

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
October 10, 2023, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, Chuck Watkins, and Vardell Smyth

Student Member: Riley Ziegler

Council Liaison: Virginia Roseman

Town Staff in Attendance: Jessica Mitchell-Advanced Planning Specialist, Christy Turner – Residential/Sign Zoning Administrator, Mike James- Commercial Zoning Administrator, and Marlene Crosby-Board Secretary

Others in Attendance: Allison Meade-Town Attorney, Avery Cole and Hannah Margolis-Cole-Applicants, and JC Feimster

CALL TO ORDER

Chair Eric Plaag called the HPC Quasi-Judicial meeting, held in person at 680 W. King Street, Suite C and via WebEx, on October 10, 2023, to order at 3:03 p.m.

ADOPTION OF AGENDA

Member Smyth made a motion, seconded by Student Member Ziegler, to adopt the agenda as written.

Vote: Aye – All

Nay – None

The motion passed.

PUBLIC COMMENT

Member Watkins asked Chair Plaag if it would be appropriate to acknowledge the recent passing and the contributions that Former Mayor Rennie Brantz had given to the Town of Boone and the Historic Preservation Commission. Chair Plaag added that at the next HPC meeting, he would like to present a resolution honoring Former Mayor Brantz's many years of service to the HPC. Chair Plaag offered to prepare the draft resolution. There was consensus from the HPC for Chair Plaag to prepare the draft resolution. Vice-Chair Bond wanted the record to note of this discussion started by Member Watkins. Chair Plaag suggested that the HPC forward the resolution to the Town Council for their consideration.

Member Smyth disclosed to the HPC that during Buskersfest 2023, he went by the Ellison NC retail shop to look at the condition of the building, and he met one of the owners, Mr. Avery Cole. He noted that he and Mr. Cole did not discuss the COA case.

Chair Plaag closed public comment.

Chair Plaag introduced himself as the Chair of the Historic Preservation Commission and Vice-Chair Bettie Bond, Member Chuck Watkins, Member Vardell Smyth, and Student Member Riley Ziegler.

Chair Plaag introduced the Staff members as Ms. Jessica Mitchell, Advanced Planning Specialist, Ms. Christy Turner, Residential/Sign Zoning Administrator, Mr. Mike James, Commercial Zoning Administrator, Ms. Marlene Crosby, Board Secretary, and Ms. Allison Meade, Town Attorney.

Chair Plaag swore in Mr. Mike James, Ms. Christy Turner, and Ms. Jessica Mitchell.

CASE A23-0204 – ELLISON NC – COA

Case A23-0204, Cole Avery of Ellison, is requesting to remove the green metal awning from the front of the 718 W. King Street building. The removal of the awning is classified as Major Work, which requires a Certificate of Appropriateness. 718 W. King Street, the Linney Law Office, is classified with a Local Historic Landmark designation and under the Ordinance designating the Frank A. Linney House and Former Linney Law Office as a local historic landmark. This local historic landmark ordinance for these properties states that the review process of Article 8 of the Town of Boone Unified Development Ordinance shall be observed prior to any demolition, alteration, rehabilitation, restoration, or removal of any exterior elements of the designated property. Staff has provided this ordinance as an exhibit for reference of the local historic landmark designation.

Chair Plaag opened this case and noted that the applicant's information began on packet page three and a description of the proposed work on packet page seven.

Chair Plaag reiterated that it be noted in the record that during public comment, Member Smyth had disclosed to the applicant and the HPC that he had visited the site to look at the condition of the building.

Chair Plaag asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change, if any commissioner had a conflict of interest regarding this case, including any financial interest in the outcome of the case or a close familial relationship with any person affected by the outcome of the case. There were no answers in the affirmative.

Chair Plaag asked if any commissioner had engaged in any undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Chair Plaag asked the applicant, Mr. Elijah Cole Avery, to state his full name, and then he swore him in.

Chair Plaag asked Mr. Cole if he objected to the materials in the meeting packet, and Mr. Cole responded no. He confirmed that Mr. Cole was self-representing in this case.

