

## Chapter 3: WORKING WITH THE HISTORIC PRESERVATION COMMISSION

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### A. IN GENERAL

The Official Maps, (Appendix A), of the Districts have been adopted by the City Council and designate the boundaries of the Districts. These maps classify the individual properties into the following categories according to their relative importance to the character of the district.

**Pivotal** – Those properties which, because of their historical, architectural, or cultural characteristics, play a primary, central or “pivotal” role in establishing the qualities for which the District is significant.

**Contributing** – Those properties which, while not pivotal, support and add to the historical, architectural, or cultural characteristics for which the District is significant.

**Noncontributing** - Those properties which do not have an especially negative impact on the general characteristics of the District. They may be similar in form, height, and materials to contributing buildings in the District, but cannot be considered contributing because of the date of construction.

**Intrusive** – Those properties which have a definite negative impact on the historical, architectural, or cultural characteristics for which the District is significant.

**Fill** – Those properties which were constructed on single or scattered site undeveloped lots in established neighborhoods, after the period of significance of the more important structures, but prior to official establishment of the District.

The Historic Preservation Commission is a seven member citizen’s board appointed by the City Council to administer the Historic District regulations. The Commission has the responsibility to:

- Review plans for alteration to the exterior of structures and the removal of trees from properties within Historic Districts, and approve the issuance of Certificates of Appropriateness if those plans are consistent with the Standards and Requirements.
- Provide technical advice to property owners concerning restoration and the treatment of architectural features.
- Delay the demolition of important structures within Historic Districts for up to 365 days in order to explore alternatives.
- Make recommendations to the Board of Adjustment and the Planning and Zoning Commission regarding proposed zoning changes and related matters within the Districts.

The Commission meets the third Thursday of each month at 7:00 p.m. in the City Council Chambers of City Hall (26 Union Street, South). Since the Commission is a quasi-judicial body under North Carolina law, certain rules of procedure must be followed. These procedures include official notification of adjacent property owners, public advertisement in the newspaper, and placement of a public hearing sign on the property.

The Commission's review criteria for Certificates of Appropriateness include taking into account the historic and visual aspects that give the Districts their character, as well as reviewing the proposal's compatibility. Additional information on approval criteria may be found in the Appendix B, "Approval Requirements," Appendix C, The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and in Article 4 – Section 12 of the City of Concord Unified Development Ordinance.

## **B. OBTAINING A CERTIFICATE OF APPROPRIATENESS**

Prior to new construction, demolition, installation of permanent identification signs, and most alteration and rehabilitation activities within the Districts, a Certificate of Appropriateness must be obtained. Alterations to the interior of the structures are not subject to Certificates of Appropriateness. In some matters the City of Concord Planning Department can issue a Certificate. If the proposed alteration is one that the Planning Department can approve, then the applicant does not have to go before the Historic Preservation Commission. The types of work for which Certificates are required are shown in Appendix B. Appendix B also indicates whether Planning and Zoning Department or Commission approval is needed for the proposed work.

The alteration of any site or exterior feature which is not specifically listed in Appendix B will require approval by the Historic Preservation Commission for a Certificate of Appropriateness. The Zoning Administrator shall have the option of referring any item that could be approved within the Planning and Zoning Department to the Historic Preservation Commission for approval.

A property owner must obtain a Certificate of Appropriateness prior to the issuance of a building permit, or any other permit required by the City for construction, alteration, or demolition of a structure within a District. Prior to beginning work on a house or property (including extensive

tree pruning and removal), the owner should contact the Zoning Administrator, (704-920-5120, 66 Union Street South, Concord NC 28025) for a determination on whether a Certificate of Appropriateness will be required.

If the work to be performed requires Historic Preservation Commission approval, an application for a Certificate of Appropriateness must be filed. The application and processing is required to be submitted to the Zoning Administrator at least 28 days prior to a regularly scheduled Commission meeting. Application forms are available at the Planning and Community Development Department.

### **C. DESIGNS REVIEW COMMITTEE**

This Committee is responsible for the review of the more complex projects. The Committee meets either at the request of the Commission Chairperson or the property owner. The Committee meets onsite with the property owner to review the project, usually prior to the monthly meeting.

On occasion, the Commission will continue an item until the next scheduled meeting if the Commission feels that there is insufficient information to vote on an application and will refer the case to the Design Review Committee.

### **D. APPEALS**

Decisions of the Historic Preservation Commission may be appealed to the Board of Adjustment. An appeal may be taken by the applicant or by any other aggrieved party. The appeal application must be filed with the Zoning Administrator within 30 days of the decision. Appeal application forms are available from the Zoning Administrator, and a copy is located in Appendix F of this handbook. Any appeals from the Board of Adjustment are to be taken to the Superior Court of Cabarrus County.

The appeal of a decision by the Historic Preservation Commission to the Board of Adjustment is in the nature of “certiorari.” The aggrieved party cannot present new evidence but must show that the Commission failed to follow the appropriate administrative or procedural regulation or that the decision was contrary to the evidence or was arbitrary and capricious.

### **E. ENFORCEMENT**

Enforcement of the Historic District Ordinance, Article 4 - Section 12, (Appendix G), as with enforcement of any of the provisions of the City of Concord Zoning Ordinance, is done by the Zoning Department. A Certificate of Appropriateness must be obtained before issuance of a building permit or any other permit needed for constructing or altering buildings, structures, or signs. Any violation of Article 4 - Section 12 is a zoning violation and if not corrected or remedied will result in legal action.