



MINUTES  
HISTORIC DISTRICT COMMISSION  
Wednesday, August 6, 2014  
7 PM, Hillsborough Town Barn

**PRESENT:** Chairman Mark Bell, Vice Chair Anna Currie, Candice Cobb, Mike Irwin, David McCullough

**ABSENT:** Holly Snyder, Reid Highley

**STAFF:** Town Planner Stephanie Trueblood, Town Attorney Bob Hornik

**GUESTS:** Laura and Richard Simmons, Leslie Powell, Andrew Remaley, Francis Henry, Margaret Hauth, Kathleen Turner, Myrick Howard, Steve Schuster, Todd Dickinson, Sarah DeGennaro, Kaye Crawford, John Shoneman, Fred Stewart, Bill Crowther, Dan McGrew, D. Ray McArthur, Bill Whitmore, Susan Frankenberg, Rollin Russell, Kate Faherty,

**ITEM # 1: Call to order, roll call, and confirmation of quorum**

Chairman Bell called the meeting to order at 7 p.m. Ms. Trueblood called the roll and confirmed the presence of a quorum.

**ITEM # 2: Reading of the Commission's Mission Statement**

Chairman Bell read the Commissioner's Mission Statement and provided information on the processes.

**ITEM # 3: Additions to the agenda and agenda adjustment**

None.

**ITEM # 4: Approval of minutes from the July 02, 2014 meeting**

**MOTION:** Ms. Currie made a motion to approve the minutes as submitted.

**SECOND:** Mr. McCullough seconded.

**VOTE:** Unanimous

Changes: None

**ITEM # 5: Application for a Certificate of Appropriateness for Laura Simmons to construct an 8' x 12', gable roofed, garden shed that has repurposed windows and wood-board and batten siding in the rear side yard and to relocate windows and add one window on the north elevation and change the rear gable roof over the screen porch to a hip roof with a dormer and make changes to the garage doors of the previously approved house at 410 Mitchell Street. (PIN 9874-28-0735)**

**MOTION:** Ms. Cobb made a motion to open the public hearing.

**SECOND:** Ms. Currie seconded.

**VOTE:** Unanimous

Chairman Bell asked the commission members whether anyone felt he or she had a conflict of interest. No one did.

Ms. Trueblood stated that this application is for 410 Mitchell Street. There is a mixture of Contributing and Non-Contributing structures in the vicinity. The architecture is NC: New Construction-Under Construction-No Inventory Info.

The applicant is proposing to construct an 8' x 12', gable roofed, garden shed that has repurposed windows and wood-board and batten siding in the rear side yard and to relocate windows and add one window on the north elevation and change the rear gable roof over the screen porch to a hip roof with a dormer and make changes to the garage doors of the previously approved house

The board packets included a Vicinity map and notification information, a narrative from the applicant describing the proposal, updated elevation drawings showing approved and proposed conditions, an updated site plan, elevations for the new outbuilding, and photos showing a similar outbuilding

The Applicable Design Guidelines are: New Construction of Outbuildings and Garages, Windows and Doors.

Ms. Simmons explained the garage needs to be bigger to accommodate a vehicle. The 18" X 48" window is to create privacy in the master bedroom. The house under construction next door will have a deck overlooking that area. She explained that on the east side, the proposal is to construct a hip roof to match the other three sides (instead of a gable).

On the garden shed, Ms. Simmons explained that she had consulted with Ms. Trueblood for clarification on what was approved earlier for the dormers. She wants to use Hardieplank straight-edge shakes (instead of horizontal Hardieplank lap siding).

Ms. Trueblood clarified that there was a discussion at a previous HDC meeting and but in the motion at the end of the meeting, the siding was approved as Hardieplank lap siding.

Chairman Bell asked whether there was anyone to speak for or against this application. There was no one.

Ms. Simmons then answered questions from the board. The weather board on the garden shed is reclaimed barn wood. The roof pitch on the photograph looks steeper than the drawing. The drawing is to scale and the photo is for inspiration. It won't be more than 12 foot. There will be landscaping around the garden shed. A wrought iron gate post will be used instead of wood because the gate is very heavy. Ms. Cobb agreed that was appropriate.

There was discussion about the Hardieplank shake request. This is the first time anyone has applied for Hardieplank shake. There was a discussion about the fact that there isn't a smooth side for this product.

Ms. Currie asked about the new placement of the windows on the north elevation. Mr. Simmons said only one had moved. Ms. Simmons explained they aren't centered under the dormer now to accommodate the master bedroom closet.

Chairman Bell said he believes the garden shed and changes to 3 elevations are in keeping with the Design Guidelines but the Hardieplank shakes are not. Ms. Trueblood said it's not that the HDC has ever denied this; it's just that no one has requested it.

Mr. Simmons was sworn in. He explained the Hardieplank shakes can be purchased as a panel or as single shakes. The Simmons would like to use singles. It's a replica of a cedar shake, a little smoother on one side than the other. Literally, from 3 feet away you can't tell.

Mr. McCullough said his only problem is the Hardieplank shake. The HDC has made a point of not putting the faux side out because it simulates an authentic material and is misleading. He cited the Design Guidelines that it's not desirable to mimic or simulate a material. He doesn't think the Commission should change that position.

Mr. Irwin said all the changes to the house are well within the Guidelines. He is a little torn about whether the shakes are a compatible material but not as much as the others. Mr. Irwin doesn't think the faux grain on shakes is as inappropriate as it would be on lap siding. What we've turned down has primarily been lap siding on the entire side of the house.

Mr. McCullough asked why the Simmons can't use real cedar shakes. Ms. Simmons answered it's a maintenance issue.

Ms. Simmons said he recalled at the last meeting that someone had suggested this Hardieplank shake could be an alternative. They will use a cedar shake if Hardieplank isn't approved.

Mr. Irwin asked if the garage door, in addition to being larger, would no longer be hinged. The Simmons answered that's correct – it will go up.