Chair Plaag asked Mr. Cole to make an opening statement. Mr. Cole referred to packet page seven. He stated that he requested removing the green metal awning from the front of the building to restore the storefront to its original look, as shown in the submitted photo. He added that his main concern was the height of the green metal awning being under seven feet, and people were hitting their heads on the arms of the awning. He added that the awning was rusty, and water ran through it where it is connected to the outside of the building. He showed concern for a bench located in the front of the retail shop and that it is more likely that people might hit their heads on the arms of the awning as they stand up from being seated at the bench.

Chair Plaag referred to packet pages 41 and 42, and asked Mr. Avery to clarify his interest in installing a sign using the existing hangers on the building. He asked Mr. Avery if he meant the wooden sign or the interior lighted, projected sign. Mr. Avery replied his first thought was to install a projecting sign, but he was open to installing a flat sign placed where the Palmer's Photo Shop sign is shown in the meeting packet photo.

Chair Plaag pointed out to Mr. Avery that there are limitations in the Unified Development Ordinance regarding the kinds of signage. He asked Mr. Avery if he wanted the HPC to consider both sign possibilities as part of this application to give him the broadest range of possibilities for his signage since he had yet to decide. Mr. Avery responded that he wanted more information on the signage. Chair Plaag confirmed with Ms. Meade about his approach to addressing the signage. Vice-Chair Bond asked if there was a third possibility of not having a sign above the windows and just having the projecting sign. Chair Plaag said the applicant requested either an attached wall sign, a projecting sign, or both. Ms. Meade stated that the staff report indicated that a sign would be subject to approval through the administrative "Statement of Conformity" process rather than through a "Certificate of Appropriateness" process. Ms. Turner replied to Ms. Meade's statement stating the sign review would occur through the administrative process. Ms. Meade said the HPC could guide the Planning Staff on a historical issue.

Chair Plaag asked if there was language regarding signs that required a COA application. Ms. Turner clarified there was language for removing a historic sign, and the Planning Staff does not consider an awning a sign because it has no writing on it.

Chair Plaag asked Mr. Avery if he had more to add to his opening statement, and Mr. Avery responded that he had completed his opening statement.

Chair Plaag asked the Planning Staff if they had information to present other than the information in the meeting packet. Ms. Turner told Mr. Avery that for an attached sign, the size could be a one-half square foot per linear foot building frontage like the wooden attached "Palmer's Photo Shop" sign. She said for the projecting sign, the size could be 16 square feet.

Chair Plaag pointed out to Mr. Avery that the only thing that could present an issue where he would be required to come back to the HPC is if the attachment of the sign somehow damaged the building or adversely affected the stacked stone. He said that if the electrical conduit coming out of the stone still existed from the "Palmer's Photo Shop" sign it could potentially be used, and there would not be an issue requiring a return visit to the HPC. Chair Plaag explained that he was hesitant about whether it was a minor work through the SOC process review because if in any way the masonry is involved, he said it would trigger a COA review for major work. Member Smyth told Chair Plaag that he saw one or two round metal attachment points on the vertical column above the main door that the façade was probably connected to originally. Chair Plaag said those attachment points were probably for the bracket that held the sign. He said those attachment points can be reused, which would be fine for the Planning Staff to review and approve. He reiterated that if in any way it looked like the masonry would be damaged, Mr. Avery would have to return to the HPC for further review. Mr. Avery acknowledged the importance of protecting the stone and stated that he did not want to compromise the stone.

Chair Plaag said that earlier in the hearing, Mr. Avery said he did not have witnesses to speak at this hearing and would be his own witness.

Chair Plaag stated that Mr. Avery had pointed out in his opening statement that the arms of the awning were rusted. He referred to packet page eight and noted that the awning appeared in line with the top of the door. He said if it is a standard door, it would be about six feet eight inches, making the awning rather low. He said that the Planning Staff had verified in the meeting packet that the awning needed to conform to the height requirements for other awnings that normally overhang a public sidewalk. He said he thought eight feet was a normal height, and Ms. Turner confirmed that eight feet was correct above the public sidewalk. He said it was not a non-conforming use because it overhangs a private area, not the public sidewalk. He said this would otherwise be a non-conforming use awning and not original to the building. He said the awning was installed in 2014 or 2015 and is in no way historic. He said a raised-seam metal roof differs from a typical material that would not have been seen during the period of significance for awnings. He said the historic standards generally encourage the removal of such things.

