

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
January 9, 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, Scott Shackleton

Alternate Present: Michael Story

Excused Absence: Miranda Downer, Kiernan McGorty

Staff Present: Tania Tully, Martha Lauer

Approval of the December 5, 2011 Minutes

Mr. Alphin moved to waive the reading of the minutes for the hearing and adopt said minutes as submitted. Mr. Belledin seconded the motion; passed 4/0.

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. Marianne Sweden, Notary Public, administered the affirmation.

Visitor's/Applicant's Name and Address	Affirmed
Robert M. Tomb, 415 N Bloodworth Street 27604	Yes
Norma W. Tomb, 415 N Bloodworth Street 27604	Yes
Stuart Cullinan, 3C-20 Mayo St 27603	Yes
Andy Lawrence, 514 N Bloodworth Street 27604	Yes
David Kenoyer, 506 Wayne Dr 27608	Yes
Hardik Parekh, 3033 Dorner Cir 27606	Yes
Roberta Worthington, 304 Linden Ave 27601	No
Dale Safrit, 508 Oakwood Ave 27601	No
M. B. Hardy, 1020 W South St 27603	Yes
Steve Schuster, 311-200 W Martin St	No

REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA

Mr. Alphin requested that 132-11-CA, 701 E Lane Street be heard as a public hearing. Mr. Belledin moved to approve the agenda with that change. Mr. Story seconded the motion; passed 4/0.

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: 132-11-CA, 129-11-CA, 134-11-CA and 131-11-MW.

Mr. Belledin moves to defer 122-11-CA to allow for the applicant to be present at the hearing. Mr. Story seconded the motion; passed 4/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

132-11-CA 701 E LANE STREET

Applicant: ANDY O. LAWRENCE, AIA

Received: 12/21/2011

Meeting Date(s):

Submission date + 90 days: 3/20/2012

1) 1/9/2012 2)

3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: R-10

Nature of Project: Remove existing vinyl siding; construct small rear addition; reconstruct existing rear addition [After-the-Fact]; install side landing and stairs; install new HVAC units; install one exhaust fan; install new patio and walkways; install sign on existing pole; install new light fixtures; remove one utility chimney; alter storefront windows and door

Conflict of Interest: None noted.

Staff Notes:

- The commission policy has been to treat after the fact applications as though the work has not been completed.
- Sanborn Fire Insurance maps are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	install new walkway
2.3	Site Features and Plantings	construct small rear addition; install new patio and walkways; install new HVAC units
2.5	Walkways, Driveways, and Offstreet Parking	install new patio and walkways
2.7	Lighting	install new light fixtures
2.8	Signage	install sign on existing pole
3.1	Wood	remove existing vinyl siding
3.5	Roofs	remove one utility chimney; install one exhaust fan
3.6	Exterior Walls	remove existing vinyl siding
3.8	Entrances, Porches, and Balconies	install side landing and stairs; alter storefront windows and door
3.9	Storefronts	alter storefront windows and door
3.10	Utilities and Energy Retrofit	install new HVAC units
3.11	Accessibility, Health, and Safety Considerations	install new walkway
4.2	Additions to Historic Buildings	construct small rear addition; reconstruct existing rear addition

STAFF COMMENTS

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

- A. Removal of existing vinyl siding; installation of side landing and stairs; installation of new HVAC units; installation of one exhaust fan; installation of new patio and walkways; installation of sign on existing pole; installation of new light fixtures; removal of one utility chimney; alteration of storefront windows and door is not incongruous in concept according to *Guidelines* sections 2.1.1, 2.1.8, 2.3.2, 2.3.8, 2.5.3, 2.5.5, 2.7.4, 2.7.5, 2.8.2, 2.8.3, 2.8.7, 2.8.10, 2.8.11, 3.1.1, 3.1.4, 3.5.5, 3.5.11, 3.6.10, 3.7.1, 3.7.9, 3.7.12, 3.8.1, 3.8.10, 3.9.1, 3.9.9, 3.10.8, 3.11.2.
 - 1* The front walk extends into the public right-of-way; there is no existing paving; the new walk is to provide an accessible entrance.
 - 2* The application states that the concrete will have a smooth steel finish; the commission typically requires a water-washed finish.
 - 3* Existing HVAC units are being removed from the front of the building; new units are proposed for the rear yard.
 - 4* There are no trees that would be impacted by either the addition or patio and walkways.
 - 5* The proposed patio is in the area that once contained a porch.
 - 6* Removal of existing vinyl siding; installation of new HVAC units; installation of exhaust fan; removal of utility chimney; alteration of doors and windows are all approvable as minor works and are included here for administrative efficiency.
 - 7* Light fixtures are proposed for the three exterior doors and sign-post; details were not included in the application.
 - 8* A painted metal sign is proposed for the existing sign post; details were not included in the application.
- B. Construction of small rear addition; reconstruction of existing rear addition is not incongruous in concept according to *Guidelines* sections 2.3.6, 2.3.7, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, 4.2.9.
 - 1* Sanborn Insurance Maps indicate that as early as 1914 the west side of the building was a store and the east a dwelling; in 1914 there was an accessory building on the property.
 - 2* Based on Sanborn Insurance Maps the most recent addition was constructed after 1960.
 - 3* The new addition is located at the rear of the building in an inconspicuous location
 - 4* The proposed addition is 54 SF.
 - 5* Siding of the new and reconstructed addition will match the existing building.
 - 6* A new metal hipped roof is proposed for the rear additions; details are not included in the application.
 - 7* The ridge of the new roof is slightly lower than the roof of the historic building; the over-build makes the additions appear larger than it is.

