

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
February 23, 2017

CALL TO ORDER

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

ROLL CALL

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

Present: Elizabeth Caliendo, Sarah David, Don Davis, John Hinshaw, Jimmy Thiem

Staff Present: Tania Tully, Martha Lauer; Teresa Young; Francis P. Rasberry, Jr., Attorney

Approval of the January 26, 2017 Minutes

Mr. Thiem moved to waive the reading of the minutes for the hearing and to adopt said minutes noting that the list of attendees is incorrect and will be brought back for approval. Ms. David seconded the motion; passed 5/0.

Minor Works

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Ms. Martha Lauer, Notary Public, administered the affirmation.

Visitor's/Applicant's Name and Address	Affirmed
Mike Hutchinson, AT&T Mobility	Yes
Robert Kisse, 508 Cole Street	Yes
Emily Kisse, 508 Cole Street	Yes
Brett Hanna, 434 Fayetteville Street	Yes
Dan Becker, 1807 Wills Avenue 27608	Yes
Beverly Clark, 719 Graham Street 27605	Yes
Nathan Romblad, 708 Dorothea Drive 27603	Yes
George Saunders, 500 Rose Point Drive 27511	Yes
Trish Meeks, 519 Florence Street 27603	Yes
Mark Riedeman, 506 Cole Street 27605	No
Trashanna Sanchez, 102 Brampton Lane 27513	No
Mary Iverson, 523 E Lane Street 27601	Yes
Pam Hartley, 628 E Franklin Street 27604	Yes
Chris Alexander, 1131 Marshall 27604	Yes
Matt Munoz, 322 E Davie Street 27601	Yes
Matt Griffith, 322 E Davie Street 27601	Yes
Erin Sterling, 322 E Davie Street 27601	Yes
Tim Hazlehurst, 201 E Hargett Street 27601	

APPROVAL OF AGENDA

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

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: 171-16-CA, 190-16-CA, 005-17-CA, 163-16-CA, 018-17-CA, 019-17-CA, 020-17-CA, 021-17-CA, 024-17-CA, 025-17-CA, and 026-17-CA.

Mr. Thiem moved to defer case 089-16-CA to the March meeting.

Ms. David seconded; passed 4/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

171-16-CA 708 DOROTHEA DRIVE

Applicant: NATHAN ROMBLAD

Received: 10/31/2016

Meeting Date(s):

Submission date + 90 days: 1/29/2017

1) 11/28/2016 2) 2/23/2017 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Add new driveway; add gravel parking area; replace and extend retaining wall; remove crape myrtle tree; plant new tree. [The remainder of the application was decided in November 2016]

Amendments: Additional documentation was received 2/6/17 and was included in the commissioner packets.

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features & Plantings	Remove tree; plant new tree.
2.4	Fences & Walls	Add privacy fence, remove retaining wall, add new retaining wall.
2.5	Walkways, Driveways, & Offstreet Parking	Add new concrete driveway, add gravel parking area.
2.6	Garages & Accessory Structures	Add new accessory building.
3.7	Windows & Doors	Add storm windows.

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. Ms. Tully stated that what remains undecided in the

application is the driveway, changing of the wall, and applicant is asking for a second look at the tree removal.

Support:

Mr. Nathan Romblad [affirmed] was present to speak in support of the application. Mr. Romblad stated that he provided everything that was requested by the committee and that he went around the neighborhood and looked at different driveways. He noted specifically situations where the house was not parallel with the street or where lot lines were not perpendicular and resulted in an anomaly of a driveway that was not straight off the street.

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

Responses and Questions:

Mr. Thiem clarified that the application was requesting a reconstruction of the entire wall. Ms. Caliendo added that the proposed material is a plain concrete block. Mr. Romblad stated the stackable material originally proposed is not typical of the neighborhood and brought photographic examples of his amended request to show to the committee. Mr. Thiem stated there was no information regarding the walls and whether or not they received a COA. Ms. Tully said that she did not pull files to see what had received a COA. Mr. Thiem asked if the wall at 910 Dorothea was a new wall or replacement. Ms. Tully stated she did not know.

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

Committee Discussion

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

The driveway is one issue and the retaining wall is other. Driveway? [Caliendo]

The examples are helpful, but I did note one case where it may appear we need clarification. For 920 W Lenoir Street is appears from the photographs that the example was actually an alley. [Thiem]

I think that is correct. [Davis]

Tania noted in the staff report that it does not appear to be a driveway. [David]

Clearly it looks to me from a sense of what is happening in neighborhood that there have been some informal ways resolving driveway connections. The other thing to look at is a solution to the problem of providing a driveway that comes straight down to the street would create a wider curb cut which may be atypical. The evidence presented supports the configuration. There is no information on the tree. My concern is leaving that tree and putting the driveway in will endanger the tree. [Thiem]

I do not think the driveway can go in with the tree there. [Davis]

It does not really show where the tree will go. I would like to entertain another suggestion with placing the tree. [Thiem]

Ms. David made a motion to reopen the public hearing portion of the hearing; Mr. Davis seconded; motion carried 5/0.

PUBLIC TESTIMONY(2)

Mr. Thiem asked if the applicant was okay planting a tree in a different location in the front yard. Mr. Romblad said yes. Ms. David asked if the applicant had talked to their neighbor about using their driveway. Mr. Romblad explained the portion of the driveway that contains the easement and that no one is allowed to park in that area. Ms. David asked if the proposed new driveway could be configured to be beyond the existing crepe myrtle. Mr. Romblad added he cannot drive there.

Mr. Hinshaw made a motion to close the public hearing portion of the meeting; Mr. Davis seconded; motion carried 5/0.

Committee Discussion (2)

I do not disagree with the site wall example. In Boylan Heights the more predominant material is poured concrete. [Hinshaw]

That is correct. [Davis]

With the examples he has shown do they really offend the guidelines? [Hinshaw]

They would fit. [Davis]

The question is if we are honoring the existing material for this particular kind of wall as associated with the contributing structure. Will we allow that to be removed and replaced with a modern material? [Thiem]

Would more photos of walls help you make a decision? [Tully]

From an architectural point of view, what is comparable precedent is the use of Hardie Plank on new buildings, but on old only use original materials. [Thiem]

There are a number of walls that are block but they are parged so they look like poured concrete. [Davis]

This is similar to the case in Oakwood on Elm Street whether there was a less visible low retaining wall constructed out of concrete block unparged (and not attractive). The request was to have it removed and replaced with covered with some sort of stone veneer. They had already removed part of the wall. The commission ended up denying the use of field stone and required cinderblock comparable be reinstalled. [David]

Guideline 2.4.5 says to replace the deteriorated portion in kind rather than the entire feature.

We can consider a compatible substitute if using the original is not feasible. [Caliendo]

We do not specify what kind of studs etc when we deal with surface materials. I am trying to understand how to maintain the appearance from a congruence standpoint. The wall reconstructed out of concrete with smooth concrete finish does not have to be poured concrete. I would be looking at removing the wall and having a finish that matches what was there. [Thiem]

2.4.5 says to replace in kind. [David]

It says replace with matching design, material, color. [Caliendo]

Reconstructing the retaining wall is congruous in poured concrete or parged concrete that looks like poured concrete. [David]

What about the tree? The tree does not really contribute to the canopy. [Caliendo]

Most of the time we delay so we can talk about people not cutting down the tree. [Davis]

It is not a canopy tree. [David]

Findings of Fact and Conclusions of Law

Mr. Hinshaw moved that based upon the facts presented in the application, staff report, and the evidentiary hearing, the committee finds the following:

- A. The installation of a driveway is not incongruous according to *Guidelines* 2.3.8, 2.5.5; however the configuration of the driveway is not incongruous according to *Guidelines* 2.3.6, 2.5.5, 2.5.9, and removal of tree is not incongruous according to *Guidelines* 2.3.5 and the following facts:
 - 1* A large, mature crepe myrtle is in the path of the proposed driveway. No information regarding its health is provided.
 - 2* The proposed driveway takes up roughly 25 percent of the front yard and 75 percent of the of the side yard on the east side of the house. Front lawns and mature trees are characteristic of Boylan Heights, as noted in the "Special Character" essay.
 - 3* The lot is 6,970 SF, the house with porches is 2,002 SF; the proposed driveway adds approximately 473 SF of built area. The current built area is approximately 29% and the proposed is 34%.
 - 4* Single-lane driveways are commonly shared throughout Raleigh's residential historic districts, but this curb cut appears to service a single-lane driveway that is completely on the neighboring parcel, with an added curve that juts onto subject property.
 - 5* The driveway has a shared curb cut; the lot line is at an angle.
 - 6* The curve of the west edge of the concrete driveway is not a configuration historically seen in the district, where driveways typically extend straight into a side yard.
 - 7* The amended application includes photographs and maps of houses in Boylan Heights where the property lines are not perpendicular to the road and where some appear to share a driveway cut with the adjacent property. Except as noted the driveways were not reviewed to determine if COAs were received.
 - a. 727 S. Boylan Ave: The driveway is in the rear yard off of Dorothea Drive and associated with a non-historic house. It did receive a COA.
 - b. 731 S. Boylan Ave: The driveway is in the rear yard off of Dorothea Drive and associated with a non-historic house. It did receive a COA.
 - c. 1024 & 1026 Dorothea Drive: The single lane driveway extends off of a double wide curb cut and is shared until it splits at roughly the halfway point of the houses.

- d. 1021 W South Street: The driveway extends straight off of a double wide curb cut
 - e. 709 S Boylan Avenue: The curb cut and driveway do not extend in a straight line.
 - f. 702 Dorothea Drive: This is a corner lot with the driveway coming off of Florence Street.
 - g. 920 W Lenoir Street: This is a triangular shaped lot. There doesn't appear to be a driveway at all.
 - h. 504 S Boylan Avenue: The curb cut and driveway do not extend in a straight line.
 - i. 510 S Boylan Avenue: The driveway curves slightly to the right.
 - j. 1104 W Lenoir Street: This is a circular driveway associated with a non-historic house.
 - k. 408 & 410 S Boylan Avenue: The driveways extend off of a double wide curb cut and do not extend in a straight line.
- 8* The proposed driveway is of waterwashed concrete with a border of a single row of salvaged bricks. This border is not typical of driveways in the district.
- 9* The applicant stated that the curb cut could not be increased a certain amount because of code issues.
- B. The removal of and construction of a new retaining wall is not incongruous according to *Guidelines* sections 2.4.5, 2.4.6, and 2.4.8; however, use of exposed block is incongruous according to *Guidelines* sections 2.4.5 and the following facts:
- 1* The existing retaining wall is of poured concrete and runs from the existing cheek wall of the front walk's lower steps east to the west edge of the driveway at 706 Dorothea Drive. A small wing also exists at the west cheek wall of the steps.
 - 2* The proposed material for the new retaining wall is concrete block.
 - 3* The predominant wall material in Boylan Heights is concrete block.
 - 4* The amended application includes a photo and rough sketch of how the wall is proposed to tie into the cheek walls at the front walk steps.
 - 5* The wall is proposed to be 32" in height and the wing walls will be at the height of the top course of the front steps – approximately 34".
 - 6* The cheek walls are proposed to be waterwashed, poured concrete with the handrail extended up and matching the existing material and the steps proportionally.
 - 7* Details of the retaining wall's height along the west edge of the proposed new driveway are not included.
 - 8* The material of the new retaining wall is proposed to be stackable blocks as shown in photographs of 910 Dorothea Drive and 524 S Boylan Ave.