There was more concern expressed that allowing Hardieplank shakes with a faux grain would open a door to allowing other faux grain siding. Mr. Simmons offered to bring a sample to another meeting.

Ms. Trueblood advised the commission that cedar shakes could be approved this evening and then the Simmons would have the option of reapplying next month with more information about Hardieplank shake.

**MOTION:** Ms. Currie made a motion to close the public hearing.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

**MOTION:** Ms. Currie made a motion to find as a fact that the Laura Simmons application is in keeping with the overall character of the Historic District and complies with all relevant standards of evaluation based on the Board's discussion of the application and the standards of evaluation in section 3.12.3 of the Unified Development Ordinance because the plans are consistent with Design Guidelines: New Construction of Outbuildings and Garages, Windows and Doors.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

**MOTION:** Ms. Currie moved to approve the application with conditions that the cedar shakes on the dormer will be real cedar shakes.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

**Conditions:** The COA is approved without the option of using Hardieplank shingle/shake in the dormers. Applicant may use cedar shingle/shake or the previously approved material of Hardieplank lap siding installed smooth side out for the dormers.

**ITEM # 6: Application for a Certificate of Appropriateness for Leslie Powell to replace wood frame windows with wood frame SDL windows, replace exterior doors, and construct a paver patio and add landscape screening around the perimeter and parking area at 401 N. Churton Street (PIN 9874-08-3136)**

**MOTION:** Ms. Currie made a motion to open the public hearing.

**SECOND:** Mr. McCullough seconded.

**VOTE:** Unanimous

Chairman Bell asked the board members whether there was any conflict of interest. There was none.

Ms. Powell was sworn in.

Ms. Trueblood stated the application is for 401 N. Churton Street. There are mostly Contributing structures in the vicinity.

The architecture is NC: 1960: This one-story, side-gabled, brick building is five bays wide and double-pile with three low gabled dormers on the façade. The building has eight-over-eight wood-sash windows with six-light windows in the dormers and vinyl siding in the gables, dormers, and on the rear (west) elevation. The paneled door and sidelights have a classical surround with fluted pilasters and modillions on the entablature. It is accessed by an uncovered brick stoop with metal railing. There is a deep, gabled wing at the right rear (northwest) that has both six-over-six and eight-over-eight windows and two additional entrances on the left (south) elevation, one of which is accessed by a wood ramp. In its form the building is typical of 1950s and 1960s Ranch houses.

The applicants would like to replace wood frame windows with wood frame SDL windows, replace exterior doors, and construct a paver patio and add landscape screening around the perimeter and parking area.

The board packets included a Vicinity map and notification information, a narrative from the applicant, a site plan shown on a recent survey, window and door spec information, landscaping information, brick paver information, and photos of the deterioration of the current windows.

The Applicable Design Guidelines are: Windows and Doors, Site Features and Plantings, Walkways, Driveways, and Off Street Parking.

Chairman Bell asked whether there was anyone present to speak for or against this application.

There was no one.

The commission members agreed that the proposed work was compatible with the Design Guidelines.

**MOTION:** Mr. McCullough made a motion to close the public hearing.

**SECOND:** Ms. Currie seconded.

**VOTE:** Unanimous

**MOTION:** Ms. Cobb made a motion to find as a fact that the Leslie Powell application is in keeping with the overall character of the Historic District and complies with all relevant standards of evaluation based on the Board's discussion of the application and the standards of evaluation in section 3.12.3 of the Unified Development Ordinance because the plans are consistent with Design Guidelines: Windows and Doors, Site Features and Plantings, Walkways, Driveways, and Off Street Parking.

**SECOND:** Ms. Currie seconded.

**VOTE:** Unanimous

**MOTION:** Ms. Cobb made a motion to approve the application as submitted.

**SECOND:** Ms. Currie seconded.

**VOTE:** Unanimous

**Conditions:** None

**ITEM # 7: Application for a Certificate of Appropriateness for Andrew Remaley to make changes to the placement and pane configuration of windows and doors, size of front porch columns, roof material and to add access stairs to the deck at the recently approved house at 405 W. Queen Street (PIN 9864-77-5491) *This is an after-the-fact application.***

**MOTION:** Ms. Currie made a motion to open the public hearing.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

Chairman Bell asked whether anyone felt he or she had a conflict of interest. No one did.

Mr. Remaley was sworn in.

Ms. Trueblood stated this application is for 405 W. Queen Street. There is a mixture of Contributing and Non-Contributing structures in the vicinity.

The architecture is New Construction, under construction: No Information in Inventory.

The applicant is proposing to make changes to the placement and pane configuration of windows and doors, size of front porch columns, roof material and to add access stairs to the deck at the recently approved house.

The board packets included a Vicinity Map and notifications information as well as a narrative and materials list, information from the original approval, proposed elevations and photos of the project under construction showing the changes that have been made. *This is an after the fact application.* There are also photos of similar windows in District buildings.

The Applicable Design Guidelines are: New Construction of Primary Buildings.

Ms. Trueblood explained the windows haven't been installed but the framing for the windows has been completed. Mr. Remaley submitted photos to capture what those punches would look like and photos of similar windows at some other District buildings.

Mr. Remaley explained the transom over the door lines up differently. For construction and framing purposes, it's a cleaner line and a better build. Most of the changes he made have to do with construction and ventilation, he said.

Chairman Bell asked whether anyone was present to speak for or against this application. There was no one.

Ms. Cobb agreed the front elevation changes are nice and are in keeping. She discussed roof colors with Mr. Remaley. On the right side elevation, she wanted to hear what other commissioners thought. She stated the two smaller detailed windows are not really quarter round and the shape is not appropriate, citing p. 35 of the Design Guidelines, number 7 and number 8. Not sure 1938 Colonial Revival stone house is relevant. Mr. Remaley said standard design element with fireplace and these windows on either side. Ms. Trueblood showed a photo with the windows tacked into place. Ms. Cobb said it's hard to see from the street right now and it has a character-defining feel to that side. On the left side elevation, some of the window placement felt random and out of rhythm but she wasn't too concerned about it per the Guidelines because it's not a character-defining elevation.

