

**TOWN OF BEAUFORT  
HISTORIC PRESERVATION COMMISSION  
May 5, 2009**

The Town of Beaufort Historic Preservation Commission its regular meeting on Tuesday, May 5, 2009 at 6:00 p.m. in the Train Depot at 614 Broad Street, Beaufort, NC.

**Board Members Present:**

Mamre Wilson, Chairman  
Dan Krautheim, Vice-Chairman  
Wendy Davidson  
Gerharda Sanchez  
Les Sadler  
Marnie Park  
Fred McCune

**Staff Present:**

Nathan Rhue, Code Enforcement Officer  
Michele Davis, Town Clerk

**I. CALL TO ORDER**

Chairman Wilson called the meeting to order.

**II. PLEDGE OF ALLEGIANCE**

Chairman Wilson asked all those in attendance to join in the Pledge of Allegiance.

**III. AGENDA APPROVAL**

Nathan Rhue, Code Enforcement Officer, informed the Board the agenda needed to be amended. Mr. Gijbertus van Staveren has requested to withdraw his COA Amendment. Member Krautheim moved to approve the agenda as amended. Member McCune seconded the motion and the vote was unanimous.

**IV. MINUTES APPROVAL**

Member Krautheim moved for the minutes to be approved based on the corrections submitted. Member Sadler seconded the motion and the vote was unanimous.

**V. ADMINISTRATION OF OATHS**

Chairman Wilson explained that the Historic Commission is a quasi-judicial body, which requires anyone presenting testimony to be under oath. Town Clerk, Michele Davis administered the oath to the Commission members and anyone wishing to speak on any applications to be heard during the meeting.

Chairman Wilson entered the following documents into the record: (1) the Beaufort National Historic District Survey compiled by Ruth Little; (2) Beaufort, An Album of Memories by Jack Dudley; (3) the Beaufort Historic District Guidelines; (4) the Town's Zoning Ordinance; (5) NC Building Code, Chapter 34, Section 3407-1 on Historic Buildings; and (6) the Town of Beaufort's Strategic Approach for Growth (Adopted 10/11/1999).

## **VI. ITEMS OF CONSIDERATION**

### **1. Gijsbertus and Cynthia van Staveren-106 Ann Street**

Applicants withdrew the COA Amendment request.

### **2. Ginny Welton-308 Moore Street**

*Chairman Wilson opened the hearing.*

Ms. Welton asked for the approval to change the exterior color of the house located at 308 Moore Street. The house is currently white and the new color will be “Sandy Hook Gray”. Member Sanchez asked about the color or the trim. Ms. Welton indicated the color of the trim will remain white. Mr. Rhue confirmed this by informing the Commission the request is only for a change in the house color and not the trim color.

*Chairman Wilson closed the hearing.*

Member Davidson made a motion to approve the application based on the findings of fact with the new exterior color being “Sandy Hook Gray” with white trim. Member Krautheim seconded the motion and the vote was unanimous.

1. Guideline 6.7.2 (pg. 81)—Paint and Exterior Colors:  
*Determine the building’s style and period and consult with the HPC or reference sources for the most appropriate paint colors. Use paint colors that are appropriate for the style and period of the subject property and that accentuate the building’s architectural features.*

2. Guideline 6.7.4 (pg. 81)—Paint and Exterior Colors:  
*Old paint should not be removed by sandblasting or other abrasive or destructive methods. The removal of all paint layers down to the bare wood in preparation for repainting is not recommended.*

Member McCune made a motion to issue a Certificate of Appropriateness for 308 Moore Street for the exterior color change to “Sandy Hook Gray”. Member Sadler seconded the motion and the vote was unanimous.

Ms. Welton requested the COA be mailed to her at 211 Broad Street.

### **3. Mark Hannula Construction-412 Front Street**

*Chairman Wilson opened the hearing.*

Mitchell Brazie with Morehead Builders Supply and Tom from Mark Hannula Construction were on hand to discuss the window replacement at 412 Front Street. Mr. Brazie explained the new windows are double hung vinyl. They will be placed in the existing frames.

