



HISTORIC DISTRICT COMMISSION  
MINUTES

October 9, 2013

MEMBERS PRESENT: Mr. Tim Bender  
Dr. Lili Corbus  
Mr. Roger Dahnert  
Mr. Don Duffy  
Mr. Tom Egan, Chair  
Ms. I-Mei Ervin  
Ms. Debra Glennon, 2<sup>nd</sup> Vice Chair  
Ms. Karen Labovitz  
Ms. Mattie Marshall  
Mr. Dominick Ristaino, Vice Chair  
Ms. Lisa Yarborough

MEMBERS ABSENT: Mr. Brad Norvell

OTHERS PRESENT: Mr. John Howard, Administrator  
Historic District Commission  
Ms. Wanda Birmingham, Assistant Administrator  
Historic District Commission  
Ms. Linda Keich, Clerk to the  
Historic District Commission  
Mr. Thomas Powers, Assistant City Attorney

Mr. Egan called to order the Regular October meeting of the HDC at 3:10 pm by introducing the staff and Commissioners. He explained the procedure. All interested parties who plan to give testimony – pro or con - must complete a blue form in order to speak and must be sworn in. An HDC staff member will present an outline and description of the proposal and its impact on the subject property and district's integrity. HDC Staff will then make a Staff recommendation or suggestions about the application. HDC may question the Staff member. The Applicant will present evidence and testimony in support of the Application. The Commission may question the Applicant and Staff may question the Applicant. The Applicant may present sworn witnesses who will be subject to questioning by the Commission and Staff.

Other interested parties wishing to speak – pro or con – will be given reasonable time to present sworn testimony. Staff will give a synopsis of any additional comments received. The Applicant will be given an opportunity to respond to comments by interested parties. After hearing each application, the Commission will review and discuss the information and evidence gathered in closed deliberations and: consider and adopt a Motion for Approval, Deferral, or Denial and adopt Findings of Fact and Conclusions of Law. Interested parties may remain present during the deliberations but may not address the Commission. If one does not remain a call to HDC Staff will result in knowing the decision. All exhibits remain with the Commission. If an Applicant feels there is a conflict of interest of any Commissioner or an association that would be prejudicial, let it be known at the beginning of the hearing of a particular case. The Commission is acting in a quasi-judicial capacity for purposes of this hearing and can accept only sworn testimony. While the Commission will not specifically exclude hearsay evidence, it is only given limited weight. The North Carolina State Bar has issued an Advisory Opinion that it is the unauthorized practice of law for an individual who is not an active member of the Bar to appear for another or otherwise assist or represent another at quasi-judicial hearings on zoning and land use matters. All applicants should have been provided with a copy of that Advisory Opinion at the time an Application was filed. If a property owner or a non-lawyer is present on behalf of a property owner and have not received a copy of that Opinion, one will be provided. If as a result of this Advisory Opinion, an Applicant would like to request a continuance the Commission will consider such request. Appeal from the Historic District Commission is to the Zoning Board of Adjustment. One has sixty (60) days from the date of the issuance or notification of Denial within which to appeal. This is in accordance with Section 10.213 of the City Code. In order to receive a written copy of the decision of the Board, any aggrieved party MUST FILE A WRITTEN REQUEST for a copy of the Commission’s decision by completing the form. This form must be filed with the Commission’s Clerk or Chairperson at the time of the hearing. Mr. Egan asked that everyone please turn to silent operation any electronic devices. Commissioners are asked to announce, for the record, if one leaves or arrives during the meeting.

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|---------------------|-----------------------------|-----------------|
| Index of Addresses: | 523 Hermitage Court         | Hermitage Court |
|                     | 1700 The Plaza              | Plaza Midwood   |
|                     | 327 East Worthington Avenue | Dilworth        |
|                     | 405 East Tremont Avenue     | Dilworth        |
|                     | 420 East Park Avenue        | Dilworth        |
|                     | 401 East Worthington Avenue | Dilworth        |
|                     | 323 Rensselaer Avenue       | Dilworth        |
|                     | 1217 Belgrave Place         | Dilworth        |

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Mr. Duffy declared a conflict of interest and removed himself from the Commission for the first application.

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Application: 523 Hermitage Court – Addition

The single family house is a two story Prairie Style house c.1917. It is identified as a Contributing structure in the Myers Park National Register Survey. The home has asbestos siding. It is located about mid-block on the street.

The proposal is a small addition due to interior improvements resulting in a 30” extension from the existing side wall that will be cantilevered approximately 3 feet above the ground. The original windows will be reused. The asbestos siding will be replaced with cementitious siding that replicates the existing design.

Staff Recommendation: John Howard said the addition is consistent with the applicable Guidelines for Massing, Fenestration, Rhythm and Context. The Commission should consider whether the exterior material is appropriate for this project.

