

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
June 4, 2012

**CALL TO ORDER**

Chair Scott Shackleton called the Certificate of Appropriateness (COA) Committee meeting to order at 4:03 p.m.

**ROLL CALL**

Tania Tully, Preservation Planner, called the roll as follows:

Present: Will Alphin, Fred Belledin, Miranda Downer, Kiernan McGorty, Scott Shackleton

Staff Present: Tania Tully, Dhanya Sandeep

**Approval of the May 7, 2012 Minutes**

Ms. McGorty moved to waive the reading of the minutes for the hearing and to adopt said minutes. Mr. Alphin seconded the motion; passed 5/0.

**Minor Works**

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Ms. Kiernan McGorty, Notary Public, administered the affirmation.

<b>Visitor's/Applicant's Name and Address</b>	<b>Affirmed</b>
Robert Underwood, Underwood Tree 27512	Yes
Eric Brinker, 1008 W South Street 27603	Yes
M.B. Hardy, 1020 W South Street 27603	Yes
Phil Crump, Hunter Tree & Landscape 27606	Yes
Jon Seelbinder, 108 ½ E Hargett Street 27603	Yes

**APPROVAL OF AGENDA**

Ms. McGorty moved to approve the agenda as printed. Mr. Alphin seconded the motion; passed 5/0.

**SUMMARY PROCEEDINGS**

There were no Summary Proceedings.

### **PUBLIC HEARINGS**

Chair Shackleton introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: 038-12-CA, 025-12-MW, and 045-12-CA.

Prior to distribution of staff comments Ms. McGorty moved that Mr. Alphin, the architect of 045-12-CA, be recused from the meeting. Mr. Belledin seconded; motion carried 4/0 (Alphin abstained).

## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

038-12-CA 1008 W SOUTH STREET

Applicant: EMILY BRINKER

Received: 4/23/2012

Meeting Date(s):

Submission date + 90 days: 7/22/2012

1) 5/7/2012 2) 6/4/2012 3)

### INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: R-10

Nature of Project: Implement front and rear landscaping and hardscaping to include: front retaining wall; rear retaining wall; rear yard grading; rear and side yard fencing; rear yard patio and walkways; tree removals; new plantings in front and rear yard.

Amendments: At the May meeting, the application was amended verbally to remove the request for the front patio and tree stump removal and to reduce the paved area in the back near the shed. Documents received May 21, 2012 amend the depth of proposed grading.

Conflict of Interest: None noted.

#### Staff Notes:

- File photographs from September 9, 2005, January 24, 2008, and March 24, 2008 are available for review.
- Staff comments reflect the tree protection plan received June 4, 2012.

### APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features and Plantings	Implement front and rear landscaping and hardscaping to include: front retaining wall; rear retaining wall; rear yard grading; rear and side yard fencing; rear yard patio and walkways; tree removals; new plantings in front and rear yard.
2.4	Fences and Walls	front retaining wall; rear retaining wall; rear and side yard fencing
2.5	Walkways, Driveways, and Offstreet Parking	rear yard patio and walkways

### STAFF COMMENTS

Based on the information contained in the amended application, in staff's judgment:

- A. Installation of rear yard retaining wall and rear yard grading is not incongruous in concept according to *Guidelines* sections 2.3.1, 2.3.2, 2.3.7, 2.3.11, 2.5.1; however, removal of trees is

incongruous according to *Guidelines* sections 2.3.5, 2.3.8. Raleigh City Code Section 10-2052(a)(2)c.5.i states that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure, or site within the district may not be denied... However, the authorization date of such a certificate may be delayed for a period of up to three-hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period of delay the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure, or site. If the Commission finds that the building, structure, or site has no particular significance or value toward maintaining the character of the Overlay District, it shall waive all or part of such period and authorize earlier demolition or removal.”

