

**In the Matter Of:**  
Historic Preservation Commisson

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**HEARING**

*February 05, 2025*

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LEGAL | MEDIA | EXPERTS

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STATE OF NORTH CAROLINA  
TOWN OF KURE BEACH  
HISTORIC PRESERVATION COMMISSION

IN RE: Sombra Properties, LLC  
DATE: February 5, 2025

COURT REPORTER: DEBORAH L. HOUCHINS  
Legal Media Experts  
800-446-1387

1     A P P E A R A N C E S:

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THE BOARD:

3

4                   Craig Galbraith, Chairperson  
5                   Joe Barlok  
6                   Bryon Ashbridge  
7                   Tony Karboski  
8                   Brittany Evans

9

James Eldridge, Esq., Town Attorney

10

Mandy Sanders, Director of  
Administration

11

Beth Chase, Deputy Town Clerk

Steve Coggins, Esq., for Sombra  
Properties, LLC

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1 P R O C E E D I N G S

2 CHAIRMAN GALBRAITH: We'll call  
3 to order the Town of Kure Beach's  
4 Historical Preservation Commission from  
5 Wednesday, February 5th, 2025.

6 First item on the agenda is the  
7 adoption of the agenda. Is there a  
8 motion to adopt the agenda?

9 MR. BARLOK: So moved.

10 MR. ASHBRIDGE: Second.

11 CHAIRMAN GALBRAITH: Okay. All  
12 in favor say aye.

13 (MULTIPLE AYES.)

14 CHAIRMAN GALBRAITH: Okay.  
15 Adoption of the minutes is the second  
16 item. Just want to take a second to  
17 look through the minutes from our, I  
18 guess, January 7th, 2025, meeting.

19 MR. ASHBRIDGE: I'd make a  
20 motion to accept the minutes.

21 MR. BARLOK: Second.

22 CHAIRMAN GALBRAITH: All in  
23 favor say aye.

24 (MULTIPLE AYES.)

25 CHAIRMAN GALBRAITH: Okay.

1 Next item is public comment. We do have  
2 a later quasi-judicial hearing. So this  
3 would be something, if anybody has  
4 anything different from what we're going  
5 to be doing in the next item. We don't  
6 have anybody online? I guess we don't.

7 MS. EVANS: No, sir, we don't.

8 CHAIRMAN GALBRAITH: All right.  
9 Excellent. Okay. We'll close the  
10 public comment part of the agenda. And  
11 that brings us to number five, which is  
12 our quasi-judicial hearing, certificate  
13 of appropriateness, submitted by Sombra  
14 Properties, LLC.

15 So I guess we'll start with  
16 this, with the order of business, and  
17 let me go ahead and do a reading of the  
18 proper language for this particular  
19 quasi-judicial hearing.

20 This is a hearing before the  
21 Kure Beach Preservation Commission under  
22 the Town of Kure Beach Code of Ordinance  
23 15.08.080.C on the application for a  
24 Certificate of Appropriateness, or COA,  
25 filed by Sombra Properties, LLC, on the

1     behalf of Aaron Orlando for property  
2     located at 125 South 3rd Avenue, Kure  
3     Beach, North Carolina, and with the down  
4     -- and within the Downtown Preservation  
5     Overlay District.

6             The application seeks a COA for  
7     the construction of a residential  
8     structure, referred to as the project.  
9     We do have instructions for Commission  
10    Members that I will go through. There's  
11    four instructions, and then I'll turn it  
12    over to our attorney.

13            First instruction, in -- in  
14    making factual determinations,  
15    Commission Members may only consider  
16    competent, material, and substantial  
17    evidence from parties participating in  
18    the hearing.

19            Number two is, non-expert  
20    opinion testimony, including opinions  
21    related to diminution of property values  
22    and traffic safety issues, may not be  
23    considered in making Findings of Fact.

24            Number three, the Commission  
25    shall make Findings of Fact based upon

1 the Design Standards for the Kure Beach  
2 Downtown Preservation District, which  
3 refer to as Design Standards, and the  
4 review criteria set forth in KBC  
5 15.08.120.K. Under KBC Code  
6 15.08.120.J.4, the Commission's finding  
7 shall indicate the extent to which the  
8 proposed exterior features of the  
9 project are, under the Design Standards,  
10 compatible and harmonious with the other  
11 exterior features within the District in  
12 terms of scale and design. Based upon  
13 its findings, the Commission shall, in  
14 open session, vote to approve, approve  
15 with conditions, or deny the  
16 application.

17 Are there any questions  
18 regarding the instructions from the  
19 Commission Members?

20 MR. BARLOK: No, sir.

21 CHAIRMAN GALBRAITH: No? Okay.  
22 I'll turn it over to our attorney,  
23 Mr. Eldridge.

24 MR. ELDRIDGE: Good evening,  
25 Commission Members. It's been a while

1     since we've had a COA hearing, and  
2     there's some new faces on the Board. So  
3     I thought I'd briefly go through the  
4     Design Standards and the Review Criteria  
5     that you'll be using tonight.

6             You can read along with me if  
7     you want. I'm starting at the bottom of  
8     page 3 -- I mean, page 1, which  
9     automatically leads me to page 2.

10            Under the General Standards,  
11     middle section a, the erection,  
12     alteration, restoration, or relocation  
13     of any exterior feature, we're talking  
14     about everything on the outside of the  
15     structure and all structures and  
16     exterior features on the ground or on  
17     the wall or whatever, signs, utility  
18     boxes -- in this case a proposed  
19     residential structure -- should have the  
20     look and aesthetic of a 1940s to 1970s  
21     building and not be of modern or  
22     expressionistic design. Exterior  
23     features should be consistent and  
24     harmonious with the other exterior  
25     features within the District in terms of



1 scale and design.

2 I'm not going to read every  
3 word. We're just going to skip down.  
4 The second paragraph gives you the  
5 definition of modernistic architectural  
6 design and expressionistic architectural  
7 design. Again, these are features that  
8 the standards prohibit from being within  
9 the Preservation District.

10 Middle section b, towards the  
11 bottom of the page, colors on exterior  
12 features should be consistent and  
13 harmonious with the District's  
14 neighborhood. There should not be any  
15 pattern, color, designs, et cetera.  
16 Building facade. C, building facade  
17 should be simple and not consist of  
18 multiple sizes. Roofs should be uniform  
19 and roof features, uneven roofs, or  
20 oversized roofs should be avoided.

21 D, Design features, including  
22 windows and doors, should be normal  
23 scale. No large-scale windows or doors,  
24 and no single architectural feature of  
25 an exterior feature should dominate the

1 appearance of the building and  
2 structure.

3 E, in determining this  
4 application, the use of the property,  
5 the proposed residential use, and the  
6 interior arrangements of the subject  
7 building and structure shall not be  
8 considered. They have -- they play no  
9 role in this hearing tonight.

10 Section 4.3, of the Design  
11 Standards are specific standards for new  
12 residential buildings, which would be  
13 applicable in this case. New  
14 residential buildings and structures  
15 shall be designed with an architectural  
16 scale that is consistent and harmonious  
17 with the District's neighborhood and is  
18 compatible with the surrounding  
19 buildings and structures which  
20 contribute to the District's special  
21 character in terms of height, form,  
22 size, scale, proportion, architectural  
23 style, and roof shapes.

24 I want to go back to this  
25 sentence for a minute and use an

1     example. In a Special Use Permit  
2     Hearing, one of the elements you have to  
3     determine -- well, one of the elements  
4     that the applicant has to prove is  
5     whether the proposed Special Use, if  
6     located where proposed, is consistent  
7     and harmonious with the neighborhood.

8             This is slightly -- this is  
9     more nuanced, and I want to bring your  
10    attention back to the line, "is  
11    compatible with the surrounding  
12    buildings and structures which  
13    contribute to the District's special  
14    character." So keep that in mind.

15            Then I want to turn your  
16    attention to, in the middle of the page,  
17    the Review Criteria. We just read  
18    through the Design Standards. The  
19    Review Criteria are set forth in the  
20    regulations and govern how you apply  
21    those Design Standards. So let's look  
22    at those for a little bit.

23            Number one, the regulations set  
24    forth herein are intended to, insofar as  
25    is reasonable, to ensure that the

1 exterior portions of the buildings and  
2 structures shall be harmonious.

3 Two, in determining an  
4 application for a COA, the Commission  
5 shall consider the historic or  
6 architectural significance of the  
7 building or structure under  
8 consideration. Not sure that's relevant  
9 here. The exterior form and appearance  
10 of the proposed changes and the effect  
11 those changes would have upon the other  
12 buildings and structures within the  
13 Preservation District.

14 The Commission shall make no  
15 requirement except to prevent work that  
16 is incongruent with the District.  
17 Applicants shall consult the Design  
18 Standards, et cetera. This isn't -- the  
19 Commission shall base its decision on  
20 exterior form and appearance, the Design  
21 Standards, and the following criteria:

22 The setbacks, lot coverage,  
23 yards, orientation and positioning of  
24 the building or structures. Related to  
25 that is the text amendment that the

1       applicant secured some time ago.

2                   Materials, surface structures  
3       and patterns.

4                   Architectural details.

5                   Roof shapes.

6                   The proportions, shapes,  
7       positions, locations, and patterns of  
8       doors and windows.

9                   The general form and  
10       proportions of the buildings and  
11       structures.

12                   Appurtenant features,  
13       including, without limitation, walls and  
14       fences.

15                   And then number six: Nothing  
16       in the Criteria or Design Standards  
17       shall be interpreted or construed as  
18       preventing or restricting the authority  
19       to erect buildings to a height of 35  
20       feet in accordance with the referenced  
21       Session Law.

22                   So those are the standards you  
23       apply, and those are the criteria under  
24       which you apply those standards.

25                   CHAIRMAN GALBRAITH: Okay.

1 And, again, from what I understand, for  
2 the purpose of this hearing, you will be  
3 appearing in an advisory capacity to the  
4 Commission.

5 MR. ELDRIDGE: That is correct.

6 CHAIRMAN GALBRAITH: Okay.

7 MR. ELDRIDGE: And the  
8 applicant is represented by an attorney,  
9 Mr. Steve Coggins.

10 CHAIRMAN GALBRAITH: Okay.  
11 Very good. Next item is, we have to  
12 have a poll of the Commission Members,  
13 and this is a poll. So we're going to,  
14 you know, have everybody -- we'll start  
15 with Brittany, and each Commission  
16 Member shall state whether a conflict of  
17 interest exists due to direct financial  
18 benefit, bias or fixed opinion,  
19 undisclosed outside contacts, or a close  
20 family or commercial tie. Should such a  
21 conflict exist, a Commission Member  
22 shall recuse himself or herself from the  
23 hearing and the Commission shall excuse  
24 that member from voting on the matter.  
25 And since this is a poll, every

1 person will have to say yay or nay,  
2 basically. So we'll start with  
3 Brittany. Any conflicts?

4 MS. EVANS: Nay.

5 CHAIRMAN GALBRAITH: Go ahead.

6 MR. KARBOSKI: No conflict.

7 MR. ASBRIDGE: No conflicts.

8 CHAIRMAN GALBRAITH: No  
9 conflicts.

10 MR. BARLOK: A comment before I  
11 say no conflicts, and that is that all  
12 of us have already discussed this  
13 property in the previous year ago, so we  
14 are familiar with the property, where it  
15 is, and the other amendment that went  
16 through, but that is --

17 MR. ELDRIDGE: Just -- just --

18 MR. BARLOK: -- I am disclosing  
19 that openly.

20 MR. ELDRIDGE: Just for the  
21 record, your disclosure is in reference  
22 to the applicant's previous text  
23 amendment, application, and approval.

24 MR. BARLOK: Correct.

25 CHAIRMAN GALBRAITH: Correct.

1 MR. ELDRIDGE: Okay.

2 MR. BARLOK: And our awareness  
3 of that, but other than -- I have no  
4 conflict, just to mention.

5 MR. DUGAN: No conflict.

6 CHAIRMAN GALBRAITH: Okay.  
7 Very good. So I guess this is the start  
8 of our process, and we will start with  
9 testimony, I believe, and I guess we  
10 have to administer an oath for the  
11 testimony for this semi -- or  
12 quasi-judicial process, don't we?

13 MR. ELDRIDGE: Yes, you do.

14 CHAIRMAN GALBRAITH: And it  
15 looks like I administer the oath; is  
16 that correct?

17 MR. ELDRIDGE: That's correct.

18 CHAIRMAN GALBRAITH: That is  
19 correct. So --

20 MR. ELDRIDGE: You can swear  
21 everybody in at the same time.

22 CHAIRMAN GALBRAITH: I can  
23 swear everybody in? Okay. Very good.  
24 So let's just raise your right hand.

25 MR. ELDRIDGE: Well, we've got



1           Bibles.

2                   CHAIRMAN GALBRAITH:  Oh, we  
3           have Bibles.  Okay, we have Bibles.

4                   MR. ELDRIDGE:  Unless you need  
5           to affirm.

6                   MS. CHASE:  That Bible for  
7           the --

8                   CHAIRMAN GALBRAITH:  All right.  
9           These are everybody who's going to be  
10          testifying.  Okay, raise your right  
11          hand, place your left hand on the Bible  
12          and repeat after me.

13                   I swelled -- I swear to tell  
14          the truth, the whole truth, and nothing  
15          but the truth, so help me God.

16          (MS. WHITE, MR. COGGINS, MR. ORLANDO, AND MR. BUTLER  
17          WERE ALL SWORN IN BY CHAIRMAN GALBRAITH.)

18                   CHAIRMAN GALBRAITH:  Very good.  
19          Okay.  Thank you.

20                   MS. WHITE:  You're welcome.

21                   (DISCUSSION OFF THE RECORD.)

22                   CHAIRMAN GALBRAITH:  All right.  
23          So the next item is testimony, and I  
24          believe the Town Clerk, Ms. Chase, will  
25          tender exhibits concerning the

1 procedural requirements.

2 MS. CHASE: I will. Tonight  
3 I'm tendering to the records the  
4 following exhibits. All of you have  
5 received these ones already. Exhibit  
6 Number 1 is the Sombra Properties, LLC,  
7 application. Exhibit 2 is the drawings.  
8 Exhibit 3 is the appointment of agency.  
9 Exhibit 4 is the notice of the hearing.  
10 Exhibit 5 is the circuit --  
11 certification of posted notice. Exhibit  
12 6 is the certification of mail notice.  
13 And Exhibit 7 is the email of the record  
14 being sent to the applicant and  
15 Commission.

16 (EXHIBIT NUMBER 1 WAS IDENTIFIED.)

17 (EXHIBIT NUMBER 2 WAS IDENTIFIED.)

18 (EXHIBIT NUMBER 3 WAS IDENTIFIED.)