Ms. Currie quoted the Design Guidelines regarding "proportion, size and scale." Ms. Trueblood showed the elevation approved with only two windows and now with five more proposed/punched out. Mr. Remaley explained the window placements – a window over a shower, cross ventilation in the basement.

Chairman Bell said he had counted 26 changes from what was approved. He asked Mr. Remaley whether he understood the process. He wanted to be sure Mr. Remaley understood that once the HDC approves a project, Mr. Remaley has to come back to staff and show the changes he wants to make and Ms. Trueblood determines what requires coming back to the Commission.

Mr. Remaley said most of the changes are for structural reasons. There are still three casement windows, but he put stud pockets in between them for better construction.

Chairman Bell again asked Mr. Remaley whether he understood the process for requesting changes. Mr. Remaley said he did. He then explained on the left side of the house he had changed a window to a door.

Ms. Trueblood said with every COA application she sends out a note and underlines "please contact me with any changes."

Mr. Remaley said he didn't thinking changing from a window to a door would be a change he needed to bring back to Ms. Trueblood.

Chairman Bell noted it looked like the door on the front elevation had moved. Mr. Remaley said it moved and it's larger (8' instead of 6'8"). He matched the windows. On the left elevation, Chairman Bell was perplexed by the seeming randomness and the change from casement window to a door. That was an oversight, Mr. Remaley said. He had been thinking about it being a door and meant to have it on the approved elevations. Mr. Remaley included a picture of the framework of the long window; it's six individual windows. He explained he believes this will pass inspection and what he had first sought approval for would not be structurally sound. The right elevation: Chairman Bell said he shares opinions of Ms. Cobb and Ms. Currie regarding the shape of the windows. He's never seen windows like this in the historic district. They are not reminiscent of Kate Faherty's house. But, it's not on a character-defining elevation. He asked for photo of 8 by 8 post. Ms. Trueblood said it's a rectangular post. Mr. Remaley said he salvaged material from an industrial building. They are weathered, rough-hewn with maybe some chipped white paint on them.

Mr. McCullough said the front and rear elevations brought a nice bit of symmetry to the building. He's also bothered by the windows on the right side. They seem to be out of context. He can see Mr. Remaley has added windows on the left side but, in his opinion, not as successfully as on the front and the back. Mr. Remaley said he's trying to use a little passive solar because it faces south.

Mr. Irwin asked whether the metal roof would be two small roofs. What was the approved roofing material? It was rubber roofing. It's a modern house in an eclectic neighborhood. He believes it meets the Guidelines even with the nonsymmetrical windows.

Ms. Currie asked the colors for the roof, have we approved those colors for residential? Ms. Trueblood said similar colors have been approved.

There was further discussion about the left elevation. Mr. Irwin likes the windows. Mr. McCullough said he understands why those windows are there. They're not terribly visible. He'll accept it. Mr. Remaley said the house is contemporary and the one window is the size/shape that it is because it's over the shower. It's a rubber roof, so he didn't want skylights. Chairman Bell said his interpretation of the Guidelines is similar to Mr. McCullough's: the changes aren't as successful as those to the front elevation, but it passes muster. Ms. Currie said, reviewing as site specific, it would be OK. Ms. Cobb maintains original opinion that it bothers her but she'll overlook because it's not character-defining. But the right side is problematic due to Design Guidelines number 7 and 8 on p.35.

There was further discussion about the right elevation, specifically the upper windows on either side of the gas fireplace. Ms. Currie said her concern was in the packet it looked like one was rounded and one was not. When she found that they're symmetrical, she doesn't have a problem. Mr. Irwin said his interpretation is that's a modern interpretation of a very standard treatment around fireplaces. It's not jarring at all. It's an appropriate modern interpretation. Ms. Cobb said not compatible problematic due to Design Guidelines number 7 and 8 on p.35. Mr. McCullough would find it acceptable.

**MOTION:** Ms. Currie made a motion to close the public hearing.  
**SECOND:** Ms. Cobb seconded.  
**VOTE:** Unanimous

**MOTION:** Mr. Irwin made a motion to find as a fact that the Andrew ReMaley application is in keeping with the overall character of the Historic District and complies with all relevant standards of evaluation based on the Board's discussion of the application and the standards of evaluation in section 3.12.3 of the Unified Development Ordinance because the plans are consistent with Design Guidelines: New Construction of Primary Buildings.

**SECOND:** Ms. Currie seconded.  
**VOTE:** Unanimous

**MOTION:** Mr. Irwin made a motion to approve the application as submitted.  
**SECOND:** Ms. Currie seconded.  
**VOTE:** Unanimous  
**Conditions:** None

Chair Anna Currie asked if anyone needed hearing assistance and staff responded that two hearing assistance units had been given out, one to Francis Henry and one to Kaye Crawford.

**ITEM # 8: Application for a Certificate of Appropriateness for The Colonial Inn LLC to demolish the structure and establish a grassed lot at 153 West King Street (PIN 9864-96-8196).**

**MOTION:** Ms. Currie made a motion to open the public hearing. Ms. Cobb seconded.  
**VOTE:** Unanimous.

Chairman Bell asked whether anyone on the board felt he or she had a conflict of interest regarding this application. He then declared that he had a conflict of interest because he has had business dealings with Mr. Henry in the past 12 months. He requested to recuse himself from this agenda item.

**MOTION:** Ms. Cobb made a motion to excuse Mr. Bell from this agenda item.  
**SECOND:** Ms. Currie seconded.  
**VOTE:** Unanimous.

Ms. Currie took over chairing the meeting. She explained that all those in the room who planned to speak on this item would be sworn in at once. She requested that sworn testimony be limited to three minutes and narrowed to the issue at hand, to the application submitted for the demolition of the Colonial Inn. She emphasized this is the only issue we're considering tonight. The commission will determine the appropriateness of application based only on evidence entered at the hearing tonight, not on any rumors or recent media.

