

Minutes

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. March 6, 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.

Planner Joseph Hoffheimer informed the commission that the owners of 202 W. King St. have withdrawn their application.

4. Minutes review and approval

Minutes from regular meeting on Feb. 7, 2024.

Motion: Member G. Miller moved approval of the Feb. 7, 2024, minutes with a correction. Senner seconded.

Vote: 7-0.

Correction: Item 6A: after the vote to approve the application add: "Miller explained that he had voted to approve the finding of fact but voted against the motion to approve the application because it didn't include the proposed condition, which he considered to be necessary."

5. Written decisions review and approval

Written decisions from regular meeting on Feb. 7, 2024.

Motion: Member Sara Riek moved approval of the written decisions from the regular meeting on Feb. 7, 2024, as submitted. Senner seconded.

Vote: 7-0.

6. Old business

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

Applicant is proposing to add porches to the main house, add an accessory dwelling unit to the brick kitchen structure in the backyard, and construct two sheds in the northeast corner of the property (PIN 9874071780).

Hoffheimer informed the commissioners that the applicant had requested to continue the application at the April meeting.

Motion: Miller moved to continue the application at the April 3, 2024, meeting. Senner seconded.
Vote: 7-0.

7. New business

- A. Certificate of Appropriateness Application: 102 W. Queen St.
Applicant is requesting to install 15 roof-mounted solar panels (PIN 9874073693).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. Member Hannah Peele disclosed that she has personal bias toward solar energy and her personal opinions would prevent her from hearing the application in the context of the design standards and congruity with the Historic District.

Motion: Senner moved to recuse Peele from consideration of the 102 W. Queen St. 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.

Hoffheimer was sworn in. Donnis Whitfield from Top Tier solar solutions and Susan Shipp, 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:

- The solar panels on the ell face North Churton Street so require commission approval. The other panels do not face a street and would meet the minor works requirements. Staff recommend treating this proposal as one application, approving the panels that are not visible from North Churton Street, and deliberating about the panels that face North Churton Street.
- The east-facing solar panels three buildings away at 116 W. Queen St. are visible from North Churton Street.
- Staff did not receive any objections or comments from the public related to this application.

Whitfield provided some background information about the proposal. He explained that the initial goal was for the solar panels to not be visible from the street. The house requires 15 panels to provide enough solar-generated electricity to offset current electric needs. 11 of the panels will be located out of street view, but due to fire code setback requirements, shade trees, and the orientation of the roof, the only appropriate spot for the remaining four panels is in view of North Churton Street.

There was discussion of the optimal orientation for solar panels and where from the street the solar panels can be seen.

There was discussion of whether it would be feasible to install only 11 of the 15 panels. There was discussion of how to address solar panels within the context of the design standards. Town Attorney Bob Hornik reminded the commissioners that in addition to considering congruity with the district, North Carolina General Statutes do not allow the town to adopt rules of regulation that prevent solar panels from being installed.

There was discussion of the elevation of the roof in relation to the road. Shipp gave an estimated elevation, saying the bottom of the house sits at about eight to ten feet above the road because of the terrain. The house is one story, and the gable is moderately sloped, neither steep nor flat. There was discussion of the roof being naturally obscured by trees and the change in topography.

There was discussion of the visibility of the equipment on the north side of the house, which would include a utility meter and a main service panel. Whitfield showed a photograph of a main service panel as an example. Whitfield and Shipp described the low visibility of the equipment, explaining that it will face a small retaining wall, a tall 12- to 14-foot Ligustrum hedge, and the neighbor's privacy fence behind the hedge. Hoffheimer noted that the equipment will be located on the rear elevation, which is not character defining or visible.

Whitfield said the system would be considered a small, low-profile system.

Senner summarized the commissioners' discussion: the consensus was that there was not concern that the installation of the solar panels would be incongruous with the district. He noted that effort had been made to exhaust all opportunities for placing the solar panels on alternate elevations, and that the proposal was based on the only viable arrangement. He mentioned that the commissioners had also considered the fact that the panels are at least partially blocked from public view along North Churton Street because of grade changes and existing trees; the panels would not be placed on a character defining elevation; and the pitch of the back roof is relatively shallow.