Chair Plaag asked Mr. Avery if he had other evidence to present why removing the green metal awning would be appropriate. He explained that this would be the time for the applicant to refer to the standards for their case. He referred to packet page 19 for the Design Standards in the Staff Report, and the bottom of packet page 20 includes the Windows, Doors, and Awnings standards.

Ms. Hannah Margolis asked to join the hearing to help Mr. Avery refer to the standards that support the removal of the green metal awning. Ms. Hannah Margolis stated her name, and Chair Plaag swore her in. Chair Plaag confirmed with Mr. Avery that Ms. Margolis could speak at this hearing.

Ms. Margolis pointed out that Design Standards 6.11 and 6.12 supported the removal of the awning because the awning was not original to the building. She added that it has a Mountain Village appearance, and it does not align with the goal of the HPC for the Downtown Historic District. She also stated the awning does not seem to be historical. She said that since gutters are attached to the building, it didn't seem like the awning was doing anything structurally. She said there is a gap where the awning is up against the building that water can run through. She added that without the awning, more sunlight would come into the building, and there would be no shade underneath the private sidewalk. She said the awning removal was not impacting the water flow or the design of the building.

Design Standards 6. Windows, Doors, and Awnings

The arrangement of doors and windows on an historic property is one of the most important elements of building design. It is imperative that these arrangements be preserved in order to maintain the integrity of individual historic properties and the integrity of the District. Because older windows and doors were not always designed with heating and cooling efficiency in mind, it is often tempting to property owners to replace these features with modern doors and windows. Despite the apparent advantages of doing so, replacement with modern doors and windows is often far more expensive than repairing existing historic doors and windows, and their use often completely destroys the integrity of the historic property in question. Furthermore, many companies are now producing "modern" wood replacement windows that replicate the appearance of their historic antecedents with fixed muntins but feature double-pane glass to assist with heating and cooling efficiency. The HPC reviews proposals for the use of modern wood

replacement windows carefully to insure that muntin thickness aligns with the muntin dimensions of historic windows. Boone's downtown commercial historic district has also suffered from the installation of various architectural elements designed to simulate a "mountain village" appearance. These typically consist of large, wooden porch attachments or awnings that are not historically appropriate to the downtown area and its historic context. Metal and modern vinyl awnings have also appeared on some properties, disrupting the integrity of many of Boone's historic commercial properties.

Design Standards 6.11

Awnings, porches, shed roof porticoes, and arcades that attempt to create a "mountain village" appearance or that are not historically accurate to the District's historic context only work to damage the integrity and appearance of the District. Property owners whose buildings possess such features should endeavor to remove them and restore the facade of their property to its historic appearance. Such "mountain village" treatments should never be incorporated into additions or new construction within the District

Design Standards 6.12

Awnings installed on properties in the District should always be historically appropriate based on available photographic and historical documentation demonstrating the historic presence of such an awning on the property in question. Awning styles with no documented historical precedent should never be added to properties in the District. For example, properties that historically possessed flat awnings anchored by cables or steel rods should retain these kinds of awnings. In cases where they have been removed, and particularly in cases where they have been replaced with modern, clamshell, half-round, or vinyl awnings or awnings that are historically inappropriate to the building, property owners should endeavor to remove the modern feature and restore the original awning configuration with appropriate materials based on historical documentation for that particular building. Another common, historic awning type in the District was the metal-frame, sloped, fabric awning that was sometimes retractable. New sloped awnings should be composed of canvas or acrylic, and never of vinyl. Metal and shed roof awnings are never appropriate, except for historic properties erected after World War II that historically had metal or shed roof awnings at the time of their construction. Awnings should never obscure vital architectural components of the original building. Awnings on new construction or additions should also be historically appropriate to the District and not feature configurations that distract from the historical integrity and continuity of the District.