19 (EXHIBIT NUMBER 4 WAS IDENTIFIED.)

20 (EXHIBIT NUMBER 5 WAS IDENTIFIED.)

21 (EXHIBIT NUMBER 6 WAS IDENTIFIED.)

22 (EXHIBIT NUMBER 7 WAS IDENTIFIED.)

23 CHAIRMAN GALBRAITH: Okay.

24 Next item is our Director of Development  
25 and Compliance. Ms. White will present

1 her report on the application.

2 MS. WHITE: Good evening,  
3 Commission. I'm Bethany White. I'm the  
4 Director of the Development and  
5 Compliance Department. Director Tom  
6 Twister -- and I forgot which -- what  
7 number are we on?

8 MS. CHASE: We're on Exhibit 8.

9 MS. WHITE: Okay. I'm going to  
10 tender Exhibit 9 into the record, which  
11 is --

12 MS. CHASE: Exhibit 8.

13 MS. WHITE: Oh, okay. This is  
14 Exhibit 8. It is the staff report from  
15 the department.

16 (EXHIBIT NUMBER 8 WAS IDENTIFIED.)

17 CHAIRMAN GALBRAITH: And we  
18 don't have that.

19 MR. ASHBRIDGE: She's sending  
20 it up.

21 CHAIRMAN GALBRAITH: Okay.  
22 You're tendering that right now?

23 MS. WHITE: You don't have it  
24 yet.

25 CHAIRMAN GALBRAITH: Okay.

1 MR. ELDRIDGE: It is great to  
2 have a copy.

3 MS. WHITE: I've got one for  
4 everybody, I think. Hope so. You might  
5 have to share.

6 MR. COGGINS: We can share.

7 MS. WHITE: I might have an  
8 extra copy but --

9 MR. COGGINS: That's fine.  
10 We're good.

11 MS. WHITE: So many of you --  
12 oh, my God, I ran out of copies. How  
13 did that happen?

14 MR. ASHBRIDGE: Tony and I can  
15 share, if you want.

16 CHAIRMAN GALBRAITH: Oh.

17 MR. ASHBRIDGE: You guys -- you  
18 guys share this one. I'll --

19 CHAIRMAN GALBRAITH: All right.

20 MR. ASHBRIDGE: We can share  
21 this one.

22 CHAIRMAN GALBRAITH: Okay.  
23 We're short two up here.

24 MS. WHITE: All right. Who  
25 didn't get one up here?

1                   CHAIRMAN GALBRAITH: Brittany,  
2   you got one, didn't you?

3                   MS. EVANS: Yes.

4                   CHAIRMAN GALBRAITH: Okay. So  
5   we need one.

6                   MS. SANDERS: Does Brittany  
7   need one? She's not voting; right?

8                   MR. ELDRIDGE: Go ahead and  
9   keep it --

10                  MS. WHITE: Sorry about that,  
11   guys. I thought I printed off enough.  
12   And they are -- it is double-sided, so  
13   three pages.

14                  So this is a staff report on  
15   the application. It starts off just  
16   with an introduction to the application.  
17   The Historic District is the Kure Beach  
18   Downtown Preservation District. It's  
19   also in the B-1 District. And the  
20   nature of the project is construction of  
21   a new residential structure. It is per  
22   B-1 District Permit Uses 15.26.020  
23   Permitted Uses, exception -- sorry -- S,  
24   one-family dwellings on a lot on which  
25   is the most recent use can be proven to

1 be a nonconforming residential use, in  
2 which meets the yard and setback minimum  
3 requirements for the RA-1A residential  
4 district, and which the impervious  
5 ground covering surface does not exceed  
6 65 percent of the lot.

7 So now I'm going to go over the  
8 applicable sections of the Design  
9 Standards and the description of the  
10 project. So you want to look at the  
11 sections of the Design Standards 4.1,  
12 General Standards. I'm going to start  
13 with A, which is aesthetics. And under  
14 plan review, found it to be traditional  
15 residential single-family home. The  
16 colors are white Hardie board siding  
17 with black trim. The facade is a simple  
18 three-story facade with a traditional  
19 metal roof. Design features are typical  
20 windows, doors, and garages with no  
21 large-scale windows, doors, or  
22 extraordinary architectural features.

23 4.3 is the Specific Standards  
24 for New Residential Buildings and  
25 Structures. This project is proposed to

1 be 34 feet high and 8 inches. It is  
2 three stories. It's a single-family  
3 dwelling, and it'll be approximately 38  
4 feet by 68 feet long on a typical 50 by  
5 100 lot, which is a typical scale for  
6 the residential structures in Kure  
7 Beach. It's a typical architectural  
8 style proportionate scale and roof  
9 design for residential single-family  
10 homes in Kure Beach. Excuse me.

11 Okay. And this is my staff  
12 report, which is based on the  
13 information in the application, and also  
14 the plans that I reviewed. For General  
15 Standards, my review showed a  
16 traditional three-story single-family  
17 home with a general look and aesthetic,  
18 typical of the coastal-style homes being  
19 built throughout Kure Beach, with a  
20 general scale and design consistent with  
21 the larger coastal-style homes. There's  
22 no inappropriate modernist or  
23 expressionist architectural designs, no  
24 predominant glass elements, glossy  
25 materials, round window features, or

1 exposed steel elements. No broad roofs  
2 or exaggerating overhangs proposed, or  
3 any other unique or abnormal design  
4 elements. The colors proposed are white  
5 Hardie board siding with black trim and  
6 a metal roof. There are no patterns or  
7 unique color designs proposed. The  
8 facade is simple and traditional with a  
9 typical metal roof, and it's -- and is  
10 consistent with other facades in the  
11 district. Windows and doors are of  
12 normal scale. There are no large-scale  
13 windows or doors proposed, and no  
14 features that are unusual or dominating  
15 in the appearance of the structure.

16 4.3, for Specific Standards for  
17 New Residential Buildings. And I kind  
18 of -- I drove through the downtown  
19 district a few times as I was reviewing  
20 this, just to take a look. So I kind of  
21 did a summary of what -- what I found so  
22 that I would know what was congruent to  
23 the rest of the District. The Kure  
24 Beach Downtown Preservation District is  
25 currently a mixture of commercial and



1 residential structures, including the  
2 pier, pier house, arcade, restaurants,  
3 motels, rental cottages, the Town's  
4 Oceanfront Park and Community Center,  
5 convenience store parking lots, along  
6 with many residential homes ranging from  
7 older small cottages to newer large  
8 three-story homes similar to the one  
9 proposed. The colors, facades, and  
10 design elements in the District range  
11 from bright, bold pastels and pastels to  
12 traditional white and grays with brick,  
13 cinderblock, wood, vinyl, and shake  
14 siding. I also found various roofing  
15 materials, including metal, asphalt  
16 shingles, and membrane roofing.

17           The lot at 125 3rd Ave South is  
18 zoned B-1, which allows for 35 foot high  
19 commercial structure with 3 foot  
20 setbacks on each side and no impervious  
21 surface limit. However, the proposed  
22 structure will be built to RA-1A, which  
23 is our residential district, which  
24 allows for 35 foot high residential  
25 structures with a 20 foot setback in the

1 front, 5 foot setbacks on the side, and  
2 10 foot setbacks in the rear, and a 65  
3 percent impervious surface limit,  
4 resulting in what could be up to a 30  
5 percent reduction in scale and what you  
6 could potentially see at the same  
7 location.

8 The exterior features of the  
9 proposed structure appear to be  
10 consistent and harmonious with the other  
11 exterior features within the Kure Beach  
12 Downtown Preservation District.

13 So suggestions that I have for  
14 the Commission to discuss would be -- we  
15 haven't heard the proposal yet. I  
16 thought they were going to go first. So  
17 excuse me if I repeat some of this stuff  
18 to be proposed. But exterior features  
19 not presented, such as landscaping,  
20 fencing, hardscapes, exterior lighting,  
21 and accessory structures.

22 And if the Commission decides  
23 to approve the application, I suggest  
24 the following conditions: That the  
25 applicant receive, prior to commencement

1 of the work, all other required permits;  
2 that any revisions or deviations to any  
3 portion of the as-submitted work shall  
4 be submitted to the Department of  
5 Development and Compliance for review  
6 and approval prior to installation or  
7 construction, and that the details and  
8 specific -- specifications for the  
9 following be provided to and approved by  
10 staff prior to installation of  
11 construction. And by "staff," I mean  
12 myself. You know, I figured if I ever  
13 have a staff. A, landscaping; B,  
14 hardscapes; C, fencing; D, gutters and  
15 downspouts; E, exterior lighting; F,  
16 house numbers; G, mailbox; and, H,  
17 accessory structures, if any.

18 And those are just items that  
19 should be considered as part of the COA  
20 process. They could be a minor COA, but  
21 they're just things I haven't seen yet  
22 on the plan. So they -- we don't need  
23 to come forth for another hearing for  
24 those items, but I propose that it be  
25 considered as a condition that they --

1     they make sure they run it by me before  
2     they do those items.

3             CHAIRMAN GALBRAITH:   Okay.  We  
4     -- very quickly, just -- we -- I'm sure  
5     we'll have questions of you, but  
6     according to our order, the question  
7     should wait a little bit, if that's --

8             MR. ELDRIDGE:  No, this is the  
9     time to ask them.

10            CHAIRMAN GALBRAITH:  It is?  
11     Okay, because --

12            MR. ELDRIDGE:  Plus, I would  
13     like to make a comment first.

14            CHAIRMAN GALBRAITH:  Yes, sir.

15            MR. ELDRIDGE:  Ms. White  
16     correctly points out that the things --  
17     and they may be considered when the  
18     applicant makes his presentation prior  
19     to Ms. White, I'm not sure, but she  
20     references twice landscaping, fencing,  
21     hardscapes, exterior lighting and  
22     accessory structures, and includes those  
23     in the proposed conditions.  Those are,  
24     without a doubt, exterior features that  
25     fall under the scope of the COA

1 regulations. So if they're not  
2 presented and we got to get to them  
3 later, we can -- it does seem  
4 appropriate to me to handle that as a  
5 minor COA.

6 MS. WHITE: Yeah. I mean, it  
7 can be -- as far as I'm concerned, it  
8 could be considered as part of this. If  
9 -- if we were to move forward with this,  
10 it could be considered as part of this,  
11 as long as it was brought forth in the  
12 planning process for the building  
13 permit.

14 CHAIRMAN GALBRAITH: Okay.

15 MR. ELDRIDGE: Yeah, I  
16 understand that. I just think it should  
17 clean and in strict accordance with the  
18 black-and-white provisions. I have no  
19 problem looking at those things later,  
20 if they're not addressed tonight, but I  
21 want them looked at in accordance with  
22 the regulations. So that would require  
23 a minor COA, which does not involve the  
24 Commission. And we can certainly draft  
25 language for that in the condition of

1     this.

2                   MR. ASHBRIDGE:   So, Bethany,  
3     two things.   So, one, has it -- had that  
4     information been requested and yet --  
5     not yet provided?

6                   MS. WHITE:   Some of it, and --  
7     and we provided some of it, but it's  
8     very early in the planning process  
9     stage, so I think some of those elements  
10    just hadn't really been kind of written  
11    down or planned.   We did -- we did  
12    request that the color and things like  
13    that be told to us so that --

14                  MR. ASHBRIDGE:   Uh-huh.

15                  MS. WHITE:   -- we could move  
16    forward with that.

17                  MR. ASHBRIDGE:   Yeah, so --

18                  MS. WHITE:   But I think some of  
19    the smaller things, we haven't seen --

20                  CHAIRMAN GALBRAITH:   We're  
21    happy to discuss it.

22                  MR. ASHBRIDGE:   Yeah, it would  
23    -- it certainly would be much more  
24    comfortable, I think, for us to have a  
25    clear picture of all of the exterior

1 elements that we're supposed to be  
2 considering.

3 And the second, it almost  
4 sounded as if it was like a concession  
5 to build to RA-1A when isn't that the  
6 new requirement, if we're going to build  
7 residential in this --

8 MS. WHITE: Yes, that's the  
9 text, they -- they must -- if they were  
10 to build to --

11 MR. ASHBRIDGE: Yeah.

12 MS. WHITE: -- to build a  
13 residential structure, yes --

14 MR. ASHBRIDGE: Yeah. So --

15 MS. WHITE: -- that has to be  
16 built to --

17 MR. ASHBRIDGE: Again --

18 MS. WHITE: -- RA-1A. Yeah, it  
19 that is an amendment.

20 MR. ASHBRIDGE: -- just want to  
21 clarify, that's -- yeah, per the new  
22 requirement, they have to do that.

23 MS. WHITE: Right. But they  
24 could -- they could, with that lot,  
25 build a B-1 structure --

1 MR. ASHBRIDGE: Yeah.

2 MS. WHITE: -- that's what I  
3 was saying.

4 MR. ASHBRIDGE: Yeah, yeah.

5 MR. ELDRIDGE: And that  
6 requirement was something that the  
7 applicant sought and received approval  
8 for. So I'm sure they're aware of that  
9 requirement.

10 MR. ASHBRIDGE: Yeah.

11 CHAIRMAN GALBRAITH: Okay. Is  
12 the applicant -- since we're asking  
13 questions now -- a little bit out of  
14 order than what we were given. And last  
15 time we had a COA, you put the fear of  
16 God in me because I deviated a little  
17 bit. So I'm being very careful this  
18 time.

19 MR. ELDRIDGE: You're referring  
20 to the changes you made to the  
21 documents?

22 MR. ASHBRIDGE: Yeah.

23 CHAIRMAN GALBRAITH: So,  
24 anyway, you know, we do have a lighting  
25 ordinance, and I noticed exterior



1     lighting is one of the issues. Are they  
2     aware of our lighting ordinance?

3             MS. WHITE: I believe so, yes.

4             CHAIRMAN GALBRAITH: Okay.

5             MS. WHITE: I know the builder  
6     is aware.

7             CHAIRMAN GALBRAITH: They --  
8     they will become aware then? Okay. All  
9     right. Very good.

10            MR. BARLOK: I'm sure they  
11     will.

12            CHAIRMAN GALBRAITH: Okay.

13            MR. DUGAN: I have --

14            CHAIRMAN GALBRAITH: Sure.  
15     Let's just go ahead and --

16            MR. DUGAN: I just want to make  
17     sure. They've been exempted into the  
18     RA-1 section build, from -- from this --  
19     this time on, they'll fall under the --  
20     the heading of requirements.

21            MS. WHITE: That's correct.

22            MR. DUGAN: RA-1, okay.

23            MS. WHITE: They will build  
24     through the requirements of the RA-1A  
25     District, which -- basically in regards

1 to setbacks and pervious surface.

