RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
January 26, 2017

CALL TO ORDER

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

ROLL CALL

Teresa Young called the roll as follows:
Present: Elizabeth Caliendo, Sarah David, Don Davis, John Hinshaw, Jimmy Thiem
Alternate Present: Caleb Smith
Staff Present: Tania Tully, Melissa Robb, Martha Lauer; Francis P. Rasberry, Jr., Attorney

Approval of the December 22, 2016 Minutes

Mr. Thiem moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Smith 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
Brett Hanna, 434 Fayetteville Street 27601	Yes
Dan Becker, 1807 Wills Avenue 27608	Yes
Ben Kuhn, 1223 Pierce Street 27605	Yes
Gary Murphy, 514 ½ Cole Street 27605	Yes
Chrissy Gupton, 514 Cole Street 27605	Yes
Corbett Gupton, 514 Cole Street 27605	Yes
Phillip Poe, , 620 Devereux Street 27605	Yes
Robert Kissee, 508 Cole Street 27605	Yes
Emily Kissee, 508 Cole Street 27605	Yes
Meg McLaurin, 511 Hillsborough Street 27603	Yes
Gail Wiesner, 515 Euclid Street 27604	Yes
David Maurer, 115.5 E Hargett Street 27601	Yes
Jim Southern, 15 E Martin Street 27601	Yes
Lisa Southern, 15 E Martin Street 27601	Yes
Steve Schuster, 311-200 W Martin Street 27601	Yes
Chris Alexander, 1131 Marshall Street 27601	Yes
Andrew Rook, 4104 Huckleberry Drive 27612	Yes
William Neal 1114 East Lane Street 27601	

Joyce Kelly, 208 N State Street 27601
Marshall Harvey, 2613 Wycliff Road 27607
Judy Payne 1105 W Lenoir Street 27603
Dru McGill, 2845 O'Berry Street 27607
Alicia McGill, 2845 O'Berry Street 27607
Aaliyah Blaylock, 206 Idlewild Avenue
Octavia Rainy, 1516 E Lane Street
Erika Mess, 113 S Wilmington Street
Corey Mason, 724 Brighton Road
Alee Craven, Sr, 269 Jamison Drive 27610
Tim Hazlehurst, 201 E Hargett Street 27601
B Edward Jones, 218 Heck Street 27601
Molly McKinley, 140 Levister Ct Apt 205 27601
Brandi Delany, 620 Delany Drive 27601
George L. Saunders 1203 E Lane Street
Trashanna Shelton, 102 Brampton Lane 27513
Irene Rusnak, 2305 Tiltonshire Lane 27534
Hayes Perman, 104 Summit Avenue 27603

APPROVAL OF AGENDA

Mr. Theim moved to approve the agenda as printed. Mr. Smith seconded the motion; passed 6/0.

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: 163-16-CA, 001-17-CA, 003-17-CA, 004-17-CA and 006-17-CA.

Without being heard and with the permission of the applicants, Mr. Davis moved to defer cases 002-17-CA and 005-17-CA to the next meeting; Mr. Thiem seconded; motion carried 6/0.

Elizabeth Caliendo left the meeting at ???? prior to hearing Case 001-17-CA

Case 089-16-CA: Ms. Tully stated that the partially approved case for the property was approved in October 2016 and the applicant is still awaiting someone on the design and the applicant is requesting deferral. Ms. David made a motion to defer the case until the next meeting; Mr. Hinshaw seconded; motion carried 5/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

163-16-CA 514 COLE STREET
Applicant: GUPTON BUILT LLC
Received: 10/10/2016 Meeting Date(s):
Submission date + 90 days: 1/8/2017 1) 12/22/2016 2) 1/26/2017 3)

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT
Zoning: Streetside HOD
Nature of Project: Construct new 2-car garage [partial after-the-fact]
Amendments: Revised drawings were received 1/23/17 and are attached.
Conflict of Interest: None noted.
Staff Notes:

- The Glenwood-Brooklyn Historic District is a Streetside HOD.
- Section 5.4.2.B. of the Unified Development Ordinance governs the applicability of the COA process in Streetside HODs. The entirety of any new accessory building construction located in whole or in part in areas Sec. 5.4.2.B.2.b. through Sec. 5.4.2.B.2.d. requires a COA. The proposed garage is located within the area described in 5.4.2.B.b. – the lot area between the public rights-of-way and the facade of any existing primary building or structure. Both Cole Street and Wade Avenue are public rights-of-way.
- COA cases mentioned are available for review.
- After-the-fact applications are reviewed as though the work has not commenced.
- The Glenwood-Brooklyn Streetside HOD took effect April 4, 2016. A building permit application for the garage was filed April 27, 2016 and issued May 20, 2016. A stop work order was issued September 9, 2016.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.6	Garages and Accessory Structures	Construct new 2-car garage

STAFF REPORT

Because of the anticipated additional evidence to be provided at the hearing, the staff report is less dense than typical. Staff is offering no recommendation with regard to congruity. The following is based on the information contained in the amended application and staff's evaluation.

A. *Guidelines* 2.6.6, 2.6.8, 2.6.9, and 2.6.10 are relevant to construction of a new 2-car garage. The following is a list of potential facts.

1* The 2-story frame house at 514 Cole Street, constructed in 2016 prior to district designation, is a non-contributing resource in the Glenwood-Brooklyn Historic District.

2* The garage is located at the end of the driveway which is typical in placement for the historic district.

3* Most lots in Glenwood-Brooklyn are rectangular in shape – deep and narrow. 514 Cole Street is atypical in shape – roughly diamond shaped. It accesses Cole Street via a long driveway. The bulk of the lot sits at the rear of 506, 508, 510, and 512 Cole Street.

4* The lot slopes down from Cole Street to a level area at the house where there is a steep drop to Wade Avenue.

5* The garage sits askew to the house, which sits askew to the property lines. The garage is oriented at a right angle to the property line parallel to Cole Street.

6* The 2015 update of the district designation did not include an inventory of accessory buildings. The 2002 National Register Nomination did include an inventory.

7* The application provides photos of multiple non-historic 2-level accessory buildings in the historic district. A single two-bay 1-story, historic garage was also included. All, but one are located to the rear of the main house and oriented at a right angle to the houses and the side property lines.

8* As measured from the grade at the driveway to the ridge, the garage is proposed to be approximately 24 to 25 feet in height. It is 26 feet wide and 24 feet deep.

9* Due to the grade of the lot, the rear of the garage has a 6-1/2 foot tall concrete foundation wall. The finish of the foundation is unclear.

10* The proposed garage has a symmetrical front gable roof with the 2nd level created through the use of dormers. It is shorter than the main house.

11* The drawings show the general location and size of window and door trim; details and specifications were not included in the application; wood windows and doors are typical for the historic district.

12* The north side of the garage shows a person door, but no indications of stairs.

13* Proposed materials are as follows:

a. Siding - 6" LP Smart smooth siding with a 5" reveal to match existing house.
b. Shingles - Certain Teed Landmark Moire Black lifetime shingle 50 year to match existing house.
c. Windows – 1/1 PlyGem Pro Series 200 Double Hung with 3-1/2" casing (details and specifications were not provided).
d. Other – Windows on the south and east sides are proposed to be faux windows with the appearance of closed shutters. The shutters are proposed to be wood in a louver design.
e. Pedestrian door - Jeldwen 2/8 x 6/8 24 gauge metal half glass door with 3-1/2" casing (details and specifications were not provided).
f. Garage door – Specifications and details were not provided.

14* Windows are drawn with trim on all three sides of the window with a sill at the bottom; specifications and details were not included in the application.

Staff offers no suggested action.