FOR/AGAINST: No one accepted Mr. Egan’s invitation to speak either FOR or AGAINST this application

MOTION: Based compliance with ***Policy & Design Guidelines – Additions***, Mr. Dahnert made a motion to APPROVE the addition with wood shake siding to match the rear of the house. Mr. Bender seconded the motion.

VOTE: 9/0 AYES: BENDER, CORBUS, DAHNERT, EGAN, ERVIN, GLENNON, LABOVITZ, RISTAINO, YARBROUGH

NAY: NONE

DECISION: APPROVED WITH WOOD SHAKE SIDING.

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Ms. Marshall arrived at 3:27 pm and was present for the remainder of the meeting.

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Mr. Egan declared a conflict of interest and removed himself from the Commission for the next application. Vice Chair Ristaino stepped into the Chair position.

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Application: 1700 The Plaza – Addition

The bungalow style home was built in 1928. It is located on a corner lot along the Plaza. The home is a 1.5 story structure with a wide front porch and even fenestration.

The proposal is for an addition to the left side of the house and replacement of two full size windows with clerestory type window. The proposed right elevation replaces two full size windows with two half size windows. The rear exterior door on the right side will be replaced by a window. All new windows will be wood with exterior muntin bars (STD). The siding for the addition will be wood to match the existing siding.

Staff Recommendation: Mr. Howard said the addition is consistent with Guidelines.

FOR/AGAINST: Adjacent neighbor Tom Egan spoke about the fenestration of the project regarding the windows

MOTION: Based on compliance with **Policy & Design Guidelines** – Mr. Duffy made a motion to approve with the following concerns to come back to staff 1) keep kitchen window, 2) increase addition to allow windows to be spaced off the cornerboards as the front dimension, 3) Make the bathroom window smaller. Ms. Labovitz seconded

VOTE: 9/1 AYES: BENDER, CORBUS, DAHNERT, DUFFY, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: ERVIN

DECISION: APPLICATION APPROVED WITH MODIFICATIONS WHICH STAFF MAY REVIEW

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Application: 327 East Worthington Avenue – Addition.

This application was deferred in September for lack of information. The Commission asked them to come back with enhanced architectural details, a wall section, front porch details remaining, all window details, improved roof pitch, one chimney saved if possible, front door, side dormers offset.

The single family house is listed as a Contributing structure in the National Register of Historic Places. Built in 1920, the one bedroom structure has a “high hip roof with exposed rafter ends, hip roof ventilator, engaged porch with exposed end bay with paired posts on

piers.” Existing siding appears to be asphalt or some other inconsistent siding type for this house. The windows are replacement 1/1 type. The character of residential development on the block is one to one and half story single family houses. A horizontal siding type can be found on the rear entranceway.

The proposal is a full second story addition in keeping within the original building footprint. The roof design has pitches of 10/12 and 3/12 with 18” overhangs and exposed rafter ends.

Updated Proposal for October: Based on comments from September the front porch has been enclosed with a ½ wall/rail which resembles the existing design. The front and rear porch columns retain the existing square shape. The height of the rear dormer window has been reduced and the window placement more appropriate.

Staff Recommendation: Mr. Howard said that the revised project meets all of the applicable Guidelines.

FOR/AGAINST: Neighborhood Resident Tamara Titus stated the drawings are inaccurate.

Neighborhood Resident Lucia Griffith was supportive of the application

MOTION: Based on compliance with ***Policy & Design Guidelines*** - Additions Mr. Duffy made a motion to approve with the following revisions to come to staff, 1) wall section, 2) window header, 3) wall section through front porch including column in the rear, 4) box details of window. Mr. Dahnert seconded

VOTE: 10/1 AYES: BENDER, CORBUS, DAHNERT, DUFFY, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH  
NAYS: EGAN

DECISION: APPLICATION APPROVED WITH REVISIONS TO STAFF.

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Application: 405 East Tremont – Demolition/New Construction.

Based on the need for more information this application was deferred in September for 1) context exhibit, 2) completed site plan, 3) further material study, 4) come back as 1 ½ story house, and 5) setbacks of streets.

The subject property is a one story brick duplex built in 1950. It is identified as a Non Contributing structure in the Dilworth National Register Survey. Adjacent structures along the block include a matching duplex and various types of one and two story single family homes. Setbacks along the block are generally consistent.

