

Agenda

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. December 4, 2024

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



Public charge: The Hillsborough Historic District Commission pledges to the community of Hillsborough its respect. The commission asks members of the public to conduct themselves in a respectful, courteous manner with the commission members and with fellow community members. At any time should any member of the commission or community fail to observe this public charge, the chair or the chair's designee will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the chair or the chair's designee will recess the meeting until such time that a genuine commitment to this public charge can be observed.

Public comment guidelines: All meetings shall be open to the public. The public may attend, but public comment shall be limited to those members of the public who have expert testimony or factual evidence directly related to an application on the agenda. Other public comments are permissible at the discretion of the Chair but shall not be used to render the Commission's decision on an agenda item. At the discretion of the Chair, a time limit may be placed on speakers other than the applicant to afford each citizen an equitable opportunity to speak in favor of, or in opposition to, an application.

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

2. Commission's mission statement

To identify, protect, and preserve Hillsborough's architectural resources and to educate the public about those resources and preservation in general. The Hillsborough Historic District presents a visual history of Hillsborough's development from the 1700s to the 1960s. In 1973, the town chose to respect that history through the passage of the preservation ordinance creating the historic district.

3. Agenda changes

4. Minutes review and approval

Approve minutes from regular meeting on November 6, 2024

5. New business

- A. Certificate of Appropriateness Application: **143 W. Margaret Lane** – Add wheelchair ramp and enclose crawlspace at rear accessory structure (PIN 9084750842)
- B. Certificate of Appropriateness Application: **219 N. Hasell Street** – Add new screened porch in front of existing side garage (9864874481)
- C. Demolition by Neglect Complaint: **217 S. Occoneechee Street** – Evaluate if the structure/s in the southwest corner of the parcel may be undergoing demolition by neglect (9864850633)

6. Adopt 2025 regular meeting schedule

101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-732-1270 | www.hillsboroughnc.gov | @HillsboroughGov

7. Historic Preservation Awards

8. General updates

9. Adjournment

Interpreter services or special sound equipment for compliance with the American with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.

Minutes

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. Nov. 6, 2024

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



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

Staff: Planner Joseph Hoffheimer

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 Sept. 4, 2024, and regular meeting on Oct. 2, 2024.

Motion: Member G. Miller moved to approve the minutes from the regular meeting on Sept. 4, 2024, as submitted. Member Bruce Spencer seconded.

Vote: 6-0.

Motion: Miller moved to approve the minutes from the regular meeting on Oct. 2, 2024, as submitted. Senner seconded.

Vote: 6-0.

5. Written decisions review and approval

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

Planner Joseph Hoffheimer confirmed that the printout provided to the commissioners was an updated version which deleted the duplication of Number 3A.

Motion: Miller moved to approve the written decisions from the regular meeting on Sept. 4, 2024, as submitted. Member Sara Riek seconded.

Vote: 6-0.

6. Old business

- A. Certificate of Appropriateness Application: 158 W. King St.
Carport renovation and addition of 10-feet x 14-feet of storage (PIN 9864969445).

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.

Hoffheimer was sworn in. Laura Juel, the property owner, was 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 carport is the only part of the property being altered, but the inventory information for the house, wellhouse, and garage/kitchen are included in the staff report for additional context.
- Resurfacing the patio, renovating the driveway, and some other landscaping work was approved recently via a minor work.

Juel addressed the inclusion of the Fences and Walls design standards in the application, explaining that there will be a fence around the recycling and garbage bins.

Juel gave a brief description of the patio project. The patio, which touches the carport area, will be removed and regraded to slope away from the house. The driveway will be added last, to keep rocks from rolling onto West King Street.

The commissioners reviewed the application materials.

Juel confirmed that the new windows will be aluminum-clad wood with true or simulated divided lites. She mentioned that the plans show a new window on the rear of the new addition, but that that window will no longer be included, to provide space for more shelving inside. She added that an oak leaf hydrangea will be planted in front of the building at that spot. The window on the opposite facade of the structure, facing West King Street, will still be included, as shown in the plans.

Juel confirmed that the windows will be two-over-two, to match the kitchen addition of the house. She explained that the rest of the house has one-over-one windows. Juel said the plan to replace the existing windows came from the fact that the existing windows are unprotected wood from the 1960s and were never finished inside. Juel said they are warped and do not close all the way. She added that the architect chose larger windows than the existing ones to look more consistent with the size and scale of the windows on the house. She said the opening for the windows being replaced will become slightly taller, but the width will remain the same. She also confirmed that the muntin profile will change from horizontal on the existing windows to vertical on the new ones.

Juel said the wood latticework between the columns was recommended by the architect to provide more visual weight to the columns compared to the roof. She confirmed that a new decorative fascia board would be installed across the bottom of the roofline, in front of the columns. There was discussion of whether the fascia board would change the height of the columns, but Juel confirmed that the two elements are independent of each other and that the columns will remain the same height as the existing columns, which will reach all the way to the ceiling behind the fascia board. It was determined that the drawing incorrectly shows the molding on the columns ending at the bottom of the fascia board. Juel added that the piers for the columns will remain in the same place but new footings will be poured because there are no existing footings. Juel said the main house has round columns, but the house and carport were built at different times, so they want to differentiate them visually. She said the existing

columns on the carport look skimpy, and the architect attempted to add visual weight to the columns to address this.

There was discussion of the impact the decorative choices have on the congruence with the district and the main house. There was concern that the addition of a cupola and addition of weight to the columns would add to the scale and height of the structure, which the design standards discourage.

The commissioners addressed the columns. Member Hannah Peele, Senner and Spencer said that they did not find the columns to be incongruous. Miller said he was concerned about the congruity of the latticework between the columns. Spencer added that he did not see the decorative aspects as faux historic, but instead as purely aesthetic choices.

There was discussion of the south elevation. Senner noted that the existing chimney will be removed, which the design standards say is generally acceptable if it is not on a character defining elevation or visible from the street, which is consistent with this situation. Senner expressed appreciation for the lower roofline of the addition to distinguish it from the existing structure and make it visually subordinate.

Miller asked Juel to address the changes to the columns in reference to Outbuildings and Garages, Standard 2. Juel explained that they could have chosen to use one large round column, but they wanted to visually guide the eye to the backyard rather than being drawn to the post itself. Peele noted that the side porch of the house has a similar horizontal piece consistent with what is being proposed, despite having round columns instead of the proposed square ones.

Miller said he was concerned about the removal of the latticework that is visually integral to the existing structure and replacing it with latticework that does not have the same character as the existing latticework. Senner noted that this accessory structure is not visible from the street and that it is questionable whether the latticework provides character definition. Hoffheimer said the latticework is not included in the inventory, and Juel said it was added to the carport in the 1990s when the owners at the time added it for gardening purposes.

Juel confirmed the two existing light fixtures will remain and that there will not be new light fixtures.

The commissioners addressed the proposed cupola. Juel said the cupola was included in the plans to add weight and balance to the structure as a whole. Senner referenced Roofs, Standard 8, and noted that the cupola, though it is character defining for the outbuilding itself, is not readily visible from the street and is proposed to be added to a secondary structure.

Juel confirmed that the louvers in the cupola would be made of wood, painted to match the existing color profile and the louvers on the front of the carport. It was noted that a cupola on a garage exists at 325 W. Corbin St., though it was further noted that one instance of an element does not provide definitive evidence for congruence but does provide context.

The commissioners reviewed the south elevation. Juel confirmed that the footings of the columns will be brick but will be capped with bluestone to prevent rainwater from getting into the mortar of the bricks.

The commissioners reviewed the north elevation. It was noted that there will not be a visual differentiation in the siding between the addition and the existing structure, but that the visual differentiation at the roofline will demarcate where the addition begins.

The commissioners reviewed the east elevation. Juel explained that the existing door will be used, but glass will be added to restore it to its original appearance. She said the glass had been replaced with a wood panel at some point. Juel confirmed that the doors open inward.

The commissioners reviewed the west elevation. Juel confirmed that the existing louvers on either side of the existing chimney will be infilled with siding to match once the chimney is removed. She said they will have no issues getting matching siding. She explained that the louver markings on the plans were included to show where the louvers had been on the existing structure.

Juel confirmed the existing carport floor will be removed because the new column footings will have to be installed first. She said the footings will be old brick from the early 1900s to match the foundation of the house. She said new paver brick will be used for the carport floor.

There was discussion of the visibility of the structure from the street. Miller pointed out that the carport is visible from West King Street, from the side of the property where the driveway enters. Juel said three large bucket trees will be planted between the carport and the street view to minimize the visibility. She indicated where the trees would be planted – one near the patio and two near the front of the property. Other commissioners noted that they had not initially been able to see the carport at first glance. Hoffheimer pointed out that most of the changes to the structure will be blocked from view of the street because they will take place in the rear of the structure, and the west edge of the existing carport is aligned with the west edge of the house.

Senner said that after having reviewed the photo of the carport with the house in the background, his assessment of the impact of the addition of the cupola to the roof had changed. He said the vantage point of the photo provided a better perspective of the massing of the carport relative to the massing of the main house and made him feel more comfortable with the change to the roof in the context of the overall site and massing with relation to the primary structure.

Senner summarized the commissioners' discussion: He said that while there are some elements and design choices where one could offer suggestions that are more congruent, the commission has not identified anything incongruent given the mass and siting of the outbuilding; the addition of trees to address the already limited visibility from the street; the fact that some of the elements being removed were additions from later periods and not part of the original design and construction of the outbuilding; and that the modifications to the roof are, although impacting the character of the outbuilding itself, not visible from the street or impactful in the context of the primary structure and the overall design and context of the site.

Senner closed the public hearing.

Motion: Riek moved to find as fact that the 158 W. King 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: Wood, Exterior Walls, Doors, Roofs, Outbuildings and Garages, Additions to Residential Buildings, Fences and Walls, and Exterior Lighting. Spencer seconded.

Vote: 5-1. Nay: Miller.

Motion: Riek moved to approve the application as modified by the applicant to remove the right window in the north elevation from the plans. Vice Chair Mathew Palmer seconded.
Vote: 5-1. Nay: Miller.

Miller clarified that he had voted against approval because he does not believe the proposal meets Outbuildings and Garages Standards 1 and 2.

7. Election of officers

The commissioners elected officers for the upcoming term, through October 2025.

Hoffheimer updated the commissioners that some potential applicants have expressed interest in serving on the commission.

Motion: Miller nominated Senner to serve as chair. Palmer seconded.
Vote: 6-0.

Motion: Riek nominated Miller to serve as vice chair.

Motion: Spencer nominated Peele to serve as vice chair.

There was discussion of the nominees' interest in eventually serving as chair. Peele expressed interest in that possibility.

Motion: Senner nominated Peele to serve as vice chair. Spencer seconded.
Vote: 6-0.