2 MR. DUGAN: Yeah. I just  
3 didn't want to have something happen to  
4 downtown and all of a sudden they got to  
5 do something.

6 MS. WHITE: Yeah.

7 MR. COGGINS: We're good on  
8 that --

9 MR. ASHBRIDGE: So --

10 MR. COGGINS: -- because the --

11 MR. ASHBRIDGE: Yeah. Yeah.  
12 We made the change that if residential,  
13 then, yes, they have to comply with  
14 RA-1A.

15 MR. ELDRIDGE: And the  
16 dimensional requirement that they got,  
17 they text amendment the regulations for  
18 B-1 which incorporated the residential  
19 setbacks that we're dealing with  
20 tonight. So it's all code at this  
21 point.

22 MR. BARLOK: Okay. Beth, on  
23 one of the drawings -- I don't know if  
24 you'll be able to answer the drawings,  
25 or they'll have to answer, but drawing

1     A5, it shows stainless steel stair  
2     rails. Is that typical of the 1940 to  
3     1970 building design?

4                 MS. WHITE: Well, I can't  
5     really answer to that. I tried to  
6     Google the 1940s and '70s design. It's  
7     difficult. So what I found, as more of  
8     a modern -- I don't want to say modern  
9     because that's a bad word in our Design  
10    Standards, but the updated version of a  
11    coastal -- of a coastal, traditional  
12    home.

13                So one of the examples that I  
14    saw today was kind of up -- how the  
15    hotels are all updating now, and the  
16    Seabirds are with their black, metal  
17    railings and things like that.

18                MR. BARLOK: Uh-huh.

19                MS. WHITE: I think it's kind  
20    of consistent with what -- with that.  
21    It's more of just the style.

22                MR. BARLOK: Okay.

23                MR. ASHBRIDGE: Uh-huh.

24                MS. WHITE: Yeah, I think the  
25    Seabirds is a -- is a pretty good

1     example of that. I'm sure you've all  
2     seen the updates.

3             MR. BARLOK: Yes, I've seen  
4     that. You've had the benefit to go out  
5     and look at that.

6             MS. WHITE: Yeah.

7             MR. BARLOK: Okay. And then --

8             MR. ASHBRIDGE: Another  
9     question: Do we know the color of the  
10    roof?

11            MS. WHITE: I think in the  
12    picture -- well --

13            MR. BUTLER: It will Galvalume,  
14    26 gauge. Galvalume, exposed fastener  
15    that we -- that's pretty typical of --

16            MR. ASHBRIDGE: Uh-huh.

17            MR. BUTLER: -- everything is  
18    now.

19            MS. WHITE: Typical like  
20    silver-ish gray.

21            MR. ELDRIDGE: But it's going  
22    to be silver in color?

23            MR. BUTLER: Yes, sir.

24            MS. WHITE: Silver-ish gray.

25            MR. BUTLER: It doesn't have a

1 high-gloss, just very matte.

2 MR. ASHBRIDGE: Uh-huh.

3 MS. WHITE: Okay.

4 MR. ASHBRIDGE: Yeah. And,  
5 Bethany, again, I know --

6 MS. WHITE: Similar to the --  
7 probably the -- the -- the Oceanfront  
8 Park stage facility?

9 MR. BUTLER: Exactly.

10 MR. ASHBRIDGE: I know, had we  
11 gotten perhaps the presentation up  
12 front, maybe some of this would have  
13 already been addressed. But how large  
14 is this home as compared to neighboring  
15 homes in that area?

16 MS. WHITE: It actually has a  
17 pretty similar in scale three-story home  
18 right next to it on the other side.  
19 Like I said, the -- the -- the B-1  
20 district varies very much. So there is  
21 a couple of homes that are to that scale  
22 in the B-1 district, but there's also a  
23 few homes that are just still the small  
24 cottages.

25 MR. ASHBRIDGE: Uh-huh.

1 MS. WHITE: So it kind of  
2 varies. But, yeah, there's -- there's a  
3 few of them that are at that same scale.

4 MR. ASHBRIDGE: How large is  
5 this home?

6 MS. WHITE: It's going to be  
7 three stories and about -- what -- 400  
8 -- 4,000 --

9 MR. BUTLER: 4,000. Yes.

10 MS. WHITE: -- something square  
11 feet.

12 MR. BUTLER: 4,000.

13 MR. DUGAN: So it's a big  
14 house.

15 MR. BUTLER: That includes the  
16 garage area.

17 MR. ASHBRIDGE: Uh-huh. Okay.

18 MS. WHITE: Yeah, it's -- it's  
19 going to --

20 CHAIRMAN GALBRAITH: The  
21 livable space, heated space, would be --  
22 what -- 3,500 or so?

23 MR. BUTLER: It's somewhere  
24 close to that, Yes, sir.

25 CHAIRMAN GALBRAITH: Okay.

1                   MR. ASHBRIDGE: And my second  
2 question is: The last drawing, drawing  
3 SP, is where all of the words are. And  
4 I -- sometimes you find a lot of stuff  
5 hidden in there as to the details of  
6 what something's going to be. And it  
7 was -- and I couldn't read it. Once you  
8 make it big enough on the screen --

9                   MS. WHITE: Ahh.

10                  MR. ASHBRIDGE: -- you can't  
11 read the words.

12                  MS. WHITE: No, I'm sure  
13 that --

14                  MR. ASHBRIDGE: So did you have  
15 a chance to look at that sheet, SP, the  
16 last one?

17                  MS. WHITE: I've looked through  
18 the plans. I'm not -- I'm not a hundred  
19 percent sure of which particular detail  
20 you're talking about. I don't --

21                  MR. ASHBRIDGE: No, I can't  
22 read it.

23                  MS. WHITE: -- I don't know  
24 what --

25                  MR. ASHBRIDGE: That's --

1 MS. WHITE: I'm sure we're  
2 going to --

3 MR. BARLOK: This is -- this  
4 page right here?

5 MR. ASHBRIDGE: Yeah.

6 CHAIRMAN GALBRAITH: Yeah.

7 MS. WHITE: I'm sure you guys  
8 got the plans.

9 CHAIRMAN GALBRAITH: If I can  
10 interject here, it might -- might  
11 actually make more sense to stick with  
12 the order as given to me by the  
13 attorney, which allows for the  
14 presentation before questions, because a  
15 lot of these questions perhaps can be  
16 answered by the --

17 MR. ELDRIDGE: And you can come  
18 back to Ms. White. As long as --

19 CHAIRMAN GALBRAITH: Yes.

20 MR. ELDRIDGE: -- the hearing's  
21 open, you can ask anybody the questions  
22 you want to ask.

23 CHAIRMAN GALBRAITH: Is that  
24 okay with everybody, hear the  
25 presentation first? Okay.



1 MR. ASHBRIDGE: Yep.

2 CHAIRMAN GALBRAITH: Because I  
3 think we're asking questions that might  
4 be dealt with.

5 So next item is the applicant's  
6 attorney will present evidence in  
7 support of the application. And if you  
8 could introduce yourself at the stand,  
9 I'd appreciate it.

10 MR. COGGINS: Thank you,  
11 Mr. Chairman. My name is Steve Coggins.  
12 I'm the attorney for the applicant,  
13 Aaron Orlando, who is submitting the  
14 application on behalf of the owner of  
15 the property, Sombra, LLC.

16 One of your questions was  
17 resolved, what is the relationship  
18 between them? Mr. Orlando -- Sombra is  
19 a small member LLC of which he is the  
20 managing member and the controller of  
21 the company. So he is -- as an  
22 individual, is pressing forward this  
23 application on behalf of the LLC that  
24 owns --

25 CHAIRMAN GALBRAITH: When you

1 say a small member, is that a single  
2 member?

3 MR. COGGINS: I believe his  
4 wife may also be a member.

5 CHAIRMAN GALBRAITH: Okay.

6 MR. COGGINS: I think they're  
7 50/50 and he's the managing partner.

8 CHAIRMAN GALBRAITH: Okay.

9 MR. COGGINS: I think the  
10 Register of Records clearly at this  
11 point -- Jim, I believe we've got eight  
12 exhibits that have been tendered --

13 MS. CHASE: Right.

14 MR. COGGINS: -- and we would  
15 move them for admission into evidence  
16 into the record.

17 And given that the way the  
18 ordinance is written, there has to be  
19 some indication that a home can be built  
20 in the historical district, a residence,  
21 only if the prior use -- if there was a  
22 prior use of residence, and I do have a  
23 photograph of the -- the old triplex  
24 that was there and became storm-worn and  
25 ultimately had -- had to be removed.

1 And I would move this forward as Exhibit  
2 9 and tender this for -- for you, if I  
3 can.

4 (EXHIBIT NUMBER 9 WAS IDENTIFIED.)

5 CHAIRMAN GALBRAITH: Thank you.

6 MR. COGGINS: So that makes --  
7 I think that makes clear that we're  
8 appropriate under the -- under the  
9 ordinance for this application. And, of  
10 course, today, that is an empty lot.

11 CHAIRMAN GALBRAITH: This is  
12 the 1940s to 1970s look.

13 MS. WHITE: Can't build that  
14 again for lots of reasons.

15 MR. ALBRIDGE: Yeah, right.

16 MR. COGGINS: I have prepared a  
17 slideshow, if you would.

18 CHAIRMAN GALBRAITH: Okay.

19 MR. COGGINS: It's a PDF where  
20 -- when I'm done --

21 CHAIRMAN GALBRAITH: Would --  
22 would it be appropriate to submit that  
23 as an exhibit also, the slide?

24 MR. COGGINS: It would indeed.

25 CHAIRMAN GALBRAITH: Okay.

1 MR. COGGINS: I suppose that  
2 would be Exhibit 10.

3 (EXHIBIT NUMBER 10 WAS IDENTIFIED.)

4 MS. CHASE: It would be 10.

5 CHAIRMAN GALBRAITH: Okay.

6 MR. COGGINS: On this  
7 submission, I'll walk you through it,  
8 but what I'd like to do is to hand up to  
9 you Exhibit 11.

10 (EXHIBIT NUMBER 11 WAS IDENTIFIED.)

11 MR. COGGINS: And this is to  
12 the point that your advising council  
13 made -- that was well put -- is take the  
14 Design Standards and to try to, as far  
15 as possible, tie aspects of the proposed  
16 project to what is actually in your  
17 Historic District.

18 I'll start by saying that I  
19 don't read anything within the standards  
20 that's, within this project, that's  
21 expressly excluded by it. Your Historic  
22 District, I must say, is quite a  
23 hodgepodge in the collection of  
24 buildings, extremely wide variety of  
25 shapes, sizes, interesting

1     juxtapositions with each other.  It's  
2     really a marvel and I think a reflection  
3     of the unique history of Kure Beach.

4                 But what I have done is that  
5     you'll see -- and I'm getting ready to  
6     hand this up and -- is the Exhibit 10.

7                 MR. ASHBRIDGE:  This is Exhibit  
8     10?

9                 MR. COGGINS:  Yes.  And it's  
10    basically a table, and it talks about  
11    very key features of the proposed  
12    project and ties it to similar features  
13    found within the Historic District  
14    itself, not Kure Beach as a whole,  
15    within the Historic District itself.

16                You'll see those features that  
17    I have are the metal roofs; the type of  
18    siding, which in this particular case is  
19    Hardie plank but looks like wood.  It's  
20    a two-plus-story structure.  Its color  
21    is white.  It's got black trim.  And  
22    it's going to have a covered porch with  
23    railings.  There are different aspects  
24    of vertical height within the same  
25    structure, instead of just one uniform

1 height like you would see, for instance,  
2 with a flat roof, and you have external  
3 stairs leading up to the main -- leading  
4 up to the main entrance with -- with  
5 open -- open treads; okay? Those are  
6 features I think that prominent other  
7 residents -- and I just wanted to assure  
8 you that it fits within structures that  
9 are located within the Historic  
10 District. Could we bring up the --

11 MS. CHASE: Yes. Are you ready  
12 for it?

13 MR. COGGINS: Yeah, I am.  
14 Let's go to page 1, which is 121  
15 Atlantic Avenue.

16 Interestingly enough, this is  
17 the first thing that appears. And this  
18 -- by the way, all these structures are  
19 listed in the inventory of the day  
20 before that was compiled by this  
21 Commission and that is -- that is  
22 available in -- online. This is a  
23 two-story home on Atlantic Avenue. It  
24 has a metal roof. It is three stories,  
25 and it has Hardie plank siding, which --

1 meaning it's solid. It's concrete. If  
2 you notice, it looks very much wood.  
3 And -- let's see. So you've got the  
4 sidings and you see aspects of white,  
5 okay, that faces Atlantic Avenue.  
6 Predominantly it's green; okay? There  
7 are aspects that are white that actually  
8 -- that actually face it. And then you  
9 have -- you see these porches here that  
10 are -- are covered porches with the  
11 railings, and that is all along, for  
12 instance, the rear of the proposed  
13 project here.

14           You have different vertical  
15 elevations to add a sense, if you would,  
16 of ornamentation to it. So unlike a  
17 flat roof here, you have these types of  
18 roof, things that -- that are there;  
19 okay? And, of course, there are  
20 external stairs on -- on the side.

21           Then we can go to page 2, if  
22 you would. Okay? This is 127 -- I'm  
23 sorry, next -- what's on 137 Atlantic  
24 Avenue, and what is common there is the  
25 aspect of the covered -- covered porch.

1     It's unlikely -- it's -- it's not like  
2     our structure very much at all.  It's  
3     small, and it's a -- it's a flat roof,  
4     but it does have this covered porch  
5     aspect, which is a recurring theme here  
6     in Kure Beach.

7                 Let's go to page 3 then, where  
8     we've got the 109 Fort Fisher Boulevard.  
9     Now, this is really interesting in the  
10    sense that what you see that it shares  
11    is the -- the kind of siding here that's  
12    involved; all right?  It is white.  It  
13    has a covered porch, different  
14    verticality, different roof lines here,  
15    and external stairs that go up.  And  
16    what is really interesting is what -- a  
17    thing I think that our proposed project  
18    is a tribute to, and recurring theme you  
19    see throughout the Historic District,  
20    because you know this, you have this  
21    plain, kind of a blocky-like surface  
22    right here, but it's made interesting  
23    because you can have a recessed part  
24    behind it, and it's -- and it has that  
25    covered porch over it that adds a, if



1     you would, decorative type of aspect to  
2     it. And the project, if you look -- if  
3     you look at the front elevation of the  
4     drawing, you'll see, as you come up into  
5     this house, this part here is indeed  
6     recessed and juxtaposed to the white  
7     plain front on it. So in keeping with  
8     that aspect of the Historic District.

