

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
May 25, 2017

**CALL TO ORDER**

Don Davis called the Certificate of Appropriateness (COA) Committee meeting to order at 4:00 p.m.

**ROLL CALL**

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

Present: Don Davis, John Hinshaw, Jimmy Thiem

Alternate Present: Laurie Jackson, Caleb Smith

Excused Absence: Elizabeth Caliendo, Sarah David

Staff Present: Tania Tully, Melissa Robb; Teresa Young; Francis P. Rasberry, Jr., Attorney

**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.

<b><u>Visitor's/Applicant's Name and Address</u></b>	<b><u>Affirmed</u></b>
Eric Rapp, 6701 Brookhollow Drive 27615	Yes
Isabel Mattox, PO Box 946 27602	Yes
Mark Riedeman, 604 Cole Street	Yes
Christian Olmstead, 610 Buffaloe Road 27529	Yes
George Sipek, 78 Climbing Arch 27546	Yes
Ashley Morris, 306 Pell Street 27604	Yes
Jeremy McCartha, 313 Oakwood Avenue 27601	Yes
Emily McCartha, 313 Oakwood Avenue 27601	Yes
David Meeker, 400 W North Street 27603	Yes
Robert Runyans, 503 E Franklin Street 27604	Yes
Robert Wilburn, 505 E Franklin Street 27604	Yes
Lucy Wilburn, 505 E Franklin Street 27604	Yes
Charles Holden	Yes

**REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA**

Mr. Theim moved to approve the agenda as printed. Mr. Hinshaw seconded the motion; passed 5/0.

**SUMMARY PROCEEDINGS**

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following cases 069-17-CA and 072-17-CA for which the Summary Proceedings are made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

069-17-CA      312 OAKWOOD AVENUE  
Applicant:      HAWKINS CONSTRUCTION SERVICES, INC  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Remove existing rear deck; construct new deck in same location relocating steps.

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
4.1	Decks	Remove existing rear deck; construct new deck in same location relocating steps.

STAFF REPORT

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

- A. Removal of existing rear deck; construction of new deck is not incongruous according to *Guidelines* 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.7, 4.1.8; however not screening the underside of the deck is incongruous according to *Guidelines* 4.1.5 and the following suggested facts:
- 1\* The existing deck is not historic.
  - 2\* The new deck is proposed to be the same size, location of the existing deck.
  - 3\* The railing balusters are proposed to be changed from a turned design to a simple square baluster.
  - 4\* The rails will have the appearance of inset balusters and the posts will sit on top of the deck flooring; a detailed drawing and example photo was provided.
  - 5\* The existing deck is grounded with the use of wood lattice. The proposal requests to not have under deck screening.
  - 6\* Underdeck screening can be accomplished with hinged panels and more open configuration than that of the existing deck.

Staff suggests that the committee approve the application with the following conditions:

- 1. That the underside of the deck be screened with vegetation or screening with details and specifications to be provided to and approved by staff prior to issuance of the blue placard.

### Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Thiem moved to approve the application, adopting the staff report as the written record of the summary proceeding on 069-17-CA. Mr. Hinshaw seconded the motion; passed 5/0.

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

072-17-CA      218 N EAST STREET  
Applicant:      RANDALL & HEATHER SCOTT  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Construct new covered porch at rear entrance with wood stair

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
3.8	Entrances, Porches and Balconies	Construct new covered porch at rear entrance with wood stair

STAFF REPORT

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

- B. Construction of a new covered porch at the rear entrance is not incongruous in concept according to *Guidelines* sections 3.8.9, 3.8.10, and the following facts:
  - 7\* Known as the Heck-Pool House, the residence at 218 N East Street is one of the trio of houses known as the Three Sisters houses on North East Street and East Jones Street. Designated as a Raleigh Historic Landmark in 1979, it is notable for its Second Empire style featuring a mansard roof with a cupola, as well as a wraparound front porch. The house has seen numerous additions on the east over the years.
  - 8\* The proposed porch is being added to the rear of the house attached to an existing addition. The new porch measures 15' wide x 10' deep x 11' high. The porch is simple in design with only one ornamental element, a decorative molding at the top.
  - 9\* There will be three steps leading down from the porch to ground level. The steps will measure 4' wide and will be constructed of wood and painted Sherwin Williams Westinghouse White.
  - 10\* It appears from the drawing that the porch will be built on 8" x 8" wood posts, but this detail was not specified in the description.
  - 11\* The porch structure under the flooring will be concealed with a 2" x 10" faceboard painted Sherwin Williams Westinghouse White. (Note: the description refers to this component as a 1' painted fascia, while the elevation drawing shows a 2" x 10".)

- 12\* The flooring will be 3 ½" tongue and groove flooring painted Benjamin Moore Van Courtland Blue. It might be assumed the flooring material is wood, however the material was not described in detail. (Note: the description refers to the flooring as 3 ¼" tongue and groove flooring, while the elevation drawing shows 3 ½" tongue and groove flooring.)
- 13\* The roof will be supported by 8" x 8" posts at the northeast and southeast corners. The posts will be painted Sherwin Williams Westinghouse White. There will be no railing. It might be assumed the posts will be wood, however the material was not described in detail.
- 14\* The porch ceiling will be finished with beaded tongue and groove material. It might be assumed the ceiling material is wood, however the material was not described in detail.
- 15\* The porch roof will be faced with 2" x 10" boards topped with a crown molding painted Sherwin Williams Westinghouse White. It might be assumed these elements will be wood, however the material was not described in detail.
- 16\* The roof will be finished with a flat membrane EPDM material.
- 17\* The elevation drawing mentions that the wood steps would lead to a brick walk, however the walkway was not included in the application, nor is there evidence that this walk exists now.

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

1. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Materials;
  - b. Porch flooring faceboard dimensions;
  - c. Crown molding detail;
  - d. Brick walkway design and materials;
  - e. Paint samples if different than what is on the historic house.

#### Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Thiem moved to approve the application, adopting the staff report as the written record of the summary proceeding on 072-17-CA. Mr. Hinshaw seconded the motion; passed 5/0.

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

Certificate expiration date: 11/25/17.

**PUBLIC HEARINGS**

Mr. Davis introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: 029-17-CA, 073-17-CA, 064-17-CA, 066-17-CA, 067-17-CA, 068-17-CA, 065-17-CA, 070-17-CA, and 071-17-CA.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

029-17-CA      200 E MARTIN STREET RIGHT-OF-WAY  
Applicant:      FIBER TECHNOLOGIES NETWORKS, LLC  
Received:      4/17/2017      Meeting Date(s):  
Submission date + 90 days: 7/16/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Installation of 37' black steel utility pole with cell antenna and equipment;  
establish performance standards for future small cell COA applications

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	Installation of 37' black steel utility pole with cell antenna and equipment

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 reported there were two different locations with small cell antenna and the two applications will be discussed at the same time. Ms. Tully stated that usually street poles are categorized as Minor Work applications, but these are the first two of this kind so it was brought to the committee for discussion. Ms. Tully stated the first is in the 200 block of Martin Street in Moore Square and looks like a light pole. Staff recommended discussion of the base of the pole and that the design is in character of the district. Ms. Tully added that staff recommended approval without the lighting arm and fixture and for the committee to discuss standards for future applications.

Support:

Mr. George Sipek [affirmed] was present to speak in support of the application. Mr. Rasberry reminded the committee that the applicant is there to respond to any questions regarding the application but the representative was not allowed to advocate for approval of the application. Mr. Sipek stated the application was for wireless coverage in the area. Mr. Sipek stated the base is 2 feet by 2 feet with the base being about 4 feet tall and was designed to be similar to what is in the area.

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



### Responses and Questions:

Ms. Tully wanted to call out attention to some of the bullets in the staff report for performance standards such as the Blount Street pole and the metal pole as the materials are different. Ms. Tully also noted the height differential and suggested that any new pole not be taller than 3 feet taller and any antenna color be similar to the color on the wood pole. She asked for discussion on the need for a shroud covering the equipment and the suggestions for metal poles based on number, the equipment and height.

Mr. Hinshaw inquired if these poles were for the new 5G. Mr. Sipek answered it was for 4G but will increase over time. Mr. Hinshaw inquired about the number of towers and Mr. Sipek responded these will be taking the capacity off bigger towers and providing service to customers in smaller area and they will be 750 to 1200 feet apart in radius. Mr. Davis inquired if they will be on every other block and Mr. Sipek responded they will be 2-4 blocks part. Ms. Tully stated she had spoken with a cellular company and that these smaller towers will be for a single carrier only and have the potential to overlap.

The committee discussed what the power source for the tower was. Mr. Sipek stated they have to work with the power company which is Duke Energy to determine the nearest power source and if it has to be underground or above ground and they work with the City to get the proper permits. There was discussion regarding underground and above ground power connection. Mr. Thiem inquired if the Lane Street pole will have an underground power connection and Mr. Sipek responded they have to go aerial and their preference is to go aerial as there is less disruption to traffic as well as pedestrians.

Mr. Thiem inquired as to where the equipment is located on the pole. Mr. Sipek responded that the Martin Street pole is different as it has a 2 x 2 footprint square that leads up to the top and at the top is the actual antenna and additionally there is a power meter, disconnect switch and radio gear. Mr. Sipek explained the Moore Square one is a unique situation. Mr. Thiem asked if there was flexibility to change the location of the mounted equipment. Mr. Sipek replied the location is determined by NCDOT which requires about 12-13 feet standard. Mr. Davis asked if on the Lane Street pole it could be mounted on the bottom. Mr. Smith responded he did not think it could since it was not hollow like the other one. Mr. Davis inquired if the equipment can be shrouded and Mr. Sipek responded it could if the city wished it. Mr. Tully added the questions before the committee is how does this compare to light poles, how many will there be, the color the shrouding will make it stand out more and as long as there is not too many your eye will get used to it and how high they are. Mr. Hinshaw added these are for a single carrier and before long different carriers will be requesting these towers.

