

# Minutes

## HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. Jan. 15, 2025

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



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

Absent: Members Mathew Palmer, 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 6:33 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

Planner Joseph Hoffheimer recommended addressing Item 7 before Item 6. The commissioners agreed to do so.

### 4. Minutes review and approval

Minutes from regular meeting on Dec. 4, 2024.

Motion: Senner moved to approve the minutes from the regular meeting on Dec. 4, 2024, with corrections. Member G. Miller seconded.

Vote: 4-0.

Corrections:

- At the beginning of each public hearing section, concerning the sentence "No other conflicts of interest were disclosed": remove the word "other" and move the sentence to before the disclosure that commissioners had visited the site.
- Page 14, Para. 6, final sentence: Change to "Miller said he felt the windows do not look congruous..."

### 5. Written decisions review and approval

Written decisions from regular meeting on Dec. 4, 2024.

Motion: Miller moved to approve the written decisions from the regular meeting on Dec. 4, 2024, as submitted. Vice Chair Hannah Peele seconded.

Vote: 4-0.

### 6. Old business

A. Demolition by Neglect Complaint: 217 S. Occoneechee St.

Evaluate if the structure(s) in the southwest corner of the parcel may be undergoing demolition by neglect (9864850633).

This item was discussed after Item 7.

The commissioners began the discussion of this item by expressing their agreement that the report submitted by staff was thorough and clearly presented the requirements for demolition by neglect and staff's observations. They agreed that the report clearly documented that the requirements for demolition by neglect have been satisfied in this case.

There was discussion of the procedures to be followed in a case of demolition by neglect. Hoffheimer added that the owner has communicated plans to restore the property.

The commissioners reviewed the findings documented in the report and noted elements that align with the definition of demolition by neglect: the structure is missing several windows and gutters; it has a sagging roof; the chimney is deteriorating and has a split; there are rotting holes exposing structural elements; without gutters, further water damage will occur, leading to further structural issues.

Douglas Peterson, a neighbor, provided public comment. He said that the neighbors would like to see the owners take care of the building. The submitted complaint included a petition with seven signatures, but he said he had continued collecting names of supporters after submission and that he had gathered the names of a total of 25 neighbors who would like to see the town to act on declaring that the property is undergoing demolition by neglect.

David Cates provided public comment. He said the property owner had hired him to inspect the building, both inside and out. He said he found the floor joists on the first level to be bowed and in bad shape, but that the floors on the second story look to be in good shape. He found no leaks in the upstairs rooms. He said the entire foundation and first floor would need to be replaced, and that the property owner had gotten an estimate from a contractor for restoring the structural elements of the house from foundation to roof and in between.

Motion: Senner moved to direct staff to develop a written order, pursuant to section 8.8.3.7 of the Unified Development Ordinance, to direct the planning director to conduct an administrative hearing to determine whether the property is undergoing demolition by neglect. Miller seconded.

Vote: 4-0.

## **7. New business**

- A. Certificate of Appropriateness Application: 241 Lydia Lane  
Add roof over existing front stoop; add pergola, fence, kitchen, sunroom, and bedroom in rear; screen existing covered patio; stain existing brick (PIN 9874280274).

This item was discussed before Item 6.

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.

Hoffheimer was sworn in. David Cates, the presenter for the project, and Christopher Jones, the property owner, 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:

- Staff expect much of the discussion to focus on the proposed brick staining and offer the following observations:
  - “Historic” and “historically significant” are defined in the design standards as 50 years of age or older. The National Register inventory provides valuable information about a property, but National Register “contributing” status does not have any added significance for local commission review.
  - The preparer of the application confirmed with staff that the brick was added around 1965.
  - Masonry Standard 5 includes the following language: “It is not appropriate to paint, seal, or coat historic masonry surfaces that were not previously painted, sealed, or coated, with historic defined as 50 years or older.” In addition, the minor works standards explicitly do not allow staff to approve staining brick, so staff interpret the proposed staining to fall under Standard 5. The language of Standard 5 was updated in the most recent design standards update, which was approved by the Historic District Commission and adopted by the Board of Commissioners after a joint public hearing open to public comment.
  - Standard 5 of the Secretary of the Interior Standards states the following: “Most properties have changed over time; those changes that have acquired historic significance in their own right shall be retained and preserved.”
  - Brick painting restrictions are not unique to Hillsborough, and staff’s research of other communities with Certified Local Government (CLG) status found no standards that allowed painting previously unpainted brick. No standards that prohibited painting allowed staining. These regulations are consistent across district and community sizes, and includes communities where brick painting and staining have been done in the past.
  - The extent of damage to the existing brick appears to be limited to one side of the carport and one corner of the structure rather than the entire structure.
  - Staff have concerns about the reversibility of brick staining. Removing paint from brick is a cumbersome process, but it can be removed by sandblasting and was successfully removed in December 2024 from a brick sign on North Churton Street.
  - The application cites several properties in the district with painted or stained masonry. Staff have identified each and the date/circumstances of approval:
    - 319 N. Churton St. (Burwell School outbuilding)
      - Brick was whitewashed prior to any town documentation and likely predates the adoption of formal design standards in 2000. It is also not visible from the street.
    - 237 Lydia Lane
      - A Certificate of Appropriateness for a new construction house with stained brick was approved by the Historic District Commission in 2017.
      - It is important to note that this is new construction, and the commission will need to determine if it is historically appropriate to stain 1965 brick to match new brick that was stained at the time of construction in 2017.
    - 326 N. Cameron St.

- Brick was painted prior to any existing town documentation and likely predates the adoption of formal design standards.
- 324 N. Cameron St.
  - Brick was painted prior to any existing town documentation and likely predates the adoption of formal design standards.
- 317 Mitchell St.
  - A Certificate of Appropriateness for staining existing brick veneer on a projecting front-gabled bay was approved by the Historic District Commission in 2021 (most of the house has wood siding).
- 144 E. Tryon St.
  - A Certificate of Appropriateness for staining replacement brick was approved by the Historic District Commission in 2018 (architect testified that the existing brick veneer was failing).
- 107 S. Hasell St.
  - A Certificate of Appropriateness for painting brick to match the second-floor siding was approved by the Historic District Commission in 2017 (existing 1957 brick was damaged; second floor brick was replaced by a siding addition in the 1980s).
- 306 W. Margaret Lane
  - A Certificate of Appropriateness for painting unpainted 1964 brick was approved by the Historic District Commission in 2016 (the house had some exterior siding but is primarily brick). This may be the most similar example to the property under review.
- 170 W. Margaret Lane
  - Brick was painted prior to any existing town documentation and likely predates the adoption of formal design standards.
- 202 W. King St.
  - Brick was painted prior to any existing Town documentation and likely predates the adoption of formal design standards.
- In addition to the referenced examples, the most recent painting or staining of existing brick in the historic district occurred at 421 W. Corbin St., which received after-the-fact approval from the Historic District Commission in 2022. The minutes for that decision reflected agreement among the commissioners that the approval represented a unique situation and that the commission did not wish for the approval to set a precedent for future cases. If the application had been submitted prior to painting the brick, commissioners indicated that the work probably would not have been approved. The situation was unique because an absentee owner had painted the brick prior to the arrival of the current owners.
- Based on the submitted examples, staff have concluded that approval of brick staining at 241 Lydia Lane likely would be the most extensive staining or painting of existing brick approved since the town adopted formal design standards.
- The preparer of the application confirmed with staff that the front door is not original and is less than 50 years old. Staff have determined that the existing door does not meet the design standards' definition of historic and do not have any major concerns about its replacement.
- Because the chimneys proposed for removal are easily visible from the street and appear to be original to the house, they are subject to Roofs Standard 8. Evidence of leakage may provide additional justification for their removal. The chimneys are not currently operable.
- The preparer of the application confirmed that the new windows will have simulated divided lites (SDL).

- Staff have determined that the fencing, pergola, and lighting are approvable as minor works and recommend that the commission approves those three items as submitted.
- A prior Certificate of Appropriateness for a rear addition was approved by the Historic District Commission in 2015. Work began on this addition but was never completed, and Certificate of Appropriateness approval for that addition has since expired.

