



Historic Preservation Commission Agenda

Town of Swansboro

Tuesday, October 15, 2024

I. Call to Order

II. Approval of Minutes

[a.](#) April 16, 2024, Regular Meeting Minutes

[b.](#) May 21, 2024, Regular Meeting Minutes

III. Business

[a.](#) ***Text Amendment to Section 14 Fences and Walls***

Presenter: Rebecca Brehmer, CFM, CZO, Town Planner

At the September 17, 2024, Swansboro Historic Preservation meeting, the board directed staff to bring back a text amendment for Section 14 Fences and Walls found in our Historic District Design Standards to make clarifications on fence guidelines.

Recommended Action: Motion to recommend amending Section 14 Fences and Walls in the Historic District Design Standards of the Unified Development Ordinance and forward those recommended changes to the Planning Board for their review.

IV. Chairman/Board Thoughts/Staff Comments

V. Public Comments

VI. Adjournment

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
April 16, 2024**

Call to Order

The meeting of Swansboro Historic Preservation Commission was called to order at 5:30 PM. Those in attendance were Jonathan McDaniel, Kim Kingrey, Elaine Justice, Christina Ramsey, and ALT member Gregg Casper. Lauren Brown and Eric Young were not present.

Business

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

Rebecca Brehmer

Jeffrey Wallace

Certificate of Appropriateness/204 Moore Street

Projects/Planning Coordinator Brehmer presented the owners requested for the demolition of the existing metal car port and the construction of a new wooden one in the same location. The new car port would have been approximately 16' tall with a pitched roof and was constructed with 4 wooden posts connected to a concrete pad. The roof and siding material were consistent with what was found on the home. The new car port was primarily used for a covered outdoor seating area, not parking. This home was zoned B2 and was a non-contributing structure to the Historic District. This request appeared to be consistent with Section 11 New Construction.

The Public Hearing was opened at 5:31 pm.

Mr. Wallace responded to the board that the roof was planned for esthetic reasons to match the house. The color shingles, gables, and siding would match the house. The columns would be wrapped in white PVC.

The Public Hearing was closed at 5:35 PM.

On a motion by Mrs. Kingrey, seconded by Mrs. Casper, the COA-2024-04 was unanimously approved for the demolition of the existing car port and the new construction of a car port based on the criteria from the UDO Section 11 New Construction.

Certificate of Appropriateness Amendment COA-2024-02/224 Water Street

Projects/Planning Coordinator Brehmer presented the owners of 224 Water Street, also known as the Bell House, had requested an additional exterior alteration to the home. This was an amendment to the previously heard COA application at the February 20, 2024, SHPC meeting. The house was zoned R6SF and was a contributing structure to the Historic District. The applicants were approved previously for the COA, alterations, added a new color to the color palette, removed and replaced rotten porch facing and rails to be in kind to what was there before per the state's decision, constructed brick steps for the front porch, and an overhang over the side of the house. The applicant neglected to add to the COA a new solid wood door with window cutouts. The reason they had requested a new door was the existing door was rotten to the point it was a safety hazard by not being able to be secured. The new door was installed as a temporary door, per the ordinance, which allowed a temporary door for 30 days. The applicants were told

that if the board did not approve the amendment with the installed door, they would be required to change the door. The applicants were not able to be present, but if there were any questions, the staff was allowed to call them. The door was purchased from Lowe's and was painted the approved color.

On a motion by Mrs. Kingrey, seconded by Mrs. Ramsey, COA-2024-02 Amendment was unanimously denied based on the criteria in Sections 5.13 and 5, Windows and Doors of the UDO.

The following discussions were held prior to the final motion:

Mrs. Kingrey stated that Legacy Warehouse in Wilmington was a place where residents were able to purchase an appropriate historic door. It was possible to purchase a new one constructed to look just like the previous door.

Projects/Planning Coordinator Brehmer stated the applicant drove to Wilmington to purchase a door, the door had been sold prior to the arrival of the applicant and was unable to find anything else which met the measurements. Therefore, they purchased a door from Lowe's for safety reasons.

Mr. McDaniel clarified Section 5.1 - Any new replacements should have matched the original in all dimensions and details as closely as possible.

Projects/Planning Coordinator Brehmer stated she would communicate with the applicant the decision of the Amendment to the COA, a picture of the original door, and along with options for them to have purchased the appropriate door.

Discussion of Thirsty Mullet Staff Approval Application

Projects/Planning Coordinator Brehmer presented that the new tenants of 208 Main Street, "Thirsty Mullet Taproom", had submitted a Staff Approval Application for the addition of outdoor patio/seating space in the front and rear of the building, as well as to plant privacy screening for adjacent residential properties. This building was previously the retail location for "Muttigans", zoned B2HDO, and was a noncontributing structure to the Historic District. Staff had brought this discussion item to the SHPC for guidance due to concerns expressed by one of the neighboring residential properties for noise and parking issues. It appeared this request is consistent with Section 14 Fences and Walls, as well as the Town's noise and parking ordinance.