Should the commission approve the application, staff offers the following suggested conditions:

1. That there be two garage bay doors rather than one.
2. That specifications and details for the following be provided to and approved by staff prior to construction/installation:
    a. Side door stairs;
    b. Garage door;
    c. Faux windows.
3. That specifications and details for the following be provided to and approved by staff prior to the issuance of the blue placard:
    a. Windows.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully stated attached to the staff report is a backup for 514 Cole Street and reminded the commission that the street side district is different from the general historic districts in what areas are subject to review. Ms. Tully stated the property is considered a through lot with 2 primary rights-of-way. The application is after-the-fact and reviewed as if the work has not been completed. Ms. Tully stated the revised drawings and photographs were provided by the applicant and due to the additional anticipated information, staff is offering no recommended decision.

Mr. Francis Rasberry reminded the committee of the legal issues addressed at the November meeting and summarized them for the committee. He passed out a memo to the committee and applicants that addressed questions. This was to serve as reference for the committee members regarding the positions and interpretations that city staff have put together and which he understood the committee to agree with. Mr. Rasberry stated that the attorneys present may raise some issues with this case and the parties present may not agree with the interpretations in the memo.

Ms. Caliendo stated the committee's role is determining if the proposed structure is congruous and that the congruity may differ from the underlying zoning. Mr. Rasberry stated that some of the issues in this case involve zoning standards established by the committee in the COA application. Mr. Rasberry stated any height and setbacks and other standards are under these Guidelines.

Support:
Mr. Brett Hanna [affirmed] was present to speak in support of the application. Mr. Hanna stated he was an attorney representing the applicants, the Gupton family. He stated the house

was built prior to the overly district being put up and a permit was issued for the house in May 2016. The property did not go through the COA process until they were informed by the city that it was required. Mr. Hanna stated immediately they stopped the work and began working on the design to make sure it went with the district requirements. Mr. Hanna reiterated that the Guptons have done everything that was asked of them. Mr. Hanna passed out a notebook with additional information to the committee regarding the application. The notebook included….

Mr. Hanna introduced Mr. Dan Becker [affirmed] as an expert witness for the applicant. Mr. Becker gave his background credentials which included 4 years at Miami University with a degree in architecture, historic preservation and a list of all the projects he had completed including 25 years as the Director of the Raleigh Historic Development Commission, drafting the 1993 Preservation Update, 2013 Preservation Ordinance, Project Manager of the Current Design Guidelines from 2001-2015 and the 2001 and 2009 Comprehensive Plan Elements. Mr. Becker also served 9 years as the planning manager for the Planning Department and helped with the 2013 Unified Development Ordinance and he has also served as 5 years as the owner of Heritage Arts since 2011. Mr. Becker has also served 8 years in the board of directors for the National Alliance of Preservation Commissions and is a nationally recognized speaker and trainer for NAPC with over 35 sessions. He distributed his resume. There were no objections to his qualifications.

Mr. Becker then gave his analyzed assessment of the case. A detailed paper was passed out regarding the presentation Mr. Becker went over. Mr. Becker stated that given his assessment with the accessory buildings within the historic district that the garage meets the Design Guidelines. His presentation referenced maintaining the character and development patterns found in the district. Mr. Becker stated specific measurements were made and that there were limitations with the historic guidelines that would apply particularly with this overlay district. The regulated area is what was visible from the public right-of-way which only includes 50% of the structure. Mr. Becker spoke to the purpose of the Streetside HOD as the author of the code. He noted the emphasis on "viewed from the street" and that alleys were not considered streets.

Mr. Becker stated the challenge with this lot is the multiple rights-of-way which accessory buildings are typically behind a structure but if it as viewed as from the Wade Avenue side of the lot, it does not look that way. Mr. Becker reiterated there is no access from the property on Wade Avenue. Mr. Becker stated the atypical shape, size, and topography of this lot makes for development challenges.

Mr. Becker explained to the committee that given his extensive research of the district it would be better to orient the garage perpendicular and parallel to the rear lot line of the Cole Street houses and it would make it better related to the character of the district. The garage is 83 feet from the nearest house and oriented to the common lot line. Mr. Becker provided photos and measurements of the height of the accessory buildings in the district relative to the one on the property. Mr. Becker stated the visible height of the accessory building at the highest point was

24 feet 9 inches and that it was also visible from the backyards of the houses to the south. When measured using the UDO method, the garage is 27 feet high.

Mr. Becker also discussed the changes of the design of the accessory structure to reduce the visual height. Double dormers were used to break up the mass facing Cole Street and the orientation of the roof was switched. He also noted the spacing and treatment of the windows including blind windows and vertical double-hung sashes. The garage door design was also described as making it look like there were two doors even though there was only one. The steel material with a subtle wood grain was also mentioned. He stated that a smooth metal door was not located. Mr. Becker discussed the garage door would designate it as new construction. Mr. Becker concluded by reminding the committee that wouldn't normally be viewing something like this except for the through nature of the lot.

Mr. Benjamin Kuhn [affirmed] then questioned Mr. Becker in a cross examination of the previous testimony. Mr. Kuhn inquired about the detached garage that is proposed to be built since it is different. Mr. Kuhn asked if the concrete foundation had intended to be 6 feet tall and Mr. Becker responded that it was. Mr. Kuhn then asked if Mr. Becker was aware of the height limitations being 25 feet as was imposed by zoning regulations and that anything higher violated city code. Mr. Becker agreed to that statement. Mr. Kuhn inquired about the typical relationships of the orientations of garages in the district which are typically in the rear lot facing an alley. Mr. Kuhn then inquired about the feet different from the property line to the accessory structure. Mr. Becker stated it is about six foot. Mr. Kuhn then asked if Mr. Becker was familiar with the permitting process of 1305 Filmore that was deemed unoccupiable by the city. Mr. Becker stated he did not and there was questioning regarding the height of the garage that was less than 31 feet in height. Mr. Kuhn then inquired if this case was deemed different due to the challenges in topography and such. Mr. Becker stated yes.

Mr. Hanna once again asked Mr. Becker to give his expert opinion. Mr. Becker stated that given the overlay district and the design of this lot, the decision to orient the garage is more in keeping with the relationship to the historic character of the district. Mr. Hanna once again had Mr. Becker reiterate the atypical shape of the lot in this district as well as Wade Avenue in relationship to the property.

Mr. Kuhn inquired if Mr. Becker was familiar with 514 ½ Cole Street and that was built with an attached garage. Mr. Becker stated he will take that as fact and Mr. Kuhn pointed out two other properties that have orthogonally primary structures with detached garages in the rear. Mr. Becker agreed those structures are in the rear.

Mr. Gary Murphy [affirmed] who lives at 514 ½ Cole Street stated that his house having an attached garage is not in keeping with the historic character of the district in his opinion. He stated his support for the project and believes it is appropriate for the district.

Mr. Corbett Gupton [affirmed] and Ms. Chrissy Gupton [affirmed] stated they did not realize they needed a COA when the project began. They thanked the committee for their time and stated they were there to make this as easy as possible.

There was a 6 minute break.

Opposition:
Mr. Benjamin Kuhn [affirmed] was present to speak in opposition to the application. He distributed a notebook the presentation, Kissee affidavit, and code sections…. Mr. Kuhn was there to represent the residents of 508 Cole Street, Robert and Emily Kissee that is directly adjacent to 514 Cole Street. Mr. Kuhn gave a general snapshot about the UDO pertinent to this case and the property. Mr. Kuhn gave an overview of the history regarding the area, including stating there were agreements written between the property owner and his clients regarding the residential structure. Mr. Kuhn reiterated that the overlay district went into effect in April and all the residents were aware that it was coming. Mr. Kuhn stated that the applicants were aware of the strict conditions and variances for the property.