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

Decision on the Application

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

1. That the new wall be within 6" of the height of the existing wall.
2. That the new wall match the exterior material and finish of the existing wall.
3. That details and specifications (including configuration, height, dimensions, and material) of the new wall be provided to and approved by staff prior to issuance of the blue placard.
4. That the replacement tree be in the front yard with the species and location to be provided to and approved by staff prior to issuance of the blue placard.

Ms. David agreed to the changes. The amended motion passed 5/0.

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

Certificate expiration date: 8/23/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

190-16-CA 519 FLORENCE STREET

Applicant: TRISH MEEKS

Received: 12/5/2016

Meeting Date(s):

Submission date + 90 days: 3/5/2017

1) 12/22/2016 2) 2/23/2017 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Remove collapsed stone retaining wall; construct new concrete block retaining wall

Amendments: Additional documentation was received 2/6/17 and was included in the commissioner packets. Addresses for the photos and more evidence were received 2/10/17 and are attached.

Conflict of Interest: None noted.

Staff Notes:

- After-the-fact applications are reviewed as though the work has not been completed.
- Section 5.4.2.H.3. of the Unified Development Ordinance says “The issuance of a Certificate of Appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as topography, availability of materials, and lot size) but not affecting the -HOD-G or Historic Landmarks generally, compliance with the historic development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the -HOD-G or of Historic Landmarks would meet.”

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.4	Fences and Walls	Remove collapsed retaining wall; construct new concrete block retaining wall

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 case for an after-the-fact installation of a retaining wall was last heard in December and it was deferred. Ms. Tully showed pictures of the wall from different views. Ms. Tully said staff was recommending approval of the removed wall and two possible decisions: denial of the use of the curved face concrete block with the new material to be provided to staff prior to installation or approval using screening and maintaining the screening for the duration of the wall's life.

Support:

Ms. Beverly Clark [affirmed] was present to speak in support of the application. Ms. Clark stated she was there with the applicant as a friend and wanted to assert that this was a structural wall and not a decorative wall. Ms. Clark pointed out the staff recommended to stain and cover with greenery which she believed was acceptable as the material can be stained and not have an adverse impact on the water permeability. Ms. Clark pointed out the prominent wall type is cinder block in Boylan Heights and it was a challenge for this project due to the grade level of the wall and this was engineered for support, not decorative purposes.

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

At Ms. Caliendo's suggestion Mr. Thiem 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]:

Discussion? [Caliendo]

The other walls in the neighborhood are not just decorative. This wall is not public facing and is on the side. [Davis]

And below the street grade which is a distinguishing factor for this case. [Caliendo]

The arguments I heard were that it is an uncommon wall. A concern I have is that the uniqueness of a wall can make it special and if it's special it is something that should be retained? I am disinclined to support the fact that it was only one of a kind and we need to look at the rest of them as different. Uniqueness alone made it a special feature and in that sense looking at staff's solution it does not really address the retaining wall and bringing back original stone. [Thiem]

It is the wall location that's unique, not really the wall itself. [Davis]

Do we have other examples where we have used vegetation to mediate a material that was deemed incongruous? [Thiem]

The only example I can think of is that vegetative screening can be used as an alternative to fencing when you are talking about screening HVAC and undersides of decks. Be sure to read the staff note that talks about topography. [Tully]

In your example cases you cited screening was it to screen an undesirable view or mediate an undesirable view? [Thiem]

The *Guidelines* talk about screening contemporary or incompatible features such as storage units and swimming pools. You have regularly used evergreen plants as a way of screening from view. [Tully]

The new house in Boylan that has a foundation that was too high was one way to use foundation to mediate the house. [Hinshaw]

That was 503 Cutler. [Tully]

Does this wall fall into that category or is it incompatible feature in the district? [Thiem]

I would like a structural engineer to testify. [Hinshaw]

The wall is a substrate for the trellis. The original wall was mostly covered with ivy so she is essentially putting it back the way it was. [Caliendo]
She is putting vegetation back over a wall that was there. The steep drop off is little bit more than substantial than the normal retaining walls we see collapsing. [David]
Forbid the English ivy being replaced? [Hinshaw]

Mr. Hinshaw made a motion to reopen the public hearing portion of the meeting; Ms. David seconded; motion carried 5/0.

PUBLIC TESTIMONY (2)

Ms. Clark asked if confederate ivy would work for the wall. Mr. Hinshaw pointed out English ivy is an invasive species. Ms. Clark also asked for guidance on the staining. Ms. David replied she could work with staff on the color. Mr. Thiem stated he'd consider mixed species for the vegetative cover.

Mr. Thiem made a motion to close the public hearing portion of the meeting; Mr. Hinshaw seconded; motion carried 5/0.

Committee Discussion (2)

I find the comment regarding the wall being a support mechanism for the vegetation compelling. The wall was originally covered with vegetation during its lifespan and can actually be seen as a green wall. [Thiem]

Findings of Fact and Conclusions of Law

Mr. Davis moved that based upon the facts presented in the application, staff report, and the evidentiary hearing, the committee finds the following:

- A. Removal of collapsed retaining wall is not incongruous in concept according to *Guidelines* 2.4.5 and construction of new wall covered with vegetation is not incongruous according to *Guidelines* 2.4.1, 2.4.2, 2.4.6, and the following facts:
 - 1* At the south side of the property there is a sharp grade change.
 - 2* The retaining wall supports earth that is adjacent to the foundation of the house.
 - 3* It appears from the photos that at least one stone buttress had been added at a later date to support the stone wall. The mortar joints appear to be different than the grapevine joints of the wall.
 - 4* In May 2016 a 12' long section of the wall collapsed. Photos were included of the collapse, the adjacent creek, and proximity of the house foundation.
 - 5* The application states that a stone mason was unable to repair the wall due to the lean and method of construction.

- 6* The application includes a signed and sealed drawing from a structural engineer that recommended replacement of the wall. Standard section drawings were provided in the amended application.
- 7* The grade of the property slopes away from the house and there were erosion problems.
- 8* The amended application included maps with topography and stormwater infrastructure information obtained from City of Raleigh iMaps. An open channel for the Rocky Branch drainage basin runs along the base of the wall. A PipeIO outlet sits near the wall also.
- 9* The removed and proposed walls are 6' tall on the south side and level with the grade of the yard to the north.
- 10* According to iMaps, within the boundaries of the Boylan Heights HOD the only other open channel is on Cutler Street between W Cabarrus Street and W South Street.
- 11* The proposed new wall is 46' long with a 6' long ell constructed of curve faced concrete block.
- 12* The new wall is much more visible in large part because of the loss of the mature vines on the old wall.
- 13* The application includes photos of the same type of block used at the Lenoir Street Park (626 W Lenoir Street) and the Project Enlightenment parking lot (rear of 501 S Boylan Avenue). The Lenoir Street Park is not in the Boylan Heights HOD. The retaining wall at Project Enlightenment was approved with COA 145-01-CA as part of approval of the addition and parking lot. It was a new wall not replacing historic fabric and has a straight, not curved face.
- 14* Mortarless CMU retaining walls have been approved in Boylan Heights previously including at 610 S. Boylan Avenue (CAD-93-047) under an earlier set of *Design Guidelines*. It was a new wall not replacing historic fabric and has a straight, not curved face.
- 15* Historic rockface concrete block walls are at 906 W South Street and 906 Dorothea Drive
- 16* The commission recently denied the installation of concrete blocks with rusticated curved faces at 410 S Boylan Avenue (090-16-CA).
- 17* The amended application includes photographs of walls on Boylan Avenue, Dorothea Drive, and Florence Street. The photos show a variety of masonry walls including brick, historic stone, new stone, parged, and concrete block.
- 18* The predominant wall material in Boylan Heights is concrete block. In a survey of walls in Boylan Heights by the applicant observed the following quantities and materials: 18 cinder block, 11 stone, 16 flat or block concrete, 6 brick, 3 brick and stone, and 5 wood. Vegetative covering was noted on some.
- 19* The concrete unit blocks with rusticated curved faces at 704 Florence Street did not receive a COA.
- 20* The Boylan Heights Special Character Essay states that "Because of the gently-sloping hillside location of the district, a few masonry and stone retaining walls can be found within the district adjacent to walks and alleys or between houses."
- 21* The original wall had no footings, had a 25% bulge, and was not visible due to being completely covered with ground cover (English Ivy)
- 22* The amended application notes that the wall is below the street grade, unlike any other wall found in the neighborhood.

- 23* The application is amended to remove the installation of gravel in the yard at the top of the wall. Shrubs are proposed to be planted instead. Proposed plant material was not provided.
- 24* The application proposed to cap the wall with fieldstone. A sample was not provided.
- 25* The applicant is willing to plant groundcover to obscure the side of the wall.
- 26* Section 5.4.2.H.3. of the Unified Development Ordinance says “The issuance of a Certificate of Appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as topography, availability of materials, and lot size) but not affecting the -HOD-G or Historic Landmarks generally, compliance with the historic development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the -HOD-G or of Historic Landmarks would meet.
- 27* The wall structure is below the street grade.

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

Decision on the Application

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

1. That the new wall be stained/dirtied and that a trellis structure be suspended from the top for the purpose of growing an evergreen plant material and that the greenery be maintained for the life of the wall

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

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

Certificate expiration date: 8/23/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

005-17-CA 1203 E LANE STREET

Applicant: GEORGE SAUNDERS

Received: 1/10/2017

Meeting Date(s):

Submission date + 90 days: 4/10/2017

1) 1/26/2017 2) 2/23/2017 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: DAVID AND ERNESTINE WEAVER HOUSE

Nature of Project: Demolish house

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.
- There is an active violation for removal of a portion of the house as described in the staff report.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
5.2	Demolition	Demolish house

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 application is for the demolition of the house and showed photographs dealing with the structural issues of the house after the car damage. Ms. Tully recommended approval with the 365 demolition delay and also suggesting that the house be dried in within 30 days and with standard documentation requirements.