Projects/Planning Coordinator Brehmer replied to inquiries from the board:

- If there was not enough room for planting the trees in the ground between the Thirsty Mullett and the residential lot, there would have been larger planting box options which would be used. The trees would be Green Giant Arborvitae. Green Giant Arborvitae were the healthiest and largest arborvitae and could be planted in large horse troughs.
- Fences were an option, but the trees provided a better visual and sound buffer from the patio. The adjacent residential house had a fence already.
- Acoustic grade interior storm windows could have been suggested to the tenant. The staff was only able to request what was included in the ordinance. The suggestions from the

board were not required for the Thirsty Mullet but were being offered due to concerns from the neighbors.

Mrs. Sue Ellen Dixon, of 106 Water Street, which was adjacent to the Thirsty Mullet shared that she was more concerned about parking, especially her neighbor, Mr. France. During the summer all the wait staff from downtown restaurants parked along the streets, which created little parking for neighbors. The house which had sat right next to the Thirsty Mullet was an Airbnb, so she also had concerns about loud music, live music, or people socializing.

Projects/Planning Coordinator Brehmer replied to the following questions from Mrs. Dixon:

- Mr. France had obtained a driveway permit and was working with Public Works to remedy his situation.
- As per the ordinance, the historic district businesses were exempt from the parking requirements which other new businesses in town would have had to abide by because of the public parking and how tight it was to park downtown. Even with the proposed seating area, Thirsty Mullet would have had more parking than most businesses downtown.
- Mrs. Dixon and other residents could go to all the businesses to discuss the parking issues and see if they would be open to the solution for business employees parking at the bank.
- There would be a separate area for the proposed outdoor seating with planter boxes bordering the seating areas and would be installed on part of the current parking lot.
- A couple of parking spaces could be used for the outdoor seating out of the 21 parking spaces. The parking spaces could have been reconfigured if needed.

Planner Correll shared there was a discussion about the use of installing concrete stop bars which separated the parked cars and the outdoor seating.

Mr. Tyler Skipper shared that the hedges would be planted all the way down along the backside of the property. They would be serving pizza at the Thirsty Mullet.

Projects/Planning Coordinator Brehmer reviewed the suggestions from the board's discussion of the Thirsty Mullet Taproom:

- The Thirsty Mullet could offer interior acoustic grade storm windows to the neighbor which could help with noise.
- The Thirsty Mullet could plant hedges in planter boxes and moved the boxes away from under windows and off the fence line.
- The Thirsty Mullet could reorient the parking spaces for safety issues.

Projects/Planning Coordinator Brehmer shared with the board that there were not any reasons to deny the request. The Thirsty Mullet had met and cooperated with all the guidelines in the ordinance and felt the best option was for Staff to approve the request.

Review of Staff Approvals

Projects/Planning Coordinator Brehmer reviewed the following Staff Approvals:

- 224 Water Street – Replaced and added exterior light fixtures at the front door, side door, and shed.
- 127 Front Street – Replaced rotten siding in-kind and painted back to white.
- 101-A Church Street – Installed new business sign.
- 208 Main Street – One 3 ft x 8 ft temporary banner (60 days) and one 2 ft x 3 ft sandwich board sign which advertised the business coming soon.
- 101 Walnut Street – Painted home included trim, porch rails, and siding SW6182 Ethereal White and painted porch ceiling SW6218 Tradewind.

Review of Minor Work Approvals

Projects/Planning Coordinator Brehmer reviewed the following Minor Work Approvals:

- 308 Church Street – Added an accessory structure shed with white lap siding, silver metal roof, natural wood vent gables, and an antique door as well as the added wood shutters to the upper and lower porch doors. Accessory structure was below the need for a massing study.
- 209 Water Street – Renovated shed which included siding and roof shingles to match the house, new wooden double doors, and replaced rotten wood.

Chairman/Board Thoughts/Staff Comments

After discussions from the board, on a motion by Mrs. Ramsey, seconded by Mrs. Kingrey, the addition to the agenda for the May 2024 meeting would include a discussion of whether there needed to be changes to the current ordinance which enabled enforcement was unanimously approved.

Public Comments

Mr. Joseph Brown requested information about the homeowners who purchased a historic home and how they were getting information on what was required and about tax credits for the historic district and were the tax credits an incentive.

The board responded that an addendum was created and had been given to all residents listing their homes for sale to be signed by the new homeowners. At the closing of the purchase of the home, documents were signed by the buyers which showed information on streets, etc. The attorney provided a stack of papers being signed and it was the responsibility of the real estate agent to explain. Additionally, projects that had been approved through the state, provided a 15% tax credit for North Carolina taxes. There was a tax credit for a lien easement which is placed on your deed which never allowed for demolition of the historic house and a local landmark designation tax credit which was a standard 15% state tax credit for the district. There were several local landmark properties in the district which were designated at a higher 50% tax credit.