Mr. Hanna noted his objections as whether or not the statements Mr. Kuhn stated were appropriate. Mr. Rasberry stated it was up to the committee to determine which facts were relevant and which were not and that the committee is at liberty to hear any evidence that is not pivotal or relevant. Ms. Caliendo advised Mr. Kuhn to stick with just the facts.

Mr. Kuhn began to give an overview regarding the structure and information regarding garages in the district and how the proposed structure was not compatible. He showed photos from the Kissee's backyard and stated that the garage is 33' as measured from their backyard. Mr. Kuhn gave information regarding the UDO zoning stating that garages should not be more than 25 feet in height and should be in the rear of the property. Mr. Hanna once again stated his objection that UDO zoning regulations are not relevant to the case. Mr. Kuhn gave information regarding the heights, locations and all addresses of sites with detached garages in the district and compared them to the site at 514 Cole Street. He notes specifically that many are on alleys and that they are oriented with the house.

Mr. Rasberry once again reminded the committee that the code is not generally applicable with regulations regarding the UDO and the committee has not established a set of rules to measure or calculate heights based on other means. Mr. Kuhn also stated that sometime between October 25 and November 4th fill was placed in which was a violation of the stop work order. Mr. Kuhn also stated that the garage based on Mr. Kissee's measurements is 31.25 feet in height and the lowest point is at 24.75 feet. Mr. Kuhn stated that the average is 28.125 feet which his still above the UDO requirement and is not congruous with the neighborhood. He argued that there is no way for the garage to meet the Guidelines. Mr. Kuhn also stated that there is no conflict between the Guidelines and the underlying code and thus the height and setback sections of the UDO code do not apply.

Mr. Phillip Poe [affirmed] stated that the house and garage are not in character with the neighborhood. The garage should be in the back and it is not related to the structures that are within 1 and a half blocks of its located. Mr. Poe stated he believed the garage should be in the back of the house.

Mr. Kissee [affirmed] stated that the garage should be not allowed to be more than 25 feet and has a major impact on their neighborhood and he would not like this in their neighborhood. Ms. Emily Kissee [affirmed] said that the cement block for the foundation is 8 feet in height and impacts their back yard is very distressing.

Responses and Questions:
Mr. Hinshaw questioned if the Kissee's and Guptons had talked to each other. Mr. Rasberry stated any conversation between the parties is not something to consider.

Ms. David stated the application is only dealing with the garage not taking down the trees. Ms. Tully stated the site approval was prior to the overlay district. Mr. Kuhn stated the clearing was done in late June or early July and that was one the clearing was done. Mr. Kissee stated he had pictures showing the tree removal. Mr. Gupton stated they had not taken down any trees for that garage it was only when the house was being constructed. Ms. Tully stated the applicant has not been cited.

Mr. Smith stated they were provided with a lot of information regarding garages in the neighborhood and there was a lot of talk regarding which garages were contemporary or not. Ms. Tully stated she did not think there was anything that was lot specific but everything she heard seemed very accurate.

Ms. David asked why was not a building inspections permit flagged before the COA permit and how could that have happened. Ms. Tully stated she did not know. Ms. Lauer stated the district was made an effective date of and that it was a very unusual thing to do so the rest of development services staff had to be made up to speed.

At Ms. Caliendo's suggestion Ms. David 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]:
We got so much information. [Davis]
I talked to staff about this before, but I feel overwhelmed with the amount of material presented particularly in the fact without benefit of staff having drafted the finding of facts, doing an adequate job of my response tonight to draft a motion is beyond me. There should be some discussion before we leave to review this. [Thiem]

At this point I would like to defer to go back to Cole Street and walk the neighborhood to see everything given the neighborhood. We need to get a real feel for the neighborhood in all these details. I have been there twice and I want to go back to see what we have been presented. [Hinshaw]
Fine with that too. [Thiem]
Relative to the main house its lower but it is not set back in a traditional location at the end of the driveway but it is not behind the house or orthogonally behind the house. [David]
But where the house is sitting. [Caliendo]
The hose is sitting in front of Cole Street so I can see where Dan was going with that argument but it does not that with the main house. We have a lot for this case. [David]
Dated in guidelines. [Caliendo]
When we defer we ask the applicant to come back if that is something we want to talk about amongst ourselves. [David]
The scale with the new walls for me puts it out of scale. That is a concern. [Caliendo]
In Dan's packet provided a lot of drawings with more detailed siding, windows, doors were located that at least the features of the garage we would approve in another situation. [Smith]
In this discussion where are we going? [Thiem]
Meet together? [Smith]
Ideas about the impressions if we go out and view the site and then comeback for discussion that is the consensus we all seem to be going. [Thiem]
Defer the case and any additional information you would like for applicants and opposition to bring for us. The heights of the houses those were included in the documents. [Caliendo]
Question for staff, the April 7th day designated is that day typical? [Hinshaw]
No but that is what council did. [Tully]
I am confused by the whole timeline. [Hinshaw]
That had to do with development services accidental issuance of a permit. We are reviewing as if there is nothing there. [Lauer]
Viewing as if nothing is there? [Hinshaw]
Just the garage. [Thiem]
If we are reviewing this in the normal fashion we would probably be seeking something further back in relative location to the house. [David]
Look for garages. [Davis]
Concerning committee members looking at the property, make it decision based on evidence and arguments presented at the hearing by lawyers and witnesses. There is nothing that prohibits from going out and nothing against committee members looking at other well related structures to just view the properties. [Rasberry]
We had a huge amount of evidence. [David]
Before tonight I do not think that we did. [David]
It would be a good idea to have a special session for this case. [Caliendo]
It would be something that finds a date that works for commission then I would work with the two parties when they are available and when we could also get a room. [Tully]
Could we put it at the end of our next meeting? Up to you. [David]
We could do a special meeting. [Tully]

Given the fact lawyers are involved, special meeting. [Caliendo]
Are you going to accept additional evidence? [Tully]
Coming back with more facts? [Caliendo]
With Mr. Rasberry about that. [Tully]
New evidence, new materials, that would probably be overwhelmed by information. Can you compile those together that the committee would request and we can go through that evidence again and the committee can react to that? [Rasberry]
Yes I can do that. [Tully]
Limit it to our discussion. [Davis]
You need to make it clear what to expect. [Tully]
Because of the formal adoption by the committee to be pushed back a little from the meeting date so there could be legal input in quasi-judicial they will be subject to challenge. [Rasberry]
We can limit testimony and evidence at the next hearing. [Caliendo]
If you chose to. Always have the option to reopen the public hearing portion to ask new questions if you choose. [Rasberry]
That can also be a situation where you are not planning to reopen unless something is really substantial information is different. If one of these parties that had something really substantial to staff in advance that might be case changing. [Lauer]
You can also say just bring it back here. [Tully]
Reiterative information. [Lauer]
I am uncomfortable with that filter of information. [Thiem]
Reiterative literature. [Lauer]
We can tell the applicants what could be approvable, further back on the lot, relative to the main house, not so high and consider a lower roof height. That's something I would be looking for in a deferral case just in a normal case. [David]
Historic garages appear to be shorter and lower in elevation, roof height. [Smith]
Wall? [Caliendo]
Defer final decision on the application with the things we talked about coming back to us, open to amendment. We are open to design changes. Can we ament to say if new material is provided in packets not presented when we come here? [David]
Subject to new information you can come in with the public hearing so public portion has not been closed. [Rasberry]
Public portion is closed unless they provide some sort of new information in advance. [Davis]
If new evidence comes in we can all reasonably prepare. That not be in limbo. [Rasberry]
I would suggest I wanted to send it in their packets, the standard application deadline I can provide a date when new information would need to be provided to staff so maybe we can have more info? [Tully]
No more information at the meeting. [Caliendo]
Any new information would need to be shared with the parties. [Rasberry]
Normal notification period. [Tully]
Will there be a new staff report? [Smith]
We could do it at the end of the next meeting. [Davis]

Mr. Hinshaw made a motion to defer the application until the end of the next scheduled meeting and that the public hearing is held open with the intention that amendments or additional evidence be provided by the next COA application deadline. Ms. David seconded; motion carried 6/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

001-17-CA 412 OAKWOOD AVENUE
Applicant: MEG MCLAURIN
Received: 1/6/2017 Meeting Date(s):
Submission date + 90 days: 4/6/2017 1) 1/26/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: GENERAL HOD
Nature of Project: Remove two chimneys
Amendments: Additional evidence was received 1/23/17 and is attached.
Conflict of Interest: None noted.
Staff Notes:

- The commission denied removal of the chimney on the two-story portion of the house (referred to as chimney 3 below) in July 2016 (121-16-CA).

