

45 emphasized the importance of the Commission to protect the viewshed to and from the river,
46 particularly with respect to the proposed rooftop pergola. *Judy Harkin*, 519 Johnson Street, also
47 inquired about brick color and pergola details, as well as the height of the Sudan Temple.
48 *Marjorie Preis*, 1203 National Avenue, said she found the proposed structure attractive, but not
49 an appropriate style for this area. *Betty Clarke*, 505 East Front Street, expressed concerns of the
50 proposed fill washing away during a flood and wondered if there was a way to do the building
51 without it. She believes a flat roof makes for a larger sense of mass. *Nancy Hollows*, 4438
52 Rivershore Drive, stated that she supports a project that is sensitive to the Historic District. She
53 takes issue with various items including the setbacks, proposed retaining wall, building scale,
54 height calculation, areas of visual concern, the congruousness of the project, the commercial feel
55 of the structure despite a residential use, balcony details, and lack of first floor fenestration. She
56 spoke to the “Neighborhood Impact” criteria of the “Part II” application. She also inquired about
57 the pergola’s details. She referred to John Wood’s email regarding setbacks. After Mrs.
58 Afflerbach made her rebuttals, Mrs. Hollows asked the Commission to consider tabling the
59 application until the public has time to confer with attorneys regarding setback determinations
60 and to have John Wood comment. *Nikki Ingianni*, 210 New Street, spoke about the increase in
61 property values in the Downtown Historic District—based on a chart she compiled—and noted
62 that the comments of those who have such a strong vested interest should matter to the City.
63 *Jerry Hobbins*, 229 New Street, is in strong support of the project based on Mrs. Afflerbach’s
64 presentation as well as the height and the stepped nature of building sections.
65

66 **Discussion by the Commission:** Commissioner Miller disclosed the proximity of her primary
67 residence to the project address, but said that she had no conflict in hearing the matter. The
68 Commissioners discussed issues including accuracy of the fly-through’s representation of scale,
69 height, and setbacks; the purview of the Commission regarding setback determination; the
70 importance of all appropriate state and local requirements being met; how height was
71 determined; how the amount of fill dirt needed is to be determined; the level of appropriateness
72 of bricked windows on the first floor; the historical precedents of first floor bricked windows in
73 the District; the proposal of an entrance off South Front Street; how and if the zoning
74 classification of the property impacts which Guidelines should be used to evaluate the project;
75 the window design; the comparison of building masses of Broad Street structures; and the impact
76 of the site changes on traffic line of sight going into the roundabout.
77

78 **Finding(s) of Fact:** Commissioner Broadway moved to table the application to further study the
79 project. The motion failed due to the lack of a second. Commissioner Parsons then moved to
80 find the application congruous with the Historic Preservation Guidelines, citing Section 15-427
81 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following
82 guidelines:
83

84 “Residential New Construction”: Placement of Structures, guideline(s)#1-6, Building Scale and
85 Proportion, guideline(s)#1-4, Materials, guideline(s)#1-4, Details, guideline(s)#1-5, Texture,
86 guideline(s)#1-2, and Form and Rhythm, guideline(s)#1-4 ; “Site and Setting”: pages 77-89;
87 “Landscaping” guidelines 1-16; “Fences and Garden Walls”, guidelines 1-12; “Driveways and
88 Off-Street Parking” guidelines 1-13, and “Exterior Lighting” guidelines 1-10; “Utilities”, pages

89 47-48, guidelines 1-8; and New Bern Land Use Ordinance Article XXI, Section 15-418:
90 Required Conformity to dimensional regulations, Article XII 15-189: Building Height
91 Limitations. Commissioner Adolph seconded the motion. Upon a call for a vote, the
92 Commissioners voted as follows: Adolph (score sheet vote of 12); Broadway (zero); Gray (14);
93 Miller (10); Parsons (11); Thompson (12). Motion passed. In a following discussion, Nancy
94 Hollows petitioned the Chairman to confirm that the scoring was correctly determined: her
95 understanding is that one of the sections' scores for a particular section shall be automatically
96 left at zero in the event that any criterion in that section receives a score of zero. This did occur
97 in one ballot sheet, but that ballot sheet was already below the minimum score of 11 anyway, so
98 it would not have changed the vote.
99

100 **Statement(s) of Reason:** (1) The physical attributes of the new structure including materials,
101 details and textures meet the criteria for approval and are congruous with the district as a whole;
102 (2) Proposed building heights and dimensions meet standards. They are slightly larger than
103 adjacent buildings, however examples of their form and variation in height can be found
104 elsewhere throughout the immediate area and the district; (3) After review, it is the opinion of
105 Staff that the placement of the building meets all New Bern Zoning and Historic District
106 requirements; (4) The site planning and improvements including landscaping, driveways, off-
107 street parking, and utilities meet the criteria for approval; (5) Subject property is prominent and
108 contains two primary area of visual concern. Both should be treated as front entrances in order
109 to maintain congruity with those structures on adjacent blocks ("New Construction: Placement",
110 p. 66, guideline #3).
111

112 **Condition(s):**

- 113 • Applicant will create an entranceway on Broad Street, with steps, covered stoop, walkway
114 and other features used on the East Front Street side so as to be congruous with adjacent
115 buildings on Broad St;
- 116 • Applicant will extend the brick wall on the west property line to meet the block wall on the
117 south side of the property; and
- 118 • As this project is deemed to be a major development, the applicant will need to present and
119 receive feedback on the project at the departmental review as well as meet all other state
120 and local requirements.
121

122 **Motion:** Commissioner Parsons moved to issue the COA, seconded by Commissioner Adolph.
123 All Commissioners voted in favor of the motion, except Commissioners Broadway and Miller
124 who each abstained.
125

126 There being no further business the meeting was adjourned.
127

128 
129 _____
130 Tim Thompson, Vice Chairman
131



Kevin Robinson, AICP
City Planner