



Historic Preservation Commission Agenda

Town of Swansboro

Tuesday, May 21, 2024

I. Call to Order

II. Approval of Minutes

- [a.](#) November 28, 2023, Special Meeting

III. Business

- [a.](#) **Historic District Ordinance Enforcement Discussion***Presenter: Rebecca Brehmer, Projects/Planning Coordinator, CFM, CZO*

At its April 16, 2024, regular meeting, the board directed staff to schedule a discussion on enforcement standards currently in the UDO for the Historic District along with ideas on how to improve them.

Recommended Action: Hold discussion and provide further guidance to staff.

- [b.](#) **Staff Approval Application Report: April-May 2024**
Presenter: Rebecca Brehmer, Projects/Planning Coordinator, CFM, CZO

IV. Chairman/Board Thoughts/Staff Comments

V. Public Comments

VI. Adjournment

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING
November 28, 2023**

Item II - a.

Call to Order

The meeting of Swansboro Historic Preservation Commission was called to order at 2:31 PM. Those in attendance were Jonathan McDaniel, Elaine Justice, Christina Ramsey, Edward Binanay, and ALT member Eric Young. Kim Kingrey and ALT Gregg Casper were not present.

Business

Certificate of Appropriateness amendment/204 S. Walnut St

The following individuals were sworn in and/or addressed the board.

Rebecca Brehmer

Norman (Brad) Phillips

Projects/Planning Coordinator Brehmer presented the board with the owner's request for new exterior alterations. The home, also known as the Abram Bell House, was zoned R6SF and was a contributing structure to the Historic District. The owners previously applied and were approved for exterior alterations that included a 6'x6' addition to the house for a bathroom that would be off the rear west side of the home on a portion of the existing deck. The roof and siding used would be the same found on the rest of the house. Additionally, they had applied for a 12'x12' screened porch framed with pressure treated lumber and painted white. It would be built on the rear deck of the home with matching roof line and metal roof material. They requested to make the 12'x12' screened in porch into a fully enclosed sunroom with same siding used on the rest of the home. Also, to the right of the new sunroom, they requested to extend the original overhang leading to the laundry room entrance out to the existing deck footprint using existing material and creating a cased opening at the old doorway. The bathroom addition would remain the same.

The public hearing was open at 2:36 pm

On inquiries from the board, Projects/Planning Coordinator Brehmer clarified the following:

- The massing study technically pertained to this, but since this addition was being built on the existing deck, the staff felt it would not trigger small additions per the new text amendment brought before the board at this meeting.
- The addition would be in the back of the house and originally where the porch was located.

The public hearing was closed at 2:38 pm

On a motion by Mr. Young, seconded by Mrs. Justice, the amendment to COA 2023-07 was unanimously approved based on the criteria of Section 12, Additions to Contributing Buildings.

Review of Staff Approvals

Projects/Planning Coordinator Brehmer reviewed the following approved items:

- 105 N Front St: Repainted building white as existing, installed new canopy and paint shutters (pantone 5435), paint door (pantone 571), installed new sign decal (pantone 3242, 2376, 7660, 482, 7493, 7607).
- 211 S Water St: Installed vinyl bulkhead to replace existing bulkhead.

Historic District Stakeholder Survey Discussion

Projects/Planning Coordinator Brehmer reviewed that staff was directed to coordinate with board member, Mr. Binanay, to update the previously used Historic District Stakeholder Survey and created an outreach plan to allow the community to participate in the survey.

The board discussed that their purpose of the Stakeholder Survey was to gather information from the community, focused on what were the priorities for the town, and to gather opinions and preferences. In essence, taken the pulse of not just the historic district, but the whole town. The goal was to analyze the data, report back to the town, and provide recommendations on how to implement the results of the survey.

On inquiries from the board Projects/Planning Coordinator Brehmer clarified the following:

- The survey would be distributed via email to the residents in the Historic District. The link for the survey would be posted on the Town website, Facebook page, and included in the Town's monthly newsletter.
- The board needed to provide directions for the staff to request additional funds from the Board of Commissioners for mailings outside of the Historic District. There was money in the budget for only mailing to the Historic District and the rest would be handled digitally. It would be allowed for the Historic Association to place the link for the survey on their website and the survey would be allowed to be placed on the counter at Town Hall.
- The provided deadline for returned surveys would be March 1, 2024, and if it needed to be extended for lack of results, the board would discuss closer to the deadline.
- The final survey would be provided to the board prior to the survey being sent to the public.

Text Amendment to Massing Standards in the Historic District

Planner Correll presented at the board's request, an amendment to the massing standards to exclude small additions or projects to the Unified Development Ordinance for review.

Chairman McDaniel clarified that a massing study was an evaluation of the construction impact to the surrounding area and looked at all the factors like, survey work, topography, and architecture.