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
3.2	Masonry	Remove two chimneys
3.5	Roofs	Remove two chimneys

STAFF REPORT

Based on the information contained in the amended application and staff's evaluation:

B. Removal of chimney **is** incongruous according to *Guidelines* 3.2.1, 3.5.1, 3.5.5, 3.5.7, and the following suggested facts:

1* There are 4 chimneys on the house. See the attached document labeling the chimneys.

- Chimney 1 is on the exterior of the west side of the house near the front. The tall chimney has a decorative band, corbelled top, and decorative base.
- Chimney 2 is on the exterior of the rear gable of the 2-story portion of the house. The large brick chimney has a decorative band and corbelled top.
- Chimney 3 (proposed for removal) is an interior chimney located just behind the east side gable projection. The thin, short brick chimney has a decorative band, corbelled top, and filled brick arched cap.
- Chimney 4 (proposed for removal), located at the rear of the house on the one-story portion is also an interior chimney.

2* Chimney 4 is a short undecorated brick chimney with a brick arched cap. It is staff's judgment that this smaller chimney is not character-defining.

3* The applicant provided an engineer's report stating that both chimneys are structurally unsound.
4* There is no evidence provided that the chimney cannot be repaired.
5* The applicant does not propose to replace the chimneys.
6* Chimney 3 was determined to be character defining during the 7/28/16 COA Committee meeting.

Staff suggests that the committee approve removal of Chimney 4 and deny the removal of Chimney 3.

PUBLIC TESTIMONY

Staff Introduction: Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb reported where the 4 chimneys were on the house and showed to the committee different pictures of the site. Chimney #3 was noted to be on a curve of a ridge and chimney #4 was located in the back of the house. Ms. Robb stated staff recommended approval of removal of chimney #4 and denial of removal of chimney #3.

Support:
Ms. Meg McLaurin [affirmed] was present to speak in support of the application. Ms. McLaurin stated when she started this project she believed she would not be able to find support for the suspect chimney as there was no flue or structure to give it stability. There is 32″ below the roof and 8′ above and in a roof valley. Ms. McLaurin pointed out that the small chimney was working at some point. The chimney is being supported with a 2x4 and staff recommended it is not character defining. Ms. McLaurin raised issue with the fact that the owners were worried about liability if the chimneys collapsed and the structural engineer had no suggestion as to how support the chimney. Ms. McLaurin reminded the committee the guidelines were to keep the buildings standing as long as you can and to maintain the characteristics of buildings as long as they were not dangerous.

Opposition:
Ms. Gail Wiesner [affirmed] was present to speak in opposition to the application. Ms. Wiesner stated she had seen very miraculous restorations and that chimneys can be restored and that many of the guidelines are based on the Department of Interior preservation guidelines as well as national preservation guidelines. Ms. Wiesner stated one of the defining features is proposed to be removed which violates secretary of interior guidelines. She asked when the addition was built.

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

Responses and Questions:
Ms. McLaurin responded that the addition was in the original plans. Ms. Wiesner stated she was not sure because from the appearance it looked old and according to the Guidelines and

Secretary of Interior guidelines you do not remove dangerous features if they are part of the original house. Ms. Wiesner responded that I-beams could be placed and chimneys can be repointed and straightened out and removing it will set a precedent as adding the second story already does. Ms. Wiesner believed that chimney #3 should not be touched and #4 could be reproduced somewhere in that addition and if #4 is taken down it should be replaced with a similar style and structure or even use the same exact materials.

Ms. David asked if chimney #3 could be repointed. Ms. McLaurin stated she was concerned with supporting the feet above with only 2 feet below masonry. She did not think it could be repointed. Ms. David responded that a tall chimney could be held up. Ms. McLaurin stated the chimney was built in a valley and for the longevity of the house it would be better if it were removed. She understood it was character defining but there were 2 other chimneys that were remaining and she did not know why these two were put to begin with.

Ms. David asked if the chimney was always false. Ms. McLaurin stated she could not find support for it on the first floor or basement. Mr. Davis said that it seems to be decorative only.

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

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:
Guidelines are clear about chimneys and I do not think we have ever approved demolition of chimneys. [Hinshaw]
It's decorative and in a high profile, visual location. [David]
Because it appears to have been decorative it is even more character defining. [Davis]
I agree with staff comments. It is pretty ratty looking but it is in a functional part of the house. The character of the house is high style. [David]
Guideline 3.5.7 [Tully]
Have you ever been in a situation where there was a safety concern and lowering the chimney height? [Thiem]
There was a case where there were chimneys taken out with no COA, but they were rebuilt with a veneer. People generally have found ways to support chimneys on the interior. [Tully]
Thoughts on chimney #4? [Davis]
I was going to do 2 separate motions. [David]

Findings of Fact and Conclusions of Law (1)

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

A. Removal of chimney #3 **is** incongruous according to *Guidelines* 3.2.1, 3.5.1, 3.5.5, 3.5.7, and the following facts:

1* There are 4 chimneys on the house. See the attached document labeling the chimneys.
   - Chimney 1 is on the exterior of the west side of the house near the front. The tall chimney has a decorative band, corbelled top, and decorative base.
   - Chimney 2 is on the exterior of the rear gable of the 2-story portion of the house. The large brick chimney has a decorative band and corbelled top.
   - Chimney 3 (proposed for removal) is an interior chimney located just behind the east side gable projection. The thin, short brick chimney has a decorative band, corbelled top, and filled brick arched cap.
   - Chimney 4 (proposed for removal), located at the rear of the house on the one-story portion is also an interior chimney.

2* Chimney 4 is a short undecorated brick chimney with a brick arched cap. It is staff's judgment that this smaller chimney is not character-defining.

3* The applicant provided an engineer's report stating that both chimneys are structurally unsound.

4* There is no evidence provided that the chimney cannot be repaired.

5* The applicant does not propose to replace the chimneys.

6* Chimney 3 was determined to be character defining during the 7/28/16 COA Committee meeting.

The motion was seconded by Mr. Thiem; passed 5/0.

Decision on the Application (1)

Ms. David made a motion that the removal of chimney #3 be denied.

The motion was seconded by Mr. Thiem; passed 5/0.

Findings of Fact and Conclusions of Law (2)

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

A. Removal of chimney #4 **is not** incongruous according to *Guidelines* 3.5.7 and the following facts:

1* There are 4 chimneys on the house. See the attached document labeling the chimneys.
   - Chimney 1 is on the exterior of the west side of the house near the front. The tall chimney has a decorative band, corbelled top, and decorative base.
   - Chimney 2 is on the exterior of the rear gable of the 2-story portion of the house. The large brick chimney has a decorative band and corbelled top.

- Chimney 3 (proposed for removal) is an interior chimney located just behind the east side gable projection. The thin, short brick chimney has a decorative band, corbelled top, and filled brick arched cap.
- Chimney 4 (proposed for removal), located at the rear of the house on the one-story portion is also an interior chimney.