At Mr. Davis'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]:

Walking around Moore Square I am reminded in the first case that not everything that is historic is necessarily beautiful and the nature of utilities overhead over the years. While walking and driving around and seeing power lines and equipment, the equipment is mounted higher. There is a proliferation of this and I am not trying to beautify things in the public right of way but there has not been a lot of trying to hide it. The other piece references back to the height standpoint of where the equipment is mounted and the location seems to be some sense of the clutter zone. When I was walking around everything was above head height was less obtrusive to the pedestrian environment and most of the power poles were straight power poles with just the pole at the bottom. [Thiem]

I do not think we can beautify there and I looked at the pole at Pullen it looked industrial. How many of these we will have equipment there for lights? Are we going to be adding these in the middle if every carrier wants one? If it's low to the ground then all the copper grounding gets cut off. The one on Martin Street has the equipment on the bottom so it is a good solution but I do not think the box at the bottom is a problem it is a good solution as the base tapers in. [Davis]

Has public works looked at the right of way? [Thiem]

I do not think so. [Tully]

The right of way issue is not in the public access. [Hinshaw]

The safety issue seems to the pattern of a lot of these signs in trees they were two feet back from the face of a curb that is very often done with parking that is accommodated and you want someone that will open a door to the side of the base and it will push it towards the curb. [Thiem]

You can talk about the bigger picture. Whether it is 2 feet back or 1 foot back is too fine grain. Staff is in the audience to answer questions. [Tully]

The City of Raleigh is involved with regulations for cell towers and there are FCC limitations on cities and restrictions on cell towers and radius requirement the committee is looking at the performance standards. [Rasberry]

I am disinclined to address the spacing of the poles. I appreciate staff's assessment with spacing and looking at the proposed locations relative to what is existing in the field. I am comfortable and I do not think this case is the time to look at broader performance standards it may be better to revisit these. [Thiem]

I have no problem. They fit in the way they are and at some point the FCC will get involved if anything becomes too restrictive. [Hinshaw]

Staff is aware and we will be cognizant of that. Staff can take what we have gotten and work with city staff on a regular basis to review these and look at the best way to come forward to the committee. Staff can look at a new application but it sounds like it is a bit too soon. [Tully]

The Martin Street pole fits the Guidelines and the Lane Street if it is shrouded is a good idea. [Davis]

It is something we will be accustomed to seeing. [Hinshaw]

When it is their front yard they will notice it that is something to consider. [Davis]

An example of one I visited that had a shroud was at Varsity and Avent Ferry. The shroud didn't cover everything there were sections that were below. This is why I was curious about moving it above head height to see if it was a possibility. [Thiem]

I think that was specific about that site. The site on Lane Street if it were to come up on a house in a residential district staff will not approve that and that is something we will address when it comes to performance standards. [Tully]

I am not as called to have a shroud as I am to change the height in fact looking at the other example across the street this is a part of the utilities of the poles and some extent nobody notices it until we tell them to look at it. [Thiem]

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

#### PUBLIC TESTIMONY (2)

Mr. Davis inquired if the equipment can be placed higher on the pole. Mr. Sipek answered that the radio gear can be higher but the lower equipment which is the disconnect switch the city has standards for electrical inspection requirements. Mr. Thiem asked if that meant it could not be and Mr. Sipek stated 5'6" in height and the disconnect has to be 6 foot or 7. Mr. Davis inquired as to reason and Mr. Sipek responded it was the electrical code. Mr. Thiem inquired as to where they were on the pole on Martin Street. Mr. Sipek reiterated they will be in the lower section as the base allowed for them to be lower. Mr. Thiem made the comment that as a reviewer they will not show up until later and we are approving without a meter head.

Mr. Smith questioned if the black steel could be used on the one over at Lane Street. Mr. Sipek responded they were attempting to emulate the ones that were already there and if you already have a wooden pole, the wooden is better and they thought about the placement in relationship to the curb and the pole was kept in line with the same distance off the curb with the other utilities in the area. Mr. Davis asked why the pole on Martin Street was authorized for the bottom and why the other could not be. Mr. Sipek responded that a metal fabrication could be put there and there are other examples in a lower cavity stealth pole. Mr. Davis agreed these answered more questions than going up the pole. Mr. Sipek reiterated they were trying to match what was there and a metal pole would be more of a sore thumb. Mr. Thiem inquired if the equipment could be changed out and Mr. Sipek responded it could be. Mr. Davis pointed out in the examples provided the equipment has different heights. Mr. Sipek responded there were height requirements and Mr. Davis gave the example of Hillsborough Street being higher up. Mr. Sipek stated that was a specific situation at NC State. Mr. Davis stated there were options then and Mr. Sipek agreed.

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

## Committee Discussion (2)

I asked earlier if the application if the additional items being mounted and pictures did not show it that should be added as a fact if you feel comfortable that the illustrations show what they will install and additional equipment would come back to us. [Thiem]

I would add it as a fact if it were a reason for your decision. [Tully]

## Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-12) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installation of 37' black steel utility pole with cell antenna and equipment is not incongruous in concept according to *Guidelines 2.1.10* and the following facts:
- 1\* The proposal is for a 34 feet tall black metal streetlight pole with a cylindrical antenna on top that increases the height to 37 feet.
  - 2\* The pole will sit on a black metal ventilated based containing the associated equipment; wires will be inside the pole. The base is approximately 2 foot 4 inches square and a maximum of 4 foot 2 inches tall. A decorative pole base is proposed on top of the equipment base.
  - 3\* The pole proposes to include a decorative bracket and streetlight. These are not the same as what is already installed in the district.
  - 4\* The pole is proposed to be located in the brick right-of-way between two street trees adjacent to the front façades of 200 and 208 E Martin Street. A photographic simulation of the proposal is included in the application.
  - 5\* The location of the proposed pole is incorrect on the location maps page of the application packet.
  - 6\* It appears as though a 17 inch square section of brick would be removed for installation.
  - 7\* The closest utility pole on the same side of the street is a streetlight about 45 feet to the east.
  - 8\* According to City of Raleigh 2015 Pictometry data, the other poles in the vicinity are approximately 34 feet in height.
  - 9\* One fiberglass pole is shown. Fiberglass poles have not been approved in the historic districts.
  - 10\* Thirteen examples of other steel pole configurations were provided. They range in maximum height from 27 feet 6 inches and 38 feet 8 inches and vary in color, amount of external equipment, antenna shape, base size, presence of light fixtures, and equipment shrouds.
  - 11\* Photographs, locations, and directions to installations in Raleigh were provided: approximately 205 W Lenoir Street, 1500 Varsity Drive, 2109 Avent Ferry Road, 2621 Hillsborough Street, Pullen Road. Examples in Holly Springs, Wake Forest, and High Point were also provided.

12\* On the planning page (p. 8) of Public Rights-of-Way and Alleys section of the *Guidelines* it states that "Public right-of-way features such as trees, streetlights, benches, ground cover, sidewalk paving patterns, curbs, and gutters contribute to a district's character, as do necessary transportation and communication features, such as utility lines and poles, transformers, traffic signs, vending machines, transit stops, and parking booths. Consequently, maintaining the distinctive visual ambiance of a district requires attention to its streets and alleys and their features. Right-of-way characteristics vary from district to district; some vary within districts."

13\* No exterior mechanical equipment is mounted on the pole per illustrations.

14\* The light will not be mounted on top of the pole.

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

#### Decision on the Application

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

1. That the streetlight arm and fixture not be installed.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

073-17-CA      150 E LANE STREET RIGHT-OF-WAY  
Applicant:      FIBER TECHNOLOGIES NETWORKS, LLC  
Received:      4/17/2017      Meeting Date(s):  
Submission date + 90 days: 7/16/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: BLOUNT STREET HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Installation of 37' wood utility pole with cell antenna and equipment;  
establish performance standards for future small cell COA applications

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	Installation of 37' wood utility pole with cell antenna and equipment

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 reported there were two different locations with small cell antenna and the two applications will be discussed at the same time. Ms. Tully stated that usually street poles are categorized as Minor Work applications, but these are the first two of this kind so it was brought to the committee for discussion.

Support:

Mr. George Sipek [affirmed] was present to speak in support of the application. Mr. Rasberry [affirmed] reminded the committee that the applicant is there to respond to any questions regarding the application but the representative was not allowed to advocate for approval of the application. Mr. Sipek stated the application was for wireless coverage in the area.

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

Responses and Questions:

Ms. Tully wanted to call out attention to some of the bullets in the staff report for performance standards such as the Blount Street pole and the metal pole as the materials are different. Ms. Tully also noted the height differential and suggested that any new pole not be taller than 3 feet taller and any antenna color be similar to the color on the wood pole. She asked for discussion

on the need for a shroud covering the equipment and the suggestions for metal poles based on number, the equipment and height.

Mr. Hinshaw inquired if these poles were for the new 5G. Mr. Sipek answered it was for 4G but will increase over time. Mr. Hinshaw inquired about the number of towers and Mr. Sipek responded these will be taking the capacity off bigger towers and providing service to customers in smaller area and they will be 750 to 1200 feet apart in radius. Mr. Davis inquired if they will be on every other block and Mr. Sipek responded they will be 2-4 blocks part. Ms. Tully stated she had spoken with a cellular company and that these smaller towers will be for a single carrier only and have the potential to overlap.

The committee discussed what the power source for the tower was. Mr. Sipek stated they have to work with the power company which is Duke Energy to determine the nearest power source and if it has to be underground or above ground and they work with the City to get the proper permits. There was discussion regarding underground and above ground power connection. Mr. Thiem inquired if the Lane Street pole will have an underground power connection and Mr. Sipek responded they have to go aerial and their preference is to go aerial as there is less disruption to traffic as well as pedestrians.

Mr. Thiem inquired as to where the equipment is located on the pole. Mr. Sipek responded that the Martin Street pole is different as it has a 2 x 2 footprint square that leads up to the top and at the top is the actual antenna and additionally there is a power meter, disconnect switch and radio gear. Mr. Sipek explained the Moore Square one is a unique situation. Mr. Thiem asked if there was flexibility to change the location of the mounted equipment. Mr. Sipek replied the location is determined by NCDOT which requires about 12-13 feet standard. Mr. Davis asked if on the Lane Street pole it could be mounted on the bottom. Mr. Smith responded he did not think it could since it was not hollow like the other one. Mr. Davis inquired if the equipment can be shrouded and Mr. Sipek responded it could if the city wished it. Mr. Tully added the questions before the committee is how does this compare to light poles, how many will there be, the color the shrouding will make it stand out more and as long as there is not too many your eye will get used to it and how high they are. Mr. Hinshaw added these are for a single carrier and before long different carriers will be requesting these towers.

