



AGENDA

Town of Kure Beach Historical Preservation Commission

Wednesday, February 3, 2021

A meeting of the Historical Preservation Commission will be held Wednesday, February 3, 2021 in the Council Chambers commencing at **6:00 PM**.

Page

1. CALL TO ORDER

2. ADOPTION OF THE AGENDA

3. ADOPTION OF MINUTES

2 - 4 3.1. January 6, 2021 Regular Meeting
[HPC Minutes-01-06-21](#)

5 - 6 3.2. January 6, 2021 Special Meeting
[HPC Special _minutes-01-06-21](#)

4. PUBLIC COMMENT

5. OLD BUSINESS

7 - 14 5.1. Continued discussion of the Design Standards for the Kure Beach Downtown
Preservation and Historic District
[Design Standards.final.version 4.redline.\(for 2.3.21 hpc\)](#)

6. NEW BUSINESS

7. ADJOURNMENT



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Wednesday, January 6, 2021 @ 6:00 pm

The Kure Beach Historical Preservation Commission (HPC) held its regular meeting on Wednesday, January 6, 2021. A quorum of members was present, and Attorney Jim Eldridge attended.

HPC MEMBERS PRESENT

Chairman Craig Galbraith
Member Kathleen Zielinski
Member Kenneth Richardson
Member David Garceau
Member Tony Garibay

HPC MEMBERS ABSENT

STAFF PRESENT

Mandy Sanders, Town Clerk
John Batson, Building Inspector

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:26 p.m.

ADOPTION OF AGENDA

MOTION- Member Garceau made a motion to adopt the agenda as presented

SECOND- Member Garibay

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- December 2, 2020 Regular Meeting

MOTION- Member Garceau made a motion to approve the December 2, 2020 minutes as written

SECOND- Member Richardson

VOTE- Unanimous

Chairman Galbraith stated he made a formal presentation to Town Council during the December meeting regarding the process and where the HPC is within that process.

PUBLIC COMMENTS

None

OLD BUSINESS

1. Continued discussion of the design standards for the Kure Beach Downtown Preservation and Historic District.



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Wednesday, January 6, 2021 @ 6:00 pm

Chairman Galbraith commented on section 4.3, regarding extension of nonresidential use. In his opinion, we should not allow an extension from single-family residence to multi-family residence.

Attorney Eldridge stated B-1 provides a limitation for the extension of non-conforming use to single family residents. This language can be taken out completely.

Member Zeilinski stated she does not agree because we are regulating the way the exterior looks. If it does not impact the outside, why are we regulating it?

Attorney Eldridge commented that the policy debate is whether a multi-family residential dwelling unit is considered consistent and harmonious with the rest of the district.

Chairman Galbraith asked Building Inspector Batson if this is already controlled within the B-1 district regulations.

Building Inspector Batson stated yes. It is in the supplemental district regulations. If you have a non-conforming use that is a single-family residence, you can replace that same house as long as it conforms to RA-1A guidelines.

Member Garceau stated he thinks its irrelevant since the B-1 district already controls use. We want to control the design, not use.

CONSENSUS – Take out portion of section 4.3 of the Design Guidelines, starting with “In this regard...” and allow B-1 District regulations to control the issue.

Chairman Galbraith stated he is concerned someone will rent out a residence and call it commercial because it is a short-term rental.

Attorney Eldridge stated that the North Carolina Court of Appeals has ruled that the business of renting out space for residential use does not make that use commercial, it remains residential.

Member Zielinski commented on the exceptions for minor work. Are we expecting them to come in and propose the changes to the Building Inspector for approval?

HPC members discussed and agreed to have Attorney Eldridge revise the design standards to remove b, c, e, f, & n from section 3.2, Minor Work Excepted and bring to the Joint Workshop for review.

Chairman Galbraith states that Town Council has requested a Joint Workshop to discuss the design standards. His suggestion is that HPC does not vote on the design guidelines tonight, but that they clean them up and bring them to the Joint Workshop for Town Council input and then vote on them.



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Wednesday, January 6, 2021 @ 6:00 pm

Attorney Eldridge reported on Building Inspector Batson's comments on the design standards. Design standards with comments from Building Inspector Batson and Attorney Eldridge are hereby incorporated into the minutes.

CONSENSUS: Delete section 4.5 and replace with statement "COA application for relocation, demolition, and destruction shall not be denied", pursuant to underlying statutes and upon Attorney Eldridge's recommendation.

Member Zielinski stated she is concerned with the property owners in the business district who have already purchased their home and do not have the choice to not purchase based on the new guidelines.

Chairman Galbraith stated that is why they have had public meetings. Primary concerns from residents have been regarding regulating the interior.

Attorney Eldridge stated for matters involving HPC determination and COA, notices go out to subject properties and any properties abutting the property proposing changes.