2* Chimney 4 is a short undecorated brick chimney with a brick arched cap. It is staff's judgment that this smaller chimney is not character-defining.

3* The applicant provided an engineer's report stating that both chimneys are structurally unsound.

4* There is no evidence provided that the chimney cannot be repaired.

5* The applicant does not propose to replace the chimneys.

6* Chimney 3 was determined to be character defining during the 7/28/16 COA Committee meeting.

The motion was seconded by Mr. Thiem; passed 5/0.

<u>Decision on the Application (2)</u>

Ms. David made a motion that the removal of chimney #4 is not incongruous and is approved.

The motion was seconded by Mr. Thiem; passed 5/0.

Committee members voting: David, Davis, Hinshaw, Thiem, Smith.

Certificate expiration date: 7/26/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

003-17-CA 15 E MARTIN STREET
Applicant: DAVID MAURER, MAURER ARCHITECTURE
Received: 1/6/2017 Meeting Date(s):
Submission date + 90 days: 4/6/2017 1) 1/26/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT
Zoning: GENERAL HOD
Nature of Project: Changes to previously approved COA 145-16-CA: railing material; windows and doors; addition siding materials; increase height of 5th level addition; new wing walls;.
Amendments: Listing of "change windows in historic building" was an error on staff's part. The window change was approved with as a Minor Work COA 008-17-MW. Product information on the railing and fiber cement siding was provided and is attached.
Conflict of Interest: None noted.
Staff Notes:

- COA 145-16-CA conditionally approved the construction of a 2 level rooftop addition and rooftop patio.
- The proposed changes to the stair access structure (level 5) are substantial enough that
- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
3.5	Roofs	Construct rooftop patios
4.2	Additions to Historic Buildings	Construct rooftop addition

STAFF REPORT

Based on the information contained in the amended application and staff's evaluation:

A. Use of new windows on level 4 of the approved addition, is not incongruous according to *Guidelines* 4.2.7 and the following suggested facts:

1* According to the district nomination, the building was constructed ca. 1910-1920.

2* Non historic 1/1 wood windows were approved to be replaced with new 4/4 wood windows with COA 008-17-MW.

3* Per the condition of 145-16-CA, the rear of the addition is pulled back at 2 feet from the inside wall of the parapet.

4* As approved, there were no windows proposed on the west wall of the fourth level addition and 1/1 double hung windows on the east and north.

5* As proposed, windows on level 4 are added to the west wall and changed on the east and north. The windows are proposed to be 8-light aluminum clad casement windows with the same proportion as the historic window openings. The relationship of solids to voids on level 4 of the addition is similar to the historic building.
6* The application requests 8' tall aluminum clad double doors at fourth level facing south, in lieu of previously approved doors and transoms.

B. Construction of 5th level rooftop (stair structure) addition is not incongruous in concept according to *Guidelines* 4.2.1, 4.2.5, 4.2.6, 4.2.7, 4.2.8; however, the fenestration and use of solid wing walls **may be** incongruous according to *Guidelines* 4.2.7; and the height is incongruous according to *Guidelines* 4.2.6; and the following suggested facts:
1* According to the district nomination, the building was constructed ca. 1910-1920.
2* The building is a 3-story, two-bay, unpainted brick commercial building with a parapet roof. The east and west sides of the building are common walls or immediately adjacent to neighboring buildings. The building has zero lot lines. The south facade has single leaf entrance glass storefront and above it two 1/1 windows on each floor. There is a heavy wood cornice between the 1st and 2nd levels. The north exterior wall has a single leaf entrance to the east and above it two 1/1 windows on each floor.
3* The primary façade of the building faces Martin Street. The rear of the building is the boundary of the historic district and faces the public Market Plaza.
4* The addition is proposed to sit on the roof of the historic building; no character defining historic features will be impacted.
5* The primary addition sits 12′6″ back from the front façade; the stair structure is back approximately 25 feet.
6* The historic building is approximately 36′6″ tall to the top of the parapets. The total height including both additions is proposed to be approximately 59 feet.
7* As approved the stair access structure (level 5) ranges from 9′ in the front to 8′ in the rear. The primary addition (level 4) is 10′2″ tall.
8* As proposed, the stair access structure (level 5) ranges from 11′6″ in the front to 10′ in the rear. The primary addition (level 4) remains 10′2″ tall. This is a change from the previously approved 8' ceiling height to a 10' ceiling height.
9* A sightline diagram of the amended proposed addition was provided.
10* The stair access addition was approved with side walls comprised largely of a bank of 7′ tall windows giving it an enclosed pavilion appearance. On the west side, the railing extended the length of the windows.
11* As proposed, the level 5 east and west walls each have a bank of 4 foot square windows. The north and south walls become solid, with the exception of the door on the south elevation. With these alterations, the relationship of solids to voids on level 5 is not similar to the historic building.
12* There windows on the historic building and level 4 of the addition have vertical proportions.
13* Twelve feet of the railing on the west wall of level 5 becomes a 4 foot tall wing wall of the same material as the siding.

C. Use of stainless steel horizontal cabling on rooftop patio is not incongruous according to *Guidelines* 3.5.1, 3.5.10, 3.5.11, and the following facts:

1* Rooftop railings have been approved previously in Moore Square; first at 225 S Wilmington Street (140-08-CA) on a side elevation at the rear of the building. The other railing approved by the commission is the corner building at 20 E Hargett Street (067-12-MW); this one is installed just inside the parapet as proposed in this application.

2* The proposed railing is 2x2 metal posts with stainless steel horizontal cabling. This is equivalent to or more transparent that the originally approved design.

3* A photo and product information was provided.

4* The railing is not attached to the historic parapet and will extend approximately 1-1/2 feet above the parapet.

5* Request addition of 4' high wing walls adjacent to both sides of elevator tower on Proposed West Elevation in lieu of previously approved railing in these locations.

D. Use of synthetic brick on the 4th level **may be** incongruous according to *Guidelines* 4.2.7, 4.2.8, and the following suggested facts:

1* The primary addition (level 4) is approved to be brick of a slightly darker hue than the historic building (a sample will be brought to the meeting).

2* The proposal requests an alternate siding material on the east and west walls with the brick veneer to turn the corners onto the east and west walls for 1' depth.

3* It is historically appropriate to have a lesser quality material on side elevations of commercial block buildings.

4* The application states that a true brick veneer on the side property lines cannot be constructed.

5* The proposed product is Synergy Brick Finish panels with a color to match the brick veneer on the south and north walls. It is an Exterior Insulation and Finish Systems (EIFS) product with a 100% acrylic brick textured finish.

E. Use of fiber cement panels on the 5th level addition **is not** incongruous in concept according to *Guidelines* 4.2.7 and the following suggested facts:

1* The fiber cement panels are proposed have a smooth surface and be painted dark gray. A paint sample was not provided.

2* The seam between the panels is ½ inch. Product information and sample photos were provided. The product in the sample photo is a brick red color with visible seams.

3* The 4′x8′ vertical panel seams are aligned with the window mullions and top of the windows. It is unclear how visible the seams will be.

4* Smooth faced horizontal lap fiber cement siding has been approved for use on a stair access structure in Moore Square at 136 E Morgan Street (078-14-CA).

Staff offers no suggestion regarding the use of synthetic brick.
Staff offers no suggestion regarding the proposed fenestration and wing walls on the 5th level.

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

1. That the height of the 5th level remain as approved in COA 145-16-CA.
2. That details and specifications for the following be provided to and approved by staff prior to installation.
    a. Paint color.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard.
    a. Revised drawings reflecting condition 1.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully showed pictures of the property and pointed out its location and rear view across from Wilmington Street. She stated staff had no recommendations the materials and the design of the fifth floor structure is warranted.