Staff suggests that the committee approve the application, with the following conditions:

- 1. That the concrete have a water-washed finish.

2. That the ridge of the roof over the additions be lowered so as to be more clearly subservient to the historic building.
3. That details and specifications for the following be provided to and approved by staff prior to installation:
 - a. light fixtures
 - b. roofing
 - c. exhaust fan
 - d. fascia and soffit
 - e. new landing and steps
 - f. new doors.
4. That details and specifications for the following be provided to and approved by staff prior to the issuance of permits:
 - a. revised roof design
 - b. sign
 - c. sign lighting
 - d. awning.

PUBLIC TESTIMONY

Support: Andy Lawrence [affirmed], representing owner, was present to speak in support of the application. He notes that work had begun before he was hired. Mr. Lawrence explains that he looked at the back of building and saw that it was an shed upon shed, so he pulled measurements on the existing conditions and tried to design a roof that would tie into the back. He notes that he chose a hip roof to keep the emphasis on the front of the store. He suggested to the owner that they put in insulated glass since he suspects windows are not original. Mr. Lawrence describes that it will be mercantile and they will go back to the original sign style – likely painted metal – remove the extra conduit around the building, etc. He notes that the chimney referred to as a utility chimney does not connect to an internal firebox; it is simply sitting on the roof. He says that all the mechanical heating and air equipment will be behind the building to screen it from view. He describes the metal roof as a mixture of materials – crimped or standing seam and shingled metal tiles on front. He states that he hasn't found a source for shingled metal tiles so they plan to use standing seam on the rear addition. He hopes to find evidence of a past awning and the front door will remain.

Mr. Alphin asks if the intent is to taking it back to the wood siding. Mr. Lawrence says yes. He also confirms for Mr. Alphin that the walk in cooler is the addition.

Mr. Alphin notes that a portion of the building has already been sided with hardi plank or cement board. Mr. Lawrence says bit has, but not sure when that was done, likely relatively recently. Mr. Alphin asks if the plan would be to replace with wood, Tania Tully [affirmed] says that it is up to the commission whether they would require the change.

Opposition: 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. Mr. Story seconded; motion carried 4/0.

Committee Discussion

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

Speaking to Mr. Alphin: You would like to see hardiplank replaced with wood siding?

[Belledin]

We need to make sure that wood siding is part of the conditions and that the roof detail is also approved by staff. [Alphin]

Is the assumption that the building is wood under siding? [Story]

Yes. [Belledin]

Ms. Tully notes that roofing material is staff suggested condition 3.b.

Mr. Belledin moves that the public testimony portion of the hearing be re-opened. Mr. Alphin seconded; motion carried 4/0.

PUBLIC TESTIMONY (part 2)

Mr. Lawrence confirms that there is wood siding under the vinyl as far as he can tell. He is calling for a standing seam metal roof.

Mr. Belledin moves that the public testimony portion of the hearing be re-closed. Mr. Story seconded; motion carried 4/0.

Findings of Fact

Following discussion on an initial motion made by Mr. Alphin and seconded by Mr. Belledin, Mr. Alphin made an amended motion that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-8) and B. (inclusive of facts 1-7) to be acceptable as findings of fact, with the following modification:

Changing fact 5* to read:

5* Siding of the new and reconstructed addition will match the material and profile of the wood siding on the existing building.

Mr. Belledin agreed to the changes. The amended motion passed 4/0.

Decision on the Application

Mr. Alphin made a motion that the application be approved, with the following conditions:

1. That the concrete have a water-washed finish.
2. That the ridge of the roof over the additions be lowered so as to be more clearly subservient to the historic building.
3. That details and specifications for the following be provided to and approved by staff prior to installation:
 - a. light fixtures
 - b. roofing
 - c. exhaust fan
 - d. fascia and soffit
 - e. new landing and steps
 - f. new doors
 - g. new siding.
4. That details and specifications for the following be provided to and approved by staff prior to the issuance of permits:
 - a. revised roof design
 - b. sign
 - c. sign lighting
 - d. awning.