- 1\* The following COAs (files available for review) at 1008 W South Street have been issued for yard and landscape work items:
  - 104-06-CA “Install French drain around rear (north) side of house; [After-The-Fact] remove tree root extending underneath southwest corner of the house; alter portion of existing grade in rear yard; install landscaping to include flowers, small shrubs, and a stepping-stone walkway in side and rear yard; alter grade of rear yard; add new gravel in existing rear-yard dirt and gravel parking area.”
  - 181-06-CA “Construct accessory building.”
  - 132-07-MW “Construct shed in rear yard” Supersedes 181-06-CA.
  - 006-08-MW “Replace failing retaining wall in front yard. Amend COA # 104-06-CA by turning the corners with the patio retaining wall.”
  - 075-08-MW “Replace retaining wall in right-of-way; construct brick edged gravel walkway in rear yard; prune trees.”
  - 089-10-CA “[After-The-Fact] Remove dead tree in rear yard; prune large limb on tree in front yard”
- 2\* The committee was consistent in its concern with grading and tree health in all of the major work COA applications.
- 3\* Due to the closeness of the houses and size of trees along property lines, any extensive digging has the potential to damage root systems and lead to a decline in the trees’ health.
- 4\* Measurements, but not graphic details are provided of the grading plan. The amended application indicates that from the rear property line to the proposed wall, the grade drops between 14 and 19 inches. The area behind the wall will be filled with dirt and capped with gravel so as to be at the approximate grade of the rear property line.
- 5\* The height of the proposed rear retaining wall as experienced from the house will vary, with a maximum height of 4 feet. The wall will extend approximately 3 inches above the level of the parking area.
- 6\* Details regarding the construction of the steps were not included in the application.
- 7\* Low retaining walls have been approved by the committee in rear yards with similar drainage issues.

- 8\* The amended application appears to indicate that grading in the main body of the rear yard would be between 2 and 4 inches rather than the original 6 to 10 inches.
- 9\* The amended application includes information from an arborist certified by the International Society of Arboriculture (ISA) regarding the health of a 53 inch DBH Willow Oak tree and a 48 inch DBH White Oak tree.
- 10\* The amended application includes a report by an ISA certified arborist that includes the following points:
- "The goal is to minimize the impact within the drip line (CRZ) [critical root zone] by not cutting more than 20% of root zone."
  - "The majority of the feeder roots in the CRZ are at a depth of 8-12 inches below grade."
  - The proposed "retaining wall is within the outer, 8 feet of the drip line or CRZ" and will result in the loss of "less than 20%" of the CRZ of the White Oak tree.
  - The retaining wall "...will have a minimum impact of the overall health of the [White Oak] tree."
  - "...Post Construction ideas [are included] to increase the vigor of the tree."
- 11\* The application states that a light duty bobcat will be used; prior COAs have required grading to be completed manually.
- 12\* The arborist's report includes verbiage regarding activities before and during construction that appears to be general in nature, not specific to this application, and may refer to a different project entirely.
- 13\* The application does not include information regarding the impact the tree removals would have on the tree canopy. The diagram provided by the arborist indicates the removal of 3 trees; the diagram included in the application shows the removal of 4 trees.
- 14\* The committee typically requires replacement trees equivalent to the ones to be removed be planted. The application includes the planting of an Eastern Redbud, a Viridis Laceleaf Japanese Maple, and an Emperor I Japanese Maple.
- 15\* At the May meeting the applicants made the following statements of fact:
- They are the drainage source for the alley because there's not a retaining wall.
  - A tree is growing up through concrete pad of the shed.
  - The retaining wall is high because of the height of the alley.
  - Digging the footing for the retaining wall could be done by hand.
  - The retaining wall near the street is the COA needing renewal.
- 16\* The water issues in the rear yard are significant.
- 17\* The adjacent property (1020 W South St) has a low retaining wall in the rear yard.
- 18\* There are three large trees in the project area.