Support:
Mr. David Maurer [affirmed] was present to speak in support of the application. Mr. Maurer stated the original application had a roof of over 60 feet and he would like to amend the application to come up one foot instead of the 2 in the application. He said that the 1 foot was needed for the elevator. Mr. Maurer explained that the reason for raising the windows up an4 feet was to avoid code issues. Mr. Maurer would also like to have the railing for the wing walls matching the 42 inches. As a reminder, Mr. Maurer described the 5th level addition as an elevator tower and stair shaft with a roof.

Mr. Maurer went on to explain the brick issue and the challenge with construction easements on the sides of the building. Mr. Maurer held up a sample of the proposed synthetic brick adjacent the true brick veneer. He presented them both at the podium and from across the chamber and passed them around. It was noted that a lack of shadow line was a major issue. Mr. Maurer then proposed to amend the application to use stucco rather than the fake brick. He provided photographic evidence of the stucco used on the sides of other buildings in the Moore Square District.

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

Responses and Questions:
Mr. Maurer stated that they would be painting it a different color and they were amending the application for a stucco finish instead of the synthetic brick.

Mr. Davis asked if the wing wall was only on one side. Mr. Maurer responded that the view on the east side is the star tower and the wing wall is on the west elevation. From the side you will see the 10-12 feet wall. Mr. Thiem asked if under the roof was the wing wall. Mr. Maurer pointed to a drawing to show the area and stated he would like the roof to be raised one foot and that the front would still be 10 foot as the application is raising 2 feet, 9 feet in back and 10 feet in the front. Ms. Tully added that 11 feet that the addition would start to get taller than the original building. Mr. Davis stated the change was still within the guidelines.

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

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:
I am okay with the changes he offered. [Hinshaw]
Brick and then going to the stucco is more approvable. [Davis]

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-6), B. (inclusive of facts 1-13), C. (inclusive of facts 1-5), D. (inclusive of facts 1-5), E. (inclusive of facts 1-4) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Use of new windows on level 4 of the approved addition, is not incongruous according to *Guidelines* 4.2.7 and the following facts:

1* According to the district nomination, the building was constructed ca. 1910-1920.

2* Non historic 1/1 wood windows were approved to be replaced with new 4/4 wood windows with COA 008-17-MW.

3* Per the condition of 145-16-CA, the rear of the addition is pulled back at 2 feet from the inside wall of the parapet.

4* As approved, there were no windows proposed on the west wall of the fourth level addition and 1/1 double hung windows on the east and north.

5* As proposed, windows on level 4 are added to the west wall and changed on the east and north. The windows are proposed to be 8-light aluminum clad casement windows with the same proportion as the historic window openings. The relationship of solids to voids on level 4 of the addition is similar to the historic building.

6* The application requests 8' tall aluminum clad double doors at fourth level facing south, in lieu of previously approved doors and transoms.

B. Construction of 5th level rooftop (stair structure) addition is not incongruous in concept according to *Guidelines* 4.2.1, 4.2.5, 4.2.6, 4.2.7, 4.2.8; however, the fenestration and use of

solid wing walls **is not** incongruous according to *Guidelines* 4.2.7; and a height increase of 1 foot is not incongruous according to *Guidelines* 4.2.6; and the following facts:

1* According to the district nomination, the building was constructed ca. 1910-1920.

2* The building is a 3-story, two-bay, unpainted brick commercial building with a parapet roof. The east and west sides of the building are common walls or immediately adjacent to neighboring buildings. The building has zero lot lines. The south facade has single leaf entrance glass storefront and above it two 1/1 windows on each floor. There is a heavy wood cornice between the 1st and 2nd levels. The north exterior wall has a single leaf entrance to the east and above it two 1/1 windows on each floor.

3* The primary façade of the building faces Martin Street. The rear of the building is the boundary of the historic district and faces the public Market Plaza.

4* The addition is proposed to sit on the roof of the historic building; no character defining historic features will be impacted.

5* The primary addition sits 12′6″ back from the front façade; the stair structure is back approximately 25 feet.

6* The historic building is approximately 36′6″ tall to the top of the parapets. The total height including both additions is proposed to be approximately 59 feet.

7* As approved the stair access structure (level 5) ranges from 9′ in the front to 8′ in the rear. The primary addition (level 4) is 10′2″ tall.

8* As amended, the stair access structure (level 5) ranges from 10′ in the front to 9′ in the rear. The primary addition (level 4) remains 10′2″ tall. This is a change from the previously approved 8' ceiling height to a 9' ceiling height.

9* A sightline diagram of the amended proposed addition was provided.

10* The stair access addition was approved with side walls comprised largely of a bank of 7′ tall windows giving it an enclosed pavilion appearance. On the west side, the railing extended the length of the windows.

11* As proposed, the level 5 east and west walls each have a bank of 4 foot square windows. The north and south walls become solid, with the exception of the door on the south elevation. With these alterations, the relationship of solids to voids on level 5 is not similar to the historic building.

12* The windows on the historic building and level 4 of the addition have vertical proportions.

13* Twelve feet of the railing on the west wall of level 5 becomes a 4 foot tall wing wall of the same material as the siding.

14* The applicant amended the application at the hearing by requesting the increase in height be only 1 foot.

C. Use of stainless steel horizontal cabling on rooftop patio is not incongruous according to *Guidelines* 3.5.1, 3.5.10, 3.5.11, and the following facts:

1* Rooftop railings have been approved previously in Moore Square; first at 225 S Wilmington Street (140-08-CA) on a side elevation at the rear of the building. The other railing approved by the commission is the corner building at 20 E Hargett Street (067-12-MW); this one is installed just inside the parapet as proposed in this application.

2* The proposed railing is 2x2 metal posts with stainless steel horizontal cabling. This is equivalent to or more transparent that the originally approved design.
3* A photo and product information was provided.
4* The railing is not attached to the historic parapet and will extend approximately 1-1/2 feet above the parapet.
5* Request addition of 4' high wing walls adjacent to both sides of elevator tower on Proposed West Elevation in lieu of previously approved railing in these locations.

D. Use of stucco on the 4th level **is not** incongruous according to *Guidelines* 4.2.7, 4.2.8, and the following facts:
1* The primary addition (level 4) is approved to be brick of a slightly darker hue than the historic building (a sample will be brought to the meeting).
2* The proposal requests an alternate siding material on the east and west walls with the brick veneer to turn the corners onto the east and west walls for 1' depth.
3* It is historically appropriate to have a lesser quality material on side elevations of commercial block buildings.
4* There is already stucco on at least one of side of the historic building.
5* The color of the stucco was not provided.

E. Use of fiber cement panels on the 5th level addition **is not** incongruous in concept according to *Guidelines* 4.2.7 and the following suggested facts:
1* The fiber cement panels are proposed have a smooth surface and be painted dark gray. A paint sample was not provided.
2* The seam between the panels is ½ inch. Product information and sample photos were provided. The product in the sample photo is a brick red color with visible seams.
3* The 4′x8′ vertical panel seams are aligned with the window mullions and top of the windows. It is unclear how visible the seams will be.
4* Smooth faced horizontal lap fiber cement siding has been approved for use on a stair access structure in Moore Square at 136 E Morgan Street (078-14-CA).

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

<u>Decision on the Application</u>

Mr. Thiem made a 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 installation.
    a. Paint and stucco color.
2. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard.
    a. Revised drawings reflecting the amended height of level 5.

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

Committee members voting: David, Davis, Hinshaw, Thiem, Smith.