9             Let's go, if we can, then to  
10    the next page, I believe. This will be  
11    113 Fort Fisher. At 113 Fort Fisher,  
12    you see the same aspect. This is,  
13    again, a repeated theme that I'm talking  
14    about, where you have this plain here on  
15    the out -- on the outside here,  
16    standard-sized windows, just like with  
17    our project, and then you have this  
18    recessed area with a covered porch and  
19    with railings on that. Stairs going on  
20    up and down. See this is at 113.

21            All right. We can go to the  
22    next one. Let's go to 117. It's going  
23    to have very similar siding, okay, as  
24    117 does. And it has the covered porch  
25    on it.

1                   Let's go to the next one, 121.  
2    Ah, here with 121, we have yet a second  
3    example of a metal roof in the north  
4    Historic District, and with different  
5    elevations of roof, depending on what is  
6    the particular function, because in  
7    ours, the second floor has, I think, a  
8    larger footprint than the third floor,  
9    and so you're going to see different  
10   roof lines according to what is the  
11   particular function. And, again, you've  
12   got this plain wood-like siding surface  
13   juxtaposed next to this recessed back  
14   covered porch underneath it with -- and  
15   with the railings here for -- for the  
16   porch. Again, that's something that we  
17   are paying tribute to with this  
18   particular project; okay?

19                Then we've got 122, which is  
20    next to the Pier Motel. And you'll see  
21    at 122 there, that has a metal roof.  
22    It's got the kind of siding we're  
23    talking about. It's a two-story-plus  
24    structure there that you'll see, and  
25    covered porch areas, different

1     verticality; okay? And this one doesn't  
2     have external stairs that go up.

3             All right, we'll go to the  
4     next. Again, small scale, but here  
5     you've got classic metal roof and --  
6     with different roof lines on that and a  
7     covered porch feature.

8             Okay, go to page 9. 129. This  
9     is interesting. It has additional  
10    elements. This is -- I would call that  
11    -- what -- 1950s modern; right? I  
12    regret to say that I'm of an age that  
13    remembers that well. It is two stories.  
14    It has different roof lines. It has a  
15    covered porch feature. It is -- it has  
16    black trim and shutters and the covered  
17    porch, again aspects that are  
18    incorporated into the project.

19            Next, please. And if we can go  
20    to next one, too. That's also the Seven  
21    Seas. This is an example of what you  
22    have. Isn't it interesting, this  
23    district where we looked at these small  
24    homes and juxtaposed against these very  
25    large -- these very large structures,

1 all right next to each other in terms of  
2 scale and proportionality. Again, the  
3 siding is very similar. Two-plus  
4 stories. The structure has a covered  
5 porch. Different verticalities. And  
6 external stairs that would be up to it.

7 All right. Let's go to the  
8 next. This will be page 10. Again, you  
9 got the traditional covered porch. Let  
10 me see. Yes, this is 133; right? Okay.  
11 Yep. Kind of -- similar kind of siding.

12 Next we go to another aspect  
13 here for 133, and here we have a  
14 two-story. It look -- I think it serves  
15 actually as an office and residence. So  
16 I think it's an office for the cottages  
17 on the first floor, and it's written --  
18 it's residence on the next floor. But  
19 it's really interesting about how, the  
20 way it's designed, this unique Kure  
21 Beach, is that you don't look at this  
22 particular building in isolation. You  
23 look at it in -- relative to what it is  
24 attached to; that is the -- this cottage  
25 complex here, and it took -- elevations

1     that -- that you see that prevents, for  
2     lack of a word, monotony, probably what  
3     you would call minimalist design that  
4     you see in modernistic architecture.

5             You can go to the next, if you  
6     can. And again though you do have the  
7     covered porch with the traditional  
8     railings, which, again, is part of the  
9     -- part of the design, particularly on  
10    the rear elevation of proposed project.

11            And go now to 15th page. 109  
12    Fort Fisher Boulevard. And here you  
13    have the elevated porches, which we have  
14    on ours; the frontal -- frontal stairs;  
15    covered porches. I'm going to page now,  
16    I think, 16; right?

17            MS. CHASE: Yes.

18            MR. COGGINS: This is a  
19    continuation of Moran Motel. This is --  
20    stop. This is the lot where -- in other  
21    words, it's going to be right behind the  
22    motel. That is the house right next  
23    door to it. And here you get -- so you  
24    see a relationship in terms of what we  
25    see was -- the relationship between

1 buildings and adjacent buildings and  
2 whatnot. The relationship would be  
3 virtually identical to what this  
4 building is to this building here. And  
5 you will see that you've got the -- the  
6 large exterior stairs that go up. And I  
7 believe the -- as I mentioned about  
8 steel stairs and things like that, but  
9 they will be painted white and won't  
10 have that hard steel look about it.

11 MR. ASHBRIDGE: Not -- not the  
12 stairs, the actual --

13 MR. COGGINS: I'm sorry, the  
14 railings themselves.

15 MR. ASHBRIDGE: Yeah.

16 MR. COGGINS: That's what I  
17 meant --

18 MR. ASHBRIDGE: -- or the --

19 MR. COGGINS: -- to say.

20 MR. BUTLER: Yeah. And I'd  
21 like to speak on that, just to clarify  
22 the handrails.

23 MR. COGGINS: This is Westcott?

24 MR. BUTLER: Yeah, sorry,  
25 Wescott, W3 Built. That was a note that

1     was missed on the drawings. They are  
2     going to be of white nature, either, you  
3     know, a powder-coated white --

4                 CHAIRMAN GALBRAITH: Okay.

5                 MR. BUTLER: -- or a wood  
6     painted white. So the stainless steel  
7     cables, that's not -- not of concern for  
8     them. We are looking at a wood white or  
9     a powder-coated white. We just kind of  
10    have weigh the costs.

11                CHAIRMAN GALBRAITH: Okay.

12                MR. COGGINS: And what is  
13    interesting, you see here, for this  
14    particular home that's right next door  
15    to what we are building, similar in --  
16    very similar in size and design, is that  
17    you'll see it has the -- the slightly  
18    covered porch area with these railings  
19    here, and that's going to be the effect  
20    of the view from the rear of this home  
21    as well.

22                You'll see on here that you've  
23    got different roof lines here for  
24    different functions and then add some  
25    interesting aspect of it -- here.

1                   We can go to next one. This is  
2    -- this is another particular view of  
3    Admiral -- Admiral's Quarters. Again,  
4    showing aspects of the covered porch  
5    with the open tread stairs that go up.

6                   We'll go to now page 18. And,  
7    again, an aspect -- and this, again, is  
8    directly across the street from Moran's,  
9    as I recall. And, again, showing the  
10   difference in the scale, the size of  
11   buildings, all within this unique  
12   Historic District.

13                  We can go to page 19. This is  
14   a view of the house that's right next to  
15   the -- the Moran. This is the end of  
16   the Historic District on the south side  
17   right there; okay? And, again, shows  
18   the interesting juxtaposition of sizes  
19   in traditional -- in traditional zoning  
20   and districts that you're concerned with  
21   -- you don't want one thing to be too  
22   big or too small next to the other.  
23   To be in keeping with your Historic  
24   District, you actually are trying to  
25   accomplish something that's just like



1 the opposite, almost like if you were  
2 standing on the level of a chessboard.  
3 You've got pieces that are like pawns,  
4 pieces that are like bishops and  
5 knights, and pieces like the king and  
6 the queen, you know, the higher, in  
7 terms of had that kind, if you would,  
8 mixture of heights to be consistent with  
9 it.

10 You can go to the next page.  
11 And that's -- that's another view there  
12 of the rear. This is a good example  
13 here of the kind of Historic District  
14 that mimics the Hardie -- the Hardie  
15 plank board effect; okay?

16 Next. Big Daddy's is here.  
17 I'm not sure the Big Daddy's was already  
18 -- would be built today because these  
19 are actually elements of what I would  
20 call modernistic types of architecture  
21 where you have exaggerated roof lines  
22 that doesn't serve as a functioning  
23 porch and -- and whatnot. But  
24 nonetheless, it's there. It's been  
25 there a long, long time. Nothing of

1     that.

2                   And here's a really interesting  
3     example.  These cottages, I believe they  
4     go back to the World War II days; right?  
5     And I think even workers at the Dow  
6     plant may have -- may have lived there  
7     at one time, and these are now metal.  
8     And immediately behind them is a -- is  
9     -- within that complex is a -- is a  
10    metal roof, two -- two-story residential  
11    structure.  And this is roughly three  
12    blocks to the north.  I'm not -- sorry,  
13    three lots to the north of the proposed  
14    structure.  The proposed structure is  
15    right down here.  This is -- this is  
16    going on South 3rd, in that direction,  
17    and right on -- on the left-hand side.  
18    That is the structure, right, that I was  
19    telling you about, that's right behind  
20    these cottages here.  And that's a good  
21    aspect of showing of metal roof designs.

22                  Okay, this is on North 3rd,  
23    again showing the interesting array of  
24    heights and sizes.  I've become a big  
25    fan of white picket fence working on

1     this case. I know we are -- certainly  
2     would have a white picket fence in front  
3     of ours. This is an example of black  
4     trim, or at least illustrating them with  
5     -- used with shutters, which you can  
6     find within the Historic District.

7                 This is just about two lots to  
8     the north of the proposed project. Very  
9     close by. And, again, you see the  
10    juxtaposition of the recessed area here  
11    with a -- sort of a plain wall. That's  
12    getting a little bit closer to the  
13    proposed project. Again, an interesting  
14    example of recessing in the design, as  
15    opposed to a plain block, something that  
16    breaks it up into a place.

17                All right. This is the house  
18    that's located right next door. So the  
19    total -- almost 35 foot high structure,  
20    metal roofs will be right next to this,  
21    comparable to that.

22                And as you go even further to  
23    the south is this two-story residence  
24    here that features the stairs that go  
25    up. And I'm sorry I missed that. I

1 neglected to point that out in the  
2 previous one, about how you have a large  
3 stairway and open treads that go up.  
4 It's a -- that's actually a feature of  
5 the residence, and, therefore,  
6 consistent with what you find within the  
7 district.

8           So what you did have here then,  
9 if I can summarize to you, like -- so  
10 going through District Regulations now,  
11 based on this evidence that's now before  
12 you, it should not be of a modern or  
13 expressionist design. No. You've seen  
14 wood and Hardie plank; two stories;  
15 covered porches with railings,  
16 symmetrical lines, no exaggerations;  
17 functional roofs; bright, light colored;  
18 no exaggerated glass; and the white  
19 picket fence can be installed.

20           The other general standard is  
21 that it should be consistent and  
22 harmonious with other exterior features  
23 within the District in terms of scale  
24 and design.

25           Again, I pointed out multiple

1     examples of two-plus stories complete  
2     within the District, wood, Hardie plank,  
3     metal roofs, roofs upon roofs, layers of  
4     roofs; okay? Covered porches, some  
5     elevated with railings, and then a part  
6     of what I'll call -- let's call it the  
7     partial monolithic front that then is  
8     juxtaposed next to a recessed covered  
9     porch with steps leading up to it.  
10    We pointed to at least five examples of  
11    that within the Historic District. The  
12    white color, the black trim, the  
13    different vertical heights, the exterior  
14    stairs of many treads that lead up to  
15    the main entrance. These are all  
16    exterior features that are consistent  
17    and harmonious with other buildings  
18    within the Historic District.

19               None of the following that have  
20    pointed out from the new standards of  
21    present.

22               Predominant glass elements,  
23    glossy materials, round window features,  
24    exposed steel elements, broad roofs or  
25    exaggerated overhangs. None of these

1 are present.

2 Then the color of the exterior  
3 features should be consistent and  
4 harmonious within the District's  
5 neighborhood. We have pointed out many  
6 examples of light-colored, pastel  
7 colors, and about four examples of  
8 white; okay?

9 The building facades. The  
10 design criteria says they should be  
11 simple and not consist of multiple  
12 sizes. Here we've got simple frontage  
13 for all three stories, nothing dramatic.

14 The roof should be uniform, and  
15 roof features -- uneven roofs, oversized  
16 roofs should be avoided. Here we got  
17 metal roofs on both the second and the  
18 third floor of the same design and  
19 material. The roofs cover only what is  
20 needed on that second and third floor,  
21 and we have different roof levels and  
22 metal -- different roof lines, and  
23 examples of all these shown within our  
24 Historic District in the photographs.

25 The design features, including

1 windows and doors, should be of normal  
2 scale. Here, all windows and doors are  
3 of no problem -- normal scale.

4 No single architectural feature  
5 of an exterior feature should dominate  
6 the appearance of building/structure.  
7 If there's anything I can -- have to say  
8 that is really good about the design of  
9 this project is no one feature  
10 dominates. It's a very interesting, if  
11 you would, collage of harmonious  
12 balancing that gives, if you would, an  
13 interesting look that's not monotonous  
14 but total balances each other. Nothing  
15 screams at you.

16 The -- under your specific  
17 standards for new residences -- and,  
18 again, this is worthwhile going into,  
19 because this is the first time you've  
20 ever had a chance to apply -- is the  
21 architectural scale that's consistent  
22 and harmonious with the District's  
23 neighborhood. Well, I don't know how  
24 you get more consistent with what's  
25 right immediately next door to you;

1     okay? And now the scale of the  
2     two-story building that's at South 3rd  
3     and K Avenue and the two-story concrete  
4     block house two doors right -- to the  
5     right here, consistent with that scale.  
6     It's also consistent with that residence  
7     that's right on Atlantic Avenue right on  
8     the ocean to the -- to the northeast,  
9     and compatible with all surrounding  
10    buildings and structures which  
11    contribute to the District's special  
12    characteristics in terms of height,  
13    form, size, scale, proportion,  
14    architectural style, and roof shapes.

15               The size, on pages 1 and 22, is  
16    an example of that. The scale on pages  
17    1, 9, 10, and 22. Proportion, if you  
18    look at the different proportionality,  
19    like the one on page 13 and the style on  
20    page 13. The recessed effect on pages  
21    17 and 18, and the different roof  
22    levels, as I illustrated. That ties in  
23    with every single one of the design  
24    criteria.

25               I think it would probably well



1     -- unless you have questions for me now,  
2     if we could have the builder address  
3     some of those factors that was brought  
4     to your attention by staff; that is  
5     exterior features such as the  
6     landscaping, fencing, hardscapes,  
7     exterior lighting, and accessory  
8     structures.

9                 MR. ASHBRIDGE:  Steve, can we  
10    label that PowerPoint as Exhibit 11 and  
11    can you get a copy of it, Beth?