Senner closed the public hearing.

Motion: Miller moved to find as fact that the 102 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: Roofs; Sustainability and Energy Retrofit; and Site Features and Plantings. Member Elizabeth Dicker seconded.

Vote: 6-0.

Motion: Miller moved to approve the application as submitted. Vice Chair Mathew Palmer seconded.

Vote: 6-0.

B. Certificate of Appropriateness Application: 124 E. Union St.

Applicant is requesting to add rear and side additions to the existing house and a new accessory dwelling unit/garage behind the existing house (9874171925).

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.

David Cates, the draftsman and presenter for the applicant, and Kimberly Touzeau, the applicant, 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 find that the proposed shutters meet the design standards.
- Because the proposed outbuilding would function as both an accessory dwelling unit and a garage, staff recommend applying both the New Construction of Outbuildings and Garages and New Construction of Accessory Dwelling Units standards referenced in the applicable design standards section.
- Staff had questions about New Construction of Outbuildings and Garages 2 and 3 and New Construction of Accessory Dwelling Units 1, 5, 6, and 8. The applicant has provided several photo examples of garage/accessory structures within two blocks of the subject property.
- Staff have verified that the accessory dwelling unit portion of the outbuilding will include 416 heated square feet, which should comply with current zoning requirements. However, the commission is still allowed to discuss the size of the entire structure.
- Staff find the rear addition to be typical of other additions that the commission has recently approved. There was discussion in a recent meeting about Additions to Residential Buildings 6 that may be worth revisiting if this addition is proposed along with another structure.
- The partially enclosed side porch and the added door to it would be visible from the street.
- The windows on the proposed addition are not listed in the material list but are noted as aluminum-clad in the elevations.

Hoffheimer mentioned that staff did not receive any objections to this proposal from the public.

Cates introduced the proposal and provided additional examples of dwelling units over garages and massing examples that are either historic to the area or recently approved by the commission. The examples included the properties at 108 E. Orange St. and 121 W. Corbin St.

Cates confirmed that the windows would be aluminum-clad wood.

Senner expressed appreciation for the effort that went into locating the additions to minimize visible impact from the street and dropping the ridgeline to minimize impact relative to the rest of the house, as is congruent with the design standards.

Cates added that attempts were made to have the porch continue to be identifiable as a porch.

There was discussion about whether the example properties were approved by the commission. Cates clarified that the examples are meant to show that accessory dwelling units fit with the character of the neighborhood, not whether the commission had approved them.

There was discussion of the east side door, which Cates clarified will no longer exist because it will be absorbed by the addition. The existing door is tucked around a chimney and hardly visible from the street. In the remodel it will become interior space and will not be closed up in the same plane as it currently is.

Cates showed the commissioners the site plan. The commissioners expressed appreciation for the shrubs added along the west side of the driveway extension to provide screening to adjacent properties. Cates mentioned that the plans have been discussed with the adjacent neighbors.

Cates confirmed that the driveway will be extended and will be the same composition as the existing driveway. He explained that this will improve the current parking situation on the street by providing more space for off-street parking.

Commissioners expressed concern over the extent to which the proposed project expands the footprint of the property. There was discussion that the size of the addition itself is not out of the ordinary, but that the addition of a large accessory building seemed disproportionate to the size of the existing house. There was discussion of whether the proposal would be approved if the accessory building proposal were submitted at a later time.

Cates said that the size might appear more reasonable if volume were considered instead of area. He had calculated the volume of the existing house plus the new addition to be 29,388 cubic feet, and the garage as 18,660 cubic feet, which is 63% of the volume of the proposed main house. He added that the accessory building would be distant from the road and would look smaller because of diminishing perspective.

Senner said that the new structure does appear to be massed in a way that is subordinate to the main structure, though that this proposal might be at the limit of that threshold. He agreed that massing is a concern, but that the commission also needed to consider the overall built area on the site. He noted the relatively large size of the site and said that even though the project would add a lot of built space, there is still much green space on the site, allowing for a congruous balance of developed to undeveloped space.

