



Historic Preservation Commission Agenda

Town of Swansboro

Tuesday, November 15, 2022

I. Call to Order

II. Approval of Minutes

- [a.](#) October 20, 2022, Regular Meeting Minutes

III. Old Business

- [a.](#) **Certificate of Appropriateness 2022-07/206 Walnut Street**

Presenter: Andrea Correll, AICP - Planner

An application for Certificate of Appropriateness has been submitted by Commercial Roofing Systems for Larry Spears for an after the fact major work to complete a new metal roof at 206 Walnut St. Please note the kitchen roof was completed before the job was stopped by staff. The other portions of roof are covered with underlayment awaiting your approval.

Recommended Action: 1) Hold Public Hearing; and
2) Approval of the requested COA

- [b.](#) **Text Amendments related to Demolition by Neglect and Enforcement**

Presenter: Andrea Correll, AICP - Planner

Following review of Demolition by Neglect draft ordinances and specific statutes related to such, staff has prepared UDO text amendments to Sections 152.484 through 152.486.

Recommended Action: Recommend approval of the requested text amendments to the Planning Board

IV. Chairman/Board Thoughts/Staff Comments

- [a.](#) Clarification Memo from Town Manager - Paula Webb

V. Public Comments

VI. Adjournment

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING AGENDA**

Item II - a.

Call to Order

The meeting of Swansboro Historic Preservation Commission was called to order at 5:30PM. Those in attendance were Patrick Larkin, Kim Kingrey, Christina Ramsey, Ed Binanay and Jonathan McDaniel and ALT members Gregg Casper and Elaine Justice.

Approval of Minutes

On a motion by Mrs. Ramsey, seconded by Mrs. Kingrey, the August 16, 2022, regular meeting minutes were unanimously approved.

On a motion by Mr. Binanay, seconded by Mrs. Kingrey, the September 20, 2022, regular meeting minutes were unanimously approved.

New Business

Vote to hold a Special Meeting to consider a major after the fact COA for 206 Walnut Street. Planner Andrea Correll informed the board that a new roof installation had been started on 206 Walnut Street without an approved Certificate of Appropriateness. The property owner and contractor were advised to stop work and provided directions to apply for a COA. In the meantime, underlayment had been installed on the roof. Mrs. Correll advised that once the town receives application and payment the matter could be scheduled for a special meeting or held at the Board next regular meeting on November 15, 2022.

The consensus of the Board was to hear the matter at their next regular meeting, November 15, 2022.

Review of Staff approvals

Mrs. Correll reviewed the following staff approvals.

- a. 202 Main Street: Repaint original paint color, white trim with gray siding.
- b. Update of visitor's center exterior:
 - Picture was provided showing railings that would be used
 - Steps would be facing Water Street
 - Ledger board and some trim would need to be replaced.
 - Suggested changing ground cover due to erosion, oyster shells or stones.
 - When exterior construction is complete, parking space would be put back in place as it was originally
 - Once the exterior of the project is completed, the town would go back to National Park Service to change status from non-contributing to contributing.
 - The interior of the visitor's center is proposed to have a shower and laundry facility, and those renovations would be completed after the exterior renovations were completed.

Draft of proposed demolition by neglect ordinance

Mrs. Correll provided a handout for the board to review and make notes for discussion of an ordinance amendment for demolition by neglect at a future meeting.

Old Business

Certificate of Appropriateness for 2021-02 / 214 Water Street

Mrs. Correll informed the board that the demolition permit was issued on October 4, 2022.

Relocation of accessory structure from 209 Main Street to 220 Water Street

The following details were reviewed.

Cost estimates

- \$5,000.00 estimate for moving structure.
- Cost of lifting power lines and fiber cables
 - o \$2,501.60 quote from Duke Energy dated 10/11/2022 valid for 30 days.
 - o Staff had reached out to CenturyLink/Brightspeed and Time Warner/Spectrum Cable for quote, none were received as of meeting date.
- cost of tree trimming – unknown

Mrs. Correll informed the board that public money could not be used for residential historic homes. She stated that we can work with the Historic Association through their 501C.

Mrs. Correll informed the board that Mr. Shuller, who resides in the historic district on Front Street had reached out to her concerning relocating the building to his property. It was suggested that all the parties involved in the relocation of the accessory building meet and then consult with Mrs. Correll.

Board thoughts concerning accessory building:

- Inquiry with Anna Stanley, Parks and Recreation Department Head, to see if we could move the accessory structure to one of our public parks. If so, we could possibly obtain a grant to do so.
- Citizens relocate structure.
- Raise funds through a non-profit

Fence – review of approval process

Mrs. Correll informed the board that she would be canvassing the district several times a week. With that she believes fence approval should stay as staff approval. The board agreed.