12                MR. COGGINS:  Actually, I  
13    think --

14                MS. CHASE:  No.  Exhibit --  
15    it's Exhibit 10.

16                MR. COGGINS:  -- it's -- it's  
17    -- it's already 10.

18                MR. ASHBRIDGE:  It is  
19    Exhibit --

20                MS. CHASE:  And I have a copy  
21    of it.

22                MR. ASHBRIDGE:  What's the  
23    table?  What number exhibit is it?

24                MS. CHASE:  That was 11.

25                MR. ASHBRIDGE:  Okay.

1 MR. COGGINS: The table is 11.

2 MR. ASHBRIDGE: Thank you.

3 MS. WHITE: And I have a copy.

4 MR. BUTLER: Thank you. Again,  
5 Wescott Butler with W3 Built. In going  
6 through some of these things, I just  
7 want to clarify. The square footage was  
8 -- I went back and looked at the  
9 drawings -- 4,055 heated for those  
10 floors.

11 And then, again, the handrails,  
12 you know, that was just missed on the  
13 drawings. The -- the -- the client does  
14 want the -- you know, the white standard  
15 handrail out there.

16 A couple of things. The hip  
17 roofs, if you noticed on a lot of what  
18 Mr. Steve showed today, a lot of hip  
19 roofs, a lot of flat roofs coming off  
20 the front. I feel like that, you know,  
21 the designer kept with that true beach  
22 theme.

23 And then, of course, you know,  
24 white windows, black windows, having  
25 some trim, that's definitely a large

1 part of, you know, making something not  
2 so monotonous with one color. And you  
3 see that a lot down here, the different  
4 colors in the windows and -- and the  
5 color of the building.

6               So I think, you know, as far as  
7 landscaping, landscaping is a minimum.  
8 I think there's, you know -- I've seen  
9 some of the work that we've done, very  
10 minimal down here. The lot does sink  
11 down, so I think the Town's criteria, I  
12 have to raise the lot to begin with, so  
13 there will be a retaining wall that  
14 abuts to the building behind us, which  
15 is the hotel. So we will have to raise  
16 that lot up and flatten it out.

17              So we'd like to do a white  
18 picket fence around that property line  
19 there, because the public is using that  
20 area of the park -- the parking lot. I  
21 think the white picket fence works well  
22 with it.

23              And then the gutters and  
24 downspouts, I'll get with you on those.  
25 Typical what we do, we pick up the

1 entire impervious surface and then we  
2 tuck it in underground with -- with  
3 drainage that has pop-ups that pop up  
4 out at the road. So that's not atypical  
5 of what we've done in the past with the  
6 Town of Kure Beach.

7 And as far as the exterior  
8 lighting, it's minimal. On the porches,  
9 you know, we'll have a couple of can  
10 lights and some ceiling fans that will  
11 not have lights, I would imagine. And  
12 then on the front, we'll have a couple  
13 of sconces at the entry door and then  
14 maybe on each side of the garage door.  
15 Other than that, there is not a lot of  
16 lighting. We're not doing up lighting.  
17 It's very minimal.

18 MR. COGGINS: In other words,  
19 no light pollution.

20 MR. BUTLER: No light  
21 pollution.

22 CHAIRMAN GALBRAITH: Okay.

23 MR. BUTLER: Of course these  
24 guys are planning on using it. They're  
25 -- you know, it'll be lived in. It's --

1     they don't want that either.

2                   And, of course, mailbox and  
3     house numbers. Typical mailbox, typical  
4     house numbers, you know, pretty squared  
5     up to meet postal code.

6                   So -- and then any accessory  
7     structures, there are none. So we'll  
8     have our air handler units on the  
9     outside of the building and outdoor  
10    shower. Other than that, there's  
11    nothing accessory building.

12                  MR. BARLOK: You said you were  
13    going to raise the lot. Will you be  
14    raising it any higher than the neighbor?

15                  MR. BUTLER: It will be higher  
16    than the neighbor because we're not  
17    allowed to drain onto neighbor's  
18    properties. So right now, our lot is of  
19    the -- is lower than the road, so  
20    everything that comes from the road  
21    drains down into the back of the hotel,  
22    so we have to raise that up.

23                  MS. WHITE: The lot is -- is  
24    currently a hill. I don't know if  
25    you've seen it, but if -- there is

1 already a retaining wall in the back end  
2 of it, but it's --

3 MR. BUTLER: A portion. Yeah.

4 MS. WHITE: -- clearly not  
5 functional.

6 MR. BUTLER: It's -- it's  
7 definitely not.

8 MS. WHITE: Yeah. If -- I'm  
9 sure the water -- you can tell that the  
10 neighbor's fence has already been busted  
11 in from the last flooding event. So I  
12 think whatever -- he will have to do  
13 some things to the -- to the grade in  
14 order to -- to improve upon that for  
15 sure.

16 MR. BUTLER: A lot of lots here  
17 on Kure Beach are -- the road is higher  
18 than the lot, and you have that flooding  
19 where you're flooding onto your  
20 neighbor, they're complaining, they're  
21 calling the Town council. I think the  
22 fix was we have to kind of level it out,  
23 pushing that water back to the road and  
24 letting, you know, the Town and the  
25 storm water, if there's any in that

1 location, or future, would be able to  
2 pick it up. That'll alleviate dumping  
3 onto neighbors.

4 CHAIRMAN GALBRAITH: Okay.  
5 Does anybody have questions of what has  
6 been presented? Is there anybody else  
7 who is planning on speaking or  
8 presenting?

9 MR. COGGINS: No. No,  
10 Mr. Chairman.

11 CHAIRMAN GALBRAITH: Okay.

12 MR. ASHBRIDGE: I -- I have one  
13 thing.

14 CHAIRMAN GALBRAITH: Sure.

15 MR. ASHBRIDGE: And this is  
16 really a question to our counsel.  
17 Attorney Eldridge, in the 4.1 General  
18 Standard, Section A, it talks about the  
19 features should have a look at esthetics  
20 of a '40s to '70s building. But then it  
21 goes on to say that the exterior  
22 features should be consistent and  
23 harmonious with the others in the area.  
24 Much of the evidence presented was  
25 really trying to show that it's

1 consistent with other buildings but not  
2 -- but some of those buildings have  
3 nothing to do with the '40s to '70s look  
4 in particular.

5 MR. ELDRIDGE: I think you have  
6 to read that '40 to '70 reference next  
7 to the next phrase, which is modernistic  
8 or expressionistic. I think you read  
9 those two together.

10 MR. ASHBRIDGE: Uh-huh.

11 MR. ELDRIDGE: The Design  
12 Standards would emphasize the former and  
13 prohibit the latter. So --

14 MR. ASHBRIDGE: So the -- the  
15 consistency with other properties?

16 MR. ELDRIDGE: With other  
17 properties that contribute to the  
18 special character. There's some  
19 properties in there that don't, but,  
20 remember, when I was reading the Design  
21 Standards, that we focused on that one  
22 sentence about being consistent and  
23 harmonious, not with the neighborhood,  
24 like in a special-use permit, although I  
25 think there's been a presentation that



1     it is, but also similar, consistent, and  
2     harmonious with the other structures  
3     within the District which contribute to  
4     that District's special character.

5                 MR. ASHBRIDGE:   Okay.   Okay.  
6     Thank you.

7                 MR. COGGINS:   Which, of course,  
8     is why I -- I -- I focused so hard, even  
9     on very small structures that were  
10    clearly '40s, '50s, '60s, and compared  
11    those elements.

12                CHAIRMAN GALBRAITH:  
13    Commissioners, have any questions of  
14    anything?   Anybody?

15                MR. ASHBRIDGE:   I do not.

16                MR. KARBOSKI:   No.

17                CHAIRMAN GALBRAITH:   Okay.  
18    Then --

19                MR. ELDRIDGE:   If you turn to  
20    your key issues, and the worksheet  
21    attached to the key issues, you can work  
22    through the worksheet, make your  
23    findings of fact.

24                CHAIRMAN GALBRAITH:   Let me  
25    find the worksheet here.

1 MR. ELDRIDGE: The first page  
2 says key issues and worksheet.

3 CHAIRMAN GALBRAITH: Here it  
4 is. Okay.

5 MR. ELDRIDGE: Do you have it?

6 CHAIRMAN GALBRAITH: Okay.

7 Yes, I have it. So --

8 MR. ELDRIDGE: I think we can  
9 start with -- you can go down to number  
10 -- you can start at number six.

11 CHAIRMAN GALBRAITH: Do we need  
12 to specify or -- I mean, we've -- we've  
13 confirmed --

14 MR. ELDRIDGE: One through  
15 five.

16 CHAIRMAN GALBRAITH: One, two,  
17 three, four, and five.

18 MR. ELDRIDGE: Correct.

19 CHAIRMAN GALBRAITH: Okay. So  
20 right now we have before us a worksheet  
21 -- the key issues and then the  
22 worksheet.

23 MR. ELDRIDGE: Do you need it  
24 up on the screen to find it?

25 MR. BARLOK: Got it.

1                   MR. ELDRIDGE: Do you want to  
2 start again.

3                   CHAIRMAN GALBRAITH: Yeah, I --  
4 I do have a question. As we go down and  
5 I look at the worksheet under 4.1 A, 4.1  
6 B, this is our worksheet, but are these  
7 also findings?

8                   MR. ELDRIDGE: These -- the  
9 worksheet is how you're going to make  
10 your findings.

11                  CHAIRMAN GALBRAITH: Okay.  
12 So --

13                  MR. ELDRIDGE: Start with  
14 number six and you will see how it  
15 works.

16                  CHAIRMAN GALBRAITH: Right.  
17 Right. Okay. So under 4.1 A of Design  
18 Standards, the exterior features of the  
19 project are or are not modernistic or  
20 expressionistic in their overall design?

21                  MR. BARLOK: So we discuss that  
22 now?

23                  CHAIRMAN GALBRAITH: Well --  
24 okay. These are findings. Do we  
25 discuss it, or --

1                   MR. ELDRIDGE: You're going to  
2 reach a consensus on whether these  
3 are --

4                   CHAIRMAN GALBRAITH: Okay --

5                   MR. ELDRIDGE: -- or are not.

6                   CHAIRMAN GALBRAITH: -- so  
7 we're going to reach a consensus. Okay.  
8 Very quickly. If we can't reach a  
9 consensus, do we do a vote?

10                  MR. ELDRIDGE: No. Just try to  
11 reach the consensus.

12                  CHAIRMAN GALBRAITH: Okay. All  
13 right. Is there a discussion about item  
14 six on our worksheet?

15                  MR. BARLOK: The only item I  
16 have was the steel cable, and that was  
17 resolved. So I believe that it is not  
18 modernistic or expressionistic, is -- is  
19 my feeling.

20                  MR. ASHBRIDGE: Agreed.

21                  MS. EVANS: I agree.

22                  CHAIRMAN GALBRAITH: Is there a  
23 consensus on this? Okay. Very good.

24                  MR. ELDRIDGE: All right. Now  
25 --

1                   CHAIRMAN GALBRAITH:   Item

2   number seven --

3                   MR. ELDRIDGE:   All right.   Are  
4   not is the consensus?

5                   CHAIRMAN GALBRAITH:   Are not.

6                   MR. ELDRIDGE:   Thank you.

7                   CHAIRMAN GALBRAITH:   Okay.

8   Item number seven under 4.1 A of the  
9   Design Standards, the project's exterior  
10   features are or are not consistent and  
11   harmonious with the other exterior  
12   features in the District in terms of  
13   scale and design?   Discussion?   I mean,  
14   that certainly was a major part of the  
15   presentation.

16                  MR. BARLOK:   Right.

17                  CHAIRMAN GALBRAITH:   Is there a  
18   consent --

19                  MR. BARLOK:   They are -- they  
20   are consistent.   I mean, it was shown to  
21   us on 30 -- 30 some items, 40 items that  
22   are consistent.

23                  CHAIRMAN GALBRAITH:   Okay.   Is  
24   there a consensus on that?

25                  MR. ASHBRIDGE:   I agree.

1                   CHAIRMAN GALBRAITH: That it is  
2 consistent and harmonious?

3                   MS. EVANS: I agree.

4                   MR. KARBOSKI: Yeah.

5                   CHAIRMAN GALBRAITH: Everybody?  
6 Okay.

7                   Item number eight under the  
8 Design Standards of proposed colors for  
9 the project, exterior features do or do  
10 not utilize pattern colored designs?

11                  MR. BARLOK: It's a tricky word  
12 in the question.

13                  CHAIRMAN GALBRAITH: Well,  
14 would -- try to prevent zebra stripes.

15                  MR. BARLOK: For example, there  
16 should not be any pattern colors.

17                  CHAIRMAN GALBRAITH: Right.  
18 Exactly.

19                  MR. BARLOK: So it's good to  
20 not have them.

21                  CHAIRMAN GALBRAITH: I mean,  
22 people -- so people don't put zebra  
23 signs --

24                  MR. BARLOK: Right.

25                  CHAIRMAN GALBRAITH: -- or

1 polka dots and that sort of thing.

2 MR. BARLOK: So I think they do  
3 not. This design does not utilize  
4 pattern colored designs. Right.

5 CHAIRMAN GALBRAITH: Okay. Is  
6 there a consensus on that one too?

7 MR. BARLOK: Yes.

8 CHAIRMAN GALBRAITH: Okay.

9 MR. BARLOK: Uh-huh.

10 MR. ASHBROOK: Yeah. Do not.

11 CHAIRMAN GALBRAITH: Do not.

12 Number nine under 4.1 C of the Design  
13 Standards, the project's proposed roof  
14 is or is not uniform?

15 MR. ASHBROOK: So that would be  
16 is.

17 MS. EVANS: Is.

18 CHAIRMAN GALBRAITH: Okay. So  
19 is there a consensus that it is uniform?

20 MR. BARLOK: It is.

21 MR. ASHBROOK: It is.

22 CHAIRMAN GALBRAITH: Is  
23 uniform. Okay.

24 MR. KARBOSKI: With what?

25 MR. ASHBRIDGE: With other

1 commensurate housing in the area.

2 MR. KARBOSKI: I'd say no.

3 Except for Atlantic Avenue, that's the  
4 only one, and that was done --

5 MR. ELDRIDGE: I think it's  
6 with respect to the design itself, not  
7 in comparison to the properties. You  
8 may want to ask Mr. Coggins or the  
9 builder to clarify what is meant by  
10 uniform.

11 MR. BARLOK: Well, before the  
12 -- let's go read 4.1 C, which actually  
13 says roofs should be uniform, and roof  
14 features, uneven roofs, or oversized  
15 roofs, should be avoided.

16 CHAIRMAN GALBRAITH: Okay.

17 MR. ELDRIDGE: Yeah. And if  
18 you read those two together --

19 MR. BARLOK: Those two  
20 together.

21 MR. ELDRIDGE: -- uniform would  
22 the opposite of that.

23 MR. BUTLER: In respect to our  
24 home, it has hip roofs, like a lot of  
25 the homes in the Historical District,



1     and it also has the metal roof like a  
2     lot of the homes in the Historical  
3     District.