Member Davidson asked if the replacement windows will be exactly as the current ones in the buildings. Mr. Brazie verified the exact same type of window will replace the old window except the new ones will be vinyl. Member Davidson asked if the glass will be tinted; Mr. Brazie replied there will be no tint. Mr. Brazie indicated to the Commission the newer windows give the building a nice neat look.

*Chairman Wilson closed the hearing.*

Member Krautheim moved to approve the application based on the findings of fact. Member McCune seconded the motion. The motion was approved with Member Davidson abstaining.

1. Guideline 6.4.2 (pg. 66)—Window and Door Guidelines:  
*Repair existing historic windows and doors where possible, rather than replacing entire window or door units. Use techniques such as wood epoxies and wood patches to repair and strengthen deteriorated wood elements. Replace only those elements that cannot be repaired. Reproduction glass is desirable but not required.*

2. Guideline 6.4.3 (pg. 66)—Window and Door Guidelines:  
*Use replacement windows and doors that match the existing historic elements as closely as possible. Wood windows should be replaced with wood windows. If replacement windows or doors are required, consider first replacing only the deteriorated element, such as a single sash or door, rather than the entire frame or unit. Any new replacements shall match the original in all dimensions, materials, and detailing as closely as possible.*

3. Guideline 6.4.5 (pg. 66)—Window and Door Guidelines:  
*Replacement of historic windows and doors for the sole purpose of improved thermal performance is not appropriate. Wood, or appropriately painted metal storm windows and doors should be used.*

4. Guideline 6.4.6 (pg.66)—Window and Door Guidelines:  
*Tinted glass is not appropriate in the historic district in any area visible from public view. Energy-saving or “low-E” glass may be used only if it is not tinted.*

5. Guideline 6.4.7 (pg. 66)—Window and Door Guidelines:  
*New windows must match original in overall size and opening area and should have three dimensional muntins with either true divided lights (TDL) or three dimensional grilles on both the interior and exterior sides (SDL). Snap-in grilles or grilles between glass are not appropriate for windows visible from public view.*

Member Park made a motion to issue a Certificate of Appropriateness for the window replacement at 412 Front Street. Member Krauthem seconded the motion with 6 members in favor and Member Davidson abstaining.

#### **4. Ann C. Simpson—110 Orange Street**

*Chairman Wilson opened the hearing.*

Ann Simpson asked the Board for permission to have two volunteer oaks removed from the property at 110 Orange Street. She informed the members sewer pipe repair needs to be done and the trees are currently in the way. Ms. Simpson also informed the Commission members the trees are on the side of the property adjoining Allan Woodard’s parking lot.

*Chairman Wilson closed the hearing.*

Member Park made a motion to approve the application based on the findings of fact. Member Krauthem seconded the motion and the vote was unanimous.

1. Guideline 8.1.1 (pg. 107)—Landscaping Guidelines:  
*Preserve and maintain public and private landscapes that contribute to the character of the historic district, including open spaces, streetscapes, and yards.*

2. Guideline 8.1.2 (pg. 107)—Landscaping Guidelines:  
*Preserve and maintain the individual components and historic features that contribute to Beaufort’s historic character, including: mature trees, ornamental trees, and hedge rows.*

Member Krauthem moved to issue a Certificate of Appropriateness for the removal of two volunteer oak trees at 110 Orange Street. Member Sadler seconded the motion and the vote was unanimous.

## 5. David Styron/Sign Central—129 Turner Street

*Chairman Wilson opened the hearing.*

David Styron was present to answer any questions regarding the sign for the new jewelry store, Diamond Shoal Jewelry, located at 129 Turner Street. The sign will be 34" x 20" and will be placed on the left side of the door attached to the building. The sign will be placed at the five foot level. Mr. Styron had the sign with him. He described the sign as sandblasted wood painted white with black lettering and brown border.

Member Davidson asked if there will be a second request for an additional sign. Mr. Rhue informed the Commission members there is only an allowance for one sign. Member Sanchez stated she thought the transom above the door was going to be used for a sign. Chairman Wilson indicated the street number is going to be placed on the transom.

*Chairman Wilson closed the hearing.*

Member Sadler made a motion to approve the application based on the findings of fact. Member Krautheim seconded the motion and the vote was unanimous.