8. Historic Preservation Awards

Hoffheimer sought nominations for the Historic Preservation Awards. There was discussion of alternative names for the awards to encompass more than just preservation projects. There was discussion of including projects that had notable plans and applications, and discussion of focusing on projects that followed the rules and procedures.

9. General Updates

There were no general updates. There was a brief discussion of the question of statewide historical significance and the process for delaying demolition.

10. Adjournment

Senner adjourned the meeting at 7:44 p.m. without a vote.

Respectfully submitted,



Joseph Hoffheimer
Planner
Staff support to the Historic District Commission

Approved: Month X, 202X

ITEM #5. A:**Address:** 143 W. Margaret Ln.**Year Built:** c. 1801, c. 1863 (house), 2000 (two utility buildings)**Historic Inventory Information (2013)**

Simple in form, but rich in history, the Nash Law Office is a one-story, three-bay-wide, side-gabled Federal-style building. It has plain weatherboards, nine-over-nine wood-sash windows, a six-panel door centered on the façade, a replacement metal roof, and an exterior end common-bond brick chimney in the right (west) gable. A c. 1863 addition to the right obscures the base of the chimney. This one-story, side-gabled wing is three bays wide and single-pile with plain weatherboards, six-over-six wood-sash windows, and a replacement metal roof. A two-light-over-two-panel door is centered on this wing and is sheltered by a full-width, shed-roofed porch supported by square posts on square bases with a wood railing. There is an exterior brick chimney in the right gable end of the c. 1863 wing. The Nash Law Office was built between 1801 and 1807 by Duncan Lane Cameron, a young Virginia lawyer, who later became one of the wealthiest and most influential men in North Carolina. He purchased Lots 10 and 13 from James Webb and resold the property and lots 11, 14, and 15 to Frederick Nash, another young lawyer in 1807. The property included a dwelling house, law office, kitchen, washhouse, barn, and several other outbuildings. Frederick Nash was the son of Abner Nash, governor of North Carolina from 1780 to 1781, and nephew of Francis Nash, a revolutionary patriot. Frederick Nash graduated from Princeton in 1799, and represented both New Bern and Hillsborough in the North Carolina General Assembly. He also served as Judge of the Superior Court (1818-1826, 1836-1844), as Justice of the Supreme Court (1844-1852), and as Chief Justice of the North Carolina Supreme Court from 1852 until his death in 1858. Throughout his career, the Nash Law Office was used as a law school where notable men, such as Whig congressman Abner Rencher, read law under Judge Nash. After Nash's death his daughters, Sally and Maria, and their cousin Sara Kollock, opened the Nash and Kollock School for young ladies. In 1859, the former law office became the site for music lessons connected with the school. The one-story addition on the west was added around 1863 for additional practice rooms and a home for Sara Kollock. The Nash Law Office was used as a music studio until 1907 when Sarah Kollock died. The property then had several owners until the Hillsborough Historical Society purchased it in 1970. The Nash Law Office is the oldest law office in Hillsborough [National Register Nomination]. A rear addition was approved by the Hillsborough Historic Districts Commission in 1999 and several outbuildings were approved in 2000, but they could not be recorded as none are visible from the street.

Contributing Structure? No**Proposed work**

- Add wheelchair ramp to rear accessory structure
- Enclose crawlspace at rear accessory structure

Application materials

- COA application
- Narrative
- Materials
- Mockups
- Foundation walls diagram
- Ramp from above
- Site plan with ramp

Applicable Design Standards

- Accessibility and Life Safety: 1 – 4

Staff Comments

- The design standards do not directly address raised foundations or crawlspaces. However, the compatibility matrix allows brick and concrete block for foundations, and horizontal wooden louvers are allowed on a case-by-case basis to screen items below a raised front porch. The compatibility matrix also allows wood siding but does not allow plywood.
- The outbuilding is being moved a few feet into the lot to correct a zoning nonconformity. Staff have determined that the move is strictly a zoning concern and does not require historic district review. The outbuilding is before the commission solely due to the proposed exterior changes.



Certificate of Appropriateness and Minor Works

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9470 | Fax: 919-644-2390
planning@hillsboroughnc.gov
www.hillsboroughnc.gov

11

Submittal Requirements

The following documents and plans are required to accompany your COA application in order for it to be deemed complete and scheduled for commission review. Planning staff will determine when all submittal requirements have been met. The first FOUR complete COA applications submitted by the deadline will be heard on any HDC agenda.

All applications must include the following documents and plans:

(Provide a digital copy if plans are larger than 11"x17")

- ☐ Detailed narrative describing the proposed work and how it complies with all adopted standards.
- ☐ Existing and Proposed Dimensioned Plans (see below):
 - Site Plan (if changing building footprint or adding new structures, impervious areas or site features, including hardscaping)
 - Scaled Architectural Plans (if changing building footprint or new construction)
 - Scaled Elevations (if adding or changing features of a structure)
 - Landscaping Plans (required for all new construction and for significant landscaping or tree removal and re-planting)
 - Tree Survey (required for new construction when trees over 12" diameter at breast height are on site - show both existing and those to be removed)
 - Sign Specifications (if adding, changing, or replacing signage)
- ☐ Itemized list of existing and proposed exterior materials including photos and specifications, colors, etc. (Siding, trim and fascia, roof and foundation materials, windows, shutters, awnings, doors, porch and deck flooring, handrails, columns, patios, walkways, driveways, fences and walls, and signs, etc.).
- ☐ Photographs, material samples, examples of comparable properties in the district (if using them as basis for specific designs), plans, or drawings that will help to clarify the proposal, if applicable, or if required by staff as part of the review.

Staff Use Only:**COA fee (\$1 per \$1000 of construction costs, \$150 minimum) or****Minor Works fee (\$1 per \$1000 of construction costs, \$25 minimum):**

Amount: \$ _____

☐ After-the-fact application (\$300):

Amount: \$ _____

Total Due: \$ _____

Receipt #: _____

Received by: _____

Date: _____

This application meets all Unified Development Ordinance requirements and has been reviewed for compliance with all approved materials.

☐ N/A ☐ Yes

Zoning Officer: _____

This application meets public space division requirements.

☐ N/A ☐ Yes

Public Space Manager: _____

Historic Architectural Inventory Information

Original date of Construction: _____

Description of the Property: _____

Applicable Design Standards: _____

Other reviews needed?

☐ Hillsborough Zoning Compliance Permit ☐ Orange County Building Permit ☐ Other: _____**Minor Works Certificate of Appropriateness Application Decision**☐ Approved ☐ Referred to HDC

Minor Works Reference(s): _____

Certificate of Appropriateness Decision☐ Approved ☐ Denied

Commission Vote: _____

Conditions or Modifications (if applicable): _____

Historic District Staff Signature_____
Date

ADU Conversion at 143 W Margaret Lane

Crawlspace enclosure and wheelchair ramp

The plan is to convert the existing building to an ADU, by extending water, gas, and upgraded electricity to the existing outbuilding. This building does not face the street; it backs up to the town parking deck and to Orange County offices.



To gain approval for the conversion (see attached zoning permit), we are planning to build 3 new piers and move the building 79" north, to satisfy the setback requirements.

We are seeking approval to enclose the crawlspace and add a wheelchair ramp.

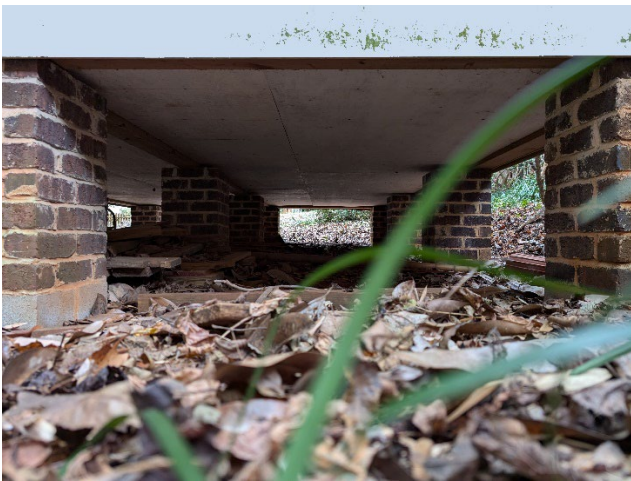
Enclosing the crawlspace

The existing building is on piers. Because best practice for having water and sewer involves enclosing that space, we want to build walls between the piers, with a concrete footing and marine plywood spanning the space. The plywood will be painted white.

Materials:

- Concrete block
- Marine (pressure treated, ground contact approved) plywood.
- Pressure treated lumber for the framing.

These pictures show the existing piers and a mockup of the wood foundation wall enclosure.



If it makes a difference for this approval, we can put siding over the plywood, matching the siding on the building. Many houses in the historic district where the siding extends all the way to the ground.

Materials: Wood siding.



Mockup with siding:

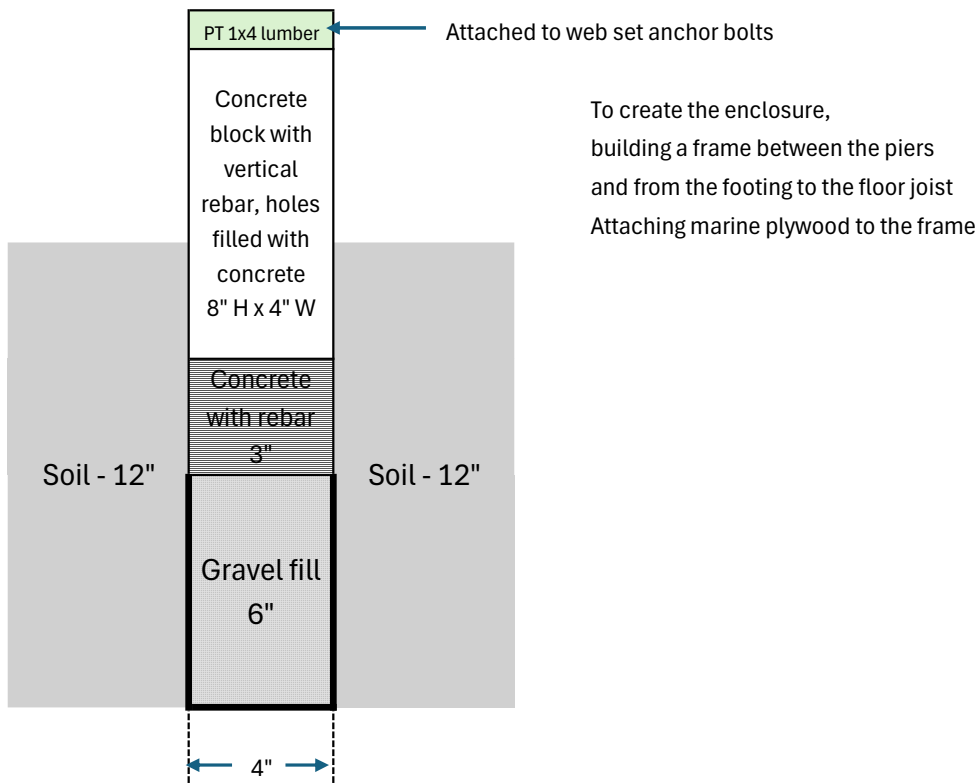
Wheelchair ramp

To facilitate access to the building for my wheelchair-bound parents, when they visit, we want to build a ramp from the same decking material as the existing stairs. When the building is moved, we will rebuild the stairs at the new location of the building, attaching the ramp to that.

