RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
December 7, 2015

CALL TO ORDER
Chair Elizabeth Caliendo called the Certificate of Appropriateness (COA) Committee meeting to order at 4:00 p.m.

ROLL CALL
Tania Tully, Preservation Planner, called the roll as follows:
Present: Elizabeth Caliendo, Sarah David (arrived 4:05), Don Davis, Laurie Jackson, Kaye Webb
Alternate Present: Caleb Smith
Excused Absence:
Staff Present: Tania Tully, Martha Lauer; Dan Band; Dottie Leapley, Attorney

Approval of the October and November, 2015 Minutes
Mr. Davis moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Smith 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. Martha Lauer, Notary Public, administered the affirmation. Ms. Tania Tully, Notary Public, administered a second affirmation.

Visitor's/Applicant's Name and Address	Affirmed
Erin Nowell, 312 E Jones Street 27601	Yes
Gail Wiesner, 515 Euclid Street 27604	Yes
John Lunsford, 420 Cutler Street 27603	No
Beth Lunsford, 420 Cutler Street 27603	No
Elizabeth Dunbar, 422 Cutler Street 27603	No
John Farabow, 323 Pace Street 27603	Yes
Andrew Osterlund, 5 W Hargett Street 27601	Yes
Joey Nowell, 312 E Jones Street 27601	Yes
Jo Anne Sanford, 721 N Bloodworth Street 27604	Yes
Stuart Cullinan, 311 N Boundary Street 27601	Yes
Matthew Konar, 515-1 St. Mary's Street 27605	Yes
Michiel Doorn, 403 Elm Street 27604	Yes
Mary Boone, 403 Elm Street 27604	Yes
Matt Harper, 312 E Cabarrus Street	Yes

REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA

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

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 166-15-CA and 168-15-CA for which the Summary Proceeding is made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

166-15-CA 717 FLORENCE STREET
Applicant: ZACH BRINKER
Received: 11/16/2015 Meeting Date(s):
Submission date + 90 days: 2/14/2016 1) 12/7/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Construct 6' tall rear and side yard wood privacy fence
Amendments: Clarifications are attached to these comments.
Conflict of Interest: None noted.
Staff Notes:

- When posting the COA sign staff observed a satellite dish installation. The applicant has stated that it will be removed by January.
- The location of property lines and legal authority to perform work is a civil matter outside the jurisdiction of the commission.
- COA 143-15-MW approved the extension of the lower fence.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Construct 6' tall rear and side yard wood privacy
2.4	Fences and Walls	fence

STAFF COMMENTS

Based on the information contained in the application:

A. Construction of 6' tall rear and side yard wood privacy fence is not incongruous according to *Guidelines* 2.3.4, 2.3.7, 2.4.8, 2.4.11,and the following findings:

1* Fence post holes will be dug manually and located to avoid damage to tree roots and roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.

2* The proposed fence is along the rear and side property lines which is characteristic of the district. Two gates with simple black metal hardware are proposed.

3* Wood dog-ear style privacy fences are common in rear and rear side-yards in Boylan Heights.

4* The north section fence will sit just behind the front wall of the house by a few inches. This house sites farther back on the property than the house to the north. The southern section starts at the rear of the house and is not in the street side yard area.

5* The fence will be installed using neighbor friendly design with the structural members facing inward towards the rear yard.

Staff recommends that the committee approve the application.

Decision on the Application

There were no objections to approval without a public hearing.

Ms. Jackson moved to approve the amended application, adopting the staff comments as the written record of the summary proceeding on 166-15-CA. Mr. seconded the motion; passed 5/0.

Committee members voting: Caliendo, Davis, Downer, Jackson, Smith, Webb.

Certificate expiration date: 6/7/16.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

168-15-CA 420 CUTLER STREET
Applicant: JOHN LUNSFORD
Received: 11/16/2015 Meeting Date(s):
Submission date + 90 days: 2/14/2016 1) 12/7/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Master landscape plan to include: removal of walkways, new gravel walkways, new stepping stone paths, low stone wall, rear patio, planting areas, trees, removal of chain link fence, new wood fence, removal of picket fence, masonry grill.
Conflict of Interest: None noted.
Staff Notes:

- COA 173-14-CA approved installation of new curb cut and driveway; removal of cedar tree; construction of rear deck and side steps; installation of new gutters and downspouts; alteration of porch roofs; relocation of window; removal of section of fence.
- COA 165-14-MW approved the enclosure of rear screened porches; removal and relocation of side wall window; removal of side steps; removal of rear window; changing of exterior paint color; installation of new doors.
- COAs mentioned in staff comments are available for review.
- The location of property lines and legal authority to perform work is a civil matter outside the jurisdiction of the commission.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Master landscape plan to include: removal of walkways, new gravel walkways, new stepping stone paths, low stone wall, rear patio, planting areas, trees, removal of chain link fence, new wood fence, removal of picket fence, masonry grill.
2.4	Fences and Walls	low stone wall, removal of chain link fence, new wood fence, removal of picket fence
2.5	Walkways, Driveways, and Offstreet Parking	removal of walkways, new gravel walkways, new stepping stone paths

STAFF COMMENTS

Based on the information contained in the application:

A. Implementation of master landscape plan with removal of walkways, new gravel walkways, new stepping stone paths, low stone wall, rear patio, planting areas, trees, removal of chain link fence, new wood fence, removal of picket fence, masonry grill is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.2, 2.3.6, 2.3.7, 2.3.8, 2.4.1, 2.4.11, 2.5.1, 2.5.2, 2.5.5, 2.5.9, and the following findings:

1* The Boylan heights Special Character essay states that: "Large, mature deciduous and evergreen trees fill many lots. Shade trees line the street rights-of-way, which have also been planted with dogwoods or crepe myrtles…Front yards are generally lawns from street sidewalk to house, usually open without an enclosing fence…Foundation plantings are common. Because of the gently-sloping hillside location of the district, a few masonry and stone retaining walls can be found within the district adjacent to walks and alleys or between houses."

2* The front walk offshoot and curb alteration are to non-character defining elements. There is an elevation change between the driveway and the walkway that will be addressed.

3* Existing trees will remain. Tree protection for the fence installation is not included in the application.

4* The rear yard is currently lawn with large trees around the perimeter. The proposed landscape plan adds a bluestone patio, gravel walks, and stepping stone paths which are traditional materials found throughout the historic district.

5* Patterns of use are characteristic as well, with patios, paths, fences, and walls defining circulation and use areas.

6* The mature height of some of the plantings in the front yard area is greater than 42 inches.

7* This proposed masonry grill is a removable feature and will be 6½ feet tall. Several have been approved in Oakwood including at 225 Elm Street (COA 018-13-CA). This is the first such request in Boylan Heights.

8* The lot has an area of 6,534 SF. According to the online Wake County Real Estate Data, COA 17-14-CA, and the current application the footprint of house, decks, sidewalks, and driveway is approximately 2,101 SF for current built area on the lot of 32%. The proposed walkways and patios and removal of front walk off-shoot increases the hardscape by approximately 728 SF for a total new footprint of 2,829 SF and new built area on the lot of 43%.

9* Low stone retaining walls between the front and rear yards are typical of the district.

10* Chain link fencing is a prohibited feature. A picket fence on the side of the front yard will be removed.

11* The proposed wood fence will range in height from 4 to 6 feet as noted on the plan; the location of new fencing at the property lines is typical. Drawings of the proposed design were included in the application; it is unclear if the installation will be with neighbor friendly design with the structural members facing towards the interior of the yard.