Ms. Currie introduced the application for Certificate of Appropriateness to demolish the structure and establish a grassed lot at 153 West King Street.

Ms. Currie then asked whether commission members have any ex parte communication to

reveal at this time.

Ms. Cobb disclosed that she has seen news reports that have been current and some social media posts regarding the Colonial Inn but she reserves all judgment for the evidence and testimony presented tonight.

Ms. Currie said she, too is disclosing that she has seen some emails regarding the people on the lawn today (who came out in support of preserving the Inn) and had conversations with two local residents in which she told them that the only thing that would be talked about tonight is the application for demolition.

Mr. McCullough disclosed that he is the chairman of the Alliance for Historic Hillsborough and recused himself from all discussions that group had in regards to making a statement tonight.

Mr. Irwin has seen news reports but reserves judgment for his interpretation of the Guidelines we're provided and the testimony he hears tonight.

Mr. Henry and all signed up to speak except those who did not fit into the room at this time were sworn in.

Ms. Trueblood stated that this application is for 153 W. King Street. There are mostly Contributing structures in the vicinity. The Architecture is C: c. 1838, c. 1888-1889, c. 1908: The Colonial Inn stands prominently on the south side of West King Street, its two-story piazza extending across the sidewalk. The two-story, side-gabled building is seven bays wide and double-pile with a stone foundation, weatherboards, a metal roof, flush end gables with cornice returns, and two Flemish-bond brick chimneys on stone bases in the left (east) gable end. There is an interior brick chimney near the right (west) end of the building and paired brackets in the right gable. The building has two-over-two wood-sash windows with arched upper sashes in peaked surrounds. The main entrance, centered on the façade, features a double-leaf two-panel door with two-light-over-one-panel sidelights and an arched two-light transom. The right three bays of the façade have been covered with plastic. A full-width, two-story, hip-roofed piazza is supported by grouped chamfered posts and has a flagstone porch floor, a sawnwork upper balustrade, and exposed rafters. The two-story, gabled rear wing, centered on the building, dates to at least 1888 and features arched two-over-two windows, flush gable ends, and an interior brick chimney. The building was remodeled around 1900 and the windows, doors, and exterior trim likely date from this renovation. In 1908 a large 2-story wing was added to the west side by owner Thomas A. Corbin, but remained separate from the main structure, connected only by an open porch that extended along the west elevation of the main house and the east elevation of the wing. The porch has since been enclosed and a metal fire stair at the front of this wing extends to the second-floor level of the main block. This wing features a standing seam metal roof with a decorative gable centered on the right (west) elevation, two interior brick chimneys, round vents in the gables, boxed eaves, and two-over-two arched wood-sash windows. There are peaked surrounds over the doors and windows on this wing, matching those on the main block. A one-story kitchen on the left elevation of the original rear ell was also added around 1908 and is in poor condition. A shed-roofed section at the rear of the building, between the two ells has nine-over-nine wood-sash windows and a nine-light-over-two-panel door. The Colonial Inn has an illustrious and complex history. Originally built by Isaiah Spencer in 1838, it was known locally as Spencer's Tavern but was advertised as the Orange

Hotel. The inn kept the name Orange for fifty years; later names include the Occoneechee Hotel (1888-1908), Corbinton Inn (1908-1946), and The Colonial Inn (1946-present), by which it is best known today. Richison Nichols purchased the inn from Spencer, apparently in 1888, and was responsible for construction of the piazza flush with West King Street. The building appears as the Occoneechee Hotel on the 1888 map with the parlor and office located in the Parks-Richmond House (located next door at 175 W. King), a dining room and kitchen behind the Parks-Richmond House, and sleeping rooms in the current hotel building and at 183 West King Street. In 1889 David C. Parks combined Lots 15 and 18 to create a hotel complex with the Occoneechee Hotel and the Parks-Richmond House. During his ownership, Parks hired Jules Körner, an eccentric designer from Kernersville, N.C., to update his buildings. Körner changed the window frames and doors on all three buildings associated with the hotel: the Inn, the Parks-Richmond house, and Twin Chimneys across the street. Körner probably also added the paired eave brackets to the west gable end. According to Mrs. Engstrom, the evidence surrounding the Colonial Inn dates the building to 1838 despite local lore that it was built in 1759. The vacant lot was purchased in 1803 by Henry Shutt who built a house here where he lived and operated a hatters' shop. The lot was offered to public sale in 1820. Several inns did exist surrounding the lot on which the Colonial Inn stands, which may explain the confusion.

The Colonial Inn was determined to be of statewide significance by the State Historic Preservation Officer in 2003.

The proposed work: The Colonial Inn LLC to demolish the structure and establish a grassed lot. The application materials explain that the property owner would like to allow salvage companies to come on site and remove building materials from the structure and that the lot will be graded and seeded with grass upon the completion of demolition work.

The agenda packets included: A Vicinity Map and notifications information as well as a narrative submitted by the applicant. Staff has also included a copy of the Statewide Significance Report and General Statutes governing this board and its authority.

The applicable Design Guidelines are: Demolition of Existing Buildings.

Ms. Currie asked Mr. Henry whether he had anything to add. Mr. Henry requested that the TV camera in front of him be moved – that he believed it would interfere with anything he has to say to the Commission if left in place. There was discussion of where to best place the camera and it was moved to another corner of the room. Mr. Henry asked whether people can ask him questions later. Ms. Trueblood added that he can ask cross examination any speakers. Ms. Currie said there would be a time when he can respond to the testimony given by others.

Mr. Henry asked Ms. Trueblood what he is here to do in legal terms.