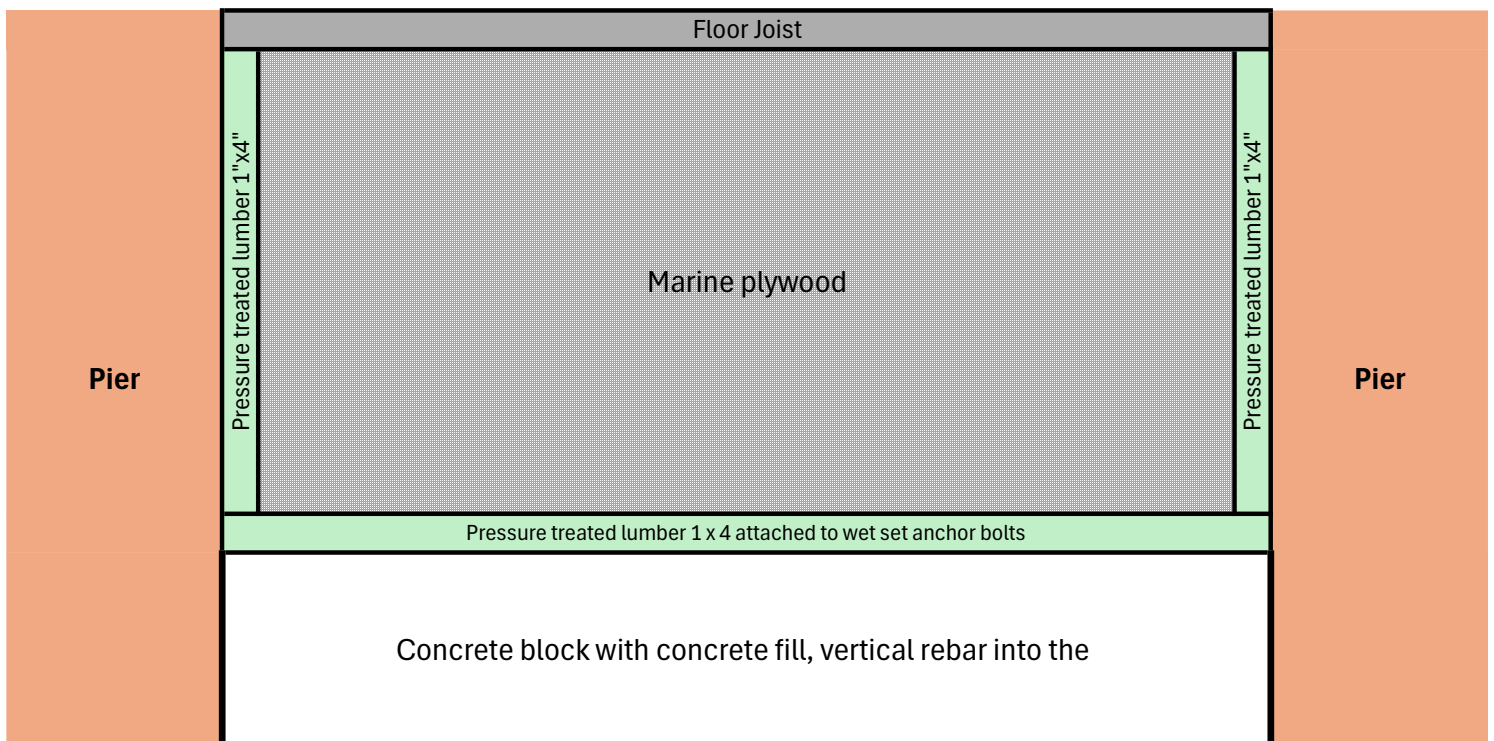
Materials: pressure treated decking lumber

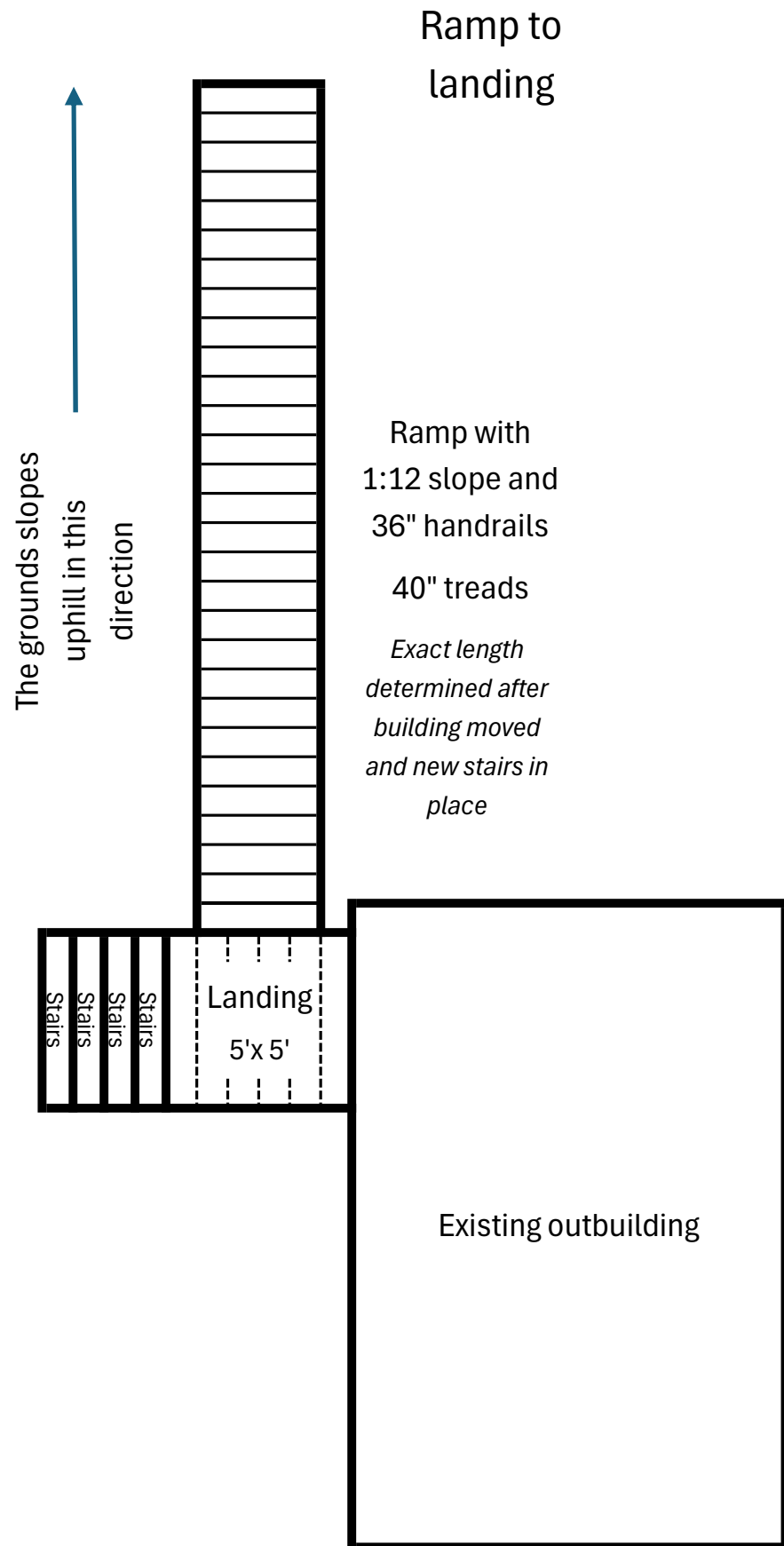


Enclosure for the crawlspace: footings diagram



Foundation wall between the piers
Vents in 6 of the 16 panels





WEST MARGARET LANE EXISTING 33' PUBLIC RM

68.40 N88°56'37"E

6.40 N89°54'39"E

STANDARD 30' FRONT YARD SETBACK

Driveway

Parking

PORCH

EXIST. House

Patio
PATIO

136.61 500°04'24"E

2.28 500°04'24"E

283.48 501°37'34"E

110.84 500°04'24"E

10' SIDEYARD SETBACK DUE TO NON-CONFORMING WIDTH

10' SIDEYARD SETBACK DUE TO NON-CONFORMING WIDTH

Should be
17.36'
TK
10/9/2024

SITE PLAN SCALE 1"=16'

143 W. MARGARET LN. HILLSBOROUGH, NC 27278

OWNERS: MICHAEL D. EDWARDS

PIN: 9874050842

DB/PG: 5189/526

ZONING: R-20

24' ramp

ADU

EXIST. ACCESSORY
STRUCTURE TO BE
MOVED 19' TO THE
NORTH

19.25' TALL ACCESSORY
STRUCTURE SETBACK
 $19.25' \text{ TALL} = 5' \times (19.25 - 12 \times 2) = 19.5'$

