a Certificate of Appropriateness application there is evidence provided that shows specifications and examples of certain elements, including what the windows will look like. Wells said she will email the window specifications to Hoffheimer.

There was discussion of the scale and massing of the wall and the building. It was pointed out that the entrance of the school is small in scale relative to the mass of the wall. Riedel responded that the

applicants intend to minimize the impact of the entrance while still having it clearly visible. Riedel explained that the school will have two entries. The one presented in the application will not be the main entrance to the school; it will be mainly for bus riders and will be ADA accessible. On the other side of the building there will be a different entrance used for car drop-off and for faculty and student parking.

Wells added that they wanted the entrance to not take up the entire façade so it would not mislead the public into thinking it is the main entrance to the mill building.

There was discussion of the scope of the larger project that the application is part of. Commissioners expressed concern that they don't have a good sense of the larger context that this proposal sits within. Riedel said he could provide drawings that show the plans for the school.

Riedel said this is the first of three or four phases, and that the overall development will encompass over 63,000 square feet. Wells added that they are trying to get started on this portion of the project first because it will require the most effort and resources. Riedel said they are working on a tight schedule, so at minimum they would like to get approval to demolish Suite 50, and that the bus area is simply a part of that design.

Wells confirmed that the doors will match the existing doors: aluminum storefront, with mullion profile as shown in the proposal, and clear glass. Riedel confirmed that there will be a bus rider canopy where students get off the bus.

There was discussion of the scope of the purview of the board and the standards being used to judge whether the application was appropriate for approval.

Riedel said the material for the patio wall will be parged concrete masonry units, which is similar to other areas of the building. He added that there are some areas where walls are concrete, but the cost of concrete is too high for this project, and smooth parge will closely emulate concrete. Riedel pointed out that there is a stucco building on the right-hand side of the elevation, whose style will be visually reflected in the parged wall.

There was discussion about the appropriateness of the proposed demolition. The commissioners and staff stated that evidence to justify the demolition will need to be submitted to staff, including a cost-benefit analysis of modifying the building to meet ADA standards versus demolishing it and rebuilding. Senner noted that as a condition for approval. There was also a request for the applicants to submit larger, scale architectural drawings and specifications that clarify the proposed materials. The commissioners reiterated that they would like to see more details so they know exactly what they are being asked to approve.

Senner suggested tabling the application until next month to give the applicants the opportunity to provide additional documentation, but to continue this night's deliberation to keep the application moving. The applicants said that they were amenable to that suggestion.

The applicants said they will work with staff to get approval for plantings around the bus pull-in area.

Peele proposed adding a condition that the parge be smooth, to match the existing parging around the building.

Riedel said the plan is to demolish the slope to the loading dock. They will raise the level with topsoil so the exterior patio is level with the interior floor. He said the slope to the patio wall will be grass, and there will be some landscaping vegetation added to soften the elevation. Hoffheimer noted that the Secretary of the Interior standards for screening are lighter than the Historic District's standards, so commissioners' requests for screening should be tied to congruency with the rest of the building.

There was further discussion of documentation of the condition of the building. Riedel said the condition of the building is not typically included in the documentation provided to the Secretary of the Interior. There was further discussion of the plan to demolish Suite 50 and whether financial hardship can be taken into consideration in cases of demolition. It was noted that the proposed project cost was \$180,000. Commissioners requested that the applicants submit evidence for this estimate in the updated materials for the next meeting.

There was further discussion about the style of the proposed windows. Miller said that following the standards of the Secretary of the Interior, he does not think the character of the proposed windows is appropriate given other windows in the building. He said that given that this building was built in the 1830s, it would be more appropriate to follow the style of the arched windows in the older sections of the building.

Senner suggested that arched windows might create an artificial sense of history, and that the standards are more about compatibility than direct matching. Senner and Peele both said they do not have a concern with compatibility of the windows considering how the style has evolved in different sections of the building over time.

Riedel added that the windows were designed to be compatible with a style typical of the 1970s, when the wall in question was built, which the applicants considered to be appropriate for that particular wall. Hoffheimer clarified that there were windows in the wall at one point, but it was uniformly veneered in the 1970s. Wells added that the windows installed in the 1970s were meant to be stylish for that time.

