



Historic Preservation Commission Special Meeting Agenda

Town of Swansboro

Monday, October 30, 2023

I. Call to Order

II. Business

a. Certificate of Appropriateness / 205 S. Walnut Street

Presenter: Rebecca Brehmer, Projects/Planning Coordinator, CFM

A request for a Certificate of Appropriateness has been submitted by Brad and Kenna Phillips for demolition of 205 S Walnut Street.

Recommended Action: Make a motion to approve or delay demolition of 205 S Walnut Street.

III. Chairman/Board Thoughts/Staff Comments

IV. Public Comments

V. Adjournment



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Certificate of Appropriateness / 205 S. Walnut Street**

Board Meeting Date: **October 30, 2023**

Prepared By: **Rebecca Brehmer, Projects/Planning Coordinator, CFM**

Overview: A request for a Certificate of Appropriateness has been submitted by Brad and Kenna Phillips for demolition of 205 S Walnut Street.

The home is zoned R-6SF and is a non-contributing structure to the Historic District. The home was severely damaged during hurricane Florence in 2018 and stripped of all historic material. The current owners are applying for approval of immediate demolition of the home due to worsening structural and safety issues. The home was previously approved for demolition in October of 2018 after a statement from Engineer John Freshwater on the condition of the structure. After months of work on the house and structure attempting to correct the foundation issues, a new statement outlining the worsening condition of the home from Structural Engineer, Sean Corcoran, will be provided at the special meeting.

The board can choose to approve the immediate demolition of the home if licensed professional deems the structure unsafe and uninhabitable or if the board finds the building has no special significance or value towards the character of the district.

Background Attachment(s):

1. COA-2023-08 application
2. Section 22 Demolition of Buildings
3. Section 152.484 Demolition
4. Aerial Location Map
5. Building Inspector Statement 2023
6. Town of Swansboro Condemnation Notice 2018
7. October 3, 2018, SHPC minutes for approved COA-2018-07 for demolition of 205 S Walnut Street

Recommended Action: Make a motion to approve or delay demolition of 205 S Walnut Street.

Action: _____



SWANSBORO HISTORIC PRESERVATION COMMISSION CERTIFICATE OF APPROPRIATENESS

Application # COA-2023-08

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: Brod Phillips

MAILING ADDRESS: 204 S. Walnut St. Swansboro, NC 28584

ADDRESS OF AFFECTED PROPERTY: 205 S. Walnut St Swansboro NC 28584

PHONE NUMBERS: (Home) 919-815-5941 (Work) _____

Indicate 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/ADDITIONS: 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; f) Massing Study sealed by engineer or architect (find details in Appendix III Section 11 New Construction of the Town Unified Development Ordinance).

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 1/2 x 11" SIZE PAPER IS PREFERRED.

PROJECT DESCRIPTION (Attach additional sheets if necessary):

* Please see attached narrative -

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

Date 10-16-2023

STAFF USE ONLY

Application received by: _____ Date: 10/16/23

Application reviewed with applicant by: _____ Date: _____

How: In person By Phone _____

Fee Paid: waived Receipt Number _____

Comments: _____

To: Swansboro Historic Preservation Commission; Town Staff

We regrettably submit application and seek approval for the demolition of 205 S. Walnut St.

With diligence, tenacity and patience we have made every reasonable effort to save this home. Unfortunately, the more we have done, the worse we have found the condition to be. We have reached the point that conditions are no longer safe and work must be stopped.

There were high hopes and expectations for this project from the beginning. We regret they will not be realized.

We appreciate the support of this commission, the town staff and others who have shared our vision. We especially thank our wonderful neighbors and friends who have tolerated the months of construction zone noise and inconvenience while listening, advising and supporting. They are the reason we love Swansboro and will continue to call this place home.

Demolition of a contributing building in the Swansboro historic district is strongly discouraged. This irreversible action results in the permanent loss of the resource and may have an adverse effect on surrounding contributing properties and the character of the historic district as a whole. Property owners contemplating demolition of a building are encouraged to explore alternatives which allow the property to remain intact and meet current needs. Early consultation with the SHPC is strongly recommended in order to adequately explore options.