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

1. That shrubs in the front yard be maintained at a maximum of 42" in height.
2. That the pea gravel be gray or brown in color.
3. That the fence be installed utilizing neighbor friendly design with the structural members facing towards the interior of the yard.
4. That any new post holes near trees be dug manually to as to avoid damage to roots and that any roots needing to be cut be done so cleanly with proper tools such as loppers.
5. That details and specification for the following be provided to and approved by staff prior to installation:
   a. Outdoor grill;
   b. Retaining wall.

Decision on the Application

There were no objections to approval without a public hearing.

Ms. Jackson moved to approve the amended application, adopting the staff comments as the written record of the summary proceeding on 168-15-CA. Mr. seconded the motion; passed 5/0.

Committee members voting: Caliendo, Davis, Downer, Jackson, Smith, Webb.

Certificate expiration date: 6/7/16.

PUBLIC HEARINGS

Chair Caliendo 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: 128-15-CA, 146-15-CA, 151-15-CA, 162-15-CA, 167-15-CA, and 169-15-CA.

Prior to hearing case 151-15-CA, Ms. Webb made a motion to recuse Ms. Jackson from the application; Mr. Davis seconded; motion carried 5/0. After the case, Mr. Davis moved to readmit Ms. Jackson into the meeting. Mr. Smith seconded; passed 5/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

128-15-CA 307 & 311 E EDENTON STREET
Applicant: CHARLOTTE BREWER, WILLIAM BREWER, & JO ANNE SANFORD
Received: 8/25/2015 Meeting Date(s):
Submission date + 90 days: 11/23/2015 1) 11/2/2015 2) 12/7/2015 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: O&I-1
Nature of Project: Install parking lot lighting [partial after-the-fact]
Amendments: Additional information was provided in the commission packets; more is attached to these comments.
Conflict of Interest: None noted.
Staff Notes:

- After-the-fact applications are treated as though the work has not been done.
- Use is not reviewed through the COA process.
- Removal of fence was approved at the November hearing.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	
2.7	Lighting	Install parking lot lighting
3.11	Accessibility, Health, and Safety Considerations	

STAFF COMMENTS

Based on the information contained in the amended application:

A. Installation of parking lot lighting is not incongruous in concept according to *Guidelines* 2.7.4, 2.7.5, 2.7.6, 2.7.7, 3.11.2; however the mounting of streetlight fixtures on standard height poles **may be** incongruous with 2.7.4, 2.7.5, 2.7.8, and the following findings:

1* This application addresses two lots. 307 E Edenton Street has no buildings, and consists of a parking lot. The east side of 311 E Edenton Street is a brick 2-story Neoclassical Revival house with a ca. 1991 rear addition.

2* The Special Character Essay for Oakwood states "A small commercial area at the intersection of Lane and Bloodworth streets continues to provide a touch of contrast to the otherwise uniformly residential character of the district."

3* Except for the non-contributing former filling station at 100 N Person Street, the commercial structures referenced in section B of the application are not within the historic district.

4* Page 20 of the *Guidelines* states "Additional lighting may be desirable on a particular site because of concerns for safety or security. Careful consideration should be given to where supplemental lighting is needed and in what quantity. Adequate lighting can often be introduced through lights on residential-scale posts, recessed lights, footlights, or directional lights mounted in unobtrusive locations. Such solutions are far more in keeping with the historic character of the districts than harsh floodlights and standard security lights mounted on tall utility poles." It also states "To minimize the intrusion of lighting for institutional or commercial buildings and related parking areas in primarily residential neighborhoods, and to save energy, the lighting may be connected to timers that automatically shut it off when it is not needed."

5* There are three utility poles in question. They are all utility company standard height wood poles located at the center and rear of the combined lots. The exact mounting height of the fixtures is unknown, but is presumed to be 25 feet. The proposal is for 2 light fixtures on Pole A and 1 each on Poles B and C.

6* The proposed light fixture, "Roadway" is a long flat unit of contemporary design. A photo of the proposed fixture is included. The lights are 50 watt LED, 4,807 Lumens with a Type III distribution pattern. This is this lowest level of light provided by Duke-Progress.

7* The proposed light fixtures, mounted at 25 feet, have a light spread of 37.5 feet on either side of the pole for a total of 75 feet. The mounting will keep the light on the subject properties.

8* LED bulbs have been approved by the committee provided the light color is of a warm tone. The proposed LED has a color temperature of 4,000K; this is considered a neutral white.

9* The mounting height of the fixtures places them within the tree line which may be considered an unobtrusive location.

10* Information from City of Raleigh Public Works staff compares the current street light fixtures with those to be used, but not yet approved, for streetlights in the district.

Pending the committee's determination regarding mounting of streetlight fixtures on standard height poles staff recommends that the committee approve the amended application.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments.

Support:
Ms. Jo Anne Sanford [affirmed] was present to speak in support of the application.

Ms. Sanford inquired about the status of the City's application to install lighting. Ms. Tully responded that the application did come in but it did not make the meeting deadline and that the city's case in staff's judgment is irrelevant. Ms. Sanford stated there were three existing poles and when a fourth light was installed a violation notice was issued and the applicant filed

for a certificate of appropriateness. Ms. Sanford stated that the application is closely related to the city installation. She added that the lights are on existing wooden poles, have LED lights, are full cutoff fixtures and are in the tree line. She emphasized the commercial character of the corner.

Responses and Questions:
Mr. Smith questioned the relationship of Duke Energy on the project. Ms. Sanford responded that it is the company that is providing the lights. Mr. Davis inquired if the 25' pole is the one that is available for the lights. Ms. Sanford answered that she does not know that is in fact 25' and that it is not a street pole or post office pole. Ms. Webb asked if they were standard height poles. Ms. Tully said yes. Ms. Webb asked if new poles were being installed. Ms. Sanford said no.

Mr. Davis questioned if approving these lights would be accidentally approving the lights as street lighting. Ms. Tully responded that not necessarily as the lighting is on private property in the middle of the block and not on a public right of way. Ms. Tully clarified that based on the information provided by the power company they are at the lowest level and installation height available for the same poles.

Ms. Jackson asked if the mounting height could be confirmed with Duke Energy. Ms. Sanford responded that it is the light that Duke Energy has recommended and that she did not want to change the poles on the yard because these are inconspicuous ones. Ms. Jackson inquired about how they will be spaced. Ms. Sanford answered they will be oriented to where the light is needed.

Opposition:
Mr. Jerry Nowell [affirmed] and Ms. Kit Nowell [affirmed] were present to speak in opposition to the application

Mr. Nowell stated that back of his house is against the parking lot and agrees that safety is important and he is not necessarily opposed; he just did not understand the lighting. Mr. Nowell stated that the lighting is affecting their quality of life currently as his backyard is very bright. Mr. Nowell stated that the 25' feet at the house is quite different from the property as the line of sight is different and that he is worried that the glare will continue. He noted that his house is downhill from the property and they look up at the lights. Mr. Nowell clarified that the lights were not a problem when he purchased the house. Mr. Nowell added that if all these issues are not issues at all then good, but he expressed concern. He added that the name "roadway" for the proposed fixture is a concern.

Ms. Nowell stated that the scale was a concern since 25' does not sound high but if it is in the backyard then it is high. Ms. Nowell stated that commercial grade lights are not residential in nature and bright lights are not residential and Ms. Nowell added that it would be best if a sample could be viewed or tried before it is approved.