- B. Renewal of front retaining wall COA; installation of rear and side yard fencing; alteration of rear yard patio and walkways; installation of new plantings in front and rear yard are not incongruous according to *Guidelines* sections 2.3.1, 2.3.2, 2.4.8, 2.5.1, 2.5.5, 2.5.9.
- 1\* Renewal of most COAs is a Minor Work approvable by staff and is included here for administrative efficiency. The renewal is for COA 075-08-MW to "Replace retaining wall in right-of-way."
- 2\* Wrought iron fencing is not typical for Boylan Heights.

- 3\* The committee has approved 5' wooden privacy fences in side yards in Boylan Heights. Details of the design and construction of the fence and gate were not included in the application.
- 4\* Alterations to existing patios is a Minor Work approvable by staff and is included here for administrative efficiency. The use of bluestone patios have been approved in the district.
- 5\* Bluestone walkways have been approved in rear yards. A revised plan indication the extent of the reduced paving was not included in the amended application.
- 6\* Details regarding the size and installation of the fountain were not included in the application.

**Pending the committee's determination regarding the impact of the tree removal**, staff suggests that the committee approve the amended application, waiving the 365 day demolition delay for removal of the trees, with the following conditions:

- 1. That all grading be performed by hand.
- 2. That the recommendations of the tree protection plan be adhered to for the duration of the project.
- 3. That the pruning be performed in accordance with ANSI 300a standards for pruning.
- 4. That the applicant donate the monetary value of two 3" caliper medium or large maturing tree (as defined by the NeighborWoods program) to the City of Raleigh's NeighborWoods tree planting program prior to removal of the trees.
- 5. That specifications and details be provided to and approved by staff prior to issuance of permits for the following items:
  - a) construction of the steps.
- 6. That specifications and details be provided to and approved by staff prior to commencement of construction for the following items:
  - a) Revised site plan;
  - b) the fountain;
  - c) privacy fence;
  - d) retaining wall fence.

#### PUBLIC TESTIMONY

Support: Mr. Eric Brinker, owner [affirmed] and Mr. Robert Underwood, ISA [affirmed] were present to speak in support of the application.

Mr. Brinker began by explaining the grading information he supplied. He also clarified that the height of the retaining wall as noted on the drawing is from the zero point on the grading diagram and that the wall would not ever be 48" tall.

Mr. Underwood, referencing diagram 2 of the new tree protection information, explained the root zone and made the following comments:

- the roots are 8 to 10" below the surface

- regarding the use of equipment as mentioned in fact 11, the concern is due to potential root compaction.
- A dingo would probably be light enough to use for the regarding
- Holding roots will not be affected

Mr. Belledin asked if the maple tree would be retained and why the Hackberry was being removed. Mr. Brinker conformed that they are keeping the maple and the removal of the hackberry was to get more light into their shady backyard.

Opposition: Mr. Marsh Hardy, neighbor [affirmed] and Mr. Phil Crump, Hunter Tree & Landscape, ISA certified arborist [affirmed] were present to speak in opposition to the application.

Mr. Crump began the discussion making the following comments:

- He has been an arborist for 35 years and has multiple degrees and certifications
- Asked if Tania received email. Tanis Tully [affirmed] stated that she had, but didn't bring it and that he'd need to present the information in person anyway.
- He only was able to view the tree plan for a short period of time. He did not receive it until this morning.
- He questioned the use of equipment when only 2 inches were being graded.
- He also questioned the recommendation of a 3' diameter tree protection fence when the holding roots are at 12 feet.
- The recommendation of the use of boards on the tree was also questioned.
- He has observed the subject yard many times and stated that the "hump" was placed there by the Brinkers.
- Given that Mr. Brinker is an engineer, why is it so difficult to get clear drawings?
- The tree called a White Oak in the arborist report is not a White oak.
- The drawings do not show the houses on the adjacent properties.
- Because of the adjacent houses, the majority of the trees' roots will be in the back yards.
- The Pine tree slated for removal is not on the Brinker's property and may be on City property.
- The oak trees straddle the property lines
- The commission should preserve large and mature trees
- Tree damage can take years and it would cost up to \$5,000 to have a dead tree removed. It would not be fair for Mr. Hardy to pay part of a tree he did not kill.
- The tree in the front yard has already been butchered and there is no way for it to be pruned in accordance with ANSI a300.
- There are other large trees in the vicinity that were not included on the drawings.
- Tree diseases are soil borne and when roots are damaged the trees become more susceptible to infection.
- Mr. Crump also recalled seeing a bobcat on the property during construction of the existing patio. .