4                 MR. ELDRIDGE:   And I think you  
5     said the overhang is only to cover the  
6     area that needs to be covered, so it's  
7     not oversized.

8                 MR. BUTLER:    That's correct.  
9     It does not hang out --

10                CHAIRMAN GALBRAITH:   Right.

11                MR. BUTLER:    -- and have any  
12     overhang.

13                CHAIRMAN GALBRAITH:   And,  
14     again, the issue here is that some  
15     modernistic type of houses can have very  
16     oversized --

17                MR. ELDRIDGE:   Oversized roof.

18                CHAIRMAN GALBRAITH:   -- or odd  
19     roofs that we're trying to not have  
20     here.

21                MR. ASHBRIDGE:   Okay.   So why  
22     don't --

23                MR. BUTLER:    Different  
24     materials.

25                CHAIRMAN GALBRAITH:   Yeah.

1                   MR. ASHBRIDGE:   Why don't we  
2   let Tony voice his concern here.

3                   CHAIRMAN GALBRAITH:   Uh-huh.  
4   Sure.

5                   MR. KARBOSKI:   If we approve  
6   this, what wouldn't we approve?   Isn't  
7   that the -- the objective of -- of the  
8   Preservation Committee, to keep it  
9   small?   I mean --

10                  MR. ELDRIDGE:   You can only --

11                  MR. KARBOSKI:   -- one preface.

12                  MR. ELDRIDGE:   You can only  
13   judge this case on the specific fact  
14   that's presented by the specific  
15   evidence for this specific application  
16   and property.   You're not making a  
17   decision that sets a precedent for other  
18   properties because each quasi-judicial  
19   decision in a COA process has to be  
20   specific to the property and the facts  
21   presented at that hearing.

22                  But a good example was when  
23   they showed you the roof on Big Daddy's,  
24   how that has some expressionistic design  
25   elements to it, and this one doesn't.

1 But I think you need to focus on this  
2 one, not what might happen in the  
3 future.

4 MR. ASHBIDGE: What is your  
5 specific concern?

6 MR. KARBOSKI: It just doesn't  
7 fit with the -- the whole downtown area.  
8 I mean, except for --

9 CHAIRMAN GALBRAITH: The  
10 building or the roof? Are you -- we're  
11 referring to the roof now.

12 MR. KARBOSKI: Oh, okay. I'm  
13 referring to the whole look of it.

14 CHAIRMAN GALBRAITH: Yeah,  
15 that's -- okay.

16 MR. KARBOSI: Yeah.

17 CHAIRMAN GALBRAITH: So with  
18 respect to the roofs, it says, roofs  
19 should be uniform, and roof features,  
20 uneven roofs or oversized roofs, should  
21 be avoided.

22 MR. KARBOSKI: Is that uneven?

23 CHAIRMAN GALBRAITH: I mean, it  
24 certainly has some architectural  
25 characteristics, but I don't -- I

1 wouldn't call it oversized or  
2 modernistic.

3 MR. KARBOSKI: What's this  
4 right here? What's the difference  
5 between that and that?

6 CHAIRMAN GALBRAITH: That's a  
7 little bit uneven.

8 MR. ELDRIDGE: I want you to  
9 think about those 20 properties that  
10 they showed with all different types of  
11 roofs and how there is -- I thought  
12 there is a consistent -- a consistent  
13 selection of roofs that are similar to  
14 the roof design of this particular  
15 project. Again, the applicant or his  
16 attorney may want to speak to that.

17 MR. COGGINS: Even the smallest  
18 homes with metal roofing -- with metal  
19 roofs that we showed you have different  
20 roof lines and different heights.

21 CHAIRMAN GALBRAITH: Right.

22 MR. KARBOSKI: Then why was it  
23 put in here?

24 CHAIRMAN GALBRAITH: I think  
25 they were trying to keep away from

1 exaggerated roofs.

2 MR. BUTLER: That's exactly  
3 what it was.

4 CHAIRMAN GALBRAITH: They're  
5 very --

6 MR. BUTLER: Those are all  
7 functional hips.

8 CHAIRMAN GALBRAITH: There are  
9 some very exaggerated roofs in modern  
10 designs.

11 MR. BUTLER: Those are all  
12 functional hips to cover heated square  
13 footage that -- that -- of the shape of  
14 the house. It's not just the one.

15 MR. KARBOSKI: There's only one  
16 place that I'm talking about. It's not  
17 -- it's not the whole thing.

18 MR. ASHBRIDGE: Okay. I'm not  
19 sure.

20 MS. EVANS: Right here.

21 MR. ASHBRIDGE: What did you  
22 say, one --

23 MR. KARBOSKI: It's right  
24 there.

25 CHAIRMAN GALBRAITH: Which one

1 are you on?

2 MR. ASHBRIDGE: The --

3 MR. KARBOSKI: Page 33.

4 MR. ASHBRIDGE: Yeah,  
5 deviations in the roof line.

6 CHAIRMAN GALBRAITH: The  
7 elevation. Yeah, looking at the  
8 elevation on the -- he's referring to  
9 this.

10 MR. BARLOK: That's what I'm  
11 on.

12 MR. ASHBRIDGE: The --

13 MR. KARBOSKI: Go ahead. Show  
14 them to him.

15 MR. BUTLER: So it's this flat  
16 section right there.

17 MR. KARBOSKI: Yeah.

18 MR. BARLOK: Looking from the  
19 back, it's not over here.

20 MR. BUTLER: Because this is  
21 where -- this would have been lower. If  
22 you go to -- go to page 34, you'll see  
23 how that hip roof has a plank.

24 MR. BARLOK: If you're looking  
25 from the back. It ends before that.

1                   MR. BUTLER: In the roof  
2 design? It's all functional. Go to 3.6  
3 B. You can see how this isn't -- this  
4 is Architecture 101, when you have a --  
5 different segments bumping in and out,  
6 it's not a square building. So you  
7 don't have three or four hips going in  
8 together and all those lay over  
9 sections.

10                  MR. KARBOSKI: If you guys are  
11 fine with it, I'm fine with it.

12                  MR. ASHBRIDGE: Yeah, I mean,  
13 we're not resetting expectations. I  
14 mean, we're -- we're kind of living with  
15 what exists and making sure this is  
16 harmonious, you know, with other  
17 properties in the district.

18                  MR. ELDRIDGE: So do we have a  
19 consensus under number nine?

20                  CHAIRMAN GALBRAITH: Before you  
21 get a consensus, I'm looking at  
22 something here. This would be an -- an  
23 example of an exaggerated roof.

24                  MR. KARBOSKI: Okay.

25                  CHAIRMAN GALBRAITH: You know.

1 MR. ASHBRIDGE: Uh-huh.

2 CHAIRMAN GALBRAITH: You know,  
3 and -- and which I did look exaggerated  
4 roof lines right there. So --

5 MR. KARBOSKI: Of an A-frame.

6 MR. ASHBRIDGE: Yeah.

7 CHAIRMAN GALBRAITH: Yeah, an  
8 A-frame -- an A-frame would be an  
9 exaggerated roof.

10 MR. ASHBRIDGE: Anything of  
11 that nature.

12 CHAIRMAN GALBRAITH: Okay. So  
13 I think we have a consensus for that.

14 MR. ELDRIDGE: And that would  
15 be an is; correct?

16 MR. ASHBRIDGE: That would be  
17 non and it isn't.

18 CHAIRMAN GALBRAITH: That would  
19 be non. That is the proposal -- you'd  
20 almost like to say -- let's put it this  
21 way. The design, the project proposed  
22 roof is uniform and does not represent  
23 an oversized roof.

24 MR. ELDRIDGE: Okay. Let's  
25 move on, please.



1                   CHAIRMAN GALBRAITH:   Okay.

2    Item number 10, under the Design  
3    Standards, the proposed design features  
4    of the project, including windows and  
5    doors, are normal to scale.

6                   MR. BARLOK:   I agree with that.

7                   CHAIRMAN GALBRAITH:   I -- I --  
8    I agree.   I did have one question,  
9    though, because a lot of the examples  
10   have shutters, either real shutters or  
11   fake shutters, on the windows, and I  
12   noticed this does not have any shutters.  
13   Is that harmonious or consistent?  
14   Because I -- I was looking specifically  
15   at a lot of shutters.

16                  MR. COGGINS:   There are  
17   shutters and there are those without.

18                  CHAIRMAN GALBRAITH:   There are  
19   -- there are those without shutters.  
20   Okay.   Is there a consensus for number  
21   10?

22                  MS. EVANS:   Yes.

23                  MR. ASHBRIDGE:   Yes.

24                  CHAIRMAN GALBRAITH:   And it is  
25   normal scale.   Okay.   So it is are of

1 normal scale.

2 MR. ASHBRIDGE: Uh-huh.

3 CHAIRMAN GALBRAITH: Number 11,  
4 the proposed exterior features of the  
5 project are or are not dominated by any  
6 single architectural feature?

7 MR. BARLOK: Are not.

8 MS. EVANS: Are not.

9 CHAIRMAN GALBRAITH: There's a  
10 consensus on are not. Okay.

11 Number 12, under the Design  
12 Standards, the project is or is not  
13 designed with an architectural scale  
14 that is consistent and harmonious with  
15 the surrounding buildings and structures  
16 that contribute to the District's  
17 special character in terms of height,  
18 form, size, scale, proportion,  
19 architectural style, and roof shapes.

20 This is a tough one, and I  
21 think that's probably more than what  
22 you're talking about. This is a large  
23 project, and, you know, right next to  
24 it, there is one that is large, and  
25 obviously the Historic District was

1 overlaid onto a district that already  
2 had some buildings in it before it was a  
3 historic district. And so we're kind of  
4 working from that particular perspective  
5 here. This is a large-scale building.

6 MR. ELDRIDGE: I'd make two  
7 comments.

8 CHAIRMAN GALBRAITH: Sure.

9 MR. ELDRIDGE: I think the  
10 applicant's attorney shows you several  
11 instances of large-scale buildings.

12 CHAIRMAN GALBRAITH: Yes.

13 MR. ELDRIDGE: And, also, I  
14 want you to hearken back to the review  
15 criteria, which is also included the  
16 Design Standards, that anybody in B-1,  
17 as long as it's consistent -- as long as  
18 it meets the COA elements, anyone can  
19 build 35 feet.

20 CHAIRMAN GALBRAITH: Right.

21 MR. BARLOK: That's 4.1 F.

22 CHAIRMAN GALBRAITH: Right.

23 But -- but I just want to make sure that  
24 everybody on the Commission knows that  
25 this District is relatively recent, and

1     there are a lot of buildings that were  
2     built prior to this District and the  
3     regulations associated with it.

4                 MR. ELDRIDGE: That is --  
5     that's correct.

6                 CHAIRMAN GALBRAITH: Okay. And  
7     so you will see this type of issue.

8                 MR. ASHBRIDGE: Yeah. And so  
9     we live with that, as opposed to  
10    thinking that we're going to be able to  
11    make corrections to it.

12                CHAIRMAN GALBRAITH: Right. We  
13    can't --

14                MR. ELDRIDGE: I also want you  
15    to focus on that word contribute. You  
16    can -- it is a hodgepodge, and you can  
17    take out the ones that don't really fit.  
18    But the question is: Does the scale and  
19    design of this particular project  
20    contribute to the look and feel of the  
21    district that you designated for  
22    preservation purposes? You designated  
23    that District for preservation purposes  
24    to keep certain features out.

25                CHAIRMAN GALBRAITH: Yes. No

1     doubt about it.

2                   MR. ELDRIDGE:   So the question  
3     is:  Does this project have features  
4     that are consistent with your intended  
5     purpose?

6                   MR. COGGINS:  The -- the  
7     evidence shows, for instance, a  
8     contributing two-story -- large  
9     two-story residential feature at 209 K  
10    Avenue, which is before you on the 25th  
11    page.  Also, the -- is contributing a  
12    two-story residential feature that's at  
13    133 Fort Fisher Boulevard.

14                  MR. ELDRIDGE:  What was the  
15    first one you called, page 1?

16                  MR. COGGINS:  Yes.

17                  MR. KARBOSKI:  That was the  
18    last one.

19                  MR. COGGINS:  It's 121 Atlantic  
20    Avenue.

21                  MR. ELDRIDGE:  Uh-huh.

22                  MR. COGGINS:  I'm just trying  
23    to give at least -- those are at least  
24    three right there.

25                  MR. ASHBRIDGE:  Just look at

1     this first paragraph.

2                   CHAIRMAN GALBRAITH:   Bethany,  
3     do you have -- in terms of the scale --  
4     because now we're talking about scale  
5     and that sort of thing.  What is your --  
6     the staff's opinion regarding scale  
7     compared to other buildings within the  
8     District?

9                   MS. WHITE:  Well, I think that,  
10    like he said, it's a hodgepodge.  So, I  
11    mean, I looked at all the residential  
12    buildings in the B-1 district, and it's  
13    -- it's everything from tiny cottages to  
14    two-story to three-story-level homes.  
15    There are several examples of the same  
16    scale type of home, but it is one of the  
17    larger-scale homes.

18                  CHAIRMAN GALBRAITH:  Yeah.  
19    Couldn't stop -- prevent it from being  
20    that large.  It specifically allows 35  
21    feet.

22                  MS. WHITE:  Yeah, there's not  
23    much to prevent that.

24                  CHAIRMAN GALBRAITH:  I -- I --  
25    the height is fine.  I'm just wondering

1     about this.

2                   MR. ASHBRIDGE:   Yeah.

3                   MS. WHITE:   Like the height is  
4     what makes it so hard for this place.

5                   MR. COGGINS:   So they didn't  
6     have the floodplain.   The didn't have  
7     floods on this street.   Free boarding in  
8     this area.

9                   CHAIRMAN GALBRAITH:   And this  
10    says within the appropriate footprint  
11    for the R-1 A-1 district.

12                  MR. ELDRIDGE:   Right.   It's --

13                  MS. WHITE:   That's correct.

14                  MR. KARBOSKI:   Now, do we  
15    consider this house, because it was done  
16    before the -- the HPC was -- so if we  
17    consider this house, then we have to  
18    approve every house that comes in here.

19                  MR. ASHBRIDGE:   Well --

20                  CHAIRMAN GALBRAITH:   No.

21                  MR. ELDRIDGE:   No, you have to  
22    look at that house and take the design  
23    features of that house and figure out  
24    how they contribute to your district and  
25    ask if this proposed project is

1 harmonious with that. It doesn't have  
2 to be verbatim. It's not --

3 MR. KARBOSKI: So the -- the  
4 preface of this, the -- the first  
5 paragraph in this --

6 MR. ELDRIDGE: I can't read it.

7 MR. KARBOSKI: -- how does this  
8 fit into the first paragraph?

9 MR. ELDRIDGE: Can you read it,  
10 because I don't see it from here?

11 MR. BARLOK: But -- but, Tony,  
12 in order to fit into even this  
13 discussion today, it had to be a  
14 previous residential lot.