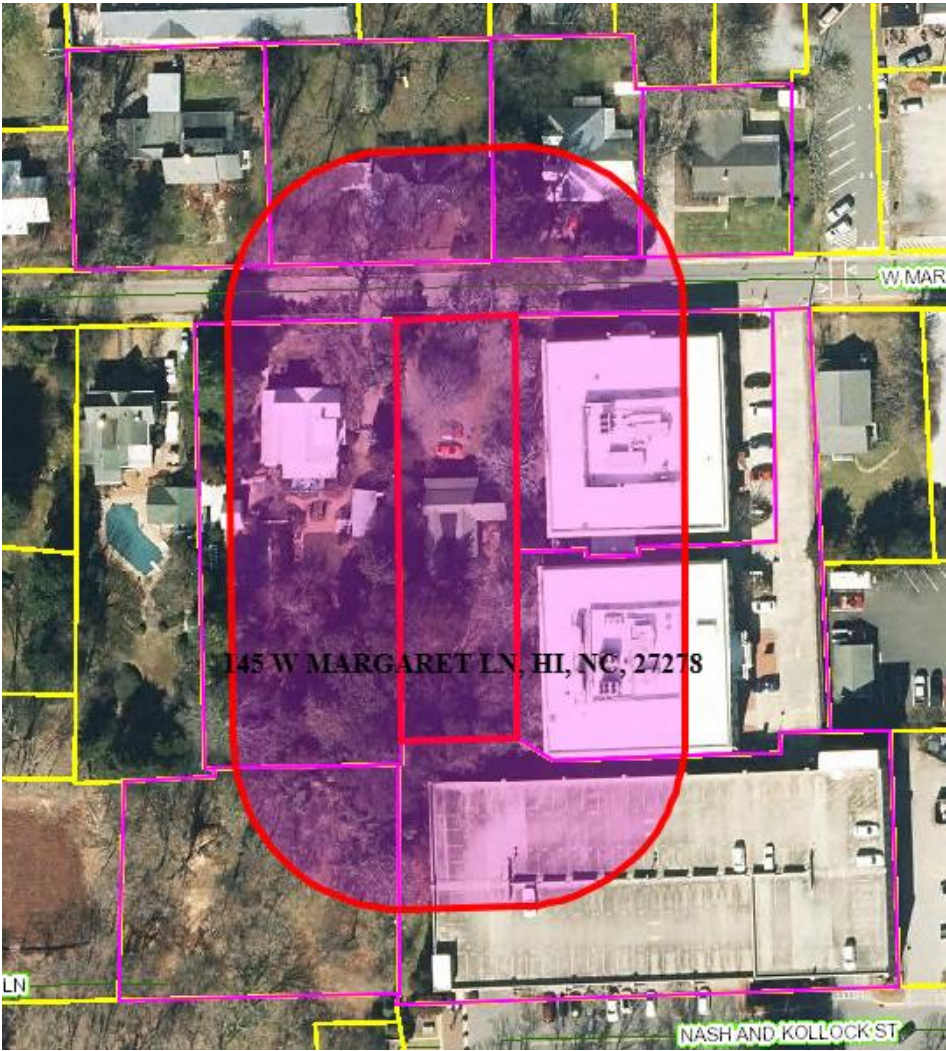
68.02 S88°43'19"W

I, Joseph Hoffheimer, hereby certify that all property owners within 100 feet of and the owners of PIN 9084750842 (the affected property) have been sent a letter of notification of the Certificate of Appropriateness application before the Historic District Commission by first class mail in accordance with the Hillsborough Zoning Ordinance.

11/20/2024
Date

Joseph Hoffheimer, Planner
(for Hillsborough Planning Department)

PIN	OWNER1_LAST	OWNER1_FIRST	OWNER1	OWNER2_FIR	ADDRESS1	CITY	STATE	ZIPCODE
9864959861	BOERCKE	SARAGENE			153 W MARGARET LN	HILLSBOROUGH	NC	27278
9864969004	MASSE	JEAN A			158 W MARGARET LN	HILLSBOROUGH	NC	27278
9874050637	CATES	DAVID E	CATES	NANCY W	210 SWAKE ST	HILLSBOROUGH	NC	27278
9874050842	EDWARDS	MICHAEL D			143 W MARGARET LN	Hillsborough	NC	27278
9874052667	ORANGE COUNTY				PO BOX 8181	HILLSBOROUGH	NC	27278
9874052881	ORANGE	COUNTY			P O BOX 8181	HILLSBOROUGH	NC	27278
9874052954	ORANGE	COUNTY			P O BOX 8181	HILLSBOROUGH	NC	27278
9874060025	MARTIN	J MATTHEW	MARTIN	CATHERINES	3 BRIARCLIFF DRIVE	ASHEVILLE	NC	28803
9874061035	PAYNE	WILLIAM D III			134 W MARGARET LN	HILLSBOROUGH	NC	272782548
9874062054	LLOYD	ANDREW B JR			2701 US 70 W	EFLAND	NC	27243



ITEM #5. B:

Address: 219 N. Hasell St.

Year Built: c. 1946

Historic Inventory Information (2013)

This one-story, side-gabled, Minimal Traditional-style house is three bays wide and double-pile with a projecting, front-gabled bay on the left (south) end of the façade. The house has a brick veneer, exterior brick chimney on the right (north) elevation, and vinyl windows. A picture window on the right end of the façade replaces a pair of original windows, but retains the original opening. The replacement front door is sheltered by an engaged, shed-roofed porch supported by decorative metal posts with a metal railing. An attached, shed-roofed brick garage at the right rear (northwest) has an open vehicular bay that is sheltered by an aluminum awning. County tax records date the building to 1946.

Contributing Structure? Yes

Proposed work

- New screened porch in front of existing side garage

Application materials

- COA application
- Narrative
- Example photos
- Materials list
- Existing and proposed elevations
- Site plan

Applicable Design Standards

- Windows: 8
- Doors: 8
- Porches, Entrances, and Balconies: 10
- Outbuildings and Garages: 1, 2, 10
- Additions to Residential Buildings: 2 – 4, 7 – 14

Staff Comments

- The garage is original to the house, but the current wood garage door was added in 2017.

Historic District Commission Certificate of Appropriateness (COA) & Minor Works Application

COA Fee: \$1 per \$1,000 of total construction costs, or a minimum of \$10, payable when the application is submitted

Minor Works COA fee: \$10 flat fee payable when the application is submitted

After-the-Fact Application Fee: \$100 fee in addition to the required COA fee or COA fees will be doubled (whichever is higher)

Additional permit fees: Additional fees may be required for a Zoning Compliance Permit and Orange County Building Permit.

<u>9864874481</u>	<u>R-20</u>	<u>219 N Hasell St</u>
Orange County Parcel ID Number	Zoning District	Address of Project
<u>Morgan Potts</u>		
Applicant Name	Property Owner (if different than applicant)	
<u>219 N Hasell St</u>		
Applicant's Mailing Address	Property Owner's Mailing Address	
<u>Hillsborough, NC 27278</u>		
City, State, Zip	City, State, Zip	
<u>(919) 428-8382</u>		
Applicant's Phone Number	Property Owner's Phone Number	
<u>mpotts@pbsnc.org</u>		
Applicant's Email	Property Owner's Email	

Description of Proposed Work: proposed screen porch in front of existing side garageEstimated Cost of Construction: \$ \$27,000

The Historic District Design Guidelines, Exterior Materials Compatibility Matrix, and Certificate of Appropriateness application process can be found on the Town of Hillsborough's website: <http://www.hillsboroughnc.gov/government/advisory-boards/historic-district-commission>

Applicant and Owner Acknowledgment and Certification

I am aware that Historic District Design Guidelines, Exterior Materials Compatibility Matrix, and Unified Development Ordinance requirements are the criteria by which my proposal will be evaluated for compatibility, and I certify that I, and/or my design professional under my direction, have reviewed my application materials with Planning Staff for compliance to the standards in those adopted documents. I understand that I, or my representative, must attend the HDC meeting where this application will be reviewed. I further understand that Town employees and/or Commissioners may need access to my property with reasonable notice to assess current conditions, and to assist them in making evidence-based decisions on my application and that I am not to speak to any Commissioner about my project until the public meeting at which it is under consideration.

Morgan Potts

11/13/24

<u>Applicant's Signature (Optional)</u>	<u>Date</u>	<u>Property Owner's Signature (Required)</u>	<u>Date</u>
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SUBMITTAL REQUIREMENTS: The following documents and plans are required to accompany your COA application in order for it to be deemed complete. The Historic District Commission will not accept incomplete applications. Planning staff will determine when all submittal requirements have been met. Only the first FOUR major COA applications submitted by the required deadline will be heard on any HDC agenda if deemed complete by staff. Minor COAs are added based on available agenda space at the discretion of planning staff.

All applications must include the following documents and plans (Provide a digital copy if plans are larger than 11"x17"):

- ☐ Detailed narrative describing the proposed work and how it complies with all adopted documents as submitted.
- ☐ Existing **and** Proposed Dimensioned Plans (see below):
 - Site Plan (if changing building footprint or adding new structures, impervious areas or site features, including hardscaping)
 - Scaled Architectural Plans (if changing building footprint or new construction)
 - Scaled Elevations (if adding or changing features of a structure)
 - Landscaping Plans (required for all new construction and for significant landscaping or tree removal and re-planting)
 - Tree Survey (required for new construction when trees over 12" dBh are on site - show both existing and those to be removed)
 - Sign Specifications (if adding, changing, or replacing signage)
- ☐ Itemized list of existing and proposed exterior materials including photos and specifications, colors, etc. (Siding, trim and fascia, roof and foundation materials, windows, shutters, awnings, doors, porch and deck flooring, handrails, columns, patios, walkways, driveways, fences and walls, and signs, etc.).
- ☐ Photographs, material samples, examples of comparable properties in the district (if using them as basis for specific designs), plans, or drawings that will help to clarify the proposal, if applicable, or if required by staff as part of the review.

STAFF USE ONLY:

**COA fee (\$1 per \$1000 of Construction Costs, \$10 minimum) or
Minor Works fee (\$10 flat fee):**

Amount: \$ _____

☐ After-the-fact application: (\$100 or double the COA/Minor Works fee*)
*whichever is greater

Amount: \$ _____

Total due: \$ _____

Receipt #: _____

Received by: _____

Date: _____

This application meets all Unified Development Ordinance requirements and has been reviewed for compliance with all approved materials.

☐ N/A

☐ Yes

Zoning Officer: _____

This application meets public space division requirements.

☐ N/A

☐ Yes

Public Space Manager: _____

Historic Architectural Inventory Information:

Original date of construction: _____

Description of property: _____

Applicable Design Guidelines: _____

Other reviews needed?

☐ Hillsborough Zoning Compliance Permit

☐ Orange County Building Permit

☐ Other: _____

Minor Works Certificate of Appropriateness Application Decision:

☐ Approved

☐ Referred to HDC

Minor Works Reference(s): _____

Certificate of Appropriateness Decision:

☐ Approved

☐ Denied

Commission Vote: _____

Conditions or Modifications (if applicable): _____

Zoning Officer's Signature

Date

Introduction

The subject property is a one-story, side-gabled, Minimal Traditional-style house three bays wide and double-pile with a projecting, front-gabled bay on the left (south) end of the façade. The house has a brick veneer, exterior brick chimney on the right (north) elevation, and vinyl windows. A picture window on the right end of the façade replaces a pair of original windows but retains the original opening. The replacement front door is sheltered by an engaged, shed-roofed porch supported by wood posts with a wood railing and pickets. An attached, shed-roofed brick garage at the right rear (northwest) has wood garage doors. County tax records date the building to 1946. Please see existing conditions pictures below:



Front (looking west from N. Hasell St)