Chairman/Board/Staff Comments

Staff comments

Mrs. Correll informed the board that Mr. Wood would like to hold a workshop in Swansboro for door and window restoration. The board and staff agreed to host the workshop, consider scheduling it sometime in the beginning of 2023.

There was a Certified Local Government Commission Training scheduled for November in Raleigh, Mrs. Correll stated she would submit more information as she received it.

Board Comments

The board welcomed Mrs. Correll and stated they were glad to have her back in the Town of Swansboro.

Mr. Binanay shared that the review process of Historic District Stakeholder Survey should be completed by the next scheduled meeting. He also was interested in recapping information that was provided at the workshop in September 2022.

The board shared that they would like to discuss massing. Mrs. Correll stated that she would work to have something hopefully by the December 2022 meeting for discussion.

Public Comments

None

Adjournment

The meeting adjourned at 6:10pm.



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: Certificate of Appropriateness 2022-07

Board Meeting Date: November 15, 2022

Prepared By: Andrea Correll, AICP - Planner

Overview: An application for Certificate of Appropriateness has been submitted by Commercial Roofing Systems for Larry Spears for an after the fact major work to complete a new metal roof at 206 Walnut St. Please note the kitchen roof was completed before the job was stopped by staff. The other portions of roof are covered with underlayment awaiting your approval.

In reviewing the 2022 Architectural Survey, 14 homes were identified with metal roofs on Walnut Street. The two oldest homes in the historic district – the Ringware House at 209 Main Street and the Jonathan Green House at 144 Elm Street also have metal roofs.

You may recall State Historic Restoration Specialist John Wood made note during the CLG Training in September that a preferred metal roof would be the double lock standing seam. However, to require this specific type of metal roof, an amendment to the Historic District Ordinance would be required.

Background Attachment(s): COA-2022-07 Application Package including photos of the partially installed roof and applicable Ordinance sections

Recommended Action: 1) Hold Public Hearing; and
2) Approval of the requested COA

Action: _____



SWANSBORO HISTORIC PRESERVATION COMMISSION CERTIFICATE OF APPROPRIATENESS

Application # COA 2022-07

I Hereby apply to the Swansboro Historic Preservation Commission for a Certificate of Appropriateness (COA) for the structure, project, or proposed restoration, modification or change one the following property located within the Historic District:

NAME: Commercial Roofing Systems For Larry SpeziaMAILING ADDRESS: 1050 West Corbett Ave.ADDRESS OF AFFECTED PROPERTY: 206. Walnut St. SwansboroPHONE NUMBERS: (Home) ^{Larry} 834-910-7966 (Work) CRS - 910-4159-0000Indicate if you need a pre-application review: Yes No

(Note: A pre-application review is required for all projects exceeding a cost of \$10,000 and/or involving new construction projects with a minimum square footage of 1,000 sq. ft. or addition of 500 sq. ft.)

INSTRUCTIONS:

- 1) Each application must include a written property description. In the space provided or on additional sheets, describe the nature and extent of the proposed work to include a listing of materials and dimensions. Provide sufficient detail to allow the Swansboro Historic Preservation Commission (SHPC) to make an informed decision regarding appropriateness.

- 2) For each specific type of activity, attach the following materials: (check the applicable category)

☒ **EXTERIOR ALTERATION:** Photograph(s) and sketch(es) showing existing conditions and proposed changes for each effected area.

☐ **NEW CONSTRUCTION:** a) Plot plan showing all new construction on proposed site; b) preliminary or final drawings showing proposed design of new construction or new addition (elevations required); c) descriptions, samples, and specifications indicating materials and textures used on exterior construction; d) statement by owner of how proposed new construction meets the intent of the SHPC design guidelines for projects involving new buildings with more than 1,000 sq. ft. or addition of 500 sq. ft.; and e) deed of property.

☐ **MOVING / DEMOLITION:** a) Photographs of building to be moved or demolished (including photos of all elevations and a streetscape); b) written description of reason for move or demolition; and c) for moving requests, a photograph of proposed site for relocated building and a plot plan showing exact building location with pertinent dimensions.

ALL SKETCHES, DRAWINGS, COLOR CHIPS, ETC. MUST BE SUBMITTED IN MULTIPLES OF TWELVE (12) and "8 ½ x 11" SIZE PAPER IS PREFERRED.