The applicant requests approval for demotion of the duplex. The proposal is for the construction of a new one and half story home. Details of the home include:

- Brick foundation
- Paired columns
- Full width front porch, 8' in depth
- 9/1 full size windows
- Cementitious siding
- Exposed rafter tails with barge rafters
- Wood details and trim - columns, railing, pickets, brackets, corner boards

Based on comments from September, the site plan has been revised to show the mature tree in the front and setback dimensions. The proposed front setback shown is 22' from the property line to the porch and 29' to the thermal wall. This measurement is consistent with the existing setbacks from the survey and consistent with the adjacent structures. The overall size of the house has been reduced to resemble a 1 ½ story home consistent with other homes on the street. The front elevation has been simplified by adding a shed dormer and hip roof, and removing the gable over the entrance. The porch columns have been redesigned with square posts on masonry piers. The side elevations show a smaller second story and additional fenestration. The height of the home is 25' 10" measured from the ground.

Staff Recommendation: Mr. Howard said the project meets the Guidelines for Size, Scale, Massing, Fenestration, Rhythm, Setback, Landscaping and Context. Materials may be a topic for further discussion.

FOR/AGAINST: Neighborhood Resident Tamara Titus spoke in favor of the applicants but wants the applicant to use traditional materials throughout. Missing from the application exhibits is a streetscape and some dimensions.

Neighborhood Resident Matt Crowder spoke in support of the application as a nice addition to the neighborhood.

Neighborhood Resident Allen Brooks spoke in favor of the application and pointed out a discrepancy in the drawings.

MOTION: Based on the need for more information Mr. Duffy made a motion to DEFER this application for additional information: (1) site plan, (2) an exhibit which clearly shows existing vs. proposed, (3) all wood materials, (4) accurate topo, (5) clearly noted details, (6) plans that match elevations, (7) streetscape exhibit, (8) tree protection plan, (9) material samples if other than wood. Ms. Glennon seconded

VOTE: 11/0

AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON,  
LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED FOR MORE INFORMATION.

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Application: 420 East Park Avenue – New Construction.

Based on the need for more information this application was deferred in September for (1) an arborist's letter for tree protection plan – more than erosion control fencing, 2) material details, 3) documented setback, 4) windows changed to be all traditional.

The subject property is a vacant lot along a residential street and across from Dilworth Elementary School. Adjacent single family Victorian homes on the block were built between 1988 and 1998. The parcel is also abutting a contemporary multi-family project that was built in 1981. The lot has a very gentle slope to the rear with a mature tree in the front. The property is accessible by a rear alley.

The proposal is for a new single family home and detached garage. The home is two stories with even fenestration across the front, a wide front porch, and a series of hip roofs with a small gable over the entrance. The materials of the main structure are brick (foundation), wood lap siding, cedar shakes in the gable ends, and wood railings and columns. The plan is to use Hardie in the soffit and Miratek trim boards. Windows are STDL with a wood sash with composite trim. The height of the home is approximately 35' from average grade, consistent with other homes on the block face.

The applicants intend to save the mature tree in the front yard. The setback will be in alignment with the adjacent four single family homes and excluding the corner dwellings on each end of the block. The curved retaining wall along the front property line will be maintained and repaired.

The site plan has been revised to show the mature tree in the front, and adjoining single family setbacks. A letter from a certified arborist has been included recommending trees that should be saved and removed. The window detail notes and design revisions have been included.

Staff Recommendation: Mr. Howard said the proposal meets all the applicable guidelines with the exception of Fenestration. The window arrangement on the second floor left elevation is unresolved.

FOR/AGAINST: Neighborhood Resident Tamara Titus spoke in favor of the application

MOTION: Based on compliance with ***Policy & Design Guidelines*** - New Construction  
Mr. Bender made a motion to approve as drawn with a site specific tree protection plan. Dr. Corbus seconded.

VOTE: 10/0            AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, LABOVITZ,  
MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION APPROVED

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Application:            401 East Worthington Avenue – New Construction

This application was deferred in June for the need of additional information.

The subject corner lot is vacant and has a flat grade and a few mature trees. A low concrete retaining wall and steps left from the previously existing house are located at the front. The immediate residential context is a variety of 1, 1.5 and 2 story homes. Average established setbacks along the subject block are generally 35' from back of curb to thermal wall, plus or minus.

The June proposal was a two story home with a scale and massing proportion inconsistent with the immediate context and with other homes located on corner lots in this area.

The revised proposal is a 1 ½ story single family home with a full width, wrap around porch covered. The facade fenestration is even on both levels. The porch columns are traditional brick pier with tapered columns. The left elevation has a centralized primary gable and two secondary gables toward the rear. The rear elevation has details and massing that resembles the front. The right elevation has a single gable and both side elevations have a balanced window pattern. Siding and trim materials are wood. The overall height is approximately 31'-8" measured from the ground.

The plans show the house meeting the minimum required setback. However the Commission may require the home to meet the established setback along the block face. The alternative setback provision also allows this reduction when a neighborhood pre-dates modern zoning codes.

The plan proposed the removal of two oak trees from the side yard and two pecan trees in the rear yard.