Ms. Gail Wiesner [affirmed] stated that the lights are roadway lights and that she spoke with the city about the lights. Ms. Wiesner stated she did not believe the lights were appropriate for a residential zone and that a less unintentional light should be used. Ms. Wiesner directed the commission to look up lighting in the Unified Development Ordinance.
Mr. Smith asked which house is the Nowell's from Person Street. Ms. Nowell responded it is three doors down, right behind 311 Person Street. Ms. Nowell added it was dark behind she did not know that her yard was so affected by the Sanford/Brewer lights. Mr. Nowell added that the property immediately behind belongs to another owner and that while they are glad to have more light for security, it would make sense to add less powerful lights in the back as Ms. Sanford wants to light the entire property.

Ms. Caliendo asked which light is the problem. Ms. Nowell responded that it is one truly offending light box on the 307 property and that it is the A pole that is the most offensive. Ms. Nowell added that the box lights are not appropriate for residential lights and that the poles are high and not residential poles. Ms. Nowell cited the design guidelines and that utility pole sizing is not appropriate in residential areas.

Ms. Sanford said she did not know if it was possible to get lower mounted lights. Ms. Tully stated that the design guidelines have to do with keeping the light on your own property and that asking for a sample of the lighting was not an unreasonable request so that a more informed decision could be made. Ms. Webb inquired if there was any information if the mounts could be mounted lower. Ms. Sanford responded that the shielded lights were the old way and the new LED lights are designed to direct light downward. Ms. Sanford clarified the fact that until early 2014 the other lights were already there and until the offending light was put up there was no problem. Ms. Sanford stated that the light will spread 75 feet and that the lot line is 100 feet away from pole A.

At Ms. Caliendo's suggestion Mr. Smith moved that the public testimony portion of the hearing be closed. Mr. Davis seconded; motion carried 6/0.

<u>Committee Discussion</u>

The following points were made in discussion [speaker indicated in brackets]:
The primary questions seem to be the tall poles and harshness of light.
We need more information on the light spread. [Davis]
As it stands, the design guidelines are very clear that this does not meet the requirements. [Jackson]
I agree. They are not at a human scale and the fixture is not compatible with historic fixtures. [Smith]
More information would be welcome but this does not meet 2.7.4, 2.7.5 and 2.7.8. Other options for the other fixtures such as mounting it lower and something that is not roadway. [Jackson]
There seem to be other options by Duke Energy. [Smith]

How is a neighborhood fixture different from a roadway fixture? [Caliendo]
If there is information that is going to change what are you thinking now then deferral may be warranted? Could it be mounted lower? What is the spread? If it is mounted lower it becomes more visible. Do you need more information to answer those questions? Look at fact 2, which quotes from the special character essay. [Tully]
While it does mention that this is a small commercial area, Oakwood is a residential district overall. It is transitional. [Jackson]
I am not quite sure what the city is proposing, but it may be relevant to this application. [Webb]
The corner of Lane and Bloodworth is the commercial area. [David]
I do not want them to come back with more information on the roadway light if is not going to be approved. [David]
The light fixtures are not compatible. [Davis]
I'd like to see a drawing or diagram showing where the light will be on the lot. Or mounted. [David]
I am not inclined to approve. [Smith]

Ms. Jackson made a motion to reopen the public hearing portion of the meeting. Ms. Webb seconded; motion carried 6/0.

PUBLIC TESTIMONY (2)

Ms. Jackson asked if revisiting the light fixtures they would also want to ask for information on other options that may be feasible. Ms. Tully stated that the commission had to make their decision on the application as proposed, but after hearing the discussion, the applicant had the opportunity to amend the application if they chose. Ms. Sanford responded she would be happy to look into other options for the tall poles. Ms. Sanford requested deferral of the application.

Mr. Smith moved that the public testimony portion of the hearing be closed; Ms. Webb seconded; motion carried 6/0.

Committee Discussion (2)

There was no committee discussion following the public portion.

Findings of Fact and Conclusions of Law

Mr. Smith moved that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-10) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Installation of parking lot lighting is not incongruous in concept according to *Guidelines* 2.7.4, 2.7.5, 2.7.6, 2.7.7, 3.11.2; however the mounting of streetlight fixtures on standard height poles **is** incongruous with 2.7.4, 2.7.5, 2.7.8, and the following findings:

1* This application addresses two lots. 307 E Edenton Street has no buildings, and consists of a parking lot. The east side of 311 E Edenton Street is a brick 2-story Neoclassical Revival house with a ca. 1991 rear addition.
2* The Special Character Essay for Oakwood states "A small commercial area at the intersection of Lane and Bloodworth streets continues to provide a touch of contrast to the otherwise uniformly residential character of the district."
3* Except for the non-contributing former filling station at 100 N Person Street, the commercial structures referenced in section B of the application are not within the historic district.
4* Page 20 of the *Guidelines* states "Additional lighting may be desirable on a particular site because of concerns for safety or security. Careful consideration should be given to where supplemental lighting is needed and in what quantity. Adequate lighting can often be introduced through lights on residential-scale posts, recessed lights, footlights, or directional lights mounted in unobtrusive locations. Such solutions are far more in keeping with the historic character of the districts than harsh floodlights and standard security lights mounted on tall utility poles." It also states "To minimize the intrusion of lighting for institutional or commercial buildings and related parking areas in primarily residential neighborhoods, and to save energy, the lighting may be connected to timers that automatically shut it off when it is not needed."
5* There are three utility poles in question. They are all utility company standard height wood poles located at the center and rear of the combined lots. The exact mounting height of the fixtures is unknown, but is presumed to be 25 feet. The proposal is for 2 light fixtures on Pole A and 1 each on Poles B and C.
6* The proposed light fixture, "Roadway" is a long flat unit of contemporary design. A photo of the proposed fixture is included. The lights are 50 watt LED, 4,807 Lumens with a Type III distribution pattern. This is this lowest level of light provided by Duke-Progress.
7* The proposed light fixtures, mounted at 25 feet, have a light spread of 37.5 feet on either side of the pole for a total of 75 feet. The mounting will keep the light on the subject properties.
8* LED bulbs have been approved by the committee provided the light color is of a warm tone. The proposed LED has a color temperature of 4,000K; this is considered a neutral white.
9* The mounting height of the fixtures places them within the tree line which may be considered an unobtrusive location.
10* Information from City of Raleigh Public Works staff compares the current street light fixtures with those to be used, but not yet approved, for streetlights in the district is in congruous.
11* One of the existing light fixtures intrudes onto the property at 312 E Jones Street.

The motion was seconded by Ms. Webb; failed 2/4 (Caliendo, David, Jackson, Webb opposed).

Decision on the Application

Ms. David moved that the application be deferred requesting additional information.

The motion was seconded by Ms. Webb; passed 5/1 (Smith opposed).