Senner expressed appreciation to staff for presenting such thorough research on standards in other jurisdictions and examples of painted and stained brick in the district.

Cates introduced the application. He made some comments about the examples listed in the staff report, including the fact that he did not include the Corbin Street example listed in the staff report, knowing that it was a violation of the design standards. He said the house is “non-contributing” and referenced examples of painted, stained, or limewashed brick included in the application. Cates said the application was developed to show that the proposed project fits within the character of the neighborhood, where there are many instances of painted and stained brick, three of which are within one to two blocks of the house under review. He referenced 317 Mitchell St., which was approved by the commission in 2021, as being one of the most similar examples, and which is located within half a block of the property under review.

The commissioners reviewed the photos of the existing structure. On the west, rear elevation, there was a question about the origin of the basement access, including the steps leading down to the basement. Cates showed a seam on the roof in the photos and said that the seam was a demarcation line between the original structure and a later addition, which included the basement. He said the basement is only under the addition portion of the structure. Cates said the existing railing and steps will be removed because of drainage problems. Cates said he was not certain of the date of the new addition, but he speculated that it was probably built around 1965, around the same time that brick was added over the lap siding.

Cates confirmed that the new windows will be aluminum-clad wood with simulated divided lites.

The commissioners reviewed the site plan.

Cates confirmed that the new fence will tie into the existing house on the south side and the carport on the north side.

The commissioners noted that the addition was set in from the existing structure to help it be read as subordinate to the original structure.

The commissioners reviewed the front elevation.

There was discussion of the removal of the chimneys. It was acknowledged that secondary chimneys which are not impactful to the character of the elevation have been removed in the past from other structures. The commissioners discussed to what extent the larger chimney contributes to the character of the existing elevation.

Cates said there is no damage or failure to the chimney, but that the property owner would rather not have to maintain the chimney since he is not going to use it. Cates said the property owner is trying to mitigate potential future problems the chimney might cause.

Senner read Roofs Standard 8, regarding the removal of chimneys.

The commissioners reviewed the photo of the existing front elevation. The commissioners acknowledged that the carport minimizes the character-defining nature of the main chimney. It was noted that if the carport were not there, the chimney would be read as a much more prominent or significant element of the front elevation. It was noted that the newer addition also minimizes the prominence of the chimney. The commissioners were in agreement that there was no concern with the removal of the chimneys.

There was discussion of the potential addition of a roof over the existing stoop. Jones said the metal roof was chosen over asphalt shingles because of the property owners' preference. Hoffheimer added that the metal roof could be approved as a minor work. There was discussion of the congruity of a metal porch roof next to an asphalt roof.

There was additional discussion of whether the addition of the roof has an impact on the nature of the character-defining elevation. There was discussion of past consideration of similar projects and whether the addition of a porch roof would be consistent with the rest of this house's vintage and style.

There was discussion of the large size of the existing stoop. It was noted by some commissioners that the wide, uncovered stoop was wanting some sort of architectural response to balance and ground it. Cates said he did not know when the stoop was added. It was noted that the stoop seems to be an inverse of the chimney: the chimney has been overwhelmed by the house, and the large stoop is stuck on and seemingly asking for the house to respond to it. Cates said he believes adding a roof over the stoop will give it more of a sense of purpose.

It was pointed out by commissioners that the stoop as it currently exists detracts from the character of the original house. There was discussion of whether adding a roof over the stoop would be a character-defining element, and whether it would preserve the character of the original front facade. There was discussion of the purpose of the design standards acting as guidelines to preserve the special character of the historic district.

Cates confirmed there are bushes around the stoop.

Member Daniel Widis expressed his opinion that in addition to a covered stoop not being incongruous with the special character of the district, the stoop is not the character-defining feature of the front elevation in the way the architecture of the house is expressed and in the way the house reads. Instead, he said he believes it is the long, linear nature of the form and the windows along that form that define the character of the structure. He said he believes attaching a roof onto the front will break up the roofline, but not in a way that compromises the striking linearity and horizontality of the house. Senner agreed with Widis' interpretation. Peele added that the original house was a small mill house, which has been turned into a brick ranch. She noted there are many examples of similar facades on brick ranches throughout the district. She said she finds the existing stoop incongruous.

