

Minutes

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. May 7, 2025

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



Present: Chair Will Senner, Vice Chair Hannah Peele and members G. Miller, Sara Riek, Bill Warren and Daniel Widis

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 March 5, 2025.

Motion: Member G. Miller moved to approve the minutes from the regular meeting on March 5, 2025, as submitted. Member Daniel Widis seconded.

Vote: 6-0.

5. New business

- A. Certificate of Appropriateness Application: 309 Mitchell St.
Enclose existing screen porch (PIN 9874477729).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. None were disclosed. All commissioners disclosed that they had visited the site in preparation for reviewing the application.

Planner Joseph Hoffheimer was sworn in. Bill Harris, the property owner, was sworn in to speak on behalf of the application. Neighbor Mike Irwin was sworn in to provide public comment.

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 current screened porch was only built in 2009 and is not historic.
- Aluminum windows are allowed on a case-by-case basis in the historic district but have been used on other newer residential construction in the district.

Harris introduced the application, explaining that the oak tree above the porch produces a lot of pollen, and said he had decided to enclose the porch to mitigate the problem.

Harris presented a graphic rendering and a physical sample of the aluminum frame of the addition. He said the four existing corner posts of the porch would remain, and glass and aluminum would be added within the existing wood structure. Harris presented a sample image, from the manufacturer's website, of a similar porch with wood framing, aluminum, and glass. He said the proposed material would be the same bronze color as in the sample image and the material sample. He said the main difference between the proposed project and the sample image would be that the top triangle portion of the wall would be enclosed in white siding in the proposed work.

Harris confirmed that the posts on the corners of the porch would remain the existing, unpainted wood. He said the intermediate posts will be removed, and the aluminum and glass would be added between the existing corner posts. He said the porch is approximately 13 feet across and nine feet deep, and that the 13-foot span will be enclosed with two 6-foot operable windows that will slide open horizontally to reveal screening. He added that four to five feet of screening will be added to the east and west sides.

Harris confirmed that no doors will be involved in the project. He clarified that the current porch has no doors, but that there is a side door into the house, with stairs leading up to it, that is not associated with the porch.

Harris confirmed the windows will be double-paned glass with no tinting. Miller referenced a recent discussion among the commissioners about how enclosing a space and adding windows can change the massing of a house. He said he did not find that to be a concern in this case.

Senner noted that care had been taken to avoid impact to the central character-defining element of the house by preserving the front facade. He remarked that the porch is appropriately set back from the house, and the proposed change does not impact the front elevation. It was noted that the vegetation planted in front of the porch helps to make it not incongruent.

Irwin, who previously served on the Historic District Commission, provided public comment on the application. He said the property owners have studiously followed the design standards. He said the proposed porch will be almost identical to the one next door to it, which has had the same treatment applied.

Member Sara Riek said she believes the project does a good job meeting the design standards. She referenced Porches, Entrances, and Balconie Standard 10, noting that the project is on the side elevation, preserves the character of the existing house, encloses the porch in a manner that won't obscure anything, and it uses glass panels with a minimum number of vertical framing members.

Senner summarized the commissioners' discussion. He said no concerns were raised that the proposed work is incongruous with the historic district, as care has been taken to: avoid impact to the front facade; use an existing side porch that is set back from the front elevation; preserve as much of the existing side porch as possible; and replace screened elements with windows and with materials that are consistent with the compatibility matrix.

Senner closed the public hearing.

Motion: Riek moved to find as fact that the 309 Mitchell St. application is in keeping 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; Porches, Entrances, and Balconies. Senner seconded.

Vote: 6-0.

Motion: Riek moved to approve the application. Senner seconded.

Vote: 6-0.

B. Certificate of Appropriateness Application: 120 E. Orange St.
Construct rear addition (PIN 9874089385).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. None were disclosed. All commissioners disclosed that they had visited the site in preparation for reviewing the application.

Carolyn Hale and Martha Mason 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 application proposes removing a rear wing that may be original to the structure. The Historic District Design Standards do not provide clear guidance regarding demolition of portions of historic structures, and any potentially applicable standards are highlighted in the staff report.
- The roof of the proposed addition currently is the same height as that of the existing house. Additions to Residential Buildings Standard 7 states: "keep the addition height lower and the width narrower than the original house."
- The compatibility matrix does not allow vinyl windows, even if they are in the rear of a new addition.
- The siding material is unspecified but will need to comply with the compatibility matrix.
- Any proposed light fixtures likely can be approved by staff on condition that they comply with the design standards.