15 MR. KARBOSKI: Yeah.

16 MR. BARLOK: There was a  
17 previous residence here. So if there's  
18 just vacant lots, they can't build on  
19 them like they're building here. This  
20 falls into the previous residential  
21 usage.

22 CHAIRMAN GALBRAITH: That's  
23 correct.

24 MR. ASHBRIDGE: So they get to  
25 build the house.



1                   MR. KARBOSKI: So I understand  
2   they get to build a house. It's that  
3   this is a pretty -- not a 1970s house to  
4   me. This is a -- I'd build this house.  
5   And with that being said, what's the  
6   whole purpose of having an HPC if this  
7   isn't keeping with the look and feel of  
8   the --

9                   CHAIRMAN GALBRAITH: Trying to  
10 prevent this, modern things.

11                  MR. KARBOSKI: Well --

12                  CHAIRMAN GALBRAITH: I mean,  
13 that's really what it's for, to prevent  
14 modern -- modern characteristics.

15                  MR. ASHBRIDGE: Yeah. Yeah, I  
16 mean, it's a contradiction. It's --

17                  CHAIRMAN GALBRAITH: I -- it's  
18 -- I mean -- and, you know, when you  
19 look at the history -- I -- I believe  
20 were you involved with the development  
21 the the HPC? Okay. That -- these are  
22 exactly the discussions that we had  
23 about overlaying an HPC onto a -- a -- a  
24 district that had a variety of houses  
25 already in it.

1                   MR. ELDRIDGE: And -- and uses  
2 as well.

3                   CHAIRMAN GALBRAITH: And -- and  
4 -- and uses. I mean, this is not a  
5 district -- historic district like the  
6 Wilmington downtown district that has  
7 all 1870 and 1850 homes. You know,  
8 we're -- we're in a different situation.  
9 And let's talk off the record on this  
10 because --

11                  MR. KARBOSKI: Yeah, it -- it  
12 was basically, Ken, to say what little  
13 to --

14                  MS. EVANS: Yeah, you're not  
15 off the record.

16                  CHAIRMAN GALBRAITH: No, no,  
17 not -- but the history of the HPC, not  
18 -- not anything about this particular  
19 thing.

20                  MR. ELDRIDGE: You're on --  
21 you're just on the record period.

22                  MS. EVANS: Yeah.

23                  CHAIRMAN GALBRAITH: Okay.

24                  MS. EVANS: What was the  
25 statement?

1                   MR. COGGINS: The only item I  
2    want to address is that I pointed to at  
3    least two examples of older buildings of  
4    that scale. That if they were built --  
5    if they were to be built today, it would  
6    be even considerably higher because of  
7    the floodplain ordinance requirements;  
8    in other words, two large buildings that  
9    are indeed historical and contributing  
10   there at 209 K Avenue, two-story  
11   residences right behind the cottages  
12   three lots down from this. It was built  
13   before the floodplain ordinances, and  
14   then, as well, the two-story residential  
15   cottage at 133 Fort Fisher Boulevard.  
16   And, again, it had been built in the  
17   days of the floodplain, it would be on  
18   scale of the proposed residence, as well  
19   as this that was built at the time of  
20   floodplain residences -- the floodplain.  
21   You cannot divorce the intervening law  
22   that is taking place. One cannot today  
23   build those two residences I just  
24   pointed out to you at the level where  
25   they must be elevated, and that's one of

1 the things that we're dealing with.

2 MR. ASHBRIDGE: And one of the  
3 things you guys are seeing here is that  
4 we have these kinds of petitions like  
5 once every couple years. So it's not  
6 something that we deal with every month.  
7 And each time, there's uniqueness about  
8 it and different questions about it. So  
9 it seems --

10 MR. ELDRIDGE: I'll give you an  
11 example. One of the reasons that I  
12 recall when the Commission was being  
13 formulated and was going of designate a  
14 Historic District, we wanted to keep  
15 things out like a McDonald's franchise  
16 with the golden arches. We wanted to  
17 keep out big boxes. Essentially you all  
18 wanted to --

19 CHAIRMAN GALBRAITH: And -- and  
20 glass modern buildings.

21 MR. ELDRIDGE: -- you all  
22 wanted to maintain a small-town,  
23 family-friendly feeling because that's  
24 the vibe that is given off in this town,  
25 even with the hodgepodge in that

1 District.

2 And so the question then

3 becomes: Is this proposed residence

4 harmonious was the concept of a

5 small-town, family-friendly residence --

6 family-friendly atmosphere or not? And

7 that's really what it boils down to.

8 You know, the '40 -- again, that

9 language about '40s and '70s, you may

10 need to revisit that, because that does

11 have -- you can read that in a way

12 that's restrictive, but I really think

13 -- and I can't pronounce gladimperio

14 materia (phonetic) -- you have to read

15 those two together. In other words,

16 '40s to; 70s building; i.e., not

17 expressionistic or modernistic, like

18 that glass house on Fort Fisher

19 Boulevard. That's what it comes down

20 to. Is this -- does this proposed

21 residence fit into what we're trying to

22 preserve as compared to somebody coming

23 in wanting to build that big glass house

24 in this district? That's what it comes

25 down to.

1                   CHAIRMAN GALBRAITH: And since  
2 we're on the record, you know, and I was  
3 involved with that pretty heavily, we  
4 have that language of '40 to '70s  
5 because this is technically a historic  
6 district. And under the kind of norms,  
7 informal norms, something has to be kind  
8 of 50 years older -- or older to be kind  
9 of considered historic in the state of  
10 North Carolina.

11                   And just very quickly, and this  
12 is what I was going to mention off -- in  
13 the state of North Carolina, unlike many  
14 other states, planning and zoning and  
15 other commissions can have say over  
16 exterior for residential buildings. The  
17 state of North Carolina, you can only do  
18 that through a historic district.

19                   MR. ELDRIDGE: That's correct.

20                   CHAIRMAN GALBRAITH: And so we  
21 have a historic district so we have some  
22 control. We're not attempting to  
23 preserve 1830 houses here, but we do  
24 have some control over the exterior by  
25 being a historic district, and that was

1 the primary reason why we call ourselves  
2 a historic district, because in the  
3 state of North Carolina, there's no  
4 other way to do it.

5 MR. ELDRIDGE: And that  
6 control, that I recall, was designed to  
7 keep things out.

8 CHAIRMAN GALBRAITH: Yeah,  
9 absolutely.

10 MR. ELDRIDGE: So you have to  
11 ask -- the question then becomes -- does  
12 this house fit in as compared to what  
13 you're trying to keep out with the  
14 designation of that district?

15 CHAIRMAN GALBRAITH: And it was  
16 largely motivated by a few of the other  
17 houses up and down --

18 MR. ELDRIDGE: Uh-huh.

19 CHAIRMAN GALBRAITH: -- that  
20 would not fit in this particular  
21 district.

22 MR. ELDRIDGE: That's correct.

23 MR. ASHBRIDGE: Yeah.

24 MR. COGGINS: I would certainly  
25 defer on the experience of my colleague,

1 Mr. Etheridge [sic] here, but I do  
2 review all the appellate decisions that  
3 come down from the North Carolina  
4 Supreme Court and the Court of Appeals  
5 that when you -- let's say if you  
6 consider that -- this first sentence to  
7 be ambiguous in these recent days, the  
8 '40s, '50s, '60s, and '70s, juxtaposing  
9 the very same sentence where you're  
10 trying to get rid of marked -- modern --  
11 modernistic and expressionist  
12 architecture, if that's an ambiguity,  
13 the decisions are uniform that that  
14 ambiguity is construed in favor of the  
15 applicant.

16 MR. ELDRIDGE: In favor of  
17 property rights.

18 MR. ASHBRIDGE: Okay. Well, I  
19 think as far as 12, my recommendation is  
20 to mark that as is.

21 CHAIRMAN GALBRAITH: I -- I  
22 would -- I've -- given our Historic  
23 District and what our intentions are, I  
24 would -- and -- and under the criteria  
25 that we have, I would also agree.



1 MR. KARBOSKI: You would?

2 CHAIRMAN GALBRAITH: I -- I --

3 I would say it is designed in a way that  
4 is consistent and harmonious.

5 MR. ASHBRIDGE: And, again,  
6 it's with -- consistent and harmonious  
7 with surrounding buildings and  
8 structures.

9 MR. ELDRIDGE: That contribute.

10 CHAIRMAN GALBRAITH: Is there a  
11 consensus on there?

12 MS. EVANS: I agree that it is  
13 consistent and harmonious with the  
14 surrounding buildings and structures,  
15 but I'm not sure if all of those  
16 structures contribute to the District's  
17 special character in terms --

18 MR. ELDRIDGE: You don't have  
19 to worry about the other structures.  
20 The only structure you're worried about  
21 here tonight is the proposed structure.

22 CHAIRMAN GALBRAITH: Yeah. I  
23 mean, we can't analyze other structures.

24 MS. EVANS: Right.

25 CHAIRMAN GALBRAITH: Are you

1 comfortable?

2 MS. EVANS: I'm not sure if  
3 it's consistent and harmonious, would --  
4 structures that contribute to the  
5 District's special character in terms --  
6 specifically in terms of height and size  
7 squared.

8 MR. ELDRIDGE: You can't use  
9 height in analyzing this --

10 MS. EVANS: You can't restrict  
11 the height, which is going to make it  
12 really hard to restrict the feel.

13 MR. ELDRIDGE: The review  
14 criteria says you can't even consider  
15 that.

16 CHAIRMAN GALBRAITH: As long as  
17 the height is under 35 feet, we're fine.

18 MS. EVANS: I guess it's the  
19 special character. But I think that  
20 Tony's having a hard time with it and  
21 I'm having a hard time with it. Yeah,  
22 it's the special character part that --

23 MR. COGGINS: That's why,  
24 Mr. Chairman, I pointed out two  
25 buildings that are found to be a special

1 character and do, in fact, contribute to  
2 the District of it's two stories, very  
3 large, and they would be even higher if  
4 they had to be built today with the  
5 flood ordinances.

6 MR. ELDRIDGE: I also recall  
7 the barracks that this proposed project  
8 is going to go behind, and the barracks  
9 seem to me, in terms of roof and  
10 exterior design features, to be very  
11 similar to the project that's proposed.

12 CHAIRMAN GALBRAITH: If -- if  
13 we cannot get a consensus, do we do a  
14 vote?

15 MR. ASHBRIDGE: Yeah.

16 MR. ELDRIDGE: No, I think you  
17 have to work --

18 MR. ASHBRIDGE: Well, let me  
19 ask --

20 CHAIRMAN GALBRAITH: What's  
21 that?

22 MR. ELDRIDGE: I would like you  
23 to work a little --

24 MR. ASHBRIDGE: Yeah, let's --

25 MR. ELDRIDGE: -- bit more on

1 getting the consensus.

2 MR. ASHBRIDGE: -- have a  
3 conversation.

4 MR. ELDRIDGE: And you can ask  
5 questions again of the attorney.

6 MR. ASHBRIDGE: So --

7 CHAIRMAN GALBRAITH: Let's --

8 MR. ASHBRIDGE: -- in using the  
9 house that's getting ready to be built  
10 next door, or the house that is next  
11 door to the house that's now getting  
12 ready to be built, do you feel like  
13 those houses are different?

14 MS. EVANS: I feel like they're  
15 similar, but I'm not sure if that house  
16 contributes --

17 MR. ASHBRIDGE: Yeah --

18 MS. EVANS: -- to this  
19 district.

20 MR. ASHBRIDGE: -- and that's  
21 the point I think that the attorney's  
22 trying to counsel us on this. We can't  
23 worry about what that other house looks  
24 like. It's whether -- because that's  
25 already there as precedent. Now we're

1 looking at, okay, here's a -- here's a  
2 house that's wanting to be built. Does  
3 it look enough like other houses?

4 MR. ELDRIDGE: Does this house  
5 fit into the purpose and intent of  
6 designating that District? That purpose  
7 and intent was to keep out big boxes and  
8 flashy commercials and to maintain a  
9 small town, family-friendly atmosphere.  
10 Does this proposed structure fit with  
11 that concept?

12 MS. EVANS: I would say yes.

13 MR. ASHBRIDGE: Now, it's just  
14 that -- you know, we may not like the  
15 fact that that's what we have to compare  
16 to, but that's there, and so anything  
17 that -- that's there has to be used  
18 based on what we're comparing it to.

19 CHAIRMAN GALBRAITH: And -- and  
20 I think the attorney made a good point,  
21 which was absolutely true when we  
22 developed this Historic District, is  
23 this is, to a great large extent, an  
24 effort to keep out certain things; okay?  
25 From the business side of things, things

1     like the golden arches of McDonald's and  
2     that -- and that type of thing. From a  
3     residential side, you know, very  
4     modern-looking building that would all  
5     be glass and, you know, these type of  
6     characteristics. I mean, that really is  
7     an important part of what we're trying  
8     to do with this district, is to kind of  
9     exclude certain things that was starting  
10    to creep in to Kure Beach that we felt  
11    did not really work within the -- the  
12    downtown district and -- but we have to  
13    write it in such a way that it's -- the  
14    wording is the way that it is, but  
15    really it's designed to keep out certain  
16    things.

17                So the question is that, does  
18    that fit within -- does this fit within  
19    what we're trying to exclude. And in my  
20    opinion, it does, even though the  
21    language, by our findings, may not kind  
22    of reach a level of comfort for  
23    everybody. It certainly does exclude  
24    the sort of things that we're trying to  
25    do. This -- this fits within the sort

1 of things that we typically do allow and  
2 have -- been allowed within this  
3 particular district, and it does not  
4 cover the sort of things that we are  
5 attempting to exclude. I mean -- I  
6 mean, is that a good way to say it?

7 MR. BARLOK: I want to throw a  
8 little smoke out there, because -- well,  
9 everybody's been talking. I've been  
10 looking at this report from December of  
11 2020, which was brought before Town  
12 Council. It's the report and  
13 recommendation for the designation of  
14 the Kure Beach Downtown Preservation and  
15 Historic District. Are you familiar  
16 with this, Craig?