PROJECT DESCRIPTION (Attach additional sheets if necessary):

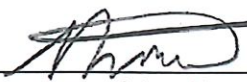
Removal of Shingles, Install New Galvalume Standing Seam Roof

The applicant(s) and/or his/her representative(s) are required to appear before the Swansboro Historic Preservation Commission to present, discuss and clarify the application the night of the meeting. If the applicant is not the owner of the property a written statement by the owner is required prior to the meeting for the applicant to pursue the COA.

Any applicant(s) requiring a "CAMA" permit, must submit the approved CAMA application with CAMA official(s) signature(s), prior to the review of the COA by the Swansboro Historic Preservation Commission.

All applications become the property of the Swansboro Historic Preservation Commission for the Town of Swansboro. This application shall be completed and returned to the Code Enforcement Department at least seventeen (17) days **before** the Swansboro Historic Preservation Commission meeting at which the application may be considered.

It is the policy of the Swansboro Historic Preservation Commission that the board shall act as one body. Accordingly, individual members should not give personal opinions on applications submitted to the Swansboro Historic Preservation Commission, and no such individual opinion shall bind the SHPC in any way.


Signature of Applicant

10-17-22
Date

STAFF USE ONLY

Application received by: Chad Lawell Date: 10.17.22

Application reviewed with applicant by: _____ phone _____ Date: 10.17.22

How: In person _____ By Phone _____

Fee Paid: 700.00 Receipt Number R00002486

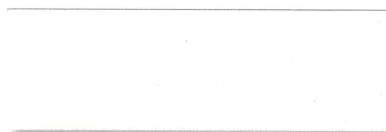
Comments: _____

29/26 Gauge Color Chart

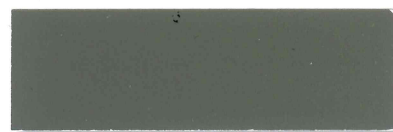
Item III - a.

*Commercial Roofing Systems, Inc.
1050 West Corbett Avenue
Swansboro, N.C. 28584
(910) 326-7800*

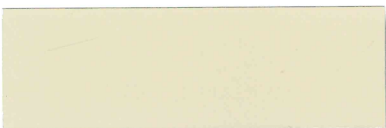
*This (40) Year Silicon Polyester
Paint System, with Cool Roof
Technology, Provides Solar
Reflectance Ratings to meet
Today's Energy Star
Requirements. The (40) Year
Paint System and Galvalume
Steel Guarantees a Winning
Combination of Weather-
Tested Paint Performance
and Superior Corrosion
Resistance.*



Polar White (Blanco Polar)



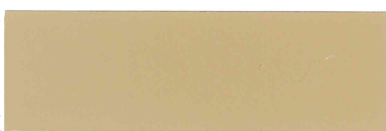
Charcoal Grey (Griz Oscuro)



Light Stone (Piedra Clara)



Burnished Slate (Griz Carbón)



Sahara Tan (Arena)



Forest Green (Verde Selva)



Ash Grey (Griz Ceniza)



Gallery Blue (Azul Royal)



Hawaiian Blue (Azul Cielo)



Cocoa Brown (Coco)



Burgundy (Vino)



Country Red (Terracota)



Brite Red (Rojo Sangre)



Copper Penny (Cobre Metálico)



Coal Black (Onyx Negro)



Galvalume (Galvalume)

Colors shown here are as accurate as the printing process permits. Slight variations should be expected for the actual coil product.





murrayroofing@embarqmail.com

From: Andrea Correll <acorrell@ci.swansboro.nc.us>
Sent: Friday, October 14, 2022 12:50 PM
To: 'Rufus Murray (murrayroofing@embarqmail.com)'
Cc: Larry Spears
Subject: 206 Walnut job- ATT Mike -Stop Work and submit a COA application

Mike,

As we discussed on the phone. Your job at 206 Walnut is in violation of the Town Ordinance because you did not get Historic Commission approval to change a shingle roof to a standing seam roof.

Please stop work after the underlayment is installed as we discussed on the phone earlier today.

I have contacted Mr. Spears. He is at the SC Jazz Festival.

Find below the link to the application:

[https://swansboro-nc.org/vertical/sites/%7BC7A9863B-59C9-4406-A35B-64EF72677469%7D/uploads/SHPC_COA_application_5-26-2010\(1\).pdf](https://swansboro-nc.org/vertical/sites/%7BC7A9863B-59C9-4406-A35B-64EF72677469%7D/uploads/SHPC_COA_application_5-26-2010(1).pdf)

The NC General Statutes requiring at least 10 days notice of the required public hearing. The property must be posted, and the adj/adjoining property owner sent legal notice.