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

Committee members voting: Alphin, Belledin, Shackleton, Story.

Certificate expiration date: 7/9/12.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

129-11-CA 421 N BLOODWORTH STREET
Applicant: ROBERT AND NORMA TOMB (HORSE NOSE VILLA)
Received: 12/13/2011 Meeting Date(s):
Submission date + 90 days: 3/12/2012 1) 1/9/2012 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: R-10

Nature of Project: Remove existing masonite siding on rear addition; install fiber cement siding on rear addition; alter existing rear deck/ramp; install new windows and doors on rear addition.

Conflict of Interest: None noted.

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	alter existing rear deck/ramp
3.6	Exterior Walls	remove existing masonite siding on rear addition; install fiber cement siding on rear addition
3.7	Windows and Doors	install new windows and doors on rear addition
4.1	Decks	alter existing rear deck/ramp

STAFF COMMENTS

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

- A. Alteration of existing rear deck/ramp; installation of new windows and doors on rear addition is not incongruous in concept according to *Guidelines* sections 2.3.1, 2.3.2, 2.3.6, 3.7.1, 3.7.9, 4.1.1, 4.1.2, 4.1.3, 4.1.5.
- 1* The existing and proposed deck are on the rear of the house and align with the floor level of the house.
- 2* The lot is 6,534 SF; the exact size of the proposed deck is unknown.
- 3* The deck will be well inset from the sides of the house; the location of trees is unknown.
- 4* The deck will be less than 42 inches above grade, which is typically approvable by staff.
- 5* The application states that the deck will have a railing; drawings of the railing were not included in the application.
- 6* Details regarding the design and construction of the proposed deck were not included in the application.
- 7* The door and windows on the rear addition are not historic.

- 8* Alteration of doors and windows on rear elevations is typically approvable by staff.
- 9* Details regarding the proposed new door and windows, their location, and trim were not included in the application.
- B. Removal of existing masonite siding on rear addition is not incongruous in concept according to *Guidelines* sections 3.6.2, 3.6.6, 3.6.10; installation of fiber cement siding on rear addition **may be** incongruous according to *Guidelines* sections 3.6.6, 3.6.7, 3.6.10.
- 1* According to Sanborn Fire Insurance maps, the addition appears to have been in its current form by 1914, although there was another addition in place as late as 1961.
- 2* This house is a contributing resource.
- 3* The application states that the wood siding on the addition was removed and replaced with masonite sometime in the 1960s; Oakwood was designated a local historic overlay district in 1975.
- 4* It has been the commission's policy on new additions to avoid introducing a synthetic horizontal siding adjacent a wood horizontal siding; this is an existing addition that already has that arrangement of materials.
- 5* Smooth faced fiber cement siding is regularly approved by the committee on new detached construction; it has not been approved on new additions.
- 6* Smooth faced fiber cement siding has been approved to replace asbestos or masonite siding in two types of situations:
- Non-contributing buildings where all original siding had already been removed (COA 003-09-MW, 311 Kinsey Street)
 - Non-contributing buildings where masonite or asbestos was the original material (COA 011-08-CA, 204 Linden Avenue; COA 055-10-CA, 702 Florence Street; 105-11-MW, 513 Watauga Street)
- 7* There is no precedent for the approval of smooth faced fiber cement siding to replace masonite siding on an existing addition.

Pending the committee's decision regarding the use of fiber cement siding, staff suggests that the committee approve the application, with the following conditions:

1. That details regarding the construction and design of the deck be provided to and approved by staff prior to construction.
2. That deck footings be dug by hand and located to avoid damage to tree roots; roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.
3. That specifications and details of the following be provided to and approved by staff prior to installation:
 - a. new windows and doors
 - b. door and window locations
 - c. window and door trim.
4. That the new siding match the reveal of the existing siding and that a vertical board be placed between the new and existing siding.

PUBLIC TESTIMONY

Support: Robert and Nora Tomb [affirmed] were present to speak in support of the application. Mrs. Tomb explains that the back part of house used to have a porch and dining room that extended way back into the yard. She notes that sometime around 1961 Mr. Tomb's uncle tore that off and added the kitchen-laundry room-bathroom portion on the rear that looks like a trailer. The house was built around 1869. They would like to improve the appearance of the house by replacing the masonite siding with HardiePlank siding and adding more windows. She states that the new siding will be the same profile as the siding on the front [historic part] of the house.

Mr. Tomb points out that they are proposing to replace a synthetic siding with another synthetic siding.