1. Guideline 8.6.1 (pg. 119)—Signage Guidelines:

*Use traditional materials found in the district, such as wood and metal for new signage. Substitute materials that have the appearance of wood are allowed. Plastic signs, flashing signs, or portable mobile signs, except those listed in item 9, are not allowed in the historic district. Interior neon signs larger than 10" by 18" that are located within five (5) feet of a window or glass door on an exterior wall and are so placed as to be seen from the outside are not allowed. INTERNAL GLASS MOUNTED SIGNS ARE NOT SUBJECT TO BHPC REVIEW.*

2. Guideline 8.6.2 (pg. 119)—Signage:

*Place signs so that they do not visually overwhelm the building or streetscape or damage or obscure character defining architectural details. Recognize that maximum signage allowances granted by the Beaufort Zoning Ordinance may be inappropriate in the context of the building or site under review.*

3. Guideline 8.6.4 (pg. 119)—Signage:

*Neon colors or fluorescent colors on signs are not allowed.*

4. Guideline 8.6.5 (pg. 119)—Signage:

*Use simple, clear graphics and lettering styles in sign design.*

Member Krautheim moved for a Certificate of Appropriateness to be issued for the signage request at 129 Turner Street. Member McCune seconded the motion and the vote was unanimous.

Member Krautheim made a motion to recess for 5 minutes. Member Davidson seconded the motion and the vote was unanimous. Member Sanchez recused herself for the remainder of the meeting.

Chairman Wilson called the meeting back to order. She began by explaining Member Park was not at the meeting when the next item for discussion was begun. Chairman Wilson informed the Commission members and the members of the audience Member Park had received CDs of the last meeting and had listened to them. She indicated Member Park had also read all of the minutes from the last meeting. Chairman Wilson stated Member Park is qualified to sit in this matter.

Chairman Wilson informed the Board members the Sanchez's have offered to the members the option to go and view the property from their balcony. Chairman Wilson asked if any of the board members would like

to go to the Sanchez's. Member Krautheim indicated he felt it was a good idea. No other members wanted to go. The offer was declined.

Chairman Wilson indicated this matter was tabled last month so members of the Commission could go out and collect data for use in the decision. Chairman Wilson also stated she was going to reopen the hearing for anyone who wished to make comments.

#### **5. Doug Smith—122 Front Street (tabled during 4/7/09 meeting)**

Mr. Smith stated he was coming before the Commission to request approval to build a new structure at 122 Front Street.

Member Davidson indicated during the presentation during last month's meeting, Mr. Smith referenced the guideline regarding the 35 ft height of a structure. She continued by reading the guideline 10.1.1 in reference to demolition. She indicated she did so as to make sure Mr. Smith and the other Commission members were fully aware of the implications of the demolition. She continued by pointing out the guideline states the applicant will have a heavy burden to demonstrate the need to replace the demolished structure with a structure different in height, scale and massing. Member Davidson wants to make sure everyone is aware of the limiting factors the Board is facing.

In response, Mr. Smith read from a judgment in the Meares case in reference to guideline 8 which the judge deemed as unlawful. He indicated the reason we are here today, due to a court ordered mediation, is to look at this application as to congruous as a whole. Mr. Smith asked the Commission to please tell him what is incongruous then he will make it congruous. Member Davidson asked to please elaborate on guidance for this matter. Carolyn Brady indicated she has a copy of the Meares case with her. She indicated the mandate is for the district as a whole. She also indicated the Court of Appeals stated the Commission did not have authority to be overly restrictive by holding the applicant to the previous structure height.

Ms. Brady continued by reading from the Historic Guidelines in reference to maintaining the vistas. She stressed to the Commission to make sure the guidelines they are enforcing allow reasonable use of the property. Ms. Brady informed the commission the guidelines stated on page 129 have not been struck down and they are good guidelines as far as her firm is concerned. She indicated this guideline states the new structure must be congruous with the district. Ms. Brady also mentioned guideline 7.2.5 which also deals with the applicant having a heavy burden to demonstrate the need for the replacement structure to be different in height, scale and massing. Ms. Brady continued by saying she feels these two guidelines satisfy the Court of Appeals ruling.