- Feeder root zones vary. They are typically between 0" and 20" below the surface and do not hover between 8" and 12."
- Older trees do not recover as well.

Mr. Hardy distributed an older report from Mr. Crump that included photographs of the bobcat and a pile of dirt with roots. He stated that the RHDC is responsible for preserving the old growth trees as well as mediating disputes between neighbors. Mr. Shackleton interrupted to clarify that the commission is charged with approving or denying an application. Ms. Tully stated that the City Code makes no reference to mediation and that ownership was a civil matter.

Mr. Hardy then said that Mr. Underwood mis-identified an oak tree and ignored a 12" to 15" oak tree in his fence line that would be impacted by the work. Mr. Crump agreed that the drawing was incomplete. Mr. Hardy stated that it was the only broadleaf in that area of his yard and that the wall will dig into the root system.

Mr. Hardy questioned how high the retaining wall will actually be and how far down it would go. Mr. Crump noted that the drawings indicated a footing depth of 20". Mr. Hardy requested that the application either be denied or deferred to allow more time for response.

#### Rebuttal:

Mr. Brinker stated that his application and previous testimony was complete and that he met and followed the guidelines. He also stated that he had no problem with staff's suggested conditions.

Ms. McGorty asked about the missing tree. Mr. Underwood stated that he had focused on the two large trees as requested by Mr. Brinker and did not notice the other tree. Mr. Brinker agreed that there is a tree, but did not believe it to be his job to survey other people's property. He stated that all of the trees on his property were on the plan.

Mr. Underwood stated that the bulk of the roots were in the 8" to 12" below grade range. He also noted that the statement regarding the use of boards on trees was boilerplate language.

Mr. Brinker stated that the root zones noted are not perfect and that roots can grow under houses if not on a slab. Mr. Underwood agreed, saying that the extent of the roots under adjacent houses is unknown. Mr. Crump disagreed as to the extent of roots growing under houses.

Mr. Belledin asked staff if there was any precedent for the evaluation of trees not on the subject property. Ms. Tully stated that it has been done previously when looking at large additions noting that the requirements for tree protection has evolved over the years as trees have died.



She notes that there is nothing that says “tree roots cannot be cut,” but that it is all about the tree canopy. In short, it has depended on the project.

Mr. Brinker stated that he has used Mr. Underwood’s recommendations on other projects on other properties with success.

There was a brief discussion regarding the procedure and if Mr. Crump could provide additional clarification. Mr. Shackleton determined that the information was not new, but constituted a difference of opinion that the committee had to work out.

At Mr. Shackleton’s suggestion Ms. McGorty moved that the public testimony portion of the hearing be closed. Mr. Alphin seconded; motion carried 5/0.

### Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

The main issue is the tree canopy and the grading. The applicant is okay with the staff suggested conditions. A dingo was suggested for grading. [Shackleton]

Do we have procedural concerns regarding the timing? Do we need a second opinion from another certified? [Alphin]

The timing is not an issue. We checked in advance. [Shackleton]

We have two opinions I don’t know that a third would help. [Belledin]

There will be an impact to the canopy. The question is if we are we willing to allow this amount of impact? [McGorty]

The history is not relevant, but the trees are still okay after the use of the bobcat earlier. Not using a bobcat now is safer. [Shackleton]

It can take years for tree damage to display. [Belledin]

If a wall is installed and a fence then no one will be driving into the backyard. [Belledin]

The need for the project is due to water damage. [McGorty]

Two trees are proposed for removal because of the retaining wall, and one for daylighting. [Belledin]