Hale introduced the application by saying she hopes the project will not impact the front of the house. She said the roofline and the windows on the east side will change. She said the windows would not be vinyl, but instead would be a material which complies with the compatibility matrix.

The commissioners discussed the south, rear elevation. Hale confirmed the material of the siding will match what is existing, which she believed to be aluminum. There was discussion of aluminum being disallowed by the compatibility matrix, and Hale said she would be open to Hardie board siding.

Hale confirmed that she would be satisfied with aluminum-clad wood windows. Hale confirmed that the location of windows would be per the elevation shown.

There was discussion of whether the rear addition was original to the house. The commissioners agreed it was unlikely to be original due to its relationship to the rest of the house, its exterior-looking door, and the step down into the addition. Hale said she believed the addition was added later to house a washer

and dryer. She added that there is a window over the sink that looks into the porch, and that the addition is not heated. The commissioners agreed that the removal of the addition would not compromise the historic character of the home.

The commissioners reviewed the east elevation. There was discussion of dropping the roofline a few inches to differentiate the addition and make it look subordinate to the primary home. Hale said she and her architect were amenable to that change.

Senner expressed appreciation that the rear addition is inset slightly from the corner of the house to help differentiate it as an addition. Hale confirmed the reveal of the Hardie board will be similar to what is existing.

Hale clarified that the windows of the main house are incorrectly represented in the rendering, and that they are larger in reality than in the rendering. It was observed that Rear Photo 2 shows the size of the actual windows on the east elevation.

The commissioners reviewed the west elevation.

The commissioners reviewed the site plan. It was noted that the addition is modest in size and does not have a significant impact on the amount of built area relative to the overall site.

There was discussion about whether to include the discussed changes as conditions for approval or to have the applicant incorporate the changes in a revised version at a future meeting.

Irwin provided public comment on the application. He said that in the past, a roofline level with the peak of the roof was considered appropriate if it did not go higher than the original. He also said that the room in the back is a later addition built to serve as a laundry room. He said in 1956, no one building an 800-square-foot house would have included a laundry room with a step down and an exterior door, and that its removal would not be a loss to the house's character. He noted that Hale had a prior project approved by the Historic District Commission.

There was discussion of how the roofline impacts the massing of the house. It was observed that the proposed roofline is hidden in the back of the house. It was also noted that dropping the roofline actually makes the massing feel busier because there are already two movements to the house: the roof in the foreground and a roof farther back. It was discussed whether adding a new roofline break does more harm than good in terms of massing. However, Hoffheimer said he did not know of any times when Additions to Residential Buildings and Demolition Standard 7, which says to keep roofs lower and narrower than the roofline of the original house, has not been met. It was agreed that the standard is clear and has been consistently applied in the past, though it was acknowledged that the overall scale of the home brings up some questions around whether the standard is universally useful and could be added to the list of standards to possibly re-evaluate in the future.

Hale confirmed the shingles will be replaced over the entire house. She said the existing shingles are gray and will be replaced with black ones.

There was discussion of the most appropriate distance to drop the roofline in order to keep the roof form and slope not incongruous with the house and with other roof forms in the district.

Senner summarized the commissioners' discussion. He said there was consensus that the proposed work, with a few conditions, would not be incongruous with the character of the district for a few reasons. He said the existing laundry room that is proposed to be demolished — based on a number of facts presented, such as the step down inside, the exterior door, the location of the existing window, and the location of the additional roof form — indicate that the addition was added after the original construction of the main house and that it is not central to the original character of the house. He said that the proposed addition has been set back from the sides of the existing house and is located in the rear so as not to have an impact on the character-defining front elevation. The applicant was amenable to a condition to drop the roofline of the addition by approximately four to six inches so the addition is more clearly differentiated and subordinate to the primary structure and also maintains a roofline and roof form that is consistent with the character of the original house and other homes and additions in the district. The proposed materials are consistent with the compatibility matrix, with the proposed condition that the windows will be aluminum clad instead of vinyl clad and siding will be Hardie board, smooth-side out, in lieu of aluminum, to match the existing.