Closeup of garage



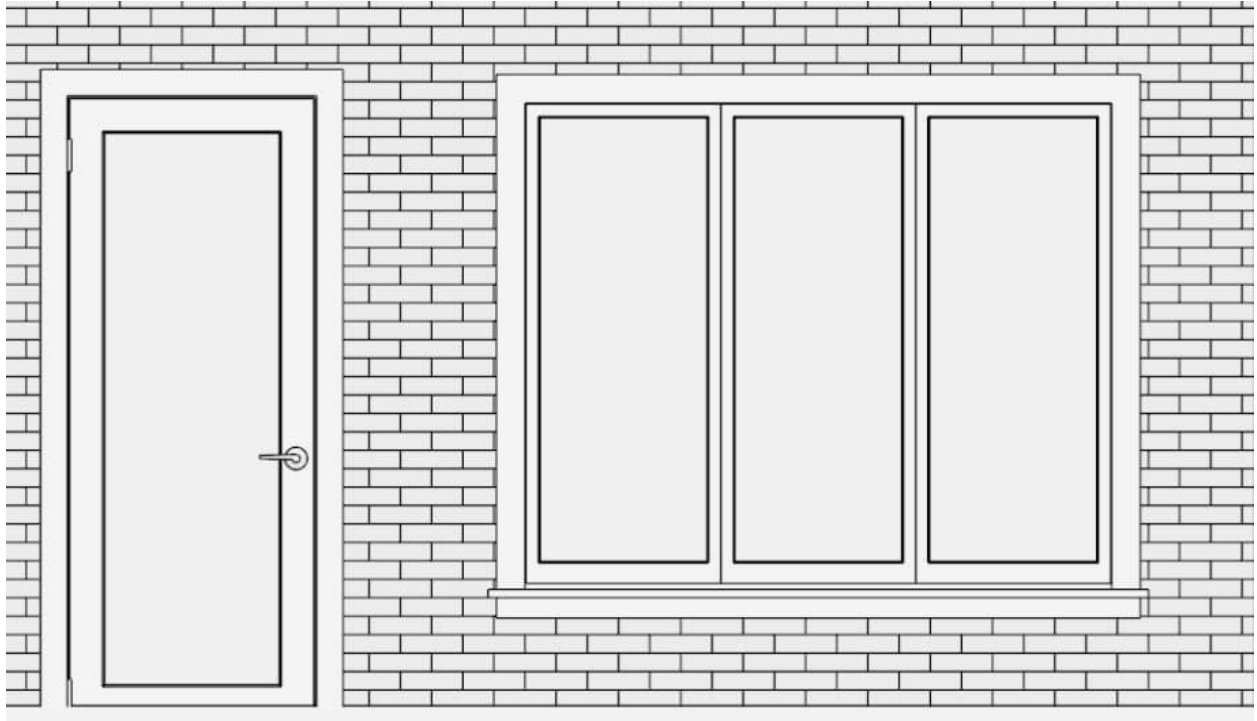
North/Right side of house/garage

Project

The homeowner would like to build a side screen porch with wood columns, and asphalt shingle roof in front of the existing garage. He would like to replace the garage door opening with (3) fiberglass clad windows, wood full glass door and a wood screen door. The porch would match the existing pitch of the garage. The roof material itself would be asphalt shingles to match the existing shingles. The trim and small amount of siding (visible on the right/north side of the garage) is proposed to be white Hardie Board. The proposed porch floor is concrete.



3D Rendering



Proposed door and windows inside of screen porch

Please see examples of other houses in the Historic District that also have side screen porches:



319 W Margaret Ln



409 W. King St



310 N. Hasell St



107 S. Hasell St

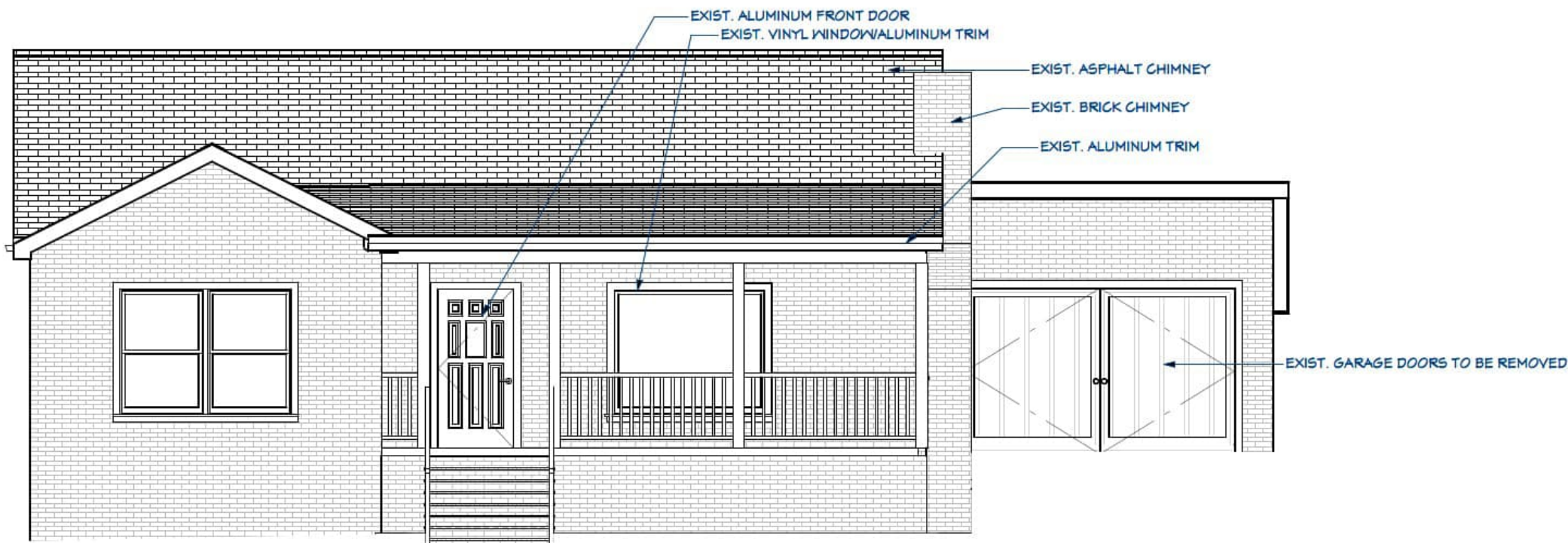
Landscaping

No additional landscaping is proposed.

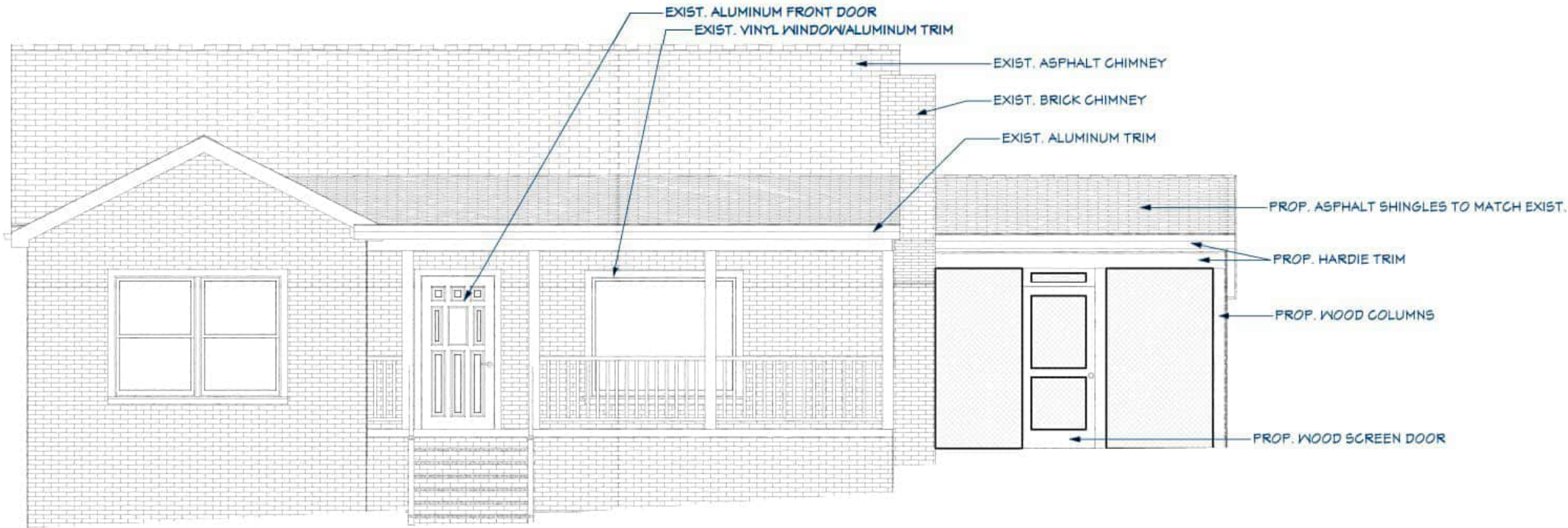
Lighting

No new exposed lighting is proposed.

Item	Material (existing)	Material (proposed)	Color (shed)
siding	Vinyl	Hardie	match existing
trim	aluminum	Hardie	match existing
fascia	aluminum	Hardie	match existing
roof	asphalt shingles	asphalt	match existing
foundation	brick	N/A	
windows	vinyl	Fiberglass clad	match existing
shutters	none	N/A	
awnings	none	N/A	
doors	aluminum	wood	match existing
porch	concrete	concrete	match existing
handrails	wood	N/A	
railing	wood	wood	match existing
columns	wood	wood	match existing
patios	none	N/A	
walkways	concrete	N/A	
driveways	concrete	N/A	
fences	none	N/A	
walls	none	N/A	
signs	none	N/A	