The biggest question to me is what authority we have to require evaluation of trees on adjacent properties. [Belledin]

There are a lot of other questions about this, but they are outside of our purview. [Belledin]

The paving near the retaining wall and shed was removed from the project verbally at the May meeting. [Shackleton]

Do we have adequate information? [Belledin]

Are we comfortable proceeding with the lack of professionally prepared information when we made it clear last time that it was important to us and the timing doesn’t allow for professional opposition? [Alphin]

With trees there is no going back and I understand that no one wants to hurt trees and sometimes they are resilient. Our job is to reduce the risk of damage. [Alphin]

My concern is not information as to depth of roots and protection plan, but if there are large trees on the property line that are not shown and were not addressed. [Shackleton]  
We discussed that whose tree it is should be clarified. What do we do if the owner does not claim a tree on the line? [McGorty]

Ms. Tully pointed out that the commission has in past, not considered lot lines in decision making because they are not visible. COAs have to do with change in exterior appearance. Whose property something is on does not come into play with commission review.

We are to protect the tree canopy regardless of whose property a tree is on. [Shackleton] Ms. Tully stated that it is the commission's interpretation as to the significance of the tree canopy from a character standpoint to the district.

If another tree dies and it doesn't affect the canopy it is not an RHDC issue, but a civil issue. [Shackleton]  
That is part of the challenge. [Belledin]

The main canopy is from the two trees that have been the main focus of the discussion. [Shackleton]

I would like to see a survey of the trees that includes the size and location of trees drawn to scale and protection plans from opposing sides. I was expecting a site section and a better description of the grading plan. [Alphin]

I thought the grading plan was actually pretty clear. [Belledin]

The grading plan provided was hard to read, but a better sketch doesn't necessarily mean better information. [Shackleton]

Do we have higher standards for someone whose profession it is. Would this be okay from another homeowner? Are we allowed to have different standards based on a person's occupation? [McGorty]

The Guidelines do not require professional drawings. [Shackleton]

Yes, but in a contentious case such as this it would be better. [Alphin]

Agreed, but I don't know if we can go that far. [Shackleton]

We can't. [Alphin]

The applicant appears to have a full page version of the plan. [McGorty]

I couldn't read mine. [Downer]

Staff comments and the testimony clarified that the grading will be between 0" and 3". [Shackleton]

We are approving based on content. [Belledin]

I'm not sure if more information would alter the potential result of affecting the main canopy. [Shackleton]

Should we request a tree protection plan to include other trees and how they impact the canopy? [Belledin]

Perhaps an ISA report assessing the impact of the wall on all of the trees. If no impact then take to staff, if impact, then come back to committee. [Belledin]

Should include grading too. [McGorty]

Grading by hand is a reasonable precaution to take as well as hand digging the retaining wall footings. [Shackleton]

The wall footing is 2" below grade. [Alphin]

It can be shallower per code. If the leg was extended under the dirt to avoid tipping. [Belledin]

The wall could be made on piers [Alphin]

That is an alternative. [Belledin]

The proposed is strip footing which would create a 20" deep trench. It could be made the flagpole way with piers and a grade beam for support. There could be an alternative, not just the industry standard [Alphin]

Have an arborist look at the alternative footing in light of all the trees. [Belledin]

Alternate engineering solution based on arborist could go top staff or administrative review [Shackleton]

Administrative review [McGorty]

### Findings of Fact

Following discussion on an initial motion made by Mr. Belledin and seconded by Ms. McGorty, Mr. Belledin made an amended motion that based upon the facts presented in the application and the public hearing, the committee finds staff comments A. (inclusive of facts 1-18) and B. (inclusive of facts 1-6 to be acceptable as findings of fact, with the following modifications and additional facts:

Modifying fact 5\* to read:

5\* The height of the proposed rear retaining wall as experienced from the house will vary, with a maximum height of *approximately 2 feet above grade*. The wall will extend approximately 3 inches above the level of the parking area.

