

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
July 2, 2012

CALL TO ORDER

Acting Chair Kiernan McGorty called the Certificate of Appropriateness (COA) Committee meeting to order at 4:01 p.m.

ROLL CALL

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

Present: Will Alphin, Miranda Downer, Kiernan McGorty

Excused Absence: Scott Shackleton, Fred Belledin

Staff Present: Tania Tully, Martha Lauer

Approval of the June 4, 2012 Minutes

Mr. Alphin moved to waive the reading of the minutes for the hearing. Ms. Downer seconded the motion; passed 3/0. Mr. Alphin moved to adopt the minutes as submitted. Ms. Downer seconded the motion; passed 3/0.

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.

Visitor's/Applicant's Name and Address	Affirmed
Dan Becker, 1807 Wills Ave 27608	No
Michael Knott, 602 S Boylan Ave 27603	Yes
Susie Knott, 602 S Boylan Ave 27603	Yes
John C. Brooks, 516 N Blount Street 27604	No
Jon Seelbinder, 108 ½ E Hargett St 27601	Yes

REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA

Mr. Alphin moved to approve the agenda with one additional item under other business. Ms. Downer seconded the motion; passed 3/0.

SUMMARY PROCEEDINGS

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following cases 052-12-CA, 060-12-MW, and 062-12-CA for which the Summary Proceedings are made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

052-12-CA 1028 W SOUTH STREET
Applicant: JOE GARNER FOR LARUE BRANNAN
Received: 05/31/2012 Meeting Date(s):
Submission date + 90 days: 08/29/2012 1) 07/02/2012 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: (R-10)
Nature of Project: Install 6' tall wood privacy fence in rear yard. Remove chain link fence.
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	Install 6' tall wood privacy fence in rear yard.
2.4	Fences and Walls	Remove chain link fence.

STAFF COMMENTS

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

- A. Installation of 6' tall wood privacy fence in rear yard; removal of chain link fence is not incongruous according to *Guidelines* sections 2.3.2, 2.3.7, 2.4.8, 2.4.10.
- 1* Chain link fencing is prohibited; the new fence posts will go into the existing holes.
- 2* The commission regularly approves wood privacy fences in rear yards in Boylan Heights.
- 3* The design of the fence is "neighbor-friendly" and will be the same as the fence at 1025 W South Street.

Staff suggests that the committee approve the application.

Decision on the Application

Mr. Alphin moved to approve the application, noting that there were no objections to waiving the public hearing and adopting the staff comments as the written record of the summary proceeding on 052-12-CA. Ms. Downer seconded the motion; passed 3/0.

Committee members voting: Alphin, Downer, McGorty.

Certificate expiration date: 1/2/13.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

060-12-MW 1807 WILLS AVENUE (E. L. & RUTH FOGLEMAN HOUSE)
Applicant: DAN BECKER
Received: 06/18/2012 Meeting Date(s):
Submission date + 90 days: 09/16/2012 1) 07/02/2012 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: RALEIGH HISTORIC LANDMARK

Zoning: (R-10)

Nature of Project: Remove and replace existing HVAC unit; install storm windows on accessory building; install HVAC unit and hose bib on accessory building

Conflict of Interest: None noted.

Staff Notes: The proposed work is categorized as Minor Work, however the applicant is staff's supervisor and in staff's judgment the decision should be made by the committee.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
3.7	Windows and Doors	install storm windows on accessory building; install hose bib on accessory building
3.10	Utilities and Energy Retrofit	remove and replace existing HVAC unit; install HVAC unit and hose bib on accessory building

STAFF COMMENTS

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

- B. Removal and replacement of existing HVAC unit; installation of storm windows on accessory building; installation of HVAC unit and hose bib on accessory building is not incongruous according to *Guidelines* sections 3.7.10, 3.10.2, 3.10.3, 3.10.4, 3.10.8, 3.10.12.
- 4* Installation of storm windows is historically appropriate and suggested by the guidelines; specifications and details were included in the application.
- 5* The HVAC units are located in the rear; specifications and details were included in the application.
- 6* The HVAC unit for the main house might not be re-installed.

Staff suggests that the committee approve the application.

Decision on the Application

Mr. Alphin moved to approve the application, noting that there were no objections to waiving the public hearing and adopting the staff comments as the written record of the summary proceeding on 060-12-MW. Ms. Downer seconded the motion; passed 3/0.

Committee members voting: Alphin, Downer, McGorty.

Certificate expiration date: 1/2/13.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

062-12-CA 108 E HARGETT ST

Applicant: JASON HOWARD

Received: 06/20/2012

Meeting Date(s):

Submission date + 90 days: 09/18/2012

1) 07/02/2012 2)

3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: (DOD, BUS)

Nature of Project: [After-the-Fact] Install 6' tall wood privacy screen around existing rear deck.

