



# 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

ATTEST: Mandy Sanders  
Mandy Sanders, Town Clerk

Craig Galbraith  
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 AND HISTORIC DISTRICT**



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**TABLE OF CONTENTS**

**I. Preface.....2**

**II. Procedures for Amending the Design Standards.....2**

    2.1. Amendments .....2

**III. Required Approvals.....3**

    3.1. COAs Required.....3

    3.2. Minor Works Excepted.....3

    3.3. COA Procedures for Non-Minor Work.....5

**IV. Standards.....5**

    4.1. General Standards.....5

    4.2. Specific Standards for New/Renovated Commercial Buildings and Additions.....6

    4.3. Specific Standards for New Residential Buildings and Structures.....7

    4.4. Specific Standards for Additions to Residential Buildings and Structures.....7

    4.5. Relocation, Demolition, and Destruction.....7

## ARTICLE I. PREFACE

The objective of the Kure Beach Downtown Preservation and Historic District (the "District") is to safeguard the heritage of the Town of Kure Beach ("Town") by preserving the 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 architectural integrity of design, scale, setting, and materials which must be maintained to preserve its unique atmosphere of a 1940s to 1970s east coast beach town.

Recognizing that District property owners may intend to develop and/or improve their properties, these design standards specifically permit appropriate development while ensuring the preservation of the District's important elements and features which lend themselves to the look, feel, and characteristics of a small-town, family-friendly beach community from an earlier time.

These design standards provide a framework for recommendations and decisions about the appropriateness of exterior treatments within the District. With the publication of these standards, the Kure Beach Historic Preservation Commission (the "HPC" or "Commission"), Town Staff, and property owners within the District are provided with the minimum guidelines needed for making decisions on applications for Certificates of Appropriateness ("COAs") which are required prior to beginning any exterior work within the District other than ordinary and routine maintenance.

These design standards will ensure that COA applicants are treated, and COA decisions are made consistently and fairly. These standards will also enhance investment within the District and will increase public awareness of the District's unique, small-town, family-friendly ambience.

## 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. 1

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.

Summary of comments: design standards.final draft(for 1.6.21 hpc).pdf

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Page:3

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**T** Number: 1 Author: jbatson Subject: Highlight Date: 2020-12-31 09:02:52

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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 any 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 Portions”). Applications for a COA are decided by the HPC following a quasi-judicial hearing wherein the applicant presents competent and material evidence showing that the proposed Exterior Portions 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 Portions, as defined in KBC Chapter 15 *Zoning*, may be administratively approved by the Town’s Building Inspector without a COA hearing before the Commission. 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 thirty (30) calendar days after the date of the hearing during which the appeal was taken.

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

- a. Painting provided it complies with these standards.
- b. Replacement of window glass.
- c. Caulking and weather stripping.



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**T** Number: 1 Author: jbatson Subject: Highlight Date: 2020-12-31 09:02:44

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**T** Number: 2 Author: jbatson Subject: Note Date: 2020-12-31 09:15:38

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This process should be handled as a text amendment with Town Council making final decision on changes.

d. 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.

e. Pruning:

1. Pruning of mature trees is herein defined as the removal of dead, dying, diseased, interfering, objectionable, obstructing, and/or weak branches larger than one inch in diameter (3 inches in circumference). No topping of trees shall be permitted. Cutting back may be permitted after a site visit from the Building Inspector and it is determined that such measures are needed due to a hazard and/or to protect the longevity of the tree or adjacent trees.

2. Major pruning of shrubbery and evergreens is herein defined as following the natural or traditional pruned shape of the species.

f. Removal of dead, diseased or dangerous trees shall be submitted to the Building Inspector prior to the issuance of the minor work approval. A COA is required for the removal of a healthy tree with a trunk larger than four inches diameter at breast height (DBH) or 12.7 inches in circumference, measured at four and one-half feet high from ground level adjacent to the base of the trunk.

g. Repairs to walkways, patios, fences and driveways provided that the replacement materials match the original materials.

h. Replacement of missing or deteriorated siding, trim, roof shingles, porch flooring, steps, etc. provided that the replacements match the original materials.

i. 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.

j. 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.

k. Installation of house numbers, mailboxes, and porch light fixtures which are compatible and harmonious with the surrounding Exterior Portions.

l. Alteration, restoration or erection of a medium to dark gray or black asphalt shingle roof.

m. Alteration, restoration or erection of shutters or blinds which are original to the building or identical thereto.

n. Removal of asbestos siding in preparation for the restoration or rehabilitation for which a COA is required.

All of 3.2 seems to be extremely restrictive. Property owners should not have to seek permission from the Town to perform general maintenance of their properties.

o. Removal of aluminum awnings.

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p. Removal of cinderblock walk and steps.

q. Removal of storm doors and windows which do not feature panels or decorative work.

r. Removal of metal storage buildings.

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### 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 Portions comply with these design standards.

All decisions by the HPC in granting or denying a COA 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 Portions should have the look and aesthetic of a 1940s to 1970s building, and not be of modern or expressionist design. Exterior Portions should be compatible and harmonious with the other Exterior Portions 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,

**T** Number: 1 Author: jbatson Subject: Highlight Date: 2020-12-31 09:05:14

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**T** Number: 2 Author: jbatson Subject: Note Date: 2020-12-31 09:06:14  
Are replacements acceptable if there are identical or very similar, or would that need to go through COA?