Modifying fact 8\* to read"

8\* The amended application appears to indicate that grading in the main body of the rear yard would be between *0 and 3 inches* rather than the original 6 to 10 inches.

Adding the following facts:

19\* There is an existing maple that is being retained.

20\* Testimony was provided by two certified arborists differed with regard to the effect on the tree canopy.

21\* The focus of the discussion is on the context of the tree canopy; other items were not considered as part of the review.

Ms. McGorty agreed to the changes. The amended motion passed 5/0.

#### Decision on the Application

Mr. Belledin made a motion that the application be approved as amended, waiving the 365 day demolition delay for removal of the trees, with the following conditions:

1. That all grading be performed by hand.
2. That the recommendations of the tree protection plan be adhered to for the duration of the project.
3. That the pruning be performed in accordance with ANSI 300a standards for pruning.
4. That the applicant donate the monetary value of two 3" caliper medium or large maturing tree (as defined by the NeighborWoods program) to the City of Raleigh's NeighborWoods tree planting program prior to removal of the trees.
5. That specifications and details be provided to and approved by staff prior to issuance of permits for the following items:
  - a) Construction of the steps.
6. That specifications and details be provided to and approved by staff prior to commencement of construction for the following items:
  - a) Revised site plan;
  - b) the fountain;
  - c) privacy fence;
  - d) retaining wall fence;
7. That the following be prepared and provided to the committee for administrative review and approval prior to issuance of permits:
  - a) Report by an arborist certified by the International Society of Arboriculture that evaluates the impact of the proposed retaining wall footing on any tree greater than 8" DBH not already approved for removal whose drip line is in the footprint of said retaining wall.
  - b) If advised by the arborist's report an alternate footing design.
8. That the existing maple tree be protected and allowed to grow.

The motion was seconded by Ms. McGorty; passed 5/0.

Committee members voting: Alphin, Belledin, Downer, McGorty, Shackleton.

Certificate expiration date: 12/4/12.

## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

025-12-MW 108 1/2 E HARGETT ST

Applicant: EAST HARGETT ST ENT, JONATHAN SEELBINDER

Received: 3/2/2012

Meeting Date(s):

Submission date + 90 days: 5/31/2012

1) 4/2/2012

2) 5/7/2012

3) 6/4/2012

### INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: DOD, BUS

Nature of Project: Install externally lit painted wood projecting sign in front of window

Conflict of Interest:

Staff Notes:

- The Moore Square report describes the c. 1900 building as “1 bay, center entry, 2 story brick Italianate commercial block; 1<sup>st</sup> floor altered. 2<sup>nd</sup> floor plain windows with decorative panels, elaborate parapet with arch over entry.”
- The application was not heard at the April or May COA meetings.

### APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.8	Signage	Install externally lit painted wood projecting sign in front of window
3.9	Storefronts	

### STAFF COMMENTS

Based on the information contained in the application, in staff's judgment:

- A. Installation of an externally lit painted wood projecting sign in front of window is incongruous according to *Guidelines* sections 2.8.2, 2.8.3, 2.8.4, 2.8.11, 3.9.8.
- 1\* An awning with lettering was recently approved as a Minor Work application (021-12-MW).
- 2\* The proposed sign is 10 feet tall and mounted in front of the only arched window on the building.
- 3\* Specific details regarding the mounting method and sign construction were not included in the application; however it appears as though the sign would mount into the decorative window hood and stone sill.
- 4\* The sign would project less than the existing awning by 6 inches.
- 5\* The central bay of the building is slightly projecting and is a character defining feature.

Staff suggests that the committee deny the application.