Staff passed around Sanborn maps and a color photographs from the application.

Mr. Shackleton asks for questions from committee? He asks what they mean by stating there was an addition early but then one as late as 1961. Mr. Tomb explained that the historic addition was removed by the 1960s. Mr. Story requests clarification on where the historic section ends and the new begins. Commissioners look at the Sanborn maps and photographs to help with understanding what parts of the building are historic.

Mr. Alphin asks if the part with the masonite part of the porch? Mr. Tomb explains that it was a hallway with a radio repair shop, which led into kitchen. This is all gone in essence. He notes that a vertical board divides the wood from the masonite.

Mr. Alphin asks if they did work on the roof. Mr. Tomb says that they did in the 1990s – he had the standing seam roof put back on the structure.

Tania Tully [affirmed] states that if she understands correctly, the commissioners want to find out as certain as possible whether any of the masonite addition is older than the 1960s to inform their decision on the replacement siding. Mr. and Mrs. Tomb re-state that the masonite section of the house is entirely from the 1960s; including the framing.

Mr. Story asks if they need detailed drawing of deck, etc. Mr. Belledin says that it will be one of the conditions.

Opposition:

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 4/0.

Committee Discussion

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

As an addition to an existing structure it is likely that if proposed new today it would be required have wood siding. [Alphin]

The existing feature is a synthetic siding. Guidelines 3.6.6 and 3.6.7 speak to repairing/replacing in-kind. 3.6.10 says not to cover historic siding. [Belledin]

Ms. Tully notes that the commission has approved the repair of aluminum siding.

I'd prefer for it to be wood siding, but because of the uniqueness of the situation this falls into a loophole in the Guidelines. [Belledin]

The smooth faced synthetic will still be an improvement if the size of the siding matches. [Story]

The proposal is not covering historic material. If there was framing from 1914 it may be a different case. [Belledin]

Findings of Fact

Mr. Belledin moved that based upon the facts presented in the application and the public hearing, the committee finds staff comments A. (inclusive of facts 1-9) and B. (inclusive of facts 1-7) to be acceptable as findings of fact, with the following modifications:

Changing comment B. to read:

- B. Removal of existing masonite siding on rear addition is not incongruous in concept according to *Guidelines* sections 3.6.2, 3.6.6, 3.6.10; installation of fiber cement siding on rear addition **is not** incongruous according to *Guidelines* sections 3.6.6, 3.6.7, 3.6.10.

Adding the following to fact 3*:

- 3* The applicants state that the masonite addition was constructed in the 1960s and is not original to the house.

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

Decision on the Application

Mr. Belledin made a motion that the application be approved as submitted, with the following conditions:

1. That details regarding the construction and design of the deck be provided to and approved by staff prior to construction.
2. That deck footings be dug by hand and located to avoid damage to tree roots; roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.
3. That specifications and details of the following be provided to and approved by staff prior to installation:

- a. new windows and doors
 - b. door and window locations
 - c. window and door trim.
4. That the new siding match the reveal of the existing siding and that a vertical board be placed between the new and existing siding.

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

Committee members voting: Alphin, Belledin, Shackleton, Story.

Certificate expiration date: 7/9/12.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

134-11-CA 501 OAKWOOD AVENUE

Applicant: STUART CULLINAN

Received: 12/21/2011

Meeting Date(s):

Submission date + 90 days: 3/20/2012

1) 1/9/2012 2)

3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: R-10

Nature of Project: Construction of new 2.5 story house with screened porch, driveway, and walkway (as amended).

Amendments: Revised drawings and new information was provided by the applicant via email January 6, 2012 and is attached to these comments. The amended application removes the garage, new curb cut, patio, and fence from the proposal.

DRAC: The application was reviewed by the Design Review Advisory Committee at its January 4, 2012 meeting. Members in attendance were Dan Becker, Curtis Kasefang, and David Maurer; also in attendance were Stuart Cullinan, Hardik Parekh, Tania Tully, and Martha Lauer.

Conflict of Interest: None noted.

Staff Notes: File photographs are available for review.

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	install new curb cut and driveway; install side yard patio, fence and walkways
2.4	Fences and Walls	install fence
2.6	Garages and Accessory Structures	Construct new 1-car garage
4.3	New Construction	Construct new 2.5 story house with attached screened porch and 1-car garage; install new curb cut and driveway; install side yard patio, fence and walkways

STAFF COMMENTS

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

- A. Construction of new 2.5 story house with screened porch, driveway, and walkway is not incongruous in concept according to *Guidelines* sections 2.3.2, 2.3.7, 2.3.8, 4.3.1, 4.3.2, 4.3.4, 4.3.5, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.11.