The 1 ½ story detached garage is a simpler cross gable design with a total height of approximately 24". Materials and details will match the principal structure.

Staff Recommendation: Mr. Howard said the proposal meets the Guidelines for Size, Scale, Massing, Fenestration, Rhythm, Materials and Context. The two unresolved details are:

1. Setback – Staff recommends shifting the house toward the street, to be in line with the adjacent house on the block.
2. Landscaping – with the removal of two oak trees a replanting plan should be discussed with the Commission

FOR/AGAINST: Adjacent Property Owner Mike Holland spoke in opposition. The height is a concern, and the alleyway will be absorbed because the garage is too big.

Adjacent Neighbor Jack Fenlon spoke in opposition. Height is an issue, and is not appropriate for the neighborhood.

Neighborhood resident Marcia Rouse spoke in opposition. Height is the concern.

Neighborhood resident Tamara Titus spoke in opposition

MOTION: Based on the need for more information Mr. Duffy made a motion to DEFER this application for additional information: (1) streetscape exhibit, (2) context drawing (3) all plans drawn to scale. Mr. Ristaino seconded the motion.

VOTE: 10/0                    AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED

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Application:                    323 Rensselaer Avenue – Renovation/Addition

This property is a single story house constructed in 1905 with a gable roof and full width front porch supported by two columns. The site falls off significantly from front to back. It is adjacent to an office development which faces South Boulevard and a renovated single family home. The existing siding appears to be wood shingles. Existing homes along the street are 1 and 1 ½ story bungalow type designs. Mature trees do not exist on the property. Due to the poor condition of the home the engineering report recommends reconstruction of the foundation.

The proposal is a renovation of the entire home including the foundation repair and expansion. Additional interior space will be captured with three new shed dormers and a new gable including a small addition to the first floor at the rear. The existing front gable will be raised approximately 2 feet. The existing exterior chimney will be repaired and the second chimney removed. The front porch will be redesigned, adding two columns and new wood decking. Windows will be replaced with 3/1 and 2/1 design windows. The applicant is also proposing to remove the existing siding and replace with a cementitious material and reuse brick from the existing home.

Staff Recommendation: Mr. Howard said the project meets the Guidelines for Size, Scale, and Context. Details to consider are:

1. Fenestration – window size on the second floor gable on the right elevation
2. Massing – Massing of the left side shed dormers
3. Materials – The replacement of wood siding with cementitious siding

FOR/AGAINST: No one accepted Mr. Egan's invitation to speak either for or against this application

MOTION: Based on the need for more information Mr. Duffy made a motion to DEFER this application for additional information: (1) existing elevations vs. proposed (2) show demo plans (3) dimensions, (4) streetscape, (5) details of materials, (6) setbacks, (7) black lines – better graphics. Ms. Yarbrough seconded

VOTE: 11/0                      AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

DECISION: APPLICATION DEFERRED

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Application:                      1217 Belgrave Place – Addition

The existing structure is a two story Georgian style home with a covered front entrance. The home was constructed in 1945. The lot has a variety of trees in the front and rear.

The proposal is a 1.5 story addition to the rear and side which is partially visible from the street. The plan includes a rear covered porch. The driveway will also be reconfigured as a result of the addition. Visible from the street will be part of the lower level and a 'Widow's Walk' (roofwalk) on the roof of the addition. The siding will be lapped wood. The windows are wood STDL to match existing. The brick foundation will match existing brick. Existing trees will not be impacted by this project.

Staff Recommendation: Mr. Howard said the project meets the Guidelines for Size, Scale, Massing, Fenestration, Rhythm, Materials and Context

FOR/AGAINST: No one spoke for or against this application

VOTE: 11/0                    AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, ERVIN, GLENNON, LABOVITZ, MARSHALL, RISTAINO, YARBROUGH

NAYS: NONE

MOTION: Based on compliance with ***Policy & Design Guidelines*** - Additions, Mr. Ristaino made a motion to approve as drawn. Mr. Dahnert seconded.

DECISION: ADDITION APPROVED.

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Minutes for September were approved unanimously with the usual direction to report any changes or corrections to Mrs. Birmingham.

Mr. Howard asked who could commit to attending a special called meeting next Wednesday, October 16, 2013 at 11 am to hear two applications that we missed and were supposed to be on this agenda. He stated a quorum of 7 commissioners is necessary. He explained one of the applications is a rear addition and the other one is for final approval of a front porch that does have conceptual approval. The following Commissioners stated they can attend: DUFFY, EGAN, RISTAINO, MARSHALL, YARBROUGH, LABOVITZ, BENDER (WILL BE LATE), GLENNON

The meeting adjourned at 7:45 pm with a meeting length of four hours and thirty five minutes.

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Linda Keich, Clerk to the Historic District Commission