## PUBLIC TESTIMONY

Support: Mr. Jonathan Seelbinder, business owner [affirmed] was present to speak in support of the application. Mr. Seelbinder described his project making the following comments:

- It is a wood sign with lettering for the name "The Architect"
- The sign is for the business on the 2<sup>nd</sup> floor which is accessed by the center door
- The roof has an arrow shaped skylight
- The sign design is to reflect that design
- The width of the sign is slim – 3 inches
- For mounting he would need to figure out the least invasive method

Mr. Alphin asked what is behind the window. Mr. Seelbinder stated that there is a stairwell and a chandelier. Mr. Alphin confirmed that it was a 2-story space and then asked where the lighting fixtures would be mounted. Mr. Seelbinder said that they would likely be mounted near the existing awning and point up towards the sign; probably about 3 feet to either side of the sign. He stated that down lit would be okay too. He noted his flexibility with the mounting so long as he can keep the wood, the arrow shape and the colors.

Ms. McGorty clarified that it is currently centered in the window and that staff's comment is that it is mounted in front of the only arched window on the building. She asked if it could be moved to the side. Mr. Seelbinder said that it could, although he would not like for it to be asymmetrical. He might prefer two signs on either side. Ms. McGorty clarified that the sign face is perpendicular to the building so that the sign could be read from either side.

Mr. Belledin asked if the applicant had applied for a sign permit yet. Mr. Seelbinder said that he may have spoken to the sign permit staff, but he was told to get the COA first.

Mr. Seelbinder noted that he is willing to do what the commission wants. Ms. McGorty asked if it is the commission or staff's responsibility to make suggestions regarding approvability. Tania Tully [affirmed] stated that it is up to the committee that if the concept of the sign may be not incongruous, but the location is, the condition could be that it moves. If the size is the issue, it also could be dealt with as a condition. She suggested looking at it in terms of the characteristics and with the chapter of the *Guidelines* related to signage.

Mr. Shackleton noted that the sign is proposed to be 10 feet tall. In response to Mr. Shackleton, Mr. Seelbinder said that the arched window is 7 or 8 feet tall. Mr. Shackleton confirmed that the sign, if moved to one side, would extend from the top of the arch to the top of the awning.

Mr. Seelbinder showed a photo of the existing awning on his iPhone to the commissioners.

There was no one else present to speak in favor of or in opposition to the application.

At Mr. Shackleton's suggestion Mr. Alphin moved that the public testimony portion of the hearing be closed. Mr. Belledin seconded; motion carried 5/0.

### Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

This is a conundrum because of the photos from the 30s and 40s with all of the signs. [Belledin]

The sign is okay in concept; the question is how to do it. [Alphin]

The size and scale are the issue. [Shackleton]

I would make the case that there is a historic precedent of projecting signs. This may be or may not be similar to the case where plastic was shown to be used in signs during the period of significance. [Belledin]

Like Will said, there is the issue of how it is mounted and the size and scale. [Belledin]

That is also my concern. I do not want it to cover the window. [Shackleton]

Clearly this is an additive thing to the building. It was not designed with a sign in mind. Over time signs were added willy nilly and bigger the better. I wish business owners a long business life, but this could go too far. I am worried about setting precedent. [Alphin]

Guidelines 2.8.3, 2.8.4, and 2.8.11 all speak to size and scale. 2.8.3 says "...integral to the overall building façade... [don't]...cover a large portion of ... architectural features with signage." This speaks to location and scale to some extent. 2.8.4, the same idea "Keep the size of graphics on windows." It is 2.8.11 that is at issue. It says don't "install a large, out-of-scale, projecting sign on a building facade." The question is what does "out-of-scale" mean? [Belledin]

If it were fit within the scale of the arched window I would be happier. [Shackleton]

Looking at the bricks the window itself may be 5 or 6 feet tall to give an idea of scale. The sign as proposed is almost twice as tall as the window. That is too big. [Belledin]

That is too big. [Shackleton]

It is not very far above your head also. [Downer]

Right, so it will look overpowering. [Shackleton]

Ms. Tully interjects that instead of redesigning the sign, an option would be to provide comments on what about the sign makes it incongruous and some idea of what may change that and then defer to give the applicant time to amend the application based on your comments. She also notes that they appear to have questions regarding dimensions. Be specific on what kind of information you would like to see.