Ms. Trueblood explained to Mr. Henry that he has requested a Certificate of Appropriateness to demolish the structure at 153 West King Street. In order for any site or building in the Historic District to make exterior changes, the owner has to be granted a Certificate of Appropriateness. That is a permit that can only be issued by this Historic District Commission. So, in order to make exterior changes to your structure, you have to be granted a Certificate of Appropriateness by this board, she said. You have applied to make the exterior change, so it's your request and application to the Historic District Commission. Mr. Henry said Okay. Then he added that he

would like to make a clarification because the subject of demolition is a little broad. He said his purpose here tonight is not necessarily to demolish the Colonial Inn but to apply for the right as a homeowner to demolish the Inn.

Ms. Currie said we have an application seeking permission to demolish the building. Mr. Henry agreed and said he is asking for that permission to demolish the inn.

Ms. Trueblood said if that application were approved and a COA was issued, that permit is valid for 12 months. The applicant, as any applicant would, has the option of exercising that permission or not. The board cannot compel the applicant to complete work that has been permitted, but once that application is granted, that permit is valid for 12 months.

Mr. Henry said this application is based on the belief that I have that a homeowner has certain rights. I feel that it is wrong that I can have a person not asked by me and never asking permission, can go in and make an application, which that person has done, which restricts me as a homeowner for what I can do with my own property. Ms. Currie said that's on the record. Would he like to add anything else? He answered no but that he would be happy to answer any questions.

Ms. Currie called for testimony in support or against this application.

Ms. Hauth, planning director for the Town of Hillsborough and has been since 1992. She stated that she is providing testimony to clarify the exact status of the property at 153 West King Street under the Unified Development Ordinance and what the options for the property are for any owner. In April 2002, the sale of the property to the Colonial Inn, LLC, finalized after a foreclosure auction in January 2002. The deed is recorded in the Orange County Registry on April 19, 2002, at book 2568, p.131. Both the deed document and the revenue stamps document indicate that the sales price was \$410,000. At the time of the auction, the Colonial Inn had been closed for business for a number of months. The site is and, according to town records, has always been zoned for residential purposes. The Inn, to the extent that it operated as a commercial entity, like a hotel and restaurant, was a legal nonconforming use. That term, "legal nonconforming use" is used to refer to uses in existence before zoning is implemented or enacted. A legal nonconforming use is allowed to continue to operate so long as they continue to operate and do not expand, under most zoning provisions. The town's ordinances have allowed such continuation unless a legal nonconforming use ceases to operate for 180 days in any two-year period. Since the Inn did not reopen within 180 days of its closing, it lost its legal nonconforming status automatically and as a result of the law. The only approved use for the property today is those allowed in the R20 zoning district, predominantly single family uses and other related uses. In September 2007, the owner applied to have the property zoned as a Central Commercial District. That is the district that covers the commercial core of Hillsborough around the intersection of Churton and King streets and the commercial corridor on South Nash Street. Under state law, neighbors of a proposed rezoning may file a protest petition when they receive a notice of a rezoning request. If that petition meets the standards of state law, the Town Board may only approve a rezoning request with a super-majority vote. In the case of our board, that's four positive votes. A valid protest petition was filed and the applicant withdrew his application, so no vote was required to be taken by the Town Board. This is the only application that has been filed relative to the use of the property since 2002. The owner has made three applications to the Historic District Commission to modify the building. In August

2007, a COA application to demolish the rear addition and replace the roof with a standing-seam metal was approved but has not been acted upon. In August 2010, a COA application to demolish the kitchen area and replace it with a two-story building in the same footprint was withdrawn by the property owner. In 2011, a COA application to demolish the kitchen area and build a patio was discussed at three meetings and denied in October. There have been many changes to the local ordinance and plans since the Inn was sold in 2002. As of today, a number of options exist for the use of this building. Ms. Hauth said she would now give a few examples of options for the building based on her review of the ordinances and not based on any recent discussions she's had with the owner. Many other options exist. The building could be renovated as a single-family dwelling. The ordinance allows a single-family dwelling to have an efficiency apartment provided that the square footage of the efficiency is not more than 25 percent of the size of the primary dwelling. This option could be exercised as a matter of right (no land use permits and approvals are required but a COA would be required if there were exterior changes). The applicant or property owner would have the ability to apply for a Conditional Use Permit to operate a bed and breakfast facility. This requires a detailed application and professionally prepared plans of how the site would be used and documenting compliance with three specific requirements in the ordinance. A CUP takes about 60 days and costs \$800. There is the option to apply for a Conditional Use Permit for a number of nonresidential uses in a historic house. This requires the same level of detailed information, professionally prepared drawings. There are five specific requirements in the ordinance. The review timeline and application are the same. There is also the option of applying for a rezoning to Central Commercial District and to apply for a Special Use Permit to operate as an event center or for a variety of other uses. The town has defined the use "Event Center" to answer a number of public inquiries to combine eating space and lodging space uses. At the time, Mr. Henry was one of the parties interested in the definition but by no means the only one. A rezoning and Special Use Permit also requires a detailed application, professionally prepared drawings, and takes about 4 months. Application fee is \$1,200. Both the Conditional Use Permit and Special Use Permit processes allow an applicant to seek waivers from specific ordinance requirements. Ms. Hauth gave the example of a parking requirement being accommodated by nearby public parking. During an update to the Future Land Use Plan for the town, the Colonial Inn property was updated from Urban Neighborhood to Town Center to make more rezoning options available and to ease the process of redeveloping the site.