Conflict of Interest: None noted.

Staff Notes: It is the practice of the commission to treat after-the-fact applications as though the work has not yet been completed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.4	Fences and Walls	Install 6' tall wood privacy screen around existing rear deck.

STAFF COMMENTS

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

- C. Installation of 6' tall wood privacy screen around existing rear deck is not incongruous according to *Guidelines* sections 2.4.8, 2.4.11.
- 7* All work is at the rear of the property.
- 8* A wood privacy fence was approved at the rear of this lot in 2008 under COA 233-08-CA, but was not constructed.
- 9* The deck and benches are in-kind replacements existing features and are not part of the application.
- 10* The fence will be stained darker so as to more closely match the adjacent brick buildings.
- 11* Similar screening was approved at the rear of 117 E Hargett Street (213-08-CA).
- 12* Details were included in the application.

Staff suggests that the committee approve the application.

Decision on the Application

Mr. Alphin moved to approve the application, noting that there were no objections to waiving the public hearing and adopting the staff comments as the written record of the summary proceeding on 062-12-CA. Ms. Downer seconded the motion; passed 3/0.

Committee members voting: Alphin, Downer, McGorty.

Certificate expiration date: 1/2/13.

PUBLIC HEARINGS

Chair McGorty 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: 037-12-CA.

Case 025-12-MW was deferred at the applicant's request.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

037-12-CA 602 S BOYLAN AVE

Applicant: MICHAEL KNOTT

Received: 04/23/2012

Meeting Date(s):

Submission date + 90 days: 07/22/2012

1) 07/02/2012 2)

3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: (R-10)

Nature of Project: [amended] construct new 1-story garage and screened porch addition;
remove two trees

Amendments: Amended drawings reflecting comments made by DRAC May 3 were included in the commission packets. Additional revisions were received July 2, 2012 and are attached to these comments.

DRAC: The project was reviewed by the design review advisory committee, May 3, 2012 by Dan Becker, Erin Sterling, David Maurer, and Jerry Traub; also present were Michael Knott, Emily Brinker, and Tania Tully. The amended application was reviewed by DRAC June 27, 2012 by Curtis Kasefang, David Maurer, Jerry Traub, and Erin Sterling; also present were Michael Knott, Emily Brinker, and Martha Lauer.

Conflict of Interest: None noted.

Staff Notes:

- The request to “remove non-historic rear addition” is an error on staff’s part and is not part of the application.
- Section 10-2052(d)(2) of the Raleigh City Code states: “The minimum and maximum yard setbacks within the Historic Overlay District...shall be congruous with setbacks of typical well-related nearby buildings in the Overlay District...as set forth in the development standards, subsection (e)(4). If the yard setbacks of the underlying district conflict with these yard setbacks, the yard setbacks of the development standards shall control.”
- Prior COA files 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	construct new 1-story garage and screened porch addition; remove trees
2.6	Garages and Accessory Structures	construct new 1-story garage and screened porch addition
4.2	Additions to Historic Buildings	

STAFF COMMENTS

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

- D. Construction of new 1-story garage and screened porch addition is not incongruous in concept according to *Guidelines* sections 2.3.1, 2.3.2, 2.3.6, 2.3.7, 2.3.8, 2.6.6, 2.6.9, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8; however the increase in built space **may be** incongruous according to *Guidelines* 2.3.8, 4.2.9; and the proximity of the addition to the adjacent house **may be** incongruous according to *Guidelines* 2.3.2, 4.2.2.
- 13* The subject house sits at the corner of Boylan Avenue and W. Lenoir Street with the bulk of the house running along Lenoir. The proposed addition is at the rear of the house with the garage addressing Lenoir and near the end of an existing gravel driveway.
- 14* The setbacks for the underlying zoning are: Side Yard – 5 feet; Aggregate Side Yard – 15 feet; Corner Lot Side Yard – 20 feet; Rear Yard – 20 feet.
- 15* Neither the distance from the current rear of the house to the property line or to the side of 805 W Lenoir is included in the application. The side of the house is approximately 5'3" and 23' 0" from the two side property lines.
- 16* The addition will be between 11 and 12 feet from the house at 805 W Lenoir Street.
- 17* The amended application includes a map indicating the distances between nearby houses as seen from the street. These distances range between 8 and 24 feet and except for one example of a side-to-rear expanse, they are all side-to-side measurements. It is unclear if the measurements are taken from between walls, porches, or both.
- 18* The photographic examples of "close-houses" included in the amended application do not include any examples where the rear of one house is close to the side of the adjacent house.
- 19* The following are examples of corner lots with adjacent buildings house facing the side street: 324 S Boylan and 706 McCulloch; 502 S Boylan and 805 W Cabarrus; 602 S Boylan and 805 W Lenoir; 701 S Boylan and 705 W South; 1033 W South and 1103 W Cabarrus; 1000 W Cabarrus and 1105 W Lenoir; 903 W Lenoir and 620 Cutler. 2012 Pictometry images are available for review.
- 20* The application states "The addition would remove one, possibly two modest hackberry trees. The trees add nothing to the character of the site and are quite modest compared to the many trees that contribute to the canopy and character of the neighborhood." Information regarding the size and location of the trees or proposed replacement was not included in the application.
- 21* The footprint of the existing house including porches is approximately 1,818 square feet; the lot is 5,802 square feet; the lot coverage is approximately 31%. Dimensions of the addition were not included in the application, but the applicant states that the new lot coverage would be 41%.
- 22* The application states: "The addition will reduce the ratio of open space to built space from 4.33 to 3.1, because the open space is small in relation to the house. The open space between the south side of the house and the west side of the neighbors' (location of addition) is less than 10% of the total open space, but the visual affect is even smaller. The significant open