The sign could be shifted to the side. [McGorty]

It should be no taller than the height of the window itself, not counting the arched frame.

[McGorty]

The colors are okay. [McGorty]

How tall is the Gravy spoon? About the same, but its flat. The spoon doesn't project. [Belledin]

How it is mounted is important. [McGorty]

The lights should be mounted on the sign and preferably the wiring should be through then sign mounts. [Downer]  
There should not be any conduit on the face of the building. [Alphin]

#### Decision on the Application

Ms McGorty made a motion that the application be deferred for further information.

The motion was seconded by Ms. Downer; passed 4/0.

Committee members voting: Alphin, Belledin, Downer, McGorty, Shackleton.



## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

045-12-CA      418 S BOYLAN AVENUE

Applicant:      ADRYON CLAY

Received:      5/11/2012

Meeting Date(s):

Submission date + 90 days: 8/9/2012

1) 6/4/2012      2)

3)

### INTRODUCTION TO THE APPLICATION

Historic District:    BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning:    R-10

Nature of Project:    Alterations to non-contributing accessory building: remove window; install door; construct 2nd level deck

Conflict of Interest: Mr. Alphin is the architect for the application and was recused from the meeting for this case.

### APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.6	Garages and Accessory Structures	remove window; install door; construct 2 <sup>nd</sup> level deck
3.7	Windows and Doors	remove window; install door
3.8	Entrances, Porches, and Balconies	construct 2 <sup>nd</sup> level deck
4.1	Decks	construct 2 <sup>nd</sup> level deck

### STAFF COMMENTS

Based on the information contained in the application, in staff's judgment:

- A. Alterations to non-contributing accessory building: removal of window; installation of door; construction of 2<sup>nd</sup> level deck is not incongruous according to *Guidelines* sections 2.6.1, 2.6.10, 3.7.1, 3.8.10, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.6, 4.1.7.
- 1\* This c. 1951 cinderblock accessory structure is not a contributing building in the Boylan Heights Historic District.
- 2\* The flat roof was recently replaced with a gable roof and skylights in accordance with approved COA 024-07-CA in part because the slope of the roof would not suggest "that the later accessory building and the house are contemporaries."
- 3\* A tree protection plan was included with the application.
- 4\* The design of the deck and door is based on the steel windows of the existing structure rather than the historic house. The steel deck and door will be painted to match the windows.
- 5\* The deck will be located at the rear of the lot near the alley.

- 6\* Currently the lower level of the garage is screened from Cabarrus Street by shrubbery and other vegetation.
- 7\* The commission approved a second floor porch on the rear of 408 Kinsey Street (021-11-CA).

Staff suggests that the committee approve the application.

#### PUBLIC TESTIMONY

Support: Will Alphin [affirmed] spoke in support of the application. Mr. Alphin briefly described the intent of the project noting that the drawings were clear.

There was no one else present to speak in favor of or in opposition to the application.

At Mr. Shackleton's suggestion Mr. Belledin moved that the public testimony portion of the hearing be closed. Ms. Downer seconded; motion carried 4/0.

#### Committee Discussion

There was no discussion following the public hearing.

#### Findings of Fact

Ms. Downer moved that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-7) to be acceptable as findings of fact.

The motion was seconded by Mr. Belledin; passed 4/0.

#### Decision on the Application

Ms. Downer made a motion that the application be approved.

The motion was seconded by Mr. Belledin; passed 4/0.

Committee members voting: Belledin, Downer, McGorty, Shackleton.

Certificate expiration date: 12/4/12.

### **OTHER BUSINESS**

1. Committee Discussion – Meeting Post-Mortem
2. *Design Guidelines* Update

### **ADJOURNMENT**

The meeting was adjourned at 6:50 p.m.

Scott Shackleton, Chair  
Certificate of Appropriateness Committee,  
Raleigh Historic Development Commission

Minutes Submitted by:  
Tania Tully, Preservation Planner