At Mr. Davis'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]:

Walking around Moore Square I am reminded in the first case that not everything that is historic is necessarily beautiful and the nature of utilities overhead over the years. While walking and driving around and seeing power lines and equipment, the equipment is mounted higher. There is a proliferation of this and I am not trying to beautify things in the public right

of way but there has not been a lot of trying to hide it. The other piece references back to the height standpoint of where the equipment is mounted and the location seems to be some sense of the clutter zone. When I was walking around everything was above head height was less obtrusive to the pedestrian environment and most of the power poles were straight power poles with just the pole at the bottom. [Thiem]

I do not think we can beautify there and I looked at the pole at Pullen it looked industrial. How many of these we will have equipment there for lights? Are we going to be adding these in the middle if every carrier wants one? If it's low to the ground then all the copper grounding gets cut off. The one on Martin Street has the equipment on the bottom so it is a good solution but I do not think the box at the bottom is a problem it is a good solution as the base tapers in.

[Davis]

Has public works looked at the right of way? [Thiem]

I do not think so. [Tully]

The right of way issue is not in the public access. [Hinshaw]

The safety issue seems to the pattern of a lot of these signs in trees they were two feet back from the face of a curb that is very often done with parking that is accommodated and you want someone that will open a door to the side of the base and it will push it towards the curb.

[Thiem]

You can talk about the bigger picture. Whether it is 2 feet back or 1 foot back is too fine grain.

Staff is in the audience to answer questions. [Tully]

The City of Raleigh is involved with regulations for cell towers and there are FCC limitations on cities and restrictions on cell towers and radius requirement the committee is looking at the performance standards. [Rasberry]

I am disinclined to address the spacing of the poles. I appreciate staff's assessment with spacing and looking at the proposed locations relative to what is existing in the field. I am comfortable and I do not think this case is the time to look at broader performance standards it may be better to revisit these. [Thiem]

I have no problem. They fit in the way they are and at some point the FCC will get involved if anything becomes too restrictive. [Hinshaw]

Staff is aware and we will be cognizant of that. Staff can take what we have gotten and work with city staff on a regular basis to review these and look at the best way to come forward to the committee. Staff can look at a new application but it sounds like it is a bit too soon. [Tully]

The Martin Street pole fits the Guidelines and the Lane Street if it is shrouded is a good idea.

[Davis]

It is something we will be accustomed to seeing. [Hinshaw]

When it is their front yard they will notice it that is something to consider. [Davis]

An example of one I visited that had a shroud was at Varsity and Avent Ferry. The shroud didn't cover everything there were sections that were below. This is why I was curious about moving it above head height to see if it was a possibility. [Thiem]

I think that was specific about that site. The site on Lane Street if it were to come up on a house in a residential district staff will not approve that and that is something we will address when it comes to performance standards. [Tully]



I am not as called to have a shroud as I am to change the height in fact looking at the other example across the street this is a part of the utilities of the poles and some extent nobody notices it until we tell them to look at it. [Thiem]

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

#### PUBLIC TESTIMONY (2)

Mr. Davis inquired if the equipment can be placed higher on the pole. Mr. Sipek answered that the radio gear can be higher but the lower equipment which is the disconnect switch the city has standards for electrical inspection requirements. Mr. Thiem asked if that meant it could not be and Mr. Sipek stated 5'6" in height and the disconnect has to be 6 foot or 7. Mr. Davis inquired as to reason and Mr. Sipek responded it was the electrical code. Mr. Thiem inquired as to where they were on the pole on Martin Street. Mr. Sipek reiterated they will be in the lower section as the base allowed for them to be lower. Mr. Thiem made the comment that as a reviewer they will not show up until later and we are approving without a meter head.

Mr. Smith questioned if the black steel could be used on the one over at Lane Street. Mr. Sipek responded they were attempting to emulate the ones that were already there and if you already have a wooden pole, the wooden is better and they thought about the placement in relationship to the curb and the pole was kept in line with the same distance off the curb with the other utilities in the area. Mr. Davis asked why the pole on Martin Street was authorized for the bottom and why the other could not be. Mr. Sipek responded that a metal fabrication could be put there and there are other examples in a lower cavity stealth pole. Mr. Davis agreed these answered more questions than going up the pole. Mr. Sipek reiterated they were trying to match what was there and a metal pole would be more of a sore thumb. Mr. Thiem inquired if the equipment could be changed out and Mr. Sipek responded it could be. Mr. Davis pointed out in the examples provided the equipment has different heights. Mr. Sipek responded there were height requirements and Mr. Davis gave the example of Hillsborough Street being higher up. Mr. Sipek stated that was a specific situation at NC State. Mr. Davis stated there were options then and Mr. Sipek agreed.

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

#### Committee Discussion (2)

I asked earlier if the application if the additional items being mounted and pictures did not show it that should be added as a fact if you feel comfortable that the illustrations show what they will install and additional equipment would come back to us. [Thiem]

I would add it as a fact if it were a reason for your decision. [Tully]

### Findings of Fact and Conclusions of Law

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

- A. Installation of 37' wood utility pole with cell antenna and equipment is not incongruous in concept according to *Guidelines* 2.1.10 and the following facts:
- 1\* The proposal is for a 34 feet tall wood utility pole with a cylindrical antenna on top that increases the height to 37 feet. The lower portion of the pole contains equipment, wires, and an electric meter.
  - 2\* The proposed pole is located in the grass right-of-way near the western boundary of the district and adjacent to the side façade of the Andrews London House at 301 N Blount Street. A photographic simulation of the proposal is included in the application.
  - 3\* The closest utility pole on the same side of the street is about 94 feet to the east.
  - 4\* According to City of Raleigh 2015 Pictometry data, the other poles in the vicinity range from approximately 20 to 33 feet in height.
  - 5\* The color of the antenna is the approximately the same as the pole; a sample was not provided.
  - 6\* The equipment associated with the antenna is placed on the pole between about 3 feet 5 inches and 13 feet 5 inches off the ground.
  - 7\* Five examples of other wood pole configurations were provided. They range in maximum height from 30 feet 6 inches and 50 feet 1 inches and vary in color, amount of external equipment, antenna shape, base size, presence of light fixtures, and equipment shrouds.
  - 8\* Photographs, locations, and directions to installations in Raleigh were provided: approximately 205 W Lenoir Street, 1500 Varsity Drive, 2109 Avent Ferry Road, 2621 Hillsborough Street, Pullen Road. Examples in Holly Springs, Wake Forest, and High Point were also provided.
  - 9\* On the planning page (p. 8) of Public Rights-of-Way and Alleys section of the *Guidelines* it states that "Public right-of-way features such as trees, streetlights, benches, ground cover, sidewalk paving patterns, curbs, and gutters contribute to a district's character, as do necessary transportation and communication features, such as utility lines and poles, transformers, traffic signs, vending machines, transit stops, and parking booths. Consequently, maintaining the distinctive visual ambiance of a district requires attention to its streets and alleys and their features. Right-of-way characteristics vary from district to district; some vary within districts."

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

Decision on the Application

Mr. Thiem made a motion that the application be approved.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

064-17-CA      130 N BLOODWORTH STREET  
Applicant:      CHRISTIAN OLMSTEAD, OLMSTEAD HOMESTEADS, INC  
Received:      3/31/2017      Meeting Date(s):  
Submission date + 90 days: 6/29/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Modifications to rear (east) porch, north (side) porch, west (front) porch;  
repaint house and trim

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
3.2	Masonry	Repoint masonry
3.4	Paint and Color	Repaint house and trim, remove paint from exterior window glass, refinish front door
3.5	Roofs	Remove portion of rear porch roof, remove porch post and replace with bracket, remove non-historic metal awning
3.7	Windows and Doors	Remove four doors and replace with one window and siding in other three, remove paint from window exterior
3.8	Entrances, Porches and Balconies	Replace porch railings, remove stair
4.1	Decks	Extend porch decking, add lattice screening

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb stated the property was a single family house with a number of additions over time and showed various pictures of the property. The area being addressed is the porch addition on the back of the house.

Support:

Mr. Christian Olmstead [affirmed] was present to speak in support of the application.

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

### Responses and Questions:

Mr. Olmstead stated that he was available to answer any questions.

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

### Committee Discussion

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

I am excited to see this porch roof removed so the full window can be seen again. [Thiem]  
This is a good application. [Davis]

### Findings of Fact and Conclusions of Law

Mr. Hinshaw moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-2), B. (inclusive of facts 1-4), C. (inclusive of facts 1-4), D. (inclusive of facts 1-3), E. (inclusive of facts 1-3), and F. (inclusive of facts 1-2) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Repointing masonry is not incongruous in concept according to *Guidelines* section 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.9, and 3.2.10, and the following facts:
  - 1\* The masonry foundation under the stairs on the north elevation will be revealed when the wood stairs are removed. The bricks appear to be in good condition. There are a few areas that will require patching and repointing.
  - 2\* The foundation will be repainted. Paint samples were not provided.
  
- B. Repainting the house and trim, and removing paint from the exterior window glass is not incongruous in concept according to *Guidelines* sections 3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.4.5, 3.4.6, 3.4.7, and the following facts:
  - 1\* The proposal is to repaint the entire house exterior. Currently painted surfaces include the siding, trim, foundation, porch floors and ceilings, railings and steps.
  - 2\* The applicant proposes to remove the paint on the window glass on the back of the house so that the windows function again. They were previously painted over to provide privacy inside.
  - 3\* The formal front door will be refinished with a natural stain. No stain samples were provided.
  - 4\* No paint samples were provided.