Certificate expiration date: 7/26/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

004-17-CA 101 S BLOUNT STREET
Applicant: STEVE SCHUSTER, FAIA CLEARSCAPES
Received: 1/10/2017 Meeting Date(s):
Submission date + 90 days: 4/10/2017 1) 1/26/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT
Zoning: GENERAL HOD
Nature of Project: Changes to previously approved COA 173-16-CA: Paint previously unpainted brick; install new painted brick; install lighting fixtures; install synthetic turf (Reconsideration request).
Amendments: Additional photographs were provided 1/24/17 and are attached.
Conflict of Interest: None noted.
Staff Notes:

- COA 173-16-CA conditionally approved demolition of the building; removal of paving; installation of a courtyard consisting of paved and planted areas, an earthen berm, and seating elements; repair/alteration of wall of adjacent building; installation of a concrete retaining wall. Use of synthetic grass was denied.
- Several sections of the *Guidelines* dealing with building parts have the statement: "Consider compatible substitute materials only if using the original material is not technically feasible." Substitute materials are not specifically addressed in section 2.3.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
2.3	Site Features and Plantings	install synthetic turf
2.7	Lighting	install lighting fixtures;
3.2	Masonry	Paint previously unpainted brick; install new painted brick
3.4	Paint and Paint Color	Paint previously unpainted brick; install new painted brick

STAFF REPORT

Based on the information contained in the amended application and staff's evaluation:

A. Installation of synthetic turf is not incongruous according to *Guidelines* 2.3.1, 2.3.2, 2.3.9; however, it **may be** incongruous according to *Guidelines* 2.3.4, and the following suggested facts:

1* Synthetic grass was approved for use at 500 & 510 N Blount Street in 2015 (COA 133-15-CA) based in part on the following:
   a. The grass proposed for replacement is not historic.

b. Evidence was provided that the underlying soil had extreme compaction, soil composition, and drainage issues and that a successful grass lawn could not be established without deep excavation and more imported soils which may cause damage to critical root zones of existing trees.
c. Evidence that previous attempts to sustain grass were unsuccessful.
d. The overarching philosophy in the guidelines that a compatible substitute material can be used when the original deteriorated beyond repair.
e. The yard is screened with mature landscaping.

2* The proposal is for installation of a soft, kid friendly, low maintenance, pliable, material on the previously approved earthen berm.

3* No historic fabric is being altered. The areas proposed for the material are currently either under a building or a concrete parking area.

4* The material represents less than 1/3 the total site square footage (1,700 square feet of a 5,267 square feet total site area) and is not intended to replicate a front lawn typical of a historic residential character.

5* Detailed information regarding the proposed material's appearance was not provided. A material sample will be provided at the hearing.

B. Installation of lighting fixtures is not incongruous in concept according to *Guidelines* 2.7.4, 2.7.7, 2.7.10, 2.7.11, and the following suggested facts:

1* Six fixtures are proposed to extend from parapet of adjacent structure and project light back on existing masonry façade.

2* Simple black gooseneck light fixtures are proposed. Gooseneck fixtures are found throughout the Moore Square Historic District. A sample photo was provided; details and specifications were not.

3* The color of the light was not indicated.

4* The applicant states that it is minimal amount of lighting required to provide a degree of security.

C. Painting of previously unpainted brick; installation of new painted brick is not incongruous in concept according to *Guidelines* 3.2.10, 3.4.3, 3.4.4, and the following suggested facts:

1* The existing brick wall was approved with COA 028-99-MW as part of the rehabilitation of 105 S Blount Street. It replaced white metal with a pressed brick finish.

2* The historic brick on the front façade of 1065 S Blount Street wraps the corner by about a foot. The historic brick is a dark red with a wire cut finish. The amended application includes a close-up photo.

3* There is a clear delineation of the historic brick and new brick installed in the late 1990s.

4* It is not unusual for side walls of historic commercial block buildings to have a different material and/or color than primary facades. The amended application includes photographic examples in the Moore Square Historic District: 135 S Wilmington Street and 133 E Hargett Street.

5* The proposed paint color was not provided.

Staff offers no recommendation on the use of synthetic turf.

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

1. That details and specifications for the light fixtures be provided to and approved by staff prior to installation.
2. That the color of the light be 3,500 Kelvin or warmer.
3. That the proposed paint color be provided as part of a separate COA application.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully stated the staff comments included additional site photos of the painted brick and that most of the proposal was approved at last month's meeting. Ms. Tully stated staff recommended approval except on the synthetic turf.

Support:
Mr. Steve Schuster [affirmed] was present to speak in support of the application. Mr. Schuster stated the applicants had no problem with the condition regarding the lights and that the color of the non-historic brick has not been decided. They will be submitting another application separately once they get the design from the Raleigh Murals Project. Mr. Schuster stated that since the last meeting they have been completing research on soft, durable, low maintenance flexible kid friendly materials. The applicants passed around samples to the committee for their review. Mr. Schuster added that there are many examples for materials on a flat plane surface but that is not necessarily the surface they are working with due to the topography. The challenge was finding a material that is both flexible and permeable. Mr. Schuster added that one goal was to keep the tree that is there alive as long as possible.

Mr. Schuster provided documents from the North Carolina Department of Environmental Quality regarding the soil on the site as it has been a parking lot for over six decades and there was information regarding pollution underneath the soil subsurface. Mr. Schuster stated they received permission from the state department so long as they did not disturb the pollution underneath.

Mr. Schuster noted that many of the facts of this site were the same as that of the Merrimon-Wynne House where synthetic turf was approved. These are: long-term parking lot, excavation would damage a tree, and there is subsoil pollution.

Mr. Chris Alexander [affirmed] was there to speak his support about the project as well.

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

Responses and Questions:
Mr. Thiem inquired about the courtyard being an intensive kid friendly place based on the last presentation regarding this application. Mr. Schuster stated the intended use was not only to be a courtyard for use by Marbles but by also all people of the historic district. Mr. Thiem again reiterated the challenge around this was because of the use of natural grass in intensive activity. Mr. Schuster stated it will be used by the neighborhood and the natural turf and removal of the soil the turf would not be able to survive. Mr. Thiem again inquired about the application of this play friendly material. Mr. Schuster stated it was to be soft, durable and maintainable and it was intended to be an area to lay, walk or hang out. Mr. Thiem asked if Mr. Schuster considered this a dramatic change in use and Mr. Schuster responded yes it was.

Ms. Gail Wiesner [affirmed] inquired about if this place would be able to be cleaned due to her concern about pet urine and feces in the area as this could cause the material to become slimy. Mr. Alexander responded that Marbles has a dedicated cleaning staff that will be able to keep the area clean and there is water in the area so marbles does not foresee any problems in keeping this area clean and sanitary. Mr. Davis inquired if the manufacturer talked about maintenance. Mr. Alexander responded that the material wears well and it is a hydrocell that has a lower temperature compared to other materials and there are no problems with maintenance.

Ms. Tully suggested that if there was an issue with the temporary nature, there have been cases that were approved with the condition that they had to come back in front of the committee for renewal. One example was a sign that was approved for Peace and Blount Streets. Ms. Tully stated that project could have a condition where it is renewed every year or that it could only be approved as long as Moore Square Park was closed.

Ms. David asked the applicant if they looked at the material that was approved at the Merrimon-Wynne house. Mr. Schuster stated they did not want to mimic the appearance of grass and that was not what they were going for. Mr. Davis asked if the examples were permeable. Mr. Shuster stated if they are on a solid plane only but as these will be on a concrete.

