RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
May 4, 2015

CALL TO ORDER

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

ROLL CALL

Tania Tully, Preservation Planner, called the roll as follows:
Present: Elizabeth Caliendo, Sarah David, Don Davis, Miranda Downer, Laurie Jackson
Alternate Present: Fred Belledin
Staff Present: Tania Tully, Martha Lauer

Approval of the April 6, 2015 Minutes

Ms. Tully noted that there has been a Notice of Intent to Appeal on COA 030-15-CA. Ms. Jackson moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Davis seconded the motion; passed 6/0.

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.

Visitor's/Applicant's Name and Address	Affirmed
Meghan Melo, 215 N East Street 27601	Yes
Jim Melo, 215 N East Street 27601	Yes
David Nightingale, 407 E Jones Street 27601	Yes
Ahren Rittershaus, 521 N East Street 27604	Yes
Brandy Thompson, 1100 Filmore Street 27505	Yes
Ellen Nightingale, 407 E Jones Street 27601	Yes

REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA

Ms. David moved to approve the agenda as printed. Ms. Downer seconded the motion; passed 6/0.

SUMMARY PROCEEDINGS

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following case 045-15-CA for which the Summary Proceeding is made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

045-15-CA 1026 W SOUTH STREET
Applicant: JOSH POULIN
Received: 4/13/2015 Meeting Date(s):
Submission date + 90 days: 7/12/2015 1) 5/4/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Construct 6' tall wood privacy fence in rear yard; construct 64 SF shed in rear yard.
Conflict of Interest: None noted.
Staff Notes:

- When posting the COA sign staff observed that the fence was already constructed. It is the commission's policy that after-the-fact applications are treated as though the work has not been completed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Construct 6' tall wood privacy fence in rear yard; construct 64 SF shed in rear yard
2.4	Fences and Walls	Construct 6' tall wood privacy fence in rear yard
2.6	Garages and Accessory Structures	Construct 64 SF shed in rear yard

STAFF COMMENTS

Based on the information contained in the application:

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

1* The application states that the rear line of the fence will be placed so as to avoid damage to tree roots.

2* Rear yard wood fences are regularly approved in Boylan Heights. A photograph of the existing fence to be matched was included in the application as were the locations and design of the gates.

3* The fence will be installed using neighbor friendly design with structural members facing inward.

B. Construction of 64 SF shed in rear yard is not incongruous in concept according to *Guidelines* sections 2.3.7, 2.6.6, 2.6.7, 2.6.8, and the following findings:

1* The shed is proposed to be located in rear corner of the yard as is traditional.

2* The shed is proposed to be 8'x8' with Masonite siding painted the same color as the house.

3* Masonite often has a smooth side and a textured side. The application does not state which is proposed; the commission has only approved use of the smooth side.

4* That application contains no drawings or other specifications regarding the exterior appearance of the shed.

5* Accessory structures of this size are typically reviewed by staff as Minor Works.

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

1. That the following information regarding the shed be provided to and approved by staff prior to issuance of permits:
   a. Elevation drawings;
   b. Location of trees;
   c. Siding and siding reveal;
   d. Roofing;
   e. Foundation;
   f. Other details as determined by staff based on elevation drawings.

<u>Decision on the Application</u>

There were no objections to approval without a public hearing.

Ms. Jackson moved to approve the application, adopting the staff comments as the written record of the summary proceeding on 045-15-CA. Mr. Davis seconded the motion; passed 6/0.

<u>Committee members voting</u>: Belledin, Caliendo, David, Davis, Downer, Jackson.

<u>Certificate expiration date</u>: 11/4/15.

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: 029-15-CA, 047-15-CA, 048-15-CA and 046-15-CA.

Ms. David moved to recuse Ms. Downer from case 047-15-CA. Mr. Belledin seconded; motion passed 6/0. After the hearing Ms. David moved to readmit Ms. Downer. Ms. Jackson seconded; motion passed 5/0.

Ms. David moved to recuse Mr. Belledin and Ms. Caliendo from case 048-15-CA. Mr. Davis seconded; motion passed 6/0. After the hearing Ms. David moved to readmit Ms. Caliendo. Mr. Davis seconded; motion passed 4/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

029-15-CA 215 N EAST STREET
Applicant: MEGHAN & JIM MELO
Received: 3/16/2015 Meeting Date(s):
Submission date + 90 days: 6/14/2015 1) 5/4/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Remove 2 trees and 1 bush; plant 3 trees and 4 bushes; grade rear yard; remove/relocate rear doors and windows; remove existing rear stairs; construct new rear deck and screened porch.
Conflict of Interest: None noted.
Staff Notes:

- The exact location of property lines, ownership, and legal access to driveways is a civil matter outside of the jurisdiction of the commission.
- The following items are noted to have been installed without COA approval:
  - Gutters
  - Brick planters
  - Replace HVAC unit
- COAs mentioned in comments are available for review.
- After-the-fact work items are reviewed as thought the work has not been completed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Remove 2 trees and 1 bush; plant 3 trees and 4 bushes; grade rear yard; remove existing rear stairs; construct new rear deck and screened porch; install brick planters; relocate HVAC unit.
3.5	Roofs	Install gutters on porch.
3.7	Windows and Doors	Remove/relocate rear doors and windows.
4.1	Decks	Remove existing rear stairs; construct new rear deck.
4.3	New Construction	Remove existing rear stairs; construct new rear deck and screened porch.

STAFF COMMENTS

Based on the information contained in the application:

A. Removal of 2 trees and 1 bush; planting of 3 trees and 4 bushes; grading of rear yard; installation of brick planters; relocation of HVAC unit is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.5, 2.3.7, and the following findings:

1* Tree proposed for removal are proposed to be replaced; locations and species of replacement trees are included in the application.

2* The front yard brick retaining wall was constructed per COA 044-05-MW.

3* Brick planters are seen in the historic district. The site plan shows the planters as extending several feet beyond the existing brick wall; in photos the difference appears to be a few inches.

4* The application states that there will be grading in the rear yard. No information regarding the grading is provided.

5* The HVAC unit is in the same approximate location as the existing.

B. Removal/relocation of rear doors and windows; removal of existing rear stairs; construction of new rear deck and screened porch is not incongruous in concept according to *Guidelines* 2.3.7, 2.3.8, 3.5.8, 3.7.9, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.8, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.9; however the gutters obscure architectural details and are incongruous according to *Guidelines* 3.5.8 and the following findings:

1* There are trees on this and adjacent properties that may be impacted by construction of the addition and the proposed porch is within the critical root zone of a tree; a written description of proposed protection is included, but drawings were not.

2* Based on the application drawings and Wake County Real Estate Data the lot is 5,227 SF. The existing built area including house and porch is about 2,535 SF for 48% lot coverage. The proposed built area including house, porch, and new porch and deck is about 2,649 SF for 51% lot coverage.

3* The proposed new porch is at the rear of the historic house; the roofline is lower than the ridgeline of the existing house and has a gable form. A roof plan is provided in the application.

4* The porch is inset from the walls of the house.

5* Architectural drawings of the existing house and proposed changes were included with the application. The application states that the porch roof will have 12" overhangs to match the existing; a detailed drawing was included. The written description states that the rafters will be exposed and open, but the detailed drawing shows a different condition.

6* A brick patio is proposed under the deck and porch.

7* Screening under the porch is proposed to be sky pencil hollies.

8* Foundation alterations were approved with COA 089-13-MW and 141-13-MW. The same brick is proposed for the brick piers.

9* The application does not clarify how the screening interacts with the railings; typically the railings are on the outside of the screening. Detailed drawings of railings are included.

10* Metal roof specs are included in the application. The proposed product has ripples in the pan. Traditionally standing seam roofs have flat pans. The pan width is not indicated.
11* Based on the application drawings and Wake County Real Estate Data the lot is 5,227 SF. The existing built mass is about 2,535 SF for 48% built mass coverage. The proposed built mass including house and new porch is about 2,587 SF for 49% built mass coverage.

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

1. That details and specifications for the following be provided to and approved by staff prior to issuance of permits:
    a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture;
    b. Eave detail;
    c. Grading.
2. That details and specifications for the following be provided to and approved by staff prior to installation:
    a. Metal roof;
    b. Porch floor material;
    c. Lattice material;
    d. Porch railings.
3. That the screening on the porch be inside the balustrade.
4. That the metal roof have flat pans with no ripples or striations.
5. That the gutters be half-round so as to not obscure the eave details.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. She noted that the installation of gutters, brick planters on the side and replacement of HVAC unit were after-the-fact items noticed by staff and were rolled into the application. She added a reminder that after-the-fact items are reviewed as if the work hasn't been completed and that property lines and use if driveways are a civil matter outside the jurisdiction of the commission.

Support:
Jim and Meghan Melo [affirmed] were present to speak in support of the application.

Mr. Melo said that they are proposing that under the deck be open living area with a patio and without lattice or screening. Ms. Tully noted that the application showed pencil hollies along the side. Mr. Melo said to please strike that – it's a mistake. Ms. Tully explained that the other screening talked about in the conditions has to do with the porch itself – not underneath. Mr. Melo said that they propose to have it open like their neighbor's so that it opens up to the yard. Both neighbors have that.