In reviewing requests for demolition, both the property owner and the SHPC should carefully consider the following questions:

- 1) Does the contributing building retain integrity and contribute to the special character of the Swansboro Historic District because of its age, architecture, or association with events or individuals who are important to the history of the town?
- 2) Does the contributing building possess structural integrity so rehabilitation is feasible?
- 3) Can the contributing building be creatively adapted to meet the owner's needs? If so, can this be accomplished at a price that is less than or comparable to new construction costs? Remember to factor in demolition costs and landfill tipping fees when developing cost estimates.
- 4) Are there alternative sites on which no contributing buildings are extant that might be available to accomplish the project? If so, are there possible buyers for the contributing building in question?
- 5) What will be the impact of the contributing building's demolition on surrounding properties and the historic district as a whole?
- 6) If all other possible options are exhausted, can the contributing building be moved to another location in the historic district?
- 7) If the building is non-contributing, 1-6 does not apply.

22.1 Demolition of Buildings - Standards

- 1) Work with the Swansboro Historic Preservation Commission to identify alternatives to demolition.
- 2) Make a permanent record of the contributing building before demolition. Documentation should include black and white photographs of the property - views of principal elevations, notable architectural details, and significant site features such as outbuildings, fencing, and mature vegetation. Measured drawings of the building may be required by the SHPC if the structure is of particular significance. These determinations shall be made on a case-by-case basis by the SHPC.
- 3) Salvage architectural features and building materials for reuse or study. Contact antique dealers and used building supply establishments to arrange for removal. Consider donations of items to interested non-profit organizations or museums or the NC-SHOO.
- 4) Minimize ground-disturbing activities during demolition to avoid damage to potential unknown archaeological resources.
- 5) Retain mature vegetation on site, if possible or relocate. Prior to any tree more than 20 feet in height or 20 feet spread or mature being cut down, SHPC shall give approval under Major Work.
- 6) Clean the site thoroughly of all building debris and leave the lot properly graded and seeded.

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

§ 152.484 DEMOLITION.

Item II - a.

(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.

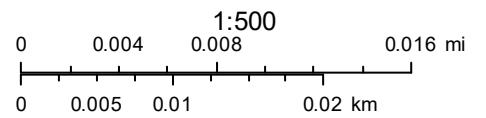
(B) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied, 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.

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



October 23, 2023



WARNING: THIS IS NOT A SURVEY.
 This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



• Friendly City by the Sea •
Established 1783

www.swansboro-nc.org

Board of Commissioners

John Davis
Mayor

Frank Tursi
Mayor Pro Tem

Patricia Turner
Commissioner

Harry Pugliese
Commissioner

Larry Philpott
Commissioner

Jeffrey Conaway
Commissioner

Town Manager

Paula W. Webb, MMC-NCCMC
pwebb@ci.swansboro.nc.us

Town Clerk

Alissa A. Fender, CMC
afender@ci.swansboro.nc.us

October 23, 2023

Re: 205 S Walnut St

To whom it may concern:

A request has been submitted requesting the permits be voided for this site to allow for demolition permits to be issued. At this time, construction has been halted and the site needs to be secured for the protection of the general public. Security for the site is the responsibility of the owner/contractor.

Regards,

Alton Wilson
Town of Swansboro
Building Inspector

Board of Commissioners

John Davis, Mayor
Frank Tursi, Mayor Pro Tem
Patricia Turner, Commissioner
Roy Herrick, Commissioner
Brent Hatlestad, Commissioner
Philip Keagy, Commissioner



Town Manager
J. Scott Chase, AICP
schase@ci.swansboro.nc.us

Town Clerk
Administrative Services Director
Paula W. Webb, MMC-NCCMC
pwebb@ci.swanboro.nc.us

Town of Swansboro

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RE: Parcel ID: 015484 Map # 1405-4

Dear Bobby and Judith Bennett,

Please be advised that the Town of Swansboro's Building Inspector, Jim Stipe; has posted your property located at 205 Walnut Street as "Condemned" in accordance with N.C. General Statute § 160A-426 through § 160A-434.