If you can get your application in I will ask for the Historic Commission to schedule a special meeting so soon as possible.

The fee for a Historic District COA Application is \$200 however the after the fact penalty in the Historic District is \$500 .

Andrea

Andrea Correll, AICP

Planner

Town of Swansboro

601 W. Corbett Avenue

Swansboro, NC 28584

(910) 326-4428 phone

(910) 326-3101 fax

acorrell@ci.swansboro.nc.us<mailto:acorrell@ci.swansboro.nc.us>

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE**HEARING PROCEDURES****152.065 QUASI-JUDICIAL DECISIONS**

- A) Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.
- B) The hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- C) Boards may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- D) The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

152.067 EVIDENCE.

- A) The provisions of this section apply to all hearings for which a notice is required by §152.065.
- B) The applicant, the local government, and any person who would have standing to appeal the decision shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- C) The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
- D) The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence.

152.069 VOTING

The concurring vote of four-fifths of the board shall be necessary to grant a variance.

A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.

For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

HISTORIC DISTRICT

152.478 CERTIFICATE OF APPROPRIATENESS.

- A) *When required.* No person shall be permitted to construct, alter, move or demolish any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign, in the Historic District without first applying for and obtaining a certificate of appropriateness for such construction, alteration, moving or demolition. The Historic Preservation Commission shall have the authority to issue a certificate of appropriateness subject to reasonable conditions necessary to carry out the purposes of this ordinance. Any building permit or other such permit not issued in conformity with this selection shall be invalid.
- B) For administrative purposes, exterior work items are divided into four categories: routine maintenance, staff approval, minor work, and major work. The category of review required for various types of exterior work shall be as set forth in the Certificate of Appropriateness List (§ [152.479](#)).
- C) *Required procedures.*
- (1) *Application submitted to the Administrator or his or her authorized agent.* An application for a certificate of appropriateness shall be obtained from the town, completed by the applicant, and filed with the town. The SHPC application completed in form and content, and the application is filed within the time frame according to town policy for application submittal, then the application shall be considered by the SHPC at its next regular meeting. Otherwise, consideration shall be deferred to the next regular meeting thereafter. An applicant may file with his/her application any additional information relevant to the application.

The Commission shall follow quasi-judicial procedures in acting on applications for certificates of appropriateness as specified in Section 152.065-152.071.

- (6) *Swansboro Historic Preservation Commission action on application.* The SHPC shall take action on each application for a certificate of appropriateness and shall take such action as shall provide a result that is congruous and in keeping with the special character of the district and the review criteria, contained in § 152.482. The SHPC's action on the application shall be approval, approval with modifications, disapproval or tabled. Prior to final action on an application, the Commission, using the review criteria in § 152.482 and the Historic District Design Standards, shall make written findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.
- (7) *Reasons for SHPC's actions to appear in minutes.* The SHPC shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, or denial.

152.480 APPEALS OF DECISIONS

- (2) All decisions of the Historic Preservation Commission in granting or denying a Certificate of Appropriateness may be appealed to the Board of Adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in NC G.S. 160D-405(c). To the extent applicable, the provisions of NC G.S. 160D-1402 shall apply to appeals in the nature of certiorari to the Board of Adjustment.

§ 152.482 REVIEW CRITERIA.

(A) *Intent.*

- (1) The SHPC shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the district. Nothing in this subchapter is construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the Historic District.
- (2) Authorized town officials may certify that a building in an unusually deteriorated condition is dangerous, hazardous, or unsafe; however, before a razing can be ordered, the Swansboro Historic Preservation Commission should have both the opportunity and authority to make recommendations to the property owner (s), town officials, and other interested parties in order to avert the necessity for the building's demolition.
- (3) In granting a certificate of appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(B) *Exterior form and appearance.*

- (1) All applications for certificates of appropriateness shall be subject to review based upon the design guidelines in effect. The Historic Preservation Design Standards are an appendix in the Unified Development Ordinance.
- (2) The characteristics and aspects of design that are illustrated and detailed in the Swansboro Historic Preservation Design Standards shall be considered, when relevant, by the SHPC in reviewing applications for a certificate of appropriateness.

(C) *Interior arrangements not considered.* The Historic Preservation Commission shall not consider interior arrangements.

Appendix III

HISTORIC DISTRICT DESIGN STANDARDS

SECTION 2: DEFINITIONS.

2.1 Roof Form and Pitch

The Roof Form and Pitch are among the major distinguishing characteristics of different styles of architecture. Roofs can be flat, pitched, hipped, curved, or arranged in various combinations of all of these forms. Certain architectural styles are distinguished by roof types - for example, a

Second Empire style building always displays some form of a mansard or curved roof. Buildings styled after Classical forms usually feature simple hipped or pitched roofs.