Mr. Melo said that the application included an eave detail. Ms. Tully noted that the written information and the drawing conflict and that she is looking for clarification (See fact B.5). Mr. Melo said that the inside of the porch would be exposed, but the outside eave would be replicating what they have on the porch.

Referring to the after-the-fact items Mr. Melo said that the HVAC died last summer, so it was replaced exactly where the other unit was. As for the garden beds, there's a lot of vegetation out there and they followed the lines of plantings from the previous owner using brick from what was left over from the foundation repair.

Ms. Caliendo asked if he saw the comments about the gutters. Mr. Melo said that he thought he had applied for those with the COA for the porch. He also wants to look at the historic photos of the house, there's a cove detail that may be original or may have been done by the previous owner.

Opposition:
David Nightingale [affirmed] and Ellen Nightingale [affirmed], both of 407 E Jones Street, were present to speak in opposition to the application.

Mr. Nightingale commented that the design is great and will be an improvement to the house. He stated that his backyard abuts the Melos. He stated that he is here to speak to the after-the-fact issues of the HVAC unit and brick planters. He noted that the placement of the HVAC and planters are in the driveway right-of-way that's shared – it serves 405, 407, and 409 E Jones Street. Mr. Nightingale said that by Mr. Abar's survey (handed to commission), the planters go out to .9 to over a foot into the driveway for about 12 feet, or a 1/3 of the driveway. He added that the HVAC unit is not in the same place and he doesn't understand why the unit has to be so far out. It extends .4 feet into the driveway and is a safety issue. Mr. Nightingale asserted that the location violates Guidelines 2.3.2 and 2.5.5 as obtrusive elements and should be tucked under the porch area and with screening. He wondered if there's a way to add plantings. Mr. Nightingale added that if the COA is approved, the COA committee is giving away the neighbor's property. He did urge the committee to approve the general application.

Ms. Nightingale spoke to the trees. She asked that the tree protection plan include orange fencing around the crepe myrtle area and ensure that debris remain within their property lines. Ms. Nightingale spoke to the planters also noting that historically single lane driveways were shared in the more densely packed neighborhoods. She asked that the committee please preserve that feature to her home referencing Guideline 2.3.2 and the historic relationship between buildings and driveways.

Responses and Questions:

Mr. Melo showed a picture from the original COA application on his iPad (staff passed around the file photo also) that showed the location of the HVAC that he stated to be identical to the

current location. He said that he is working with the adjacent property owner on solving the property line issue.

Ms. David asked if staff thinks it's located in the same place. Ms. Tully said that in looking at the photos, it seems like it's not that far out. She said that when she was out on the site, she didn't note the distance. From what she can tell in her site visit photos it looks like it extends roughly along where the retaining wall but it is not clear. Ms. Tully noted that she looked at it from the perspective of where planters would be historically. She agrees that although the comments about preserving the driveway are important, she doesn't think it's as far out as it's drawn on the site plan in the application. She said that the committee can ask for more information. Both of these items could have been approved at the minor work level, on the other hand, it's here now. The committee can decide what to do. Ms. Caliendo said that when they visited the site they weren't looking at that.

Mr. Melo pointed out where the cinderblock is on the photo, that is where the air conditioning is.

Ms. Caliendo asked staff to verify that they don't have purview over property rights. Ms. Tully concurred. She said that they are trying to have an understanding of where the planters and HVAC unit are in relation to the driveway. All over the district there are issues with property lines running through driveways and even buildings.

The Nightingales stated that their deck has the same open configuration as proposed and was approved with a COA. Ms. Tully noted that there is a distinction between decks where there enough space underneath to stand and where they are lower.

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

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

<u>Committee Discussion</u>

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

Notwithstanding the HVAC and planters, there are issues with screening, porch, gutters, and the metal roof. [Caliendo]
If there is precedent that it was approved under another COA then it has been determined to meet the guidelines. The condition is similar. [Jackson]
The height is a full story, so it's not a strange space, and we've clarification from an adjacent property owner that this is a common condition. [Belledin]
I think that the intent of the guidelines is not to screen usable space, but to screen unusable space. [Davis]