- C. Removing a portion of the rear porch roof, replacing an existing porch roof post with a bracket, and removing a non-historic metal awning is not incongruous in concept according to *Guidelines* section 3.5.1, 3.5.7, 3.5.8, and the following facts:
- 1\* The existing east (rear) porch has been modified over time, including an extension of the original porch roof to cover a significant portion of the steps. This roof extension cuts through the top of the adjacent window frame.
  - 2\* With the expansion of the porch decking the existing post will block easy access. The applicant proposes to replace this post with a 4" x 4" angled bracket mounted to the exterior wall. The new bracket will be painted.
  - 3\* The north (side) porch is partially covered with a metal awning supported by decorative iron columns, none of which contribute to the historic character of the house. The applicant proposes to remove these non-historic elements.
  - 4\* A gutter and downspout are currently in place on the rear porch roof. The application does not specify if these elements will be replaced.
- D. Removing four doors and replacing with one window and siding in the other three openings, and removing paint from a window's exterior glass is not incongruous in concept according to *Guidelines* section 3.7.1, 3.7.2, 3.7.7, 3.7.9, and the following facts:
- 1\* The east (rear) porch contains three doors, two of which are proposed for removal. One opening will be infilled with siding to match the existing siding material, and the other will be converted to a window.
  - 2\* The west (front) porch features three doors. The central door is the formal entry, while the two doors that flank it on the side walls were installed at a later time. Both side doors will be removed, with the openings infilled with siding to match the existing siding material.
  - 3\* The applicant proposes to remove the paint on window glass on the back of the house so that the windows function again. They were previously painted over to provide privacy inside.
- E. Replacing porch railings and removing a non-historic stair is not incongruous in concept according to *Guidelines* section 3.8.1, 3.8.2, 3.8.4, 3.8.5, 3.8.6 and the following facts:
- 1\* The east (rear) porch railing is not original, but appears to date to a time when other alterations were made. With the expansion of the decking a new railing must be installed. The design of the railing is similar to the existing, also constructed of wood.
  - 2\* The railings on the north (side) porch are an ornamental metal with awning supports of ornamental metal. The applicant proposes removing this material and replacing it with a wood railing matching that proposed for the rear porch.
  - 3\* The north (side) porch also features a wide stair that will be removed. The stair is constructed of treated lumber and is clearly not original to the house. Once the stair is removed a railing will cover the opening, matching the wood railing on the rest of the porch.

- F. Extending the porch decking on the east (rear) porch and adding lattice screening is not incongruous in concept according to *Guidelines* section 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.7, 4.1.8 and the following facts:
- 1\* The existing porch decking offers a small landing space that is tight up against the house, serving a utilitarian purpose. It measures 3'0" x 10'6". The applicant proposes to expand the decking area to provide outdoor leisure space. The new deck is to measure 8'0" x 17'0".
  - 2\* A wood lattice is proposed for the underside of the east (rear) porch decking.

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

#### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Paint colors;
  - b. Stain color for front door.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

066-17-CA      313 OAKWOOD AVENUE  
Applicant:      JEREMY & EMILY MCCARTHA  
Received:      4/10/2017      Meeting Date(s):  
Submission date + 90 days: 7/9/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Construct rear (north) addition; raise roof height of existing addition; replace windows on south and west sides

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 and replace a brick patio and walkway
3.5	Roofs	Raise roof height of existing addition
3.7	Windows and Doors	Replace windows on south and west sides
4.2	Additions to Historic Buildings	Construct rear (north) addition

PUBLIC TESTIMONY

Staff Introduction: Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb showed pictures of the property and noted that the applicant provided multiple views of the porch to show there were additions over time. Staff recommended approval.

Support:

Ms. Ashley Morris [affirmed] was present to speak in support of the application. Ms. Morris stated she was in agreement with all of the staff comments.

Opposition:

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

Responses and Questions:

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



## Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:  
This is another that meets the guidelines. [Davis]

### Findings of Fact and Conclusions of Law

Ms. Jackson moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-4), B. (inclusive of facts 1-8), C. (inclusive of facts 1-3), and D. (inclusive of facts 1-9), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Removing and replacing a brick patio and walkway is not incongruous in concept according to *Guidelines* sections 2.3.1, 2.3.2, 2.5.1, 2.5.5, 2.5.6, and the following facts:
- 1\* An extensive patio is currently in place at the rear of the house and spans the entire lot width.
  - 2\* A brick walkway extends from the patio to an accessory building at the rear of the property.
  - 3\* The applicant proposes reusing the brick for the new patio, installed in the same running bond pattern as the current hardscape. The newly installed patio and walkway will include a gravel underlayment with drainage below. The brick will be dry laid.
  - 4\* According to Wake County Real Estate data and the application, the lot is approximately 6,969 SF; the current patio/walkway is approximately 793 SF; the new patio/walkway is approximately 553 SF. The hardscaped area is being decreased by 240 SF or 30%.
- B. Raising the roof height of the existing addition is not incongruous in concept according to *Guidelines* sections 3.5.1, 3.5.8, 4.2.1, 4.2.5, 4.2.6, 4.2.7, 4.2.8, and the following facts:
- 1\* According to the *Inventory of Structures in the Oakwood National Register Historic Districts*, by Matthew Brown, former Historian, Society for the Preservation of Historic Oakwood, 2004-2015, the house dates to circa 1886 and can be described as a "North Carolina Victorian gable-front-and-wing frame cottage". The description continues: "There is a front-gabled section on the left and a side-gabled wing on the right. The roof was originally sheathed in wooden shingles. There are quatrefoil attic vents in the gables... There is an original ell behind the side-gabled wing. Additions were made to the rear of the house between 1909 and 1914."
  - 2\* The existing northeast addition will be lengthened by just over 10' to the north. This roof ridge will be approximately 9" below the front roof ridge.
  - 3\* The existing northwest addition will be lengthened by 13'8" to the north. This roof ridge will be approximately 4" below the front roof ridge.
  - 4\* Due to the number of additions over the years, the existing roof form is inconsistent, with both gable forms and shed forms that are at a relatively shallow pitch. The inconsistency creates not only a visual jumble, but also potential issues for water drainage due to the number of valleys and the shallow pitch.

- 5\* The proposed design unifies the roof forms to a pair of gable roofs extending off the back of the original house, with a valley between that slopes to the rear of the house.
- 6\* The proposed cladding for the extended gable forms is asphalt shingles that match the existing material.
- 7\* The cladding for the valley is proposed to be standing seam metal roofing. The roof specs: "The width of panel will be 17 inches, the height of the seams to be 1 inch, width of seam less than an inch. It is a flat panel, no striations or ripples. The ridge cap will be 6 inches per side. All to be hand formed." No color sample was provided.
- 8\* The house currently has gutters on all sides. No information was supplied in the application regarding changes in the gutters.

C. Replacing windows on the south and west sides is not incongruous in concept according to *Guidelines* sections 3.7.1, 3.7.6, 3.7.7, and the following facts:

- 1\* According to the Oakwood inventory referred to in section B above, "the original windows were tall narrow single windows with four-over-four sashes; the window on the right side of the house is original. The original windows on the front were replaced by double windows in the 1920s or 1930s. The windows under the front gable and on the left side were replaced by shorter six-over-six windows probably in the 1950s."
- 2\* All but one of the original windows have been replaced over time, with the original window on the east side. The applicant proposes replacing all non-historic windows on the south and west sides with wood windows that match the original window. There is clear evidence of the original window heights. New windows will be installed to match the historic head heights on the historic portion of the house. New windows on the addition will be installed with head heights 12" lower than on the original house to differentiate between the addition and the original portions.
- 3\* The new windows will be wood 4 over 4 double-hung from Sierra Pacific Windows.

D. Constructing a rear (north) addition is not incongruous in concept according to *Guidelines* sections 2.3.8, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, 4.2.9, and the following facts:

- 1\* According to Wake County Real Estate data and the application, the lot size is 6,969 SF. The footprint of the existing house is 1,733 SF. Current built mass is 25%. The new addition brings the total footprint to 2,120 SF. The new built area is approximately 30%.
- 2\* The majority of new windows will be wood 4 over 4 double-hung from Sierra Pacific Windows. One casement window will be installed on the east elevation for a new bathroom.
- 3\* One new exterior door will be installed on the newly configured back elevation. It will be a JeldWen wood door with a full lite, with a transom above.
- 4\* The siding is proposed to be wood siding with a smooth face and a 4 ½" exposure to match the existing siding.
- 5\* All trim will match the dimensions and style of the original. Corner boards will be 5" wide with an eased edge. Wood sills will be 1 ¾" wide. Window and door trim will be 4 ½" wide with an eased edge, and a 1" wood cap over the window and door trim.

- 6\* A vertical trim board will be installed to demarcate where the new addition begins on the northeast addition.
- 7\* Quatrefoil attic vents are a feature in the gable ends of the original house. A simpler triangular form is in place on the back side of the northwest addition. The triangular gable vents will be used on both the rear extensions.
- 8\* The applicant proposes to change paint colors on the entire house. Paint samples were provided.
- 9\* A report prepared by an arborist certified by the International Society of Arboriculture states that "there will be no impact to surrounding mature, upper-story/upper-canopy trees."

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

#### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to installation:
  - a. Color of standing seam metal roof material;
  - b. Gutters and downspouts.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

067-17-CA      237 S WILMINGTON STREET  
Applicant:      DAVID MEEKER  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Paint mural on north wall; establish performance standards for future mural  
Minor Work COA applications

Amendments: Color samples for a revised palette were provided at the hearing.

Conflict of Interest: Mr. Smith made a motion to recuse Ms. Jackson due to her employment  
affiliation; Mr. Hinshaw seconded; motion carried 4/0.

Staff Notes:

- Cases referenced in the staff report will be available for review at the meeting.
- Staff suggested that the applicant file as a programmatic COA to aid future applicants wishing to use non earth tone colors.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
3.4	Paint and Paint Color	Paint mural on north wall; establish performance standards for future mural Minor Work COA applications

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 mural will be in the Moore Square district and gave an overview of the pictures of where it will be placed. Staff recommended discussing the colors. Ms. Tully stated a revised palate was proposed and staff recommended discussing the colors of murals and changing the exterior paint colors for future mural applications. Ms. Tully added that recently there was an applicant for a mural at Marbles with bright, vivid colors and if someone could paint a building, staff could approve something with blues and greys. Ms. Tully stated a mural task force exists and specifically, what kind of performance standards are you interested in for future murals from a typical color palette or should everyone with different colors come to the committee as a major work application.