Herein attached.

§ 160A-426. Unsafe buildings condemned in localities.

- (a) Residential Building and Nonresidential Building or Structure. - Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.
- (b) Nonresidential Building or Structure. - In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets both of the following conditions:
 - (1) It appears to the inspector to be vacant or abandoned.
 - (2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.
- (c) If an inspector declares a nonresidential building or structure to be unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one week prior to the hearing. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 2000-164, s. 2; 2009-263, s. 4.)

§ 160A-429. Order to take corrective action.

If, upon a hearing held pursuant to the notice prescribed in G.S. 160A-428, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe; provided, that where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 68; 1977, c. 912, s. 13.)

§ 160A-430. Appeal; finality of order if not appealed.

Any owner who has received an order under G.S. 160A-429 may appeal from the order to the city council by giving notice of appeal in writing to the inspector and to the city clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector shall be final. The city council shall hear and render a decision in an appeal within a reasonable time. The city council may affirm, modify and affirm, or revoke the order. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 69; 2000-164, s. 4.)

§ 160A-431. Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160A-429 from which no appeal has been taken, or fails to comply with an order of the city council following an appeal, he shall be guilty of a Class 1 misdemeanor. (1905, c. 506, s. 15; Rev., s. 3802; 1915, c. 192, s. 19; C.S., s. 2774; 1929, c. 199, s. 2; 1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1993, c. 539, s. 1094; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 160A-432. Enforcement.

- (a) [Action Authorized.] - Whenever any violation is denominated a misdemeanor under the provisions of this Part, the city, either in addition to or in lieu of other

§ 160A-434. Appeals in general.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws shall be taken to the Commissioner of Insurance or his designee or other official specified in G.S. 143-139, by filing a written notice with him and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1989, c. 681, s. 7A.)

If you have any questions or I can be of assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Stipe", written in a cursive style.

Jim Stipe, Building Inspector

TOWN OF SWANSBORO
INSPECTION DEPARTMENT

THIS BUILDING IS HEREBY
205 WALNUT ST.
CONDEMNED

IN ACCORDANCE WITH
N.C. GENERAL STATUTE
160A - 426 TO 434

THIS BUILDING/STRUCTURE HAS
BEEN DEEMED UNSAFE FOR THE
FOLLOWING REASONS:

- LIFE SAFETY
- FIRE HAZARD

DATE: 10/1/18 BUILDING INSPECTOR: Tim Slife

DO NOT REMOVE—REMOVAL IS PUNISHABLE AS A MISDEMEANER

(910) 326-4428

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING MINUTES
October 3, 2018**

Call to Order

The special meeting of the Swansboro Historic Preservation Commission was called to order at 6:00 PM. Those in attendance were: Linda Thornley, Jerry Seddon, Zachry Nichols, Patrick Larkin, Jeff Conaway and alternate members Ben Parker and April Clark.

The purpose of the special meeting was to consider a demolition request and to review post hurricane staff approvals.

Witnesses Sworn In

Andrea Correll, John Freshwater, Kathy Vinson, Randy Swanson, Bob and Judy Bennett, Norman Lilley, and Michael Kirkman.

Amendment to Agenda

All members agreed to amend the Agenda adding consideration of a Certificate of Appropriateness at 205 Walnut Street.

New Business

A. Certificate of Appropriateness 2018-06 Icehouse Waterfront Restaurant / 103 Moore Street

Town Planner Andrea Correll stated that the structure at 103 Moore Street was a non-contributing structure to the district and a portion of the structure had been posted as unsafe following Hurricane Florence.

On an inquiry from the Board, Kathy Vinson of Coastal Planning indicated that CAMA had authorized the structure to be rebuilt under the same existing footprint. Approval from the Core of Engineers had also been received.

Owner Randy Swanson stated that once partial demolishing was completed he would know if it was possible to rebuild on the same footprint. Mr. Swanson further stated he planned to use all architectural materials when reconstructing and would donate any items discovered during demolition he couldn't use to the Historic Museum.