Mr. Wes Collins, Attorney for the Sanchez's, informed the HPC his clients did not agree with the ruling of the Meares case. He continued to charge the Board to follow and adhere to the guidelines as written.

Mr. Smith read an email he had written to the Town Clerk, Michele Davis, answering questions brought forth by the HPC members. This information provided the height of the building, the flood elevation information and finally a drawing of the side wall. Member Davidson asked about the height of the house in reference to the duct work being under the house. She stated the 1.9 feet requested is arbitrary and not necessary. Mr. Smith stated he is asking for 29 feet overall and 1.9 feet is for the duct work and 2.09 is required by law. Member Davidson stated he could accommodate other duct work for the space. Member Krautheim commented the duct work does not have to have it under the house. Mr. Smith stated all he is trying to do is prove congruity.

Member Sadler asked about the distance between the five foot walls. Mr. Smith stated he did not know. Member Krautheim stated the scale of the building depends on the interior. Mr. Smith asked the Board to please show him where he is not congruous and he will be glad to make changes. He reminded the group this was entered into by court mediation. Member Krautheim asked if the members of the mediation committee knew the height of the structure during the meeting. Mr. Smith confirmed everyone knew the

height at the end of the mediation. Member Davidson stated many homes are 21 ft and 22 ft that are congruous. Mr. Smith stated he felt he had proved congruity for the district.

Chairman Wilson stated she felt the real question is there any way to reduce the height of the building by lowering the ceiling height. Mr. Smith stated he knows of no way. Chairman Wilson stated the mediation does not state it has to be 29 ft. Mr. Smith stated the 29 ft. was an agreement.

Ms. Brady questioned Mr. Smith about his statement made during the last meeting that he had agreed to a one and one half story structure. Mr. Smith confirmed this statement and then informed the Commission all of the mediation members had a drawing showing 29 ft as the height and the height had been left out of the prepared mediation agreement. Ms. Brady asked Mr. Robert Campbell to please come up and answer questions regarding the mediation agreement. Mr. Campbell informed Ms. Brady and the commission he was not aware of a 29 ft height being agreed upon. He did inform everyone the drawing did indicate a height of 29 ft and he still had that in his file. In response to a question from Ms. Brady, Mr. Campbell stated he knew for a fact the drawing was 29 ft but was not completely sure the height limit was included in the agreement. He also stated he was not sure if Mr. Smith left the meeting understanding he had been approved for a 29 ft structure height.

Mr. Smith reiterated that if someone could show him that 29 ft was not congruous with the district as a whole, then he would be willing to make changes.

Member Krautheim read from page 36 of the guidelines in reference to the vistas of Beaufort's waterfront. Member Krautheim stated he felt a taller building would impede the vista. Mr. Smith feels the vista regulation will not stand up in court and the vista is not impacted more when building the structure taller.

Ms. Brady stressed to the Board to have the option of approving or denying the application without putting any conditions on the ceiling height.

Member Park asked if Mr. Smith was applying under the new rules, then the Court look at the old rules? Member Sadler asked if the process was started under the old guidelines, can we switch back to them. Chairman Wilson reminded the members this was a new application. Member McCune stated the reason for the new application was to get to common ground and stop the lawsuits. Chairman Wilson stated she felt the group could come to an agreement if the height of the structure was lowered. Member McCune asked if they could approve with a lower height of building. Mr. Smith asked to please know why 29 ft is not congruous. Chairman Wilson stated some of the commission members have measured houses that are much lower. Mr. Smith stated many of them are much higher and indicated he had presented those during the last meeting.

Mr. Collins asked to please question Mr. Smith. He questioned Mr. Smith about his statement last month stating the structure would need to be raised by 4 ft. Mr. Collins wanted to make sure the surveyor's report indicates the house should only be raised 1.3 ft to come into compliance. Mr. Smith stated his testimony was for the foundation to be 4 ft high. Mr. Collins also asked Mr. Smith of the square footage of the new dwelling; Mr. Smith stated he did not know the square footage. Mr. Collins asked Mr. Smith to please verify the square footage of the dwelling according to the CAMA permit received. Mr. Collins showed Mr. Smith the CAMA permit and Mr. Smith verified the square footage as 2043. Mr. Smith proceeded to inform the Commission the CAMA permit considers the property Urban Waterfront meaning he is allowed to build all the way to the water, with the exceptions of having to comply with the setbacks regulated by the Town of Beaufort.