Support:

Mr. David Meeker [affirmed] was present to speak in support of the application. Mr. Meeker stated he was representing the owner and the project is a combination of the Raleigh Murals

Project, Beasley's as well as Red Hat. He added he hoped this would be approved and it would be easier for other murals.

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

#### Responses and Questions:

Mr. Thiem inquired about how they got to the reduction of colors. Mr. Meeker responded the mural design itself has changed and the background colors are greener colors. Ms. Tully added the committee can ask to see it but it is not the content that is being judged. Mr. Thiem inquired as to what is the typical acceptance of Moore Square colors. Ms. Tully responded that since the district has a lot of brick the colors tend to be more earthy and muted in tone and if they all came in that color staff would have approved. Staff is trying to get a feel if it is possible to have colors that were bright in Moore Square compared to other districts. Mr. Thiem then inquired about ground colors around ground and plants. Ms. Tully referenced one of the colors on the palette which was dull and tone in sheen and there were some bright colors but Ms. Tully responded this is a reason why colors are not discussed.

Mr. Davis noted he looked at other guidelines and they had more specificity regarding colors. Ms. Tully responded that Raleigh is broad. Mr. Davis noted that in Charlottesville murals created an issue. Ms. Tully added that right now we have a mural project and newly approved guidelines. They need to review it within the existing guidelines but this could end with the same result. Mr. Thiem stated the key issue is the colors selected and the size, which has a lot to do with the scale. Ms. Tully stated it is on a previously painted brick wall and whatever that is approved as opposed to wrapping over the concrete wall. Mr. Hinshaw added this was non historic and you could interpret the guidelines as you would on the children's museum and these colors did not offend the guidelines.

At Mr. Davis's suggestion Mr. Smith 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 do not think the new colors offend the guidelines in a residential area I would say yes.

[Hinshaw]

I think the new colors fit within the colors of the district. [Davis]

The placement is on a wall that was never meant to be seen. On the property it benefits and can be seen from the parking deck. We recently viewed the light issue on the other and it's such a different environment with the lights in context. I am still trying to understand specific colors for a district and the buildings are earth tones, greys and browns and also acknowledging there used to be a time to see a storefront with bright displays. This stuff about bringing up a color was not so part of the color palette if it was not true on most of the main street of Moore Square. Green is prominent. [Thiem]

The colors on windows and this is painted brick. I do not think performance standards on things that are already painted should be treated differently from new paint. Other places use that. I do not think it matters the mural is not be on the painted edge of buildings when the buildings had windows it overwhelms the building and not Moore square. There is the courtyard with the new bus station that did a COA. We would not want a mural on edges of the building. [Davis]

In terms of recognizing the context it was painted versus fully painted. It is lacking any of the architectural elements is basically an entire blank canvas. [Thiem]

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

### PUBLIC TESTIMONY (2)

Mr. Meeker stated he preferred not to defer and they are trying to move forward.

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

### Findings of Fact and Conclusions of Law

Mr. Smith moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-7) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Painting of mural is not incongruous in concept according to *Guidelines* 3.4.3, 3.4.4 and the following facts:
- 1\* The north wall of 237 S. Wilmington Street is adjacent the major entrance to the Moore Square Parking Deck. In the Moore Square Historic District designation report the building is described as a non-contributing, post-WWII, 1 story commercial block.
  - 2\* A mural is essentially changing exterior the paint color.
  - 3\* The brick wall is already painted. A railing height unpainted concrete wall associated with the parking deck is at the bottom of the wall. The wall is capped with unpainted metal.
  - 4\* The Moore Square district has a variety of colors with earth tone/muted tones/shades. This is in large part due to the predominance of red brick buildings. Bright colors and jewel tones are rarely seen.
  - 5\* An amended palette of 9 colors is proposed which includes shades of green, blue, pink, brown, and orange. Some of the colors could be classified as vivid. Paint samples were provided.
  - 6\* COA 024-17-CA at 101 S Blount in the Moore approved a mural with 8 vivid colors.
  - 7\* COA 152-16-MW at 227 S Wilmington Street approved a mural on the south side of building with 4 shades of blue and gray.

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

Decision on the Application

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

1. That only the previously painted brick wall be painted.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

068-17-CA      505 E FRANKLIN STREET  
Applicant:      ROBERT & LUCY WILBURN  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Remove rear deck; remove rear addition; construct new 2-1/2 story rear addition; remove tree; remove shed.

DRAC: An application was reviewed by the Design Review Advisory Committee at its May 1 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Mary Ruffin Hanbury; also present were Robert Runyans, Robert Wilburn, Lucy Wilburn, and Melissa Robb.

Staff Notes:

- Cases referenced in the staff report will be available for review at the meeting.

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 tree
2.6	Garages and Accessory Structures	remove shed
4.1	Decks	Remove rear deck
4.2	Additions to Historic Buildings	remove rear addition; construct new 2-1/2 story 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 stated the boundary of the district runs along the property. It is a one story triple-A frame house. The proposal is for a rear addition and staff's suggestion is to deny or defer to give the applicant time to amend it. The main issue with the application is the mass and the scale as the size did not meet the guidelines.

Support:

Mr. Robert Runyans [affirmed] was present to speak in support of the application. Mr. Runyans stated he was the architect for the project and also their neighbor. Mr. Runyans stated he is familiar with the house and the street. Mr. Runyans gave additional information regarding the house itself and the property boundaries. Mr. Runyans stated the lot is narrower than most, at 50 feet as a previous property owner bought 10 feet from them. Mr. Runyans stated he



disagreed with staff on some items in the staff report. He pointed to item 2 on the staff report that 4.2.6-7-8 did not call out mass or scale and the guidelines that Raleigh adheres too does not address mass or scale.

Mr. Robert Wilburn [affirmed] stated he worked with Mr. Runyans to build an addition that minimized the street facing impact. Ms. Lucy Wilburn [affirmed] stated they wished to honor the historic nature and integrity of the house as well.

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

#### Responses and Questions:

Ms. Tully read Guidelines 4.2.6, 4.2.7, and 4.2.8. Mr. Runyans expressed his disagreement and stated he did not think the addition did this. Mr. Runyans explained that he attended a DRAC meeting and the only issue was the height of the softened pitch of the roof and this was brought down and in a visual aspect, the addition of the roof was only 2 feet higher than what you are looking at the only visible item was the roof shingles. Mr. Runyans stated the two other items they referenced in examples were better and he answered 4.2, as they worked hard to get the space correct and keep some yard. Mr. Runyans stated they tried to add clearance of the existing foundation with the limits of the lot while keeping precious yard space and that they are not adding onto the back and they would like to move forward.

Ms. Jackson inquired as to what the DRAC meeting had to say about the reference to the height. Mr. Runyans responded that they suggested to soften the pitch of the roof to further conceal it and it was lowered to 2 feet 8 inches and the staff report says 19 feet but it's really about 19 feet and 10 inches. Ms. Tully noted that reporting on what was said at DRAC is considered hearsay. Mr. Davis inquired about the square foot of the addition. Ms. Jackson stated it is 380 square feet with attic access. Mr. Wilburn asked about the third story above the second story. Mr. Wilburn clarified for Mr. Davis that it was an attic. Mr. Runyans stated that having it far away from the street but it was not entirely.

Ms. Jackson stated it was a balance of going up as opposed to going out. Mr. Davis stated in an addition it's also visual as to where it is going back. It is also going up over the current house one story. It is a 2 ½ story house being built into a triple A house and the numbers of the house were not broken down. Ms. Tully reminded the committee it is not the numbers but how does it appear. Mr. Smith stated the current house is 1400 square foot and what was the square footage of the addition. Mr. Runyans stated it had just about doubled. Ms. Tully referenced fact 9 and that it was about 1355 square feet but she could not quote the accuracy of the numbers. There was discussion amongst the committee about the size of the addition. Ms. Jackson stated it was much harder to understand what to approve is the big mass as there is a contrast as to what is being proposed as to what is in the guidelines. Mr. Davis added it is much larger than the triple A. Mr. Runyans countered it is small house with a family that has grown.

Mr. Davis explained the committee is tasked with preserving the character of the historic district with the sizes and there are a lot of houses of the size they are looking for in Raleigh and to take the Triple A house into one of those that is already built in Raleigh takes away from the character of the historic district. Mr. Runyans stated the mass is not visible from the street and they had to do what they could with the narrow lot without impacting the backyard. Ms. Tully reiterated the guidelines are taken in the round; they do not talk about just what is visible from the street, but the primary set back, the rear setback and it is important to look at in total. Mr. Runyans stated the 526 N East Street had a sizeable addition regardless of the guidelines and that was an addition he believed that would struggle today to be approved. Mr. Davis answered the guidelines were changed to keep those things from happening. Mr. Thiem stated a lot of what the committee deals with are small lots that fill a lot of the space in the backyards. For many houses they had once had a generous back yard and now the committee has not hit a limit where you could walk back to the 10 feet of the rear of the property line. Mr. Thiem added he believed an arborist report was needed based on the observation of the two large black hackberries which are very tolerant. He advised the applicant to preserve those and he also noted the crepe myrtle is in excellent condition as well but the tree would have to be pruned substantially. Mr. Thiem also added that he would recommend an arborist take a look at the neighbor's oak that is overhanging that the branches of this would also have to be pruned. Mr. Runyans replied that he did not believe any trees will be taken down.

Mr. Davis asked the applicant if he would be agreeable to defer the COA for approval if there were any changes to be made. Mr. Runyans stated yes and Mr. Wilburn added he would like to get some sort of guidance as there was a little bit of disconnect based on the feedback on the DRAC meeting that they attended previously.