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**T** Number: 3 Author: jbatson Subject: Highlight Date: 2020-12-31 08:34:50

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**T** Number: 4 Author: jbatson Subject: Note Date: 2020-12-31 08:32:49  
What exactly is a 1940-1970 building look? This should be described or demonstrated with depictions.

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**T** Number: 5 Author: jbatson Subject: Highlight Date: 2020-12-31 08:33:13

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**T** Number: 6 Author: jbatson Subject: Note Date: 2020-12-31 09:18:13  
This will restrict some development. Property values dictate maximizing potential of the property. This in most cases equates to the best positioning for oceanviews, which in turn means a lot of glass goes into the design of the structure.

symmetrical forms, and traditional designs and which can result in unique exterior portions which stand out and are distinctive from their surroundings.

b. Colors on Exterior Portions **should be appropriate for a beach community**.<sup>1</sup> For example, there should not be any pattern color designs such as those often associated<sup>2</sup> 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. **There shall be**<sup>3</sup> **no large-scale windows or doors** and<sup>4</sup> no single architectural feature of an Exterior Portion should dominate.

#### 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 compatible with the **special character and ambience**<sup>5</sup> of the District 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,<sup>6</sup> which contribute to integrating the building/structure into the **character of the site**<sup>7</sup> and the District.

b. New and renovated commercial buildings and structures shall be designed so that a **pedestrian's experience of the District's unique character, atmosphere, and sense of time**<sup>8</sup> **and place is maintained**.

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

d. Exterior Portions 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 which is designed to emphasize franchise images, signs or logos.

e. All buildings on K Avenue between Atlantic Avenue and **Forth Fisher**<sup>9</sup> 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*.

**T** Number: 1 Author: jbatson Subject: Highlight Date: 2020-12-31 08:36:39

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**T** Number: 2 Author: jbatson Subject: Note Date: 2020-12-31 09:09:28  
What colors are appropriate for a beach community? There should be examples.

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**T** Number: 3 Author: jbatson Subject: Highlight Date: 2020-12-31 08:37:46

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**T** Number: 4 Author: jbatson Subject: Note Date: 2020-12-31 09:09:36  
Comment from above concerning views and glass x2.

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**T** Number: 5 Author: jbatson Subject: Highlight Date: 2020-12-31 08:40:33

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**T** Number: 6 Author: jbatson Subject: Note Date: 2020-12-31 09:19:39  
Are we using the description of the Historic district to define the character? I

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**T** Number: 7 Author: jbatson Subject: Highlight Date: 2020-12-31 08:40:23

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**T** Number: 8 Author: jbatson Subject: Highlight Date: 2020-12-31 08:41:38

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**T** Number: 9 Author: jbatson Subject: Note Date: 2020-12-31 08:43:07  
This seems so speculative to me. Would there ever be an agreement on what this is?

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**T** Number: 10 Author: jbatson Subject: Highlight Date: 2020-12-31 08:43:51


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### 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 with the special character and ambience of the District and is compatible and harmonious 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


a. Additions to residential buildings and structures shall be designed so that the overall character of the site, site topography, and character-defining site features, including trees and significant vistas of the District, are maintained. 

b. Additions shall not be permitted if they will detract from or diminish the overall character of the primary building and the site or if it will require the removal of a significant feature of the site or a significant exterior element of the building/structure. 

### 4.5. Relocation, Demolition, and Destruction

a. The relocation, demolition, or destruction of a building or structure within the District is not encouraged. While an application for a COA authorizing such action may not be denied, the KBC Code and State enabling legislation provide that the effective date of such a COA may be delayed for 365 days after the date the application for the COA is presented to the HPC to give the Commission sufficient time to explore every alternative to the relocation or destruction of the building or structure. This review time is extremely important and can sometimes result in the continued existence of a historic resource. 

b. The following are instances when demolition or destruction of buildings or structures within the District shall not be allowed:

1. The demolition or destruction of any building, structure, or Exterior Portion, or any portion thereof, prior to applying to the HPC for a COA authorizing such action.
2. The demolition or destruction of any building, structure, Exterior Portion, or portion thereof, without Commission approval of a building or landscaping plan specifically addressing any void created by the proposed demolition/destruction and that also provides sufficient restoration of the site. 



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**T** Number: 1 Author: jbatson Subject: Highlight Date: 2020-12-31 08:44:53

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**T** Number: 2 Author: jbatson Subject: Note Date: 2020-12-31 08:46:14

4.3 could be interpreted many ways. Example: I want to build a brand new house that is surrounded by 1 story cinder block houses/buildings - does that mean I can only build a 1 story cinder block building?

**T** Number: 3 Author: jbatson Subject: Highlight Date: 2020-12-31 08:46:46

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**T** Number: 4 Author: jbatson Subject: Note Date: 2020-12-31 08:51:07

Seems entirely speculative.

**T** Number: 5 Author: jbatson Subject: Highlight Date: 2020-12-31 08:51:46

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**T** Number: 6 Author: jbatson Subject: Note Date: 2020-12-31 09:28:38

This single statement restricts new development in the B-1. What expertise does HPC or any employee have that additional review of alternatives and delay of proposed project would have any positive or beneficial outcome?  
Does this section apply to a new single family residential home?

**T** Number: 7 Author: jbatson Subject: Highlight Date: 2020-12-31 08:57:19

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**T** Number: 8 Author: jbatson Subject: Note Date: 2020-12-31 09:11:16

So you have to have COA before demolition in #1, and in #2 a COA of approval for building and landscaping which creates a void. What is a void? Who decides if there is one?