Cates and Jones confirmed the stoop is less than 30 inches high, and railings will not be added.

There was general consensus that adding a roof over the stoop seemed logical and not incongruous.

The commissioners discussed enclosing a portion of the carport. Cates clarified that the space is more of a patio that is adjacent to the carport.

Cates confirmed that the brick is continuous at the transition from the full wall to the wing wall. He said that the plan is to have the screen be coplanar with the front of the house because the wing wall and column are coplanar with the front of the house, and they are natural attachment points for the screen. He said it could be set back an inch or so it is not in the same plane. Senner noted that this seems to be a special condition because of the existing siting of the wing wall and column. He said if the wall were not already there, the commission would advocate for the screen being set back, but that there is a logical case for it to be placed as shown, in line with the front facade.

There was general agreement that there was no concern with enclosing the patio on the side of the house. The commissioners agreed it would not change the character of the facade.

The commissioners reviewed the left elevation.

Senner expressed appreciation for the effort made to keep the roofline of the addition lower than the existing building to emphasize that it is subordinate to the primary structure. Miller expressed appreciation for the front roof and the addition roof being set at the same level.

Cates confirmed the cover over the entrance down to the basement is aluminum on all sides.

It was noted that the fence material is listed in the compatibility matrix and is well hidden from street view.

The commissioners reviewed the rear elevation.

It was noted that the placement of the skylights in the rear, tucked between the ridgelines, seems to be the most appropriate and logical location, especially since the house is on a corner lot.

Cates said grading will have to be done, and that there will be a brick band added to the bottom where the foundation is exposed, with the brick matching the existing.

It was noted that the pergola is made of allowed material, is easily removable, and is approvable as a minor work. Hoffheimer confirmed that staff have no concerns about the pergola.

Cates clarified that the horizontal lines running across the existing right elevation are various topographical lines, including that of Caine Street and of the driveway.

Cates confirmed the large column with brick in disrepair will remain and will be repaired.

Cates mentioned that it had been noted that staining is not as removable as painting. He said the property owner is amenable to painting the brick instead. He said in his opinion, staining is better for the brick and is longer-lasting and requires less maintenance, which is why they chose that approach.

There was discussion of the U.S. Department of the Interior's recommendation against painting or staining brick. There was additional discussion of the design standards update process and how Hillsborough's design standards are tailored to the special character of the district, as well as the research staff had done into alternative approaches to painting or staining. There was further discussion of the examples of other houses in the district that have painted or stained brick.

Cates confirmed that no trees will be affected by this project, and that the fence is four feet high.

There was discussion of the painting of brick at 317 Mitchell St. Cates said it was compelling to him that previous examples of painted brick were located close to the property under review. He said the brick portion that was painted seems to be a character-defining feature. Hoffheimer said that when he looked into the minutes from that approval, there was some testimony considered that was not necessarily related to the design standards or factual evidence. He reiterated that the commission's approvals over time have not necessarily been consistent between different iterations of the commission. Senner added that precedent does not automatically determine that an application will be approved.

There was discussion of the tension between the commission using precedent to determine whether an element is not incongruous with the special character of the district, and the fact that precedent does not guarantee that an application will be approved. Hoffheimer acknowledged that staff do appreciate when applications include examples of precedent. Town Attorney Bob Hornik added that overall, the commission must consider congruity or lack of congruity, and one of the ways to prove that is by whether there are structures in the district that have similar elements.

There was discussion amongst the commissioners about the intent and flexibility of the guidance provided by the design standards regarding painting and staining masonry. It was recognized that there are guidelines that lay out a clear rationale, yet the commission is tasked with making a subjective determination. Senner said he struggled with the idea of intentionally going against the guidance in this case.

Peele said that in her opinion, staining the brick would not alter the character of the house, and it would still read as a brick ranch.