It was suggested that rectangular windows are more functional in an educational setting because arched windows are more challenging to cover.

It was acknowledged that it is difficult to judge congruity in the context of a building that has evolved so much over time and has historic elements from widely different time periods. Hoffheimer added that this is not an original wall, but it could be argued that it has historic significance now because of the period when it was built.

Miller contended that he still does not think the proposed windows are congruous following the guidelines from the Department of the Interior.

It was suggested that the applicants present examples of other windows in the mill to show how the new windows might be compatible with the rest of the mill.

Motion: Senner moved to table the 437 Dimmocks Mill Rd. application until the June 5 meeting.  
Palmer seconded.  
Vote: 6-0.

## 7. Old business

A. Certificate of Appropriateness Application: 114 W. Queen St.

Applicant is proposing to add porches to the main house, construct a detached accessory dwelling unit to the northwest of the existing Strudwick kitchen structure, and construct two sheds in the northeast corner of the property (PIN 9874071780).

Senner noted that the public hearing was open and everyone was still sworn in from the previous meeting.

Hoffheimer noted that everything in the staff report through the applicable design standards section is the same as last time except that the two sheds have changed to one shed. He provided the additional staff comments:

- The applicant has paid an additional fee of \$45 (for a total of \$80) to reflect additional estimated project costs.
- The applicant has added hand-drawn trees and driplines to the site plan. Staff recommend that the commission determines if the tree plan is sufficient before addressing the rest of the application. The commission has approved applications with hand-drawn tree locations in the past.
- The plans for the main house remain the same, although the applicant has added a drawing of the proposed patio surrounding the Strudwick Kitchen.
- The applicant has taken three feet off the accessory dwelling unit to make it 25 feet x 32 feet, or 800 square feet, which would comply with zoning.
- The two sheds have been combined into one and moved to the center of the east side of the back yard. The new shed appears to be 1,000 square feet, and staff are unaware of any purpose-built sheds of this size in the historic district.

It was noted by the commissioners that the drawings were still not to scale.

There was discussion of whether adjacent property owners were re-notified about the project now that the sheds have been combined into one large shed. Hoffheimer said there was no re-noticing, and Town Attorney Bob Hornik said that the commission could decide whether the change was significant enough to warrant re-noticing.

The commissioners discussed the south elevation of the main house. Senner summarized the discussion from the previous meeting. He said that there had been some but not majority concern about the congruity of a side porch addition, and that the majority of the board had felt that there were other examples of side porch additions in of that to support it not being found incongruent. But he also said that the majority of the commission had found the front porch to be incongruent; they had not found adequate justification for the front porch addition being not incongruent since it is a character defining elevation of the house.

There was discussion of adding a patio as an alternative to a porch addition. It was determined that that the commission was tasked with addressing the proposal in the application before them.

The previous meeting's discussion and rationale for finding the porch addition incongruent was summarized further. Palmer acknowledged that he had been absent at the prior meeting, and he stated that he did not find the porch to be incongruent.

Bill Whitmore, a neighbor of the applicant, was sworn in. Whitmore encouraged the commission to approve the front porch addition, arguing that houses evolve over time. He acknowledged that the commission strives to protect the beauty and charm of the house, and he encouraged them to allow appropriate evolution of the house.

The commissioners reviewed the north elevation. Morris provided an example of the proposed railing on a house on Margaret Lane next to Turnip Patch Park. The example shown was wood with square mesh black welded wire with a spacing of 2-3 inches, similar to the proposed railing for the rear balcony. There were no concerns expressed about the congruity of the rear balcony.

Peele expressed concern that the proposed project did not feel cohesive as a whole, but rather felt like various incongruous styles pieced together. She said there are many houses within the Historic District that have been added onto over time and whose elements do not match so the public understands that changes have taken place. However, she said she felt that some of the pieces of this addition detracted from others due to the variation in styles that are not cohesive. She referenced the north elevation as an example, pointing out that the railing of the balcony is of a more contemporary style, the bottom of the house is more classic, and the horizontal windows in the dormer look out of place with all the other vertical windows on the elevation. She acknowledged that each of these elements can be found throughout the district, but that they do not seem to work together in this instance.

There was discussion about how much leniency the commission ought to give to the rear of a house while still fulfilling its duty to uphold the design standards.

