

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
September 27, 2018

**CALL TO ORDER**

Chair Nick Fountain 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: Don Davis, Ian Dunn, Nick Fountain, Jeannine McAuliffe, Jimmy Thiem

Staff Present: Tania Tully; Collette Kinane; Allison Evans; Francis P. Rasberry, Jr., Attorney

**Approval of the August 23, 2018 Minutes**

Mr. Thiem moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Davis 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. Mr. Nick Fountain administered the affirmation.

<b><u>Visitor's/Applicant's Name and Address</u></b>	<b><u>Affirmed</u></b>
Michelle Lopez Orsini,	yes
Bill Egan,	yes
Ashley Morris, 306 Pell St, 27604	yes
Zach Hoffman,	yes
John Demler, 917 W South St, 27603	no
Daniel Talley, 904 W South St, 27603	yes
Eleanor Talley, 904 W South St, 27603	yes
David Bryant, 536 E Jones St, 27601	yes
Grey Poole, 258 Fenton Place, 28207	yes
Greg Dyer, 209 Alberbury Commons Ct, 27587	yes
Craig Ralph, 2714 Clark Ave, 27607	yes
Juan Benito, 408 N East St, 27604	yes
Barney Baxter, 12617 Village Springs Rd, 27614	yes
Dan Cyr, 304 Polk St, 27614	yes
Tracy Cyr, 304 Polk St, 27614	yes
Laura Robinson, 412 Kinsey St, 27609	yes
Harold Robinson, 412 Kinsey St, 27609	yes
Justin Griffin, 507 Oakwood Ave, 27601	yes

### **APPROVAL OF AGENDA**

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

### **SUMMARY PROCEEDINGS**

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following case 131-18-CA for which the Summary Proceeding is made part of these minutes. Mr. Davis moved to approve the summary proceeding. Ms. McAuliffe seconded the motion; passed 5/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

131-18-CA      917 W SOUTH STREET  
Applicant:      JOHN AND CARLEN DEMLER  
Received:      8/15/2018      Meeting Date(s):  
Submission date + 90 days: 11/13/2018      1) 9/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Install 6' rear fence and gate

Staff Notes:

- The file for COA 020-09-CA is available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.4	Fences and Walls	Install 6' fence and gate

STAFF REPORT

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

- A. The installation of a 6' tall fence and gate is not incongruous in concept according to *Guidelines* sections 1.4.8 and the following suggested facts:
- 1\* The *Design Guidelines for Raleigh Historic Districts* states on page 14 that "Fences and walls were common site features in Raleigh's early neighborhoods..." and "Utilitarian fences and walls served to secure boundaries...and to provide visual privacy. They were generally used in rear yard locations and were not usually visible from the street. Traditionally, utilitarian fences were constructed of vertical wooden slats or pickets..."
  - 2\* The proposed wood fence is located in the rear yard along the property line as is characteristic of the district. The application states that the fence will be constructed in a box design matching the fence on a neighboring property, 915 W South Street.
  - 3\* Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the shadow-box fence design has the same appearance on each side.
  - 4\* A 4' shadow-box style fence previously existed at this property and was removed through COA 003-18-CA to accommodate for the construction of a rear addition.
  - 5\* The fence at 915 W South Street was installed through COA 020-09-CA.
  - 6\* The committee has regularly found that 6'-tall wood privacy fences meet the Design Guidelines in Boylan Heights.

- 7\* One double gate is proposed along the rear property line adjacent the alley; the gates will be hinged sections of the same material and shadow-box design as the rest of the fence. The hinges will be on the interior of the fence so as to not be visible from adjacent properties or the alley.
- 8\* Wood is a traditional fencing material.
- 9\* The proposed cedar fence will have a natural finish.
- 10\* The proposed fence is jogged to avoid several large trees located on or very near to the rear property line. The proposed fence location may result in an impact to the roots; no information is included in the application regarding how tree roots will be treated if they are encountered during the digging of fence post holes.
- 11\* A tree protection plan was not provided for this application, but was included in the previous COA (003-18-CA) and, as of the writing of this report, is still in place.

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

1. That the tree protection plan implemented in COA 003-18-CA remain in place for the duration of construction.
2. That fence footings be dug by hand and located to avoid damage to tree roots, should any be encountered during construction of the fence. Roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.

#### Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Davis moved to approve the application, adopting the staff report as the written record of the summary proceeding on COA 131-18-CA. Mr. Thiem seconded the motion; passed 5/0.

Committee members voting: Davis, Dunn, Fountain, McAuliffe, Thiem.

Certificate expiration date: 03/27/19.

## **PUBLIC HEARINGS**

Chair Fountain 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: 105-18-CA, 108-18-CA, 094-18-CA, 127-18-CA, 128-18-CA, and 129-18-CA.

An appeal of a minor work application was also heard; COA 096-18-MW.

Without being heard and with the permission of the applicant, Mr. Thiem moved to defer case 104-18-CA to the next meeting; Mr. Dunn seconded; motion carried 5/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

105-18-CA      536 E JONES STREET  
Applicant:      DAVID BRYANT  
Received:      7/03/2018      Meeting Date(s):  
Submission date + 90 days: 10/01/2018      1) 8/23/2018      2) 09/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Replace two front doors, one second floor balcony door, one rear door (all after-the-fact); alter second floor balcony railing

Conflict of Interest: None noted.