Nancy Raines came forward to make comments regarding the 122 Front Street property. Ms. Raines stated she had been at a meeting regarding this same property under a different BHPC and Mr. Smith was told he could move the structure but not demolish. Ms. Raines continued by saying she had a contract on this piece of property many years back and was told by the Town of Beaufort she would not be able to demolish the structure; she would only be allowed to have it moved. So, she opted not to purchase the property. She asked why he did not have to build it back the way it was originally. She stated he is not congruent with

anything because he is the only one on that side of the street. Ms. Raines stated maybe she should have threatened a law suit in order to get what she wanted.

Member McCune stated the Town has not been threatened by law suits or is afraid of it, because the Town is already in a law suit. He continued by saying the job of this Commission is to balance the position of the BHPC and the current building codes. Member Davidson stated she would like to address the part about demolition. She continued by stating the Commission had been advised by the Town Attorney that a demolition could not be denied, only delayed for 365 days.

Betsy Fulford the property owner of 115 Front Street then addressed the Commission. She explained when her parents bought the house in 1942 they were informed they would not be able to build on the waterfront property. She stated she had no objection to him rebuilding as long as it is the same as it is currently. She asked why he is allowed to change the height. Member Davidson explained that to tell Mr. Smith he has to build it back as it is currently is illegal. Ms. Fulford also pointed out the Meares case Mr. Smith keeps referring to is in the business district and not the residential district.

Betty Apperson approached the Commission to state she did not object to Mr. Smith rebuilding on the property, but she did object to him being able to build something bigger than what is currently there.

Gerharda Sanchez of 117 Front Street Apartment 4 then spoke to the Commission. She indicated to the Commission she felt the application was incomplete due to no blue prints or scale drawings being presented at the time of application. She stated Mr. Smith's property is currently 32 feet long and he is asking for something that is 37 ft long. She noted he is not even staying with in the original footprint. Ms. Sanchez read guidelines 7.2.2 and 7.2.5 which reference new construction in the Historic District. Ms. Sanchez continued by speaking of the full length windows proposed for the second story of the house. She asked the members of the Commission to please think about the glare on the windows as you would be coming in from sea into Beaufort. Ms. Sanchez provided visual evidence to the Commission regarding the degree of her view that will be lost if Mr. Smith is allowed to build a structure of 29 ft in height. She stated Mr. Smith informed the members last month the degree of loss would be 11 degrees. By using a wooden protractor Ms. Sanchez showed the loss would be 45 degrees. Ms. Sanchez also presented pictures for the members to review showing the loss of view with the height of the structure being 29 ft.

Robert Campbell approached the podium and discussed how the mediation team arrived at the agreement. The group met with Mr. Smith to go over all of the matters concerned. He reported as mediators they reviewed his plan as to the compatibility with the Historic Guidelines. We also considered the fact Historic Preservation also involves compromise, and we believed the agreement was an acceptable compromise. He stated reasonable use of the property was another criteria considered.

Wes Collins, attorney for the Sanchez's, stressed to the BHPC to be very clear on what their responsibility is to do. He charged the Commission to follow the HPC guidelines as written and the application as written. Mr. Collins stated to the Commission members they should not be considered with the issues of possible court cases. Mr. Collins informed the Board if Mr. Smith's application is approved, then his clients will file an appeal. He once again stressed to the BHPC members they are to follow the guidelines as written. He reminded the members of the HPC the job of the mediation team was to come together to reach a recommendation to be presented, and that has been done. Once again he read Guideline 10.1.1 aloud. Mr. Collins spoke about legal precedent in reference to the Meares case. He stated Ms. Brady clarified the question that the new application is to be considered by the new guidelines and not the old guidelines. Mr. Collins once again read from the Historic Guidelines regarding vistas on page one of the guidelines and also from the second page of the frequently asked questions. Mr. Collins proceeded by presenting before and after photographs of what would be a 22 ft structure. The photographs were taken from the Sanchez property. Mr. Rhue asked to please receive a copy of the photographs. Mr. Collins then spoke of the height of the structure in reference to building codes and the testimony given at the last meeting that Mr. Smith would have to go up 4 ft on the foundation. Mr. Collins pointed out the Commission had received expert evidence from Mr. Smith in the form of a flood elevation showing the foundation will need to be raised 1.31 ft and not the stated 4 ft. Lastly, Mr. Collins spoke of economic impact heard mostly during the last meeting. There has been no real concrete evidence that economic value