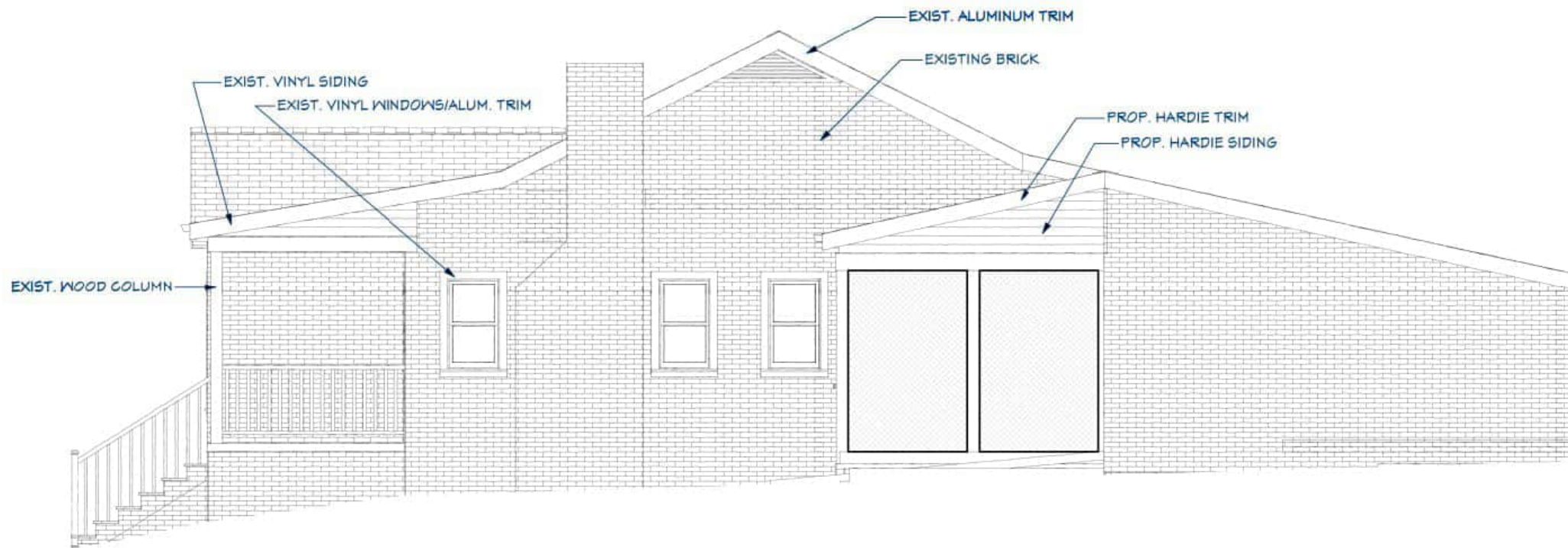
Existing Elevation Front



Proposed Elevation Front



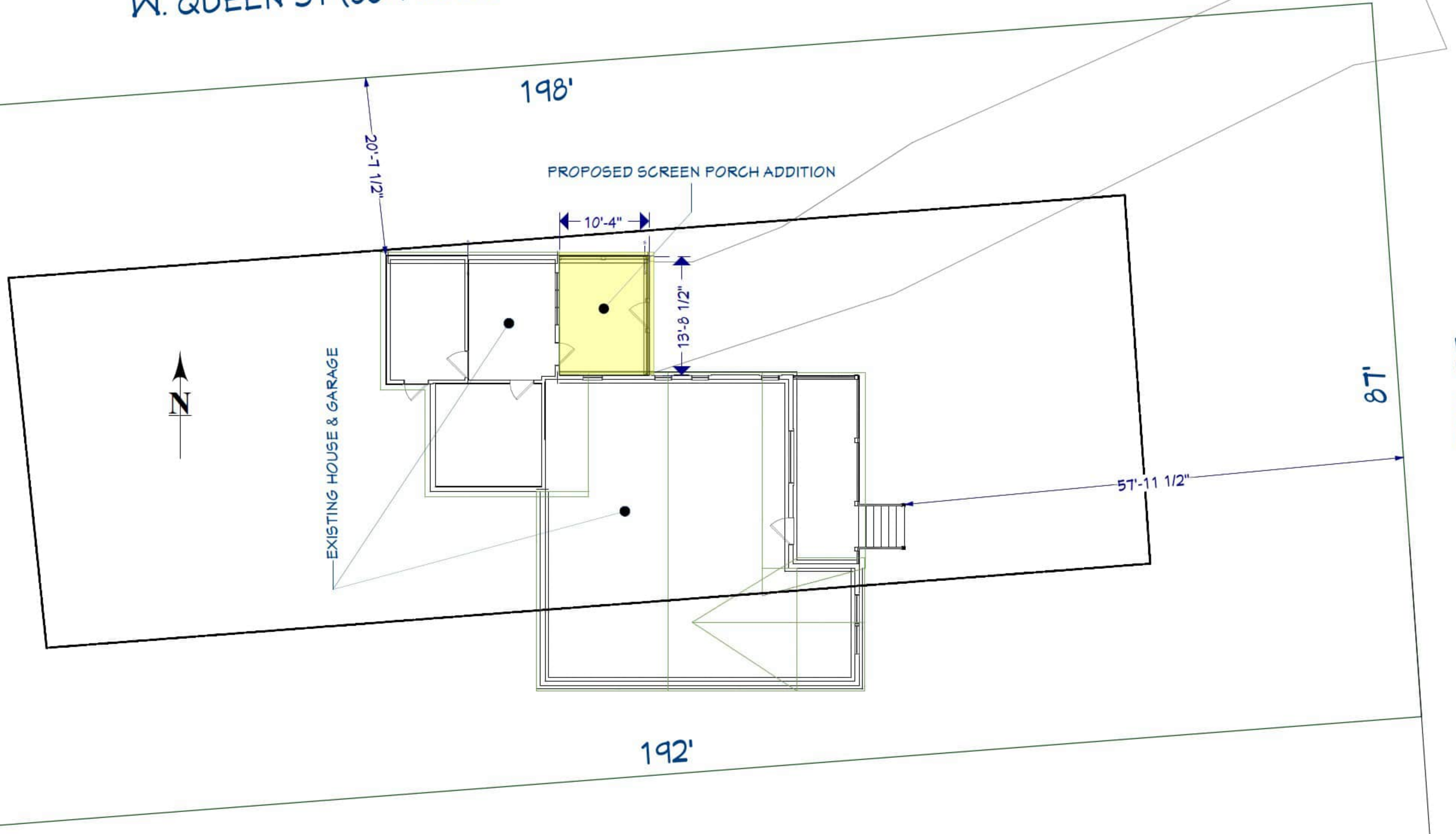
Exterior Elevation Right



Proposed Elevation Right

W. QUEEN ST (66' PUBLIC R/W)

99.68'



PROPOSED SCREEN PORCH ADDITION

10'-4"

13'-8 1/2"

EXISTING HOUSE & GARAGE

87'

51'-11 1/2"

N HASELL ST
(66' PUBLIC R/W)

Plot Plan View

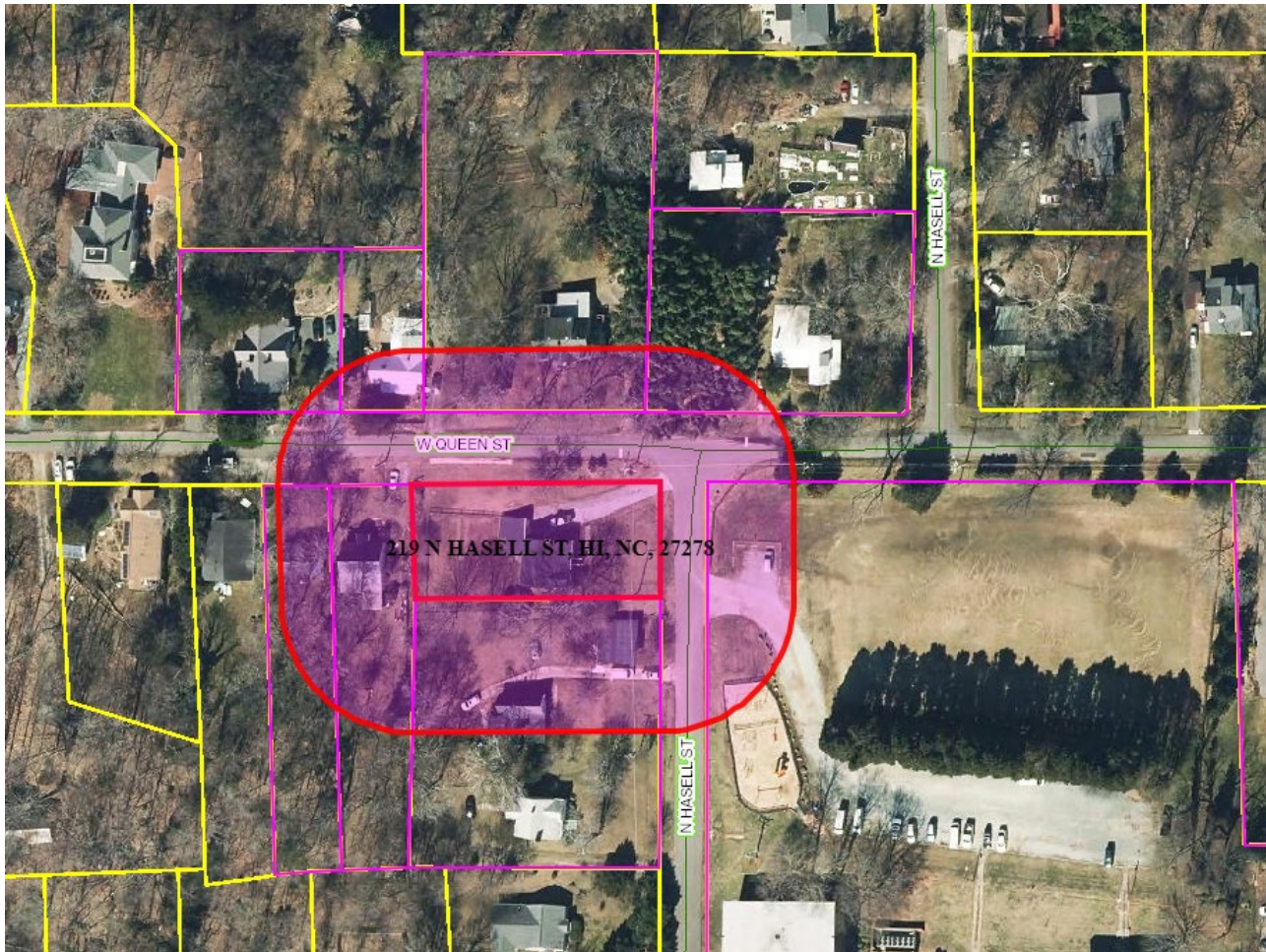
SCALE: 1/8" = 1'-0"

I, Joseph Hoffheimer, hereby certify that all property owners within 100 feet of and the owners of PIN 9864874481 (the affected property) have been sent a letter of notification of the Certificate of Appropriateness application before the Historic District Commission by first class mail in accordance with the Hillsborough Zoning Ordinance.

11/20/2024
Date

Joseph Hoffheimer, Planner
(for Hillsborough Planning Department)

PIN	OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST	ADDRESS1	CITY	STATE	ZIPCODE
9864872602	FERGUSON	CHRISTINA M	GOONER	RICHARD A	318 W QUEEN ST	HILLSBOROUGH	NC	27278
9864872682	CARLSON	BYRON V	CARLSON	MARCIA B	314 W QUEEN ST	HILLSBOROUGH	NC	27278
9864873311	LYNCH	LORETTA E	LYNCH	LEONZO D	2569 LAURELVIEW	CONCORD	NC	28027
9864873351	MOST	MARGUERITE I			305 W QUEEN ST	HILLSBOROUGH	NC	27278
9864874293	HARTINGH	JOHN A SR			213 N HASELL ST	HILLSBOROUGH	NC	272782407
9864874381	WHITE	TRICIA F			215 N HASELL ST	HILLSBOROUGH	NC	27278
9864874481	POTTS	MORGAN	POTTS	JOY	219 N HASELL ST	HILLSBOROUGH	NC	27278
9864874609	SPOON	WILLIAM D	BAKALE WISE	ELIZABETH A	310 W QUEEN ST	HILLSBOROUGH	NC	27278
9864877606	TIPPENS	JAMES R	LASSITER	NETTIE M	309 N HASELL ST	HILLSBOROUGH	NC	27278
9864878123	ORANGE	COUNTY			PO BOX 8181	HILLSBOROUGH	NC	27278



Memorandum

To: Historic District Commission
From: Planner Joseph Hoffheimer
Date: November 4, 2024
Subject: Staff Report: Investigation of Prevention of Demolition by Neglect Complaints at 217 S. Occoneechee Street Performed October 31, 2024



Introduction:

This report provides findings from a site visit conducted by Planning Department staff on October 31, 2024, at 217 South Occoneechee Street (PIN 9864850670). The site visit was conducted to investigate a written complaint, received Monday, October 7, 2024, lodged against property owners William Lee Hall and Robin Taylor Hall claiming that the building is experiencing demolition by neglect. The site visit was conducted in accordance with the procedures outlined in Section 8.8 of the Unified Development Ordinance, which includes *Procedures of Enforcement* for prevention of demolition by neglect.