Regarding the gutters, the guidelines are pretty clear (she read 3.5.8) [Caliendo]
The gutters do not meet the guidelines, so unless there is evidence of previous COA… Should we give them time to find this? [Jackson]
The Guidelines say to retain the shape of half-round gutters when they existed previously. [David]
This obscures the architecture [Caliendo]
The Guideline language is not obscured, it's damaged and removed. You heard testimony that the trim detail may not be historic but was installed a by prior owner. You could make a decision one way or another with a condition that it be changed unless a COA is found that shows that the trim is not historic. That is the difference between half-round and K style, more how it's attached and less visual. [Tully]
So it may be an attachment issue and preserving features as opposed to obscuring features. Fred? [Jackson]
I'm inclined to go with staff's recommendation. [Belledin]
Are there details that are being damaged or lost? I would rather see a gutter on a house than not because it preserves house. [David]
Metal roof - any comments on that? [Caliendo]
Agree with staff. [Belledin] [David]
Back to the issue of the HVAC unit and planter. Personally I'm inclined to ask for more documentation and have it come back, because I was not looking at that on my site visit. [Caliendo]
I was not looking at driveway and how it relates to the planter and HVAC. [David]
Agree. [Davis]
To me the question is if the location is in a substantially different place. Unless it is sticking out much further I'm not sure that we can say that it doesn't meet the guidelines. [Belledin]
It is also a question of the impact on the driveway, because it's mostly grass. [David]
I don't believe that the walls have a significant impact on the walls of the house. [Belledin]
The HVAC unit isn't in the driveway tracks for example. [David]

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

PUBLIC TESTIMONY (2)

Ms. Tully suggested rewording comment B. regarding the gutters: that the gutters may be damaging historic architectural details and are incongruous, then add condition such as what she has said. In the pictures that she saw from a prior COA, it's not just a flat board. There is some architectural trim there. Now there is a question of whether that was historic detailing or added in the last 30 years. Typically when gutter applications come in as minor works, if it's a simple eave K-style gutters can be approved. If there are open rafters or architectural details then they should be since straps are used to attach them. She added that there may be a photo from the 1980s in the files showing what was there.

Mr. Melo said that because there used to be yankee gutters the eave is a 6-8″ box then a cove. The gutters were attached to 6″ round gutter. Ms. David clarified that what Mr. Melo referred to as a yankee gutter is what we call a concealed gutter. Mr. Tully added that the concealed gutter was approved to be covered over in a prior COA.

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

There was no further discussion.

Findings of Fact and Conclusions of Law

Following discussion on an initial motion made by Mr. Davis and seconded by Ms. Jackson, Mr. Davis moved that based upon the facts presented in the application and the public hearing, the committee finds staff comments A. (inclusive of facts 1, 2, 4) and B. (inclusive of facts 1-4, 6, 8-11) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Removal of 2 trees and 1 bush; planting of 3 trees and 4 bushes; grading of rear yard; is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.5, 2.3.7, and the following findings:

1* Tree proposed for removal are proposed to be replaced; locations and species of replacement trees are included in the application.

2* The front yard brick retaining wall was constructed per COA 044-05-MW.

3* The application states that there will be grading in the rear yard. No information regarding the grading is provided.

B. Removal/relocation of rear doors and windows; removal of existing rear stairs; construction of new rear deck and screened porch is not incongruous in concept according to *Guidelines* 2.3.7, 2.3.8, 3.5.8, 3.7.9, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.8, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.9; however the gutters may be damaging historic architectural details and are incongruous according to *Guidelines* 3.5.8 and the following findings:

1* There are trees on this and adjacent properties that may be impacted by construction of the addition and the proposed porch is within the critical root zone of a tree; a written description of proposed protection is included, but drawings were not.

2* Based on the application drawings and Wake County Real Estate Data the lot is 5,227 SF. The existing built area including house and porch is about 2,535 SF for 48% lot coverage. The proposed built area including house, porch, and new porch and deck is about 2,649 SF for 51% lot coverage.

3* The proposed new porch is at the rear of the historic house; the roofline is lower than the ridgeline of the existing house and has a gable form. A roof plan is provided in the application.

4* The porch is inset from the walls of the house.

5* Architectural drawings of the existing house and proposed changes were included with the application. The application states that the porch roof will have 12″ overhangs to match the

existing; a detailed drawing was included. The written description states that the rafters will be exposed and open, but the detailed drawing shows a different condition. The applicant stated that the rafters will be exposed inside the porch and the eave will be the detail matching the house.

6* A brick patio is proposed under the deck and porch.

7* No screening is proposed under the porch. There is a full story under the porch; photos of adjacent properties with the same condition were provide in the application and a neighbor confirmed that their deck was approved without screening in a prior COA.

8* Foundation alterations were approved with COA 089-13-MW and 141-13-MW. The same brick is proposed for the brick piers.

9* The application does not clarify how the screening interacts with the railings; typically the railings are on the outside of the screening. Detailed drawings of railings are included.