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

Committee Discussion

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

My mindset earlier was around how to turn the grass into something else because if it was something else, we have among other things a unique use for this intensive courtyard space so a different material is needed to accommodate the level of activity. I am trying to look at this in a different direction. Going down this path of plastic grass under trees that are natural has gotten me to this place. If we were doing playground we would play with different surfaces and

materials. If there was playground equipment next to Marbles it would be a specialized thing we would want protective surface around it. [Thiem]
Moore Square is a high traffic area next to Marbles. [Davis]
Some areas with intensive usages have the challenge which does not rank true. This is not the time to go into the context of what we deal with and what you see and how it fits but I can see supporting this because of the specialized material and the specialized place. We used the same material in a wedding venue. I can support this looking at the context which is in place. [Thiem]
Typically you have it in a more flat surface daycares use a soft rubbery material. [Hinshaw]
I do not know how much we were debating and I worry about if it were some other surfaces that were more traditional for things for landscaping it almost would be easier if we make it a fuzzier plastic surface that was orange. [David]
I would rather have something that does not replicate grass, something that does not try to be something it isn't. [Hinshaw]
Pollution that is underneath, there is topsoil underneath all that concrete and that helps line it up to a decision with the Merrimon-Wynne. [David]
We have two precedents with this with Merrimon-Wynne and how much artificial turf are we going to approve? [Davis]
If we approve artificial turf the area is so out there in a different place any color would work and somehow giving this fuzzy green stuff a moniker that we traditionally have it in our yard. We do it because it looks like grass. [Thiem]
It looks like something that it is not. [Hinshaw]
If Blount Street house came forward I would have voted against it you can grow grass. This is a specialized case that we have enough information for specialized use. One of a kind thing. [Thiem]
It meets the same conditions as Merrimon-Wynne. [David]
If it is specialized use anyone can come forward with artificial turf with specialized use. We want to use it because it's special. Do we want to see it? Most are commercial. [Davis]
I have the same fear you use. [Thiem]
You might want to talk about it in terms of a replacement material. Lawn, synthetic windows are a part of a bigger conversation too not just two instances of fake grass on conditions you have placed. [Lauer]
New construction versus a change into existing. Merrimon-Wynne replacement material versus new construction. [Tully]
Have we limited our consideration to just that material? [Hinshaw]
Just that. [Tully]
There is enough pertinent information about it that it is a compacted site and a pollution situation and I think specific to this it is not replacing a lawn. This is creating a play surface over concrete not replacing lawn with fake lawn. [David]

<u>Findings of Fact and Conclusions of Law</u>

Mr. Smith moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-5), B. (inclusive of

facts 1-4), C. (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Installation of soft, kid friendly, low maintenance pliable material is not incongruous according to *Guidelines* 2.3.1, 2.3.2, 2.3.4, 2.3.9 and the following facts:

1* Synthetic grass was approved for use at 500 & 510 N Blount Street in 2015 (COA 133-15-CA) based in part on the following:
   a. The grass proposed for replacement is not historic.
   b. Evidence was provided that the underlying soil had extreme compaction, soil composition, and drainage issues and that a successful grass lawn could not be established without deep excavation and more imported soils which may cause damage to critical root zones of existing trees.
   c. Evidence that previous attempts to sustain grass were unsuccessful.
   d. The overarching philosophy in the guidelines that a compatible substitute material can be used when the original deteriorated beyond repair.
   e. The yard is screened with mature landscaping.

2* The proposal is for installation of a soft, kid friendly, low maintenance, pliable, material on the previously approved earthen berm.

3* No historic fabric is being altered. The areas proposed for the material are currently either under a building or a concrete parking area.

4* The material represents less than 1/3 the total site square footage (1,700 square feet of a 5,267 square feet total site area) and is not intended to replicate a front lawn typical of a historic residential character.

5* Detailed information regarding the proposed material's appearance was not provided. A material sample will be provided at the hearing.

6* The proposed project does not replace an existing lawn.

7* The lot has had many decades of use as a parking lot and service station so soil compaction and pollution is a factor. The applicant provided a 2006 letter from the Underground Storage Tank Section of the Division of Waste Management of the NC Department of Environment and Natural Resources and a 2106 letter from UST Section of the Division of Waste Management of the NC Department of Environmental Quality regarding presence of residual petroleum.

8* This is a specialized public gathering space.

B. Installation of lighting fixtures is not incongruous in concept according to *Guidelines* 2.7.4, 2.7.7, 2.7.10, 2.7.11, and the following suggested facts:

1* Six fixtures are proposed to extend from parapet of adjacent structure and project light back on existing masonry façade.

2* Simple black gooseneck light fixtures are proposed. Gooseneck fixtures are found throughout the Moore Square Historic District. A sample photo was provided; details and specifications were not.

3* The color of the light was not indicated.

4* The applicant states that it is minimal amount of lighting required to provide a degree of security.

C. Painting of previously unpainted brick; installation of new painted brick is not incongruous in concept according to *Guidelines* 3.2.10, 3.4.3, 3.4.4, and the following suggested facts:

1* The existing brick wall was approved with COA 028-99-MW as part of the rehabilitation of 105 S Blount Street. It replaced white metal with a pressed brick finish.

2* The historic brick on the front façade of 1065 S Blount Street wraps the corner by about a foot. The historic brick is a dark red with a wire cut finish. The amended application includes a close-up photo.

3* There is a clear delineation of the historic brick and new brick installed in the late 1990s.

4* It is not unusual for side walls of historic commercial block buildings to have a different material and/or color than primary facades. The amended application includes photographic examples in the Moore Square Historic District: 135 S Wilmington Street and 133 E Hargett Street.

5* The proposed paint color was not provided.

The motion was seconded by Ms. David; passed 3/2 (Davis, Hinshaw opposed).

<u>Decision on the Application</u>

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

1. That details and specifications for the light fixtures be provided to and approved by staff prior to installation.
2. That the color of the light be 3,500 Kelvin or warmer.
3. That the proposed paint color be provided as part of a separate COA application.

The motion was seconded by Ms. David; passed 3/2 (Davis, Hinshaw opposed).

Committee members voting: David, Davis, Hinshaw, Thiem, Smith.

Certificate expiration date: 7/26/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

006-17-CA 1115 W LENOIR STREET
Applicant: TAYLOR WHITE
Received: 1/11/2017 Meeting Date(s):
Submission date + 90 days: 4/11/2017 1) 1/26/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT
Zoning: GENERAL HOD
Nature of Project: Paint previously unpainted masonry
Amendments: Additional evidence was received 1/12/17 and 1/13/17, and is attached.
Conflict of Interest: None noted.
Staff Notes:

- The previously submitted COA 120-13-MW for the installation of new windows was never completed and approved, however the windows have been installed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
3.2	Masonry	Paint previously unpainted masonry

STAFF REPORT

Based on the information contained in the amended application and staff's evaluation:

A. Sealing the concrete block with weatherproof masonry paint is incongruous in concept according to *Guidelines* section 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.10, and the following suggested facts:

1* *Guidelines* section 3.2.10 states in part: "It is not appropriate to paint unpainted masonry surfaces that were not painted historically."

2* The application provides no evidence of the property being painted historically.

3* The applicant proposes sealing the unpainted concrete block with weatherproof masonry paint, and has offered a product for consideration; Behr Premium Plus Basement & Masonry Waterproofer.

4* A contractor suggested that the issue is with failing concrete at the top of the walls. In addition he claims there is failure in the concrete blocks. There is no evidence that the contractor has expertise in dealing with masonry in historic buildings.

Staff suggests that the committee defer the amended application, in order to allow time for the following:

1. The property owner should work with City staff and State Historic Preservation Office staff to assess the current conditions of the masonry structure to determine the best course of action to address the moisture infiltration issues and meet the *Guidelines*.

Ms. Robb stated that the applicant has requested deferral.
Mr. Hinshaw made a motion to defer the application; Mr. Thiem seconded; motion carried 5/0.

OTHER BUSINESS

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

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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

Minutes Submitted by:
Tania Tully, Preservation Planner