Senner closed the public hearing.

Motion: Miller moved to find as fact that the 120 E. Orange St. application is in keeping 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 and Demolition. Member Hannah Peele seconded.

Vote: 6-0.

Motion: Miller moved to approve the application with conditions. Riek seconded.

Vote: 6-0

Conditions:

- Siding shall be Hardie board, smooth side out.
- Windows shall be aluminum-clad wood and consistent with the proposed south elevation.
- The roof ridge of the addition shall be four to six inches lower than the main house roof ridge.

C. Certificate of Appropriateness Application: 117 N. Wake St.

Request for after-the-fact approval for changes to a previously approved Certificate of Appropriateness for a rear addition (PIN 9864964688).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. None were disclosed. All commissioners disclosed that they had visited the site in preparation for reviewing the application.

Patricia Cook and Wes Cook 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, observed after-the-fact changes, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments:

- Staff recommend approval of all the after-the-fact changes aside from the vinyl windows. The rest of the changes were relatively minor, and the applicant filed an after-the-fact application and paid the after-the-fact fee.
- The last after-the-fact Certificate of Appropriateness application for vinyl windows was for an accessory structure at 207 W. Corbin St. and was denied by the Historic District Commission on June 5, 2024.
- Staff have evidence from an Aug. 3, 2023, email that the draftsman was aware that the addition would be subject to commission review. Staff included the draftsman in a return email stating that vinyl was not allowed by the standards and was unlikely to be approved in the historic district. The draftsman was taken off email correspondence, but staff did remind the applicant of the restrictions around vinyl.
- After Historic District Commission approval, staff could not find anything in the building permit application stating that the windows would be vinyl.
- The new vinyl windows look similar to the ones already on the existing house, and the windows are not very visible from the street. But the commissioners will need to discuss why they did not allow vinyl windows there in the first place.
- The inventory actually says the house has wood windows. Staff think they are vinyl, based on observation.

Senner opened the discussion by expressing sympathy for the situation and explaining that the commission tries to take every care possible to ensure that applicants understand the requirements and expectations contained within a Certificate of Appropriateness in order to avoid after-the-fact situations. He requested that the applicants share any perspective they might have on how to avoid similar situations in the future.

P. Cook and W. Cook explained that the requirements slipped past them, and that they had not looked through the paperwork to see that they were supposed to notify Hoffheimer of changes to the proposed work. They said that because the building inspectors had approved the plans, they thought they had received all the approvals they needed. W. Cook said they realized that they needed another window once the project had begun. He said he was not sure how the town found out about the changes.

Hoffheimer explained the process for the final inspection and indicated the paperwork that included information about consulting staff about any changes.

The commissioners agreed to approach the discussion of the modifications by discussing whether the work as put in place would be approved if it were included in a new application received for the first time. It was agreed that the alternate size of the deck, the single door, and the addition of a window would not have been viewed as incongruous. Hoffheimer added that those additions could have been approved as minor works.

The material of the windows was discussed. It was noted that vinyl windows are explicitly not appropriate in the historic district, and that the commission in its current and recent form has not approved vinyl windows on all past projects proposed before or after the work was done.

P. Cook explained that she sent Hoffheimer an explanation describing how the installation of the vinyl windows happened by accident. She said they had initially planned to use wood windows, but that the plans got messed up amidst discussions with different staff and contractors. She explained that she and W. Cook were not on site when the windows were installed. She also explained that the main part of the house has vinyl windows, and that she has seen other houses in the historic district with vinyl windows.

Senner again expressed sympathy for the situation and explained that the commission has had lengthy discussions about this topic in previous meetings around the fact that situations like this create a difficult slippery slope. He said that if the commission were to allow an after-the-fact violation like this to stand simply because someone apologizes, it creates a situation that allows others to get around the standards by apologizing for mistakenly using disallowed materials.

P. Cook said there was a mix-up with the builder and engineer when they saw the phrase “match existing” in the plans for the windows, and they matched the existing materials. The commissioners suggested holding the builder accountable for not following the plans that were approved.

There was discussion of procedure if an after-the-fact change does not get approved by the commission.