Palmer pointed out that many eras of design influence are coming together in the proposal. He acknowledged that some commissioners' preference would be for the design to be cohesive but reminded the commission that they have asked applicants to include era differentiations so the changes are clearly not part of the original house.

There was further discussion about the fact that the changes under consideration are on the back of the house. Spencer expressed concern about incongruity between the shed dormer and the rest of the house. There was discussion of whether that would impact an overall review of the rear of the house.

Spencer, Peele, and Miller expressed concern about the lack of congruity between the design features on the rear elevation. Dicker and Palmer said they did not find the elevation incongruous. Miller clarified that he did feel it was incongruous but that its siting in the rear of the house made it less of a problem. Senner said he shared some of the overarching concerns, but that he agreed with Miller that its location in the rear of the house made him less concerned about its incongruity.

The commissioners reviewed the west elevation. Palmer said he thinks the front porch balances out the house.

The commissioners reviewed the east elevation. There was discussion of the discrepancy between the photograph and the drawing of the east elevation and their depiction of the location and spacing of the new window. Spencer expressed concern that the drawing is not to scale and gives a misleading sense of how much spacing surrounds each window.

Morris said the existing window would essentially be duplicated and located between the current window and the chimney, as could be imagined in the photo. He confirmed that the new window will be equidistant between the window and chimney. He also said the existing window could be moved six to 12

inches to the left if necessary. Morris showed a view of the side of the house from the street in the summertime. He acknowledged that in the winter it would look different with less screening from the trees.

It was noted that the drawing is also out of proportion vertically, so the bottom of the window will be closer to other elements above and below it than it appears in the depiction.

Riek and Palmer said they do not find the new window incongruous. Spencer said he found it incongruous, arguing that an architect would not have designed it to look like the proposal. Miller and Peele both said they find it incongruous.

The photograph of the east elevation was shown, and Palmer held a rectangular ruler up to the projected photo to show the proportions of what a new window might look like. After the demonstration Senner said he would not find the window incongruous, and that Palmer's demonstration had strongly contributed to that assessment. Peele said she was still having a hard time grasping the proportions and couldn't accurately make an assessment. Dicker said she now found the window to be incongruous because the proposed location is inconsistent with the standards of alignment of existing windows per Window Standards, Section 8.

The discussion moved on to the other elements of the proposal. There were no concerns about the proposed patio surrounding the Strudwick Kitchen.

There was discussion of the site plan and the drip line of the trees. The commissioners accepted the hand drawn site plan as adequately conveying the important information. Morris confirmed that the tree at the corner of the accessory dwelling unit is a twin hackberry tree that is over the mature tree threshold. He said he has already planted a new tulip poplar along the north fence line, and that he combined and relocated the sheds so he no longer needs to remove a black walnut. Senner expressed appreciation for the relocation of the shed to avoid the dripline and the planting of a new tree to replace the one to be removed.

There was discussion of the siting of the accessory dwelling unit and the commissioners asked why it was not located farther east to avoid the tree. Morris said if the structure moved any farther south it would impede on the dripline of a large ash tree, and if it were moved east, it would decrease the functionality of the back yard space.

Senner offered that with the wooded nature of the lot and the planting of the new tree he did not feel that it would be unreasonable to remove the one tree in question in order to build the accessory dwelling unit. Dicker said she agreed with Senner's assessment. No objections were declared.

Morris agreed to install a tree protection fence around the ash and pecan trees on the south side of the site. He said all other trees are protected by either their distance from the project sites, existing fencing, or the topography of the site.

Hoffheimer confirmed that construction of brick steps up from West Queen Street onto the property will be a minor work after the June approval of the design standard amendments, if it is not already considered a minor work.

Morris clarified that the small black square at plan north of the Strudwick Kitchen is a structure that does not exist anymore and does not have bearing on the application.

Miller expressed concern about the placement of the shed now that it has been combined into one large structure. Senner noted that staff had raised a comment about the size of the shed. Morris said there is a barn in the back of the property at 117 W. Union St. and another barn across the street. Dicker said that given the location and size of the yard, she is not concerned about the size of the shed. Palmer agreed and said that it seems not incongruous.