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

#### Committee Discussion

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

The scale and the massing is very problematic. While I appreciate the applicant trying to strike a balance I do not think we are there yet. Specifically addressing how they want to move forward from this point I do not want to start designing. The height of the attic space seems sort of extraneous but it is definitely visually overpowering and the elevations of the drawings we see the entire height of the house. The mass is the primary issue. [Jackson]

I agree. [Davis]

I heard specific suggestions attributing to why it is appearing visually overpowering? [Tully]

Is everybody good with the solids to voids, the window types? [Smith]

There were none. [Jackson]

Nothing to that. I'm looking at this and thinking this is a great little triple A and a massive addition on it and opening the height and the width. [Hinshaw]

Specifically height; the addition is 1/3 taller than the existing house and the main offender is that attic space. If the roof was just a second story and done according that would visually reduce the mass significantly by ½ or 2. [Jackson]

2 with no attic. [Smith]

The pitch and slope. [Davis]

The fact that we came to consensus under the square footage under the current plan. [Smith]

General it will all come back but nothing is decided. [Tully]

If they come back with square footage. [Davis]

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

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

065-17-CA      519 N EAST STREET  
Applicant:      FRED B AMOS  
Received:      4/7/2017      Meeting Date(s):  
Submission date + 90 days: 7/6/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: [After-the-Fact] Remove side deck; construct new larger side yard deck; changes to previously approved COA 068-09-CA: installation of up to 6' tall wood privacy fence in rear and side yards.

Conflict of Interest: None noted.

Staff Notes:

- Locations of property lines are a civil matter outside the jurisdiction of the commission.
- After the fact applications are treated as though the work has not been completed.
- Cases referenced in the staff report will be available for review at the meeting.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.4	Fences and Walls	install 6' tall wood privacy fence
4.1	Decks	Remove side deck; construct new larger side yard deck

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 reported this is a change in the fencing from a previously approved COA as well as a bump out that the new deck that extends past the original as well as changes in the deck construction. One of the original conditions was that an arborist report be completed and it was now done. Ms. Tully stated the case was here for changes to be approved.

Support:

Mr. Fred Amos [affirmed] was present to speak in support of the application. Mr. Amos stated they were approved for a brick wall at the very back of the property line but they had not known what kind of wall they wanted and they decided to go with a wood fence instead. Mr. Amos added he had objections with the staff recommendations. He added some additional information on the background including the additional original Oakwood post comes up through the floor and the mistake on the deck was due to a code error that requires the post to

be bolted. Mr. Amos reiterated they wanted the deck to mirror the other end and wrap around to go with the face of the lattice that will go underneath.

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

#### Responses and Questions:

Ms. Tully reiterated staff can work with the applicant regarding some of the deck items. Mr. Amos questioned inset pickets being the same on the outside on the top and bottom. Mr. Amos added the old deck had lattice that was mostly fallen off and that the side door was also a backdoor and he had no issues with the suggestions.

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

#### Committee Discussion

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

Clear the solutions match the guidelines. [Davis]

They can work with Tania. [Jackson]

#### Findings of Fact and Conclusions of Law

Mr. Davis moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-6) and B. (inclusive of facts 1-7) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Installation of 6' tall wood privacy fence is not incongruous according to *Guidelines* 2.4.7, 2.4.8, 2.4.11, and the following facts:

- 1\* COA 068-09-CA approved the following nature of work: Remove existing fencing; install new 5' tall wood fence in rear and side yards along the side property lines; install iron fence on brick foundation in front yard; install 6' tall wood fence, pierced brick wall, and decorative wall along rear property line; relocate brick retaining wall in side yard; relocate utility pole; install new curb cut and concrete and brick driveway; remove concrete front walk; remove brick walk and patio; install brick front walk and path; remove ginkgo tree.
- 2\* A condition of approval of the rear brick wall was a report by an arborist protecting the trees. No information regarding protection of the tree during installation of the fence was provided.
- 3\* The design of the proposed fence is the same as approved in COA 068-09-CA; it is the same on both sides: vertical boards with a horizontal top board.
- 4\* The fence is constructed in 8' segments which step down with the grade of the yard to maintain a height of no more than 6'.

- 5\* The fence does not extend beyond the front wall of the house.
  - 6\* Locating fences along property lines is a traditional location for fences.
  - 7\* An arborist report was provided.
- B. Removal of side deck; construction of new larger side yard deck is not incongruous in concept according to *Guidelines* 4.1.2, 4.1.3, 4.1.5; however, the design of the deck in conjunction with the location is incongruous according to *Guidelines* 4.1.4, and the following suggested facts:
- 1\* The existing deck is 5'x10'; the proposed deck is 10'x10'
  - 2\* The deck is at the side rear of the house; the proposed extension new deck extends beyond the side wall of the house.
  - 3\* The location of the steps does not change.
  - 4\* The existing deck is screened with wood lattice.
  - 5\* The rails of the new deck are standard construction style, not inset balusters typical of the historic district.
  - 6\* The rails do not have the appearance of inset balusters and the posts do not sit on top of the deck flooring.
  - 7\* The construction of the deck is not formal in nature and is not screened at the base.

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

#### Decision on the Application

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

1. That the deck rails have the appearance of inset balusters
2. That the railing posts sit on top of the deck flooring
3. That the underside of the deck be screened with wood lattice or vegetation.
4. That the rails be painted to match the trim of the house.
5. That the following details and specifications be provided to and approved by staff prior to the issuance of permits:
  - a. Revised railing design;
  - b. Revised deck construction;
  - c. Under deck screening.

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

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

Certificate expiration date: 11/25/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

070-17-CA      506 COLE STREET  
Applicant:      MARK RIEDEMAN  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: Streetside HOD

Nature of Project: Demolition of house

Staff Notes:

- A previous COA application (041-17-CA) for this address was denied at the 3/23/17 COA Committee meeting. That application proposed a second-story addition.
- 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.”
- Unified Development Code section 5.4.1.H.3 provides that “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] 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] would meet.”

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: Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb stated the house was in the Glenwood-Brooklyn Streetside Historic Overlay District and was a bungalow property with a brick addition from the 1980s. Staff recommended approval with a 365-day delay.

Support:

Ms. Isabelle Mattox [affirmed] was present to speak in support of the application. Ms. Mattox is the lawyer representing the applicant, Mr. Mark Riedeman, and stated the architect of the previously proposed addition, Mr. Charles Holden, was there as well. Ms. Mattox requested that the Certificate of Appropriateness be issued without the delay but with the conditions that staff has requested. Ms. Mattox gave background on the application as well as a history of the damage that has befallen the property. Ms. Mattox pointed out Article 5.4.1.H.3 of the Raleigh UDO, and the undue hardship that has been faced by her client. Ms. Mattox stated she believed they have met all the qualifications for meeting the hardship claim. Ms. Mattox stated the applicant pursued alternatives before proposing the demolition and provided photographs that showed the property damage. Ms. Mattox stated she did not know how salvageable the house would be as the house is falling apart and there is no case of saving this house as it is too severely damaged. Ms. Mattox provided two affidavits and asked her client as well as the architect to testify as to the damage. Ms. Mattox stated the 365-day delay is to find other alternatives and with this property there are no other alternatives.

Mr. Charles Holden [affirmed] stated he was previously before the committee presenting the addition on the house and now there is little salvageable. The foundation and interior is gone and there has been flooding and mildew. Mr. Holden stated they wanted to salvage what they can, but with what has been happening the flooring is already gone and studs in the house cannot be reused. Ms. Mattox asked Mr. Holden about his inspection of the building. Mr. Holden responded they would propose a new structure that is influenced by the original. Ms. Mattox asked Mr. Holden about the crawlspace and the water there. Mr. Holden stated there is a water heater and electrical systems there that are being damaged. Mr. Holden added they are interested in salvaging what they can such as wood or bricks for patios and other items, and it is not feasible to build upon the structure or improve on it, and he is confident building a new structure with elements of the old will fit in the neighborhood.

Mr. Mark Riedeman [affirmed] was called by Ms. Mattox to testify. Mr. Riedeman stated that in October 2016 Hurricane Matthew caused a tree to fall in the middle of the house that severely damaged it. The walls of the ceiling are moldy, the electrical system is old, there is leaking plumbing, the ceilings are gone and the roof has holes in it. Mr. Riedeman stated he wanted to save what he can, and the flooring is the only reasonable part that can be saved, and with the upcoming wet season the mold is covering the floor and continuing to get worse. Mr. Riedeman stated there is no way to move the house without it collapsing. Mr. Riedeman stated he loved the house but it was on its last legs. The wood that would be salvaged could be used again as well as the bricks but he wanted to ask for waiving the 365-day delay.

Ms. Mattox reiterated that these things are in keeping with the guidelines and would like the committee to consider the information presented. Mr. Riedeman stated he was here at the last meeting and there are no other alternatives other than salvaging. Ms. Mattox stated that due to the water damage, the hardship he has faced, as well as the testimony of the architect, the demolition was necessary and to waive the 365-day delay, as there are no other viable



alternatives other than demolition. Ms. Mattox added that all conditions will be met such as a tree protection plan and that the applicant will be returning with a new COA application for new construction.

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

#### Responses and Questions:

Mr. Davis stated that at the last meeting the proposed addition was opposed but the applicant did not want to make any modifications to it and indicated he was going to tear the house down. Mr. Riedeman stated the addition that was originally proposed was modest and he did what he thought would be the fastest way to get approval. Mr. Riedeman said he was ready to move on and he thought the addition would be faster than a demolition and rebuilding. Mr. Davis countered that the applicant did not want to propose an addition that was compliant with the Guidelines. Mr. Riedeman reiterated the house was not livable. Ms. Mattox stated the application was for demolition today and the 365-day delay should be waived as they have provided evidence against it. Mr. Riedeman stated the house is in a worse state than what it was two months ago and if he had known the addition would get denied he would have appealed the addition decision. Mr. Davis stated Mr. Riedeman had indicated at the last meeting he was okay with the delay. Ms. Mattox stated time has passed and more degradation has occurred.

Ms. Tully stated the committee should discuss the evidence that was presented today and if there is enough information to waive the demolition delay. Ms. Tully commented there has never been a delay waived but a reduction in the delay period has been granted previously, and the committee needed to assess if the photographs and affidavits were enough information to prove hardship was there. Mr. Smith announced he had visited the property and discussed with Mr. Riedeman the history regarding the case and what has happened. Mr. Smith informed the committee he had seen holes in the roof and toured the inside, and that there was damage on the neighbor's house as well. Mr. Riedeman expressed his frustration regarding this process and that he cannot access his insurance money in order to be able to rebuild the house as the settlement is in dispute.