There was discussion of what the accessory building would look like from the street. Most commissioners agreed that since the accessory building would be located behind the house, far from the street, the massing could feel comfortable because of distance and perspective.

There was discussion of whether the additions would be visible from Cameron Street. Cates and the commissioners viewed the property using Google Maps, finding that there is a line of trees that would provide screening for the view from North Cameron Street.

Cates confirmed that tree protection would be provided for the existing tree on the property.

There was further discussion of the proportion of the proposed footprint relative to the footprint of the existing structure and its distribution across the site. There was discussion of how to assess the ratio of built to unbuilt area and its congruity with the Historic District. There was also discussion of the consistency of the commission's evaluation of applications.

Cates said that he had designed the project to be congruous with the rest of the historic district and had provided photos of similar properties as evidence.

The commissioners noted that there are examples of properties with similar massing and standalone garage structures that exist on the same block as the applicant property.

There was discussion of the 50-foot setback from the street to the house and 30-foot distance between the addition and the garage. Cates said the garage will be sited 165 feet from East Union Street. It was noted that the house across the street, which has similar massing, is located closer to the street than the applicant property.

A few commissioners expressed concern about the blank wall of the accessory building, noting that the large spaces without windows make the building feel more massive and solid. It was also noted that the wall will not necessarily be seen from the street.

The commissioners discussed the front elevation for the proposed addition. Cates confirmed that the previous owners removed the shutters, and that they are proposed to be replaced in a more appropriate manner. The new double shutters will be made of wood, will be operable, and will be sized to cover the window.

There was discussion of the change to the porch. It was noted that this is a character defining elevation and that the porch used to be open so trees could be seen behind it. The proposed project turns that view into a wall and a door.

Cates said that the applicant's desire was to make the porch an office space, and that he had recommended leaving as much of the porch as possible. He explained that the porch still exists but is shallower and that a door onto a porch is not incongruous with the district. Senner clarified that the proposal is not a change to the front plane of the house; the modification is set back behind the front plane. Cates further explained that the addition begins behind the existing chimney, and that most of the porch will remain as-is.

Cates added that some of the metal work on the porch will be maintained. There was discussion of the railing and metal work being character defining features.

The commissioners discussed the left elevation. Cates confirmed that the porch railing will be cut and will terminate at the new wall. The commissioners asked if a vertical metalwork piece could be added at the intersection so the railing terminates in vertical metalwork. Cates assented.

There was discussion of the bottom of the addition sitting lower than the elevation of the porch floor. Cates explained that the existing porch is a concrete slab, and the floor of the addition will have to be lower to install a standard floor system. He chose to continue the siding at that point instead of adding a notch of brick into the siding. He confirmed that the brick will not be expanded.

There was discussion of the gable of the porch and the side of the new addition. Peele asked whether the two would be coplanar, with the vinyl siding adjacent to the Hardieplank. Cates suggested that a trim board at the junction could create visual separation. He explained that he tried not to introduce more gables in order to keep the roof not visible from the front. There was discussion of replacing the vinyl with Hardieplank. Both Cates and Touzeau agreed to that solution. The commissioners decided to add the siding material as a condition if the application were approved.

There was discussion of the shape and proportion of the windows on the addition. Cates explained that the windows are taller than they are wide and that they are sliding windows to match a three-season

room in the applicant's current residence. Touzeau expressed flexibility regarding muntins and divided lites but that they were not included in the proposal because she wanted the room to have the feel of a three-season room.

Senner referenced the design standards, which say that windows should be harmonious, but not that they must be identical. There was discussion of whether the windows without muntins would be incongruous with the district. It was noted that the office windows are more visible from the street than the rear windows. The commissioners agreed that muntins and simulated divided lites would be less incongruous with the district, and Touzeau agreed to include muntins in the windows, including in the window in the rear on the right elevation.

Cates clarified that the stairs on the site plan that are located on the south side of the existing building are existing basement steps.