The commissioners discussed the plans for the accessory dwelling unit. Senner reiterated his concern about the congruity of vertical brick banding. Spencer said he shared the concern. Morris showed a picture of brick banding elsewhere in the district (101 E. Orange St.) with brick corners next to siding. Senner said he interprets the design in the photo as different than the decorative banding in the proposal. He said that further, in his opinion, one photo does not justify congruity with the district in this instance and that he still has concerns.

Morris reminded the commissioners that this structure will be in the back yard and not visible from the street. Dicker and Riek said they did not find it incongruous, since the structure will be new and the banding will clearly show that it is from a different era than the house. Miller said he found the brick to not be a problem since it is in the back of the house and the public will not see it. Senner noted that this structure will be visible from the Burwell School. Palmer remarked that the design is modern but also intends to draw design elements from the rest of the house to tie the structures together. He acknowledged that the commissioners felt challenged by this application because the applicant is trying to use a mixture of materials and styles.

The commissioners reviewed the side elevations of the accessory dwelling unit. No concerns were raised.

The commissioners reviewed the northern and southern elevations for the shed. Morris clarified that the doors would be recessed, providing a small covered area in front of the entrance.

The commissioners reviewed the west elevation. Morris confirmed that the siding material between the doors and windows is the same board and batten. He said the structure will be about 16 feet high and that the pitch of the roof of the accessory dwelling unit and the shed are about 3:12.

Palmer asked to continue deliberation on the front porch. He encouraged the commissioners to consider the public comment regarding the evolution of houses and front porches that were not original to the structures. He encouraged them to consider porches as not only design elements, but also as quality of life elements. He said the larger vision of the application ought to be taken into consideration, and that he does not consider the porch incongruous given examples of other homes nearby that have had porches added.

There was discussion of the process for approval given the many elements of the proposal and commissioners' disagreement about the congruity of some of those elements. Hoffheimer said that staff recommend that the commission decide on everything in the application so as not to prolong the hearing any further. Morris expressed his appreciation for that recommendation.

Senner closed the public hearing.

Motion: Riek moved to find as fact that the 114 W. Queen St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of

evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Porches, Entrances, and Balconies; Additions to Residential Buildings; Walkways, Driveways, and Off-Street Parking; New Construction of Accessory Dwelling Units; New Construction of Outbuildings and Garages; Windows; Doors; and Roofs. Palmer seconded.

There was no vote on the motion. Instead, the commissioners discussed the motion and Riek made a revised motion.

**Motion:** Riek moved to find as fact that everything included in the 114 W. Queen St. application except the front porch and added side window on the east elevation is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Porches, Entrances, and Balconies; Additions to Residential Buildings; Walkways, Driveways, and Off-Street Parking; New Construction of Accessory Dwelling Units; New Construction of Outbuildings and Garages; Windows; Doors; and Roofs. Spencer seconded.

**Vote:** 5-2. Nays: Peele and Senner.

**Motion:** Riek moved to approve the application as submitted without the added window on the east elevation or the front porch. Palmer seconded.

**Vote:** 5-2. Nays: Peele and Senner.

**Motion:** Riek moved to find as fact that the new east facing window included in the 114 W. Queen St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Windows. Senner seconded.

**Vote:** 2-5. Nays: Dicker, Miller, Palmer, Peele, Spencer.

**Motion:** Riek moved to deny the east facing window of the 114 W. Queen St. application. Dicker seconded.

**Vote:** 5-2. Nays: Riek and Senner.

**Motion:** Riek moved to find as fact that the front porch addition included in the 114 W. Queen St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Porches, Entrances, and Balconies. Palmer seconded.

**Vote:** 2-5. Nays: Miller, Peele, Riek, Senner, Spencer.



Motion: Riek moved to deny the front porch addition of the 114 W. Queen St. application. Spencer seconded.  
Vote 6-1. Nay: Palmer.

**8. General updates**

There were no updates.

**9. Adjournment**

Senner adjourned the meeting at 9:50 p.m. without a vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph Hoffheimer". The signature is fluid and cursive, with the first name "Joseph" written in a slightly larger, more prominent script than the last name "Hoffheimer".

Joseph Hoffheimer  
Planner  
Staff support to the Historic District Commission

Approved: June 5, 2024