Historic District Inventory Information:

House:

This two-story, I-house is three bays wide and single-pile with a one-story, gabled ell at the right rear (southeast). The house has rolled asphalt sheathing, two-over-two wood-sash windows, a 5V metal roof, and one-to-six common bond exterior brick chimneys in the gables, each flanked by one-over-one windows. The double-leaf two-light-over-two-panel entrance has boarded-up one-light-over-one-panel sidelights and is sheltered by a near-full-width, shed-roofed porch supported by tapered wood posts on brick piers. There is an enclosed porch at the left rear (northeast) and the rear ell has German-profile weatherboards. Bellinger dates the house to 1912.

Shed/Carport:

Shed-roofed, frame shed with concrete-block foundation, aluminum siding, and paired panel doors on the west elevation. A flat-roofed metal carport has been attached to the west elevation and is supported by metal posts.

Both the house and shed/carport are considered contributing to the National Register historic district.

Narrative:

Two previous demolition by neglect complaints were received for this address on August 8, 2015 and May 25, 2011. For the 2015 complaint, staff conducted a site visit and reported findings to the Historic District Commission on January 6, 2016. At that time, the Historic District Commission did not find evidence that the structure was experiencing demolition by neglect. For the 2011 complaint, staff

conducted a site visit and reported findings to the Historic District Commission on July 6, 2011. At that time, the Historic District Commission also did not find evidence that the structure was experiencing demolition by neglect.

The current written complaint references the following standards in Section 8.8 of the UDO, which are:

8.8.2.1: Deterioration of exterior walls, foundations, or other vertical support which results in leaning, sagging, splitting, listing, or buckling,

8.8.2.2: Deterioration of flooring or floor supports, roofs, or other horizontal members which results in leaning, sagging, splitting, listing, or buckling,

8.8.2.3: Deterioration of external chimneys which results in leaning, sagging, splitting, listing, or buckling of the chimney,

8.8.2.5: Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors or broken or malfunctioning gutters,

8.8.2.6: Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering,

8.8.2.7: Rotting, holes, and other forms of decay where there is evidence that such condition has exposed structural elements,

8.8.2.8: Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling,

8.8.2.9: Deterioration of contributing accessory structures; and

8.8.2.10: Overgrown plants/landscaping features which threaten the structural integrity or relevant, significant architectural detail of a structure.

On October 31, 2024, Town of Hillsborough Planner Joseph Hoffheimer walked the front of the property to investigate the complaints. Staff also photographed the conditions.

The following section of this report includes a description of the Planning Department staff findings.

Results:

The subsequent section outlines Planning Department staff findings from the site visit. Photos from the site visit are included following the text.

The paper siding is deteriorating (and missing in certain locations), but staff did not observe any splitting or buckling of exterior walls.

Staff observed deterioration of horizontal members of the roof on the front elevation and deterioration of the roof on the front and right elevations.

The exterior chimney on the right elevation has deteriorated and appears to be splitting and missing bricks at the top.

The house is missing several windows and the front door, although these are boarded up. The house is also missing gutters.

Defective weather protection was observed for exterior wall and roof coverings. The abandoned oil tank may not be under the purview of the Historic District Commission.

There are rotting holes that expose structural elements on the right elevation.

The front porch is deteriorating, and a handrail has been removed. Window and door frames are visibly deteriorating and losing paint.

The contributing accessory structure is deteriorating. It is missing a door and has a visibly deteriorating roof as well as visibly deteriorating siding.

Landscaping around the house is overgrown and may threaten the relevant significant architectural detail of the structure.

Conclusion:

The results of the investigation suggest to staff that the house at 217 South Occoneechee Street is experiencing deterioration and needs substantial maintenance. Since 2015, additional gutters and a porch railing have been removed, and vegetation continues to grow around the structure. In addition, the condition of the south chimney appears to have worsened. Finally, the contributing accessory structure was not included in the 2015 complaint but is in a clear state of disrepair. The other structural details on the primary structure, including the roof, appear to be in nearly the same condition as in 2015.

The next step for the Historic District Commission (HDC), as outlined in Section 8.8 of the Unified Development Ordinance, is to review the complaint and evidence in the staff report to determine if the structure may be experiencing demolition by neglect. The staff report will be presented to the HDC on December 4, 2024, at the regularly scheduled meeting. If the HDC finds that the structure may be undergoing demolition by neglect, it shall file an order directing the Planning Director to conduct an administrative hearing to determine whether the property is undergoing demolition by neglect. If the HDC determines that the evidence does not suggest the structure may be experiencing demolition by neglect, then no further action is required.

Cc: William Lee Hall and Robbin Taylor Hall
209 S. Occoneechee Street
Hillsborough, NC 27278

Cc: Shannan Campbell, Town of Hillsborough Planning and Economic Development Manager
Robert Hornik, Town of Hillsborough Attorney
Property file (217 S. Occoneechee St.)
Historic District Commission





















October 7, 2024

Joseph Hoffheimer

Planning Director

Town of Hillsborough, NC 27278

This Petition shall serve as a written complaint as outlined in section 8.8.3.1 of the Hillsborough Unified Development Ordinance. We who are homeowners and residents of West Hillsborough near the subject house, with our signatures below, wish to proceed with an official complaint of the property located at **217 South Occoneechee St.** This property, which lies within the Historic Division of Hillsborough, NC, has deteriorated in all respects listed in section 8.8.2 so as to be totally uninhabitable, and as such should be subject to rules for Demolition by Neglect. (See Photos attached by Email.)

Douglas Peterson

216 South Occoneechee St.

Hillsborough, NC 27278

Dougpeterson44@gmail.com

919-260-6685

Douglas Peterson

Date	Name	Street Address
10/6/24	Todd Staley	408 Calvin
10/6/24	Kenlyn Young	404 Calvin
10/6/24	Ted Smith	219 S. Hillsborough Ave
10/6/24	CANDICE COBB	216 " "
10/6/24	Red Stewart	403 W. King St.
10/6/24	Eileen BRISTOW	108 S. Occoneechee St.
10/6/24	Charles Couch	204 S. Hillsborough Ave
10/7/24	Bob Imburg	404 W. King St.

Appendix to

Petition for Demolition by Neglect

Of House at 217 South Occoneechee St, Hillsborough, NC 27278

10/7/2024



Subject house at 217 South Occoneechee St, Hillsborough, NC on October 6, 2024.

8.8.2.10

Overgrown landscaping that threatens the relevant significant architectural detail of structure.

8.8.2.2

Deterioration of horizontal members in roof.



8.8.2.8

Deterioration of exterior porch, handrails and windows.



8.8.2.8

Deterioration of door frames and architectural details – no front door (plywood)



8.8.2.1

Deterioration of exterior Walls.

8.8.2.3

Deterioration of exterior Chimney

8.8.2.5

Malfunctioning (no) gutters



8.8.2.1

Deterioration of exterior walls which results in splitting and buckling.

8.8.2.2

Deterioration of roofs.

8.8.2.6

Defective weather protection for exterior wall and roof coverings.

Abandoned oil tank with attendant environmental impact.



8.8.2.5

Broken or no windows- several.

8.8.2.7

Rotting holes exposing structural elements.



8.8.2.9

Deterioration of contributing accessory structure.

8.8 PREVENTION OF DEMOLITION BY NEGLECT

8.8.1 INTENT

The purpose of this Ordinance is to permit the Town of Hillsborough, through its Historic District Commission and its Planning Department, to protect the Town's historic architectural resources by intervening when a significant resource is undergoing demolition by neglect.

Demolition by neglect occurs when the condition of an improved property located in the Historic District is deteriorating in such a way as to threaten the structural integrity or the relevant, significant architectural detail of the structure such that the structure or its character may be lost to current and future generations.

A significant resource, as the term is used in this Ordinance, is defined as any property, structure or architectural resource designated as an historic landmark, or designated as "contributing" in the Hillsborough Historic District's nomination to the National Register of Historic Places, or in the Hillsborough Historic District Architectural Inventory of 1996, or which has gained significance through amendments to the 1996 Inventory prepared by an architectural historian.

8.8.2 STANDARDS

The exterior features of the building or structure found to have significance (the term is defined above) located within the Historic District shall be preserved by the owner, or such other person as may have legal possession, custody, and control thereof, against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and

control, shall upon written request by the Town, stabilize or repair the exterior features of a significant building or structure if they are found to be deteriorating, or if their condition is contributing to deterioration of the property or the district. The following conditions are examples of (by way of illustration, but not limitation) defects which may constitute, or result in a finding of, demolition by neglect:

- 8.8.2.1** Deterioration of exterior walls, foundations, or other vertical support which results in leaning, sagging, splitting, listing, or buckling,
- 8.8.2.2** Deterioration of flooring or floor supports, roofs, or other horizontal members which results in leaning, sagging, splitting, listing, or buckling,
- 8.8.2.3** Deterioration of external chimneys which results in leaning, sagging, splitting, listing, or buckling of the chimney,
- 8.8.2.4** Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition exposes structural elements to decay,
- 8.8.2.5** Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors or broken or malfunctioning gutters,
- 8.8.2.6** Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering,
- 8.8.2.7** Rotting, holes, and other forms of decay where there is evidence that such condition has exposed structural elements,
- 8.8.2.8** Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling,
- 8.8.2.9** Deterioration of contributing accessory structures; or
- 8.8.2.10** Overgrown plants/landscaping features which threaten the structural integrity or relevant, significant architectural detail of a structure.

8.8.3 PROCEDURE FOR ENFORCEMENT

- 8.8.3.1** Any citizen who believes demolition by neglect is occurring with respect to any particular property in the Historic District, may make a written complaint to the Planning Director. The Planning Director may also initiate this enforcement process by filing a written complaint. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.
- 8.8.3.2** Upon the receipt of a complaint, the Planning Director will conduct a preliminary investigation and prepare a staff report concerning the property which is the subject of the complaint. The Planning Director may inspect the entire property as part of their investigation and is not limited in their investigation to the specific conditions identified in the original complaint. The Planning Director who makes the preliminary investigation may

consult with professionals including, but not limited to, architects, landscape architects, engineers, building inspectors and historic preservationists, during the investigation.