Chairman Galbraith recommended Attorney Eldridge make changes discussed and then schedule Joint Workshop with Town council.

Town Clerk Sanders stated she will send out a meeting poll to determine a date for the Joint Workshop with Town Council.

ADJOURNMENT

MOTION: Member Richardson made a motion to adjourn at 7:42 pm

SECOND: Chairman Garibay

VOTE: Unanimous



HISTORICAL PRESERVATION COMMITTEE MINUTES

SPECIAL MEETING

Wednesday, January 6, 2021 @ 5:30 pm

HPC MEMBERS PRESENT

Chairman Craig Galbraith
Member Tony Garibay
Member Kathleen Zielinski
Member David Garceau
Member Kenneth Richardson

HPC MEMBERS ABSENT

STAFF PRESENT

John Batson, Building Inspector
Mandy Sanders, Town Clerk

CALL TO ORDER

Chairman Craig Galbraith called the meeting to order at 5:34 pm.

PURPOSE OF MEETING

1. The purpose of this Special meeting is for the Commission to discuss and receive comments on the design standards for the Kure Beach Downtown Preservation and Historic District.

Chairman Galbraith gave a brief description on the history of the Kure Beach Downtown Preservation and Historic district and how the Historical Preservation Committee reached this point in creating the design standards. Design Standards Final Draft is hereby incorporated into the minutes.

Attorney Eldridge commented on the 3-step process in establishing the historic district.

- Develop designation report which is reviewed by the state and adopted by HPC
- Publish design guidelines on HPC level
- Develop zoning regulations for the historic district

Attorney Eldridge commented on the design guidelines.

- The design guidelines are just guidelines, not regulations.
- Chapter 15 Zoning Regulations and Design Standards only apply to exterior features on buildings and structures within the B-1 district.
- Major changes require Certificate of Appropriateness (COA) and applicant will need to go before the HPC and show that changes will meet the characteristics of the historical district.
- Changes need to be harmonious and consistent with characteristics of the historical district.
- Minor work does not require a COA and interior work is not regulated.

Chairman Galbraith stated that they created overlay district so that buildings on K Avenue between Atlantic and Fort Fisher Blvd. shall be commercial on the first level but can be residential on 2nd and 3rd floors.



HISTORICAL PRESERVATION COMMITTEE MINUTES

SPECIAL MEETING

Wednesday, January 6, 2021 @ 5:30 pm

Attorney Eldridge recommends section 4.5 of the design guidelines be deleted and simply state a COA for removal, demolish or destruction shall not be denied.

PUBLIC COMMENT

Megan Garrett, resident at 133 Settlers Lane

- Feels it would be helpful to give brief description of what the historic district is in the design guidelines.
- Section 3.2 L on page 4, gives the perception that metal roofs are not allowed. If someone wanted to install or repair metal roof, would they be allowed?

Attorney Eldridge stated the historic district will be the same as the B-1 district. The Town Zoning Map locates B-1 district and will show the historic district as well. The designation report does give a description of the historic district and they can insert a description into the design standards as well. Section 3.2 L is simply stating that if you are going to alter, restore, or erect a black shingle roof, then you can seek approval from the Building Inspector and not from the HPC. Putting a metal roof on your house would require a COA and would be reviewed by the HPC to make sure it was consistent and harmonious. If color was similar, then metal roof would be considered.

Chairman Galbraith stated repairs of existing roof, even if not black or grey, would still be considered minor work. List in Section 3.2 L is just a list of examples.

ADJOURNMENT

MOTION- Member Garceau made a motion to adjourn the meeting at 6:24 p.m.

SECOND- Member Garibay

VOTE-Unanimous

ATTEST: _____
Mandy Sanders, Town Clerk

Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Historical Preservation Committee. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning/Historical Preservation.

DESIGN STANDARDS
KURE BEACH DOWNTOWN **PRESERVATION DISTRICT**



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ARTICLE I. PREFACE

The objective of the Kure Beach **Downtown Preservation District** (the “District”) is to safeguard the heritage of the Town of Kure Beach (“Town”) by preserving important elements of its culture, history, and architecture and by promoting the use and conservation of the District for the education, pleasure and enrichment of the residents of the Town, the region, and the State. The District has an overall integrity of design, scale, setting, and materials which need to be maintained to preserve its unique character of a small-town, family-friendly 1940s to 1970s east coast beach town.

These standards specifically permit property development while ensuring the preservation of the District’s important elements and features which lend themselves to the unique character of the District.