Committee members voting: Caliendo, David, Davis, Jackson, Smith, Webb.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

146-15-CA 403 ELM STREET
Applicant: MICHIEL DOORN & MARY BOONE
Received: 10/13/2015 Meeting Date(s):
Submission date + 90 days: 1/11/2016 1) 11/2/2015 2) 12/7/2015 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Implementation of master landscape plan including: rear patio; side patio; alter front steps; 10'x10' pergola; new and altered walkways
Amendments: Additional information and clarified drawings were included in the commissioner packets.
Conflict of Interest: None noted.
Staff Notes:

- The locations of property lines and ownership issues are a civil matter outside the jurisdiction of the commission.
- Installation of a driveway and widening of the existing curb cut was approved with COA 139-15-MW. This Minor Work has been appealed and will be heard at the January meeting.
- COAs mentioned in these comments are available for review.
- 403 Elm Street file photos are available for review.
- The trees; shrubs and other plants; and deck extensionwere approved at ther November hearing.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.1	Public Rights-of-Way and Alleys	Stepping stones and brick landing
2.3	Site Features and Plantings	implementation of master landscape plan including: rear patio; side patio; alter front steps; 10'x10' pergola; new and altered walkways
2.4	Fences and Walls	new retaining wall
2.5	Walkways, Driveways, and Offstreet Parking	new stepping stone path

STAFF COMMENTS

Based on the information contained in the amended application:

A. Implementation of master landscape plan including: rear patio; side patio; new retaining wall; alter front steps; 10'x10' pergola; new stepping stone path is not incongruous in concept according to *Guidelines* 2.1.8. 2.3.1, 2.3.2, 2.3.4, 2.3.8, 2.3.9, 2.4.8, 2.5.5, 2.5.6 and the following findings:

1* Stepping stones and a brick landing are proposed in the right-of-way. Small landing areas such as proposed are a common feature in Oakwood. The amended application provided a photo of the type of installation proposed. Details and specifications were not provided.

2* The two trees on the property will be maintained.

3* Photos of the yard with outlines of various landscaping areas were provided to clarify the location of proposed hardscaping. An amended site plan also clarifies that no new walkways are proposed.

4* Pergolas and ponds are traditional rear yard features. The amended application states that the pond will be a 3′ x 4′ pond with natural stone surrounding it.

5* The wood pergola is proposed to be attached to the shed and whitewashed to match. A sketch of the proposed design is included in the amended application.

6* Materials to be used throughout the plan include brick, granite, and cobblestones. All three materials are found historically in Oakwood.

7* The patio is proposed to be constructed of bricks unearthed during prior construction. The application includes photos showing bricks, slate stepping stones, under leaves & brick wall. The amended application includes a clear color photo showing some stones under leaves.

8* A cobblestone landing area is proposed between the driveway and the fence. Typically the landing area would be the same material as the walkway and drive.

9* All work in the rear yard is inside a six foot wooden fence.

10* A freestanding water feature is proposed behind the existing fence. It will be screened from view.

11* The lot is 3,485 square feet. The house, porches, existing walkways, a portion of the unearthed brick patio, and approved driveway is approximately 1,680 square feet. The proposed new built area (per 2.3.8) is approximately 345 square feet. The original built area is 48%; the proposed is 58%. All of the new surface paving is the side or rear yard.

12* The amended application includes 512 N East Street as an example of a small yard with a high level of built area in the rear yard. The landscape plan was approved with COA 055-06-CA.

13* A short length of 18″ tall stone wall with post is proposed at the steps along the side walkway. Masonry or stone retaining walls were occasionally employed to accommodate a significant shift in grade. Specifications and details were not provided.

14* The HVAC units are proposed to be screened with traditional wood fence; the precise height and style are not specified.

15* Stepping stones are not uncommon as paths in front yards.

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

1. That the paved area between the driveway and new walkway be the same material as the walkway.
2. That details and specifications for the following be provided to and approved by staff prior to installation:
   a. Exact dimensions and location of rear brick patio.
   b. Stepping stones and landing in right-of-way;
   c. Stone wall at steps;
   d. Paved area between the driveway and fence;
   e. HVAC screening fence;

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments.

Support:
Mr. Michiel Doorn [affirmed] and Ms. Mary Boone [affirmed] were present to speak in support of the application.

Ms. Boone pointed out that number 8 on the staff comments was that it was not going to be cobblestone and clarified that the driving strips and a little of the walkway would be brick.

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

Responses and Questions:
Ms. David thanked the applicants for responding to the information requested from the previous meeting.

At Ms. Caliendo's suggestion Ms. Jackson moved that the public testimony portion of the hearing be closed. Mr. Davis seconded; motion carried 6/0.

Committee Discussion

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

They brought back what the commission asked for. [Caliendo]
The lot coverage is clarified. [Caliendo]
This is a much clearer application. [David]

Findings of Fact and Conclusions of Law

Ms. David 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, 9-15) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Implementation of master landscape plan including: rear patio; side patio; new retaining wall; alter front steps; 10'x10' pergola; new stepping stone path is not incongruous in concept according to *Guidelines* 2.1.8. 2.3.1, 2.3.2, 2.3.4, 2.3.8, 2.3.9, 2.4.8, 2.5.5, 2.5.6 and the following findings:

1* Stepping stones and a brick landing are proposed in the right-of-way. Small landing areas such as proposed are a common feature in Oakwood. The amended application provided a photo of the type of installation proposed. Details and specifications were not provided.

2* The two trees on the property will be maintained.

3* Photos of the yard with outlines of various landscaping areas were provided to clarify the location of proposed hardscaping. An amended site plan also clarifies that no new walkways are proposed.

4* Pergolas and ponds are traditional rear yard features. The amended application states that the pond will be a 3′ x 4′ pond with natural stone surrounding it.

5* The wood pergola is proposed to be attached to the shed and whitewashed to match. A sketch of the proposed design is included in the amended application.

6* Materials to be used throughout the plan include brick, granite, and cobblestones. All three materials are found historically in Oakwood.

7* The patio is proposed to be constructed of bricks unearthed during prior construction. The application includes photos showing bricks, slate stepping stones, under leaves & brick wall. The amended application includes a clear color photo showing some stones under leaves.

8* A brick landing area is proposed between the driveway and the fence. Typically the landing area would be the same material as the walkway and drive.

9* All work in the rear yard is inside a six foot wooden fence.

10* A freestanding water feature is proposed behind the existing fence. It will be screened from view.

11* The lot is 3,485 square feet. The house, porches, existing walkways, a portion of the unearthed brick patio, and approved driveway is approximately 1,680 square feet. The proposed new built area (per 2.3.8) is approximately 345 square feet. The original built area is 48%; the proposed is 58%. All of the new surface paving is the side or rear yard.

12* The amended application includes 512 N East Street as an example of a small yard with a high level of built area in the rear yard. The landscape plan was approved with COA 055-06-CA.

13* A short length of 18″ tall stone wall with post is proposed at the steps along the side walkway. Masonry or stone retaining walls were occasionally employed to accommodate a significant shift in grade. Specifications and details were not provided.

14* The HVAC units are proposed to be screened with traditional wood fence; the precise height and style are not specified.
15* Stepping stones are not uncommon as paths in front yards.

The motion was seconded by Ms. Jackson; passed 6/0.

Decision on the Application

Ms. David made a motion that the application be approved as amended, with the following conditions:

1. That details and specifications for the following be provided to and approved by staff prior to installation:
    a. Exact dimensions and location of rear brick patio.
    b. Stepping stones and landing in right-of-way;
    c. Stone wall at steps;
    d. Paved area between the driveway and fence;
    e. HVAC screening fence;

The motion was seconded by Ms. Jackson; passed 6/0.

Committee members voting: Caliendo, David, Davis, Jackson, Smith, Webb.