10* Metal roof specs are included in the application. The proposed product has ripples in the pan. Traditionally standing seam roofs have flat pans. The pan width is not indicated.

11* Based on the application drawings and Wake County Real Estate Data the lot is 5,227 SF. The existing built mass is about 2,535 SF for 48% built mass coverage. The proposed built mass including house and new porch is about 2,587 SF for 49% built mass coverage.

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

Decision on the Application

Following discussion on an initial motion made by Mr. Davis and seconded by Ms. Jackson, Mr. Davis made an amended 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 issuance of permits:
    a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture;
    b. Grading.
2. That details and specifications for the following be provided to and approved by staff prior to installation:
    a. Metal roof;
3. That the screening on the porch be inside the balustrade.
4. That the metal roof have flat pans with no ripples or striations.
5. That the gutters be half-round so as to not damage historic eave details unless installation details show that there is no damage, gutters were approved under a previous COA, or there is evidence that the eave details are not historic with information to be provided to and approved by staff.

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

Committee members voting: Belledin, Caliendo, David, Davis, Downer, Jackson.

Certificate expiration date: 11/4/15.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

047-15-CA 521 N EAST STREET
Applicant: AHREN & KATIE RITTERHAUS
Received: 4/15/2015 Meeting Date(s):
Submission date + 90 days: 7/14/2015 1) 5/4/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Replace gravel driveway with permeable concrete pavers.
Conflict of Interest: Ms. Downer lives within 100 feet of the property. Ms. David moved to recuse Ms. Downer. Mr. Belledin seconded; motion passed 6/0.
Staff Notes:

- COA files mentioned in the comments are available for review.
- Staff photos of nearby driveways are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3 2.5	Site Features and Plantings Walkways, Driveways, and Offstreet Parking	Replace gravel driveway with permeable concrete pavers

STAFF COMMENTS

Based on the information contained in the application:

A. Replacement of gravel driveway with permeable concrete pavers is not incongruous in concept according to *Guidelines* 2.3.4, 2.3.7, 2.5.2, 2.5.5, 2.5.6, 2.5.9; however the use of concrete pavers **may be** incongruous according to *Guidelines* 2.5.5, and the configuration of the driveway is incongruous according to *Guidelines* 2.5.5 and the following findings:

1* There are multi-stemmed trees along the north side of the driveway where the pavers are proposed to be installed.

2* The application states that at each end of the driveway there will be manual excavation to avoid damage to tree roots, but for the bulk of the driveway the existing gravel will be used to raise the driveway up to avoid tree roots. It is unclear how this will affect the adjacent house foundation.

3* A portion of the driveway at 604 Oakwood Avenue was approved to be paved with brick shaped concrete pavers under COA 042-14-CA. This application is requesting the same pavers. Photos of the recently installed pad were included in the application. The color of

what was installed seemed lighter than what was approved; additional photos of the completed project are attached to these comments.

4* Facts from the approval of COA 042-14-CA:
   a. The current driveway is dirt and gravel; the portion towards the rear of the lot is proposed to be replaced with traditional concrete driving strips. The portion closest to the street is proposed to be replaced with a slightly larger area paved with permeable concrete pavers.
   b. The proposed pavers are of traditional brick shape and dimension and a red-black blend color. Samples were provided at the hearing.
   c. The spaces between the bricks in driveways are typically filled with sand; the pavers will have open gaps.
   d. The pavers appear close-up to be similar to brick in material, dimension, and color. They will be installed very close together and will have no noticeable difference from brick.

5* The application is proposing a solid paver driveway to replace the current gravel. Drawings were included in the application.

6* Driveways in the vicinity of the application are traditional driving strips. Per page 16 of the *Guidelines:* "Typically, driveways were made of gravel or compacted soil. Often a grass median separated two gravel or aggregate textured concrete runners. Occasionally, more decorative brick or stone pavers were used."

7* The color of the proposed paver is red/grey flashed; a sample is not provided.

Pending the committee's determination regarding the use of the concrete pavers, staff recommends that the committee approve the application, with the following condition:

1. That the driveway be driving strips with the exact design to be provided to and approved by staff prior to issuance of permits.
2. That material samples be provided to and approved buy staff prior to installation.
3. That the driveway not immediately abut the house.

PUBLIC TESTIMONY

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

Support:
Ahren Rittershaus [affirmed] was present to speak in support of the application. Mr. Rittershaus stated that the driveway slopes down into the back yard, but can't grow grass because of the drainage. The debris from trees is overlying driveway and it becomes a big mudpit in the back yard. (He distributed photos of the rear yard) He stated that they would like it to be solid, and these are permeable pavers that will hopefully hold some of the water. They will then do a channel drain that will get water to the back of the property.