Cates confirmed that metalwork would be used for the railings of the front stoop and porch, and that the handrails for all other exterior stairs would be wood. He also noted that the stairs will not be visible from the street and that there are numerous examples of wood railings and pickets on many houses in the Historic District. He added that these additions of exterior stairs could be considered new construction, and that the different materials set them apart from the existing historic elements.

Cates confirmed that the lap of the Hardieplank siding on the east elevation will match the current siding.

The commissioners discussed the option of including muntins on the door to the office in the rear elevation.

Cates confirmed that the existing brick on the façade underneath where the existing roof will be removed will be exposed and cleaned up.

Cates confirmed that all vinyl siding will be replaced with Hardieplank, as discussed earlier in the meeting.

The commissioners moved on to discussing the accessory building.

There was discussion of whether adding gables to the dormer of the accessory dwelling unit would be more compatible with the existing house than a shed dormer. Cates said that if a gabled dormer were added it would increase the volume of the structure. Miller suggested that a gabled dormer might give the structure a more congruous look from the street.

There was discussion of the roof form of the left elevation. Commissioners noted that it seemed visually busy with many different planes, in part because the lean-to straddles the roof elevation. Cates said he had originally had the roof of the left elevation extend all the way over, which ended up seeming visually imposing, so he introduced the roof break. He said it also helped to make the dormer look more centered.

There was discussion of the location of the lean-to. Cates said it could be shifted farther to the south. He also noted that introducing gables would add more complexity to the roof line. Some commissioners agreed that a shed roof is the simplest roof form for this structure.

The commissioners expressed appreciation for the consideration that went into dropping the roof to decrease the massing.

Cates described the complexity of designing the roof forms on the rear elevation and mentioned the challenge involved in designing the lean-to, which was in essence an ancillary structure to an accessory structure. Touzeau explained that the purpose of the lean-to was to provide a protected and non-visible parking spot for an Airstream trailer.

There was discussion of the option of moving the lean-to roof farther south to be flush with the edge of the building, and how that adjustment might add symmetry and reduce visual conflict with the dormer. The commissioners decided to allow that adjustment as an option but to not require it since the proposed design did not seem to be incongruous with the district.

There was discussion of the windowless wall on the studio portion of the accessory building. Cates explained that the applicant would be using the space as a recording studio and that introducing windows would make the acoustics more challenging. There was discussion of adding landscaping to break up the large wall space.

Cates confirmed that the shadow elevation on pg. 93 should read "View . . . from E. Union Street" instead of E. Queen Street.

Cates confirmed that the horizontal line on the left side of the dormer on the exterior elevation back was a software glitch. He also confirmed that the metalwork on that elevation was for massing only, and not a proposed part of the project.

There was discussion of adding muntins on the front door of the new office that leads to the porch.

Senner summarized the commissioners' discussion:

There was no concern beyond the proposed conditions about anything in the proposal being incongruous with the Historic District. The additions and accessory building were deemed to be sited in the rear of the property, consistent with rest of district; they maintained a similar developed-to-undeveloped ratio; and they were designed to be subordinate to the primary structure based on height, scale, and orientation.

Senner summarized the proposed conditions:

- Include tree protection for the large existing tree adjacent to the accessory building.
- Existing vinyl siding will be replaced with Hardieplank in all locations.
- Existing metal ornate column that is removed from the porch shall be repurposed at the termination of the porch to the new addition.
- Windows and doors on the porch addition on the left elevation will be simulated divided lite with muntins to align with existing windows on the house.
- The applicant has the option, which is encouraged by the commission, to adjust the lean-to on the accessory building. It may be shifted south to align with the proposed south end of the structure so it is not straddling the dormer.
- The applicant shall add screening in front of the right elevation of the accessory building in the location where there are no windows, to mitigate massing concerns and in consideration of the view from the adjacent property. This screening may be either landscaping or trellis to support vegetation, made of materials deemed appropriate within the compatibility matrix.

Touzeau confirmed that she was amenable to the proposed conditions.

Touzeau raised a question about shifting the accessory building south 15-20 feet to increase space for parking and allow for additional landscaping under the front windows of the accessory building.