- 8.8.3.3** The Planning Director shall make a written report of their preliminary inspection. If, upon investigation, the Planning Director determines that a structure may be undergoing demolition by neglect, they will notify the property owner in writing that a complaint and staff report concerning the property will be brought before the Historic District Commission at a meeting held no fewer than thirty (30) days nor more than sixty (60) days from the date of the notice. If the preliminary investigation does not substantiate the complaint, the complaint will be considered resolved and no further action will be taken.
- 8.8.3.4** The notice to the property owner shall include a copy of the Planning Director's staff report concerning the structure, a description of the demolition by neglect review process, how the property owner can resolve the issue immediately, and a list of financial resources which may be available to assist the owner.
- 8.8.3.5** The Planning Director will forward the complaint and staff report to the Historic District Commission to be considered at its next regularly scheduled meeting within the time period described in Section 8.8.3.3 above.
- 8.8.3.6** The Historic District Commission will review the complaint and staff report at a regular meeting.
- 8.8.3.7** If the Historic District Commission finds that the structure may be undergoing demolition by neglect, it shall file an order directing the Planning Director conduct an administrative hearing to determine whether the subject property is undergoing demolition by neglect. The order shall describe the demolition by neglect found during the Planning Director's preliminary inspection of the full property.
- 8.8.3.8** Whenever such an order is filed with the Planning Director, a copy shall be mailed to the property owner or such other person as may have legal possession, custody or control of the property. The Planning Director shall also issue and cause to be delivered to the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a written Notice stating that the Historic District Commission has reason to believe that the property is undergoing demolition by neglect, identifying the specific condition(s) at the property which have led to that determination, and advising that an administrative hearing will be held before the Planning Director at a place within the Town not less than thirty (30) nor more than forty-five (45) days from the date of the Notice; that the owner and/or parties in interest have the right to answer and to give testimony at the administrative hearing. The Historic District Commission shall also be given notice of the administrative hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in administrative hearings before the Planning Director. The purpose of the administrative hearing is to receive evidence concerning the preliminary finding of demolition by neglect and to ascertain whether the owner and/or other parties in interest wish to file a claim of economic hardship with the Historic District Commission.
- 8.8.3.9** If after such administrative hearing, the Planning Director determines that the structure is undergoing demolition by neglect because it is affected by one (1) or more of the conditions

set out in Section 8.8.2, *Standards*, the Planning Director shall state in writing the findings of fact in support of such determination and shall issue and cause to be delivered to the owner and/or responsible persons (Section 8.3, *Responsible Persons*) an Order to Repair. The Order to Repair shall describe those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated and which serve as the basis of the determination. The Owner and/or other responsible person shall have ten (10) business days from the date of the Planning Director's written Order to Repair within which to file with the Historic District Commission a written petition for a claim of undue economic hardship. In the event that the owner and/or responsible person wishes to Petition for a claim of undue economic hardship, the Planning Director's Order to Repair shall be stayed until after the Historic District Commission's determination in accordance with the procedures of this code, except as provided in the Section 8.8.9, *Other Town Powers*.

- 8.8.3.10** The commencement and prosecution of work pursuant to the Order of Repair shall stay further enforcement activity under this Section 8.8.3, *Procedure for Enforcement*.

8.8.4 EVIDENCE OF UNDUE ECONOMIC HARDSHIP

The Owner or responsible person claiming undue economic hardship bears the burden of presenting sufficient evidence to allow the Historic District Commission to determine that undue economic hardship exists. Such evidence shall include at least the following:

8.8.4.1 For All Properties:

- 8.8.4.1.a** Nature of property ownership (individual, business, or nonprofit) or other legal possession, custody, or control.
- 8.8.4.1.b** A description of the structures involved.
- 8.8.4.1.c** Petitioner's financial resources.
- 8.8.4.1.d** Cost of required repairs or other corrective measures.
- 8.8.4.1.e** Assessed value of the land and improvements.
- 8.8.4.1.f** Real estate taxes for the previous two (2) years.
- 8.8.4.1.g** Amount paid for the property.
- 8.8.4.1.h** Date of purchase.
- 8.8.4.1.i** Party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- 8.8.4.1.j** Annual debt service, if any, for previous two (2) years.
- 8.8.4.1.k** Any listing of the property for sale or rent, price asked, and offers received, if any, and
- 8.8.4.1.l** Any potential grants or funding sources available to help improve the property.

8.8.4.2 For Income-Producing Properties:

- 8.8.4.2.a** If the property is income-producing, the annual gross income from the property for the previous two (2) years;
- 8.8.4.2.b** Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed; and
- 8.8.4.2.c** Annual cash flow, if any, for the previous two (2) years.

8.8.5 METHODS OF SERVICE

Notices or orders issued pursuant to Section 8.8.3, *Procedure for Enforcement*, shall be transmitted by first class mail to the owner of the property as listed in the Orange County Tax office and to the occupant of the property at the property's mailing address. All notices and orders shall be presumed to be received by the addresses five (5) days from the date of mailing.

8.8.6 SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP

Undue economic hardship is defined as the property owner's financial inability to make the repairs specified in the Order to Repair pursuant to Section 8.8.3.9. A claim of undue economic hardship must be made, in writing, by filing a request for such a determination with the Planning Director within the time period specified for in Section 8.8.3.9. The determination of undue economic hardship will be made by the Historic District Commission on a case by case basis.

When a claim of undue economic hardship is made, Planning Director shall notify the Commission within five (5) business days following the Planning Director's receipt of the written request for a determination of undue hardship. The Commission shall schedule a hearing at its next available meeting.

The property owner and/or the responsible person shall present the information provided by Section 8.8.4.1, *For All Properties*, and, where appropriate, 8.8.4.2, *For Income Producing Properties*, to the Historic District Commission at least ten (10) days before the date of the hearing. The Commission may require that an owner and/or parties in interest furnish such additional information as the Commission may reasonable conclude is relevant to its determination of undue economic hardship, and may, in its sole discretion, hold the hearing open or close the hearing and allow the owner or party in interest additional time to furnish the requested additional information. The Commission may direct Planning Director to furnish additional information, as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

8.8.7 COMMISSION'S DECISION ON CLAIM OF UNDUE HARDSHIP

- 8.8.7.1** Within sixty (60) days following the Commission's HEARING on the claim of undue economic hardship, the Commission shall make a determination whether undue economic hardship exists and shall enter the reasons for such determination into the record. In the event of a

finding of no undue economic hardship, the Commission shall report such finding to the Planning Director, and the Planning Director shall cause to be issued an Order to Repair the property within a specified time.

- 8.8.7.2** In the event of a determination that undue economic hardship exists, the finding shall be accompanied by recommended options that may be available to the property owner to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans or grants from the Town, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The Commission shall report such finding and plan to the Planning Director. The Planning Director shall cause to be issued an Order to Repair the property within a specified time.

8.8.8 APPEALS

Determinations made by the Planning Director pursuant to Section 8.8.3, *Procedure for Enforcement*, or by the Commission pursuant to Section 8.8.3, *Procedure for Enforcement* or Section 8.8.7, *Commission's Decision on Claim of Undue Hardship*, may be appealed to the Board of Adjustment. To perfect such an appeal, a written application must be filed by an aggrieved party with the Board of Adjustment within thirty (30) calendar days of the date the determination was mailed to the property owner. Appeals shall be in the nature of certiorari (review of a quasi-judicial decision) such that the Board of Adjustment may review the record of the proceedings before the Planning Director or the Commission (as the case may be) to ensure that all procedures required by this Ordinance have been followed, and to ensure that the decision appealed from is supported by competent evidence in the record. However, the Board of Adjustment may not substitute its judgment for that of the Planning Director or the Historic District Commission unless it concludes that either (i) there has been an error of law or procedural error which has resulted in prejudice to the appellant or (ii) there is not substantial, competent evidence in the record to support the decision.

8.8.9 OTHER TOWN POWERS

Nothing contained within this Article shall diminish the Town's power to declare an unsafe building or a violation of the minimum housing code.

8.8.10 PENALTIES AND REMEDIES

Enforcement of this article may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

8.8.10.1 Equitable Remedy

The Town may apply for any appropriate equitable remedy to enforce the provisions of this article.

8.8.10.2 Order of Abatement

The Town may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be

taken that is necessary to bring the property into compliance with this article. Whenever the party is cited for contempt by the court and the Town executed the order of abatement, the Town shall have a lien, in the nature of a mechanic's and material man's, on the property for the cost of executing the order of abatement.

8.8.10.3 Civil Penalty

No civil penalty shall be levied unless and until the Planning Director transmits a notice thereof to the property owner by first class mail. The notice shall also set forth the time period, not less than ten (10) days, within which corrective measures must be commenced and shall establish a deadline for completion of the work. The notice shall state that failure to either (i) commence the work or (ii) complete the work, within the specified time period will result in the assessment of civil penalties and other enforcement action the civil penalty shall be assessed in the amount of one hundred dollars (\$100.00) per day of continuing violation.



November 4, 2024

William Lee Hall and Robbin Taylor-Hall
209 S. Occoneechee St.
Hillsborough, NC 27278

Dear Property Owners:

The Town received a letter of complaint on October 7, 2024 regarding the property at 217 S. Occoneechee Street: PIN 9864850670. The letter meets the criteria for a “written complaint” as outlined in the Hillsborough Unified Development Ordinance, Section 8.8, under the *Prevention of Demolition by Neglect Ordinance*. I am including the complaint letter in this mailing for your information.

On October 31, 2024, staff conducted a preliminary investigation of the property. Staff examined the exterior of the building and determined that several elements of the building are deteriorated and may contribute to demolition if not addressed. Per Section 8.8 of the Unified Development Ordinance, staff are able to provide a list of preservation resources and options for bringing the property into compliance upon request.

The Historic District Commission will review the complaint and staff report to determine if the structure may be experiencing demolition by neglect. Staff findings from the current complaint and investigation will be presented to the Historic District Commission on December 4, 2024. Please plan to attend the meeting.

Please contact Planning and Economic Development Manager Shannan Campbell or me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Joseph Hoffheimer". The signature is written in a cursive style with a large, stylized "J" and "H".

Joseph Hoffheimer
Planner – Town of Hillsborough
Joseph.Hoffheimer@hillsboroughnc.gov
919-296-9472

cc: Shannan Campbell, Town of Hillsborough Planning and Economic Development Manager
Robert Hornik, Town of Hillsborough Attorney
Property file (217 S. Occoneechee St.)

Meeting Schedule: 2025

HISTORIC DISTRICT COMMISSION

Meetings start at 6:30 p.m. in the Board Meeting Room of the Town Hall Annex, 105 E. Corbin St., unless otherwise noted.

Times, dates and locations are subject to change.

Regular meetings

Regular meetings typically occur the first Wednesday of the month.

January 15 (modified date)

February 5

March 5

April 2

May 7

June 4

July OFF (modified date)

August 6

September 3

October 1

November 5

December 3