Roofing materials contribute to the character of early Swansboro buildings. Depending on the ages and styles of the buildings, roofs can be covered with a variety of materials ranging from asphalt shingles to terne-plated metal. It is extremely important to install appropriate roofing material when conserving the character of early buildings.

- 1) ASPHALT SHINGLES. Shingles manufactured from saturated roofing felts (rag, asbestos, or fiber glass) coated with asphalt and having mineral granules on the side exposed to weather.
- 2) DOWNSPOUT. A vertical pipe, often of sheet metal, used to conduct water from a roof drain or gutter to the ground or cistern.
- 3) FLASHING. A thin impervious material placed in construction to prevent water penetration, to provide water drainage or both, especially between a roof and a wall.
- 4) GABLE. The vertical triangular piece of a wall at the end of a ridged roof, from the level of the eaves to the summit.
- 5) GALVANIZE. To coat steel or iron with zinc, as for example, by immersing it in a bath of molten zinc.
- 6) GAMBREL ROOF. A gable roof more or less symmetrical, having four inclined surfaces, the pair meeting at the ridge having a shallower pitch.
- 7) GUTTER. A shallow channel of metal or wood set immediately below or built in along the eaves of a building to catch and carry off rainwater.
- 8) HIPPED ROOF. A roof without gables, each of whose sides, generally four, lies in a single plane and joins the others at an apex or ridge.
- 9) JERKIN HEAD ROOF. A roof whose end had been formed into a shape midway between a gable and a hip, resulting in a truncated or “clipped” appearance; sometimes called a “clipped gable”.
- 10) LEAD ROOF. A flat roof covered with sheet lead.
- 11) MANSARD ROOF. A modification of the hipped roof in which each side has two planes, the upper being more shallow. This roof is characteristic of the Second Empire style.
- 12) PANTILES. A roofing tile that has the shape of an S laid on its side.
- 13) PITCHED ROOF. A roof having two slopes that meet at a central ridge, sometimes called a “gable end roof”.
- 14) ROOFING TILE. A tile for roofing, usually of burnt clay; available in many configurations and types such as plain tiles, single-lap tiles, and interlocking tiles.
- 15) SHAKES. Any thick, handsplit shingle usually edge-grained; formed by splitting a short log into tapered radial sections.

16) SHEET METAL. A flat, rolled metal product, rectangular in cross section and form; when used as roofing material, it is usually terne or zinc-plated.

17) SHINGLES. A roofing unit of wood, asphalt, slate, tile or other materials cut to stock lengths, widths and thicknesses; used as an exterior covering on roofs and applied in an overlapping fashion.

18) SLATE. A hard, brittle, metamorphic rock consisting mainly of clay materials characterized by good cleavage along parallel planes; used in thin sheets as roofing or in thicker slabs for flooring.

19) TARPAPER. A roofing material manufactured by saturating a dry felt with asphalt and then coating it with a harder asphalt mixed with a fine mineral.

20) TERNE-PLATE. Sheet metal coated with terne metal which is an alloy of lead containing up to 20% tin.

21) TERRA-COTTA. Hard, unglazed fired clay; used for ornamental work and roof and floor tile.

22) TIN.

(1) A lustrous white, soft and malleable metal having a low melting point; relatively unaffected by exposure to air; used for making alloys and coating sheet metal;

(2) To coat with a layer of tin.

23) ZINC. A hard bluish-white metal, brittle at normal temperatures and not subject to corrosion; used in making alloys and for galvanizing sheet metal.

SECTION 3: ROOFS.

3.1 Roofs - Standards

1) Preserve or restore original and significant later roof forms, shapes, and major roof architectural elements such as dormers, gables, chimneys, and eave overhangs. It is not appropriate to make alterations to the front or other primary portions of the roof of a contributing structure if that roof slope can be seen from the public view.

2) Preserve, maintain, and repair historic roofing details and materials such as slate, standing-seam metal, and tile wherever possible. Replace in-kind only if necessary due to deterioration or damage.

3) New roofing materials should be compatible with either the existing or original roofing material. The new material should match the historic material as closely as possible in color, shape, size, and texture. Asphalt or fiberglass-asphalt shingles are acceptable substitutes for standing-seam tin, wood shingles, or metal shingles, provided the new replacement shingles are of a darker solid color. Barn tin (also known as “five-vee” tin) or coated steel may be used to replace a standing-seam tin roof in new construction.

