

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
May 24, 2018

**CALL TO ORDER**

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

**ROLL CALL**

Collette Kinane, Preservation Planner, called the roll as follows:

Present: Elizabeth Caliendo, Don Davis, Sarah David, Nick Fountain, Jimmy Thiem

Staff Present: Melissa Robb; Collette Kinane; Roberta Fox; Francis P. Rasberry, Jr., Attorney

**Approval of the April 26, 2017 Minutes**

Mr. Fountain moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Thiem seconded the motion; passed 5/0.

**Minor Works**

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Ms. Elizabeth Caliendo administered the affirmation.

<b><u>Visitor's/Applicant's Name and Address</u></b>	<b><u>Affirmed</u></b>
Kent Kilpatrick, 807 McCulloch St, Raleigh	yes
John Crew, 306 Elm St, Raleigh	yes
Dahr Tanoury, City of Raleigh	yes
Nicole Carroll, 807 McCulloch St, Raleigh	yes
Emily Sharpe, 2943 Wycliff Rd, Raleigh	no
Evan Covington Chavez, 611 N East St, Raleigh	yes
Myrick Howard, PO Box 27644, Raleigh	yes
Paul Hutter, 934 N Boylan Ave, Raleigh	yes
Gary Bullard, 1012 W Cabarrus St, Raleigh	yes
Jason Holsclaw, 28 Strickland Lane, Youngsville	yes
James Grady, 129 Sterlingdaire Dr, Cary	yes

**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: 026-18-CA, 057-18-CA, 058-18-CA, 059-18-CA, 060-18-CA, 061-18-CA, 062-18-CA, 063-18-CA and 065-18-CA.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

026-18-CA      807 MCCULLOCH STREET  
Applicant:      KENT KILPATRICK  
Received:      02-08-2018                      Meeting Date(s):  
Submission date + 90 days: 05/09/2018                      1) 04/26/2018      2) 05/24/2018

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct reconfigured rear addition with second story and wraparound porch; remove/replace/add windows; remove second door on front elevation; change exterior paint colors

DRAC: An application was reviewed by the Design Review Advisory Committee at its December 22, 2017 and January 29, 2018 meetings. Members in attendance were Dan Becker, Jenny Harper, Curtis Kasefang, and David Maurer; also present were Melissa Robb and Tania Tully.

Staff Notes:

- No additional documents were provided by the applicant prior to the COA meeting on 5/24/2018.

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	Construct rear addition
2.4	Paint and Paint Color	Change exterior paint colors
2.5	Roofs	Change porch roof material
2.7	Windows and Doors	Remove/add/replace windows; remove second door on front elevation
3.2	Additions	Construct rear addition

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] provided a summary of the project. Staff suggested approval with conditions.

Support:

Applicant Kent Kilpatrick [affirmed], 807 McCulloch Street, and Nicole Carroll [affirmed], 807 McCulloch Street, were present to speak in support of the application. Mr. Kilpatrick provided

additional materials to the Committee to address items discussed at the previous COA meeting, including a tree protection plan and more information about the sleeping porch windows.

Opposition:

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

Responses and Questions:

Mr. Fountain said there was a note about needing more evidence related to the windows on the top floor, and asked if there were any research related to them to show whether they were original or when they were installed. Mr. Kilpatrick stated he believes it to be a sleeping porch originally, and that eventually double-hung windows were installed sideways to fill in the openings. Ms. David replied that she was satisfied from the photos showing that the windows were rigged in there. She also asked if they had found any evidence of a paired window on the front porch where the second door is now. Mr. Kilpatrick answered that they had not found any structural evidence, but they have seen similar designs in other parts of the neighborhood.

Mr. Thiem asked if the arborist who prepared the tree protection plan was present. Mr. Kilpatrick answered in the negative. Mr. Thiem asked if there were plans for modifications to footings such as hand digging. He also asked if it was a pier footing or strip footing around the tree. Mr. Kilpatrick replied it would be pier footing to be consistent with the rest of the back porch.

Mr. Thiem stated he was concerned with the ability to stage construction on site and with the size of the black walnut and its proximity to the house. He clarified the tree protection fence location with the applicant. Mr. Kilpatrick stated he can use a different dimension beam, and the plan is to work to either side of the tree to limit impact. Mr. Thiem encourages staff to work with the applicant on adequate tree protection.

Mr. Davis said that sleeping porch windows are typically banded, and asked why that was not the choice to do here. Mr. Kilpatrick said it was a design choice matching the shape of the windows below and other windows in the neighborhood.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION

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

Item C about replacing a door with a window should be described as removing a non-historic door and adding a window to create a pair, which is unusual to add a window to a front façade. [David]

I agree with the applicant with the desire to create balance on the façade. [Caliendo]

There's no evidence for this fenestration other than the removal of the non-historic door. There are also issues with adding a window on the east side. I see the aesthetic reasoning, but still question this choice. [David]

It's an alteration of an existing window. There's no evidence of what there before. [Caliendo]

The side elevation is in a different location, not just adding a window. [David]

We don't generally change windows on a front façade, but there are differences between this and a previous case that proposed shortening windows. [Davis]

We should clarify in the findings that it's not replacing a door with a window, but removing a non-historic door and adding a window. How does that work with guideline 2.7.9? It says to install them on a rear or non-character defining façade. [David]

I do not believe it meet the guidelines. [Davis]

But if he had evidence that there was a window there before? [Caliendo]

We can give him the opportunity to come back if he found evidence later. Because this is on the front of the house, I don't believe there would be a window. [David]

Can we reopen the public hearing to ask the applicant? [Fountain]

With no objection from the committee, Ms. Caliendo reopened the public hearing portion of the meeting.

#### PUBLIC TESTIMONY (2)

Mr. Fountain asked what is the floor plan inside, and does it suggest where windows may have been in the past on the front façade. Mr. Kilpatrick stated he does not think that there was a window there, but their proposal to install two windows on the east side of the house was to move the window that had previously been buried when the side addition was built. Ms. David asked if there was evidence on the east side that there was a pair. Mr. Kilpatrick answered in the negative.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. David moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-13), b. (inclusive of facts 1-2), C. (inclusive of facts 1-3), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Constructing a rear addition and removing the fence is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12, and the following suggested facts:
  - 1\* In the National Register of Historic Places nomination for the Boylan Heights Historic District, the property was deemed contributing, and was described as a 1922 (1927 addition)

“one-story Bungalow; gable is perpendicular to the street; attached one-story porch, full facade. Dormer centered above. Projecting bay, left side - addition.”

- 2\* Built **area** to open space analysis: The lot is ~6,098 SF. The footprint of the existing house is 1,808 SF; the new addition footprint will be 210 SF. The total built area is proposed to be 2,018 SF. The applicants state the proportion of built area to open space is currently ~30%, and will increase to 33%.
- 3\* The applicants provided three examples in the historic district of similarly scaled projects which have received COA approvals for additions: 421 Cutler St (COA 044-97-CA), 225 W South St (this address appears to be an error and it is unknown which property the applicant is referring to), and 903 W Lenoir St (COA 085-15-CA).
- 4\* The addition is at the rear of the house and includes a setback where the new addition meets the existing building on both the east and west elevations.
- 5\* Over time, the house has had several additions to the rear of the structure, which likely were added prior to designation of the historic district, as no COA applications exist for this work.
- 6\* The proposed addition alters the roofline and adds a wrap-around screen porch at the rear. The addition and alteration attempts to “correct some design flaws” that were caused by these previous additions.
- 7\* The existing windows appear to be primarily one-over-one wood framed double hung. Existing windows on a previous addition are a combination of horizontal 14-pane windows on the second story or six-pane on the first story.
- 8\* The proposed windows in the addition are all wood; specifications and details, including section drawings were provided.
- 9\* Most of the windows on the addition are similarly proportioned to the existing wood double-hung one-over-one units or similar proportions to an upper sash. The exceptions are (see sheets labeled ‘Staff Evidence’ for corresponding letters):
  - a. Two windows on the west elevation, three windows on the south elevation, and one on the east elevation which appear to be smaller, higher-set rectangular privacy windows. Labeled ‘D’ on staff evidence.
- 10\* Paint colors were specified and samples provided.
- 11\* The addition is proposed to be sided in wood to match the existing; window trim is proposed to match the existing in material and dimensions. Details were provided. The addition roof is proposed to be asphalt shingles.
- 12\* The new porch and existing front porch roofs are proposed to be standing seam metal. Details and specifications were provided. The pan width and seam are traditional in size and design. The striations in the pan, however are not. Original metal roofs had flat pans.
- 13\* A tree protection plan was provided; however, the critical root zones may not be sufficiently protected with the plan. The critical root zone is defined as “The area uniformly encompassed by a circle with a radius equal to one and one-quarter (1.25) foot per inch of the diameter of a tree trunk measured at four and one-half (4.5) feet above the ground, with the trunk of the tree at the center of the circle.” The footprint of the proposed addition is within the critical root zone of at least one tree. The tree protection plan was not prepared by an arborist or landscaped architect.

14\* The rear addition footings will be piers, not a continuous footing.

B. Removal, addition, replacement of windows is not incongruous in concept according to *Guidelines* 2.4.1, 2.4.3, 2.7.1, 2.7.2, 2.7.6, 2.7.9; however, adding a window to the east elevation is incongruous according to *Guidelines* 2.7.9, and the following suggested facts:

1\* The existing windows appear to be primarily one-over-one wood framed double hung.

Existing windows on a previous addition are a combination of horizontal 14-pane windows on the second story or six-pane on the first story.

2\* The proposed windows are all wood; specifications and details, including section drawings, include (see sheets labeled "Staff Evidence" for corresponding letters):

a. The proposed design removes the four 14-pane windows and replaces each with two rectangular single pane windows that look to be the same proportions as an upper sash. The existing windows appear to have been installed at the time the addition was constructed. Labeled 'A' on staff evidence.

b. One window on the east side near the front is proposed to be removed and replaced with a pair of windows. The applicant stated the reason for this was to rectify the awkward placement of the window resulting from the earlier addition. Labeled 'B' on staff evidence.

c. One one-over-one window on the west side is proposed to be removed and replaced with a new square window. Labeled 'C' on staff evidence.

C. Replacing a door with a window is not incongruous in concept according to *Guidelines* 2.7.9, 2.8.9; however, adding a window is incongruous according to *Guideline* 2.7.9, and removing a door that was a later addition is not incongruous according to *Guidelines* 2.7.9, 2.8.9, and the following suggested facts:

1\* The existing door on the front elevation is proposed for removal and a new window is proposed to be added directly next to the existing window. Structural evidence included in the application indicates that the door was added at an unspecified date and is not original to the design of the house.

2\* The application includes an example of a similar door-window configuration at 1026 Dorothea Drive.

3\* Door details and specifications were not provided.

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

### DECISION ON THE APPLICATION

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

1. That the metal roof have a flat pan.

2. That tree protection plans be implemented and remain in place for the duration of construction.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. A tree protection plan that addresses the critical root zones and provides staging areas for construction materials.
  - b. That the tree protection plan for at least the tree closest to the house be prepared by an arborist certified by the International Society Arboriculture.
4. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Doors.
5. That a second window not be added to the front façade.
6. That the window on the east side be left as is.

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

057-18-CA      611 N EAST STREET  
Applicant:      EVAN COVINGTON CHAVEZ  
Received:      04-19-2018      Meeting Date(s):  
Submission date + 90 days: 07-08-2018      1) 05/24/2018    2)    3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Demolish shed

Staff Notes:

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

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
4.2	Demolition	Demolish shed

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] provided a summary of the project. Staff suggested approval with conditions.

Support:

Applicant Evan Covington Chavez [affirmed], 611 N East Street, was present to speak in support of the application. Ms. Chavez stated that her neighbor applied for demolition of a shed a year ago, and wanted to know why the conditions for her were different than for her neighbor.

Mr. Fountain asked what the conditions were for the previous case. Ms. Chavez read from the case, concluding that the suggested conditions for her case also included a tree protection plan and the post-demolition site plan. Ms. Caliendo asked if the 365-day demolition delay was imposed. Ms. Chavez affirmed that.



Ms. Robb stated that both items in question are required in the Design Guidelines when requesting to demolish a contributing building in the historic district. They might not have been called out previously, but staff is trying to be more consistent in the details related to demolition. The Committee members discussed these points, with Mr. Thiem pointing out that there were no trees in the back yard, so a tree protection plan was not required. Ms. Robb stated the application did not provide any information about whether trees existed in the yard, so the condition was included in the staff report.

Opposition:

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

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION

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

We need to assign a Commission member to see if there are alternatives to demolition during the demolition delay period. [David]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Davis moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-11), to be acceptable as findings of fact, with the modifications and additions as listed below:

D. Demolition of an accessory building is not incongruous in concept; however, demolition of an accessory building that contributes to the overall historic character is incongruous according to *Guidelines* 1.3.1, 1.3.3, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, and paragraph one on page 82, and the following facts:

15\* From the "Inventory of Structures in The Oakwood National Register Historic Districts" Raleigh, North Carolina By Matthew Brown, Historian, Society for the Preservation of Historic Oakwood Researched and written from 2004 to 2015: **609-611 N. East St. Stronach-Chavez House c.1936** - This Craftsman frame two-story and its twin at 605-607 were among the six houses in Oakwood built in the 1930s for James Norfleet Stronach, Sr., a landowner and minor developer. This and its twin were built as side-by-side duplexes, hence the double entrance.

16\* Brown describes the accessory buildings:

**There is a saddle-roofed one-car frame garage built in c.1936, to be used by the residents of 611.** It is sided in vertical boards. It has been converted to a shed.

**There is a saddle-roofed two-car frame garage also built in c.1936, to be shared by the residents of 607 and 609.** It is sided in vertical boards. The upper corner of the doorways are clipped.

- 17\* The shed is in the rear yard at the northwest corner of the property and includes a brick foundation.
- 18\* The twin accessory building at 605 N East St, in the southwest corner of the property, was approved for demolition in 2016 (COA 148-16-CA) with a 365-day demolition delay imposed.
- 19\* When this property and the property to the south are considered together and prior to the demolition of the similar shed at 605 N East St, the twin duplex buildings and the mirror-image design and layout of the accessory buildings formed an ensemble that is significant as a rare surviving example of coordinated multi-parcel development during the Oakwood Historic District's period of significance. The removal of the accessory building at 605 N East St had a negative impact on the development symmetry displayed by these structures on the two parcels, leaving its twin building near the north property line of 611 N East St an orphan.
- 20\* A statement from the application lacks substantiation: "Given that both properties are identical, the removal of one shed on each property would not impact the historic integrity of the site."
- 21\* The accessory building has been altered in its conversion into a shed. The original garage opening in the east façade of the building has been infilled and covered with lattice, and a 2-panel door has been added.
- 22\* The application presents one photograph highlighting "deterioration of wood along foundation" on the south elevation of the building. No additional evidence is presented that the deterioration is so extensive that the building cannot be repaired for extended service.
- 23\* Following demolition, the site of the accessory building will be used for a garden and grassy area. A post-demolition site plan was not provided, and no specific information is included in the application regarding the location and dimensions of the garden.
- 24\* The structure "would be demolished by hand so as not to damage surrounding trees and environment." A tree protection plan was not provided.
- 25\* Materials are proposed to be salvaged for repairs to the accessory building that straddles the property line between 605 and 609-611.

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

#### DECISION ON THE APPLICATION

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

7. That a 365-day demolition delay be imposed.
8. That prior to the issuance of the blue placard the following be provided to and approved by staff:
  - a. full documentation of the building with photographs and measured, scaled drawings;
  - b. location and dimensions of the garden, shown in a post-demolition site plan.
9. That a Commission member work with the property owner to see if there are alternatives to demolition during the demolition delay period.

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

058-18-CA      306 ELM STREET  
Applicant:      JOHN CREW  
Received:      04-11-2018                      Meeting Date(s):  
Submission date + 90 days: 07-10-2018                      1) 05-24-2018      2                      3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT  
Zoning: HOD-G  
Nature of Project: Reconstruction and expansion of addition; add new window  
Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features & Plantings	Expand addition
2.7	Windows & Doors	Add new window
3.2	Additions	Expand addition

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff recommended approval with conditions.

Support:  
John Crew [affirmed] was present to speak in support of the application. Mr. Crew stated that a correction needs to be made to the drawing included in the application. The addition will be supported by one corner pier, rather than a continuous foundation.

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

Responses and Questions:

Mr. Thiem asked if the applicant intended to keep the existing deck. Mr. Crew stated that the deck will be retained except for a small portion that currently exists where the addition will be located.

Mr. Thiem mentioned that the deck is an automatic tree protection piece that will protect roots.

Without objection Ms. Caliendo closed the evidentiary portion of the hearing.

Committee Discussion

There was no discussion following the public hearing.

### Findings of Fact and Conclusions of Law

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

- E. The reconstruction and expansion of addition and addition of a new window are not incongruous according to *Guidelines* section 1.3.7, 1.3.8, 2.7.1, 2.7.7, 2.7.11, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 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\* Per Matthew Brown's survey, the Womble-Penven-Crew House, c. 1908 is a Queen Anne frame two-story. "It has a steeply-pitched hipped roof, which was originally sheathed in wooden shingles. There is a gabled projection on the leftward part of the front, and another on the right side of the house. The gables are pedimented, and have rectangular attic vents. The front porch wraps around the right side of the house to meet the projection. It has a hipped roof supported by six turned posts with brackets and a square-section balustrade... Most windows are two-over-two. There is an original one-story gabled ell in the rear. There is a dormer on the south side of the ell, added in c.1990. There was a back porch along the south side of the ell; this was enclosed after 1950. The house was converted to three apartments by Annie Gardner (later Barbour) in c.1971. The house was reconverted to a single unit as part of a major restoration by Chris Crew and Denise Penven-Crew in 2001."
  - 2\* The applicant proposes an addition of 12.3 square feet to a ca. 1970 (per property owner) addition. The proposed addition will fill in a recess in the previous addition.
  - 3\* The applicant proposes fiber cement siding, smooth side out, on the proposed addition. The existing corner board will be maintained and will serve to differentiate the addition from the historic portion of the building.
  - 4\* A single masonry pier will support the new corner and limit impact in the root zone of the 28" diameter Hackberry tree growing on the south property line.
  - 5\* While the applicant mentions the intention to limit harm to nearby trees, no tree protection plan was included.
  - 6\* The existing door and wooden window to the left of the door will be retained.
  - 7\* The applicant proposes replacing an existing aluminum window on the right side of the door with a wood six-over-six window that will match the existing window on the left side of the door. Trim around the proposed window will match the trim of the existing window.
  - 8\* The applicant proposes the use of a salvaged six-over-six window; however, if the size and type are unavailable the applicant has provided specifications for a wood double-hung window from Sierra Pacific with simulated divided lights: 5/8" grille on exterior and "grille in airspace."

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

### Decision on the Application

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

10. That tree protection plans be implemented and remain in place for the duration of construction.
11. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. A tree protection plan that addresses the critical root zones and provides staging areas for construction materials.
3. That details and specifications for the following be provided to and approved by staff prior to construction/installation:
  - a. If a salvage window is available, provide photographs prior to installation

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

059-18-CA      814 OBERLIN ROAD  
Applicant:      PRESERVATION NORTH CAROLINA  
Received:      4/12/2018      Meeting Date(s):  
Submission date + 90 days: 7/11/2018      1) 5/24/2018      2)      3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: Plummer T Hall House & Willis Graves House

Nature of Project: Landscape master plan; install 12' sculpture; remove non-historic chimney (Hall House); remove non-historic windows and replace (Hall House)

Staff Notes:

- COAs mentioned are available for review.
- Two previous applications (COA 076-16-CA and 124-17-CA) were approved for prepping and moving both the Hall and Graves houses, as well as constructing foundations and some site work. Removal of non-historic additions and materials was also approved.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Landscape master plan; install 12' sculpture
2.5	Roofs	Remove non-historic chimney (Hall House)
2.7	Windows and Doors	Remove non-historic windows and replace (Hall House)

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] provided a summary of the project. Staff suggested approval of the application.

Support:

Applicant Myrick Howard [affirmed] was present to speak in support of the application. Mr. Howard stated he was available for questions from the Committee.

Opposition:

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

Responses and Questions:

Mr. Thiem asked how the applicant proposed to mount the dog sculpture. Mr. Howard responded they would just set it down without attaching it to the concrete pad.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

### COMMITTEE DISCUSSION

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

It looks straightforward to me. [Caliendo]

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Fountain moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-8), B. (inclusive of facts 1-2), and C. (inclusive of facts 1-3), to be acceptable as findings of fact, with the modifications and additions as listed below:

- F. Executing a landscape master plan and installing a 12' sculpture is not incongruous according to *Guidelines* 1.3.1, 1.3.2, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, and the following facts:
  - 9\* Two previous applications (COA 076-16-CA and 124-17-CA) were approved for prepping and moving both the Hall and Graves houses, as well as constructing foundations and some site work. One condition of 124-17-CA was for a unified site landscape plan to be brought to the COA Committee for review.
  - 10\* According to the applicant, the site plan included in the application has been modified from its originally approved layout based on the City site review process. None of the modifications affect historic resources. The previously approved site plan from COA 124-17-CA is attached as staff evidence.
  - 11\* The previously approved COA included removing trees affected by the relocation of the houses, located within utility easements, or located in the proposed parking area; 6 pecans, 1 birch, 1 oak, 1 maple, 1 mulberry, 3 hackberries, 2 walnuts, 1 black cherry, and 1 unidentified tree. Five mature trees and several smaller trees remain.
  - 12\* A tree replacement plan was provided, showing 15 new trees.
  - 13\* A planting plan shows foundation plantings and a mix of species and sizes of new trees such as oaks, dogwoods and crape myrtles.
  - 14\* A tree protection plan prepared by an ISA-certified arborist was approved as a condition under COA 124-17-CA. The previously approved tree protection plan from COA 124-17-CA is attached as staff evidence.



15\* The 12' plaster and wire mesh sculpture was moved from the former site of the Lustron House, 3612 Buffaloe Road, temporarily to the property at 802 Oberlin Road to save it from being demolished.

16\* The sculpture is proposed to not be permanently installed on an existing concrete pad behind the Hall House.

G. Removing a non-historic chimney on the Hall House is not incongruous according to *Guidelines* 2.5.1 and 2.5.7, and the following facts:

1\* The chimney proposed for removal is on the back of the main roof. According to the applicant, during relocation preparations the chimney was found to be "a 1990s dummy built of concrete block with a brick stack."

2\* Removal of non-historic utility chimneys is a minor work item approvable by staff, and is included in this application for efficiency.

H. Removing non-historic windows and replacing them on the Hall House is not incongruous according to *Guidelines* 2.7.1 and 2.7.7, and the following facts:

1\* The applicant proposes removing three ganged windows on the front porch and replacing with a single wood 6/6 double hung window. Evidence was provided for this configuration with a historic photo. In addition, the applicant states that parts of the original framing are in place.

2\* Two other windows are proposed to be removed and replaced, one on the north side of the building and one on the right side of the front door. The applicant states the existing windows are "modern, cheap and smaller than the one surviving original window." No evidence was provided by the applicant. The replacement windows will be wood 6/6 double hung windows to match the historic window on the south elevation.

3\* Window specifications were included in the application.

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

#### DECISION ON THE APPLICATION

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

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

060-18-CA      934 N BOYLAN AVENUE  
Applicant:      PAUL AND SUSAN HUTTER  
Received:      04-12-2018      Meeting Date(s):  
Submission date + 90 days: 07-11-2018      1) 05-24-2018    2)    3)

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: HOD-S

Nature of Project: Construct addition and rear porch; modify shed; replace concrete stairs on front porch; install driveway surface

DRAC: An application was reviewed by the Design Review Advisory Committee at its April 2 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Mary Ruffin Hanbury; also present were Paul and Susan Hutter, the applicants, and staff members Melissa Robb, Collette Kinane, and Tania Tully.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.
- Streetside HODs are "...established to provide for protection of the traditional development patterns of an area and to preserve historic resources found in it. The focus is on maintaining that character and on preserving those key character-defining features of individual historic resources within the district as viewed from the street right-of-way, excluding alleys..." (Section 5.4.2.A.1. of the Unified Development Ordinance)
- Section 5.4.2.B. of the Unified Development Ordinance governs the applicability of the COA process in Streetside HODs. Changes within the first 50% of the depth of any existing principal building from the facade adjacent to a public right-of-way requires a COA. For the sake of this measurement the house runs from the front wall (not the front of the front porch) to the rear wall (also not including porches). Also, additions that project beyond an existing building's maximum side wall envelope regardless of distance from the public right-of-way.
- Work items shown in the application that are not subject to review include removal of the rear addition and rear decks, changes made to the existing house behind the 50% line (such as the window replacement on the right side) and removal of the rear portion of the shed.

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	Construct rear addition and rear porch
1.5	Walkways, Driveways, & Off-street Parking	Install driveway surface
2.8	Entrances, Porches, & Balconies	Replace concrete steps

3.2	Additions	Construct rear addition
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### PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff recommended approval with conditions.

Support:

Paul Hutter [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. Thiem asked for clarity on part C – installation of driveway and concrete pavers. Mr. Hutter responded that the final decision on the driveway material has not been made. It could be brick. They want it to be pervious.

Mr. Thiem asked if the Committee could approve the location and the material be a minor work. Ms. Robb said yes, it could be approved by staff.

Mr. Davis questioned the design and encouraged strips. Mr. Hutter stated that he looked around the neighborhood and all examples are present. Bricks are fitting. He does not want gravel.

Mr. Davis stated that the Committee typically looks for strips. Mr. Hutter responded that concrete strips would be fine or brick.

Ms. Caliendo encouraged the applicant to resolve the driveway location and materials through staff.

Without objection Ms. Caliendo closed the evidentiary portion of the hearing.

### Committee Discussion

There was no discussion following the public hearing.

### Findings of Fact and Conclusions of Law

Mr. Theim 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), B. (inclusive of facts 1 and 2), and C. (inclusive of facts 1 and 2) to be acceptable as findings of fact, with the modifications and additions as listed below:

- I. Constructing a rear addition and rear porch are not incongruous according to *Guidelines* section 1.3.1, 1.3.2, 1.3.7, 1.3.8, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.1.8, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 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:
- 17\* In the Glenwood-Brooklyn Historic Overlay District Designation Report, the property is deemed contributing, and is described as a c. 1924 one-story frame Craftsman bungalow with weatherboard siding and shingle-pattern pressed metal front-gable roof.
  - 18\* In December 2016, through 175-16-CA, the property owners obtained approval for demolition of the existing home with a 365-day delay. This application is the result of an exploration of alternatives to demolition.
  - 19\* Built area to open space analysis: the lot is 5,089 SF. The footprint of the existing house is 1,086 SF. The current mass to open space is 35.4%. With the proposed addition, the new footprint will be 1,870 SF. The proportion of built mass to open space is proposed to be 48.4%.
  - 20\* Except for a crape myrtle in the right-of way, there are no trees on the property within the yard area subject to review. A tree protection plan was not provided.
  - 21\* The addition is located behind the existing structure and is slightly wider than the existing structure on the north façade (facing Fred Fletcher Park). When viewed from the street the north side of the addition will protrude 4' beyond the existing structure and the deck will protrude ~8' beyond the addition. The property is the last structure located on a dead-end road and is directly adjacent to the park. The location of the shed/garage further shields the new addition from street view.
  - 22\* The ridge of the gable roof of the body of the proposed addition is lower in height than the ridge of the existing gable roof. The eave height is maintained at the same height as the historic house.
  - 23\* A sunroom is connected via a perpendicular gable roof and the proposed porch portion of the addition has a shed roof.
  - 24\* The overhangs and rafter tails of the addition will match the existing in size and appearance, per application.
  - 25\* The roof material of the proposed addition will be asphalt architectural shingles. An area over the rear porch is proposed to be metal standing seam.
  - 26\* The proposed foundation for the addition is parged cement block.
  - 27\* The addition will be differentiated from the existing structure through the use of smooth-faced fiber cement boards and batten siding. The use of parged concrete blocks will also serve to differentiate the structures.
  - 28\* No window or door specifications were provided.
- J. Replacement of concrete steps is not incongruous according to *Guidelines* section 2.8.1, 2.8.4, and the following facts:
- 3\* The applicant proposes replacing the existing concrete steps in-kind.
  - 4\* The alteration of porch stairs is a minor work item approvable by staff, and is included in this application for administrative efficiency.

- K. Installation of a driveway surface is not incongruous according to *Guidelines* section 1.5.2, 1.5.3; however, the use of concrete pavers **may be** incongruous according to *Guidelines* section 1.5.1, and the following facts:
- 1\* The applicant is undecided in the material which will replace the existing dirt driveway. No material specifications were provided.
  - 2\* The application states that there is no predominant driveway material in the district citing the use of dirt, gravel, concrete and brick. Evidence is not provided to support the statement.

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

### Decision on the Application

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

1. That a tree protection plan be implemented and remain in place for the duration of construction.
2. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. A tree protection plan that addresses applicable critical root zones and provides staging areas for construction materials.
  - b. Manufacturer's specifications for windows, including section
3. That details and specifications for the following be provided to and approved by staff prior to construction/installation:
  - a. Dimensions of the board and batten
  - b. Manufacturer's specifications for doors
4. Driveway material and design to be considered through a future minor work application.

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

061-18-CA      1012 W CABARRUS STREET  
Applicant:      GARY AND MEG BULLARD  
Received:      4/12/2018      Meeting Date(s):  
Submission date + 90 days: 7/11/2018      1) 5/24/2018      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Landscape master plan; install retaining walls and steps

Staff Notes:

- Several COAs have been approved for this property over the last year
  - COA 125-17-CA, approved with conditions: Construction of 1-story addition; enclosure of rear porch; removal of rear deck; construction of rear and side decks; installation of fence; installation of ribbon driveway
  - COA 021-18-MW, approved: Install additional window on rear elevation; replace in-kind damaged cedar shake siding on west elevation
  - COA 048-18-MW, approved: Enlarge rear deck; add siding to garage; add doors to garage
- COAs mentioned are available for review.
- Construction on the retaining wall has commenced. After the fact applications are reviewed as though work has not been completed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Landscape master plan
1.4	Fences and Walls	Install retaining walls and steps
1.5	Walkways, Driveways and Off-street Parking	Landscape master plan

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] provided a summary of the project. Staff suggested deferral of the application.

Support:

Applicant Gary Bullard [affirmed], 1012 W Cabarrus Street, was present to speak in support of the application. Mr. Bullard passed out revised application materials to the Committee. He stated that they revised their plans to address concerns from the staff report, including two new

site plans, one which replaced the proposed mulch with ground cover on the east side of the house and one which replaced the proposed mulch with turf on both sides of the house. Mr. Bullard informed the Committee that the rear retaining wall which was shown in the photos had to be removed due to a separate issue. He stated their plan was to replace the retaining wall with the same block material previously used, including planting a ground cover that will cover it. He added that their other option is to use a flat-faced concrete block.

Mr. Bullard said that there was a mistake in their original drawings that showed an 8' high privacy fence, which is actually a 6' fence which has already been installed and was approved on a previous COA.

#### 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 clarification on the ground cover options on the sides and rear of the house. The Committee and applicant discussed the options presented by the applicant. Mr. Thiem asked staff why there might be an issue with using grass vs mulch in the side yards. Ms. Robb explained there have been no other proposals to replace existing grass with mulch, and from a Design Guidelines perspective should mulch be considered as a surface that would affect the built area or not, given the revised Guidelines requiring analysis of built area to open space. Mr. Thiem responded it should not be considered as built area since it's an organic material, and that side yards are often mulched since growing grass is a challenge in these narrow areas, which he said should be considered more of a utilitarian space. He stated that he considers mulch not incongruous in this application.

Mr. Bullard asked about the retaining wall material they proposed, citing the use of a similar material at 519 Florence Street. Mr. Davis replied that in that situation it was approved on a retaining wall that was below street level. Ms. David added that the Florence Street application was a unique situation, and Mr. Thiem said that there was a mediating factor, that the owners planted a vine material to cover the wall. Mr. Bullard replied that he proposed similar vegetation. Ms. Robb added that from her recollection the applicant in that case used the material due to structural issues such as the height of the wall, the slope of the area and the stream running alongside it. Ms. Davis said 519 Florence had multiple mitigating factors. Mr. Bullard said they could use flat-faced concrete block instead.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

#### COMMITTEE DISCUSSION

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

The applicant is willing to change the retaining wall material, and the fence was corrected to be 6' tall. The only item for discussion is the mulch. I agree with Jimmy that the Guidelines talk about preserving landscape features that contribute, and I believe the side yards are not contributing. [Caliendo]

They contribute but with a different character. They tend to be utilitarian, unlike the fronts which are part of the public street, while back yards tend to be more open spaces and are visible from neighboring houses. Side yards have their own utilitarian character. [Thiem]

In B staff is suggesting the retaining wall material is incongruous, but it also says garden step materials are incongruous. What does that refer to? [David]

There was a photo in the packet showing the steps that had already been built in the same material as the retaining wall. [Robb]

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Fountain moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-5), and B. (inclusive of facts 1-4), to be acceptable as findings of fact, with the modifications and additions as listed below:

- L. The execution of a landscape master plan is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, and the following facts:
  - 1\* As shown in the photos submitted with the application, nearly all the original plant material was removed and the site regraded for the rehabilitation activities on the house.
  - 2\* The proposed site plan shows mulch as the primary groundcover, with two smaller areas of turf in the front and back yards. The use of mulch as a primary groundcover is atypical in the Boylan Heights Historic District.
  - 3\* The application does not include a tree protection plan, but does indicate specific protections for the oak tree in the rear yard and the statement that Leaf and Limb "for tree health and protection consultation". A tree protection plan was approved under COA 125-17-CA covering a larger area than is shown on the proposed site plan. See staff evidence.
  - 4\* The previously approved COA 125-17-CA included a gravel walkway connecting the driveway with the side deck. The current application proposes a flagstone walkway from the end of the driveway to the south side of the side deck, and then from the north side of the side deck to the accessory building and firepit in the rear yard.
  - 5\* Flat faced precast concrete blocks are proposed for the firepit.
  
- B. The installation of retaining walls, steps and fencing is not incongruous according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, and the following facts:
  - 1\* Photos of the east and north sides of the property submitted with the application show a retaining wall and steps that have already been installed, extending from the existing retaining wall which ended approximately at the back wall of the historic house.
  - 2\* Flat-faced concrete blocks are proposed for the retaining wall.



- 3\* Photos of concrete block retaining walls were provided at 704 S Florence St and 913 W South St, neither of which received COA approval.
- 4\* A dry-stack stone retaining wall is proposed for the front garden beds. Dry-stack construction is atypical in the historic district.
- 5\* The backyard fencing was approved under COA 125-17-CA as a 6' high fence that began roughly at the back wall of the original house. Drawings included with the new application note an 8' high fence that extends to the front wall of the house on the south side and to the end of the driveway on the west side. The applicant clarified the height notation on the drawings was incorrect and the fence is 6' in height.