17 CHAIRMAN GALBRAITH: I wrote  
18 it.

19 MR. BARLOK: Okay. Well, I was  
20 -- I wasn't even here at this time.

21 CHAIRMAN GALBRAITH: Okay.

22 MR. BARLOK: But I know it  
23 exists. And on the bottom of page 5, it  
24 pulls from the Land Use Plan at the  
25 time. Land Use Plan, part 2, section 2,

1 the Goal Statement, page 100. Kure  
2 Beach desires to ensure that future  
3 development will be consistent with the  
4 historic small town nature of the  
5 community and that big box residential  
6 and high-rise development will be  
7 avoided.

8 That seems similar to what  
9 you're saying, Tony, that the big box  
10 residential should be avoided.

11 Now I agree with all of -- we  
12 already have one right next door. It's  
13 been allowed in the past. We have to be  
14 similar to what -- what's there.

15 MR. ELDRIDGE: I think they're  
16 talking about apartments and multifamily  
17 big structures. Again, the criteria  
18 says you cannot be concerned with that  
19 35 foot requirement. I don't think this  
20 is big block residential. This is  
21 single-family residential that fits  
22 within the Session Law's 35 foot  
23 boundary, and --

24 CHAIRMAN GALBRAITH: And -- and  
25 big box to me is like the sort of thing



1     you have in Carolina Beach.

2                   MR. ELDRIDGE:   Or --

3                   CHAIRMAN GALBRAITH:   Also,

4     we're just -- they're just boxes.

5                   MR. ELDRIDGE:   Or Wilmington.

6                   CHAIRMAN GALBRAITH:   And there  
7     are architectural features on this  
8     particular proposal I think that -- that  
9     are interesting, you know, and -- and --  
10    and don't classify as a big box.

11                  MR. COGGINS:   It has character.

12                  CHAIRMAN GALBRAITH:   It has  
13    character, yes.

14                  MR. BARLOK:   I agree.

15                  CHAIRMAN GALBRAITH:   But not  
16    character in a modern sense.

17                  MR. ASHBRIDGE:   Right.

18                  MR. ELDRIDGE:   Let's get back  
19    to number 12 and see if we can reach a  
20    consensus on this.

21                  MR. ASHBRIDGE:   We --

22                  CHAIRMAN GALBRAITH:   All right.  
23    I think we're talking about number 12  
24    and kind of work -- worked that out.

25                  MR. ASHBRIDGE:   Uh-huh.

1                   CHAIRMAN GALBRAITH:   So --

2                   MR. ASHBRIDGE:   Yeah.   I mean  
3   the is has been proposed, and that's  
4   what's being said.

5                   CHAIRMAN GALBRAITH:   Yeah.   And  
6   since we can't take a vote, we got to  
7   get a consensus.   So let me just do kind  
8   of a straw vote then.   Consensus that it  
9   is?

10                  MR. BARLOK:   Is.

11                  CHAIRMAN GALBRAITH:   Is.

12                  MR. BARLOK:   Is.

13                  CHAIRMAN GALBRAITH:   I would  
14   say is too, even though I recognize that  
15   it is larger than perhaps I would like  
16   to see there, but I think it is based  
17   upon what we have to look at.

18                  MR. ASHBRIDGE:   Yeah, I think  
19   is, obviously with all the reservations  
20   we've talked about.

21                  MR. KARBOSKI:   Is.

22                  MS. EVANS:   I would say is, but  
23   I would prefer if the sentence ended  
24   with structures and didn't include the  
25   rest of that statement.   But I agree, it

1 is.

2 CHAIRMAN GALBRAITH: It is?

3 MS. EVANS: Uh-huh.

4 CHAIRMAN GALBRAITH: Okay. All  
5 right. So we do have a difficult  
6 consensus on number 12, but it is a  
7 consensus.

8 MR. ELDRIDGE: Well, let's --  
9 let's stop for a minute because we're  
10 finding facts.

11 Ms. Evans, you want to cut it  
12 off that you don't want -- you want to  
13 cut it off with -- after character? Is  
14 that where you would put the period?

15 MS. ASHBRIDGE: I think just  
16 after structures; right?

17 MS. EVANS: I mean, that is  
18 just my personal opinion.

19 MR. ELDRIDGE: Well, I'm just  
20 trying to figure out where you want to  
21 cut it off, after structures or  
22 characters.

23 MS. EVANS: Yeah, just  
24 structures.

25 MR. ELDRIDGE: All right.

1 Thank you. All right. Number 13,  
2 please.

3 CHAIRMAN GALBRAITH: I'm sorry,  
4 what? What do we cut off on this one?

5 MR. ELDRIDGE: After  
6 structures, the rest of that sentence.

7 MR. ASHBRIDGE: So that  
8 contribute --

9 MR. ELDRIDGE: Third line down.

10 MR. ASHBRIDGE: -- is deleted.

11 CHAIRMAN GALBRAITH: I see.  
12 Okay. All right. Is that -- is it --  
13 since we're talking consensus, is that  
14 okay with everybody, is to have under  
15 number -- under 4.3, Design Standards,  
16 the project is designed with a  
17 architectural scale that is consistent  
18 and harmonious with surrounding  
19 buildings and structures, period?

20 MR. ASHBRIDGE: Uh-huh. Yeah.  
21 I think that takes out a lot of the  
22 issues that we're having by deleting  
23 that.

24 MR. KARBOSKI: Yeah, but how  
25 can we just delete that? It's in our

1     Design Standards. We're supposed to  
2     agree to the Design Standards. You  
3     can't just pull out words you don't  
4     agree with.

5                 MR. ELDRIDGE: These are  
6     findings of fact, and if you go down to  
7     13 -- I mean, you've wrapped it up  
8     pretty much. I think if you can -- I'll  
9     be drafting a decision based on your  
10    findings. You're not coming up with a  
11    -- it's not a text amendment where  
12    you're agreeing -- where the  
13    decision-making board is agreeing on the  
14    exact language. I'll take care of the  
15    language.

16                MR. KARBOSKI: Okay.

17                CHAIRMAN GALBRAITH: Okay.  
18    Number 13, the project does or does not  
19    comply with the Design Standards?

20                MR. ASHBRIDGE: And I would --  
21    I would propose that it does.

22                CHAIRMAN GALBRAITH: I agree.

23                MR. BARLOK: I agree.

24                CHAIRMAN GALBRAITH: Okay.

25                MS. EVANS: I agree.

1                   CHAIRMAN GALBRAITH:   Okay.   All  
2   right.

3                   Okay.   Based upon the above  
4   findings of majority vote -- now it's  
5   the majority vote.   How come you said we  
6   couldn't vote?

7                   MR. ELDRIDGE:   Well, first of  
8   all, I want you to close the hearing --

9                   CHAIRMAN GALBRAITH:   Yes.

10                  MR. ELDRIDGE:   -- if you are  
11   finished.

12                  CHAIRMAN GALBRAITH:   Okay.   I  
13   have -- reading that.

14                  MR. ELDRIDGE:   If there's no  
15   further questions, you will --

16                  CHAIRMAN GALBRAITH:   Okay.   So  
17   these are the findings of fact.   Are  
18   there any other facts?   Do we have to  
19   stick to these facts, or does -- can we  
20   add other facts in there?

21                  MR. ELDRIDGE:   I would  
22   recommend that you stick with what you  
23   got.

24                  CHAIRMAN GALBRAITH:   Stick with  
25   what we got.   Okay.   I have a bunch of

1 facts, but that's okay.

2 All right. So we will -- is  
3 there a motion to close the hearing?

4 MR. ASHBRIDGE: I so make that  
5 motion to close the hearing.

6 CHAIRMAN GALBRAITH: Okay. All  
7 in favor say aye.

8 MS. EVANS: Aye.

9 MR. BARLOK: Aye.

10 MS. CHASE: I'm sorry. Who  
11 seconded that?

12 MR. ASHBRIDGE: I did. I  
13 seconded it.

14 MS. CHASE: Okay.

15 CHAIRMAN GALBRAITH: Okay. All  
16 right. Decision of the commission.  
17 Okay. So this is -- now we're dealing  
18 with number 14.

19 We can -- remember, we have a  
20 couple different options on this. We  
21 can vote to approve or not approve, or  
22 we can approve with conditions.

23 MR. ELDRIDGE: And with respect  
24 to conditions, you might want to have  
25 Bethany's report in front of you, page

1 2.

2 MR. ASHBRIDGE: Yep. Then I  
3 would suggest that in addition to the  
4 items that Bethany's provided, that we  
5 also make reference to the handrails,  
6 just given that that was missed on the  
7 drawing.

8 CHAIRMAN GALBRAITH: Okay.  
9 Would you like to make a motion then?

10 MR. ASHBRIDGE: So I make a  
11 motion that as conditions to the  
12 approval, we include everything in  
13 Bethany's write-up. This would be --

14 MR. ELDRIDGE: Excuse me.  
15 Excuse me. Let's have a motion to  
16 approve the COA with the following  
17 conditions. You don't want a motion for  
18 the conditions if you may not approve  
19 the COA.

20 MR. ASHBRIDGE: Let's have  
21 discussion then on the --

22 CHAIRMAN GALBRAITH:  
23 Conditions.

24 MR. ASHBRIDGE: -- on the  
25 conditions.



1                   CHAIRMAN GALBRAITH: Okay. So  
2 I think the recommendation will be that  
3 all of Bethany's points would be  
4 conditions, that that be provided to  
5 Bethany to approve as a minor --

6                   MR. ELDRIDGE: COA.

7                   CHAIRMAN GALBRAITH: -- COA --  
8 a minor COA so it doesn't have to back  
9 -- come back to this commission, with  
10 the addition of handrails.

11                  MR. ASHBRIDGE: Handrails being  
12 white in color.

13                  MR. ELDRIDGE: Okay.

14                  CHAIRMAN GALBRAITH: The  
15 handrails being white in color.

16                  MR. KARBOSKI: White in color.

17                  CHAIRMAN GALBRAITH: White in  
18 color.

19                  Okay. So the motion would be  
20 to approve the application for the COA  
21 subject to the following conditions:  
22 That -- and let's go ahead and read them  
23 out, and I have -- I can't find that one  
24 -- oh, here it is -- That the details  
25 related to landscape; hardscapes;

1     fencing; gutters and downspouts;  
2     exterior lighting; house numbers;  
3     mailbox; accessory structures, if any;  
4     and exterior handrails being painted  
5     white be reviewed and approved by the --  
6     let's get the official name.

7                   MR. ELDRIDGE: Director of  
8     Development and Compliance.

9                   CHAIRMAN GALBRAITH: Director  
10    of the Development and Compliance  
11    department as a minor COA.

12                  MR. ELDRIDGE: Good.

13                  CHAIRMAN GALBRAITH: That'll be  
14    the motion.

15                  MR. KARBOSKI: Yeah. So --

16                  MR. BARLOK: But -- okay. I  
17    know they're really not handrails. What  
18    are they called?

19                  MS. EVANS: The cable.

20                  MR. BARLOK: The wire cable is  
21    going --

22                  MR. BUTLER: Yeah, we're not  
23    doing them --

24                  MR. BARLOK: Because the  
25    handrail's the thing on the top.

1 MR. BUTLER: Yeah. We're going  
2 with a -- I mean, it's a wood --

3 MS. BUTLER: Either a white  
4 aluminum or a --

5 MR. BARLOK: They're not  
6 baluster. I mean, if they're up and  
7 down, they're balusters. I don't know  
8 what they are.

9 MR. BUTLER: Yeah, it's not  
10 pickets. It's -- it's kind of  
11 horizontal -- oh God.

12 MR. ASHBRIDGE: But it's not  
13 cable. It's --

14 MR. ELDRIDGE: Can we --

15 MR. BUTLER: It's not cable.

16 MR. BARLOK: It's not cable.

17 MR. BUTLER: It's not cable.

18 We don't want cable. It was just  
19 something that was overlooked. We --

20 MR. BARLOK: Yeah --

21 MR. BUTLER: -- want -- we want  
22 a white --

23 MR. BARLOK: -- and I  
24 understand you're going to --

25 MR. BUTLER: -- horizontal --

1     you see them a lot now.

2                 MR. BARLOK:   Yeah.

3                 CHAIRMAN GALBRAITH:   Well,  
4     then, I'll change my condition to being  
5     painted white and approved by the  
6     director --

7                 MR. BUTLER:   That's perfect.

8                 CHAIRMAN GALBRAITH:   -- because  
9     she has the right to look at that and  
10    make sure it's consistent.

11                MS. WHITE:   Yeah.

12                MR. ASHBRIDGE:   Okay.   All  
13    right.   I second that motion.

14                CHAIRMAN GALBRAITH:   Okay.   Are  
15    there any further discussions?   I know  
16    this is painful, but -- all right, all  
17    in favor say aye.

18                         (MULTIPLE AYES.)

19                CHAIRMAN GALBRAITH:   Opposed?

20                         (NO RESPONSE.)

21                CHAIRMAN GALBRAITH:   Okay.   So  
22    now we return to an open session.   I  
23    think we have to have a motion for that,  
24    don't we?   Or can I just --

25                MS. CHASE:   You already gave an

1 open session. You already closed the --

2 MR. ELDRIDGE: You've been in  
3 open session.

4 CHAIRMAN GALBRAITH: We closed  
5 the hearing. Okay. So return to --  
6 what -- to an open session. Is there a  
7 motion to adjourn?

8 Well, actually, before we have  
9 a motion to adjourn, since this is  
10 formally an HPC meeting, let me ask Beth  
11 -- well, what does our future meetings  
12 look like? I mean, since this is a  
13 general meeting such as this.

14 MS. CHASE: You won't have  
15 another meeting unless something comes  
16 before the board. Otherwise, it will be  
17 January 2026.

18 MR. ASHBRIDGE: Uh-huh.

19 CHAIRMAN GALBRAITH: January  
20 2026. Unless something comes before the  
21 board. Okay. All right. Good. Is  
22 there a motion to adjourn?

23 MR. ASHBRIDGE: I make a motion  
24 to adjourn.

25 MR. BARLOK: So moved.

1                   CHAIRMAN GALBRAITH:   Okay.

2    Motion, second it.   All in favor say

3    aye.

4                   (MULTIPLE AYES.)

5                   CHAIRMAN GALBRAITH:   Okay.

6                   (THE MEETING ADJOURNED AT 8:13 P.M.)

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CERTIFICATE

State of North Carolina  
County of Brunswick

I, Deborah L. Houchins, a court reporter  
in and for the State of North Carolina,  
do hereby certify that I was the court  
reporter at the aforementioned  
proceedings and that the foregoing is a  
true, correct, and full transcript of  
the proceedings herein.

I further certify that I am not counsel  
for, nor in the employment of any of the  
parties to this action; that I am not  
related by blood or marriage to any of  
the parties, nor am I interested, either  
directly or indirectly, in the results  
of this action.

In witness whereon, I have hereto set my  
hand, this the 29th day of March, 2025.



Deborah L. Houchins  
Court Reporter

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