The commissioners agreed that this change was appropriate and that it further mitigated concerns about the massing of the accessory structure.

The commissioners added a condition: The outbuilding may be sited up to 20 feet further south. The driveway shall be extended accordingly and the parking turn-in to that additional space shall be increased. With extension of the driveway, there would also be extension of the screening landscaping to the west.

Senner closed the public hearing.

Motion: Miller moved to find as fact that the 124 E. Union 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: New Construction of Outbuildings and Garages; New Construction of Accessory Dwelling Units; Additions to Residential Buildings; Walkways, Driveways, and Off-Street Parking; Exterior Lighting; Architectural Metals; Doors; Porches, Entrances, and Balconies; and Sustainability and Energy Retrofit. Riek seconded.

Vote: 7-0.

Motion: Miller moved to approve the application as submitted with the proposed conditions. Member Bruce Spencer seconded.

Vote: 7-0

Conditions:

- Tree protection shall be provided for the large existing tree adjacent to the accessory building.
- Existing vinyl siding will be replaced with Hardieplank in all locations.
- Existing metal ornate column that is removed from porch shall be repurposed at the termination of the porch to the new addition.
- Windows and doors on the porch addition on the left elevation will be simulated divided lite with muntins to align with existing windows on the house.
- The applicant has the option, which is encouraged by the commission, to adjust the lean-to on the accessory building. It may be shifted south to align with the proposed south end of the structure so it is not straddling the dormer.
- Screening shall be added in front of the right elevation of the accessory building in the location where there are no windows, to mitigate massing concerns and in consideration of the view from the adjacent property. This screening may be either landscaping or trellis to support vegetation, made of materials deemed appropriate within the compatibility matrix.
- The outbuilding may be sited up to 20 feet further south. The driveway shall be extended accordingly and the parking turn-in to that additional space shall be increased. With extension of the driveway, there would also be extension of the screening landscaping to the west.

8. Fee schedule updates

Hoffheimer presented the proposed fee schedule. He explained that fees for planning are not coded specifically enough to determine precisely how Historic District Commission application fees offset the program's operating expenses. He said the fees do offset operation costs but do not come near to covering them all.

The commissioners supported the fee increases and expressed that they would support even further increases, especially within a progressive rate system and sliding scale fees. They specifically suggested increasing the demolition fees and significantly increasing the after-the-fact application fees.

Commissioners were generally interested in the idea of having minor and major tiers for Certificates of Appropriateness applications, based on the extent of the proposed project.

The commissioners expressed surprise at Hillsborough's low fees compared to similar historic districts. There was discussion of how higher fees may reflect a more professional process.

Hornik added that the town's planning and utilities departments have started to be much less lenient about enforcing rules due to the costs of non-enforcement that have accrued in recent years.

Hoffheimer said the town received 25 or 26 Certificate of Appropriateness applications last fiscal year, and that there are typically 80-100 minor works approvals per year.

There was continued discussion of educating residents about the Historic District Commission's parameters and why the commission exists.

Hoffheimer said he would take the commission's recommendations to staff and to the Board of Commissioners. Commissioners expressed interest in drafting a letter in support of fee schedule changes and attending a Board of Commissioners meeting to speak in support of further increases to certain fees.

9. General updates

There was discussion of adding an additional certification to the Certificate of Appropriateness application for applicants to certify that the estimated project cost is accurate and that work will be conducted according to the approved plans. There was also discussion of adding language to the application guidelines encouraging professional drawings for larger projects, potentially including additions and new construction projects that would require a building permit or would meet the requirements for a proposed major Certificate of Appropriateness tier.

The commissioners discussed creating a fillable application template from examples of thorough applications to provide a model with clarity and guidance.

There was discussion of the rules of procedures around tabled applications and public notice.

10. Adjournment

Senner adjourned the meeting at 9:16 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 larger, more prominent script than the last name "Hoffheimer".

Joseph Hoffheimer
Planner

Staff support to the Historic District Commission

Approved: April 3, 2024