Certificate expiration date: 6/7/16.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

151-15-CA 507 S PERSON STREET
Applicant: BEGINNING & BEYOND CHILD DEVELOPMENT CENTER, INC.
Received: 10/14/2015 Meeting Date(s):
Submission date + 90 days: 1/12/2016 1) 11/2/2015 2) 12/7/2015 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT
Zoning: DOD, RB
Nature of Project: Construct 8'x20' rear deck.
Amendments: Additional drawings and photos were provided in the commissioner packets.
Conflict of Interest: Ms. Webb made a motion to recuse Ms. Jackson from the application; Mr. Davis seconded; motion carried 5/0.
Staff Notes:

- COAs mentioned in staff comments are available for review.
- When posting the COA sign for this case, staff observed that the railing on the ramp was not constructed as approved in COA 059-14-CA.
- The locations of property lines and ownership issues are a civil matter outside the jurisdiction of the commission.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Settings	Construct 8'x20' rear deck.
4.1	Decks	

STAFF COMMENTS

Based on the information contained in the amended application:

A. Construction of a rear deck is not incongruous in concept according to *Guidelines* 2.3.2, 2.3.8, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.7; however, the amount of built area **may be** incongruous according to *Guidelines* 2.3.2, 2.3.8, 4.1.8, and the following findings:

1* The foundation of a rear addition approved in June 2014 (COA 059-14-CA) is seen in one of the photos.

2* According to Wake County Real Estate data the lot is about 3,485 SF. The existing house and addition under construction is 1,680 SF; the ramp and side walk are approximately 155 SF for a current built area of 53%. The proposed deck is approximately 182 SF; new built area of 58%. This is a greater built area than most residential character lots in the district.

3* According to Wake County Real Estate data the lot at 321 E Cabarrus Street has a built mass of approximately 53%. Also a small lot, this is the closest comparable lot staff could locate.
4* Architectural drawings of the existing house and proposed deck were included with the application addendum.
5* The new deck extends 8 feet into the rear yard and will be 3-½ feet from the rear property line and fence. It is inset from the north wall of the house by about 6 inches.
6* The application states that the size of the lot is unique in the district, and that no house was found that had a similar situation with the lot lines.
7* The application provides photos of the rear of 322 E Davie Street which has a low rear deck near the property line.

Pending the committee's determination regarding the amount of built area, staff recommends that the committee approve the amended application, with the following conditions:

1. That the width of the deck be reduced by 5 feet.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments.

Support:
Ms. Rosalind Blair [affirmed] was present to speak in support of the application. Ms. Blair asked if staff's suggestion was that instead of the deck being 20 feet wide it would be 15 feet. Ms. Tully confirmed, noting that the commission had the option of another number or no reduction. Ms. Blair requested that the reduction be only 3 feet.

Opposition:
Mr. Matt Harper [affirmed] was present to speak in opposition to the application.

Mr. Harper stated that the commission asked for three things, the elevation, the deck in relation to the property lines and proof that the deck does not increase the built to vacant area. Mr. Harper pointed out guideline 4.1.3 and that the design of the deck looks like something that would be done for a code official rather than designed. Mr. Harper said that no screening is under the porch to tie it in as stated in 4.1.5. Mr. Harper stated that because of the height and location of the deck right on the property line, it is visually intrusive in conflict with guideline 4.1.7. Mr. Harper expressed his concern is that it looks down on other people's property from Cabarrus Street and his concern with setting a precedent. Referencing guideline 4.1.8, Mr. Harper corrected that per his research, the built area is around 63% while most properties in the district are 30-40%. He added that that the property's square footage is 3,200.

Responses and Questions:
Ms. Blair said that screening was intended and was left off the drawing.

Ms. Tully clarified that the square footage Mr. Harper used is from iMaps, while hers was from the Wake County Real Estate data and neither one is legally binding. Ms. Tully stated that the point Mr. Harper is making that it is a lot of coverage and this is the first deck this high in the district. Ms. Tully added that screening is typically required but that the commission has historically not required screening when there is a normal height door for access beneath. Ms. David agreed they have done that in some cases.

At Ms. Caliendo's suggestion Mr. Smith moved that the public testimony portion of the hearing be closed. Mr. Davis seconded; motion carried 5/0.

Committee Discussion

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

The issues seem to be the lot of coverage, screening and being able to see the deck from Cabarrus. [Caliendo]
It is at the back of the house in an inconspicuous location. A lot of decks are just like this. Screening under the deck is usually required and is appropriate in this instance. [David]

Findings of Fact and Conclusions of Law

Mr. Davis 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, with the modifications and additions as listed below:

A. Construction of a rear deck is not incongruous in concept according to *Guidelines* 2.3.2, 2.3.8, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.7, 4.1.8, and the following findings:

1* The foundation of a rear addition approved in June 2014 (COA 059-14-CA) is seen in one of the photos.

2* According to Wake County Real Estate data the lot is about 3,485 SF. The existing house and addition under construction is 1,680 SF; the ramp and side walk are approximately 155 SF for a current built area of 53%. The proposed deck is approximately 182 SF; new built area of 58%. This is a greater built area than most residential character lots in the district.

3* According to Wake County Real Estate data the lot at 321 E Cabarrus Street has a built mass of approximately 53%. Also a small lot, this is the closest comparable lot staff could locate.

4* Architectural drawings of the existing house and proposed deck were included with the application addendum.

5* The new deck extends 8 feet into the rear yard and will be 3-½ feet from the rear property line and fence. It is inset from the north wall of the house by about 6 inches.

6* The application states that the size of the lot is unique in the district, and that no house was found that had a similar situation with the lot lines.
7* The application provides photos of the rear of 322 E Davie Street which has a low rear deck near the property line.

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

Decision on the Application

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

1. That the width of the deck be reduced by 5 feet.
2. That the underside of the deck be screened with details and specifications to be provided to and approved by staff prior to installation.

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

Committee members voting: Caliendo, David, Davis, Smith, Webb.

Certificate expiration date: 6/7/16.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

162-15-CA 5 W HARGETT STREET
Applicant: MATTHEW KONAR ARCHITECT FOR RALEIGH RAW
Received: 10/19/2015 Meeting Date(s):
Submission date + 90 days: 1/17/2016 1) 12/7/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: RALEIGH BANKING & TRUST COMPANY BUILDING
Zoning: BUS, DOD
Nature of Project: Remove non-historic storefront and metal overhang; install new storefront with glass bulkhead.
Amendments: Additional photos provide by the applicant are attached to these comments.
Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
3.9	Storefronts	Remove non-historic storefront and metal overhang; install new storefront with glass bulkhead.

STAFF COMMENTS

Based on the information contained in the application:

A. Removal of non-historic storefront and metal overhang; installation of new storefront is not incongruous in concept according to *Guidelines* 3.9.1, 3.9.6, 3.9.7, 3.9.11, 3.9.14; however a glass bulkhead **may be** incongruous according to *Guidelines* 3.9.6 and the following findings:

1* The existing storefront is not historic. Except for the main entrance on Hargett Street, the 1st level of the building has a non-historic metal storefront.

2* There is no specific information about the treatment of historic fabric behind the current storefront. It is unknown exactly what is underneath the upper portion of the existing storefront.

3* The proposed changes maintain the proportions of the historic storefront opening.

4* The proposed storefront has a traditional configuration of a door-to-one-side and windows over a bulkhead. Traditionally, bulkheads were of a solid material such as wood or masonry. The bulkhead is proposed to be clear wire glass like the transom.

5* According to the landmark designation report the 1936 storefronts had low Carrera glass bulkheads with metal trim.

6* According to *Preservation Brief 11 – Rehabilitating Historic Storefronts*, "pigmented glass storefronts, common in the 1930's…was installed against masonry walls with asphaltic

mastic, and a system of metal shelf angles bolted to the walls on three-foot centers" which indicates that the bulkhead was not transparent.

7* Wire glass and metal are traditional storefront materials. The application includes an example of a similar treatment used in a transom at 8 E Hargett Street.