Mr. Belledin asked if solid brick driveways been approved in Oakwood. Ms. Tully said yes, they have been in clusters. There are driving strips near here – some with concrete driving strips with brick between them. There are some solid brick drives up towards Lane and Jones Streets. Mr. Belledin noted that there is a solid one 4 houses up, and Sarah's, and the last house on the 500 block of Bloodworth. The guidelines say "occasionally." Ms. Tully added that with the product that was approved a few months ago, it does it may look enough like brick for you to be comfortable with it to be interchangeable with brick. It looks lighter in the photos.
There was no one else present to speak in favor of or in opposition to the application.

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

Committee Discussion

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

There are two issues. Are we still comfortable with the material and the color [Belledin] and are we okay with solid pavers as opposed to strips? [Caliendo]
The material is congruous with the guidelines. [Davis]
I'm fine with the material and color. [Caliendo]
In terms of spaces between bricks, is it somewhat tighter with less space? In effect are they asking for the same application as what is in the picture? [Jackson]
Yes. [Tully]
Do we want this to become standard? [Davis]
How long are other driveways? [Caliendo]
The last one approved was pavers to strips. [Jackson]
I'm more comfortable doing strips than solid driveway. [Davis]

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

PUBLIC TESTIMONY (2)

Ms. Tully explained that with 604 Oakwood, the front portion was solid pavers that then converted to strips. It is also not uncommon for driveways to start as strips and move to a parking pad. This is similar to the way we have lower fences in the front. Solid for the whole length seems inappropriate.

Ms. David said that it could be pavers with gravel between or concrete with pavers between. Ms. Jackson acknowledged that they did not need to redesign on the spot, but finds that a 60' length is quite long and doesn't meet the Guidelines. Mr. Belledin said he agreed with staff. Ms. David noted that the incline was gentle. Mr. Belledin said that they could establish how far the

driveway strips needed to go to preserve the historic character of the streetscape and then let staff work out materials. He proposed the front wall of house as far enough.

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

Committee Discussion

Based on the survey provided, it looks like it is about 24' from the property line to the front wall of the house. [Jackson]
I am comfortable with that. [Caliendo]
I agree that strips to the front of the house would meet the guidelines. [David]

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 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Replacement of gravel driveway with permeable concrete pavers is not incongruous in concept according to *Guidelines* 2.3.4, 2.3.7, 2.5.2, 2.5.5, 2.5.6, 2.5.9; however the configuration of the driveway is incongruous according to *Guidelines* 2.5.5 and the following findings:

1* There are multi-stemmed trees along the north side of the driveway where the pavers are proposed to be installed.

2* The application states that at each end of the driveway there will be manual excavation to avoid damage to tree roots, but for the bulk of the driveway the existing gravel will be used to raise the driveway up to avoid tree roots. It is unclear how this will affect the adjacent house foundation.

3* A portion of the driveway at 604 Oakwood Avenue was approved to be paved with brick shaped concrete pavers under COA 042-14-CA. This application is requesting the same pavers. Photos of the recently installed pad were included in the application. The color of what was installed seemed lighter than what was approved; additional photos of the completed project are attached to these comments.

4* Facts from the approval of COA 042-14-CA:
   a. The current driveway is dirt and gravel; the portion towards the rear of the lot is proposed to be replaced with traditional concrete driving strips. The portion closest to the street is proposed to be replaced with a slightly larger area paved with permeable concrete pavers.
   b. The proposed pavers are of traditional brick shape and dimension and a red-black blend color. Samples were provided at the hearing.
   c. The spaces between the bricks in driveways are typically filled with sand; the pavers will have open gaps.

d. The pavers appear close-up to be similar to brick in material, dimension, and color. They will be installed very close together and will have no noticeable difference from brick.

5* The application is proposing a solid paver driveway to replace the current gravel. Drawings were included in the application.

6* Most driveways in the vicinity of the application are traditional driving strips. There are other solid brick driveways in the vicinity that are shorter in length than the proposal. Per page 16 of the *Guidelines:* "Typically, driveways were made of gravel or compacted soil. Often a grass median separated two gravel or aggregate textured concrete runners. Occasionally, more decorative brick or stone pavers were used."

7* The color of the proposed paver is red/grey flashed; a sample was provided at the hearing.

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

Decision on the Application

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

1. That the driveway be driving strips to at least the front wall of the house with the exact design to be provided to and approved by staff prior to issuance of permits.
2. That the driveway not immediately abut the house.

The motion was seconded by Mr. Davis; passed 4/1 (Mr. Belledin opposed).

Committee members voting: Belledin, Caliendo, David, Davis, Jackson.