On inquiries from the board, Planner Correll clarified the following:

- The sample massing study had to be compatible with only the block, not the whole district. The block would be designated depending on the street crossings.
- Splitting the categories to Accessory Structures and Additions could be used for different square footage. Accessory Dwellings are not permitted in the Town.
- The more stringent Town ordinances or regulations rules are followed.

Comments from the public were permitted. Mr. Brad Phillips shared it was an excellent idea for 10% to be considered for the Massing Standards.

Projects/Planning Coordinator Brehmer stated the Massing Study would prove to be inconvenient and required an extra step for residents for small projects. The board would have needed to study the numbers like the size of the lots in the district to help them come to a decision.

On a motion by Mr. Binanay, seconded by Mrs. Justice, and with unanimous approval, the text amendment was tabled for further discussion.

Text Amendment related to Landscape Standards in the Historic District

Planner Correll shared the following review of landscape standards in Historic Districts, staff had prepared a draft amendment to the Unified Development Ordinance for review. Residents should be given an approved choice of plants and should not have used invasive species of plants. The list of plants allowed was obtainable from different nurseries. Included in the ordinance, residents would be allowed normal maintenance if the residents were staying within the new ordinance.

On inquiries from the board, Planner Correll clarified the following:

- Current nonconforming plants and trees in the district would have been grandfathered in and would not have been required to be removed.
- Once the ordinance was codified, the information was available in the office.
- If the board was given a request for a different plant or tree not on the list, the resident would be able to submit a staff approval for the same species not on the list or come before the board to be allowed to use a different plant not included in the list.

On a motion by Mrs. Ramsey, seconded by Mr. Binanay, Section 152.479 Certificate of Appropriateness List subsection 43 and 49, with an addition to Appendix III Section 25, Historic District Landscape, was unanimously approved.

Chairman/Board Thoughts/Staff Comments

Mr. Binany shared with the board that it had been a pleasure working with them and had decided to resign from the board. The board thanked Mr. Binanay for his service to the Historic District.

Projects/Planning Coordinator Brehmer updated the board on the following:

- Local Landmark Designation Workshop. Christy Brantly from the State Historic Preservation Office had agreed to hold a workshop at the Emmerton School. January 13, 2024, was decided upon for the workshop. Christy Brantly had a presentation prepared. Notification to the residents would be handed out to the board and residence within the district. Town Facebook and website were used as well to share information about the workshop. The Town Newsletter was usually completed by the Town Manager. The changes with the Town Manager had caused a delay in the newsletter. If a newsletter was provided by the town, they would include the workshop as an advertisement.
- The mayor informed the Staff that a member of the Historic Board wished to request funds for future workshops and mailings. If the Historic Board requested more funds, a formal request would need to be brought before the Board of Commissioners. The Historic board had to provide a suggested amount for the request. The board decided to table the discussion at that moment until there was a specific request.

Public Comments

Citizens were offered an opportunity to address the board. No comments were given.

Adjournment

The meeting adjourned at 4:00 pm.



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Historic District Ordinance Enforcement Discussion**

Board Meeting Date: **May 21, 2024**

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

Overview: At its April 16, 2024, regular meeting, the board directed staff to schedule a discussion on enforcement standards currently in the UDO for the Historic District along with ideas on how to improve them.

Under the “Historic District” section in the UDO, Section 152.481 Zoning Ordinance Compliance and Section 152.487 Compliance and Enforcement both touch on this topic. Ideas for improvement in enforcement preliminarily discussed at the last meeting for this discussion included:

1. Requiring a material sample submittal when an application is submitted.
2. Have check-in meetings on-site during a project.
3. Work with the Building Inspector to help with code enforcement. The Building Inspector will not allow a Certificate of Compliance or Occupancy to be issued until the project meets the standards of the approved Historic application.

Background Attachment(s):

1. 152.481 Zoning Ordinance Compliance
2. 152.487 Compliance and Enforcement

Recommended Action: Hold discussion and provide further guidance to staff.

Action: _____

§ 152.481 ZONING ORDINANCE COMPLIANCE.

Item III - a.

(A) *Affirmation of existing zoning.* Property located within the Historic District will continue to be subject to all Zoning Ordinances of the Town of Swansboro. This Ordinance shall not be construed as impairing the Zoning Ordinance in any manner.