Support:

Mr. George Saunders [affirmed] was present to speak in support of the application. Mr. Saunders stated the main reason he had to apply for the demolition is that he is being fined \$500 dollars a day because he did not have a Certificate of Appropriateness for the changes. Mr. Saunders stated he wants to renovate and he is waiting on the insurance company to approve or disapprove funding. He is also in the process of finalizing three estates and it would be April

before the insurance company gives him a decision. Mr. Saunders did not want to demolish the house but if he does not get the funding he may have to.

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

Responses and Questions:

Ms. David asked Mr. Saunders if he was considering selling the property. Mr. Saunders stated it was not his top choice and once he finishes up the estates he has another meeting with his attorneys. By April he will know which way he wants to go.

Mr. Davis asked if there were any concerns with drying in open portions of the house. Mr. Saunders stated he has boarded it up completely since the last meeting and that was due to the housing inspector stating it had to be done since there were people getting into the house.

Ms. David asked if there was anything that could be done to help Mr. Saunders as the commission works with additional organizations. Mr. Saunders stated it might be wise to wait until March and he would have no problems coming back. Ms. David reminded him they are here to help him. Mr. Saunders asked about waiving the 500 a day fine. Ms. David inquired about the fine and Ms. Tully stated it was from the violation through the Inspections Department and it is already in the City Attorney's office.

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

Committee Discussion

There was no discussion following the public hearing.

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application, staff report, and the evidentiary hearing, the committee finds the following:

A. Demolition of the house is incongruous according to *Guidelines* section 5.2, and the following facts:

- 1* According to the landmark designation ordinance, the Weaver House is a two-story frame house that combines elements of the Queen Anne and Craftsman styles. It is an unusually large and architecturally distinctive dwelling built in the early twentieth century in the African American Idlewild community of East Raleigh. The building's architectural distinction reflects the historical prominence of its original, long-term owner in the local business community.
- 2* A vehicle colliding with the sunroom in June 2016 caused substantial damage to the right (east) half of the structure.

- 3* Based on an evaluation by the insurance company the applicant determined that the structure was unsafe and removed the sunroom and eastern half of the house without applying for a COA or other permits.
- 4* Photos of the house after partial demolition were provided; photos of the damage by the vehicle were not.
- 5* The partial demolition left much of the house open to the elements. The interior of the east side is now on the exterior and the attic is open entirely.
- 6* The application does not present any evidence that the applicant has fully documented the building with photographs and drawings and deposited these materials with RHDC for storage.
- 7* The applicant has stated to staff a desire to work with the commission on alternatives to demolition.
- 8* The application does not present any evidence that the applicant has worked with RHDC and other interested parties to salvage usable architectural materials and features.
- 9* The application does not propose post-demolition site development or plantings.

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

Decision on the Application

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

- 1. That the demolition be delayed 365 days from the date of legal decision (minutes approved), enabling the commission and property owner to work toward a solution that preserves and rehabilitates the building in place.
- 2. That the house be dried-in within 30-days of February 23, 2017.
- 3. That the following be submitted to and approved by staff prior to issuance of the blue placard:
 - a. Documentation of the house and site with photographs and measured drawings.
 - b. Deconstruction plan and list of anticipated usable/salvageable architectural materials and features.
- 4. That a COA for site development or plantings be filed and approved prior to issuance of the blue placard.

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

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

Certificate effective date: 2/23/18.

Certificate expiration date: 8/23/18.

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) 2/23/2017

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. Revised drawings were received 2/20/17

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.
- Evidence and statements relating to the following are not included in the staff report:
 - Having to do with legal matters already addressed by the committee and not applicable to the *Design Guidelines*.
 - Grading and tree removals.
 - Determination of the need for the COA.
 - City permitting process.
- Section 5.4.2.E.1. of the Unified Development Ordinance says “The minimum and maximum setbacks within the -HOD-G and for Historic Landmarks shall be congruous with the setbacks of any typical well-related nearby building and structure within 1½ blocks and in the overlay district, and congruous with the character of the Historic Landmark, as set forth in the historic development standards below or as defined in the designation documents or nomination.”
- Section 5.4.2.F.1. of the Unified Development Ordinance says “Buildings and structures shall be congruous with the height of typical well-related nearby buildings and structures in the overlay district, and congruous with the character of the Historic

Landmark, as set forth in the historic development standards below or as defined in the designation documents or nomination.

- Section 5.4.2.H.3. of the Unified Development Ordinance says “The issuance of a Certificate of Appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as topography, availability of materials, and lot size) but not affecting the -HOD-G or Historic Landmarks generally, compliance with the historic development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the -HOD-G or of Historic Landmarks would meet.” (5.4.2.B.2. makes this applicable to the HOD-S)

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

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

PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. The applicant provided dimensions and the overall height has been reduced. The hearing was held open since the commission didn’t have a chance to ask questions. The commission requested that there not be any reiteration but would allow any new evidence. Staff didn’t offer recommendations, but did provide conditions should a decision be made. The staff report is based on the notebooks and testimony. Starting with 15* the facts are broken into speakers. The staff report does not include statements regarding grading, tree removal, need for a COA, or the City permitting process. The staff notes include excerpts from Unified Development Ordinance that speak to setbacks and heights in overlay districts and unique sites.

Mr. Rasberry noted that he and staff discussed this case and has a recommendation on how to handle the findings of fact. Since the case is so complex and contested and staff is not making a recommendation it might be appropriate for the finding and conclusions be developed by staff and approved at the next meeting. Staff could note the evidence that the committee members deem significant and staff will prepare more formalized findings and conclusions for formal adoption.

Mr. Thiem noted that there were some arguments within the material presented including building height, orientations, etc. that went back to the UDO and that the commission didn’t have standing. The argument is that the commission cannot make a decision.

Mr. Rasberry agreed that parties have raised issue of generally applicable standards including the 25 feet height per city code and the locational provision that garages are ordinarily at the rear of dwellings. These are two of the elements presented in the memo from Travis Crane and

submitted for consideration at an earlier meeting. He noted that he understood the commission to agree with the memo and staff's interpretation that the COA process might approve a garage that would not conform to generally applicable city standards. Ms. Tully noted that the committee has agreed to that now twice.

Ms. Tully noted that Mr. Ben Kuhn [affirmed] had a written statement from the adjacent property owners in response to the new information from the applicant. With the committee's permission it was distributed.

Support:

Mr. Brett Hanna [affirmed] was present to speak in support of the application. He noted that the applicant is available to answer questions. The expert prepared an affidavit and photos with renderings of the garage inserted.

Mr. Kuhn objected stating that the only difference is the height, and otherwise he'd have to cross examine Mr. Becker again. Mr. Rasberry stated that in his recollection direction was given that only new evidence would be allowed. Applicants can submit a new submission and opponents would have opportunity to cross examine and offer additional evidence relative to the new material. Mr. Kuhn is allowed to object and the chair can choose to hear the fairly new or only new evidence. Ms. Caliendo stated that they asked that new material come in before the application deadline. Mr. Rasberry said that they are not bound by rules of evidence. He said that they should offer an opportunity to opponents to ask questions if they review new material.

Mr. Thiem asked if the new material is in addition or if they already have the data. Mr. Kuhn said that they are proposing no new evidence except for the height. Ms. Caliendo asked if it was the applicant's attorney's intent to have a witness. Mr. Hanna said that Mr. Becker is available for the committee.

Ms. Caliendo chose to allow the new evidence end for Mr. Kuhn to proceed with cross examination.

Opposition:

Mr. Ben Kuhn's Cross Examination of Dan Becker

- Mr. Kuhn asked Mr. Becker if it was his statement that the location of the accessory building on the property is not incongruous with the special character due to its orientation relative to the lot lines. Mr. Becker said yes.
- Mr. Kuhn said that is was not the standard. They are looking to see if it's incongruous with the historic context of Glenwood HOD. Mr. Becker responded that the Design Guidelines speak to the context of the location that is under consideration. Naturally one needs need to take into account the area around the application location which is what sets the nearby well-related buildings

- Mr. Kuhn asked if Mr. Becker agreed that the property is subdivided and they are not historic lot lines. Mr. Becker said that the south lot line is a historic lot line of the parcels that are accessed from Cole Street.
- Mr. Kuhn asked if Mr. Becker agreed that the current configuration is not historic lot line for proposed orientation and lot lines. Mr. Becker said that the parcel on which 508 [514] Cole Street sits was not in existence during district's period of significance.
- Mr. Kuhn asked if he was showing the historic context of other detached garages in the neighborhood. Mr. Becker said yes, the garages were shown in photographs and in the slides.
- Mr. Kuhn asked if he agreed that the proposed garage was not entirely behind the house. Mr. Becker agreed that if you are looking at a line parallel to the back of the house there is an intersection with the garage.
- Mr. Kuhn asked if he agreed that the garage is not entirely behind the house and not alley loaded. Mr. Becker agreed stating that there is no alley there.
- Mr. Kuhn stated that the garage is not located orthogonally behind lot. Ms. Caliendo said that this was already established.
- Mr. Kuhn noted that Mr. Becker stated that there is overwhelming evidence that the proposed garage is harmonious with the character of the district. He asked how he came to that conclusion. Based on the questions just answered how can he say that it's overwhelming that it's harmonious? Mr. Becker said that it's his interpretation that the more important issues are those of the characteristic typical well-related nearby buildings. Those would be the houses on Cole Street. The garage is located parallel and perpendicular to the historic rear lot line of those houses and the height is within 10% of the oldest accessory building as well as the one that is most nearly like this one. Mr. Becker stated that based on all that, it is his expert opinion that the proposed garage is incongruous in character.
- Mr. Kuhn asked if the revised height is 24 feet 11 inches. Mr. Becker said that he corrected the document to read 24 feet 9 inches.
- Mr. Kuhn asked if when making the measurement it was Mr. Becker's assumption that the back rear foundation was only 6 feet in height. Mr. Becker said that the property owner received a stop work order, but that as seen in the construction documents the intention was to apply a finish and final grading that would provide a 6 foot rear foundation height.
- Mr. Kuhn asked again if the assumption was a 6 foot back foundation wall. Mr. Becker said yes.
- Mr. Kuhn asked if his height measurements would be incorrect if it wasn't 6 feet. Mr. Becker said that they aren't reviewing the building as currently built. The review is treated as if it were a new building not constructed. He added that they should allow the applicant to complete the building based on plans for a rear elevation of 6 feet.
- Mr. Kuhn asked if he agreed that the standard is to take application as is and as though the proposed us not there. Mr. Becker agreed.
- Mr. Kuhn had nothing further.