8* Detailed drawings and a photographic example of the proposed storefront are included in the application, but specifications on the folding windows are not.

9* The height of the bulkhead is taller than most, but not excessive at 42".

Pending the committee's determination regarding the appropriateness of the bulkhead material, staff recommends that the committee approve the application, with the following conditions:

1. After removing the metal overhang and prior to construction, the applicant will consult with and received approval from staff on the proposed treatment.
2. That specifications and details for the following be provide to and approved by staff prior to installation:
   a. Folding windows;
   b. Exact glass.
3. That signage be submitted in a new COA application.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. Ms. Tully stated the bulkhead is what is underneath the storefront and the material of the bulkhead is the reason it has come to the commission.

Support:
Mr. Matt Konar [affirmed] was present to speak in support of the application.

Mr. Konar stated he was fine with the recommendations of staff and there were only a few clarifications he had. Mr. Konar clarified that the FDC panel will be maintained as solid. The glazed area under the windows will go up 2 ½ feet. Mr. Konar clarified that they want to make the glazing consistent with the door. Mr. Konar added that they are two channels bolted together that will be exposed when the overhang is removed. A new overhang will be made with materials approved by staff and the landlord at a later time. Mr. Konar stated that for the materials they are looking at a painted steel storefront and if there are cost reasons, aluminum will be used instead. Mr. Konar stated the applicant is asking to use glass that is semi-translucent wire glass above the door and below the folding windows similar to the transom at The Morning Times restaurant. Mr. Konar added that the storefront will step back. Ms. Tully stated that she did not realize that. Ms. Jackson asked if it steps back very far. Mr. Konar said that it would be at the same depth as the current door.

Questions:
Mr. Andy Osterlund [affirmed] was present to speak in to the application. Mr. Osterlund wanted to make a few points of clarification, specifically that the address on the application is wrong.

Ms. Tully noted that this is the historic address of the building.

Mr. Osterlund stated that the landlord's best case is to be able to have a certificate of appropriateness. The owner's goals would be to support the below awning work and the landlord would come back in with the same historic black glass above and below. Mr. Osterlund also clarified that the metal panel on the right will have the same black glass. Mr. Osterlund stated that the landlord intents to scrape off the metal panels but that the awning will be in support with the same fascia and the awning will not be taller, that it will be thinning up to the existing fascia and pulling the bottom of it up while keeping the top line and keep it all as black glass.

Ms. Tully stated that this is not a significant change and noted that the applicant could amend the application by adding this information and that from a quick analysis it would meet the guidelines. Mr. Konar said that the applicant will amend the application.

At Ms. Caliendo's suggestion Ms. Jackson moved that the public testimony portion of the hearing be closed. Mr. Smith seconded; motion carried 6/0.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:
The bulkhead of the storefront is usual solid and lower. [Caliendo]
The wire glass is similar material to what was there. It is glazing glass, not reflective and since it was not completely transparent, it gives it a more solid reading at the bulkhead. [Jackson]
Is it compatible with what it's butting up to? [Davis]
But we do not have clear evidence of what was there, only a hint. [Caliendo]
There is photo evidence of a lower bulkhead. [David]
There is no photo of this actual storefront. [Davis]
Accurate documentation is not available. This proposal is compatible.
There can be amended language to say alteration of storefront surround. [Tully]

Findings of Fact and Conclusions of Law

Ms. Jackson moved that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-9) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Removal of non-historic storefront and metal overhang; installation of new storefront; alteration of storefront surround is not incongruous in concept according to *Guidelines* 3.9.1, 3.9.6, 3.9.7, 3.9.11, 3.9.14:

1* The existing storefront is not historic. Except for the main entrance on Hargett Street, the 1st level of the building has a non-historic metal storefront.

2* There is no specific information about the treatment of historic fabric behind the current storefront. It is unknown exactly what is underneath the upper portion of the existing storefront.

3* The proposed changes maintain the proportions of the historic storefront opening.

4* The proposed storefront has a traditional configuration of a door-to-one-side and windows over a bulkhead. Traditionally, bulkheads were of a solid material such as wood or masonry. The bulkhead is proposed to be clear wire glass like the transom.

5* According to the landmark designation report the 1936 storefronts had low Carrera glass bulkheads with metal trim.

6* According to *Preservation Brief 11 – Rehabilitating Historic Storefronts*, "pigmented glass storefronts, common in the 1930's…was installed against masonry walls with asphaltic mastic, and a system of metal shelf angles bolted to the walls on three-foot centers" which indicates that the bulkhead was not transparent.

7* Wire glass and metal are traditional storefront materials. The application includes an example of a similar treatment used in a transom at 8 E Hargett Street.

8* Detailed drawings and a photographic example of the proposed storefront are included in the application, but specifications on the folding windows are not.

9* The height of the bulkhead is taller than most, but not excessive at 42".

10* A photo of the building from the 1940s was provided.

11* The door is set back from the façade.

12* A rendering of the proposed storefront surround alteration was provided

13* The transom and the bulkhead will be semitransparent wire glass.

The motion was seconded by Mr. Davis; passed 6/0.

<u>Decision on the Application</u>

Following discussion on an initial motion made by Ms. Jackson and seconded by Mr. Davis, Ms. Jackson made an amended motion that the application be approved as amended, with the following conditions:

1. After removing the metal overhang and prior to construction, the applicant will consult with and received approval from staff on the proposed treatment.
2. That for the storefront specifications and details for the following be provided to and approved by staff prior to installation:
   a. Folding windows;
   b. Exact glass;
   c. Plan.

3. That signage be submitted in a new COA application.
4. That details and specifications for the storefront surround be provided to and approved by staff prior to issuance of permits.

Ms. Webb agreed to the changes. The amended motion passed 6/0.

Committee members voting: Caliendo, David, Davis, Jackson, Smith, Webb.

Certificate expiration date: 6/7/16.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

167-15-CA 323 PACE STREET
Applicant: KAREN MORIARTY PENRY
Received: 11/16/2015 Meeting Date(s):
Submission date + 90 days: 2/14/2016 1) 12/7/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Master landscape plan to include: 6' tall wood fence, brick walks, driveway and parking pads, handrails, low stone fireplace, patios, outdoor kitchen, stone seat walls, new planting areas, new trees, new evergreen shrubs (includes changes to previously approved COA)
Conflict of Interest: None noted.
Staff Notes:

- COA 081-14-CA approved construction of a new rear addition with rear deck and chimney, construction of a new garage, porch alterations, some hardscaping, and installation of driveway and parking area in front of garage. The commission denied without prejudice construction of rear yard walls, rear yard outdoor fireplace and rear yard kitchen/grill area.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Master landscape plan to include: 6' tall wood fence, brick walks, driveway and parking pads, handrails, low stone fireplace, patios, outdoor kitchen, stone seat walls, new planting areas, new trees, new evergreen shrubs
2.4	Fences and Walls	6' tall wood fence
2.5	Walkways, Driveways, and Offstreet Parking	stone seat walls, brick walks, driveway and parking pads
4.2	Decks	Rear terrace/deck

STAFF COMMENTS

Based on the information contained in the application:

A. Implementation of master landscape plan to include: 6' tall wood fence, brick walks, driveway and parking pad, low stone fireplace, handrails, patios, terrace/deck outdoor kitchen, stone seat walls, new planting areas, new trees, new evergreen shrubs is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.2, 2.3.7, 2.3.8, 2.3.9, 2.4.8, 2.5.5, 2.5.6,

2.5.7, 4.1.1, 4.1.2, 4.1.5, 4.1.8; however the width of the terrace **is** incongruous according to *Guidelines* 4.1.2 and the following findings:

1* The lot size is 10,454 SF. The footprint of the existing house and addition as constructed is approximately 2,980 SF for a current built mass of 29%. The proposed terrace and hardscape adds approximately 2,330 SF of built area; for total built area of 51%. COA 081-15-CA approved a total built area of 55%.