Kathleen Turner, past executive director for the Alliance for Historic Hillsborough and now Piedmont regional director of Preservation North Carolina, stated that the Colonial Inn is among the most important buildings in Hillsborough – a town filled with very important buildings. In a way it's the town's signature building, representing a comprehensive architectural and historical record of our town. Built in 1838 as an inn to accommodate travelers to our county seat, it eventually expanded its services to include a beloved and renowned restaurant. She acknowledged that Ms. Trueblood had already covered the architectural and historical history of the building. For all of those reasons stated, the state of North Carolina found the Colonial Inn to be of statewide significance. Out of thousands of historic buildings across the state, only 12 have been designated to be of statewide significance. Only one is in Orange County, and that's the Colonial Inn. Until 1989, a local preservation commission could only deny a COA for the demolition of a property within a locally designated historic district for a maximum of one year. If no preservation solution was negotiated within that time frame, the applicant could proceed with demolition. In 1989, General Statute 160A-400.14 was amended to allow historic district commissions to deny indefinitely a COA for the demolition or destruction of a historically

designated building except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial. That is not the case here. The owner has a range of options available to him for the beneficial use or return of the property or even within the existing zoning, as Ms. Hauth covered. The owner can also sell the Inn. As long as the building can be used and if someone is willing to pay fair market value for it as is, then there is no hardship -- even if that means that the owner gets less than what he purchased it for due to loss of value that was self-created. This building is an excellent candidate for a rehabilitation project. It's been neglected, but that hasn't stopped countless Hillsborough property owners from taking on some pretty substantial rehabilitation. Hillsborough is a mecca for preservation activity and for people willing to take it on. We've seen some pretty remarkable transformations: the Old Sinclair Gas Station, the Carpenter's House on West Margaret Lane, the Alan Lloyd house also known as the Boy Scout hut on South Wake Street, and the old Hillsborough Plumbing Supply Company that is now the Hot Tin Roof. Ms. Turner then gave an example from Chapel Hill for which Preservation North Carolina worked for 2 years to save a historic building. She stated that just like with the Edward Kidder Graham House in Chapel Hill, Preservation North Carolina can assist the owner of the Colonial Inn with a range of options available including financial incentives and the placement of a preservation easement on it. She concluded by saying demolition is a permanent solution to what is a temporary problem. Demolition is not needed here and should be denied. She passed out information about Preservation North Carolina and left information for Mr. Henry.

Myrick Howard, executive director of Preservation North Carolina, was sworn in. Mr. Howard stated he was involved in 1988 and 1989 on the enabling legislation the Historic District Commission is working with for the statewide significance exemption. This is the type of situation why this was put into place, he said. He encouraged the Commission to take full use of this statutory language. We with Preservation NC have worked with buildings that are in much worse condition than this building and have had success with those buildings. Sometimes you have to cobble together a lot of different things to make it work. Preservation North Carolina will do anything the organization can do to help out -- help the current owner, work to find a buyer, work to raise money. I'm sure it will be a complicated answer to the situation, but as long as the building is still standing, there is hope for finding a solution for this.

Steve Schuster, architect and preservationist from Raleigh, was sworn in. He attended the meeting as a representative of the National Trust for Historic Preservation. He sits on the board of advisors. He submitted a letter from the National Trust. He read the letter, addressed to the Chair of the HDC. The letter stated that the Colonial Inn is a unique property whose history and architecture are cornerstones to the state and local history. The National Trust has been contacted by several constituents concerned with the building's future. On December 16, 2003, the Colonial Inn was awarded statewide level of significance by the North Carolina Department of Cultural Resources because it is a rare 19<sup>th</sup> century building type and because of the property's association with the architect Jules Korner who expanded the inn to its current form in the late 1880s. The North Carolina State Historic Preservation Office favorably compared the Inn with other early inns including the Salem Tavern, which is a national historic landmark. The Colonial Inn is comparable to these buildings in function, longevity, and prominence. In North Carolina, the statewide significance is granted to buildings that help us understand the history of the state as a whole. This designation offers very real long-term protection in the General Statutes. The Statue basically says that an application for a COA authorizing the destruction of a building site or structure of statewide significance may be denied except where the commission

finds that the owner would suffer extreme hardship or be permanently denied all beneficial use by virtue of the denial. The National Trust is aware that over many years the Town of Hillsborough has consistently pursued remediation to neglect associated with the Colonial Inn. The National Trust respectfully requests that the Commission consider the options available through the legislation.

Todd Dickinson, chairman of the Historic Preservation Commission of Orange County, stated that over a 30-year career in historic restoration contracting, he has restored at least parts of nearly 400 National Register-qualified buildings. Nearly any building can be restored and rehabilitated to serve a useful purpose, to enhance the streetscape, and to contribute to our appreciation of where we have come from. He showed the Commission and audience slides of some structures his company has restored to demonstrate the feasibility of restoring even very dilapidated structures. While doing so, Mr. Dickinson testified that structures can be straightened, foundations repaired, sill timbers replaced, roofs patched, windows re-glazed, new systems installed, and cleaning and painting performed to produce fabulous treasures we can continue to use and enjoy. A grassed lot will become a new building someday. The cost of restoration can be as high as building a new structure – but a new structure of lesser quality, lesser materials, and different not-historic proportions, details and beauty. A new building, a grassed lot, cannot hold onto the heritage of a site, the place in history that so many of us cherish here in Hillsborough. Restoration work is not easy and not quick. Properly trained and supervised craftsman are necessary and the proper materials must be used. When the owners and the craftsman care, the results are wonderful. He showed examples of properties that needed major work and were successfully restored including the Piper House at Eno River State Park, the Paul Green cabin in Chapel Hill, the Hay House, part of the Tryon Palace, the Blackwell in Wilmington, Oakland Plantation in Person County. We can restore the Colonial Inn. It's not a problem, Mr. Dickinson said. It's just going to be hard work.

Sarah DeGennaro, Executive Director of the Alliance for Historic Hillsborough, distributed materials. Ms. DeGennaro stated that group is opposed to demolishing the Colonial Inn. Tourism, economic vitality and historic preservation are intricately intertwined. The approval of the demolition request would undermine the success of each of these efforts. We believe demolition would be a devastating loss to the historic and cultural fabric of Hillsborough. Visitors and town residents continue to ask the Alliance about the Colonial Inn and its status. The Alliance always answers that the town and Historic District Commission are doing everything possible to see the building is preserved. To approve the demolition request would make the statement that our history is only worth preserving when it's easy to do so. So many people visit Hillsborough because of its history and are pleased with the town's commitment to preserving it. Historic preservation has great economic benefits and demolition has great costs. The potential for a restored Colonial Inn to become an income-producing structure exists. One must consider economic impacts. There is the possibility that it could become an additional source of meals and/or occupancy tax revenue. The Colonial Inn is an integral part of the downtown streetscape, a potential economic engine, and a symbol of our community's commitment to historic preservation. We are most firmly opposed to the demolition request.