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

Responses and Questions:

Mr. Hinshaw stated his objection to the relevance of the fact that the neighbors could see the garage from their backyard.

Ms. Caliendo asked if it is typical for the committee, when determining context, to consider only contributing garage structures. Ms. Tully said yes. She asked if they usually considered large garages added in recent years. Ms. Tully said that they typically don't.

Ms. David noted that Dan's argument is that the garage is in a traditional location for houses that face Cole Street. She added that if this was just moved a few feet south and was associated with the house facing Cole Street it would be more approvable. Guidelines 2.6.6 says to locate and orient new garages and accessory buildings in locations compatible with the traditional relationship of garages and accessory buildings to the main structure and the site in the district. She asked staff if by site it means the lot and main building and they are to think about the garage and the building it goes with. Ms. Tully agreed. Ms. David said that's how she interprets it.

At Ms. Caliendo's suggestion Mr. Thiem 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]:

The two main issues are location and height. Are there any other issues the committee wants to discuss? [Caliendo]

Guideline 2.6.6 is the main guideline that applies to this. I interpreted this that the house should be oriented to the house. Based on the evidence provided in the district most of the garages are behind the houses. [Davis]

That speaks to location [Caliendo]

I'm struggling with the arguments that have been made on both sides. We heard arguments about houses and garages and small rectangular lots. A key criterion is that the houses face the street. I'm having difficulty with these two houses and the adjacent house in context with the set of approved guidelines. The houses were built under the UDO rules before the district was applied. The other house has a built-in front-facing garage. If you walk back there they seem to provide their own neighborhood context and no relationship at all to overall sense of the neighborhood. I'm having a hard time dealing with the fact that we are addressing this house and its relationships when it's not even on the street. We are only looking at this because it's on Wade Ave. We also heard testimony that there was a correction in the code because of the issue with alleys. There are alleys existing and in other places, but the houses adjacent to this don't have an alley. Let that sit. [Thiem]

I agree with you difficult time seeing these 3 structures that are off 100 feet off Cole Street as part of a street side issues. Cole is there only because of a postal address. If they were somehow near Wade Avenue. [Hinshaw]

The Guidelines do apply. [Davis]

It meets the intent of a streetside review. [Caliendo]

It does fall under streetside. [Davis]

It does not meet 2.6.6 because of its location relative to main house. It's not approvable. [David]

I agree. There is a clear and consistent character when it comes to garages. They are behind and orthogonally oriented to the house. [Caliendo]

This is like its own little neighborhood in Glenwood-Brooklyn. [Davis]

Height? [Caliendo]

I think it falls similar to other garages' heights. The back is have fill there. [Davis]

I've already expressed my opinion. [Hinshaw]

Discussion on how to make the motion:

Is the intent that we would provide staff enough information for next meeting? [Thiem]

Make the decision tonight. Then we would craft the findings of fact based on what you think is important. I've heard that evidence related to location and height is what is most pertinent.

Any evidence that speaks to that is what staff would include. [Tully]

This is an unusual case. The decision that is reached to approve or deny gives staff an indication of the action and then findings and conclusions will be prepared to be brought back for adoption to support the decision. [Rasberry]

One full motion? [David]

For the action of the findings to be taken at the next meeting there needs to be a clear direction from you. [Rasberry]

Make a decision, incongruous. [Davis]

Based on the previous meeting and tonight, the construction of the proposed garage is incongruous. It is not behind house or orthogonally relational to the house. The findings of fact are to be approved next month. [David]

Decision on the Application

Following discussion on an initial motion made by Ms. David and seconded by Mr. Davis, Ms. David made a motion that the application be denied.

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

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

The proposed Finding of Fact and Conclusions of law are in a separate document attached to these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

018-17-CA 322 E DAVIE STREET

Applicant: IN SITU STUDIO

Received: 2/2/2017

Meeting Date(s):

Submission date + 90 days: 5/3/2017

1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Construct 2nd level addition; construct concrete retaining wall; install metal picket fence

DRAC: Pre-application designs were reviewed by the Design Review Advisory Committee at its November 14, 2016 and January 17, 2017 meetings. Members in attendance in November were Mary Ruffin Hanbury, David Maurer, Curtis Kasefang, and Dan Becker; also present were Matthew Griffith, Jake Huffington, and Tania Tully. In January, members in attendance were David Maurer and Dan Becker; also present were Erin Sterling, Matthew Griffith, Jake Huffington, Matt & Laura Munoz, Tania Tully, and Melissa Robb.

Conflict of Interest: None noted.

Staff Notes:

- COA 179-15-CA approved a metal front yard fence with the condition that it have upper and lower horizontal crossbars with the exact design to be provided to and approved by staff prior to installation. This application serves as that submittal.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.4	Fences and Walls	construct concrete retaining wall; install metal picket fence
4.2	Additions to Historic Buildings	construct 2nd level and rear addition

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 introduced the rear addition to the house and provided additional photographs with information. Ms. Tully stated staff recommended deferral with information on dimensions and because of the fly through there may be additional information that needs extra time.

Support:

Mr. Matt Griffith [affirmed] was present to speak in support of the application. Mr. Griffith prepared a presentation (printed for the record) that was a fly through of the property that the

committee had not seen yet. Mr. Griffith stated that a previous COA was approved for improvements on the rear yard, fences and the deck and a front retaining wall that includes those proposed improvements. Mr. Griffith gave an overview of the history of the renovation of the house so far and stated the design has been to DRAC meetings. Mr. Griffith gave an overview of the elevations of the property and the changes that were proposed with the camelback addition. Mr. Griffith provided evidence of precedence for the proposed style addition at 526 N East Street, 707 N East Street, 1022 W South Street, 421 Cutler Street, 1003 W Lenoir Street and 1100 W Cabarrus Street.

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

Responses and Questions:

Mr. Hinshaw stated he did not see how the camelback addition was delineated from the historic portion of the house. Mr. Griffith stated that the precedents did not have a graceful way of setting the camelback into the house and he believed the change in height would be the change and that additionally he will be getting the siding to fit in with the house. Mr. Davis asked if a hyphen approach was possible and pointed out that the other houses are not set up that way with the historic roof. Mr. Griffith stated some of them but not all.

Ms. Caliendo asked if there was information on how far back the additions were on the precedent houses compared to the front. Mr. Griffith stated they did not have anything that specified that. Ms. Erin Sterling Lewis [affirmed] stated they did not specify the height but they can get that information. Mr. Davis stated that in the drawings it shows up more because it looks as if it is set back from the original house and it looks more like a second house in back and overwhelms the main house. Ms. David stated one of them is more tucked into the historic roof. Mr. Griffith stated if it was moved it would look more like it was eating into the gable and they wanted to maintain a simple roof form that is easy to maintain.

Ms. Caliendo inquired about how much taller the ridge is from the existing house. Mr. Griffith stated it was 6 feet or little less than 7 feet, which is 6'6". Ms. Caliendo asked how it compared to the other COA cases. Ms. Sterling stated it is approximately 3'6" at 1100 and 5'11" at 1022 Cabarrus.

Ms. David inquired about the fence. Mr. Griffith responded those were the findings they had. Ms. Tully reminded the commission that the fence and wall were approved by a COA in 2015 and noted the changes were only vertical pickets that were not yet approved. Mr. Griffith added that an upper rail would be added.

The committee then discussed the balcony versus a porch. Ms. David stated all the examples that were brought forth were porches and the application reads like a balcony. Mr. Griffith stated there was more diversity in balconies than consistency and asked if he were to trim interior rooms to make it smaller would that be acceptable. Ms. David stated it would be more like their examples.

Ms. Caliendo asked about the trim around the windows. Mr. Griffith stated that there would be no exterior trim on the addition windows. Ms. Tully also stated they have not approved casing-less double hung windows.

At Ms. Caliendo's suggestion Mr. Hinshaw 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]:

The discussion is does this addition diminish or visually overpower the existing house.

Guideline 4.2.6. [Caliendo]

The addition is about 800 square feet and the house is about 1400. [Hinshaw]

The fly though helped. In the drawings it looks like a 2 story house behind a 2 story house. It really looks bigger and is overwhelming. In the move it was not appearing that way much.

[Davis]

It is most visible in at least from 2 views coming up the east side of Davie. [Caliendo]

It does overpower the original house. It is a very diminutive house. I have concerns about camel back additions. We have been seeing so many houses that are small with addition requests. [David]

Staff fact #14 points out the examples on other houses and that we have not seen taller additions on this house form. In my mind the proportion of it makes it visually overpowering on the existing house. It is a wider proportion with a lower sloped roof. [Caliendo]

It does not meet the guidelines currently. I'm not sure what I would be looking for if we deferred. [David]

Skylight on the front not putting skylights in? [Davis]

Cannot view from the front. [Caliendo]

I'm torn on this one for a lot of reasons. Given the smaller nature of houses in the Prince Hall District if we are going to let this district to thrive and revitalize... [Hinshaw]

Does it have to be bigger to thrive? [Davis]

What is overwhelming is you are adding over 50% floor space. I am just torn since it is a very narrow lot between houses. Are you really going to notice? [Hinshaw]

In the prior decisions they all seem to be further back from the front of the house. [Caliendo]

Different historic districts have different characters. Prince Hall is just smaller. [Davis]

Mr. Davis made a motion to reopen the public hearing portion of the meeting; Mr. Hinshaw seconded; motion carried 5/0.

PUBLIC TESTIMONY (2)

Mr. Griffith stated he could not find this exact form of house with a camel back addition. He questioned why this has to be the lone single story form house. Ms. David stated she was not

sure the past camel back additions should have been approved. Mr. Griffith stated they were already done. Ms. Lauer added that the committee can say the past decisions were bad but it is unknown which were approved or not. Mr. Griffith added that some were approved recently. Ms. Lewis added that this could be an opportunity for the commission to consider this type of camelback addition on this house form and the denial of this case will mean denial of all additions on smaller houses in other districts.

Mr. Hinshaw made a motion to close the public testimony portion of the hearing; Mr. Davis seconded; motion carried 5/0.

