



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

8

9 **MEETING MINUTES**

10 **SOUTHERN SHORES HISTORIC LANDMARKS COMMISSION-MARCH 28, 2023, 9:00 A.M.**

11 **LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949**

12

13 **CALL TO ORDER:**

14 Chairperson Whitley called the meeting to order at 9:00 a.m. Historic Landmarks

15 Commission Members Lee Whitley (Chairperson), Kristine Kiousis, and Michael Guarracino were

16 present. Also in attendance were Deputy Town Manager/Planning Director Wes Haskett, and

17 Town Clerk Sheila Kane.

18

19 **PLEDGE OF ALLEGIANCE:**

20 Chairperson Whitley led the Pledge of Allegiance.

21

22 **APPROVAL OF AGENDA:**

23 Michael Guarracino moved to approve the agenda for the Historic Landmarks Commission

24 meeting of March 28, 2023, Seconded by Kristine Kiousis. The motion passed unanimously (3-0).

25

26 **APPROVAL OF MINUTES**

27 Michael Guarracino moved to approve the January 31, 2023, meeting minutes as presented,

28 Seconded by Kristine Kiousis. The motion passed unanimously (3-0).

29

30 **PUBLIC COMMENT**

31 None

32

33 **OLD BUSINESS**

34 None

35

36 **NEW BUSINESS**

37 COA-23-01, an application for a Certificate of Appropriateness submitted by Clayton Small to

38 replace windows at 116 Ocean Blvd.

39

40 Chairperson Whitley read the opening statement and recusal questions. No board member had a

41 conflict or reason for recusal.

42

43 *This is not a legislative public hearing where the public is invited to give opinion and*

44 *provide general comments or guidance to the Commission about potential Historic*

45 *Landmarks.*

46 *This is a quasi-judicial hearing. Only aggrieved parties may participate. A member of the*

47 *public may participate if aggrieved. An aggrieved person may give relevant testimony*

48 *under oath; no opinions, just Testimony based on facts. It is just like taking the stand in a*
49 *courtroom. An aggrieved person is subject to cross-examination by any other party and by*
50 *this Commission – just like court.*

51 *To be “aggrieved” under the law, you must be directly and substantially affected by the*
52 *Commission’s decision. Guidance from past NC cases and the North Carolina School of*
53 *Government help us understand that to be aggrieved you must be an immediate neighbor*
54 *whose property use, enjoyment and value will be adversely impacted by the Board’s*
55 *decision.*

56 *If you are an aggrieved person and want to participate in this quasi-judicial hearing by*
57 *giving sworn factual testimony or wish to cross-examine any witness during this*
58 *proceeding, come forward to the podium to be sworn in.*

59

60 Chairperson Whitley swore in those wishing to give testimony.

61

62 Chairperson Whitley opened the hearing and called on the applicant to present evidence.

63

64 The applicant, Clayton Small, owner of 116 Ocean Blvd. and representing five generations of
65 family utilizing the cottage, would like to replace all exterior windows, nine total. The
66 replacement windows will be a new construction type to best match the original windows; single
67 hung, equal sash, two vertical grills in upper glass, white vinyl exterior. The current windows are
68 not the original cottage windows. The original wood windows became non-functioning and were
69 replaced in the early 1990’s. The proposed replacement is the best commercially available
70 windows to match the original 1954 windows. The cottage will also be repainted, a color to
71 match the original light gray.

72

73 Chairperson Whitley asked if the roof has remained the same.

- 74 ○ Mr. Small answered the current roof has been replaced three or four times and it has
75 always been a pitched roof, not a flattop. His grandparents bought the lot in 1950 and
76 built the cottage in 1954. It was only about the second home to have a pitched roof at
77 that time in Southern Shores.

78

79 No further questions for the applicant.

80

81 **Staff Report**-The applicant is proposing to replace windows at 116 Ocean Blvd. which was
82 designated as a Historic Landmark on August 7, 2018. Town Code Section 17-4, (b), (1) states
83 that from and after the designation of a landmark, no exterior portion of any building or other
84 structure (including masonry walls, fences, light fixtures, steps and pavement, or other
85 appurtenant features), nor any above-ground utility structure nor any type of outdoor
86 advertising sign shall be erected, altered, restored, moved or demolished on such landmark until
87 after an application for a Certificate of Appropriateness (COA) as to exterior features has been
88 submitted to and approved by the Commission.

89

90 Such a Certificate is required to be issued by the Commission prior to the issuance of a building
91 permit or other permit granted for the purposes of construction, altering, moving, or
92 demolishing structures, which Certificate may be issued subject to reasonable conditions
93 necessary to carry out the purposes of the requirements. Section 17-6, (a) states that no COA
94 shall be granted unless the Commission finds that the application complies with the principles
95 and guidelines adopted by the Commission for review changes. It is the intent of these

96 regulations to insure insofar as possible that construction, reconstruction, alteration,
97 restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor
98 advertising signs, or other significant features of landmarks shall be congruous with the special
99 character of the landmark.

100
101 The Commission's currently adopted Principles and Guidelines contain the following guidelines
102 that are applicable to the proposed work:

103
104 (b) Rehabilitation means the act or process of making possible an efficient compatible use for a
105 property through repair, alterations and additions while preserving those portions or features
106 that convey its historical, cultural, or architectural values.

107
108 (2) The historic character of a property will be retained and preserved. The removal of
109 distinctive materials or alteration of features, spaces, and spatial relationships that
110 characterize a property will be avoided.

111
112 STAFF RECOMMENDATION

113 Town Staff recommends approval of the COA. The windows to be replaced are not the original
114 cottage windows. The applicant has selected replacement windows to match the original cottage
115 windows.

116
117 No further questions.

118
119 **MOTION:** Michael Guarracino moved to approve COA-23-01, an application for a Certificate of
120 Appropriateness submitted by Clayton Small and the application is consistent with the
121 commission's adopted principles and guidelines, specifically item B2, Seconded by Kristine
122 Kiousis. The motion passed 3-0.

123
124 Chairperson Whitley closed the hearing.

125
126 Kristine Kiousis thanked Mr. Small and his family for keeping the property as is, and really trying
127 to focus on not selling and keeping the cottage looking like the original Outer Banks.

128
129 **Public Comment**

130 None
131

132 **Historic Landmarks Commission Member Comments**

133 None
134

135 **Announcements**

136 Planning Director Wes Haskett stated there are currently no applications waiting for review.
137

138 **Adjourn**

139 Hearing no other business, Kristine Kiousis made a motion to adjourn, Seconded by Michael
140 Guarracino. Motion passed unanimously (3-0). The time was 9:22 a.m.
141
142
143

144 ATTEST:

145 Lee Whitley
146 Lee Whitley, Chairperson



Respectfully submitted,
Sheila Kane
Sheila Kane, Town Clerk