Certificate expiration date: 11/4/15.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

048-15-CA 120 E EDENTON STREET
Applicant: BRANDY THOMPSON
Received: 4/15/2015 Meeting Date(s):
Submission date + 90 days: 7/14/2015 1) 5/4/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: CAPITOL SQUARE HISTORIC DISTRICT
Zoning: DOD, O&I-2
Nature of Project: Remove sidewalks along E Edenton Street, S Wilmington Street, and New Bern Place; remove 5 trees along E Edenton Street; construct new 14' wide sidewalk.
Conflict of Interest: Mr. Belledin and Ms. Caliendo are employees of Clearscapes, the architecture firm on the project. Ms. David moved to recuse Mr. Belledin and Ms. Caliendo. Mr. Davis seconded; motion passed 6/0.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.1	Public Rights-of-Way and Alleys	Remove sidewalks along E Edenton Street, S Wilmington Street, and New Bern Place; remove 5 trees along E Edenton Street; construct new 14' wide sidewalk.

STAFF COMMENTS

Based on the information contained in the application:

A. Removal of sidewalks along E Edenton Street, S Wilmington Street, and New Bern Place; removal of 5 trees along E Edenton Street; construction of new 14' wide sidewalk is incongruous according to *Guidelines* 2.1.1, 2.1.2, 2.1.8, and the following findings:

1* The block proposed for changes is in the original Christmas plan and contains the Raleigh Historic Landmark Christ Episcopal Church.

2* Existing sidewalks are 5 feet, 12 feet, and 6 feet in width with some being brick and some being concrete.

3* There are locations along Edenton and Wilmington Streets where a widened sidewalk would intersect with the historic building. Existing street trees would also need to be removed to accommodate a widened sidewalk.

4* The application contains no evidence to support why the proposed changes meet the Guidelines.

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:
Brandy Thompson [affirmed] was present to speak in support of the application. She explained that the application to widen the sidewalk is based on code requirements and requested that the committee find that the 14' sidewalks are incongruous with the historic district. This is procedural.

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

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

Committee Discussion

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

I agree with staff. All of the existing sidewalks and plantings are major contributors to the character of the historic district. The Design Guidelines say that is not appropriate to pave over these plantings. [Jackson]
Particularly on the Edenton Street side close to the building. [David]

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, 3-6) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Removal of sidewalks along E Edenton Street, S Wilmington Street, and New Bern Place; removal of 5 trees along E Edenton Street; construction of new 14' wide sidewalk is incongruous according to *Guidelines* 2.1.1, 2.1.2, 2.1.8, and the following findings:

1* The block proposed for changes is in the original Christmas plan and contains the Raleigh Historic Landmark Christ Episcopal Church.

2* Existing sidewalks are 5 feet, 12 feet, and 6 feet in width with some being brick and some being concrete.

3* There are locations along Edenton and Wilmington Streets where a widened sidewalk would intersect with the historic building. Existing street trees would also need to be removed to accommodate a widened sidewalk.

4* The application contains no evidence to support why the proposed changes meet the Guidelines.

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

Decision on the Application

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

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

Committee members voting: David, Davis, Downer, Jackson.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

046-15-CA 705 W SOUTH STREET
Applicant: ERIC DEAN SCOTT PAHL
Received: 4/14/2015 Meeting Date(s):
Submission date + 90 days: 7/13/2015 1) 5/4/2015 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: R-10
Nature of Project: Construct 6' tall wood privacy fence in rear yard; construct 3' tall wood picket fence in front yard; construct low railroad tie retaining wall along side yard; install gutters and downspouts; remove dead and dangerous tree.
Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	Construct 6' tall wood privacy fence in rear yard; construct 3' tall wood picket fence in front yard; construct low railroad tie retaining wall along side yard; remove dead and dangerous tree.
2.4	Fences and Walls	Construct 6' tall wood privacy fence in rear yard; construct 3' tall wood picket fence in front yard; construct low railroad tie retaining wall along side yard
3.5	Roofs	install gutters and downspouts

STAFF COMMENTS

Based on the information contained in the application:

A. Construction of 6' tall wood privacy fence in rear yard; construction of 3' tall wood picket fence in front yard; construction of low railroad tie retaining wall along side yard; removal of dead and dangerous tree is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.5, 2.3.7, 2.4.8, 2.4.11; however the use of railroad ties is incongruous according to *Guidelines* 2.4.8 and the following findings:

1* One tree is proposed to be removed due to construction of the retaining wall; the exact tree is not noted and a replacement tree is not proposed. No information regarding the health of the tree is provided.