4) Retain historic roof-top features such as ornamental eaves, cornices, rake-boards, dormers, gables, chimneys, finials, cresting, steeples, belfries, cupolas, and railings. These

elements all add much to the overall architectural character of a structure. All such original and significant later features should be preserved and restored, rather than removed.

5) Contemporary or non-historic roof features should be installed on areas of the roof not seen from the public view or on other secondary roofs. Included are skylights, roof-mounted vents, dormers, chimneys, antennas , and solar collectors. In certain instances, new dormers may be permitted on side or rear elevations if their design is compatible with the building and the roofline.

6) Install new gutters without damaging or obscuring architectural features. Gutters of all materials except copper shall have a painted finish. Half-round gutters are appropriate for most contributing properties. Gutters are usually reviewed as a “minor works” item. If installed on a contributing building, the SHPC must review application at SHPC meeting.

7) Ridge vents, where needed, should be of the low profile type and should not diminish the original design of the roof or destroy any character-defining architectural details. Other vents, such as gable vents and roof-mounted vents, should be installed so as not to be visible from the public view where possible. In the event that they must be visible, they should be installed to respect the architectural details and character of the subject building.

(Ord. 2005-03, passed 3-15-2005; Am. Ord. 2021-03, passed 5-24-2021)



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Text Amendments related to Demolition by Neglect and Enforcement**

Board Meeting Date: November 15, 2022

Prepared By: Andrea Correll, AICP Planner

Overview: Following review of Demolition by Neglect draft ordinances and specific statues related to such, staff has prepared UDO text amendments to Sections 152.484 through 152.486.

Background Attachment(s): Draft Ordinance Amendments to UDO Section 152.484 through 152.486

Recommended Action: Recommend approval of the requested text amendments to the Planning Board

Action: _____

Proposed Text Amendments are underlined and highlighted in yellow.

§ 152.484 DEMOLITION.

(A) An application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Swansboro Historic Preservation Commission may negotiate with the owner and with other parties in an effort to find means of preserving the building. If the Swansboro Historic Preservation Commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

(B) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied, except in cases where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(C) If the Historic Preservation Commission or Planning Board has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission or Planning Board for a period of up to 180 days or until the Board of Commissioners takes final action on the designation, whichever occurs first.

§ 152.485 DEMOLITION BY NEGLECT

Demolition by Neglect (DBN) shall mean and include the failure by the owner or such other person who may have legal possession, custody, and control of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features), either designated as an historic landmark or found to have historic significance, to keep the exterior features free of decay, deterioration, and structural defects, in order to ensure that the same shall be preserved. The term “demolition by neglect” shall also include the failure of such owner or other person having such legal possession, custody, and/or control, to repair, upon written request by the Town of Swansboro Historic Preservation Commission on behalf of the Town of Swansboro, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including, but not limited to, the following defined and prohibited conditions of neglect and defect:

1. Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.

2. Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.
3. Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior walls and rood coverings, including lack of paint, or weathering due to lack of paint and/or other protective coverings.
7. Rotting holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, windows, and door frames, cornices, entablatures, wall facings, and architectural details that cause the delamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps or pathways.
10. Deterioration of fences, gates, and/or accessory structures.
11. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

§ 152.486 PROCEDURAL REMEDIES WHEN DEMOLITION BY NEGLIGENCE IS DETERMINED

1. Applicants must provide a sealed report from a structural engineer who has inspected the site and consult with the Town Planner who will consult with NC State preservation office on the submittal and ask for additional information if needed as well as the Town Building Official and Town Engineer.
2. The report must contain a breakdown of the structural integrity of the building including the roof, walls floors, windows, doors, and foundation. A detailed description of each structural component that needs work must be provided with the remedy for repair along with documentation that the component is 50% or more structurally unsound.
3. If water infiltration is occurring an engineer must provide a sealed site plan showing solutions to the stormwater issue. The calculations will be reviewed by the Town's Engineer.
4. Submit 2 sealed sets of building plans and a site plan along with any exhibits that are needed for the review. The Town staff will work through the review process prior to taking the recommended drawings and exhibits to the Swansboro Historic Commission for consideration of a COA to facilitate and document the corrective action needed.

§ 152.4857 COMPLIANCE AND ENFORCEMENT.

(A) Compliance with the terms of the certificate of appropriateness shall be enforced by the Administrator and when appropriate by the Board of Commissioners. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a continuous period of six months shall be deemed a failure to comply with the certificate of appropriateness, and, without further action, the certificate of appropriateness shall be null and void. In addition to any other remedy provided by this chapter or by law, this chapter may be enforced in the same manner and violations hereof are punishable according to the procedures and penalties for violations of the zoning ordinance and town codes. In case any building, structure, site, area or object within the Historic District is about to be demolished, whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed except in compliance with the ordinance, the Town Board, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal; to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such a building or structure.