Senner acknowledged that Cates had raised compelling points, but that he still struggled with the idea of going against thorough research conducted by consultants and staff, which found no evidence of any other districts supporting staining. He said if there were a desire to revisit that topic, he would want more research and evaluation done to justify an approval, rather than going against the guidelines in reference to a single application. There was discussion of possible future research into the issue of staining.

Cates said that staining, unlike painting, does not obscure the texture of the brick. Miller noted that staining does change the color of the mortar between the brick so that everything all becomes one color. Hoffheimer added that staining is a permanent alteration to the brick that has not been proven to be reversible, and that he has not found any professional preservation entity that recommends staining.

There was further discussion of the tension between the design standards and the special character of the district, which includes many examples of elements that are not recommended by the design standards. There was discussion of potential future research and the opportunity for the public to bring forward recommendations about the design standards.

The commissioners asked Cates and Jones whether they would be willing to remove the staining element from the application. Jones said he was not willing to do so. He reiterated that nothing proposed in the application is different from what already exists in the surrounding neighborhood. He said that in his opinion, simply because the house is over 50 years does not make it historic. He also reminded the commissioners that the house was originally white.

Senner summarized the commissioners' discussion: He said the commissioners reviewed the application and found the vast majority of it to be not incongruous with the special character of the historic district.



The modifications on the front facade were not found to be impacting the existing character-defining elements or changing the character-defining nature of the front facade. The enclosure of the side patio into a screened porch was found to be not incongruous with other side porches in the district and its siting relative to the existing front elevation was responsive to the existing wing wall. The rear addition was found to be sited and massed in a way that was clearly subordinate to the primary structure. However, there were concerns among the commissioners that staining the brick would be incongruous with the historic district because the brick is more than 50 years old; is contributing to the historic character of the front facade; and painting or staining brick is clearly noted in the design standards as not being appropriate for brick that is historic or over 50 years old, both for preservation reasons and for impact to the special character of the historic district.

The commissioners each expressed their opinions on whether the application could be approved in its entirety. Senner said he would have trouble approving the application with the staining of the brick included. Widis said he would feel comfortable approving the whole application because he does not think the staining of the brick changes the character of the house, but that the issue of staining opens the door to questions of procedure, and that a larger conversation should be had about staining. Peele said she would approve the application because she did not see the staining as being incongruous with the special character of the district. Miller said that he recognized the sometimes fine line between approval and rejection, and that in this case he found the staining of the brick to be incongruous with the special character of the district.

There was further discussion of the intent of the design standards to provide guidance for evaluation of applications. There was also discussion of the implications of a tie vote. Hornik reminded the commissioners that 3 votes in favor were required to approve the application. There was discussion of approving the application without the staining component. Senner and Miller both agreed that they would find the application not incongruous if the staining were removed.

There was discussion of the possibility of continuing the application to the next meeting when more commissioners could be present to provide their opinions on the staining element, versus approving the application except for the staining. Jones said he was not interested in continuing the application to the next meeting.

Senner closed the public hearing.

**Motion:** Miller moved to find as fact that except for the staining of the brick, the 241 Lydia Lane 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 except for the stained brick in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Paint; Additions to Residential Buildings; Doors; Porches, Entrances, and Balconies; Additions to Residential Buildings; Site Features and Plantings; Fences and Walls; and Exterior Lighting. Senner seconded.

**Vote:** 4-0.

There was discussion of whether the applicant could resubmit the application to have the commission reconsider the staining of the brick, if the application were approved except for the brick staining. Hoffheimer said there have been times in the past when rehearings have occurred when there is additional evidence to review or a change in circumstance.

Motion: Miller moved to approve the application with conditions. Senner seconded.  
Vote: 3-1. Nay: Peele.  
Conditions: All work is approved except for the staining of the brick.

**8. General Updates**

Hoffheimer said there are some small standards and rules of procedure updates to consider. He said he plans to submit them to the commissioners within the next couple of months for feedback.

Hoffheimer mentioned that the Historic Preservation Awards are on hiatus until a future meeting with fewer agenda items.

Hoffheimer announced that the Certified Local Government grant cycle will be opening soon, and he would send information about that to the commissioners.

**9. Adjournment**

Senner adjourned the meeting at 8:44 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: February 5, 2025