2* There are trees along the sides of the property will fencing is proposed. Tree protection is not provided.

3* Wood fences are regularly approved in Boylan Heights. Locations of fences and wall are generally located on photographs, but a plan clearly indicating the locations is not included in the application.
4* A photograph of the proposed front yard picket design was included in the application; the design of the privacy fence is not stated. The application does not state that the fence will be installed using neighbor friendly design with structural members facing inward as is typical.
5* Retaining walls are commonly found adjacent sidewalks in Boylan Heights. They are typically constricted of stone or concrete block.

B. Installation of gutters and downspouts is not incongruous in concept according to *Guidelines* 3.5.8 and the following findings:
1* Metal gutters and downspouts are proposed and locations generally noted. Downspouts will not be on the streetside elevations.
2* It is unclear exactly where the downspouts are proposed and whether or not they will be painted to match the surface behind them.

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

1. That the gutters and downspouts be painted to match the trim or wall to which they are adjacent.
2. That the fences be installed using neighbor friendly design with structural members facing inward.
3. That fence holes be dug by hand and located to avoid damage to tree roots and that roots larger than 1" caliper be cut cleanly using proper tools such as loppers.
4. That for the fencing the following be provided to and approved by staff prior to issuance of permits:
   a. Privacy fence style;
   b. Plan locating fence and gates;
   c. Gate styles if different than fence panels.
5. That the retaining wall not be constructed of railroad ties with the exact material to be provided to and approved by staff prior to issuance of permits.
6. That for the wall the following be provided to and approved by staff prior to issuance of permits:
   a. Revised drawing with new material;
   b. Tree proposed for removal;
   c. Replacement tree species and location.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. The major issue is the material of the retaining wall and also tree protection.

There was no present to speak in support of or in opposition to the application.

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

Committee Discussion

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

I agree with staff's comments and conditions. Railroad ties are clearly incongruous. The character of the district itself does not lend itself to railroad ties. [Jackson]
We have enough information. [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 comments A. (inclusive of facts 1-5) and B. (inclusive of facts 1-2) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Construction of 6' tall wood privacy fence in rear yard; construction of 3' tall wood picket fence in front yard; construction of low railroad tie retaining wall along side yard; removal of dead and dangerous tree is not incongruous in concept according to *Guidelines* 2.3.1, 2.3.5, 2.3.7, 2.4.8, 2.4.11; however the use of railroad ties is incongruous according to *Guidelines* 2.4.8 and the following findings:

1* One tree is proposed to be removed due to construction of the retaining wall; the exact tree is not noted and a replacement tree is not proposed. No information regarding the health of the tree is provided.

2* There are trees along the sides of the property will fencing is proposed. Tree protection is not provided.

3* Wood fences are regularly approved in Boylan Heights. Locations of fences and wall are generally located on photographs, but a plan clearly indicating the locations is not included in the application.

4* A photograph of the proposed front yard picket design was included in the application; the design of the privacy fence is not stated. The application does not state that the fence will be installed using neighbor friendly design with structural members facing inward as is typical.

5* Retaining walls are commonly found adjacent sidewalks in Boylan Heights. They are typically constricted of stone or concrete block.

B. Installation of gutters and downspouts is not incongruous in concept according to *Guidelines* 3.5.8 and the following findings:

1* Metal gutters and downspouts are proposed and locations generally noted. Downspouts will not be on the streetside elevations.
2* It is unclear exactly where the downspouts are proposed and whether or not they will be painted to match the surface behind them.

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

Decision on the Application

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

1. That the gutters and downspouts be painted to match the trim or wall to which they are adjacent.
2. That the fences be installed using neighbor friendly design with structural members facing inward.
3. That fence holes be dug by hand and located to avoid damage to tree roots and that roots larger than 1" caliper be cut cleanly using proper tools such as loppers.
4. That for the fencing the following be provided to and approved by staff prior to issuance of permits:
   a. Privacy fence style;
   b. Plan locating fence and gates;
   c. Gate styles if different than fence panels.
5. That the retaining wall not be constructed of railroad ties with the exact material to be provided to and approved by staff prior to issuance of permits.
6. That for the wall the following be provided to and approved by staff prior to issuance of permits:
   a. Revised drawing with new material;
   b. Tree proposed for removal;
   c. Evidence that the tree is dead, diseased, or dangerous;
   d. Replacement tree species and location.

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

Committee members voting: Caliendo, David, Davis, Downer, Jackson, McGorty.

Certificate expiration date: 11/4/15.

OTHER BUSINESS

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

ADJOURNMENT

The meeting was adjourned at 5:58 p.m.

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

Minutes Submitted by:
Tania Tully, Preservation Planner