(B) Additionally, nothing contained in this ordinance shall prohibit, impair, or limit in any way, the power of the Town of Swansboro to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic District in violation of the provisions of this chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of other remedy or remedies provided herein or in other ordinances or laws. (See G.S. §§160A-175 and 160A-389).

(C) When Demolition by Neglect (DBN) properties have been identified and added to the DBN List, the general steps, actions, decision points, and owner's needed responses when receiving notice of violation from the Town Planner is as follows:

1. A completed DBN complaint form is submitted to the Planner and stamped with the received date and initials. Staff may fill out the complaint form based on email or phone call from a complaint. Email or regular mail is preferred, however if a phone call is received the Town Planner will respond by email and email should be sent to the complainer and the HPC. The Planner will report to the HPC at the next regular meeting.
2. Within 14 days following receipt of the DBN complaint, a status report of the complaint investigation and actions taken is mailed to the complainant and, if warranted, the property owner is notified of the violation. The complaint investigation is reported to the HPC at its next regular meeting if there is a basis for complaint. The Town Planner is the responsible party to prepare and present the reports to HPC.
3. If there is a basis for complaint, the property owner in violation has thirty calendar days to respond to the documented violation(s) contributing to demolition by neglect. The property owner may respond by phone, email or in writing. A follow-up shall be sent in the event the property owner responds by phone. A copy of that email shall be sent to the HPC within two business days of the call. The Planner shall maintain a record of communication with the property owner. The Town Planner is the responsible party to prepare and present the reports to HPC.

4. If the property owner fails to respond or to address the violation(s) by the required deadline, The Town Planner will report Town enforcement action at the next HPC meeting.
5. The HPC evaluates the staff notification of the DBN findings for a property and determines whether to proceed with further action.

§ 152.4868 MUNICIPALLY OWNED PROPERTY.

(A) Municipally owned property will be subject to the same regulations as privately owned property if located within the Historic District.

(B) If consideration is being made for possible town acquisitions of historic property, the Swansboro Historic Preservation Commission should provide input in all stages of planning on the usefulness of the acquisition. However, acquisition and restoration of historic property should remain the domain of private enterprise whenever possible.