2* The proposal is a change to the previously approved landscaping as well as the addition of new items.

3* New plantings include evergreen screening along the west fence, a variety of hardwood trees, and planting beds around the lawn.

4* The application includes a tree protection plan to protect existing trees during construction, and to preserve their health following completion.

5* The landscape elements are constructed of traditional materials found throughout the historic district: wood, stone, brick, and gravel. Materials proposed are the same as the approved landscape plan at 315 N Boundary Street (090-03-CA). The application lists what items will be what material.

6* Patterns of use are characteristic as well, with patios, paths, fences, and walls defining circulation and use areas.

7* Existing wood fences will be replaced with those of a lattice top design. A photo of the proposed design is included it is unclear of the fence will be installed using neighbor-friendly design with the structural members facing inward. Fencing will be along property lines as is traditional.

8* The proposed terrace is a revision of the roofless porch approved in COA 081-14-CA. The roofless porch was approved inset 2 feet from the side of the addition; the revised terrace extends beyond the wall of the addition by the depth of the stone wall.

9* Elevation drawings of the proposed deck/terrace are included. The fireplace is proposed to be of stone and is incorporated into a wall on the east side of the terrace. Wood benches are also proposed.

10* Detailed drawings of the driving strips are provided. The front portion of the drive is a brick field; traditionally the driving strips extend to the street.

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

1. That the terrace be inset from the wall of the addition by 2 feet as in approved COA 081-15-CA.
2. That the front portion of the driveway also be driving strips.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. Ms. Tully stated she believed it feels like the terrace will need to be brought in to fit within the width of the house because the approved addition was brought in during a long discussion on size.

Support:
Ms. Karen Moriarty Penry [affirmed] and Ms. Harriet Bellerjeau [affirmed] were present to speak in support of the application. Ms. Penry stated she bought the house from the people who originally got the certificate of appropriateness for the house addition and if the deck is inset as requested, they will have an egress issue if the wall is put there as well. Ms. Penry clarified she was simply trying to accommodate an outdoor space with no walls or a roof. Ms. Penry stated the fireplace is in the outside wall and in order to enjoy it, it needs to sit a little outside the envelope of the house itself and since the building already has its doors and windows there, this seemed to be a better solution to use the space.

Regarding the driveway, Ms. Penry added that she believed that for the transition from the street to the front portion of the driveway, brick pavers would be best. Ms. Bellerjeau said that Pace Street is already very narrow and this would allow the car to get off the street and park there temporarily.

Opposition:
Ms. Gail Wiesner [affirmed] was present to speak in opposition to the application. Ms. Wiesner stated she believed that the design guidelines state that there are no parking pads allowed in front of the houses. Ms. Wiesner added that it was not hard to have offstreet parking but that the brick pavers destroys the entire look of the street and the appearance is the important part of the historic district. Ms. Wiesner affirmed her belief that the parking pad is not congruous.

Responses and Questions:
Mr. Davis questioned how far is it from the edge of the house to the door. Ms. Caliendo stated it was 2-3 feet and asked how high the deck is. Ms. Penry said she would be willing to make the pad brick in keeping with the solid brick driveway approved across the street and that it is the beginning of the driveway. Ms. Bellerjeau said that the parking area in front was no wider than the driveway and is not a parking pad.

Ms. Jackson said that the proposed seatwall is behind the fence.

Ms. Wiesner stated that while the brick would be more attractive it however would increase the impervious area of the site and the predominant drives are continuous strips to the rear.

At Ms. Caliendo's suggestion Ms. Webb moved that the public testimony portion of the hearing be closed. Mr. Davis seconded; motion carried 6/0.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:
The main issue is the terrace. [Caliendo]
Looking at Guideline 4.1.2, the deck is in an inconspicuous location and while it is not inset from the rear corner of the rear side, it is not visible from the street. [Jackson]

The deck is more permanent than the fence. The fireplace is not going to go away very easily. [Davis]
We have been pretty consistent on decks being inset from the house. [David]
Do you consider the seatwall part of the deck? Technically you could say the deck is wood. [Caliendo]
This is stone, not wood. [Davis]
Was the terrace already approved with a certificate of appropriateness? [Smith]
A wooden deck was approved but not a porch with a roof, it had to be inset. [Tully]
It is not visible. [Caliendo]
It is attached to an addition, not the historic house. [Jackson]
Strips are more compatible with the design guidelines. [Davis]
What is the intent of the driveway strips? [Smith]
When driveways were first paved, they just paced the ruts created from the tires. [David]
So the historic style was not solid. [Smith]
Use of the driveway is outside of our purview. [David]
The driveway at 315 Boundary is in the rear yard. [Jackson]
Since I've been here we've required driving strips. [Davis]
If it were inset 6" how do you feel about that? [Caliendo]
It is not unprecedented. [David]

Findings of Fact and Conclusions of Law

Ms. Webb moved that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-10) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Implementation of master landscape plan to include: 6' tall wood fence, brick walks, driveway and parking pad, low stone fireplace, handrails, patios, terrace/deck outdoor kitchen, stone seat walls, new planting areas, new trees, new evergreen shrubs is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.2, 2.3.7, 2.3.8, 2.3.9, 2.4.8, 2.5.5, 2.5.6, 2.5.7, 4.1.1, 4.1.2, 4.1.5, 4.1.8; however the width of the terrace **is** incongruous according to *Guidelines* 4.1.2 and the following findings:

1* The lot size is 10,454 SF. The footprint of the existing house and addition as constructed is approximately 2,980 SF for a current built mass of 29%. The proposed terrace and hardscape adds approximately 2,330 SF of built area; for total built area of 51%. COA 081-15-CA approved a total built area of 55%.

2* The proposal is a change to the previously approved landscaping as well as the addition of new items.

3* New plantings include evergreen screening along the west fence, a variety of hardwood trees, and planting beds around the lawn.

4* The application includes a tree protection plan to protect existing trees during construction, and to preserve their health following completion.

5* The landscape elements are constructed of traditional materials found throughout the historic district: wood, stone, brick, and gravel. Materials proposed are the same as the approved landscape plan at 315 N Boundary Street (090-03-CA). The application lists what items will be what material.
6* Patterns of use are characteristic as well, with patios, paths, fences, and walls defining circulation and use areas.
7* Existing wood fences will be replaced with those of a lattice top design. A photo of the proposed design is included it is unclear of the fence will be installed using neighbor-friendly design with the structural members facing inward. Fencing will be along property lines as is traditional.
8* The proposed terrace is a revision of the roofless porch approved in COA 081-14-CA. The roofless porch was approved inset 2 feet from the side of the addition; the revised terrace extends beyond the wall of the addition by the depth of the stone wall.
9* Elevation drawings of the proposed deck/terrace are included. The fireplace is proposed to be of stone and is incorporated into a wall on the east side of the terrace. Wood benches are also proposed.
10* Detailed drawings of the driving strips are provided. The front portion of the drive is a brick field; traditionally the driving strips extend to the street.
11* The rear doors of the addition are two feet from the corner of the house.