These standards only address changes to the exterior features of buildings and structures within the District and are intended to assist property owners and the Town in determining whether the proposed changes are consistent and harmonious with the District’s neighborhood. These standards provide the Kure Beach Historic Preservation Commission (the “HPC” or “Commission”), Town Staff, and property owners with the minimum guidelines needed for making decisions on applications for Certificates of Appropriateness (“COAs”) which are required prior to making any changes to the exterior features within the District.

These standards will also enhance investment within the District and will increase public awareness of the District’s unique, small-town, family-friendly character.

DISTRICT BOUNDARIES

The District, a four-block area bounded on the East by the Atlantic Ocean, on the South by J Avenue, on the North by L Avenue, and on the West by Third Avenue, represents a mix of commercial and residential structures and contains the oldest buildings in the Town. The District is the Town’s only commercial district (*e.g.*, beach-oriented hotels, shops, and restaurants) and retains a character that is reflective and reminiscent of a 1940s-1970s coastal community. Also located within the District are several public beach access points, the Town boardwalk, and the Town’s beachfront park and pavilion. The Town’s only stop-lighted intersection (Fort Fisher Blvd and K Avenue) and the oldest fishing pier on the Atlantic coast (originally built in 1923) are also sited within the District.

ARTICLE II. PROCEDURES FOR AMENDING THE DESIGN STANDARDS

2.1. Amendments

The following procedure shall apply with respect to proposed amendments to these design standards:

- a. Upon a suggestion to amend these standards made by a member of the HPC, the Planning and Zoning Commission, or Town Council, the HPC Chair shall call for discussion on the proposed amendment.
- b. Following the discussion, the Chair shall request a motion to place the question of the proposed amendment on the agenda for a noticed special meeting of the HPC where the Commission will consider and act upon the proposed amendment.
- c. The notice of the special meeting shall state that the purpose of the meeting is to allow for public comments on the proposed amendment and that the Commission will consider and act upon said proposal.
- d. A majority vote shall be sufficient for adopting or denying the proposed amendment.

ARTICLE III. REQUIRED APPROVALS

3.1. COAs Required

Under the General Statutes of North Carolina and the Town of Kure Beach Code (“KBC”), a COA is required for the erection, alteration, restoration, relocation, demolition, or destruction of any exterior portion of any building, structure (including masonry walls, fences, light fixtures, steps, pavement, or other appurtenant features), above-ground utility structure, or any type of outdoor advertising sign within the District (all collectively referred to herein as “Exterior Features”). Applications for a COA are decided by the HPC following a quasi-judicial hearing wherein the applicant presents evidence showing that the proposed Exterior Features comply with these design standards. The issuance of a COA by the HPC is required prior to the issuance of a building permit.

3.2. Minor Work Excepted

Minor work on Exterior Features, as defined in KBC Chapter 15 *Zoning*, may be administratively approved by the Town’s Building Inspector without a COA hearing. The request for administrative approval of minor work shall be made to the Building Inspector in writing, describe the work to be performed, and show that the work complies with these standards. A dated letter approving or denying the request shall be issued by the Building Inspector to the applicant generally within two (2) business days after the date on which the Building Inspector received the request.

Appeals of administrative decisions for minor work shall be made in writing to the HPC and delivered to the Commission’s Clerk within ten calendar (10) days after the date of the Building Inspector’s letter setting forth the administrative decision. The appeal shall be considered and acted upon by the HPC in a special or regular meeting conducted no earlier than ten (10) calendar days after the date on which the Clerk received the appeal. The HPC’s decision on the appeal shall be made in writing and delivered to the appellant within **ten (10)** calendar days after the date of the hearing during which the appeal was taken.

Minor work on Exterior Features which may be administratively approved includes the following:

- a. Painting which complies with these standards.
- b. Installation of window air conditioners, television antennas, and other temporary mechanical equipment provided they cannot easily be seen from the street or are screened from view with shrubbery or appropriate fencing.
- c. Repairs to walkways, patios, fences and driveways provided that the replacement materials match the original materials.
- d. Replacement of missing or deteriorated siding, trim, roof shingles, porch flooring, steps, etc. provided that the replacements match the original materials.
- e. Installation of storm windows and doors provided the trim color is white or matches trim color of the building, and the storm door is of the "full view" type.
- f. Installation of gutters and downspouts provided the color matches the trim color of the building and is harmonious with the color of the roof ventilators and chimney caps.
- g. Installation of house numbers, mailboxes, and porch light fixtures which are compatible and harmonious with the surrounding Exterior Features.
- h. Alteration or restoration of a medium to dark gray or black asphalt shingle roof.
- i. Alteration, restoration or erection of shutters or blinds which are original to the building or identical thereto.
- j. Removal of aluminum awnings.
- k. Removal of cinderblock walk and steps.
- l. Removal of storm doors and windows which do not feature panels or decorative work.
- m. Removal of metal storage buildings.