Committee Discussion (2)

I'm concerned with the proximity to the front face of the house. [Caliendo]

The proportion of it looks really big and out of scale for this particular house. [David]

I just want to understand both sides of the argument. I am torn between allowing and denying it. [Hinshaw]

Staff has not recommended anything. The committee can look at the staff findings and could add some supporting or ones undeserved. [Rasberry]

I was suggesting deferral might be appropriate. [Thiem]

I'm not hearing that details are a concern. It's the massing of the house that is an issue. I want to give the applicant clear direction. The thing has to get smaller. [Thiem]

Or bring it down to smaller forms. [Caliendo]

The second level maybe being more articulated. [Thiem]

Any way to break up the box? [David]

Mr. Thiem made a motion to defer the application; Ms. David seconded; motion carried 5/0.

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

019-17-CA 5 W HARGETT STREET

Applicant: AT&T MOBILITY

Received: 2/3/2017

Meeting Date(s):

Submission date + 90 days: 5/4/2017

1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: LANDMARK HISTORIC DISTRICT

Raleigh Historic Landmark: RALEIGH BANKING & TRUST

Nature of Project: Install wall mount antennas on penthouse; install equipment platform and shelter on rooftop; install cable trays on rooftop

Conflict of Interest: None noted.

Staff Notes:

- A similar COA (080-14-CA) was approved with conditions application in July 2014.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.6	Garages and Accessory Structures	install equipment shelter on rooftop
3.5	Roofs	install wall mount antennas on penthouse
3.10	Utilities and Energy Retrofit	install equipment platform and shelter on rooftop; install cable trays on rooftop
4.1	Decks	install equipment platform on rooftop

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 this was the Raleigh Banking and Trust building and a similar COA was submitted in 2014 but for some larger and more antennas. Ms. Tully stated that staff is suggesting that the equipment shelter could be moved to the south and west so it is not as visible. There are other crenellations and the other difference is a paint proposal.

Mr. Rasberry stated that anyone speaking as a representative on behalf of someone that offers any advocacy would be unauthorized to make a statement to the committee and added that the individual can be there to speak as a witness and to answer questions.

Support:

Mr. Mike Hitchcock [affirmed] was present to speak in support of the application. Mr. Hitchcock was a representative for the applicant. Mr. Hitchcock addressed the issue of the distance from the Capitol Building. Mr. Hitchcock stated there is only so much space on the roof

and the engineers lowered it a foot to help minimize the impact of the roofline and they cannot go any lower because of the access to the roof membrane that is bolted up there. Mr. Hitchcock stated it is being painted and is lower than the penthouse.

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

Responses and Questions:

Ms. Tully stated they were trying to meet conditions of the prior to approval and it came down to the equipment shelter. Ms. David pointed out that in the image it still interrupts the crenellations. Mr. Hitchcock stated there is no way to keep one from seeing the accessory structure and that the Wells Fargo building hides some of it. They are trying to not make it look like a penthouse itself. Ms. Tully added that the suggestion of the rooftop location was with the idea of moving some of the HVAC equipment that was noted on plans as "movable."

Mr. Davis asked if the penthouse was the item in the back with the tower sticking out. Mr. Hitchcock stated it is the two tone brick color one. Mr. Hinshaw asked if it was only visible from the Wachovia building and the Capitol building. Ms. David replied you could see it from further south on Fayetteville Street behind the crenellation in the views from the north and east.

Ms. Caliendo asked if the structure could be moved. Mr. Hitchcock stated where it is set now is the best place and it becomes more visible from one side or another as it is moved. Ms. Tully suggested that it would be okay if more visible from the south because it would preserve the character defining element. Mr. Hitchcock stated it is lowered as far as they can get it as low as they can and paint it. Ms. David once again asked if it is moved to the penthouse would it be more visible from the south. Mr. Hitchcock stated yes that was correct and some items that are currently there would have to be moved and a brick finish was being added to hide them. Ms. David once again asked if it was still visible from behind the crenellation. Ms. Tully stated you would not be able to see it from any side except the south if it was moved and it would not be a big deal. Mr. Thiem asked how far would it need to be moved. Mr. Hitchcock stated the scaling of the drawing is about 8 feet from where it currently is and it would not change the visibility much at all. Ms. David asked if the item was moved to the south and southwest is it still visible to the east and north. Mr. Hitchcock stated from the photo and from the go around there is no possibility of moving it so there was absolutely no visibility. Ms. Tully asked if it is moved can it be visible from here and not from another side. Mr. Hitchcock asked which visibility the committee is most concerned about. Ms. David indicated the Capitol and north and east sides. Mr. Hitchcock stated things could be made less visible but totally not visible was impossible.

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

Committee Discussion

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

I do not think it meets the guidelines as proposed. [David]

Because of the conflicts with the crenellation it seems to be more sympathetic to move it to the south and there tend to not see it there from the buildings and it tends to be back in the direction too. [Thiem]

Defer for another visualization south or west as they can put it there or deny it. [David]

Defer to really looking at the existing equipment to see if they can move it. [Caliendo]

I agree. [Davis]

Ms. David made a motion to defer the application; Mr. Thiem seconded; motion carried 5/0.

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

020-17-CA 525 N BLOODWORTH STREET
Applicant: JIM JOHNSON
Received: 2/6/2017 Meeting Date(s):
Submission date + 90 days: 5/7/2017 1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove shed; construct new 1-1/2 story 2-car garage; alter driveway; prune mulberry tree

Amendments: Additional evidence was received 2/20/17 and 2/21/17 and is attached. The application was amended to trim the tree rather than remove.

DRAC: An application was reviewed by the Design Review Advisory Committee at its February 13 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, David Maurer, Dan Becker, and Mary Ruffin Hanbury; also present were Jim Johnson, Martha Lauer, Tania Tully, and Melissa Robb.

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.
- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features and Plantings	Trim trees
2.5	Walkways, Driveways and Offstreet Parking	Alter driveway
2.6	Garages and Accessory Structures	Construct new 1 ½ story 2-car garage
5.2	Demolition	Remove shed

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 that attached to the staff report were

amended written descriptions and drawings of the proposed garage as well as changes to the dormer. The information from the arborist was not proposing to take away the tree but removing a big piece of it so it can stay. Ms. Tully noted a few things up for discussion including the proposed shed demolition. There is some question regarding the date and significance of the shed. Ms. Tully provided facts from a similar case.

Support:

Ms. Ashley Morris [affirmed] was present to speak in support of the application. Ms. Morris explained how she arrived at the construction date of the shed. She used the Sanborn maps, Mr. Brown's work, and noted that portions of the shed are made of new lumber. Ms. Morris reported there have also been comments from neighbors that it may have been destroyed by Hurricane Hazel and rebuilt.

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

Responses and Questions:

Mr. Davis asked to see the picture of the garages from the prior case. Ms. Tully provided the case file with photos of the duplexes with the two garages (605 N East Street, 148-16-CA).

Ms. David asked why the garage doors are oriented away from the driveway. Ms. Morris stated that the driveway is near the side of the house and there needed to be room to allow for the owners to turn around. If the driveway was reoriented to face the garage it would take out a Mulberry tree which the owners did not want to do.

Ms. Morris stated that siting the garage toward the back also took advantage of the way the property slopes. It reduces the view and helps with height.

At Ms. Caliendo's suggestion Ms. David 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]:

For the demo of the shed if we are determining it's contributing we would have a 365 day delay. [Caliendo]

It does look a little like that one we imposed the delay on. [Davis]

Outbuildings are notoriously difficult to date. I know no reason to see one on the 1950 Sanborn map. It is kind of a thing with bits and pieces replaced over time and it's been repaired which is an indication it is fairly old. [David]

Is it contributing enough to delay the teardown? [Davis]

Is there documentation on this? [Thiem]

Was there more it was a contribution to the house itself or was it because it's a duplex? [Hinshaw]

It was a matching-ness that was the indication. [David]

There is a statue in the way the code reads in section 10.2.15.E.1. There is discretion to delay any demolition with 365 days. However, if it has no particular significance you are obligated to waive all or part of the 365 period. It does not mean you have to find one way or another about contributing; it is up to your discretion. [Rasberry]

We have waived the delay for outbuildings before. [David]

This is a lot like camelback additions in that we are seeing so many 1½ story 2 bay garages being proposed. Historic garages are 1-story single bay. [David]

We are having one almost every month. The guidelines say 1 bay 1 story. [Davis]

The orientation is not at the direct end of the driveway. I can understand why since it's a corner lot, but the orientation is kind of odd. [David]

It's odd. I would expect a garage with a driveway from Bloodworth. [Davis]

The driveway location and orientation is non- traditional. [David]

It is more unique to the lot to relative to the size. [Caliendo]

Is that shed historic or is it contributing? [Hinshaw]

Even if it is we have discretion to delay or not. [Caliendo]

Is this garage too big? I suggest we make a motion to defer for a garage that is less incongruous with guidelines. The massing and scale are a problem with this particular one. [Hinshaw]

I am looking at it with conjunction with the existing house. [Caliendo]

These are becoming less like garages and more accessory buildings. [Davis]

Keeping with 1½ story 2 bay garage. [David]

Traditional 1 story single bay garage are most approvable. At the rate we are seeing we might reconsider constant approval of this constant garage form. [David]

We will have to decide whether most of Oakwood and Boylan Heights people did not have cars or only had one and these days most households have 2 sometimes 3 or 4. [Hinshaw]

Staff can bring forward garage decisions from the last 3 -4 years if that is something you would like. It could help you to make the decision if you have a fuller breadth of commonality. [Tully]

Mr. Hinshaw made a motion to defer the case to the next meeting; Ms. David seconded; motion carried 5/0.

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

021-17-CA 602 E LANE STREET
Applicant: LEON & LAURA MALAHIAS
Received: 2/6/2017 Meeting Date(s):
Submission date + 90 days: 5/7/2017 1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove enclosed rear porch; construct new 2-story rear addition with recessed porch; install front stair rail; remove side porch; change side door to window; remove 3 trees in rear yard

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features and Plantings	Remove 3 trees in rear yard
3.7	Windows and Doors	Change side door to window
3.8	Entrances, Porches and Balconies	Remove enclosed rear porch; construct new 2-story rear addition with recessed porch; install front stair rail; remove side porch
4.2	Additions to Historic Buildings	Construct new 2-story addition

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 that the addition will be a two story rear addition. They also propose a small front railing and the removal of a side porch. Ms. Tully added staff that recommends approval with a delay for the tree demolitions.