- 1* Other than a parking-strip driveway and front sidewalk, no information regarding landscaping was included in the application.
- 2* There are no trees on the property.
- 3* According to a 1988 survey, the lot is 4,050 SF (.09 acre); according to the online Wake County Real Estate Data, the lot is .10 acre (4,356 SF). The footprint of the proposed house (including porches) is approximately 1,417 SF for a lot coverage of either 35% or 33%, within the norm for corner lots in Oakwood.
- 4* A two-story building was on the property until 1999 when it burned during a rehabilitation; this house (including porches) had a footprint of approximately 2,292 SF for a lot coverage of either 57% or 53%.
- 5* There is a slight slope to the lot; it is unclear from the application where the floor level of the house will sit in relationship to the ground and adjacent houses.
- 6* The amended application documents that the front wall of the house will generally align with that of adjacent properties; the documentation also illustrates that the setbacks are within the range found on nearby corner lots.
- 7* The amended application documents that the other three corner houses at the intersection of N. East Street and Oakwood Avenue are also 2.5 stories tall; it also notes that the topography of those lots is similar.
- 8* The new house, like the prior house on the lot, will be taller than the adjacent 1 story house on N. East Street.
- 9* The gable form of the house is not uncommon in Oakwood; design details do not imitate any particular style and do not seem out of character.
- 10* The front porch on the new house is inset and aligns with the front wall of the house; the slight flare of the siding between the upper and lower windows gives the illusion of a wider porch.
- 11* The front façade of the house is less dimensionally articulated than other houses along Oakwood Avenue; the inset porch visually increases the mass.
- 12* The design of the house is reminiscent of traditional designs found in Oakwood; fireplaces traditionally had chimneys.
- 13* The locations of windows on the south and west elevations appear to be deliberate and have some sense of rhythm; window placement on the other two elevations does not have the same aesthetic. Details and specifications were not included in the application.
- 14* The design of the foundation vents appears to match the porch railings; staff isn't aware of similar situations.
- 15* The visible screened porch is treated in the same architectural manner as the house.
- 16* Materials and finishes were described in the application; details and specifications were not.
- 17* Smooth faced fiber cement siding is regularly approved by the committee on new detached construction.

Staff suggests that the committee approve the amended application, with the following conditions:

1. That the fireplace have the appearance of a chimney.

2. That the following specifications and details be provided to and approved by staff prior to the issuance of permits:
 - a. screened porch construction
 - b. grading plan.
3. That should the committee require physical articulation of a front porch that the specifications and details be provided to and approved by staff prior to the issuance of permits.
4. That the following specifications, details, and/or samples be provided to and approved by staff prior to installation:
 - a. materials
 - b. windows and doors
 - c. window and door trim
 - d. chimney design
 - e. light fixtures
 - f. master landscape plan.

PUBLIC TESTIMONY

Support: Stuart Cullinan [affirmed], David Kenoyer [affirmed], and Hardik Parekh [affirmed] were present to speak in support of the application.

Mr. Cullinan describes the project making the following points:

- The property is quite small and they've designed a house that is 2 ½ floors and utilizes an existing curb cut on Oakwood Ave.
- Tried to design something that was consistent and worked with lot size.
- Tried to emulate some features in the neighborhood while giving it an attractive look.
- This is a spec house.
- Positioned the house to take advantage of the southern exposure.
- House is consistent in how it faces Oakwood, the heights of the houses on the other corners, and the setback.
- Prior structure was a duplex which burned down, and he's not sure what that footprint was.

Mr. Kenoyer states that his memory of the prior structure is that it has been altered a lot and it wasn't original by any means.

In response to a question from a commissioner, Mr. Kenoyer states that they are not sure how far he'll take this before a buyer will take over. Mr. Cullinan says that they will hold off on landscaping etc. until they are further along, either working with a future buyer or realtor to make decisions.

Mr. Alphin asks about the exposure of the siding and the material of the mansard portion. Mr. Kenoyer states that it is all horizontal siding and that the exposure changes between the upper floors and lower.

Mr. Alphin asks what they think of staff comments – specifically about the porch. Mr. Kenoyer says that it was designed that way specifically and that the design was based on trying to keep the square footage in the target zone; the design was not trying to be replica of a historic house, but a modern interpretation of a traditional form. He understands the comment about adding a porch, but notes that the porch is there – it was not ignored.

Mr. Cullinan doesn't want to do a chimney and notes that it currently looks like a shed. Mr. Kenoyer notes that the back wall is not that visible especially with landscaping.

Mr. Alphin asks if there is no garage planned or if they are waiting for a buyer. Mr. Cullinan says they decided, based on DRAC comments, that the house needed to slide back which eliminated the opportunity for a garage. He notes that a storage building would probably fit better. Mr. Kenoyer says he felt that putting the house in line with adjacent buildings was more important.