3.3. COA Procedures for Non-Minor Work

Application for a COA and payment of the associated fee shall be made to the Town's Buildings Inspection Department no later than thirty (30) days before the date of the next regularly scheduled HPC meeting. Each application shall include sketches, drawings, photographs, specifications, descriptions, and other information clearly showing the proposed work and how it complies with these design standards. Insufficient applications shall not be processed.

The HPC hearing shall be noticed and conducted in a quasi-judicial manner in accordance with the provisions of N.C.G.S. § 160D-406 and the applicant shall be prepared to show, on the basis of the application and other additional materials, documents, or exhibits which the applicant may want to submit into the record of the proceedings, that the proposed Exterior Features comply with these design standards.

All decisions by the HPC in granting or denying a COA shall be made in open session during the meeting in which the application is considered and may be appealed to the Kure Beach Board of Adjustment in the nature of certiorari and within the times prescribed for appeals of decisions in N.C.G.S. § 160D-405(d).

ARTICLE IV. STANDARDS

4.1. General Standards

a. The erection, alteration, restoration, or relocation of any Exterior Feature should have the look and aesthetic of a 1940s to 1970s building, and not be of modern or expressionist design. Exterior Features should be consistent and harmonious with the other Exterior Features within the District in terms of scale and design. Inappropriate modernist or expressionist architectural design elements include but are not limited to construction consisting of or containing predominant glass elements, glossy materials, round window features, exposed steel elements, broad roofs, or exaggerated overhangs.

For the purposes of these standards, “modernist architectural design” shall be interpreted and construed to mean an architectural style characterized by an emphasis on volume, asymmetrical compositions, based or linked boxes, minimal ornamentation, and vertical elements juxtaposed against horizontal elements for dramatic effect. “Expressionist architectural design” shall be interpreted and construed to mean an architectural style using materials such as brick, concrete, metals and glass to create novel and sculptural forms and massing which are sometimes distorted and fragmented to express an emotional perspective or an abstraction; a style which rejects historical styles, symmetrical forms, and traditional designs and which can result in unique exterior Features which stand out and are distinctive from their surroundings.

b. Colors on Exterior Features should be consistent and harmonious with the District’s neighborhood. For example, there should not be any pattern color designs such as those often associated with franchise operations nor should there be any striped or banded coloring/painting.

c. Building facades should be simple, and not consist of multiple sizes. Roofs should be uniform and roof features, uneven roofs, or oversized roofs should be avoided.

d. Design features, including windows and doors, should be normal scale. No large-scale windows or doors and no single architectural feature of an Exterior Feature should dominate the appearance of the building/structure.

e. In determining COA applications, the use of the property and the interior arrangements of the subject buildings/structures shall not be considered.

f. Nothing in these standards shall be interpreted or construed as preventing or restricting the authority to erect buildings to a height of 35 feet above ground level in accordance with N.C. Sess. Law 2006-126.

4.2. Specific Standards for New/Renovated Commercial Buildings and Additions

a. New and renovated commercial buildings and structures shall be designed with an architectural scale that is consistent and harmonious with the neighborhood and shall utilize details and elements, including but not limited to cornice lines, belt courses, fenestration bands, height, material selection, roof form, and street walls, which contribute to integrating the building/structure into the character of the site and the surrounding properties.

b. New and renovated commercial buildings and structures shall be designed so that a pedestrian's experience of the District's unique character is maintained.

c. There shall be no drive-through, curbside, or take-out operational services constructed within the District provided that walk-up service windows shall be permitted.

d. Exterior Features within the District shall not contain commercially oriented architectural features which are typically seen on franchise buildings such as golden arches, clowns, and/or towers/facades/uneven construction designed to emphasize franchise images, signs or logos.

e. All buildings on K Avenue between Atlantic Avenue and Fort Fisher Boulevard shall be commercial in nature. While mixed uses are permitted for multiple story buildings, the first floor of any such building shall be commercial in nature.

f. The signage for all commercial buildings and structures within the District shall be exterior lit only provided that small "open" window signs are permitted provided they comply with the sign regulations of KBC Chapter 15 *Zoning*.

4.3. Specific Standards for New Residential Buildings and Structures

New residential buildings and structures shall be designed with an architectural scale that is consistent and harmonious with the District's neighborhood and is compatible with the surrounding buildings and structures which contribute to the District's special character in terms of height, form, size, scale, massing, proportion, architectural style, and roof shapes.

4.4. Specific Standards for Additions to Residential Buildings and Structures

Additions to residential buildings and structures shall be permitted provided they are consistent and harmonious with the District's neighborhood and designed so that the overall character of the site, including trees and significant vistas of the District, are maintained.

4.5. Relocation, Demolition, and Destruction

COA applications for the relocation, demolition, or destruction of a building or structure within the District shall not be denied.