Support:

Ms. Ashley Morris [affirmed] was present to speak in support of the application. Ms. Morris stated they tried to make a tight footprint and were sensitive to the fact this was a corner lot and a historic house. Ms. Morris added they kept the roof shape similar as well as the window style. The house is currently wrapped in vinyl siding. The addition will have Artisan Hardie plank siding. Once the vinyl is taken off they will see what the siding is like underneath.

Opposition:

Ms. Mary Iverson [affirmed] was present to speak in opposition to the application. Ms. Iverson stated that she is not opposed to the addition but that there is no tree protection plan set in place. There are two trees that appear to be compromised and there is no record of an arborist report on them. Ms. Iverson stated there is a black walnut tree that appears to be sound and if they would like to put in a one car garage the tree would have to be removed and she does not wish to see it to go.

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

Responses and Questions:

Ms. Laura Malahias [affirmed] stated there is a structural foundation wall that the tree is growing over and the root base is compromised because of that. The concern is that it could fall over onto the house. Mr. Davis inquired if there was an arborist report for the other trees. Ms. Malahias stated she did think there was. One of the trees is leaning over the fence and she did not think it met the diameter criteria. Mr. Thiem asked about the excavation of the roots of the walnut tree and if there were photographs of that. Ms. Iverson stated that in the pictures of the brick the tree seems to have adapted and she did not wish to see every old tree in Oakwood removed. She takes seriously the removal of trees in the neighborhood. Ms. Iverson stated that the trees add to the character of Oakwood.

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

Committee Discussion

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

Looks good. [David]

The most we can do is delay the tree removal 365 days. The walnut tree looks healthy and it is old and large The other one is leaning completely over the fence and is split. [Hinshaw]

What you have done in the past with questionable trees is that you have put in place the 365 delay unless there is a report from an arborist and there is a replacement as well. [Tully]

I do not think we had one recommended? [Thiem]

I assume that the site plan is accurately showing the trees straddling the property line on the inside of the fence. Are these trees jointly owned? I jumped the fence and I will say the walnut looked very healthy and to the extent of it compromising the wall the root system looks

extensive. We do not have the information for the tree on the far corner and it has seen its better days. The pear tree I am troubled by the characterization and it does not have the structural problems. The hackberries are likely volunteers based on my experience as a landscape architect. [Thiem]

Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application, staff report, and the evidentiary hearing, the committee finds the following:

- A. Removal of three trees in the rear yard is incongruous in concept according to *Guidelines* 2.3.5, 2.3.6, 2.3.7, 2.3.8, and 4.2.2, and the following facts:
 - 1* The applicant submitted a report from an ISA certified arborist that addresses a large black walnut tree which exhibits root damage due to a buried landscaping wall.
 - 2* The applicant requests the removal of two additional trees that flank the driveway and are against the fence. While it was stated in the application that both trees were compromised, there was no report from an ISA certified arborist that addresses these two trees.
 - 3* The applicant did not present a tree replacement proposal.
- B. Changing the side door to a window, installation of a front stair rail, and removing the non-historic side and rear porches is not incongruous in concept according to *Guidelines* 3.7.1, 3.7.2, 3.8.9, 3.8.10, 3.11.2, 3.11.3 and the following facts:
 - 1* The door leading to the porch on the west side of the house will be changed to a window when the porch is removed.
 - 2* Neither the side porch nor the enclosed rear porch is original to the house, according to the application.
 - 3* There is no evidence presented that the front stair had a center stair rail historically.
- C. Construction of a new 2-story rear addition is not incongruous in concept according to *Guidelines* 4.2.1, 4.2.5, 4.2.6, 4.2.7, 4.2.8, and 4.2.9, and the following facts:
 - 1* The new addition will be inset from the east and west walls by 12 inches with the intention of differentiating the addition from the historic house.
 - 2* The addition will be clad in smooth-faced fiber cement siding with a 4 ½" exposure. The rest of the house is clad with vinyl siding and trim. The nearby house at 610 E Lane Street, which was built at the same time and in the same style, has its original wood siding and trim and is the basis for the selection of the siding profile.
 - 3* If the original siding and trim materials differ from that proposed after the vinyl is removed from the rear wall, the applicant will adjust.
 - 4* The new trim will match the original trim, with 5" wide corner boards with an eased edge.
 - 5* Jeld-Wen Siteline EX wood windows will be installed on the addition in both one-over-one double-hung and single full-lite casement forms. The new windows match existing windows. Details and specifications were provided.
 - 6* The new door on the rear porch will be a single lite door painted to match the front door.

- 7* The new roof will match the original hipped roof. It will be covered in architectural asphalt shingles to match the color of the existing slate roof. No specifications were provided.
- 8* Fascias, closed soffits and eaves will match existing. The overhangs of the front porch and dormer are approximately 12", and the new overhangs are proposed to match that dimension. The overhangs on the main body of the house are 20", so the addition will be differentiated from the main house with a shallower overhang. A detailed drawing was provided.
- 9* The foundation for the addition will be brick to match the existing foundation material on the rest of the house.
- 10* According to Wake County Real Estate data and the application, the lot size is 5,227 SF. The footprint of the existing house (including porches) is 1,379 SF. Current built area is 26%. The proposed addition is 216 SF. The new built area is approximately 31%.

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

Decision on the Application

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

1. That removal of the trees be delayed 365 days.
2. That if an arborist certified by the International Society of Arboriculture (ISA) determines that the trees that flank the driveway are dead, diseased, or dangerous then the delay may be waived. Documentation is to be provided to and approved by staff prior to issuance of the blue placard.
3. That specifications and details for the following be provided to and approved by staff prior to the issuance of the blue placard:
 - a. a tree protection plan prepared by an arborist certified by the ISA;
 - b. rear porch;
 - c. replacement trees species and locations or a donation to the NeighborWoods tree planting program if there is no appropriate location on the lot or adjacent right-of-way.
4. That specifications and details for the following be provided to and approved by staff prior to installation/construction:
 - a. roofing material;
 - b. paint color;
 - c. front stair railing;
 - d. brick sample.

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

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

Certificate expiration date: 8/23/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

024-17-CA 101 S BLOUNT, 201 E HARGETT, RIGHT-OF-WAY BETWEEN
Applicant: CHRIS ALEXANDER WITH MARBLES MUSEUM
Received: 2/6/2017 Meeting Date(s):
Submission date + 90 days: 5/7/2017 1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Paint various 2x2 squares on concrete sidewalk in right-of-way; alter right-of-way plantings; change exterior colors with vinyl; Changes to previously approved COAs 173-16-CA and 004-17-CA - colors of concrete courtyard; colors of concrete seating; install 3 30" diameter bollards; colors of mural.

Amendments: A revised and clarified application was received. The number of colors proposed was reduced.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	Paint concrete sidewalk
2.3	Site Features and Plantings	Alter plantings; courtyard colors; install seating
3.4	Paint and Paint Color	Change mural paint colors; install colored vinyl

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 that with the demo of the building there is an approved courtyard. The proposal is also for the right-of-way down to the south corner of Hargett Street. This application also has to do with the colors. The changes are to a non-historic courtyard, the painting and a mural on the sidewalk. Ms. Tully recommended nothing for the mural colors, denial of the sidewalk painting, and approval of the remainder of the application. The colors were reduced to 8 or 9 with some having been approved in prior applications.

Support:

Mr. Chris Alexander [affirmed] was present to speak in support of the application. Mr. Alexander stated he appreciated the committee and staff working with them on this project that has come forward a few times to the committee. Mr. Alexander stated the number of colors was

reduced down to 9 and that 6 were already previously approved. Mr. Alexander referenced COA 193-93-CA regarding the solar rings. Mr. Alexander added they are sticking with the color palette there and requesting additional bollards in the courtyard. Mr. Alexander added they are also requesting the in storefront windows to be green which is already an approved color. The right-of-way is not something that has been done and it is intended to connect the rear side to the front side. The mural is intended to be welcoming. Mr. Alexander referenced the mural in front of Deco that was approved by the City. They are following up with Kim Curry Evans and with Public Works for work in the right-of-way. Mr. Alexander stressed that he would like to see more things like this. Marbles is different.

Ms. Pam Hartley [affirmed] stated that the planning for this began a year ago and engaged the community and stakeholders. It is connecting the city with vibrancy from Marbles and bringing this to the exterior.

Mr. Tim Hazlehurst [affirmed] reiterated his support and stated the Marbles team was excited to bring more visibility to Marbles downtown.

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

Responses and Questions:

Mr. Davis asked if this was the actual design. Mr. Alexander confirmed it was and added there was a hidden message. Ms. Tully noted that the review is just as changing exterior paint colors, not content. A few other murals have been approved as minor works on previously painted brick. Mr. Alexander distributed pantone color swatches to the committee.

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

Committee Discussion

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

I agree with the proposal and not approving the sidewalks. [Thiem]

The guidelines are clear on that. [Davis]

The idea is awesome. [David]

The museum is supposed to be fun and vibrant. [Hinshaw]

He presented some photographs of Moore Square and that really pays attention to Moore Square and the bright colors. [David]

I have an objection to the working in the right-of-way which is the biggest obstacle. [Hinshaw]

Painting 2x2 squares on the sidewalk is incongruous. [David]

I am okay with the colors. [Thiem]

Ms. David made a motion to reopen the public hearing portion of the meeting; Mr. Hinshaw seconded; motion carried 4/0.

PUBLIC TESTIMONY (2)

Mr. Alexander stated if the issue is harming the sidewalk they were open to looking into using something like a brick vinyl which is removable. It is being placed on a non-historic sidewalk which was put in 1998. Mr. Alexander stated they are not looking at doing anything with the historic granite. Mr. Davis stated that according to the guidelines the sidewalk has to be replaced with like materials and patterns to match what is there. Ms. David stated it is a not traditional treatment for sidewalks. Mr. Hinshaw added that the kid friendly material was already approved so why not add the sidewalks. Ms. Tully stated it was a non-contributing corner. In Moore Square the colors are more muted with a pop of color here and there. Ms. Tully stated it should be tied into this location and specific situation.

Ms. David made a motion to close the public hearing portion of the meeting; Mr. Thiem seconded; motion carried 4/0.