Chair Plaag read aloud a sentence from Design Standards 6.12 that "metal and shed roof awnings are never appropriate, except for historic properties erected after World War II that historically had metal or shed roof awnings at the time of their construction." He told Mr. Avery and Ms. Margolis that this building was not a post-World War II building, and that this standard would be helpful to the applicant in making the argument for this case. Ms. Margolis responded that she and Mr. Avery understood that they were required to follow the appropriate protocol so that the building was not damaged.

Chair Plaag asked Mr. Avery and Ms. Margolis if they had any other evidence to present on their request, and Mr. Avery responded no.

Chair Plaag asked the Planning Staff if they had other evidence to present, and Ms. Turner responded no.

Chair Plaag asked the HPC if they had questions from the Planning Staff on this application. Member Smyth asked, considering the current sign ordinance, if it would be appropriate for Mr. Avery to put his business sign in the same place where the "Palmer's Photo Shop" sign is shown in the photograph. Ms. Turner responded that the applicant must follow the current sign ordinance.

Ms. Margolis explained that the previous tenants painted white around the door and the windows. She said the upstairs windows are the original brown color. She asked if she could paint the upstairs windows white to match the downstairs windows. Chair Plaag explained that the HPC does not regulate paint color, except that neon colors are prohibited. Ms. Turner responded that if the window surfaces are already painted, it is considered repair and maintenance to paint them. She said no permit would be required if the applicant wanted to paint the upstairs windows white. Ms. Margolis confirmed a permit was not required for the applicant to use touch-up white paint to the building if there is any damage when the awning is removed without a permit. Chair Plaag replied to Ms. Margolis that would be alright to do.

Chair Plaag asked the applicant to use an appropriate wood putty to fill the holes in the building where the awning arms were removed. He added that if the applicant, while removing the awning arms, finds the whole wood frame or the window is rotted, which would require a more substantial repair, those instances might require the applicant to return to the HPC for further review.

Member Watkins commented about the signage, and he referred to packet page 11 and read the Staff note at the top of the page. He said the applicant was only proposing a replacement of the original projecting sign that will be approximately four (4) square feet in area. He said the applicant was not proposing a replacement of a horizontally attached sign. He supported the proposal to remove the green metal awning and added that it would improve the appearance of the building. Chair Plaag explained that the proposed sign only requires a SOC handled by the Planning Staff. He added that his only concern was if the applicant was doing a projecting sign and if there were an issue with the mortar that proposed work would trigger a COA. He said the applicant would have to return to the HPC for a review in that case. He wanted to discuss the process with the applicant now to help them avoid paying another COA fee and go through that process.

Ms. Margolis stated that when she completed the COA application, she did not think there was an option to have an attached sign on the building. She noted that she appreciated the discussion on the signs before they decide on the type to use, and she expressed they are flexible on the type of sign they choose to use for the business.

Chair Plaag pointed out that the HPC does not look at general ordinances under the UDO regarding signs and cannot render an opinion on signs. He said the Planning Staff must guide the applicant through the sign review process. Ms. Margolis pointed out that she thought this hearing was only for removing the green metal awning, and the sign proposal was a separate application. She said this is the reason she was not prepared to discuss signage. Chair Plaag reiterated that his only concern about the sign is the applicant needing to attach it to the building in a way that would be damaging or destructive to the masonry.

Chair Plaag asked if there was any other interested party to speak or present evidence supporting the application; if there was any non-party witness to speak or present evidence supporting the application; if there was any interested party to speak or present evidence in opposition to the application; if there was any non-party witness to speak or present evidence in opposition to the application. There were no answers in the affirmative.

Chair Plaag noted that no rebuttal was necessary for this case, and he asked Mr. Avery if he wanted to give a closing statement on his request to remove the green metal awning. He told Mr. Avery that he could defer in case the Planning Staff wished to make a closing statement. Ms. Margolis stated that the HPC understood Mr. Avery's request and did not have a closing statement.