Mr. Thiem inquired since Hurricane Matthew in October was there any work done to stabilize the house. Mr. Riedeman stated the tree was removed, there are tarps on the roof and plywood has been placed over holes to dry out the property. Ms. Tully noted that since the applicant is asking for demolition, the delay could start from the date of the incident which would be the hurricane. Mr. Thiem questioned if a house mover has looked at the house. Mr. Holden stated the house could not be moved and to restore the house to its original state would cost more than building a new house. Mr. Thiem asked for clarification that the house would have to be restored before it could be moved, and Mr. Holden answered that the floor has to be shored and the roof structure has to be fixed. Mr. Thiem then asked if that was because interior walls were removed, and Mr. Holden responded if you bought the house to move there would be nothing. Mr. Thiem stated that he has no clear picture of where the house was damaged. Mr. Riedeman

explained that the outside of the house is deceptively intact, but the inside is damaged and it could not withstand a move as it was destroyed by water and all that is left is the siding.

Ms. Jackson questioned if a structural engineer has looked at the property. Mr. Riedeman answered that two engineers were sent from his insurance company. Mr. Holden added that due to its current state any new work would require it to be brought up to code and the cost is too great. Ms. Jackson inquired if repairing it is feasible, and Mr. Holden responded it is not. Mr. Holden stated it is cost prohibitive. Ms. Jackson reiterated she was more interested in whether the structure could be repaired. Ms. Tully advised given the evidence provided if it is feasible that an architect or engineer with a preservation background might differ with the assertions made. Ms. Tully stated the State Historic Preservation Office could be contacted, specifically the restoration branch if more assistance was requested.

Mr. Rasberry advised the legal issues include whether the demolition delay should be waived or not, and whether the committee chooses to waive a portion of the delay period, as it is not necessarily all or nothing. The demolition delay is not mandated by code as Ms. Mattox has referenced, and that state statute is different from the UDO. Mr. Rasberry advised the committee that there needs to be specific findings regarding the hardship issue and the waiver of part or all of the delay. Ms. Tully also added that the hardship in the Design Guidelines is not from a financial aspect. Ms. Mattox stated she agreed that financial hardship is a part of the hardship, but also the emotional aspects.

Mr. Thiem inquired if the intention is to leave the addition intact. Mr. Riedeman answered that there is a shared mechanical space. Ms. Jackson asked if the addition would be incorporated in a new design. Mr. Riedeman stated that it is under consideration.

At Mr. Davis's suggestion, Mr. Smith 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]:

I do not see that there is much use in discussing moving the house. [Jackson]

It is one option of a delay. [Davis]

The argument I'm concerned about is the prohibitive cost factor. We need to be careful. [Smith]

The hardship is specific to this case. [Tully]

Have we ever waived 365-day delay? [Hinshaw]

Not for contributing buildings that were constructed during the period of significance. [Tully]

The applicant demonstrated hardship but what is the difference between that level and extreme? It seems like there could have been more efforts to revise the previously proposed addition design to continue to try to find a solution that would meet the guidelines. Now we

are trying to be understanding and sympathetic. I am entertaining the idea of starting the delay as of the day of the event in October. [Jackson]

Have we have done backdatings on delays? [Hinshaw]

No, this is the first time an applicant is making a hardship request. [Tully]

I would like to see something in between this proposal and the last for an addition. [Smith]

You cannot ask them for that. [Tully]

I do not think everything has been explored. There have been other houses significantly damaged and they have been repaired. No alternative to the addition was proposed. Not all the options have been addressed or talked about. [Davis]

The demolition delay is about finding a solution. I have not heard any evidence that there is any interest from the applicant other than tearing the building down. I am hesitant to do this as we are a commission committed to do something. [Thiem]

The owners of the house on Boylan Avenue wanted to do demolition and said there was not any solution, but they found one. [Davis]

That is why we do that. [Jackson]

There is also the concern of setting a precedent that my house is damaged and I do not want to repair it, so I will let it rot. [Davis]

It is hard to separate the economic impact from Mr. Riedeman's hardship. [Hinshaw]

Staff did not have a lot of the information presented today, and regardless of what motion is made perhaps we should defer to allow staff the time to prepare that information and then bring it back for a decision at the next meeting. [Thiem]

Demolition by neglect is so far advanced we are delaying the inevitable. [Hinshaw]

You have the option to defer for consideration. If you are inclined to act one way or another, suggested findings can be developed for either case. [Rasberry]

If you want to defer for the written staff report you could count the one-month delay towards the deferral. You could make a decision tonight but not adopt the finding of facts until next month. [Tully]

That satisfies me. [Thiem]

We do not need to defer. I am not inclined to waive it completely, but I am willing to compromise to go back to October. [Davis]

#### Decision on the Application

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

1. That the demolition be delayed 365 days from the date of the hurricane.
2. That the house be documented with photographs and measured drawings and that the documentation materials submitted to staff for approval prior to issuance of the blue placard
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Site plan for the post-demolition condition;
  - b. Salvage plan for significant historic materials;

- c. Tree protection plan during demolition;
- d. Demolition plan, including safety measures to protect the public.

Mr. Hinshaw agreed to the changes. The amended motion passed 4/1 (Mr. Thiem opposed).

Findings of Fact and Conclusions of Law were approved June 22, 2017 and attached to the end of the minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

071-17-CA      217 E LENOIR STREET  
Applicant:      ERIC W RAPP  
Received:      4/12/2017      Meeting Date(s):  
Submission date + 90 days: 7/11/2017      1) 5/25/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct 2nd level rear addition; remove vinyl siding at front porch; remove vinyl dormer window; install new dormer window; replace screening on porch; replace windows.

Amendments: revised drawings; window assessment

DRAC: An application was reviewed by the Design Review Advisory Committee at its May 1 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Mary Ruffin Hanbury; also present were Eric Rapp, and Melissa Robb.

Conflict of Interest: Ms. Jackson stated she has seen the drawings for the project but she believed she will be objective in hearing this case.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
3.1	Wood	remove vinyl from front porch
3.6	Exterior Walls	remove vinyl siding at front porch
3.7	Windows and Doors	remove vinyl dormer window; install new dormer window; replace windows
3.8	Entrances, Porches, and Balconies	replace screening on porch.
4.2	Additions to Historic Buildings	construct 2nd level 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 stated the property is in prince hall and there are modifications to the front as well as rear. Staff recommended deferral. Mr. Rapp has brought forward additional information and photos with additional copies. Staff suggested as it stands now that the bulk of the application be approved with the front dormer and changes to the front porch being deferred based on the addition of the window replacement to take a moment to look at the submitted window information. Ms. Tully added if the committee was

comfortable leaving it up to staff to determine the information on the windows and a statement might need to be made.

Support:

Mr. Eric Rapp [affirmed] was present to speak in support of the application. Mr. Rapp stated the specifications for the main reason he had to submit an application. Mr. Rapp stated at this point he was unable to give everything as far as the addition goes but not being approved would put him at a standstill. The second story addition is on the back part of the house which is 300 square feet which is no expansion of the footprint it is just over one story that is already there. Mr. Rapp stated the main issues with the windows are the vinyl siding in the addition which talking to the homeowner we were going to take off all of the vinyl and repair the original wood siding on the house and the porch has the same thing, take off all the vinyl and repair the wood columns. Mr. Rapp stated by trade he is a carpenter and if the wood could not be approved he could do hardy plank in areas wood was not salvageable. Mr. Rapp stated a corner board down the side of the house that runs back to the back to the new addition that he believes was once a first story apartment. Mr. Rapp stated they wished to add what was back on the original which was a German siding and the window that is being replaced is deteriorated beyond repair.

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

Responses and Questions:

Ms. Tully stated staff is okay with determining what windows are what but windows that have not been approved before were hardy plank that turned a corner but it is the same plane situation even with the board trim between the original wood siding then the hardy may not be approved.

Mr. Thiem questioned if the front half of the house was German siding and the back was pine. Mr. Rapp answered that the back addition he did not think it was German but was sure it was pine wood. Mr. Thiem asked about using hardy plank on the second story where the platform board demarcation is and if that was where the siding actually changed. Mr. Rapp stated it was the siding that has the bevel on the top. Mr. Davis asked for clarification on drawings if it was all on this side. Mr. Rapp responded that addition continues on the part where the old house meets that there is a jut.

Mr. Davis pointed out that taking off siding is not a part of the guidelines. Mr. Rapp responded that there is just a drastic difference at Capital City Lumber and the cost is so expensive for the lumber. Mr. Davis asked if the hardy plank came in the size they needed for the project. Mr. Rapp responded that it can be matched to half an inch thick and smoothed. Ms. Tully stated the one thing she noticed that was addressed was comment 6B that the hip roof is a character defining roof form and it should remain intact and the 4 square form is obscured from what she saw in the drawings.

Mr. Davis inquired as to what the plans were for the west side plain. Mr. Rapp responded that the siding will be continuous all the way across and it will change fifteen feet to the roof on the east side where it juts in about 2 feet. Mr. Davis asked if there was a way to do anything to the west side so the original roof can be seen. Mr. Rapp stated it would mean adding longer rafters on the west side of the roof which he has not gotten into the soffits yet. Mr. Davis asked if he wanted a difference instead on the east side and Ms. Tully stated the question was if the addition on the retaining corner sufficient enough with retaining the four square form. Mr. Davis stated if it was possible to push the addition in by six inches that would be a good solution. Mr. Rapp responded that was able to be done since it was a second story addition.

Ms. Tully the east elevation reduction in size with the two windows that there has never been a situation where a double window was reduced in height with single kitchen windows to accommodate the lower sash but she has seen it done with a pair of windows. Mr. Rapp clarified that this was to be done to put the new kitchen sink in. Ms. Jackson asked if the applicant could work with staff on this issue. Ms. Tully responded that they could.

Ms. Tully stated the discussion would now be back to the siding issue. Mr. Thiem inquired if they could ask the applicant to salvage the vinyl. Ms. Tully stated that hardy plank in general is approved but there was not any indication on the west side of the same plane. Mr. Davis stated they need to address the different size from what was below and inquired as to what the hardy plank look like. Ms. Tully stated the turning the corner of the same plane was not an issue and she suggested letting staff come back with a fact to figure out the additions and a decision be made then.