Planner Correll shared that the workshops provided in the past to residents of the Historic District were Tax Credits with John Wood and windows and doors workshop.

Projects/Planning Coordinator Brehmer shared the local landmark designation workshop had been rescheduled for May and staff would be speaking with Kristi Brantley from the Local Historic Preservation about the details. There was a flyer provided to people who had moved in the district once they had contacted the staff. The flyer outlined the different application processes, and the approval needed for certain work. Staff worked diligently to explain the processes in the district to potential buyers.

Adjournment

The meeting adjourned at 6:42 pm.

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
May 21, 2024**

Call to Order

The meeting of Swansboro Historic Preservation Commission was called to order at 5:32 PM. Those in attendance were Jonathan McDaniel, Kim Kingrey, Elaine Justice, Christina Ramsey, Lauren Brown, and ALT member Gregg Casper. Eric Young was not present.

Approval of Minutes

On a motion by Mrs. Kingrey, seconded by Mrs. Ramsey, the November 28, 2023, special meeting minutes were unanimously approved.

Business

Historic District Ordinance Enforcement Discussion

Projects/Planning Coordinator Brehmer reviewed that the board requested at the April 16, 2024, regular meeting to have a discussion on enforcement standards currently in the UDO for the Historic District along with ideas on how to improve them.

Paul Ingram, Chief Building Inspector, introduced himself to the board and answered the following inquiries from the board:

- He had some experience in Historic Districts.
- Presently the State Law provides Building Inspectors the authority to regulate local ordinances by withholding the Certificate of Occupancy. However, after January 1, 2025, the laws would be changed so that the inspector would not be able to hold up the Certificate of Occupancy for local ordinances. If there was anything unsafe, as per the building code, then the Certificate of Occupancy would be withheld.
- After January 1, 2025, local ordinances would have had to be enforced with fines. As soon as the Certificate of Occupancy was issued, the municipality would have had to immediately begin the fine process.
- Most violations were resolved by a conversation with the homeowner. The Building Inspector was more of an authority than a board member or the staff for code enforcement.
- When fines were assessed and not paid, then the fines would have been brought to the court system for collection.

Projects/Planning Coordinator Brehmer shared that the ideas were new enforcement options. The normal process was to send notices of violation and fines. Most instances only required the notice of violation and very rarely fines were assessed.

Planner Correll shared that notices of violations were mailed; the resident would have had 30 days to comply. On average, most jurisdictions used \$100 a day per occurrence. If the fines were not paid, staff would turn the fines over to the town attorney for a lien to be placed on the property. The Historic District Ordinance are incorporated into the UDO, so it had the same standing as any other ordinance for enforcement.

Projects/Planning Coordinator Brehmer responded to the inquiries from the board:

- The Certificate of Appropriateness application stated there was a process in place for a preconstruction meeting. Before the board received the COA application, there was a lot of work completed behind the scenes by Staff.
- Physical samples would have been a good idea to have requested from applicants which could have been added to the application form.
- The requested check-in meetings onsite during a project would have been possible but were hard to coordinate. The staff would not have known when projects would have been completed.
- Physical samples were not currently required. Most people provided photos of the materials or something like the materials being used.
- The staff already required applicants to provide information but not the specificity of samples. Samples would have given more leverage for enforcement and provided more details.
- The ordinance would not have had to be amended, the staff needed to develop a better way for code enforcement. The Planner and Building Inspector would have worked together to set a good system in place for how the violation would be approached.
- A “failure to follow the COA would result in code enforcement” clause would have been added to the COA as outlined in §152.487 Compliance and Enforcement. An initial here section would be added as a requirement for the COA application for proof of acknowledgement for each section.
- If any changes were made to a property which was not included in the COA, the property owner would have had to submit an amendment to the initial COA.

Planner Correll shared with the board the following:

- The Planner and the Building Inspector had the authority to issue a stop work order for projects as per the UDO. Until the resident complied, the stop work order was not removed. If the stop work order was removed by anyone other than the Planner or the Building Inspector, it was a misdemeanor and a penalty.
- The Demolition by Neglect Ordinance had been written to the letter of the law with the State Statutes.
- Projects/Planning Coordinator Brehmer had saved two houses on Water Street in the district with the help of the board.
- The board would have needed to work with the structure on Elm Street which was deteriorating. The Demolition by Neglect processes would not have begun until a formal complaint was made.

Projects/Planning Coordinator Brehmer reviewed the following changes would be made to the COA application:

- A “failure to follow the COA would result in code enforcement” clause would have been added to the COA as outlined in §152.487 Compliance and Enforcement.
- An initial here section would be added as a requirement for the COA application for proof of acknowledgement for each section.