space is at the north and east sides of the house. This area is 3000 sq ft. This is 90% of the perceived open space.”

- 23* The amended application includes lot coverage percentages for several Boylan Heights properties with additions. The increases range from 2% to 13%.
- 24* The garage examples included in the amended application are a mix of historic, COA approved, and pre-HOD construction. The examples illustrate that garages are often near and visible from the street especially when the house sits on a corner lot.
- 25* The screened porch examples included in the amended application are a mix of historic, COA approved, and pre-HOD construction. The examples are in various locations on the houses and illustrate the eclectic nature of the screened porch in Boylan Heights.
- 26* The amended application also includes two pages of “other structures attached and unattached beside the houses in Boylan Heights.”
- 27* The addition will match the design and materials of the existing house; detailed photographs of the trim and siding were included in the application; details of the doors, windows, and screened porch construction were not.
- 28* According to the Sanborn Maps, the 2-story main house and 1-story rear bay were constructed by 1914 and unaltered in footprint as of 1950. The addition at the rear was constructed sometime after 1950, but before the historic district designation.
- 29* In 2006 exterior alterations were made per approved COAs 056-06-MW and 172-06-MW that facilitated conversion of the house back to a single-family dwelling.
- 30* The amended application includes a diagram indicating the relationship between the garage addition and 805 W Lenoir; the garage will not extend into the front yard plane of the adjacent house.
- 31* The site plan makes it appear as though the house sits square on the lot and that the addition would be parallel to the rear property line. The City of Raleigh iMaps program makes it appear as though the house is angled towards the west and the house on Lenoir.
- 32* The site plan shows a stoop and stairs on the south side of the addition; this is not shown in any other drawing.
- 33* The amended application changes the roof of the screened porch from a shed to a hip and proposes two different roof forms for the garage-end of the addition. In the proposal with the gable roof form, there is an uncharacteristic verticality to the structure. In the other proposal, there is a hip roof with deep overhang at the garage doors which results in an atypical two-depth eave as it transitions to a gable form at the other end of the addition.

Pending the committee’s decision regarding the amount of built to open space and the proximity to the adjacent house, staff suggests that the committee approve the amended application, waiving the 365-day delay on removal of the trees, with the following conditions:

1. That the addition be redesigned so as to be no closer to the rear property line than the line of the existing gravel.
2. That the roof form and eave details of the addition be redesigned.
3. That the following details and specifications be provided to and approved by staff prior to the issuance of permits:

- a. Addition redesign including roof form and eaves;
 - b. Screened porch construction
 - c. Tree protection plan similar to the RHDC Sample Tree Protection Plan
4. That the following details and specifications be provided to and approved by staff prior to installation:
 - a. Windows and doors;
 - b. Steps and stairs;
 - c. Garage door;
 - d. HVAC equipment and screening

PUBLIC TESTIMONY

Support: Michael & Susie Knott [affirmed] were present to speak in support of the application. Mr. Knott explained that they are proposing to add a garage addition with porch and attic. He pointed out that the stoop and stairs mentioned in fact 20 will not be there.

In response to Mr. Knott, Tania Tully [affirmed] stated that the tree protection plan is for the street trees and an arborist report is not required. They need to show where trees are, where construction materials will be stored, and where fencing may be needed to protect street trees.

Mr. Knott said that the hipped roof design submitted was the result of a phone discussion with the architect in response to DRAC comments and that the last minute drawings did not yield the results he wanted. He noted that at the roofline where overhang there was supposed to be a shallow eave with a sharp break for overhang over garage door .

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

Mr. Alphin asked staff if the intent of condition #1 item on recommendation is to redesign the addition closer to property line. Ms. Tully stated that it looked to her, and this may be the nature of the drawings, that the driveway comes up and then widens out. Mr. Knott said that it's not being widened, more shifted over.