Committee Discussion (2)

Do we site previous approval for the finding of facts? [Thiem]

Of which? [Tully]

The color palette in Moore Square is in large part because of the large number of brick buildings. [David]

Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application, staff report, and the evidentiary hearing, the committee finds the following:

- A. Painting of previously approved concrete seating and pavers; installation of additional concrete seating bollards is not incongruous in concept according to *Guidelines* section 3.4; however, the proposed colors is not incongruous according to *Guidelines* 3.4.3 and the following facts:
 - 1* The property at 101 S. Blount Street is at the northeast edge of both the Moore Square Local Historic District and the Moore Square National Register of Historic Places (NRHP) District. In the designation report the building is described as a non-contributing 1 story cinder block, modern garage. It is addressed as 103, not 101.
 - 2* COAs 173-16-CA and 004-17-CA approved a courtyard consisting of paved and planted areas, an earthen berm, and seating elements.
 - 3* One of the facts of COA 173-16-CA states that: "The use of tinted pavers unifies this parcel with the rest of the museum campus. The tint is shades of gray, a neutral, muted tone similar to hardscape colors found throughout the historic district."
 - 4* One of the facts of COA 004-17-CA states that: This is a specialized public gathering space.
 - 5* The furnishings colors in the courtyard do not attempt a false historical appearance.

- 6* A palette of 8 colors is proposed. Five of the colors were approved in COA 191-13-CA for the circular rings on the Hargett Street addition.
 - 7* Moore Square has a variety of colors with earth tone/muted tones/shades. Bright colors and jewel tones are rarely seen.
- B. Painting of various 2'x2' squares on concrete sidewalk in right-of-way is incongruous according to *Guidelines* 2.1.2, 3.4.3, and the following facts:
- 1* The *Guidelines* do not specifically address the painting of the public sidewalk.
 - 2* The proposed paint is rated for outdoor use, is low-slip, and can be removed using stripper.
 - 3* A palette of 8 colors is proposed. Five of the colors were approved in COA 191-13-CA for the circular rings on the Hargett Street addition.
 - 4* Moore Square has a variety of colors with earth tone/muted tones/shades. Bright colors and jewel tones are rarely seen.
 - 5* Paint samples were not provided.
 - 6* A very rough estimate by staff is that about 5% of the concrete surface area is proposed to be painted.
- C. Proposed colors palette for mural are not incongruous according to *Guidelines* 3.4.3, and the following facts:
- 1* Painting of unpainted masonry was approved with COA 004-17-CA.
 - 2* A palette of 9 colors is proposed. Five of the colors were approved in COA 191-13-CA for the circular rings on the Hargett Street addition.
 - 3* Paint samples were not provided.
 - 4* Moore Square has a variety of colors with earth tone/muted tones/shades. Bright colors and jewel tones are rarely seen.
 - 5* The applicant provided images of pops of color used around the district.
 - 6* The applicant provided paint samples.
- D. Changing of exterior colors with vinyl, alteration of plantings is not incongruous according to *Guidelines* 3.3.1, 3.4.3, and the following facts:
- 1* The historic bushes are in recess of the non-historic building and will be replaced with lower plantings.
 - 2* The color change is proposed through the use of applied vinyl.
 - 3* The change is proposed on the west side of the non-historic museum building on metal elements.
 - 4* It is the same color as already on the building and approved with COA 193-13-CA.
 - 5* Vinyl has been approved for on signage and is considered the modern day equivalent of paint.

The motion was seconded by Mr. Thiem; passed 3/1 (Hinshaw opposed).

Decision on the Application

Ms. David made a motion that the painting of the sidewalk be denied and that the remainder of the application be approved.

The motion was seconded by Mr. Thiem; passed 3/1 (Hinshaw opposed).

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

Certificate expiration date: 8/23/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

025-17-CA 415 N BOUNDARY STREET

Applicant: NICK HAMMER

Received: 2/6/2017

Meeting Date(s):

Submission date + 90 days: 5/7/2017

1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Construct 1-story side/rear addition; construct 1-bay garage with front parapet; alter driveway; install walkway; alter rear deck; remove deck roof; construct front trellis; install new fence; alter plantings; prune trees; relocate HVAC unit

Amendments: Additional evidence was received 2/21/17.

DRAC: An application was reviewed by the Design Review Advisory Committee at its February 13 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, David Maurer, Dan Becker, and Mary Ruffin Hanbury; also present were Nick Hammer, Martha Lauer, Tania Tully, and Melissa Robb.

Conflict of Interest: None noted.

Staff Notes:

- Several maintenance items are included in the application but do not require a COA: repair of the existing brick retaining wall on the west end of the site; repair of windows, doors, siding, roofing and flashing. All areas will be repairing existing materials first, then replacing as needed with in-kind materials.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features and Plantings	Construct front trellis; alter plantings; prune trees
2.4	Fences and Walls	Install new fence
2.5	Walkways, Driveways and Offstreet Parking	Alter driveway; install walkway
2.6	Garages and Accessory Structures	Construct 1-bay garage with front parapet
3.10	Utilities and Energy Retrofit	Relocate HVAC unit
4.1	Decks	Alter rear deck; remove deck roof
4.2	Additions to Historic Buildings	Construct 1-story side/rear addition

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 noted that the design of the garage is proposed because of the commercial form of the building. Ms. Tully stated there were some amendments and suggested approval with conditions.

Support:

Mr. Nick Hammer [affirmed] was present to speak in support of the application. Mr. Hammer stated he was there to answer any questions if there were any.

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

Responses and Questions:

Mr. Hinshaw stated the application looked good and he liked what the applicant was doing.

At Mr. Davis' suggestion Mr. Hinshaw moved that the public testimony portion of the hearing be closed. Mr. Thiem seconded; motion carried 4/0.

Committee Discussion

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

I agree with staff. [Hinshaw]

The applicant took the time to look at the commercial building and incorporate that into the garage design. [David]

Ms. David made a motion to reopen the public hearing portion of the meeting; Mr. Hinshaw seconded; motion carried 4/0.

PUBLIC TESTIMONY (2)

Ms. Lauer stated there was a building in the Prince Hall district that was a setback commercial building. Mr. Hinshaw stated he would love to see the guitar shop sign. Mr. Hammer stated the sign is gone but something else will be put in its place. Mr. Hammer added to the point of it not being a street site edge the fact is the garage is a workshop and will be more utilitarian in nature and more in function as a workshop than a residential garage.

Mr. Thiem made a motion to close the public hearing portion of the hearing; Mr. Hinshaw seconded; motion carried 4/0.

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application, the staff report, and the evidentiary hearing, the committee finds the following:

- A. Construction of front trellis, alterations of plantings, pruning of trees, and relocation of HVAC are not incongruous in concept according to *Guidelines* 2.3.1, 2.3.3, 2.3.6, 2.3.9, and 3.10.8, and the following facts:
 - 1* The application calls for pruning overgrown trees and shrubs that are against the east side of the house.
 - 2* An evergreen shrub on the south side of the building will be removed.
 - 3* The applicant did not provide a report prepared by an arborist certified by ISA assessing the existing trees.
 - 4* The applicant did not provide a tree protection plan prepared by an arborist certified by ISA. This would be relevant for the two ginkgo trees that are to be saved.
 - 5* The applicant states that new plant material will be installed but no detailed landscape plan was presented; this includes plantings in the side yard, screening shrubs along the fence, and a new flowering tree in front of the addition.
 - 6* The ground-level HVAC unit will be moved from the side of the house to the back.
- B. Installation of new fencing is not incongruous in concept according to *Guidelines* 2.4.2, 2.4.5, 2.4.8, and 2.4.11, and the following facts:
 - 1* New fencing is proposed both at the front and rear of the property.
 - 2* The fencing will be constructed of treated lumber, matching the existing front porch posts.
 - 3* The fence is 42 inches tall and will run along an existing low retaining wall between the garage and house.
- C. Alteration of the driveway and installation of a walkway is not incongruous in concept according to *Guidelines* 2.5.5, 2.5.6, and the following facts:
 - 1* The existing driveway is not a formalized element of the site (no pavement/gravel).
 - 2* The new driveway will use the existing curb cut and will be smaller in area than the existing driveway.
 - 3* The new driveway has been sited to not interfere with the two ginkgo trees.
 - 4* A new gravel walkway is planned to connect the garage to the rear deck. The drawings show an extension of the existing deck/boardwalk but the text calls for a gravel walkway connecting the deck to the garage.
 - 5* According to Wake County Real Estate data and the application, the lot size is 5,663 SF. The footprint of the existing house (including porches and deck) is 2,674 SF. Current built mass is 47%. The proposed garage is 240 SF; the proposed house addition is approximately 420 SF. The new built area is approximately 59%. Corner lots in Oakwood generally have a higher built area to open space ratio.

- D. Construction of the 1-bay garage is not incongruous in concept according to *Guidelines* 2.6.5, 2.6.6, and 2.6.9, and the following facts:
- 1* The garage is a single-story structure with a front parapet and a shed roof sloping to the rear of the building. The parapet design of the garage reflects the style of the commercial building at the corner of the site.
 - 2* The window will match the double-hung windows proposed for the house addition. A fixed window, reflective of the vent located on the commercial building, will be placed over the front garage door.
 - 3* The siding is to be smooth-faced cement board siding with a 4" exposure. This profile ties to the existing wood siding on the principal building.
 - 4* No specifications were provided regarding either the garage vehicle or person doors.
 - 5* The new garage has been sited to not interfere with the two existing ginkgo trees.
 - 6* The garage is also a workshop.
- E. Alteration of the rear deck and removal of the deck roof is not incongruous in concept according to *Guidelines* 4.1.1, 4.1.2, 4.1.3, and 4.1.5, and the following facts:
- 1* The drawings show an extension of the existing deck/boardwalk but the text calls for a gravel walkway connecting the deck to the garage.
 - 2* The portion of existing deck roof to be removed has been determined by the applicant to not be historic.
- F. Construction of the 1-story side/rear addition is not incongruous in concept according to *Guidelines* 3.5.8, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8 and 4.2.9, and the following facts:
- 1* An addition is proposed on the west end of both the original house and a later addition. The addition will be one story, as is the existing building.
 - 2* The addition will be differentiated from the existing historic building in multiple ways:
 - a. Paint color;
 - b. A vertical trim board separating the existing building and addition;
 - c. Window placement and arrangement, which will match the 1987 addition;
 - d. New roof does not extend to cover the front porch;
 - 3* The addition will be compatible with the existing building in the following ways:
 - a. Same wood siding material and profile;
 - b. Same wood trim material and profile;
 - c. Same roof material, form and slope.
 - 4* The applicant did not provide a tree protection plan prepared by an arborist certified by ISA. This would be relevant for the two ginkgo trees that are to be saved.
 - 5* New gutters will be installed with a half-round profile, to match the roof flashing.