- Any changes made to a property which was not included in the COA, the property owner would have had to submit an amendment to the original COA.
- An added requirement on the COA was “physical material samples would have been required as part of the application package”. This would have provided better details for the COA.
- There was a clause which allowed a temporary change to protect a historic resource was allowed for six-month duration.

Projects/Planning Coordinator Brehmer responded to the board that the ordinance would not need to be changed, that the current ordinance needed to be handled by code enforcement. The changes which were made to the COA application process would be followed for changes needed in the future. The goal was to keep the designation of the historic district, and it would be best to educate the property owners. Workshops were possible to help the education of the property owners.

Review of Staff Approvals

Projects/Planning Coordinator Brehmer reviewed the following Staff Approvals:

- 208 Main Street – Addition of outdoor seating and privacy screening.
- 121 Elm St – Removal and replacement of fence on east side of lot with a 6 ft wooden picket fence.
- 219 Walnut Street – Addition of outdoor shower along back left side of the house, mostly hidden from street view by plants and detached garage.
- 129-2 Front Street – Addition of white wood flower boxes on windows and installation of new business signs.
- 132 Front Street – Installation of 4 ft black aluminum fence in backyard.
- 119 Water Street – Installation of 3 vents on exterior of home and the preplacement of HVAC unit.
- 219 Walnut Street – Installation of current driveway with new permeable pavers similar in style and color of brick.
- 131 Front Street – Installation of roll down hurricane shutters on water side of the building.

Chairman/Board Thoughts/Staff Comments

Projects/Planning Coordinator Brehmer thanked all who attended the Local Landmark Designation workshop. The workshop went well and was informative. Kristi Brantley provided an example of a successful Local Landmark Designation application. It was the homeowner’s responsibility to coordinate the Local Landmark Designation process.

Projects/Planning Coordinator Brehmer responded to the board’s discussions:

- The Flood Resilience standards would need to be brought back for approval or recommendations from the board. A list of properties would be compiled for places which were at risk.
- Tax Credits and Deed Easements were requested to be brought to the board as an agenda item for future meetings.

- State tax credits were eligible but through a different avenue. Maggie Gregg would be requested to provide a presentation for a future meeting on tax credits. A joint meeting would also be requested with the Swansboro Historic Board and the Board of Commissioners for this presentation.

Mrs. Brown shared Doug Rogers had been planting more live oak trees. Mr. Rogers had picked up the trees from the nursery in Burgaw and planted them for downtown residents who had requested them. For \$115.00 you would have had a six-to-eight-foot live oak tree planted in your yard.

Projects/Planning Coordinator Brehmer shared the planting of the trees was not a town sponsored event and the town was not able to advertise. A map of the downtown area and where the trees would have been planted could be formed.

Jimmy Williams with the Tideland News shared he had included a story about Mr. Rogers in the newspaper approximately six months ago.

Public Comments

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

Adjournment

The meeting adjourned at 6:38 pm.



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Text Amendment to Section 14 Fences and Walls**

Board Meeting Date: **October 15, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO, Town Planner**

Overview: At the September 17, 2024, Swansboro Historic Preservation meeting, the board directed staff to bring back a text amendment for Section 14 Fences and Walls found in our Historic District Design Standards to make clarifications on fence guidelines.

After direction to keep the historic integrity of our district, new fences visible to the public need to be picket in style, not just wood in material as previously required. Section 14 Fences and Walls, bullet 4 is recommended to read: “Design new fences that are compatible with the associated building site, streetscape in height, proportion, scale, color, texture, material, and design. **New fences that are within the public view must be wooden picket in style and meet height requirements (see example photo below).** Synthetic fence materials, such as vinyl, are not appropriate in the historic district.” A photo example of picket fences is also recommended to be added after this bullet as well.

Background Attachment(s): Draft Ordinance

Recommended Action: Motion to recommend amending Section 14 Fences and Walls in the Historic District Design Standards of the Unified Development Ordinance and forward those recommended changes to the Planning Board for their review.

Action: _____

DRAFT ORDINANCE

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendment to the Unified Development Ordinance regarding a revision to Section 3: Roofs to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019, and amended August 28, 2023.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended.

Appendix III

HISTORIC DISTRICT DESIGN STANDARDS

SECTION 14 Fences and Walls

14.1 Fences and Walls – Standards

4) Design new fences that are compatible with the associated building, site, and streetscape in height, proportion, scale, color, texture, material, and design. **New fences that are within the public view must be wooden picket in style and meet height requirements (see figure 14.1.1 below).** Synthetic fence materials, such as vinyl, are not appropriate in the historic district.

Figure Appendix III Section 14.1.1 depicts an example of an appropriate wooden picket fence



Figure 14.1.1

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, _____, 2024.

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor