

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
June 22, 2017

**CALL TO ORDER**

Chair Elizabeth Caliendo called the Certificate of Appropriateness (COA) Committee meeting to order at 4:02 p.m.

**ROLL CALL**

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

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

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

**Approval of the Findings of Fact**

Mr. Davis moved to adopt the Finding of Fact for case 070-17-CA; seconded by Mr. Hinshaw.

Mr. Thiem noted that case 041 had been transposed as 014. Messrs. Davis and Hinshaw agreed to the edits. Motion carried 4/0.

Mr. Hinshaw moved to adopt the Finding of Fact for case 071-17-CA; seconded by Mr. Thiem. Motion carried 4/0.

**Minor Works**

There were no questions regarding the Minor Work report.

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

<b>Visitor's/Applicant's Name and Address</b>	<b>Affirmed</b>
Kristina Davidson, 523 Elm Street 27601	Yes
Michelle Ledo, 227 Elm Street 27601	Yes
Keith Cowell, 3021 Villawood Circle 27603	Yes
Michael Hicks, 8213 Old Deer Trail 27615	Yes
Alexander Latsko, 518 E Lane Street 27601	Yes
Michelle Latsko, 518 E Lane Street 27601	Yes
Sam Adams, 1001 S Saunders Street, 27603	Yes
Melissa Mason, 120 N Bloodworth Street 27601	No
Ms. Laura Krabill, 227 Elm Street 27601	No

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

Case 089-17-CA was moved to the Evidentiary Portion of the meeting. Ms. David moved to approve the agenda as amended. Mr. Davis seconded the motion; passed 5/0.

**PUBLIC HEARINGS**

Chair Caliendo introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: 089-17-CA, 088-17-CA, 090-17-CA, 091-17-CA, and 098-17-CA.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

089-17-CA      523 ELM STREET  
Applicant:      KRISTINA DAVIDSON AND PHILLIP SWYSTUN  
Received:      5/10/2017      Meeting Date(s):  
Submission date + 90 days: 8/8/2017      1) 6/22/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICTS

Zoning: General HOD

Nature of Project: Installation of wooden fence; replacement of rear second-story deck

Conflict of Interest: None noted.

Staff Notes:

- The proposed fence installation will be on neighboring property lines, with one portion of the existing fence encroaching on the applicants' lot. Location of the property line and work on adjacent property is a civil matter outside of the commission's purview.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.4	Fences and Walls	Installation of wooden fence
3.1	Decks	Replacement of rear second-story deck

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 showed pictures which included a mock-up of the fence from different views to the yard. Ms. Robb noted this was a corner lot with an existing chain link fence that will be removed. Ms. Robb recommended approval with factors depending upon the height and openness of the fence.

Support:

Ms. Kristina Davidson [affirmed] was present to speak in support of the application. Ms. Davidson added that just based on what was reviewed and a previous application she believed it would be appropriate to consider a 54" privacy fence based on what was applied for on 501 North Boundary Street as well as another fence on 616 N East Street. Ms. Davidson stated plantings would also be provided for more screening and at the house that is next to hers on Euclid there is also a small tree and large shrubs that will be blocking the view of the fence.

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

### Responses and Questions:

Ms. Caliendo asked if anything was changed on the application since it was submitted. Ms. Davidson stated nothing had changed.

Ms. David inquired if on the Euclid Street side if there was a gradual transition in height or if it was a step up. Ms. Davidson responded it will be blended in that 8 foot section. Mr. Davis asked where that step would be. Ms. Davidson answered the back corner of the house is where it was proposed and on the side of the house we would go with the 42" fence. Ms. Tully pointed out the indication on the drawings of where the panels would be transitioning in height, and that the applicant does not know because they are not sure where those panels would be. Ms. David clarified that the step would be along the back of the property. Mr. Thiem asked if the applicant had considered lowering the height of the fence as it turned the corner on the common property line. There was some discussion amongst the committee about the height of the fence and what could be approved and keeping in with the guidelines. Ms. Davidson stated it sounded like a privacy fence would not be approved and she did not understand the difference between what she proposed and 501 N Boundary Street. Ms. Caliendo stated the guidelines did not approve anything taller than 42". Ms. Davidson stated the height could be dropped to 54" if needed.

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

### Committee Discussion

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

The fence is taller than 42" and more than 65% solid on the street side. Then we have the minor details of the railing and design of that deck. [Caliendo]

This is a corner lot situation and I am concerned about if the next door neighbor was putting in a 42" fence and I feel like this needs to respond to it. The guidelines address this situation, and it seems appropriate to stay at a lower height with the house behind with the fence coming down and turning that corner. The fence coming back from the northwest corner of the house would be the fence we would approve at full height. [Thiem]

Yes. [Tully]

Reading the comments from the certified record of 501 N Boundary: "Installation of 54" tall wood privacy is not incongruous in concept according to *Guidelines* 2.3.2, 2.3.7, 2.4.8, 2.4.11 and the following findings; There are trees that may be impacted by fence installation; the application delineates some tree protection measures. The fence is located in the rear yard in the traditional location near property lines. It is all behind the rear wall of the house. Along the street and in the side front yard area of the house on Boundary the solid portion is 42" tall with an open lattice on top reaching a maximum 54" height. The remainder of the fence is solid for the whole 54". Detailed information regarding construction was included in the application."

The findings of fact mention about trees potentially being impacted and tree protection measures as well as the 42" solid portion. [Robb]

Do we have a picture of that on the side yard? [Davis]

The brick house is facing Boundary St and the fence is on the East St side. The fence facing East is a very similar set up. [David]

This fence is more according to the application. [Davis]

It's solid up to 42" then the lattice is open on top. It is entirely behind the main house. Here is a different lot set up. [David]

It's a different design. [Caliendo]

Is the height of the fence measured at the bottom of the scallop or at the posts? [Davis]

At the top. The post caps are usually not counted but the highest point of the scallop is. [Tully]

Is there any evidence of a higher scalloped fence? [Caliendo]

She did not provide that but I could provide some additional information if you are open or not. I can tell you that in this specific district she did not provide a specific example that staff would have found that met the guidelines. [Tully]

There are a number of scalloped fences in the area. [Hinshaw]

Staff's issue is with the height and openness. [Tully]

The example of a photograph shows where the fence is placed. It is hard to tell the height. [Thiem]

That was just to show you what it would look like and it's not accurate to scale. [Tully]

The difference between 501 N Boundary St and this is that one has an open lattice at the top. [Davis]

Other thoughts? [Caliendo]

The guidelines are specific in this case. [Hinshaw]

Does the street side yard area end at that end of the house? [Caliendo]

Here? [David]

Yes or do we have to interpret it as it extends along the entire side. [Caliendo]

If the house on Euclid was facing the backyard to me there is less concern about the height of the fence. The key issue is the height of the fence in response to the house facing Euclid. [Thiem]

The house at East and Boundary is good to look at. That fence is pretty tall looking on East Street. [David]

If the side were more similar looking to where it was open above to 42" would we be able to accept that height? [Caliendo]

If you do not feel like you could approve this you could offer the applicant the opportunity to amend the application and come back rather than guess what might meet the guidelines. Or looking at the suggested conditions you could make an approval and allow things to be worked out with staff. [Tully]

Going back to this earlier the East and Boundary fence, making that decision I would say was a mistake for us to let it get that high. When you are walking down the street it is tall. [David]

There is no sidewalk here. [Caliendo]

Not along Euclid. [David]

Trying to give clear parameters, a 42" fence that is open at the top would meet the guidelines. So anything above the transparency is an issue as well as height. I am getting the sense of redesigning the fence while we are sitting here. [Thiem]

I would also offer the option to defer part and not defer depending on how you feel about the deck. [Tully]

I do not think the deck meets the guidelines. Guideline 3.1.2 is about minimizing the visibility and it's on a visible elevation. [David]

Can she enlarge it or can they rebuild what is there? If it is unstable they can rebuild it as a minor work. Can they make it a little bigger? [Tully]

If it's already there they can rebuild what is there. I do not think it meets the guidelines. [Davis]

You can defer and have her come back with examples of second story decks. [Tully]

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

### PUBLIC TESTIMONY (2)

Ms. Caliendo stated the committee was leaning more towards working with staff's recommendations and asking for the applicant to come back with another fence design. Ms. Davidson stated she could do that with more open lattice work but she would hate to be waiting for a long time. Ms. Robb clarified there is another deadline for a submission of amendment materials that is July 7<sup>th</sup> for the July 27<sup>th</sup> meeting. Ms. Davidson stated she could do that.

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

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

- B. The replacement of the rear second-story deck is not incongruous in concept according to *Guidelines* 3.1.1, 3.1.2, 3.1.3, 3.1.5, 3.1.6, 3.1.7, 3.1.8, and the following facts:
- 1\* The existing deck is on the rear (west) elevation of the house, leading out from a second-story door in the end gable. It is poorly constructed, with insufficient structural framing for safety. It has also deteriorated noticeably.
  - 2\* The existing deck is constructed with unfinished (most likely pressure-treated) lumber. The applicant proposes not painting the deck.
  - 3\* Due to the height and the corner lot, the deck is highly visible.
  - 4\* The rails of the new deck are standard construction style, not inset balusters typical of the historic district.

- 5\* The construction of the deck is not formal in nature.
- 6\* The deck was original to the house.

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

#### Decision on the Application

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

1. That the deck design be modified to more closely match other decks in the district, with inset pickets on the rails and without mitered ends on the individual components.
2. That the deck rails be painted and the structural support elements be finished with either paint or stain in a color compatible with the colors of the building.
3. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
  - a. Revised railing design;
  - b. Revised deck construction.
4. That details and specifications for the following be provided to and approved by staff prior to installation:
  - a. Paint/stain colors

Mr. Hinshaw agreed to the changes. The fence portion was deferred. The amended motion passed 5/0.

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

Certificate expiration date: 12/22/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

088-17-CA      227 ELM STREET  
Applicant:      MICHELE LEDO AND LAURA KRABILL  
Received:      5/9/2017      Meeting Date(s):  
Submission date + 90 days: 8/7/2017      1) 6/22/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Installation of 8' x 16' freeform concrete spa with stone surround

Conflict of Interest: None noted.

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>
1.3	Site Features and Plantings	Installation of 8' x 16' freeform concrete spa with stone surround

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report.

Support:

Ms. Michelle Ledo [affirmed] was present to speak in support of the application. Ms. Ledo brought an arborist report that staff had requested. Mr. Keith Cowell [affirmed] responded that there will be no paving around the pool, and there will be a mix of natural stone in the back of the pool with stone coping. Mr. Cowell stated the front will be raised about a foot. The applicants also added that the back of the pool will be flush with the ground as the lot slopes upwards to the back fence.

Opposition:

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

Responses and Questions:

Mr. Thiem asked for a repeat of the last statement the applicant said.



Mr. Davis inquired about how tall the boulders will be. Ms. Ledo answered it will be natural boulders and they will be a couple of feet tall but they did not know the exact dimensions as the landscape architect will be picking them.

Mr. Thiem clarified that the pool would be abutting the existing deck terrace that is located on the property. The applicant responded yes.

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

### Committee Discussion

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

The issue is the increased built area to open space. The proposed work will take it to 52% and it is currently at 50%. [Caliendo]

The wording is different in the new guidelines than the prior. [Tully]

The guidelines talk about significantly reducing the original built area to the new space. [Caliendo]

How do we define significantly? [Hinshaw]

We have had that conversation before. [David]

What is different from previous guidelines is the language did not relate the changes of built open space to the original built area, and now it does relate to the original to combat addition creep over time. [Tully]

If we are talking about elevated decks or more terrace areas that would be a clear thing, but this is a pool and I'm concerned with the intention around it. We have looked at other cases within the last year or so where there is even less yard space was available with additions and I am not inclined in this case with interpreting the guidelines to see if a pool does make a sizeable difference. I feel comfortable with the scale of it and what is already in the backyard. [Thiem]

112 square feet to 128 square feet is this addition in theory. [Hinshaw]

The original footprint of the house shows that the house hasn't had a significant addition. What is the separate building back there? [David]

It is considered contributing. [Tully]

It is a 561 square foot outbuilding. [Robb]

The house does not have a huge addition in the back. [David]

I do not think 50 to 52% is significant. [Caliendo]

The only thing added is to the patio. [Tully]

The coverage of the lot was originally 50% which is what it came to early on, so 52% is not a significant change. [David]

I agree. [Caliendo]

### Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The installation of an 8' x 16' freeform concrete spa with stone surround is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 1.3.11, and the following facts:
- 1\* The lot size is 5,775 SF; the existing house has a footprint of 1,694 SF inclusive of the front porch; the outbuilding is 561 SF; the deck/patio/paved area is approximately 610 SF; the total existing footprint is 2,865 SF; the proposed pool is 128 SF; the total proposed footprint is 2,993 SF. The current built area is 50%; the proposed built area is 52%.
  - 2\* The proposed spa is in the rear yard and will be screened from view.
  - 3\* There are tree(s) in the yard whose roots may be impacted by installation of a pool. A tree protection plan was not provided.
  - 4\* The pool will be edged with 16" wide coping stone, with a grouping of natural boulders on the back side. The proposed stone is similar in color to the stone retaining wall along the front sidewalk.
  - 5\* The property at 225 Elm Street, immediately to the south of the applicant's property, was granted a COA (073-13-CA) four years ago for a similar spa/pool installation in the backyard, measuring 7' x 11'.
  - 6\* The coverage of the lot reached its existing 50% early in its life.
  - 7\* There will be no paving around the pool, and there will be a mix of natural stone in the back of the pool with stone coping. The front will be raised about a foot. The back of the pool will be flush with the ground as the lot slopes upwards to the back fence

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

### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard.
  - a. An ISA-certified arborist report, including a tree protection plan.

Mr. Thiem agreed to the changes. The amended motion passed 5/0.

Committee members voting: Caliendo, David, Davis, Hinshaw, Thiem.  
Certificate expiration date: 12/22/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

090-17-CA      605 N BLOUNT STREET  
Applicant:      MOBILITIE, LLC  
Received:      5/10/2017      Meeting Date(s):  
Submission date + 90 days: 8/8/2017      1) 6/22/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: BLOUNT STREET HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Installation of small cell utility pole with antenna at overall height of 50 feet

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.1	Public Rights-of-Way and Alleys	Installation of small cell utility pole with antenna at overall height of 50 feet

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 showed a mockup of the pole demonstrating both its location and scale. Ms. Robb recommended approval with conditions.

Support:

Mr. Michael Hicks [affirmed] was present to speak in support of the application. Mr. Hicks was there purely in a witness capacity to answer questions, as was reminded by Mr. Francis Rasberry. Mr. Hicks stated he accepted the staff conditions and reported that the existing infrastructure is 40 foot tall poles with approximately 2 feet above that where wires will run. Mr. Hicks stated the pole could be lowered to 41 feet 8 inches and with the antenna it would be 45 feet. With the plans in the current proposal, the total height would be 46 feet 8 inches.

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 critical is the specific location for that section that is in place. Mr. Hicks responded that the engineers picked that location to handle customer demand. Mr. Thiem specified further that if it was moved 200 feet as opposed to 10 feet, is there some flexibility in the distance. Mr. Hicks stated there is some small flexibility but he already has a NCDOT encroachment approval and he would have to go back and get that again.

Mr. Hinshaw stated he is concerned about this, especially the height and density of these poles. Ms. Tully stated staff is setting up a meeting to offer guidance on this topic based on both state and municipal guidelines.

Mr. Davis asked if this tower location is driven by William Peace University and if there is a high concentration there. Mr. Hicks responded there is more data activity there.

Mr. Thiem pointed out there is a pattern of street trees until you get to this area where the pole is proposed to be placed. If you continue the pattern where that pole is proposed there would be a tree. The pole is less visible if there are trees covering it. Mr. Thiem noted he was not sure if anything could be done right now but he wanted it noted for the Blount Street Plan in the future. Ms. Tully responded she didn't know how far that project was at the moment. Mr. Thiem stated the pole would have to be moved 10 feet if the tree plan were continued.

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

#### Committee Discussion

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

It would really fit if it were moved up 10 feet to continue with the tree pattern. [Thiem]  
We are pretty clear with the staff comments. [Caliendo]

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

- A. Installation of small cell utility pole is not incongruous in concept according to *Guideline* 1.1.2; however installation of a small cell utility pole with an antenna at an overall height of 50 feet is incongruous according to *Guidelines* 1.1.10 and the following facts:
- 1\* The proposal is for a 47-foot tall wood pole with a 3-foot antenna on top bringing the total height to 50 feet. Equipment will be mounted at various heights on the pole starting at 6 feet above the ground.
  - 2\* The applicant states that the three wood poles nearest to the proposed pole are approximately 40ft with ancillary electrical equipment protruding approximately 2ft above pole height.
  - 3\* The pole is proposed to be located in the grass right-of-way near an unused entry drive off of Blount Street adjacent to a William Peace University parking lot. A photographic simulation of the proposal is included in the application.

- 4\* The location of the proposed pole is incorrect on the location maps page of the application packet.
- 5\* On the planning page (p. 18) 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."
- 6\* The commission recently approved a 37' tall new wood pole with antenna and equipment at the southern end of the Blount Street (COA 073-17-CA) This pole was within 3 feet in height of the nearby poles.

The motion was seconded by Ms. David; passed 4/1 (Mr. Thiem opposed).

#### Decision on the Application

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

1. That the new pole and antenna be no more than 3' taller than wood poles within a half block of the proposed pole.
2. That the revised pole height and associated equipment be provided to and approved by staff prior to the issuance of the blue placard.

The motion was seconded by Mr. Hinshaw; passed 4/1 (Mr. Thiem opposed).

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

Certificate expiration date: 12/22/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

091-17-CA      518 E LANE STREET  
Applicant:      MICHELLE AND ALEXANDER LATSKO  
Received:      5/10/2017      Meeting Date(s):  
Submission date + 90 days: 8/8/2017      1) 6/22/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICTS

Zoning: General HOD

Nature of Project: Replace rear patio and parking pad; add privacy screen and railing; install sod

Conflict of Interest: None noted.

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>
1.3	Site Features and Plantings	Install sod; add privacy screen and railing/fence; replace rear patio and parking pad
1.4	Fences and Walls	Add privacy screen and railing/fence
1.5	Walkways, Driveways and Off-street Parking	Replace rear patio and parking pad

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 showed photos of the property including the street view, the driveway and the backyard. Ms. Robb noted staff is suggesting approval with conditions.

Support:

Mr. Alexander Latsko [affirmed] was present to speak in support of the application. Mr. Latsko stated he was not sure if the railing made a difference to the application, but he is looking to install a small gate to keep his daughter safe and if needed, it could be changed to a small fence.

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

### Responses and Questions:

Ms. Tully stated that it was more the design of the railing that staff had an issue with. Mr. Latsko pointed out he wished to do something that was similar to the railing on the front of the house. Ms. Michelle Latsko [affirmed] asked for examples of what could be approved. Ms. Tully directed them to pictures in the Guidelines on page 64. Mr. Latsko stated a deck could not be built there because of the grade. Mr. Davis stated a picket fence instead would be fine. Ms. Caliendo also suggested the applicant could work with staff to get a proper design. Ms. Tully pointed out the applicants also have to work out the design of the screening on the driveway side. She stated that 6" to 8" decks have been built without railings. Mr. Thiem added if railing detail were continuous around the two sides it would be approvable. Ms. Latsko stated a screen was needed to provide privacy from the renters next door.

Mr. Latsko brought up the wood grain paver being proposed. They had considered Trex, a popular decking material that imitates wood, since it offers a better return on investment than a PVC material as it is guaranteed for life. Ms. Tully pointed out that Trex has been approved before. Ms. Caliendo countered that materials that imitate other materials are not approved. Ms. Latsko reiterated they did not want to use a PVC or plastic, and that they wanted that area to accommodate both guest parking and a deck.

Mr. Davis inquired about the privacy fence. Ms. Latsko stated it is shown at 10' tall in the sketches but it can be shorter, and it can be attached to the house or not. Ms. Tully stated privacy fences have to be 6 feet or shorter in order to be approved. Sometimes lattice can be added at the top. Ms. David stated it looked like they could not build anything off the ground and Ms. Tully reiterated they couldn't due to site restrictions.

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

### Committee Discussion

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

We should discuss if they are willing to come back with a railing design. [Caliendo]  
Is it a deck with railing or a patio with a fence? It all comes down what it's called and what the materials would be. [David]

I would have a hard time calling it a deck. The wood grain pavers are not approvable in the Guidelines. [Davis]

Are you using that term as opposed to Trex? [Thiem]

That material is a faux wood grain that I do not think would fit with the guidelines. [Davis]

I think of Trex as fake lumber. [David]

I think they are willing to go to Trex so that it would be like decking. [Thiem]

Trex cannot be buried in the ground. [Davis]

You could put a layer of gravel down and then place the Trex as a deck surface. It's not atypical. [Thiem]

They brought up what they could have done but would rather not. [Tully]

I do not want to get into using materials that masquerade as something else. [Thiem]

I do not think this looks like a deck either. [Davis]

It's a patio on the ground. [David]

Still is it a railing and a fence because it's a patio? [Davis]

It is not the word but what it looks like. In thinking about it, if it were a patio and they wanted to put a low seat wall around it that would be typical. I'm less concerned about a railing vs a fence. We have to be careful about getting into designing it here. [Thiem]

They could come back with a fence design. [Caliendo]

Screening is a concern with the house next door. Since it is not a two-story, the first 6 feet of the fence provides the privacy element. We are acknowledging the top 2 feet is just a post and arbor type structure that is pretty transparent. [Thiem]

I see it as a fence design versus a separate pergola. It should confirm to the 60 inch. [Caliendo]

That should be 6 feet. [Tully]

If we put this fence on a property line at 6 feet in height would we have allowed it? It's about the relationship between the neighboring properties and the visual impact. [Thiem]

We have not seen fences that are that tall come forward. While it is not a fence the back of the property has a retaining wall which is a problem in terms of paving material. I did not see the percentage change in covered lot with this application. [David]

There is no change. [Robb]

We have not approved anything like these cobblestone pavers. [Davis]

We have approved concrete pavers in the back. [Caliendo]

Yes, you've approved concrete in back but not coble. [Tully]

The fact that we have approved brick in the past means that if we defer for approvable paver materials they can redesign showing a privacy fence. [David]

We can have staff work with them on the materials. [Caliendo]

We might as well have it all come back. [Davis]

They can work with staff to come back with the materials. [Caliendo]

As long as it is a picket-style fence within the maximum height it's fine. [Tully]

### 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 findings A. (inclusive of fact 1), B. (inclusive of facts 1-8), and C. (inclusive of facts 1-8), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The installation of sod is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.4, and the following facts:
  - 1\* The applicant proposes installing sod in the southeast portion of the property. Grass lawns are common throughout Oakwood.



B. Installation of a privacy screen and fence is not incongruous in concept according to *Guidelines* 1.3.9, 1.4.8; however installation of a railing is incongruous according to *Guidelines* 1.3.9 and the following facts:

- 1\* The privacy screen/trellis will be located on the southwest corner of the house to separate the patio from the adjacent driveway.
- 2\* The applicant describes the privacy screen as 9' tall x 12' wide on the application, although the drawing shows it at roughly 10 ½' tall. It will be constructed of wood.
- 3\* Lattice screens are sometimes seen on the sides of open porches. The proposed screen is similar in purpose.
- 4\* The screen is solid for the lower 6', with a 2' tall lattice above and an open space between the lattice and the top beam. With the solid character of the lower portion of the screen it behaves more like a 6' privacy fence than an open screen.
- 5\* Privacy fences 6' tall are regularly approved along rear yard side property lines.
- 6\* The privacy screen appears to be anchored to the rear wall of the house.
- 7\* A wood railing is proposed to be added to demarcate between the rear patio and the adjacent parking pad. It appears to enclose the patio. Details of a gate/opening were not provided.
- 8\* Railings that are not part of a porch or deck are not seen in the historic district. Low wood fences, while typically along property lines, are occasionally used to delineate uses within a yard.

C. Replacing the rear patio and parking pad is not incongruous in concept according to *Guidelines* 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.5.1, 1.5.5, 1.5.6; however the selected materials are incongruous according to *Guidelines* 1.3.12, 1.5.5, and the following facts:

- 1\* The existing rear patio measures roughly 20' x 12' and consists of gravel with a stone walkway.
- 2\* Traditional paving materials in Oakwood are concrete, brick and stone pavers.
- 3\* The proposed new patio will be the same dimensions as the existing, and is proposed to be of a 5"x10" concrete unit product with a faux wood finish.
- 4\* The committee has not yet approved the use of a material with a faux wood appearance. Evidence was not provided to support its adherence to the Guidelines.
- 5\* The rear driveway parking pad measures 20' x 18' and consists of a Turfstone material with grass. In 2008 (COA 169-08-CA) approved the rear parking area with a condition that the parking pad be reconfigured to minimize the site impact, screened with vegetation, and be built with a unit paver material.
- 6\* The proposed driveway parking pad will be the same dimensions as the existing, and is proposed to be multi-colored block pavers with a semi-cobblestone appearance. Block pavers and cobblestones are not a common driveway/parking pad material in the Oakwood district.
- 7\* Given that the dimensions of the existing hardscape will not be changing, the percentage of built area to open space is not changing.
- 8\* There are no trees in the rear yard or adjacent yards.

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

#### Decision on the Application

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

1. That alternate materials are selected for the patio and parking pad.
2. That the railing not be installed.
3. That a low wood fence be approved in the location of the proposed railing.
4. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
  - a. Height of the privacy screen.
  - b. Fence design.
  - c. Precise dimensions of fence and opening.
  - d. Patio material.
  - e. Parking pad material.
5. That the fence height not exceed six feet.

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

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

Certificate expiration date: 12/22/17.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS –CERTIFIED RECORD

098-17-CA      506 N BOUNDARY STREET  
Applicant:      TACTILE WORKSHOP  
Received:      5/10/2017      Meeting Date(s):  
Submission date + 90 days: 8/8/2017      1) 6/22/2017      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICTS

Zoning: General HOD

Nature of Project: Construct rear addition; replace rear retaining wall; replace rear patio

Conflict of Interest: None noted.

Staff Notes:

- In March 2017 the applicant was denied a COA for a second-story addition to the property (037-17-CA).
- 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>
1.3	Site Features and Plantings	Replace rear retaining wall; replace rear patio; construct new wood steps to shed; add new wood gate
1.4	Fences and Walls	Replace rear retaining wall; add new wood gate
2.7	Windows and Doors	Replace windows
3.2	Additions to Historic Buildings	Construct rear addition

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 noted the sidewalk retaining wall at the front of the property, as well as the grade change in the yard as it rises in elevation in the back. Ms. Robb recommended deferral of the west wall window and the remainder of the application be approved with conditions.

Support:

Mr. Sam Adams [affirmed] was present to speak in support of the application. Mr. Adams stated he was there to respond to any questions. The shed roof on the back of the addition will add 6 feet 8 inches and the gable on the back will match the gable on the front of the house. Mr.

Adams stated they were originally proposing a second-story addition and that was not congruous with the budget so this addition on the rear is now proposed. The window on the drawing is a simulated divided light pattern to match the existing windows. Alternatively, they can move the windows from the rear to the side.

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

Responses and Questions:

Ms. Tully questioned if that was a window on the plans. Mr. Adams responded it was and that it was a non-contributing property. Mr. Davis clarified if the applicant was proposing to take two windows and put them on the side. Mr. Adams responded that it was.

Mr. Thiem inquired about what a knife edge on top of the wall looks like. Mr. Adams explained that it is a concrete wall that tapers towards the top and that it allows the edge to appear narrower. Mr. Thiem asked for clarification on the drawings related to the existing pavers and the new retaining wall, especially how far back the addition is going to run in relationship to the final wall. Mr. Adams answered the addition will run along where the existing laundry addition is. There will be 20 inches cut out from the wall, which makes it about 18 feet from the existing. Mr. Adams noted the dashed line of the plan is more generous and it will be about five feet closer to the house than shown. Mr. Thiem noted some confusion about how the wall abuts the house and if there would be access to walk around the back of the house. Mr. Adams explained that the existing patio is about 20" lower than the interior floor height now, and the patio is at the same grade in the new plan. The retaining wall is lower than the original.

Mr. Thiem also made note that at the back corner of the lot there is an American holly which was not shown on the drawings. He wanted to note that it should be protected during construction, as building and digging could impact the root system. Mr. Adams stated his clients wanted to preserve the tree.

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

Committee Discussion

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

Are we still deferring the windows or taking them from the back and putting them on the side?

[Davis]

The question I had was that since there were no views of the side of the house I couldn't see that it matches the opposite side. We now know they are moving existing windows onto that side.

[Robb]

Anything else? [Caliendo]

Good. [Davis]

## Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested findings A. (inclusive of facts 2-8) and C. (inclusive of facts 1-13) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Replacing the rear retaining wall, replacing the rear patio, constructing new wood steps to the shed, and adding a new wood gate is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.4, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.13, 1.4.4, 1.4.8, 1.6.7, and the following facts:

- 1\* There is a tree in the backyard that appears to be an American holly.
- 2\* The patio is not historic. The new patio will measure approximately 22' x 15' and will be made from gray concrete pavers and pea gravel. Samples were not provided.
- 3\* The existing backyard includes two non-historic brick retaining walls relatively close to the back of the house. The applicant proposes to remove both walls to allow for the new rear addition, as well as to create more outdoor space at the same level as the interior floor height.
- 4\* A new retaining wall is proposed to be built approximately 15' back from the new rear addition. The wall will be made from concrete with a low profile knife edge cap.
- 5\* The property includes a retaining wall along the front sidewalk and along the driveway. It appears to be made from concrete block with a red brick cap.
- 6\* Staff observes that the proximity of the existing retaining walls presents a challenge to the existing building since there is so little space between the house and the retaining walls, causing potential issues with draining during severe weather.
- 7\* The site also includes an existing wood privacy fence. With the new configuration of the backyard, a new gate to match the existing fence will be installed to match the design of the existing fence.
- 8\* The property includes two rear outbuildings in the southeast corner. The applicant proposes building new wood steps up to these buildings that measure 22' x 4'. Each tread will be 2' deep. No detail drawings were provided.
- 9\* The level of the patio will be raised 20".

B. Reusing the rear windows on the side is not incongruous in concept according to *Guidelines* 2.7.1, 2.7.4, 2.7.5, 2.7.6, 2.7.7, 2.7.9, and the following facts:

- 1\* The existing rear windows will be moved to the west façade and paired.

C. Constructing a rear addition is not incongruous in concept according to *Guidelines* 3.2.1, 3.2.2, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12 and the following facts:

- 1\* The c.1949 house was built outside of the period significance of the Oakwood Historic district. It has a side-gabled roof with no eaves and a gabled projection on the leftward part of the front. The house is sided in [cement board] shingles, which are probably original. Most windows are six-over-six or eight-over-eight. [Matthew Brown "Inventory of

Structures in The Oakwood National Register Historic Districts”] It also includes a small addition with a shallow shed roof at the southwest corner of the building.

- 2\* The applicant proposes adding a 1-story rear gable front addition clad in board and batten wood siding that projects the same depth as the existing rear addition and into the current patio area.
- 3\* The space between the 12'-5" wide new addition and the existing addition will be a covered porch..
- 4\* A new roof is proposed to cover the new porch and existing rear addition.
- 5\* A bay window that extends 1'-5" and measures 10'-6" wide is proposed for the rear of the existing addition. The new bay and entirety of the addition are proposed to be clad in wood board and batten siding.
- 6\* The rear addition is proposed to be painted in shades of gray and white; paint samples were not provided.
- 7\* Windows in the addition are proposed to be vertically proportioned single pane aluminum clad wood casement windows with cement board trim matching the existing window trim dimensions. Aluminum clad wood windows have been approved on rear additions. Window specifications and details were not provided.
- 8\* The extant windows on the house are multi-paned and vertically oriented in a variety of proportions.
- 9\* The new covered back porch is proposed to have a pressure-treated wood floor that will be painted at a later date. No description was provided for the materials of the ceiling or of the porch roof.
- 10\* Stairs are shown leading from the new back porch to the patio but no materials were specified.
- 11\* New aluminum-clad wood patio doors are proposed on the side of the existing addition onto the covered back porch. No specs were provided for the doors.
- 12\* At the rear of the house the portion of the roof that is not affected by the new addition will be altered to a shallower pitch. All new roof areas will match the existing gray fiberglass shingle roof.
- 13\* The lot size is 5,294 SF; the existing house has a footprint of 1,108 SF; the outbuildings are roughly 364 SF; the patio/paved area is approximately 335 SF; the total existing footprint is 1,807 SF; the proposed addition is 125 SF; the proposed patio is 330 SF; the total proposed footprint is 2,084 SF. The current built area is 34%; the proposed built area is 39%.

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

#### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
  - a. Windows.
2. That details and specifications for the following be provided to and approved by staff prior to installation:
  - a. Doors;
  - b. Porch steps;
  - c. Patio material;
  - d. Lighting fixtures;
  - e. Materials of the ceiling of the porch roof;
  - f. Paint samples;
  - g. Steps to rear outbuildings.
3. That a tree protection plan be provided from an ISA-certified arborist.

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

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

Certificate expiration date: 12/22/17.

### **OTHER BUSINESS**

1. Annual COA Training: Ms. Tully discussed with the committee items they wanted on their annual training as well as what dates for it. The main topic was how to deal with precedents.
2. Committee Discussion
  - a. Sir Walter Raleigh Awards: Ms. Tully announced the awards are looking for a new certificate design and asked the committee if anyone was interested.
  - b. Delaney House: Ms. Tully reported City Council will continue hearing the subdivision case on the landmark at the July 5<sup>th</sup> Council meeting.

### **ADJOURNMENT**

The meeting was adjourned at 6:11 p.m.

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

Minutes Submitted by:  
Tania Tully, Preservation Planner