of the subject property would not be retained in the event this application is not approved. Mr. Collins stated he had mentioned during the last meeting the value of the property should be retained and not enhanced. Mr. Collins proceeded by informing the Commission they had heard testimony tonight that Mr. Smith had been told when the property was purchased he would not be able to demolish or rebuild. Mr. Collins asked the Commission to please deny the application as submitted. He then stated as in 10.1.1 the guideline states the applicant must prove the proposal is congruent and the applicant also has a heavy burden to prove the need for the new structure to be different than from the original structure.

Ann Simpson asked to speak to the Commission about the vistas. She stated that the end of Front Street has one of the best views of the water in all of Beaufort.

Gerharda and Warren Sanchez came forward to speak to the Commission. They presented a petition with signatures supporting the idea the Commission needs to consider its own guidelines. Chairman Wilson stated they could look at it but it would not be considered legal because the people have not given testimony. Chairman Wilson notified everyone the petition will be admitted into evidence.

Mr. Smith approached the podium to again address the Commission. He admitted this is not a popular application and he stated the real question is it a legal application. Mr. Smith stated the law says the Commission is to approve applications that are congruent with the district as a whole. The real key is you are empowered to enforce the law. The guidelines are there to help you enforce the law. Mr. Smith stated he has presented evidence to show the request is congruous with the district. He asked to be told why it is not congruous and he will make changes. Mr. Smith stated he is looking for reasonable use of his property.

Ginny Welton of 211 Broad Street asked Mr. Smith if he would be willing to deed the property to the Town and let them put bathhouses there like there used to be. Mr. Smith stated he has offered to sell the property to anyone who will give him what he has in it.

Gerharda Sanchez once again approached the podium to address the Commission. She stated that less than 50% of the houses in the district are two story and less than 27% are one and one half story. She informed the Commission she had been and measured other houses in the district that are one and one half story that are not 29 ft in height. Ms. Sanchez asked the Commission if we should allow the developers to come in and build what ever they wanted. She stated the Town of Beaufort has no beaches only its history to attract visitors.

Mr. Smith once again approached the podium. He stated anyone in the room could have bought the property before he purchased it. He stated it is a buildable lot and the law states he can build up to 35 ft and it be congruous with the district as a whole.

Mr. Collins asked to please approach and ask Mr. Smith a question. Mr. Collins asked Mr. Smith if he knew he was in the Historic District when he purchased the property. Mr. Smith confirmed yes.

*Chairman Wilson closed the hearing.*

Member McCune stated we could approve it, deny it, table it or approve it with modifications. Member Sadler stated the ordinance does not say he cannot build back on the property. It states he can build back in the footprint. Mr. Rhue confirmed he could rebuild in the footprint and that the ordinance does not address the height issue. Member Krautheim stated Mr. Smith understood he could only build there because of the property being grandfathered. Member Krautheim stated reasonable use of property meant to him for the investor to be able to get the money back out of the property. In response to a question from Member Krautheim, Mr. Smith stated since it has been set up as a condominium association, they can be sold separately.

Member Sadler believes the congruency issue has been demonstrated. Member McCune stated the guidelines were written for a perfect world and ideal situations. This is not an ideal situation. Our job is not to be restrictive on use of the property. Member McCune continued to say this structure is on the south side of Front Street and not on the north side of Front Street which is another matter. Member Krautheim

brought up the issue of the vistas being impacted. Member McCune stated it was not the job of the BHPC to protect the private vistas of citizens. Member Park stated she feels congruency plays a major part in this situation. She asked Mr. Smith if he was willing to work with the HPC in reference to the height. Mr. Smith stated he was willing to work and do anything he can. The members discussed the options of height and what would work and not work. They talked about the height in reference to the vistas being impacted. Member Park stated she would like to see a cottage style structure go back there.

