

**Historic Resources Staff Meeting with West End Association Committee
on Revisions to West End Historic Overlay Design Review Guidelines
Bryce A. Stuart Municipal Building, CCPB Small Conference Room
October 17, 2019
9:00 am to 10:40 am**

Staff: Heather Bratland, Michelle McCullough, David Reed
West End Association Committee: George Bryan, John Merschel

Mr. Bryan asked staff to provide examples of sections where the Guidelines have been loosened up and made more flexible. Staff responded that flexibility had been added to the Guidelines covering fences and trees, and that provisions allowing for the use of substitute materials and defining areas of high and low visibility also would add flexibility. Mr. Bryan then raised the concern that adding flexibility to the Guidelines might cause a lack of clarity and require more cases to go before the full HRC. Staff posited that additional flexibility would allow more cases to be reviewed as minor works.

Mr. Merschel and Mr. Bryan raised concerns regarding the process for developing the revised Guidelines. They would have preferred for the West End Association to draft a consensus document with staff, which could then have been brought to the Commission and neighborhood for review and adoption.

Both Mr. Merschel and Mr. Bryan felt strongly that it was nearly impossible to provide substantive feedback and comment on the current draft Guidelines because HRC has yet to establish definitions of high visibility and low visibility. The two terms are used approximately sixty times in the draft Guidelines. They also felt it was very difficult to review the Guidelines without the definitions of specific terms. Staff committed to providing the definitions once legal review is complete. With respect to visibility, staff suggested that both gentlemen consider the Guideline and its application under the most restrictive and least restrictive possible definitions of visibility. This would make it possible for the West End Association to give comments at the November 6 HRC meeting such as, "This driveway Guideline is good if both the side and front yards are defined as highly visible, but it does not work if only the front yard is defined as highly visible."

Mr. Bryan raised concern about the use of the word "feasible" in the Guidelines regarding substitute materials. Ms. McCullough responded that the word is used in federal preservation standards. It can mean that you cannot find a craftsman to do repair work; you cannot find materials to execute repairs; the design itself is one that will fail and needs to be rethought. Mr. Merschel then asked if cost would be a consideration in feasibility; Ms. McCullough responded that staff would look into whether or not feasibility should include the cost of in-kind repairs and replacements.

Mr. Bryan asked about the definition of congruity. He stated that modern designs should not be considered congruous with the neighborhood, whether when considering renovations to noncontributing buildings or new construction. Staff responded that federal preservation standards allow for a wide variety of design solutions that range from highly compatible to highly differentiated. The West End Association would prefer not to defer to federal standards and suggested that historically-designed projects are preferable.

With respect to the content of the draft Guidelines, Mr. Bryan and Mr. Merschel raised concerns about the sections on trees, decks and patios, fences, signage, rights-of-way, and porches.

1. Trees
 - a. Would prefer a finding from the City Attorney's office that we cannot regulate trees.
 - b. Most commissions in NC do regulate them, so why can't we?
2. Decks and patios
 - a. How are these features defined?
 - b. If you make a front sidewalk wider, when does it become a patio?
3. Fences
 - a. What does 50% transparency mean? How do you know you won't get some crazy design that is 10 feet open and then 10 feet solid?
 - b. How will corner lots be handled? Tall fences should not be permitted along the side lot line.
 - c. A fence can be any height at the front corner of the building? That's not appropriate. Tall fences should only be allowed beginning at the back corner of the building, or at least be in line with the visibility standards.
4. Signage
 - a. Internally-lit signs should be limited to purpose-built commercial buildings. This means buildings that were originally built for commercial purposes, not houses or later conversions.
 - i. Examples include the West End Café building, the former hotel where Camel City Goods is located, and Joyner's West End Grocery.
5. Porches
 - a. Enclosure of highly-visible porches should not be allowed. Staff noted that this Guideline is a carryover from the 2006 version.