Opposition:

Andy Lawrence [affirmed], 514 N Bloodworth Street states that on the east street side of the house it looks like there's a 6" setback from the property line and then there's a 13'2" setback on the other side. At the corner it looks like 1'11". He doesn't understand why it is so close to the property line on East Street when it would traditionally be more like 5'. He says he is also trying to visualize on Oakwood Avenue where people park in front yard. He doesn't think there's much precedent for that. Mr. Belledin asks if Mr. Lawrence looked at the setback exhibit and if measurements from back-of-curb make a difference in his comments. Mr. Lawrence says he did, but notes that GIS is misleading and doesn't match what he sees on the site plan. Mr. Alphin notes that it looks like the East Street setbacks are generous.

Dale Safrit, 508 Oakwood Ave, states that he would love to see this parcel developed. He expressed his concern about asbestos siding having been buried after fire, but says that his primary concern is about the parking in the front yard. He states that there is no street parking on Oakwood at that very busy intersection. He is not used to seeing parking in front yard. He drives around to the back of his house and doesn't know of another situation like this.

Support: Mr. Cullinan states that the right-of-way is extremely wide on East Street (11'2" or 11'6"), plus there is the sidewalk to the house. It is close to almost 10 feet from the house to the street. He notes that North of the property is an 8' strip of land that is owned by another Oakwood Ave owner that is used for parking. He says that it adds an additional 8 feet between the two structures. In terms of parking, he looked at the garage idea—originally accessed from East Street. When the house was moved back from Oakwood, they lost the ability to have a driveway off of East Street. He also notes a utility pole that is potentially in the way on East Street and that there is street parking available on East.

Mr. Safrit maintains that there are no cars parked in front of houses along Oakwood and asks what will screen the cars.

Mr. Story notes that the first drawings submitted had a fence there and asks if one could be added near the screened porch so that you could park behind. Mr. Kenoyer responds that it would put parking in the only yard that they have.

In response to a question about how driveways are treated in the guidelines, Tania Tully [affirmed] reads 2.5.5 and 2.5.7.

Mr. Cullinan notes that it appears that 411 Oakwood has a much larger area for parking and that a bit of it is in the right of way. He says that the house directly due north has a (presumably) screened porch overlooking driveway.

In reference to the existing curb cut on Oakwood, Mr. Shackleton asks what was there before? Ms. Tully states that the curb cut was approved with a COA in 1999 as shown in a drawing she passes around. The curb cut is there, but given that the driveway was to have retaining walls it doesn't appear as though it was constructed. Mr. Story—if the house hadn't burned down would it have been built? Presumably. Ms. Tully, in response to a questions says that the distance from the old house to the curb is unknown, but that a 1998 survey of the property does indicate that it is 4.8' from the porch to the property line. Mr. Alphin notes that the older house, by being wider and closer to the street provided some sort of screening for the driveway.

Mr. Alphin asks if the property owner was disappointed when DRAC recommended no garage. Mr. Cullinan says that it was probably always going to only be an option. Mr. Kenoyer says that if the house was slid forward again to allow parking behind house, that would be fine.

Mr. Safrit notes that the existing curb cut is very steep and he thinks it would need to be redone for today's car systems. If the car could just be parked behind the house.

Ms. Tully says that it seems like there are facts missing such as the prevalence of parking along Oakwood Ave.

Mr. Story asks if they have to honor the COA approved curb cut. Ms. Tully says that circumstances have changed; the house is gone now. The COA has expired and it was approved under old guidelines so it would be up to committee. She explains that when there is a request for a renewal of a COA that's so old, you look at the circumstances – are they the same now as they were when the COA was approved.

Mr. Shackleton states that they are as the point that maybe they need more information. The case may be something that they need to defer and request more information.

Mr. Cullinan points out that there is plenty of parking on East Street. He says that if they move the house, you lose how house looks in respect to its neighbors rather than how car looks in driveway. He says that maybe driveway needs to be deeper or not, but it should be decided separately.

Mr. Safrit says that the issue is viewing cars, not the driveway.

Mr. Alphin says what's important is what the Design Guidelines say. It is important to get more facts about what the parking is like on Oakwood. He notes that DRAC is advisory only and if you want to propose pulling house forward, that's still on the table.