Engineer John Freshwater confirmed that the portion of the structure to be demolished was not safe for habitation.

Chair Linda Thornley entered into the record those reports provided by the Town Inspector Jim Stipe.

On a motion by Zachry Nichols, seconded by Jeff Conway, the COA 2018-06 for that portion of 103 Moore Street known as the Ice House Waterfront Restaurant was approved for demolition due to damage received during Hurricane Florence. All components of Town Code Appendix III Section 22.3 Demolition of Buildings/Guidelines had been considered. The owner would salvage architectural features and building materials found, would minimize ground disturbance, and retain the water view that existed prior to demolition. The motion was approved unanimously.

B. Certificate of Appropriateness 2018-07 / 205 Walnut Street

Planner Andrea Correll informed that the home at 205 Walnut Street had also been damaged by Hurricane Florence. Town Inspector Jim Stipe had condemned the house. The house did meet fire code nor the life safety code. A letter had been sent to owners Mr. & Mrs. Bennett explaining in detail the reasons for the condemnation.

Engineer John Freshwater further explained that the structure framing structure had either broken or sh during the hurricane making it unsafe to be in or around the home.

The Bennett’s were asked if they planned to appeal the condemnation decision. They stated no, but did not know whether they would demolish or repair the home. The home had been in their family since 1966. Family members Norman Lilley and Michael Kirkman shared that the roof was damaged extensively and water had poured into home during the hurricane. The family was encouraged to seek guidance from NC State Historic Preservationist, John Wood.

Board members inquired whether the structure/lot had been secured and safe from collapse. Town Inspector Jim Stipe indicated that it had not and would feel more confident with a barrier around the structure/lot to warn the public of potential danger.

On a motion by Jerry Seddon, seconded by Patrick Larkin, the COA was delayed for sixty days until the structure/lot could be secured and posted with signage to warn of danger or no trespassing. The motion was approved unanimously.

C. Review of post Hurricane Florence Historic District Staff Approvals

Planner Andrea Correll reviewed the Staff Approvals granted after the hurricane sharing that the Town Code authorized her to act as agent during post disaster.

Staff Approvals

Date: 9/19/18
Owner/Applicant: Grace Dunne
Address: 117 Elm Street
Action: Replace damaged roof in kind
Status: Approved

Date: 9/16/18
Owner/Applicant: Nicole, Ginette & Jacques Condoret
Address: 116. Elm Street
Action: Replace siding, roof repair and repaint (in kind same color) add four board wooded storm shutters
Status: Approved

Date: 9/19/18
Owner/Applicant: Greg Russell
Address: 116 Front Street
Action: Reroof
Status: Approved

Date: 9/19/18
Owner/Applicant: Grace Dunn
Address: 113 Elm Street
Action: Reroof
Status: Approved

Date: 9/21/18
Owner/Applicant: Helen Soltever
Address: 202 Walnut Street
Action: Reroof
Status: Approved

Date: 9/25/18
Owner/Applicant: Phil and Jane Keagy
Address: 105 Water Street
Action: Reroof, Repair Porch
Status: Approved

Date: 09/28/18
Owner/Applicant: Brandy Schell
Address: 106 Elm street
Action: Replacing roof and back wall of house with wood siding painted white
Status: Approved

Date: 10/1/18
Owner/Applicant: Randy Swanson
Address: 107 Front Street
Action: Replacing roof
Status: Approved

Date: 10/1/18
Owner/Applicant: Randy Swanson
Address: 103 Moore Street
Action: Replacing roof
Status: Approved

Staff Comment

Planner Andrea Correll informed that the chimney had collapsed on the Ringware House and that Ward Cemetery was scheduled for tree trimming due to dangerous limbs resulting from the hurricane. She encouraged board members to reach out to homeowners of contributing homes to make them aware that they were eligible for Federal and State tax credits for restoration. Non-contributing property would have to bring their homes back to what it originally was. Fees were also being waived for post disaster permits.

Adjourn

The meeting adjourned at 6:51pm.