Chair Plaag asked the Planning Staff if they wanted to give a closing statement or argument. Ms. Turner responded that the Planning Staff did not have a closing statement for this case.

Chair Plaag opened the floor for the HPC to discuss the evidence presented by the applicant. He reminded the HPC that they would limit their discussion to the proposal and its relationship to the standards applicable to this case. He added that the HPC must consider only competent material and substantial evidence when making findings of fact if any evidence that falls into the category of hunches, rumors, speculation, and relevancies would be rejected by the HPC and noted in the record as such.

Chair Plaag asked if there were other concerns or questions of the HPC, and hearing none, he moved on to the motion and vote for this case.

Motion and Vote:

Member Smyth made a motion, seconded by Student Member Ziegler, to approve the removal of the green metal awning based on Design Standards, Windows, Doors and Awnings Sections 6.11 and 6.12, and the proposed alteration is not incongruous and conforms with the standards of the historic district.

Chair Plaag added a friendly amendment that the requested removal of the green metal awning removes the non-conforming use, specifically an awning that is not of appropriate height per the Unified Development Ordinance. Member Smyth accepted this friendly amendment.

The approval of this case includes the following conditions:

- Where there is a conflict between the application information and the plans (August 21, 2023), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or their representatives at the public hearing shall also become a condition of the permit and a basis for a stop work order or permit revocation if violated.
- The applicant shall submit the necessary applications, plans, details, and specifications that meet the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag asked Ms. Turner to explain to the applicant the next steps of the COA process. Ms. Turner said the Planning Staff would create a COA stating the approval for removing the green metal awning and send it to the applicant upon completion. She also explained that the applicant would need to submit a sign application for their sign once they have decided on the type of sign. Staff discussed the HPC's discussion of any sign attached to the building should be through the mortar and not damage the building. Ms. Meade added to the discussion that this did not have to be a condition of approval as it is in the historic district standards for the applicant to follow regarding signs. Chair Plaag confirmed that the applicant only needs to return to the HPC regarding the sign if there is an issue with the masonry when attaching the sign to the building.

With no further discussion, Chair Plaag closed this case.

Other Discussion

Ms. Mitchell mentioned that Ms. Jane Shook, Director of Planning and Inspections, had emailed the HPC regarding a meeting to be held on October 24, 2023, at 2:45 p.m. for the HPC to discuss the Comprehensive Plan Update with the consultants. She explained that the meeting would be held in the Planning and Inspections Conference Room at 680 W. King Street, Suite C. She stated that the consultants wanted to talk openly with the HPC members to learn more about Boone.

Ms. Mitchell reminded the HPC of the Special HPC meeting to be held in person at the Planning and Inspections Conference Room on Tuesday, October 17, 2023, at 3 p.m. She said the agenda topic for this special meeting would be on the Boone Cemetery Interpretative Panels. She noted that she had not received more information on the cemetery panels at this time.

Ms. Mitchell stated that the October 17 and 24 meetings could be attended in person or via WebEx. She asked anyone wanting to attend via WebEx to contact her so she could send them a WebEx invite.

Ms. Mitchell said since the HPC has started meeting in person in the Planning and Inspections Conference Room, she asked the HPC for their thoughts on how they would like to attend future meetings, whether in-person or via WebEx.

Vice-Chair Bond, Member Smyth, and Student Member Ziegler stated they preferred to attend the in-person meetings. Council Liaison Roseman explained that she would attend the Quasi-Judicial meetings via WebEx and try to attend the Advisory meetings in person. Chair Plaag suggested that the general approach that the HPC and Staff should take for all of our meetings is to make them available in a hybrid format. He said the reason for the hybrid format is so anyone wanting to view the meeting could also give public comment if they were traveling or were sick, and they would have the option of attending the meeting remotely.

Ms. Meade left the meeting at approximately 4:01 p.m.

Adjournment

Vice-Chair Bond made a motion, seconded by Member Smyth, to adjourn the meeting at 4:09 p.m.

Vote: Aye – All
Nay – None
The motion passed.

Eric Plaag, Chair

Marlene Crosby, Board Secretary