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

Committee Discussion

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

They had opportunity to research what was there before and it seems like there's room to reconfigure the house to accomplish what they want and still have parking. [Alphin]

I would like them to either bring back more information on parking or alter the plan to be more like the original. [Alphin]

There are two potential parking options and room to move the house forward. The question is how to balance or split difference. [Belledin]

The Guidelines don't give direction on where to look for precedent – whether its right across the street or down the block. [Shackleton]

I think it needs to be looked at in larger perspective than the block. [Story]

How do you feel about the developer chimney? [Alphin]

I'd be more concerned about it if it was more visible. [Shackleton]

I might feel better if it went down to the ground. I can definitely tell it's not a utility shed. [Alphin]

You don't see cantilevered chimneys in the historic district. [Story]

How do you feel about the front porch? [Alphin]

I have no problem with it. [Belledin]

Me either. [Story]

How do you feel about parking in the front yard? [Alphin]

Ms. Tully points out that the committee can offer the applicant the opportunity to gather more info or to amend application. Since the original application had the house moved forward it would not be out of line to allow such an amendment at the meeting.

Mr. Belledin moved that the public testimony portion of the hearing be re-opened. Mr. Story seconded; motion carried 4/0.

PUBLIC TESTIMONY (part 2)

Mr. Cullinan asks if the driveway question is about depth. He notes that the fact that some of the houses are a little closer to the street gives the illusion of screening. He also says that there are other driveways off of Oakwood and if owners chose to park closer to the sidewalk they could. Mr. Shackleton states that they need facts to support this, as neighbor has stated the opposite.

Mr. Belledin asks staff if there is an option to approve the house but not the driveway? Ms. Tully says yes, but that once the house is built is there is only one solution.

Mr. Alphin notes that the driveway as is leaves open the possibility of parking multiple cars in the yard. He asks if it needs retaining walls and requests more detail about the driveway. Mr. Story suggests including pictures.

Mr. Cullinan requests that the committee defer the application. Mr. Kenoyer asks if they were to say now that they will add length to driveway like adjacent properties - in 7 of their examples it's obvious that it does happen – could that not be considered evidence. Mr. Alphin states that the concern is that the yard will appear to be a parking area. Mr. Kenoyer asks what is more critical – the spacing of the houses or the placement of the drive.

Mr. Lawrence says that he is sensitive to their plight, noting that while the guidelines say in the “character of the district”, there are pockets of character in the district and that the defining features of Oakwood Avenue are not that of a smaller street. He says that to him this looks like a car parked in the front yard. He says that they should look at the pattern of development along there and just because there's a car parked in the yard a few blocks up doesn't mean that it's part of the pattern of development in this location. This is not a house that's already built, this is a digital image. There is a way to change the house plan to accommodate what the guidelines intend. I think it says clearly in the guidelines not to park in the front yard. This will have an impact on Oakwood avenue.

Mr. Shackleton asks if the applicant will defer. Mr. Cullinan says yes they will defer to next time and probably will go to DRAC. Ms. Tully clarifies that the applicants are requesting deferral because the commission wants additional information.

Decision on the Application

The amended application was deferred until the February 6 meeting to allow time for the applicant to provide the following additional information:

- Locations of driveways off of Oakwood Avenue
- More details about the proposed driveway

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

131-11-MW 1022 W SOUTH STREET

Applicant: CHRISTOPHER COX

Received: 12/21/2011

Meeting Date(s):

Submission date + 90 days: 3/20/2012

1) 1/9/2012 2)

3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: R-10

Nature of Project: [After-the-Fact] install permeable concrete patio in rear yard

Conflict of Interest: None noted.

Staff Notes:

- The commission policy has been to treat after the fact applications as though the work has not been completed.
- Staff photos are available for review.

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	install permeable concrete patio in rear yard

STAFF COMMENTS

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

- A. Installation of permeable concrete patio in rear yard is not incongruous according to *Guidelines* sections 2.3.1, 2.3.2, 2.3.7, 2.3.8, 2.3.11.
- 1* The patio is located in the rear yard adjacent the public alley, a garage, and a tree; it is behind a low fence.
 - 2* The appearance of permeable concrete is the same as regular concrete, but with a rougher surface.
 - 3* The patio is approximately 228 SF in size.
 - 4* The application states that the edge of the concrete is 2.5 feet away from the base of the tree, that the level of the pad was adjusted based on tree roots encountered during construction, and that no roots larger than a finger were cut.
 - 5* Staff photographs taken in 2008 and 2011 indicate that the tree has grown despite construction of the adjacent garage.
 - 6* The application states that the concrete used is permeable – meaning it contains only 17% sand which allows for water to drain through.

- 7* A brochure from Ready Mixed Concrete Company states “This product provides a desirable combination of water permeability and performance...It’s unique makeup allows for the transmission of storm water to the underlying soils.”

Staff suggests that the committee approve the application.

PUBLIC TESTIMONY

Tania Tully [affirmed] states that in conversations with the applicant he requested that the case be heard even if he was unable to attend the meeting.

Support: There was no one present to speak in support of the application.