Kaye Crawford, a member of the Hillsborough Historical Society and the Historical Foundation of Orange County, and a native of Hillsborough, spoke against the demolition request. She reminded the Commission that the Town Hall property was once in disrepair with a caved-in roof on the main building and now it's a showplace that the town enjoys. I believe the

restoration of structure of Colonial Inn would be an asset to the entire community. For history's sake, please do not allow the demolition of the Colonial Inn, enjoyed by so many generations, both residents and visitors alike.

David Yelton passed on his turn to speak.

John Shoneman stated he has lived here for 45 years and as a professional building/contractor, he's had the privilege and good fortune to have renovated and restored many buildings in the Historic District. I take buildings apart. I wreck things, demolish additions, wings, porches, and roofs. I rip up floors and tear down walls. In 1976, I was hired to tear down and remove four houses in the Historic District on East Margaret Lane to make way for expanded parking for the courthouse. Who here remembers those houses? Does anyone here who mourns their departure? I suspect not. So why is this building any different? It's just brick, mortar, wood, stone and tin. Or is it? I for one would argue that it is different, that it is special. And here's why: because it has intrinsic value. ... This building, unlike those others, can not only offer but it can deliver a real chance for residents and visitors to be connected to and involved with and share in the simple beauty and the joy and fundamental common wealth of this funky little place we call Hillsborough. That's what makes it original and special and certainly worthy of being saved. It is my hope that this board will respond and react to this request in such a manner that would allow this building to continue this legacy of delighting and pleasing so many.

Fred Stewart, an architect in Orange County, stated a successful historic rehabilitation project has three ingredients: a worthy building, financial viability and relevance that pulls the community into the building in some capacity. I imagine that Mr. Henry loves this building and has an opportunity to become a hero here and to become a constructive player in saving this building. He asked Mr. Henry to join us in finding the right buyer whose vision can bring a new life to the Colonial Inn.

Bill Crowther was sworn in. Mr. Crowther represented the Hillsborough Preservation Fund, one of the organizations of the Alliance for Historic Hillsborough. He is co-chair with Crawford Goodwin. This organization was formed in 1980. Noted projects include the Alexander Dickson House, Hughes Academy, Ice House, Norwood law office downtown. He read the mission statement and testified that on July 25, 2003, this organization invited Francis Henry to its meeting to give an update on plans to restore the Inn at the time. We as a group offered encouragement and advisory assistance if he needed it. We haven't heard from Mr. Henry since, Mr. Crowther said. He submitted the minutes of that meeting as evidence.

Dan McGrew stated he is opposed to the demolition of the Colonial Inn. Mr. McGrew stated he moved here in 2004 and he suggested that the property needs to be relieved of taxes and that grant applications be written to bring in restoration money. You can't destroy your history, he said.

Douglas Ray McArthur stated the Commission was at a significant junction in the town fabric. He described the Colonial Inn as a crown jewel of all local landmarks. The question is ... what will we do now? What does Mr. Henry want? He'll have to answer that. One of the most important words is trust. If you don't have trust in a relationship, you don't have much. I hope and I pray and I trust that Mr. Henry will do the right thing.

Bill Whitmore, resident of Hillsborough and realtor, said he believes very deeply in rights to land, to do what you want and enjoy it. There's a greater good the community is calling for. He asked Mr. Henry to withdraw the application to demolish and please agree that sometime soon the project needs to be moved into other hands.

Susan Frankenberg, a town resident with experience in renovating older homes in the District, said demolishing the Inn would look like we don't care about history.

Rollin Russell asked the Commission to deny the application.

Kate Faherty was sworn in. She is the chair of the Historic Hillsborough Commission, established 51 years ago by the N.C. General Assembly to serve as a force for the historic preservation and fabric of this town. The Commission's founding legislation notes that at the time there were 88 historic structures in Hillsborough, including 10 public buildings. The Colonial Inn was specifically named in that legislation as one of the town's public historic structures. She read her Commission's charge. While for the past 50 years the Historic Hillsborough Commission has been principally focused on preserving the Burwell School historic site, we take our overall charge very seriously. She spoke, representing the 29-member Commission, in opposition to the demolition of this site. The Inn was opened only a few months after Ms. Robert Burwell opened her school. These properties are companions. She read an entry written by a former pupil when the Nash & Kollock school was demolished on Margaret Lane.

Mark Bell, a town resident and Chair of the Historic District Commission, explained he had requested to be excused from this agenda item because he and his wife Virginia have attempted to purchase or facilitate the purchase of the Colonial Inn from Mr. Henry and Colonial Inn Partners, LLC, on four different occasions in the past 12 months. The most recent offer was made in February of this year for an amount that exceeds double the purchase price Mr. Henry paid, \$410,000 in 2001. I'm also aware of at least two additional offers for the Inn ranging between \$450,000 and \$1.1 million in the past several years. All 6 offers that he was aware of were not successful. The four offers to purchase that Mr. Bell and his wife have made and been a part of were with a partnership made of highly respected developers, preservationists, hoteliers, restaurateurs and event managers. Many of you here tonight have passed through the doors of their establishments ... they are not new to this type of work and they are not deterred by the state of the Colonial Inn. Mr. Bell stated he hopes the official record will note the determination of these partners to find a viable solution to preserve the Colonial Inn. We regret that we have not been successful thus far, and we are not ready to give up. We believe the Colonial Inn is completely redeemable, although the cost of restoration will only increase as time passes without more protection from the elements. The demolition of the Colonial Inn would have a damaging impact on the adjacent property owners, on the Historic District of Hillsborough, and on the state of North Carolina. The Colonial Inn is reported to be one of only a few remaining antebellum hotels and inns in this state. It would not be practical to move the Colonial Inn, but the property could certainly be adapted to meet the owner's needs, or those of a different owner. The value of a proposed grassy lot would not compensate the owner for the economic loss of this building. A grassy lot would be worth a lot less to investors than the building in its current state. Based on the Historic District Commission Design Guidelines and the statewide significance, I encourage the HDC to deny the application. A grassy lot means nothing to Historic Hillsborough but the preservation of the Colonial Inn means everything.