The motion was seconded by Ms. David.

With no objection from the committee, Ms. Caliendo reopened the public hearing portion of the meeting.

#### PUBLIC TESTIMONY (2)

Ms. David asked for clarification on the location of the proposed dry stack stone wall. Mr. Bullard said they removed it from the plan and would be installing a sloped bed instead.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

The motion passed 5/0.

#### DECISION ON THE APPLICATION

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

12. That the retaining wall material is to be flat-faced concrete block.
13. That according to the originally submitted site plan mulch would be used as shown on three sides of the house.
14. That the previously proposed dry stacked stone wall would not be built in the front yard.

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

062-18-CA      1014 W CABARRUS STREET  
Applicant:      JASON HOLSCLAW  
Received:      4/12/2018      Meeting Date(s):  
Submission date + 90 days: 7/11/2018      1) 5/24/2018      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT  
Zoning: HOD-G  
Nature of Project: Install 7'6" privacy screens with integrated planters on rear deck  
Conflict of Interest: None noted.  
Staff Notes:

- COAs mentioned are available for review.
- After-the fact applications are reviewed as though the work has not been completed.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Install privacy screen with integrated planters
1.4	Fences and Walls	Install privacy screen

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff recommended approval pending a Committee discussion regarding the height and location of the proposed screen.

Support:  
Jason Holsclaw, 28 Strickland Lane, Youngsville, [affirmed] was present to speak in support of the application. He stated that both screens are not 13' long as stated in the staff report. The west screen is 9' long. The east side is 13' long and that is where the mock-up is located.

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

Responses and Questions:  
Mr. Thiem asked for the height from the top of the planter to the top of the frame. Mr. Holsclaw responded 5'1".  
Mr. Thiem asked for the height of the planter. Mr. Holsclaw stated 2'5".  
Mr. Thiem stated that the total height is then 7'6" above the deck surface. Mr. Holsclaw added that there is a 13" open space from the top of the planter to the start of the screen.

Ms. Caliendo asked if the planters were not attached to the deck. Mr. Holsclaw stated that the planters are attached.

Mr. Fountain asked if the screens were attached to the house. Mr. Holsclaw stated no, the screen is attached through posts that go to the ground through the planters.

Ms. Caliendo closed the public testimony portion of the hearing.

### Committee Discussion

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

I'm comfortable with the height. There are fences now up between the houses. [Thiem]

Louvers can fit in with the Design Guidelines [Davis].

The deck is ok, so louvers are ok. The height and distance from the property line mediate. [Thiem]

It's also like the side wall of the house. [Fountain]

It's more of a screen than a fence. [Caliendo]

1012 W Cabarrus is 2-3' higher than grade of this property. [Thiem]

### 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 1-15) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installation of privacy screens are not incongruous in concept according to *Guidelines* 1.3.9; and the height of the screening is not incongruous according to *Guidelines* 1.4.8 and the following facts:
- 6\* The privacy screens will be located on the northeast and northwest corners of the rear of the house to screen the deck from view.
  - 7\* The rear deck was recently approved through COA 037-18-MW.
  - 8\* The screens are comprised of louvered panels that can be opened and closed. By design, the panels cannot be completely closed: the minimum opening is 1.5" (closed position), maximum opening is 3.5" (open position).
  - 9\* The application describes the privacy screens as staggered in height: 7'6" at the tallest (closest to the house) and 6'6" at the shortest (at the edge of the deck). All provided height measurements are taken from the top of the deck, not from grade.
  - 10\* The base of the screen is built into planter boxes that are 29" tall. There is a 13" opening between the top of the planter box to the start of the louvered screen. The screen itself is 48." There is a 6" open space between the top board and the top of the louvered screen. Though already constructed, the planter boxes are considered part of this application and should be considered after-the-fact.
  - 11\* The privacy screens are 13' in length: the length of the rear deck.

- 12\* The screen is not attached or anchored to the house, all structural members are attached to the rear deck and the planter boxes.
- 13\* Privacy fences 6' in height have been regularly approved along property lines. No previous COA cases could be found that included a privacy screen positioned in the same plane as the primary structure or as part of a rear deck/porch.
- 14\* The proposed screens are constructed of treated wood and stained to match the deck.
- 15\* Lattice screens are sometimes seen on the sides of open porches (as evident in the examples provided by the applicant).
- 16\* The two examples of privacy screens in the district (at 1030 W South Street and 417 Boylan Avenue) provided by the applicant were either in place before the district was designated or completed without a COA.
- 17\* To provide a clearer visual of the proposed design, the applicant provided photographs that show a mock-up of the design in the proposed location and height (photographs are labeled A through G). The photographs show the limited visibility of the design from the street and the context of the design adjacent to the house.
- 18\* There are no trees located in proximity to the proposed screen location.
- 19\* The screen is continuous with the wall of the structure.
- 20\* The grade of the property is located approximately 2' lower than the adjacent property.
- The motion was seconded by Mr. Thiem; passed 5/0.

#### Decision on the Application

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

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

063-18-CA      309 N BLOUNT STREET  
Applicant:      JAMES GRADY ARCHITECT PLLC, FOR NC ASSOCIATION OF REALTORS  
Received:      4/12/2018      Meeting Date(s):  
Submission date + 90 days: 7/11/2018      1) 5/24/2018      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: Blount Street Historic District  
Raleigh Historic Landmark: Heck-Andrews House  
Zoning: HOD General  
Nature of Project: Remove two trees; plant five trees  
Staff Notes:

- COAs mentioned are available for review.
- 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.**”
- Two COAs have been approved for this property over the last two years:
  - COA 098-16-CA, approved with conditions: Construct rear addition; expand driveway/parking area; plant evergreen screening; construct pergola; install lighting; install new mechanical and electrical units and panels
  - COA 133-17-MW, approved: Renew COA 098-196-CA for construction of rear addition; expansion of driveway/parking area; planting evergreen screening; construction of pergola. Change the COA to include installation of storm windows and minor window size change on addition

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Remove two trees; plant five trees

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] provided a summary of the project. Staff recommended approval.