Town of Swansboro

Memo

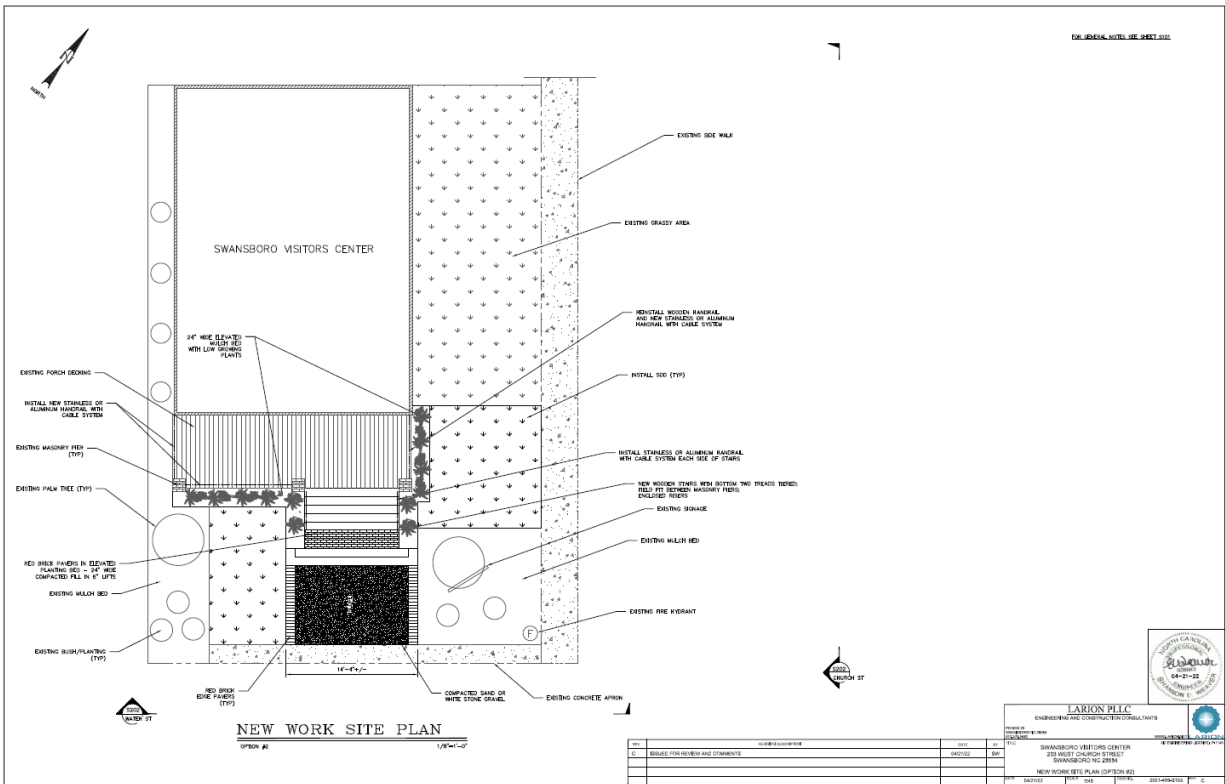
To: Historic Preservation Commission

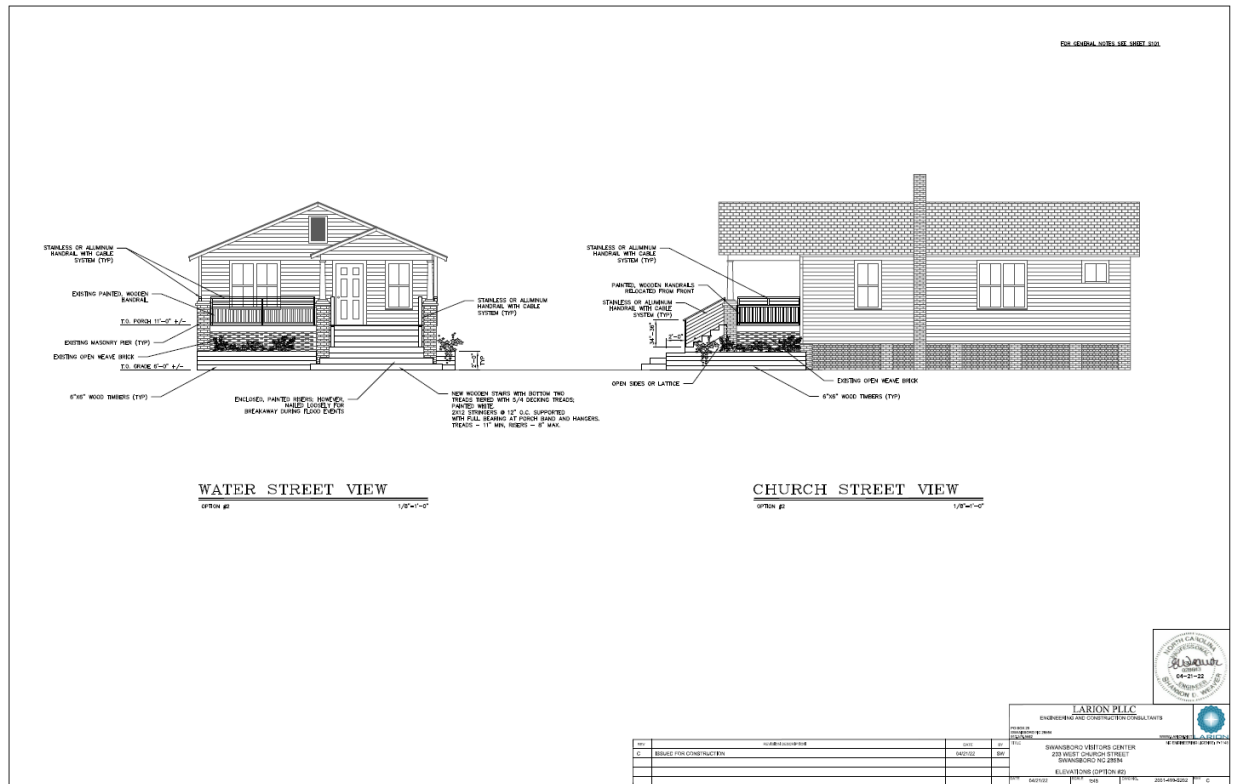
Date: November 8, 2022

Re: Visitor's Center Exterior Design

We would like to correct misinformation provided at the last meeting regarding the exterior design at the Visitor's Center. Below are the approved exterior designs which eliminates the two parking spaces.

Even though these parking spaces were not handicap parking spaces, we have identified a few spaces throughout downtown that can be re-marked as handicap spaces.





Photos of construction work on 11.8.2022.