(B) *Required conformance to dimensional regulations.* Any structure erected in the Historic District shall be subject to the dimensional and other regulations of the Zoning Ordinance, except as follows:

(1) No structure or part thereof shall extend nearer to or be required to be set back farther from the front lot line than the average distance of the setbacks of the nearest principal building (s) within 100 feet on each side of such building and fronting on the same side of the street ;

(2) No building shall exceed a maximum height established by §§ 152.195 through 152.196 without a variance from the Board of Adjustment and recommendations for variance from the Historic Preservation Commission; and

(3) The Commission shall place emphasis on adherence to and preservation of appropriate historic scale, mass, height, and architectural detail of the Historic District. However, if the property for which a certificate of appropriateness is sought is located in a flood hazard area, or in any other area such that the first habitable floor of the replacement building must be elevated above the elevation of the first habitable floor of the building, the Historic Preservation Commission shall give due regard to balancing the mass and scale of the building with the increased height of the building, and to balancing the mass, scale, and height of the building with the mass, scale, and height of other buildings in the Historic District by the use of setbacks and other creative architectural and landscaping designs to create a building which complies with this § 152.481.

(Ord. 2005-O3, passed 3-15-2005)

(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 DBN properties have been identified and added to the DBN List, the general steps, actions, decision points, and offender's needed responses when receiving notice of violation from the Town Planner, are as follows:

(1) A completed DBN complaint form is submitted to the Town 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, which should be sent to the complainer and the Swansboro Historic Preservation Commission ("SHPC"). The Town Planner will report to the SHPC at the next regular meeting.

(2) The Town Planner shall investigate any complaint. Within 14 days following receipt of the DBN complaint, the Town Planner shall send a status report of the complaint investigation and actions taken to the complainant and, if warranted, send a notice of violation to the offender. The Town Planner shall report the complaint investigation to the SHPC at its next regular meeting if there is a basis for the complaint.

(3) If the Town Planner determines there is a basis for the complaint, the offender has 30 calendar days to respond to the notice of violation, documenting violation(s) contributing to the DBN. The offender may respond by phone, email or in writing. The Town Planner shall send a follow-up email in the event the offender responds by phone. The Town Planner shall send a copy of that email to the SHPC within two business days of the call. The Town Planner shall maintain a record of communication with the offender. The Town Planner is the responsible party to prepare and present the reports to the SHPC.

(4) If the offender fails to respond or fails to address the violation(s) by the required deadline, the town may take all action allowed under this chapter or other applicable law related to code enforcement. The Town Planner shall report any town enforcement action at the next SHPC meeting.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2023-O1, passed 3-13-2023)



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Staff Approval Application Report: April-May 2024**

Board Meeting Date: **May 21, 2024**

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

Overview:

APPROVALS REPORT FOR LOCAL HISTORIC DISTRICT

Staff Approval

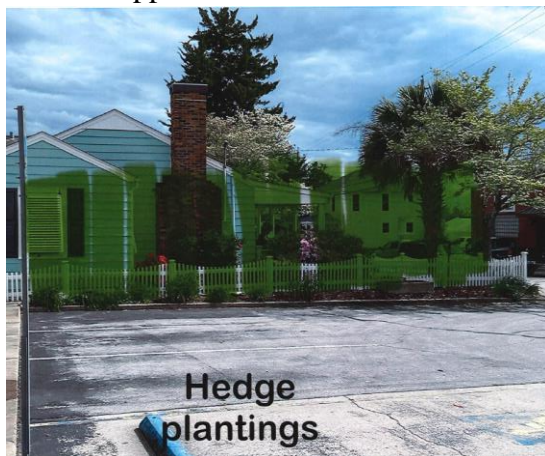
Date: April 9, 2024

Applicant: Thirsty Mullet Taproom

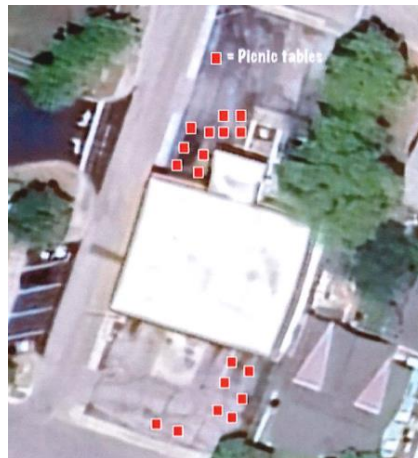
Address: 208 Main Street

Action: Addition of outdoor seating and privacy screening.

Status: Approved



208 Main Street



Action: _____

Date: April 15, 2024

Applicant: Thomas DeGeorge

Address: 121 Elm Street

Action: Removal and replacement of fence on east side of lot with a 6ft wooden picket fence.

Status: Approved

Item III - b.