The commissioners and applicants reviewed the language and specifications for the windows in the approved plans, including the materials list on p. 56 of the packet, which says that windows are to be wood, six over six, and energy efficient. There was discussion of the meaning of the phrase “match existing” when listed on plans.

Hoffheimer reminded the applicants that the draftsman was told the materials were subject to historic district requirements and that vinyl windows would not be allowed. Hoffheimer said he reviewed an email indicating that the draftsman understood. Senner indicated p. 55 of the packet, which specifies six over six wood windows.

Hoffheimer reminded the applicants and commission that staff always encourage design professionals to attend the Historic District Commission meeting so there is no confusion about historic district requirements. He added that the professional who committed the violation also has legal responsibility for their work.

Senner summarized the commissioners’ discussion. He said that the after-the-fact application includes a number of changes which were not submitted to staff prior to execution of the work and were identified during the inspection process. He said the commissioners found that the majority of the modifications — including: adding a window on the eastern side of the north elevation; swapping out the double doors for a single door on the west elevation; modifying the extent of the deck along the south elevation; and adding a second staircase — are not incongruous with the historic district and are not inconsistent with the design standards. The commissioners also found the light fixtures to be not inconsistent. However, the commissioners found that the use of vinyl windows are clearly incongruous with the historic district based on the compatibility matrix and design standards. He said that while there are vinyl windows in the historic district, this is a good example of how the design standards were established over time after the Preservation Ordinance created the historic district and a set of standards and guidelines were created to maintain the character of the historic district moving forward, which emphasized the use of certain materials which are compatible with the character of the district and identified other materials which are not. He said that while the history of the district reflects a variety of time periods, building styles, and materials, the design standards and the existence of the Historic District Commission are intended to ensure that modifications and new construction preserve that character and are still compatible with the character of the district.

Senner closed the public hearing.

Motion: Riek moved to find as fact that with the exception of the window material, the 117 N. Wake St. application is in keeping 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. Miller seconded.

Vote: 6-0.

Senner addressed the applicants and expressed that this process brings the commissioners no joy. He said the commissioners sympathize with the situation, and that they recognized that this is not the outcome the applicants were hoping for. He explained that it is a difficult process as the commissioners are trying their best to maintain their charge as a commission and have to follow the mission statement they have been given as a quasi-judicial board. He expressed sympathy for the unfortunate and challenging situation.

Motion: Miller moved to approve the application with conditions. Riek seconded.

Vote: 6-0.

Conditions: Material used for the windows shall be consistent with the compatibility matrix.

- D. Contractor-initiated request for the Historic District Commission to consider amending the Historic District Design Standards to permit Trex as an allowable material for handrails in response to an open after-the-fact violation

There was discussion about the fact that this agenda item is not a mandatory public hearing, but that the contractor requested the opportunity to speak, and public comment can be taken if the commissioners wish to entertain it. Hoffheimer provided some background about the open after-the-fact violation associated with this agenda item.

Mark Marcoplos, the contractor, said he had come to make a case for the design standards to include Trex, but that his reasoning was separate from the after-the-fact violation.

The commissioners requested that Marcoplos send them the research materials he had compiled supporting the use of Trex, and that they would add this topic to the list of suggestions for review during the next update of the Historic District Design Standards. He agreed to do so. There was discussion of the regular process of reviewing materials and discussing proposed changes to the Unified Development Ordinance.

6. 217 S. Occoneechee St. update

Hoffheimer told the commissioners that an Order to Repair should be going out soon. He said an administrative hearing was held, but that the property owners did not show up to provide additional evidence, testimony, or express a desire to submit an application for financial hardship. If the owners start work within 30 days and have a plan to repair, they can stay the process. Otherwise, it may become subject to remedies including abatement or civil penalties. Hoffheimer explained the process if the property owners want to appeal.

7. Certified Local Government updates

Hoffheimer said he would inform the commissioners of trainings in person and nearby. The deadline for attending trainings for this year's certification is September.

8. General updates

Staff and the commission discussed code enforcement and timelines for remedying violations after notification.

9. Adjournment

Senner adjourned the meeting at 8:38 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 smaller, more compact script than the last name "Hoffheimer", which is more expansive and stylized.

Joseph Hoffheimer
Planner
Staff support to the Historic District Commission

Approved: June 4, 2025