Ms. Currie invited anyone else to speak for or against this application. There was no one else.

Ms. Currie asked for questions for the applicant or any of the witnesses. There were none.

Ms. Currie summarized the facts: Testimony has been entered into the record. A majority of that testimony is sentiment for not demolishing the Colonial Inn because of its historical and architectural significance. It has a great deal of significance for those who have lived here. It's a building that has statewide significance. It was so designated.

Mr. Irwin asked Mr. Henry whether he has sought partners to avoid demolition – for some viable alternative? Mr. Henry said several people have contacted him.

Mr. Irwin asked Mr. Henry for his thoughts on renovation or rehabilitation of the structure. Mr. Henry said no one has really discussed it with him, for instance the Town Board hasn't discussed it with him and life is short. He said he respects these folks and thanks them for coming to give testimony. It's the first I've heard of it all these years. That would have been very nice to hear a long time ago. Yes, I've had people give me low offers, bad offers, fake offers. Mr. Henry answered yes, he has spoken with other people.

Mr. Irwin asked if Mr. Henry thinks any are viable alternatives. Mr. Henry said he respects what the folks here today have been saying. No one has asked me, in all these years, why I would even come here and offer to buy the place.

Mr. Irwin asked Mr. Henry why would you come here? Mr. Henry said let's pass on this for now because it's a long story. Mr. Irwin said he has time. Mr. Henry said he would be happy to talk privately and always have been. He added everybody waits for somebody to do something. He said, like someone else said, you lose it and then ask what's happened. Tonight I came to talk with you and find out about – and let's have a vote if you like. Whatever you decide, that's the way it is. There are a lot of people here who could have said something for all these years. And nobody stepped up to the plate.

Ms. Currie asked whether anyone else has any questions. There were none.

**MOTION:** Mr. Irwin made a motion to close the public hearing.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

Mr. Irwin said he asked Mr. Henry the question he did because the first Guideline under demolition says the parties should work together to find a viable alternative to demolition. I don't believe that has occurred and therefore is prepared to vote against the application.

Mr. McCullough said the key Guideline is that the owner is called upon to make an effort to find a viable alternative to demolition. He has seen no indication whatsoever that Mr. Henry has made such an effort or if he's entertained people approaching him to create such an effort. The second thing is, as I understand the importance of the building having a statewide significance, is we are in the unique position of being able to actually preserve a building from being torn down for more than 365 days. Our vote can actually preserve the building for a longer time than would otherwise be available to us. Those are the two key points – Guidelines number 1 and the

building having statewide significance. He would vote against its demolition.

Ms. Currie stated she agreed with both Mr. Irwin and Mr. McCullough. It's a contributing structure to our Historic District and it has statewide historic and architectural significance. And demolition would negatively impact the Historic District. So, it is not congruent with the HDC Guidelines to demolish the building.

Ms. Cobb said she agrees that it is contributing, that it is very noteworthy that it has the statewide significance designation. The property could be sold to someone. The building could be adapted to meet the property owner's needs. The building couldn't be moved to another site. And, if we don't allow this, the owner wouldn't suffer an extreme hardship. She would deny this application.

**MOTION:** Mr. Irwin moved to find as a fact that the Colonial Inn, LLC, application is not in keeping with the overall character of the Historic District and does not comply with all relevant standards of evaluation based on the Board's discussion of the application and the standards of evaluation in section 3.12.3 of the Unified Development Ordinance because the plans are inconsistent with Design Guidelines: Demolition.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous

**MOTION:** Mr. Irwin moved to deny the application as submitted.

**SECOND:** Mr. McCullough seconded.

**VOTE:** Unanimous

**ITEM # 9: Review DRAFT signage package for Riverwalk Interpretive signs**

Chairman Bell rejoined the Commission.

Ms. Trueblood reviewed the 11 signs. Three of the signs will be placed in the Historic District and will need a COA before they are installed. It's still a draft package in the last stage of editing.

The material is a metal frame with a heavy-duty non-fading material that was used for the wayfinding signs.

The signs inside the Historic District contain information about River Crossing, A Community Removed (traditionally African-American community lived on many houses on Riverpark, purchased), and Orange County Court History.

The item will return in September for a formal COA application.  
No action was needed or taken.

**ITEM #10: Review updates to Historic District Commission Rules of Procedure**

Ms. Trueblood said the Rules of Procedure were last updated in 2009-10 and still reference old zoning ordinance instead of the UDO. Mr. Irwin found a change not highlighted in Section 13 number 4. Ms. Trueblood noted the correction.

Ms. Currie would like to talk about fences at another meeting. She is disappointed in a recent fence and it's either a mistake or the Guidelines need to be tightened. She will email Ms. Trueblood a request to get it on an agenda.

**MOTION:** Chairman Bell motion to accept with most updated Minor Works.

**SECOND:** Ms. Currie seconded.

Conditions: Approved as corrected with updates to Exempt and Minor Works

**ITEM # 11: Staff Updates**

Ms. Trueblood reported she received a postcard for the PNC conference. It will cover Raleigh, Oakwood, and it will be held October 8-10. She'll email the Commission more details.

The Calvin Street Greenway and Riverwalk Phase 3 are both expected to be wrapped up in the next month.

She's working on scheduling improvements to Bank of America parking lot.

**ITEM #12: Adjourn**

**MOTION:** Ms. Currie made a motion to adjourn.

**SECOND:** Ms. Cobb seconded.

**VOTE:** Unanimous