Opposition: Marsh Hardy [affirmed], 1020 W South St spoke in opposition to the application. He states his concern for adjacent trees and makes the following points:

- The application mentions a tree that is adjacent to patio, but doesn’t mention a much larger tree on the other side.
- This larger tree is already under stress from a new concrete slab garage. The eaves of the garage roof come down on either side.
- He asks if the application for the garage included the gutters that are now on the garage.
- The concrete slab is about 15’ square, and with the pent roof it’s about 16’ X 17’ overhanging. All the rainwater off this garage is routed away from the tree. The two downspouts go into some system in the yard far away from pecan tree.
- The patio on the other side goes right up to the concrete slab of the garage. So all of the root system of the pecan tree is covered by some form of pavement.
- He has worked in studying permeable pavements, and those treatments are quite different from what was laid down here. This looks like concrete, was poured like concrete, was troweled like concrete. With good permeable treatments, it doesn’t pour, it plops and must be crushed and when it sets up it has obvious pores. This looks like standard sidewalk fare.
- Mr. Cox did a test with a lawn sprinkler and sent down a triangular area of about 15’ and it just looked like wet sidewalk. Mr. Hardy couldn’t tell what the volume was that had put on there and it pooled and flowed to some extent. Mr. Hardy went back later with ½ gallon and it pooled and ran rapidly toward the brick stairs.
- Permeability is a matter of degree and this is barely, if at all. It’s also that it’s not level and the flow is away from the back of the property over towards garage and down steps.

Mr. Hardy requests that in order to save the pecan tree on other side, the gutters should be removed from the garage and that a one meter of strip of this patio by the garage be removed and filled with pea gravel so that rainwater on the roof would be able to run off in both directions and down into the root system of the pecan tree. He suggests that the 1 foot of strip removed should be in an L shape to prevent the steps from becoming a frozen ice sheet in

winter. The neighbor's boy would still have a good basketball court and it would help save the pecan tree.

Mr. Alphin asks when the permeable concrete was installed. Ms. Tully says in the last month. Mr. Alphin asks when the garage was installed. Ms. Tully says in 2008 with a COA. She notes that tree protection was required by the COA but she there was some dispute as to how well it was done. One result is the more specific tree protection language now used in COA conditions.

Mr. Story asks about the material in the alley way. Mr. Hardy says it is gravel installed by the city, but he thinks the neighbor had contractor add a thick layer of crush and run.

Mr. Belledin, to confirm, asks if the pecan sits entirely on his property. Mr. Hardy says the stem is 90% on his own property and roughly half of the root system goes onto the subject property.

Mr. Shackleton asks staff if there is an answer to the gutters COA. Ms. Tully says maybe. There is an approved drawing of gutters that could be for the house or garage. She notes that had the application for gutters been submitted separately as a minor work, staff would have approved. In response to a question from Mr. Belledin, Ms. Tully agrees that the gutters are a separate issue.

Mr. Hardy states that even if just the strip is removed from patio, the tree would be greatly helped.

Mr. Belledin asks if this had not been after-the-fact would the tree protection have been met. Ms. Tully says that staff would have required the application to include hand digging, etc.

Mr. Hardy states that he is willing to come back if necessary.

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

Committee Discussion

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

I don't have any experience with the idea of requesting a cut be made and gutter removed.

What is the precedent? [Alphin]

Any comments relative to the gutters are separate from this issue. Anything related to the patio would be held to the guidelines for root cutting. So the question is whether there is anything there that we would have approved differently if this wasn't after-the-fact. [Belledin]

As far as the concrete in place, are we to accept the fact that if a general contractor says its permeable it is? [Story]

Yes, and we wouldn't have required permeable concrete. [Belledin]
Its not in the guidelines. [Shackleton]
Unless there's evidence that the patio was installed differently than with the hand digging condition, I'm inclined to approve. [Belledin]

Findings of Fact

Mr. Belledin 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. Story; passed 4/0.

Decision on the Application

Mr. Belledin made a motion that the application be approved.

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

Committee members voting: Alphin, Belledin, Shackleton, Story.

Certificate expiration date: 7/9/12.

OTHER BUSINESS

1. 234-08-CA – Annual Review: Mr. Belledin does not leave the room because this isn't quasi-judicial but he does not vote. Mr. Alphin moves that the sign is approved to remain in its location until the new sales center is opened at the Lewis Smith House. Mr. Story seconds; motion carries 3/0 (Mr. Belledin abstaining).
2. Courtesy Review – Edison Building: postponed until the February meeting to allow for attendance of the applicants.
3. Committee Discussion – Meeting Post-Mortem
4. *Design Guidelines* Update – awaiting attorney review

ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

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

Minutes Submitted by:
Tania Tully, Preservation Planner