Mr. Francis Rasberry, the COA committee attorney, stated that the applicant's representative must offer testimony and present the evidence of the case only, but not act as if he is an attorney.

Support:

Mr. James Grady [affirmed], 129 Sterlingdaire Dr, Cary, was present to speak in support of the application. Mr. Grady provided a report from a registered landscape architect regarding the condition of the two trees showing they are unable to save them since one is diseased and the other one, while healthy, is too close to the addition and would conflict with the functionality of the required ADA ramp.

Opposition:

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

Responses and Questions:

Mr. Thiem and Mr. Grady discussed the size of the proposed replacement trees, with Mr. Grady stating they would use 3" minimum caliper trees which is a requirement from the City urban forestry staff.

With no objection from the committee, Ms. Caliendo closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION

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

The application is straightforward and well justified. [Davis]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. David moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-5), with the modifications and additions as listed below:

M. Planting five trees is not incongruous according to *Guidelines* 1.3.1, 1.3.5, 1.3.6, 1.3.7; removing two trees is not incongruous according to *Guidelines* 1.3.1, 1.3.5, 1.3.6, 1.3.7; and removing a tree to meet accessibility considerations is not incongruous according to *Guidelines* 2.11.2, 2.11.5, 2.11.8, and the following facts:  
29\* A 22" maple and 20" maple on the west side of the site are propped for removal. In a previous COA application (COA 098-16-CA) the trees were retained and protected.

- 30\* A subsequent tree assessment from a licensed landscape architect states the 20" maple is diseased and dangerous. Replacement trees have been proposed. Removal of dead, diseased or dangerous trees when a replacement tree is proposed is a minor work item approvable by staff, and is included in this application for efficiency.
- 31\* The applicant states it has been determined that the 22" maple is too close to the new addition to ensure its health and "too close to allow ADA accessible access at the accessible route and HC ramp."
- 32\* The previously approved application (COA 098-16-CA) to rehabilitate the building included an addition that incorporates ADA parking and access at the rear of the building, thereby avoiding any change to the character-defining front and side elevations of the landmark.
- 33\* According to the applicant, the tree which had previously been thought to be a 20" oak on the west side of the property near the van accessible area has been determined to be a maple instead. The correction has been made on the drawing labeled AS-1e dated 4/9/18.
- 34\* The two new trees on the west property line will be 3" caliper Nuttall Oaks.

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

#### DECISION ON THE APPLICATION

Ms. David made a motion that the application be approved, waiving any demolition delay for the trees.

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

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

Certificate expiration date: 11/24/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

065-18-CA      233 S WILMINGTON STREET RIGHT OF WAY  
Applicant:      KARLI STEPHENSON  
Received:      04-12-2018                              Meeting Date(s):  
Submission date + 90 days: 07-11-2018              1) 05-24-2018      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: MOORE SQUARE HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Paint mural on paving within right-of-way on Wilmington St under bike rack

DRAC: An application was reviewed by the Design Review Advisory Committee at its April 2 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Mary Ruffin Hanbury; also present were Paul and Susan Hutter, the applicants, and staff members Melissa Robb, Collette Kinane, and Tania Tully.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.1	Public Rights-of-Way & Alleys	Paint asphalt
1.3	Site Features and Plantings	Paint asphalt
2.4	Paint and Paint Color	Paint asphalt

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff recommended approval.

Support:

Dahr Tanoury, attorney with the City of Raleigh Attorney’s Office [affirmed], was present to speak in support of the application. Mr. Tanoury stated that a correction should be made to the staff report. The proposed mural is 30’x7’.

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

There were no responses or questions from the Committee. Without objection Ms. Caliendo closed the evidentiary portion of the hearing.



### Committee Discussion

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

This application is not straightforward. The recent application from Marbles for a mural on the sidewalk was not approved. [Thiem]

This application is for painting on asphalt, not a historic material. [Robb]

The Committee discussed other recent mural cases and the difference between painting unpainted masonry or sidewalk material versus asphalt, which is regularly repaved or painted for utility/traffic purposes.

### Findings of Fact and Conclusions of Law

Mr. Fountain 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:

N. Painting asphalt is not incongruous according to *Guidelines* section 1.1.1, 1.1.2, 1.3.11, 1.3.12, 2.4.5; and the following facts:

35\* The proposed 30' X 7' mural is in front of 233 S Wilmington Street in the right-of-way on the street.

36\* The *Guidelines* do not specifically address the painting of the street/asphalt. The street has recently been repaved; thus, the asphalt is a new material. No historic fabric will be altered or damaged.

37\* The mural will be located underneath a recently installed bike rack (approved under minor work 020-18-MW) and capped at each end with self-watering planters; which serve as a safety barrier for pedestrians and to make the mural less noticeable.

38\* The application states that the proposed mural will not be noticeable until pedestrians are almost directly upon the adjacent crosswalk/sidewalk.

39\* The application mentions two previously approved murals in the district: 237 W Wilmington St (067-17-CA) and the corner of Blount and Morgan Streets (004-17-CA). One was on previously painted masonry and one was on non-historic brick.

40\* Paint samples were not provided in the application; but, per applicant, will be provided for the meeting. The specified product is Sherwin Williams Pro-Park Waterborne Paints – Asphalt Paint. The proposed color scheme is the same as what currently exists on the mural painted under the bike rack across the street. Photos were provided.

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

### Decision on the Application

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

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

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

Certificate expiration date: 11/24/18.

**OTHER BUSINESS**

1. Committee Discussion
  - a. Meeting Post-Mortem

**ADJOURNMENT**

Without objection Ms. Caliendo moved that the meeting be adjourned. The meeting was adjourned at 6:16 p.m.

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

Minutes Submitted by:  
Melissa Robb, Preservation Planner  
Collette Kinane, Preservation Planner