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

Decision on the Application

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

5. That specifications and details for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Windows;
 - b. Tree protection plan prepared by an arborist certified by ISA;
 - c. Eaves/soffits.
6. That specifications and details for the following be provided to and approved by staff prior to construction/installation:
 - a. Garage vehicle door and person door;
 - b. Door and window trim;
 - c. Exterior lighting;
 - d. Detailed landscape plan;
 - e. Walkway from deck to garage.

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

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

Certificate expiration date: 8/23/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

026-17-CA 509 N BOUNDARY STREET

Applicant: JP REUER

Received: 2/6/2017

Meeting Date(s):

Submission date + 90 days: 5/7/2017

1) 2/23/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Construct rear porch

Amendments: After a more careful review by staff, the description was changed to better reflect the proposal.

Conflict of Interest: None noted.

Staff Notes:

- The house was constructed in 1999 per COAs 099-97-CA, 011-98-CA, and 137-98-MW. Files are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
4.2	Additions to Historic Buildings	Construct rear porch

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 added that drawings from approvals of the houses in the 90s were attached. Ms. Tully recommended approval with conditions.

Support:

Mr. J.P Reuer [affirmed] was present to speak in support of the application. Mr. Reuer stated he was there to answer any questions and did not have any problems with staff comments.

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

Responses and Questions:

Mr. Thiem directed a question to staff and stated that A.2* in the facts was incorrect. Two of the trees look like they were in the back of the house and would have to be completely removed. Mr. Thiem stated the trees looked big enough to be regulated. Mr. Reuer stated he did not think they needed to be removed as the porch did not go out that far. Mr. Thiem stated that two trees in normal condition would need to be preserved. Ms. Tully stated that a condition can be added or that you can defer the application and it can come back or approval can be linked that a tree

plan be prepared by an arborist or the applicant can amend the application for smaller or come back and ask for the tree to be removed. Mr. Thiem reiterated that from what he saw that a tree plan needs to be present and if it needs to be removed it would need to come back to the committee. Mr. Hinshaw also recommended deferral for opinion on if it has to be removed. Ms. David agreed with the comment as well, adding that an arborist opinion if it will be so injured by construction and has to come back to us. Ms. Tully once again added that it can be looked at and the size changed. Mr. Thiem suggested deferral to look at the tree. Mr. Reuer questioned if the slab was removed did a comment have to be made on the tree? Mr. Thiem stated if lined up with the side of the house the tree is dead center. Ms. David pointed out it is set in a foot and a half. Mr. Thiem once again recommended deferral for clarity on the tree. Mr. Reuer questioned if it was premature to comment otherwise. Ms. David clarified that the porch is fine it is just the tree. Ms. Tully stated in some cases that if there is misadventure with a tree staff can be required to go back in with a certified arborist for a location for a replacement tree and the committee can recommend staff work on this if they feel comfortable. Mr. Thiem stated he was fine with this.

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

Committee Discussion

There was no discussion following the public hearing.

Findings of Fact and Conclusions of Law

Mr. Hinshaw moved that based upon the facts presented in the application, the staff report, and the evidentiary hearing, the committee finds the following:

- A. Construction of rear porch is not incongruous in concept according to *Guidelines* 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.9, and the following facts:
 - 1* The house was initially approved (011-98-CA) with a one-bay wide rear deck and upper balcony, revised to be just the rear deck (137-98-MW), and ultimately not constructed (see attached).
 - 2* There are two trees that may be directly impacted by construction, however there may be trees on the adjacent property whose roots may be impacted by construction activity; a tree protection plan was not included in the application.
 - 3* Due to the slope of the lot, the porch floor sits well above the grade at the rear yard.
 - 4* The depth of the proposed porch is roughly the same as the deck previously approved.
 - 5* The new porch has a metal shed roof with the same pitch and proportions as the adjacent rear gable. Railing and post details are similar to, yet simpler, than the front porch. Detailed sections drawings of the eave, railing and porch floor were provided.
 - 6* Materials for the porch are proposed to match the existing house.

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

Decision on the Application

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

1. That a tree protection plan prepared by an arborist certified by the International Society of Arboriculture be provided to and approved by staff prior to the issuance of the blue placard.

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

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

Certificate expiration date: 8/23/17.

OTHER BUSINESS

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

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

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

Minutes Submitted by:
Tania Tully, Preservation Planner

CERTIFICATE OF APPROPRIATENESS
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

163-16-CA 514 COLE STREET
Applicant: GUPTON BUILT LLC
Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT
Zoning: Streetside HOD
Nature of Project: Construct new 2-car garage [partial after-the-fact]
Conflict of Interest: None noted.

FINDINGS OF FACT

Based upon information contained in the Application, evidence received at the evidentiary hearings of 1-26-2017 and 2-23-2017, including evidence and analysis presented by staff, testimony and supporting materials offered by the witnesses, and also upon consideration of written memoranda and oral arguments of counsel for the parties, the Committee makes the following Findings of Fact:

- 1* The Property at 514 Cole Street lies within the Glenwood-Brooklyn Streetside Historic Overlay District.
- 2* The 2-story frame house at 514 Cole Street was constructed in 2016, prior to the date of designation of the Glenwood-Brooklyn Streetside Historic Overlay District (HOD-S).
- 3* The Applicant has applied for a Certificate of Appropriateness (COA) to construct a detached garage associated with the house at 514 Cole Street.
- 4* This is an “after-the-fact” Application, as construction on the proposed garage was commenced subsequent to the designation of the Glenwood-Brooklyn HOD-S, but without a COA having been issued. The Committee has considered and evaluated the Application as though no exterior work has commenced or improvements have been constructed.
- 5* Guideline 2.6.6 in the *Design Guidelines for Raleigh Historic Districts* provides that new garages and accessory buildings should be located and oriented in a manner compatible with the traditional relationship of garages and accessory buildings to the main structure and the site in the district.
- 6* Section 5.4.2.E.1. of the Unified Development Ordinance (UDO) states that “the minimum and maximum setbacks (within the Historic Overlay Districts) shall be

congruous with the setbacks of any typical well-related nearby building and structure within 1½ blocks and in the overlay district.....as set forth in the historic development standards....”.

- 7* Section 5.4.2.F.1. of the UDO states that “Buildings and structures shall be congruous with the height of typical, well-related nearby buildings and structures in the overlay district..... as set forth in the historic development standards...”.
- 8* 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.
- 9* The garage is located at the end of the driveway, which is typical in placement for the historic district.
- 10* The lot slopes down from Cole Street to a level area at the house, from which there is a steep drop to Wade Avenue. Both Cole Street and Wade Avenue are public rights-of-way. A level area is proposed at the garage floor with the lot continuing the steep drop on either side.
- 11* The garage sits askew to the house, which sits askew to the property lines. The front wall of the garage is oriented at a right angle to the property line parallel to Cole Street.
- 12* The Application provided 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 right angles to the houses and the side property lines.
- 13* In the amended Application, as measured from the grade at the driveway to the ridge, the garage is proposed to be 21 feet 9 inches in height. Using the method in UDO Sec. 1.5. 7.2. it is noted as measuring 24 feet 9 inches in height. The garage is 26 feet wide and 24 feet deep.
- 14* Due to the grade of the lot, the rear of the garage has a 6 foot tall concrete foundation wall.
- 15* The amended application included a section cut showing the height relationship of the proposed garage to the house at 508 Cole Street.
- 16* Mr. Dan Becker provided photographs and maps of other accessory buildings in Glenwood-Brooklyn and revised drawings of the proposed garage. Mr. Becker

expressed his opinion that the proposed garage was not incongruous with the special character of the HOD-S in light of the *Guidelines*.

- 17* The lot has a non-typical shape and is larger than is typical in the District. The primary residential structure is not traditionally sited, being askew (not orthogonal) to the front, side, and rear lot lines.
- 18* Garages in the District are traditionally oriented parallel to the common lot line or an alley right-of-way line.
- 19* The sides of the proposed garage are located parallel to the rear lot lines of the historic properties to the south.
- 20* The proposed garage is located approximately 83 feet from the nearest house, being the one at 508 Cole Street.
- 21* The proposed garage is situated partially in front of the rear face of the house.
- 22* No evidence was introduced showing that there are any "typical, well-related nearby" detached garage structures sited entirely or partially in front of the rear of a primary house.
- 23* The proposed garage is not located and oriented in a manner consistent with the traditional relationship of garages to the main structure and the site in the District. The proposed garage is partially in front of the rear of the house on the lot; it is not oriented orthogonally to the main residential structure on the lot; typical, well-related, nearby detached garage structures are orthogonally oriented to the primary residence on the lot, and are located entirely to the rear of the house.
- 24* The proposed garage is approximately 5 feet from the rear property line of 508 Cole Street.
- 25* Substantial evidence was introduced showing that the proportions of the garage front façade were congruous with the proportions of the front façade of surrounding historic buildings; that the finishes, size, scale, design details, and materials of the proposed garage were not incongruous with the special character of the Historic Overlay District in light of the *Guidelines*. However, the Committee's findings on these issues were not determinative in its decision.
- 26* Substantial evidence was introduced on the height of the proposed garage. The evidence showed that it is 24'-9" in height from the front grade; it is about 33' in height from the rear yard of 508 Cole Street; the maximum height of detached garages in the historic district is 24'-6"; the average height of detached garages in the

historic district is 17'; the ridge of the main gable roof is 19' away from the common lot line along the south. However, the Committee's findings on this issue are not determinative in its decision.

27* The proposed garage is incongruous with the special character of the Historic Overlay District in light of the *Design Guidelines for Raleigh Historic Districts*, specifically 2.6.6, and under the provisions of Section 5.4.2.E.1. of the UDO.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee makes the following Conclusions of Law:

1. The Committee is hearing this case under the authority of Section 5.4.B.2.b. of the Raleigh Unified Development Ordinance (UDO), requiring the issuance of a Certificate of Appropriateness for improvements located within "that lot area between the public right-of-way and the facade of any existing primary building or structure."
2. The sole issue for the Committee's determination in this matter is whether the proposed garage is not incongruous with the special character of the Historic Overlay District in light of the applicable *Guidelines* and other applicable provisions of the UDO.
3. Based upon the Committee's Finding that the proposed garage is incongruous with the special character of the Historic Overlay District in light of the *Guidelines*, and under Section 5.4.2.E.1. of the UDO, the Applicant is not entitled to the Certificate of Appropriateness.

DECISION

Based upon the forgoing, the Committee Finds, Concludes, and Rules that COA Application 163-16-CA be Denied.