Mr. Alphin asked if staff reviews the base zoning setbacks as part of her comments. Ms. Tully said yes and no. She said she first look at what is congruous with the neighborhood—provided that it meets design guidelines, setbacks are trumped. She noted the inclusion of that section of the code under staff notes. Because there has been a higher level of scrutiny city wide of quasi-judicial proceedings, the commission should be aware when a proposal is going into the underlying setbacks. She doesn't look at numbers but at what is typical.

Mr. Alphin noted that it looks like the addition is four feet from property line. Mr. Knott said this is incorrect, that there will be 12 feet between buildings and clarified that the measurement is from the building, not the overhang. Mr. Knott also noted that the most recent version supersedes others with correct dimensions.

Ms. McGorty asked for a reaction to staff suggested condition #2 about the redesign of eaves. Mr. Knott stated that there is the option of the gable roof, but DRAC suggested it would look less tall with the hip roof. He stated that he preferred the gable roof (second picture of three); notice tall section of house is gable despite four square. Mr. Alphin agreed.

Ms. Tully clarified that her intent with the staff comments regarding the location of how close the addition is to the property line was based on the false understanding of where the driveway sits and based on the examples of what they provided. She stated that it seemed like it all fit but not the closeness of the back portion of house hitting side of adjacent house. Mr. Knott said that there isn't a plan of the existing driveway, but there is a curb cut.

Ms. Tully stated that in her judgment six feet is too close. In response to Mr. Alphin's question, 2012 photos are available for review, although not in that level of detail.

Ms. Knott stated that they currently park 3-4 feet from neighbor's fence.

Ms. McGorty asked what staff meant by may be incongruous built space. Ms. Tully said that there is no set number of what percentage is appropriate.

At Ms. McGorty's suggestion Mr. Alphin moved to close the public testimony portion of the hearing. Ms. Downer seconded; motion carried 3/0.

Committee Discussion

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

There is already a fence between adjacent properties. [McGorty]

I could see moving to approve with setbacks as requirements. Other than that a roof design needs to be approved. Eaves: details to be approved by staff on gable version. [Alphin]

Do we have issues with 30 to 41%? Seems like this is substantial addition so 10% doesn't seem too substantial. [McGorty]

The lot is more about front yard and side yard and less about back yard. [Alphin]

Or will [McGorty]

Let's reopen public hearing to ask staff a question. Do we need to make fact specific about side yard exception? [Alphin]

Mr. Alphin moved to re-open the public testimony portion of the hearing. Ms. Downer seconded; motion carried 3/0.

Mr. Alphin asked staff about the comment regarding lot coverage of 41% and if they are setting precedent better off not setting. Ms. Tully stated that they need to be very specific as to why the increase is congruous, and then it will not set precedent. Eliminating what little rear yard there was, but as long as you're specific about side yard.

Findings of Fact

Following discussion on an initial motion made by Mr. Alphin and seconded by Ms. Downer, 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 1-21) to be acceptable as findings of fact, with the following modifications and additional facts:

Modifying comment A to read:

Construction of new 1-story garage and screened porch addition is not incongruous in concept according to *Guidelines* sections 2.3.1, 2.3.2, 2.3.6, 2.3.7, 2.3.8, 2.6.6, 2.6.9, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, 4.2.9.

Striking fact 20.

Modifying fact 21 to strike everything after "...two different roof forms"

Adding fact 22.

22* Due to the large amount of open space in side yard and front yard, the increase of built to open space in rear yard is acceptable.

The motion was seconded by Ms. Downer; passed 3/0.

Decision on the Application

Mr. Alphin made a motion that the application be approved as amended, waiving the 365-day delay on removal of the trees and with the following conditions:

1. That the roof form be the gable end condition as proposed.
2. That the following details and specifications be provided to and approved by staff prior to the issuance of permits:
 - a. Addition redesign of roof form and eaves;
 - b. Screened porch construction
 - c. Tree protection plan for street trees similar to the RHDC Sample Tree Protection Plan
3. That the following details and specifications be provided to and approved by staff prior to installation:
 - a. Windows and doors;
 - b. Garage door;
 - c. HVAC equipment and screening

The motion was seconded by Ms. Downer; passed 3/0.

Committee members voting: Alphin, Downer, McGorty.

Certificate expiration date: 1/2/13.

OTHER BUSINESS

1. Administrative Review of Conditions – COA 038-12-CA – Approved
2. Carolina Coach/Stone's Warehouse
3. Committee Discussion – Meeting Post-Mortem
4. *Design Guidelines* Update

ADJOURNMENT

The meeting was adjourned at 5:52 p.m.

Kiernan McGorty, Acting Chair
Certificate of Appropriateness Committee,
Raleigh Historic Development Commission

Minutes Submitted by:
Tania Tully, Preservation Planner