Ms. Brady asked to address the Commission. She began with the public and private vistas. She read the guidelines indicating it was the Commissions responsibility to protect the public vistas and not promote the protection of the private vistas. You should consider the general public when considering the guidelines. She stated the Commission needs to remember they are not required to show his request is incongruous in order to deny it. She reminded the Commission they are not required to show Mr. Smith anything but place the burden on proof on him. Ms. Brady read to the Commission guideline 7.1.5 regarding new construction and vistas. She proceeded to review with the Board the definition of reasonable use. She stated reasonable use is what the Board deems as acceptable. Ms. Brady spoke about the mediation settlement which only dictated that Mr. Smith be issued a COA allowing him to build a one and one half story residence with not specifications as to height. Ms. Brady addressed paperwork that has been received in reference to this matter. She informed the Commission the paperwork is hearsay and unsworn testimony. She stressed that the Commission will not be able to consider this information when making the decisions.

Member Park stated she would like to see it stay looking like a cottage.

Member McCune asked if it was possible to approve with a modification of height or would that change the look for too many variables. A discussion between members brought an issue of approving the application and not issue a COA at this time until more detailed drawings are presented. Member Krautheim asked Ms. Brady of the legality of approving the application and not issue a COA at this time. Ms. Brady informed she felt they would be able to handle it in that manner. Ms. Brady asked the Board what other details they are requesting to see. She stated the Commission needs to provide specific direction to the applicant on what they want to see. Member Davidson stated they are wondering what Mr. Smith would bring forward that looks like a cottage. Ms. Brady stated she thought the two part process would be fine. She continued to say that up until now there has been no discussion about the design being compatible. Member McCune stated if the height is modified by 5 feet then there should not be a need for exterior changes. Chairman Wilson asked if they would be able to approve the application tonight with a change in height can we deny giving the COA tonight due to the need of seeing drawings. Member Sadler asked what gives this Commission the right to tell the applicant what the look of the structure should be. Member Krautheim stated we have committed to look at new buildings and styles for the district.

Member McCune asked Mr. Smith if he would proceed with a suggestion to change the height. Mr. Smith stated he thought that was what was supposed to happen over the past thirty days. Mr. Smith stated he would try to work with the Commission right now on the height matter. Member McCune stated he felt 5 ft could be removed without changing the look of the outside of the structure. Chairman Wilson asked what Member McCune based his thoughts on. He stated a reduction in the ceiling heights and the removal of the duct work from under the house will take care of the 5 ft.

Member Park stressed this is an extremely unique situation and there is no congruency. She stated this Commission is trying to keep the flavor of Historic Beaufort while still allowing reasonable use. She continued by saying 8 ft ceilings and the duct work being overhead would be better.

Member Sadler stated he felt 25 ft is a reasonable height. Member Krautheim read from information provided by Nathan Rhue. He pointed out the second floor could be as low as seven feet. The first floor could be seven feet. Member Krautheim continued to say the height could be dropped as low as 23 ft.

Member Sadler asked if the height of the structure keep being brought down, what does that do to the pitch of the roof? Member Krautheim stated a 4/12 pitch is probably the lowest that it will need to go.

Ms. Brady asked if the cottage look was still an issue. Chairman Wilson stated she did not feel the Commission should tell him how the house should look. She stated they are looking at only the height issue.

Member Krautheim stated he did not feel the Commission should ask Mr. Smith to provide blue prints for something they may not approve. He did suggest an elevation sketch of the proposed design for review.

Member Sadler stated when the mediation started the drawing showed dormers on the water side but not on the street side. As a result of the mediation, we came up with dormers on the water and the street side. He asked if it would be more appropriate to have them only on the water side.