The motion was seconded by Ms. David; passed 5/1 (Ms. Jackson dissenting)

Decision on the Application

Ms. Webb made a motion that the application be approved, with the following conditions:

1. That the terrace be inset from the wall of the addition by 6 inches.
2. That the front portion of the driveway also be driving strips.

The motion was seconded by Mr. Smith; passed 5/1 (Ms. Jackson dissenting).

Committee members voting: Caliendo, David, Davis, Jackson, Smith, Webb.

Certificate expiration date: 6/7/16.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

169-15-CA 311 N BOUNDARY STREET
Applicant: STUART CULLINAN
Received: 11/16/2015 Meeting Date(s):
Submission date + 90 days: 2/14/2016 1) 12/7/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Raleigh Historic Landmark:
Zoning: R-10
Nature of Project: Install driveway in front yard area.
Conflict of Interest: None noted.
Staff Notes:

- The locations of property lines and ownership issues are a civil matter outside the jurisdiction of the commission.
- The boundary of the HOD runs through the middle of the property and the side porch – only the portion within the HOD is subject to COA review.
- COAs mentioned on staff comments are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Install driveway in front yard area.
2.5	Walkways, Driveways, and Offstreet Parking	

STAFF COMMENTS

Based on the information contained in the application:

A. Installation of driveway in front yard area **is** incongruous according to *Guidelines* 2.3.2, 2.5.5, 2.5.7, and the following findings:

1* Two possible layouts are proposed; they are both proposed for the same approximate location.
2* The yard sits up a foot or so from the street – there's no sidewalk.
3* There is an existing curb cut and driveway along the west side of the house that is outside of the HOD.
4* Not all houses in Oakwood have driveways; the traditional location of driveways is along the side of the house, not in the front of the house.
5* Examples of existing driveways and curb cuts were provided in the application:

a. Construction of the house at 528 Elm Street was approved 1987 (COA CAD-87-020) under the earliest set of design guidelines. The gravel driveway was approved with COA CAD-87-136. There are no minutes on file.
b. Construction of the house at 530 Elm Street was approved 1986 under the earliest set of design guidelines. There are no minutes, but based on drawings the location of the curb cur appears to be based on the retention of a tree. The driveway curves so as to terminate near the side of the house.
c. The curb cut at 529 Euclid Street is wide and in front of the house; the driveway is located to the left side of the lot with one of the driving strips partially in front of the house. There is no COA on file.
d. The driveway at 546 Jones Street is centered between the houses in their side yards and only a foot or two in the "front" of the houses.
e. The curb cut at 536 E Jones Street was in place prior to 1993; a COA for installation of the driveway was approved with COA CAD-93-029 under an earlier set of design guidelines; the existing curb cut was a determining factor in the decision.
f. The driveway at 538 E Jones Street is in the side yard of the historic house and partially in front of a non-historic bump-out.
g. The driveways at 112 N East Street and 117 N Bloodworth Street are in the side yards of the houses, not in the front yards.

6* Concrete curb cuts were likely installed prior to designation of the HOD. The width of a curb cut does not guarantee approval of a driveway.

Staff recommends that the committee deny the application.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments.

Support:
Mr. Stuart Cullinan [affirmed] was present to speak in support of the application. Mr. Cullinan passed out additional photos of the site. He stated that he wanted advice on how to put in the driveway. The existing driveway is on the adjacent separate lot. Mr. Cullinan said that he couldn't find examples of entire driveways in front. He noted that there is a huge oak tree in the rear yard so there is no roof for parking there. His examples were for driveways partially in the front yard.

Opposition:
Ms. Gail Wiesner [affirmed] was present to speak in opposition to the application. Ms. Wiesner stated that she agreed with staff. Ms. Wiesner stated that many examples brought up by the applicant were not done with a certificate of appropriateness. She stated her belief that when you pick exceptions as your precedent and use that as a basis to approve applications it causes

rapid change in the districts. Ms. Wiesner stated you would want precedents from historic properties that are contributing and not the exceptions.

Mr. Smith asked if there was an issue with the GIS maps not showing the separate lots. Ms. Leapley stated that the GIS records do not reflect the law and that deeds were the law.

Mr. John Brooks [affirmed] stated that he heard things stated about historic districts that are not true. There was a discussion about driveways and front yards as well as parking pads in front yards. Mr. Books stated the Smith House on N Blount St has the only driveway and parking pad in the front yard. Ms. Tully noted that it was in a different historic district.

Responses and Questions:
Ms. Webb asked if Mr. Cullinan owned the lot. Mr. Cullinan responded he is purchasing it.

Mr. Smith asked if the driveway that was there was being used for that house. Mr. Cullinan stated yes, and that the house is 47' wide. Mr. Davis asked why it cannot be placed on the second lot. Mr. Cullinan stated he wished to build a house on the second lot.

At Ms. Caliendo's suggestion Ms. David moved that the public testimony portion of the hearing be closed. Ms. Webb seconded; motion carried 6/0.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:
This is cut and dry. [Caliendo]
I agree. The driveway at 536 E Jones is the most similar. [Jackson]
Fact number 4 is most relevant. [Davis]

Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application and the public hearing, the committee finds staff comment A. (inclusive of facts 1-6) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Installation of driveway in front yard area **is** incongruous according to *Guidelines* 2.3.2, 2.5.5, 2.5.7, and the following findings:

1* Two possible layouts are proposed; they are both proposed for the same approximate location.

2* The yard sits up a foot or so from the street – there's no sidewalk.

3* There is an existing curb cut and driveway along the west side of the house that is outside of the HOD.

4* Not all houses in Oakwood have driveways; the traditional location of driveways is along the side of the house, not in the front of the house.

5* Examples of existing driveways and curb cuts were provided in the application:

h. Construction of the house at 528 Elm Street was approved 1987 (COA CAD-87-020) under the earliest set of design guidelines. The gravel driveway was approved with COA CAD-87-136. There are no minutes on file.

i. Construction of the house at 530 Elm Street was approved 1986 under the earliest set of design guidelines. There are no minutes, but based on drawings the location of the curb cur appears to be based on the retention of a tree. The driveway curves so as to terminate near the side of the house.

j. The curb cut at 529 Euclid Street is wide and in front of the house; the driveway is located to the left side of the lot with one of the driving strips partially in front of the house. There is no COA on file.

k. The driveway at 546 Jones Street is centered between the houses in their side yards and only a foot or two in the "front" of the houses.

l. The curb cut at 536 E Jones Street was in place prior to 1993; a COA for installation of the driveway was approved with COA CAD-93-029 under an earlier set of design guidelines; the existing curb cut was a determining factor in the decision.

m. The driveway at 538 E Jones Street is in the side yard of the historic house and partially in front of a non-historic bump-out.

n. The driveways at 112 N East Street and 117 N Bloodworth Street are in the side yards of the houses, not in the front yards.

6* Concrete curb cuts were likely installed prior to designation of the HOD. The width of a curb cut does not guarantee approval of a driveway.

The motion was seconded by Ms. Webb; passed 6/0.

<u>Decision on the Application</u>

Ms. David made a motion that the application be denied.

The motion was seconded by Ms. Webb; passed 6/0.

<u>Committee members voting</u>: Caliendo, David, Davis, Jackson, Smith, Webb.

OTHER BUSINESS

1. Design Guidelines Update
2. Committee Discussion
    a. Application Completeness
    b. Meeting Post-Mortem

ADJOURNMENT

The meeting was adjourned at 7:44 p.m.

Elizabeth Caliendo, Chair
Certificate of Appropriateness Committee,
Raleigh Historic Development Commission

Minutes Submitted by:
Tania Tully, Preservation Planner