Ms. Tully stated for the new window, the drawings that were presented could be approved and make a condition to work with staff. Ms. Tully recommended staff make the conditions and structuring it so it makes sense.

At Mr. Davis's suggestion Mr. moved that the public testimony portion of the hearing be closed. Ms. seconded; motion carried 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 dormer window not be a single pane of glass.
2. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard.
  - a. New screening system.
  - b. New dormer windows (two single pane windows side-by-side).
3. That only windows that are deteriorated beyond repair or missing be replaced and that the assessment be approved by staff prior to the issuance of the blue placard.

4. That the east side of the addition be inset with revised drawings to be provided to and approved by staff prior to the issuance of the blue placard.
5. That the reduction in size of the windows on the west wall be assessed by and approved by staff prior to the issuance of the blue placard.
6. That the siding on the addition either be wood or smooth faced fiber cement siding.
7. That specifications and details for the following be provided to and approved by staff prior to installation:
  - a. Siding reveal;
  - b. Window and door trim;
  - c. Lighting fixtures, if any;
  - d. Eave construction;
  - e. Other design details not specifically noted.

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

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

Certificate expiration date: 11/25/17.

The Finding of Fact and Conclusions of Law were approved June 22, 2017 and are in a separate document attached to these minutes.



### **DEFERRED APPLICATIONS**

Mr. Hinshaw moved to defer the unapproved portion of COA 131-16-CA for another month.  
Mr. Smith seconded; motion carried 5/0.

### **OTHER BUSINESS**

1. Committee Discussion
  - a. Application Completeness
  - b. Meeting Post-Mortem

### **ADJOURNMENT**

The meeting was adjourned at 8:19 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

070-17-CA      506 COLE STREET  
Applicant:      MARK RIEDEMAN  
Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT  
Zoning: Streetside HOD  
Nature of Project: Demolish house  
Conflict of Interest:   None noted.

FINDINGS OF FACT

Based upon information contained in the Application, evidence received at the evidentiary hearing of May 25, 2017, including evidence and analysis presented by staff, testimony and supporting materials offered by the witnesses, and also upon consideration of written materials and oral arguments of counsel for the parties, the Committee makes the following Findings of Fact:

- 1\* The Property at 506 Cole Street lies within the Glenwood-Brooklyn Streetside Historic Overlay District.
- 2\* The Glenwood-Brooklyn designation report describes the house as a “ca. 1925 one-story frame Craftsman bungalow with novelty weather board siding and an asphalt-shingled hip roof with a hip ventilation dormer. The engaged front porch has wood posts. Other features include a brick foundation and exterior side chimney, a rear wing, and double hung windows with decorative upper sash.”
- 3\* On October 8, 2016, during a Raleigh hurricane event, a large tree (100 year-old oak) hit the house, extensively damaging the roof and northwest portion of the house. The exterior portion of a utilitarian chimney was also removed by the tree.
- 4\* A previous COA application (Case #041-17-CA) for this address was denied at the March 23, 2017 COA Committee hearing. The application proposed a second-story addition. This application was denied based upon the Committee’s finding that the design of the addition was incongruous with the special character of the Historic District per the applicable *Design Guidelines for Raleigh Historic Districts*.
- 5\* Guideline 5.2, including, respectively, the Introductory Essay, “Things to Consider as You Plan”, and specific Guidelines 5.2.1 through 5.2.7, provide, in summary, that:
  - (1) demolition of a significant building in the District is discouraged;
  - (2) full deliberation of all alternatives is essential;
  - (3) use of the delay time is very

important in reviewing all possibilities of saving a threatened structure; and (4) special conditions upon the demolition are appropriate to mitigate the impact of demolition.

- 6\* The Applicant, Mark Riedeman, testified that as a result of the significant roof and structural damage, an inoperable HVAC system, and the buildup of moisture and mold, ongoing damage to and deterioration of the structure was taking place. He further testified that, due to such ongoing damage and deterioration, it was imperative that the structure be demolished without additional delay.
- 7\* According to Charles Holden, AIA, a licensed architect, the relocation of the structure to another site was not feasible due to structural damage sustained by the falling tree, the design of the house and foundation, and economic impracticability. No evidence on this issue was offered by a structural engineer or professional with specialized experience in historic house moving.
- 8\* Following the Committee's action on Case 041-17-CA, no alternative proposals for repair of or additions to the structure as a means of addressing the damage have been proposed by the Applicant to the Commission. Testimony was provided by the Applicant that relocation was considered but determined to be infeasible, and that salvage was considered, and Applicant agreed it would salvage and reuse as many of the materials as possible.

### CONCLUSIONS OF LAW

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

1. The Committee's action in this case is governed by UDO Section 10.2.15.E.1, which 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 certificate may be delayed for a period of up to 365 days from the date of issuance...."
2. Under the above-cited provision of the UDO, the Committee has reasonable discretion to reduce the maximum 365 day demolition delay period as warranted under circumstances accompanying the application.
3. The Committee's action in this case is also governed by N.C.G.S. 160A-400.14(a) which provides that: "...the maximum period of delay authorized by this section *shall* (emphasis added) be reduced by the Commission where it finds that the owner would suffer *extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay* (emphasis added). During such period of delay, the

Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure, or site.”

4. Applicable NC General Statutes, the UDO, and the Design Guidelines provide no express criteria for evaluating the “extreme hardship” standard for waiving some, or all of, the 365 maximum demolition delay period.
5. The Committee notes that Design Guideline 5.2, including Guidelines 5.2.1 through 5.2.7, clearly instructs that demolition should be discouraged as a final option, and that the delay period is extremely important in reviewing all alternatives to, and mitigation measures accompanying, demolition. In light of this, the Applicant has not produced substantial, credible evidence that imposition of any demolition delay period would result in “extreme hardship”, or a “deprivation of all beneficial use of and return from the property by virtue of the delay”. However, the Committee concludes that some reduction in the maximum demolition delay period is warranted under the facts of this case.
6. In light of Applicant’s credible evidence regarding the cause of the damage, serious structural issues with the house, its ongoing deterioration, and his submission of the Case 041-17-CA proposal, the Committee is willing to reduce the 365-day maximum delay period by that time which has elapsed since the damage was incurred.

## DECISION

Based upon the forgoing, and pursuant to the requirements of applicable statutes, UDO provisions, and Design Guidelines, the Committee Finds, Concludes, and Decides that Case 070-17- CA be approved, expressly subject to the following conditions:

1. In order to provide a time period for the Commission, the Applicant, and other interested parties to explore all alternatives to demolishing the structure, including repair, rehabilitation, or relocation, the demolition shall be delayed for a period equal to 365 days, less that period which has elapsed from the date of damage to the house, to the date of entry of this Order.
2. The house shall be documented with photographs and measured drawings, and that the documentation materials be submitted to staff for approval prior to issuance of the blue placard.
3. Details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
  - a. Site plan for the post-demolition condition;
  - b. Salvage plan for significant historic materials;

- c. Tree protection plan during demolition;
- d. Demolition plan, including safety measures to protect the public.

This Order is Entered, the 22 day of June, 2017.

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

071-17-CA      217 E LENOIR STREET

Applicant:      ERIC W RAPP

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Construct 2<sup>nd</sup> level rear addition; remove vinyl siding; remove vinyl dormer window; install new dormer window; replace screening on porch; replace windows.

Conflict of Interest:    None noted.

FINDINGS OF FACT

Based upon information contained in the amended Application, evidence received at the evidentiary hearing of May 25, 2017, including evidence and analysis presented by staff, testimony and supporting materials offered by the witnesses the Committee makes the following Findings of Fact:

- 1\* The Property at 217 E Lenoir Street lies within the Prince Hall General Historic Overlay District.
- 2\* The Prince Hall designation report describes the contributing house as a 1909 two-story, three-bay Foursquare-form frame house with vinyl siding, an asphalt shingled hip roof with a hipped dormer, a one-story partly screened wraparound porch on sided, battered posts on brick supports, and 4/1 windows.
- 3\* All vinyl and aluminum siding and wraps will be removed.
- 4\* The house has two rear one-story additions; the new addition is at the rear of the house and sits on the first of the two existing additions.
- 5\* Detailed photographs of the existing windows indicate that some are missing or are deteriorated beyond repair.

CONCLUSIONS OF LAW

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

1. Removal of vinyl siding; removal of vinyl dormer window; installation of new dormer window; replacement of screening on porch is not incongruous in concept according to Guidelines 3.1.1, 3.6.10, 3.7.7, 3.7.8, 3.8.1, 3.8.3.
2. Construction of 2<sup>nd</sup> level rear addition 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, 4.2.8, 4.2.9, 4.2.10.
3. Replacement of windows is not incongruous in concept according to *Guidelines* 3.7.1, 3.7.6; however replacement of windows that are not deteriorated beyond repair is incongruous according to *Guidelines* 3.7.4, 3.7.5.

## DECISION

Based upon the forgoing, and pursuant to the requirements of applicable statutes, UDO provisions, and Design Guidelines, the Committee Finds, Concludes, and Decides that Case 071-17- CA be approved, expressly subject to the following conditions:

1. That the new dormer window not be a single pane of glass.
2. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard.
  - a. New screening system.
  - b. New dormer windows (two single pane windows side-by-side).
3. That only windows that are deteriorated beyond repair or missing be replaced and that the assessment be approved by staff prior to the issuance of the blue placard.
4. That the east side of the addition be inset with revised drawings to be provided to and approved by staff prior to the issuance of the blue placard.
5. That the reduction in size of the windows on the west wall be assessed by and approved by staff prior to the issuance of the blue placard.
6. That the siding on the addition either be wood or smooth faced fiber cement siding.
7. That specifications and details for the following be provided to and approved by staff prior to installation:
  - a. Siding reveal;
  - b. Window and door trim;
  - c. Lighting fixtures, if any;
  - d. Eave construction;
  - e. Other design details not specifically noted.

This Order is Entered, the 22 day of June, 2017.