Chairman Wilson directed the members to please look at the new construction guidelines on page 98 in the BHPC Guidelines. The members of the Commission selected these guidelines as a basis for the approval of the application: 7.1.3, 7.1.4, 7.1.5, 7.2.5, 7.3.2, 7.4.2, 7.5.1, 7.6.1, 7.6.3. The height was decided to be at 24 ft. Member Sadler asked what guideline was being used to determine the height of 24 ft. Member McCune stated there was a lot of measurements of cottages in the district that were 21 to 24 ft in height. A discussion among the members covered the height issue and the impact of the vistas. Mr. Rhue cautioned the Commission members in getting too much into the design of the building. He reminded them Mr. Smith would need to at least be able to meet building codes. Mr. Rhue stressed to the Commission the height of seven foot ceilings should be at the bottom of anything hung from the ceiling.

Mr. Smith asked what happens if he comes back and says the height restriction will not work and he needs 28 ft for the height.

Member McCune made a motion to approve the application based on the findings of fact with the condition it be built in the existing footprint contingent on any encroachments the town has to issue a one and one half story building similar in style to what has been proposed limited to a 24 ft height from the existing grade. Member Krautheim seconded the motion the vote was 5 to 1 in favor of the motion with Member Davidson voting against.

1. Guideline 7.1.3 (pg. 98)—New Construction

*Place outbuildings and accessory structures in side and rear yard. Avoid locations that obscure the principal building's prominent architectural features or significant site features.*

2. Guideline 7.1.4 (pg. 98)—New Construction

*Minimize ground disturbance during new construction to avoid unnecessary damage to unknown archaeological resources.*

3. Guideline 7.1.5 (pg. 98)—New Construction

*For new construction on Beaufort's waterfront, minimize any negative impact on historic vistas and conform designs to the policy statements in Chapter 5.*

4. Guideline 7.2.5 (pg. 98)—New Construction

*If a contributing building was demolished or moved from the site, design the replacement building to be of similar height, scale, massing and location as the previously existing building. Applicants will have a heavy burden to demonstrate to the HPC that a replacement structure with different height, scale and massing as the previously existing building is congruous with the Historic District.*

5. Guideline 7.3.2 (pg. 99)—New Construction

*The use of substitute products such as vinyl, aluminum and pressed board siding and other modern day products marketed to imitate traditional building materials are not allowed. Smooth fiber cement siding may be used on a case by case basis. Use of fiber-cement lap siding may be approved for use on new structures. In all circumstances every effort shall be made to ensure that new structures and the application of modern day products achieve compatibility with existing historic buildings that define the character of the Beaufort Historic District.*

6. Guideline 7.4.2 (pg. 99)—New Construction

*Provide a date brick or other exterior date identification marker on all new construction to assist future generations in the dating of buildings.*

7. Guideline 7.5.1 (pg. 99)—New Construction

*Create in new construction a similar degree of texture that is found in contributing buildings in the historic district. Texture is the relief on a building surface that is achieved through use and interaction of a variety of building materials and shapes. Materials such as weatherboard siding, decorative fish-scale shingles and beaded-board porch ceilings are examples of wooden architectural elements that have different physical and visual qualities and contribute to the “texture” of a building surface.*

8. Guideline 7.6.1 (pg. 99)—New Construction

*Design new construction that reflects the basic shapes and forms on the block and in the historic district.*

9. Guideline 7.6.3 (pg. 99)—New Construction

*Maintain similar percentages and patterns of window and door openings consistent with the style of buildings. Openings which vary considerably from the established patterns found on the block in which the new construction is placed will tend to have a disruptive effect on the desired harmony of the streetscape.*

Chairman Wilson stated the Commission expected sketches at the June meeting to be reviewed by the members. Ms. Brady asked if Mr. Rhue would get a drawing that can be relied on before the COA is issued. Chairman Wilson stated a decision will be based on the drawing. She continued to say this is based on trust. Mr. Rhue reminded the Commission to please keep in mind when issuing restrictions the blue prints will need to be within the parameters stated by the Commission.

## **VII. BOARD AND STAFF COMMENTS**

There were none.

## **VIII. ADJOURN**

Member McCune made a motion to adjourn the meeting. Member Sadler seconded the motion with all members in favor.

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Mamre Wilson, Chairman

Attest:

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Michele Davis, Town Clerk