121 Elm Street

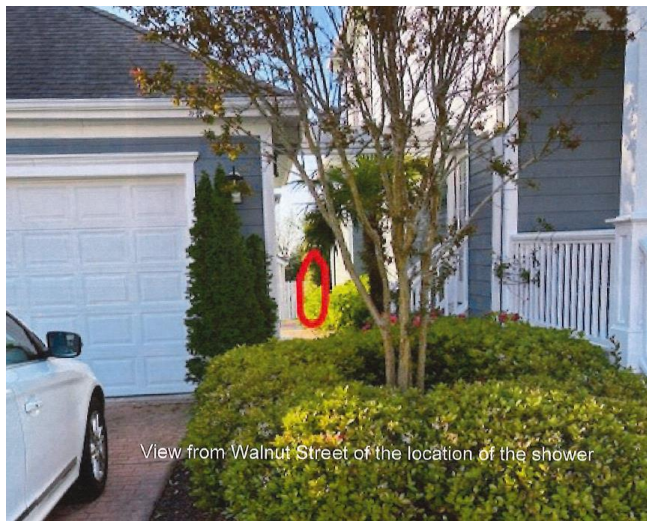
Date: April 18, 2024

Applicant: John and Catherine Kennedy

Address: 219 Walnut Street

Action: Addition of outdoor shower along back left side of the house, mostly hidden from street view by plants and detached garage.

Status: Approved



219 Walnut Street

Date: April 23, 2024

Applicant: Barbara Garrett

Address: 129-2 Front Street

Action: Addition of white wood flower boxes on windows and installation of new business signs.

Status: Approved

Item III - b.



129-2 Front Street

Date: April 25, 2024

Applicant: Jerry Stevenson

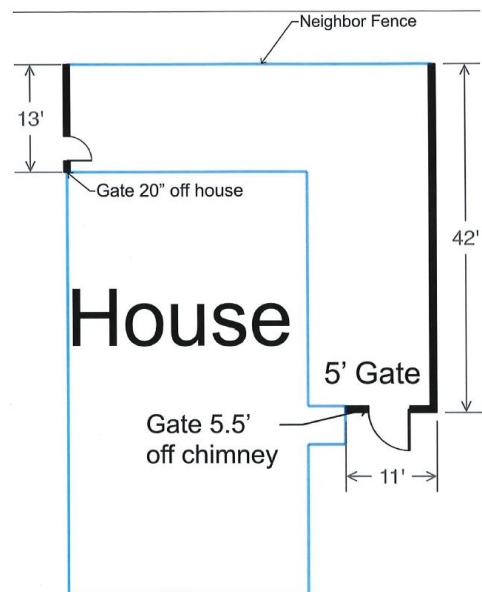
Address: 132 Front Street

Action: Installation of 4ft black aluminum fence in backyard.

Status: Approved



132 Front Street



Date: April 26, 2024

Applicant: Sand Dollar Homes

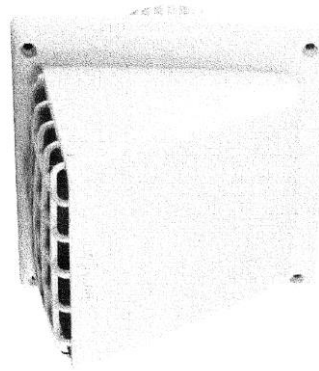
Address: 119 Water Street

Action: Installation of 3 vents on exterior of home and the replacement of HVAC unit.

Status: Approved



119 Water Street



Date: April 29, 2024

Applicant: Jay Kennedy

Address: 219 Walnut Street

Action: Installation of current driveway with new permeable pavers similar in style and color of brick.

Status: Approved



219 Walnut Street

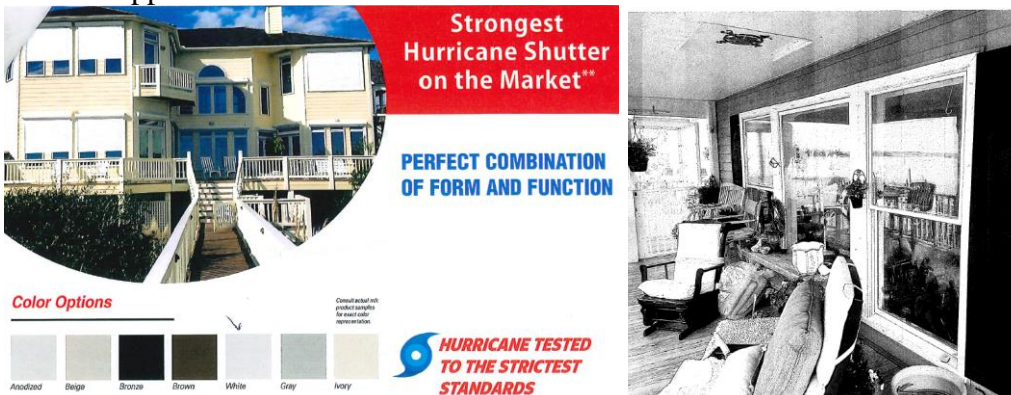
Date: May 1, 2024

Applicant: Joseph Rhue

Address: 131 Front Street

Action: Installation of roll down hurricane shutters on water side of the building.

Status: Approved



131 Front Street