Staff Notes:

- After-the-fact applications are reviewed as though the work has not been completed. As such, the doors already removed are referred to as being proposed for removal.
- When reviewing the door replacements there are two questions: 1) Does the removal of the existing doors meet the Guidelines and 2) Do the proposed replacement doors meet the Guidelines.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
2.7	Windows and Doors	Replace two front doors, one second floor balcony door, one rear door
2.8	Entrances, Porches, & Balconies	Alter second floor balcony railing

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map, photographs of the replacement doors, and noted highlights from the staff report.

Support:

David Bryant [affirmed] was present to speak in support of the application. Mr. Bryant stated that, following the last meeting, the Committee had discussed that the doors did not match, that the question had to do with the number of panes in the replacement doors, so he provided 28 photos of properties in Oakwood that have doors with a different pane configuration than the windows. The most relevant examples are those across the street from his property, 541 E Jones Street, that has four over one windows and 309 Linden Street, which has the exact same configuration as his door. The photos show that it is common in Oakwood to have doors and

windows that do not match. The plan was to match the door, but it wasn't feasible and was cost prohibitive.

Mr. Fountain reminded the applicant that there were limits to what the Committee could consider as evidence with respect to the cost.

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

### Responses and Questions:

Mr. Fountain asked staff to explain staff's notes on the photos provided by Mr. Bryant.

Ms. Kinane stated that, for each photo provided by the applicant, staff reviewed the files and noted any COAs that had been approved relating to the doors or windows and how the façade appeared compared to the earliest photographs in the file – which indicates that the mismatch in door/window style could predate the historic district or could be original.

Mr. Fountain asked if the photographs pre-dated the historic district?

Ms. Kinane responded no, for many properties the earliest photo in the files wasn't taken until the late 1980s or early 1990s.

Ms. McAuliffe asked if pre-replacement photographs of the door were provided.

Ms. Kinane responded that the only photograph is of the removed doors on the rear deck.

Mr. Fountain provided Ms. McAuliffe with copies of the previous application materials.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

### Committee Discussion

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

Thank you [to applicant] for providing the addresses for the examples. I don't think we meant to match the number of lights, we intended to convey the thought that the doors were original to the structure. Based on viewing the provided examples, in my opinion the doors do meet the guidelines. [Davis]

But Guideline 2.7.6 states to match the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original materials is not technically feasible...I don't see how we can get around that. It's clear that it should match. I'm concerned about precedent. [Thiem]

We have approved doors before that do not match. [Davis]

There are no cases in the examples that reflect this situation. [Thiem]

In the provided examples there were 2, I think. #22, but it was a non-historic front door that was replaced. And #21, but it does not appear that the work was ever completed. [Kinane]

That application was decided by two previous Guidelines ago. [Tully]

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-8) and B. (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. The replacement of two front doors, one rear door, and one second floor balcony door are not incongruous in concept according to *Guidelines* section 2.7.6; however, the replacement of two front doors, one rear door, and one second floor balcony door that are not deteriorated beyond repair and that do not match the original pane configuration **is** incongruous according to *Guidelines* section 2.7.2, 2.7.4, 2.7.5, 2.7.6, 2.7.11 and the following suggested facts:

- 1\* In Matthew Brown's Inventory of Structures in the Oakwood National Register Historic District, the property is described as having windows that feature three vertical panes over a single pane. This detail was reflected in the doors which featured three vertical panes over three horizontal panels. The front doors proposed for removal contribute to the overall character of the building.
- 2\* The applicant provided a description and some photographs of the deteriorated state of the original doors. Documentation from craftsman experienced in the repair of historic wood doors that the doors were deteriorated beyond repair was not provided.
- 3\* Two new wood-framed half-lite doors are proposed for the first floor of the front facade. Two new full-lite doors are proposed for the second-floor balcony of the front facade and the rear.
- 4\* The proposed doors do not match the design – panels and pane configuration – of the originals. Guideline 2.7.6 states “If a historic window or door unit is deteriorated beyond repair, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible.”
- 5\* The applicant provided several photographs of doors similar in design – panels and pane configuration – to the proposed doors. The six photographs were not identified by the full address. One of the photographs was identified as 404 N Bloodworth Street. 404 N Bloodworth Street does not have any front facade photos in its file, nor are there any COAs on file for alteration of the door.
- 6\* The applicant stated that, per his research, the design of the original doors was unavailable commercially but could have been replicated by a craftsman at significant cost. One quote was mentioned at the August 23 COA meeting.
- 7\* The proposed doors for the balcony and rear are 15 panes due to the applicant's survey of neighboring properties. Four photographs of similar doors were provided, but addresses were not. Two of the photographs were identified as 315 Oakwood Avenue and 524 N Bloodworth Street. 315 Oakwood Avenue had an approved COA (053-94-MW) under a very early set of Design Guidelines to replace the front door; however, it appears the work was



never completed as the existing door is the same that was present in the 1994 application (the style of the approved door was different than the current style). 524 N Bloodworth Street appears to be the same door as is present in a 1982 file photograph.

- 8\* The applicant provided 28 examples of properties that have front doors that are different in design and pane configuration than the windows. Of the examples provided, 18 have the same door/window configuration as early file photos from the 1980s or early 1990s; 3 were not located within the Oakwood HOD boundaries; 4 did not have useful early photos in the files; 2 had received COAs to change the front door (one of which stated a non-historic door was being replaced, the other had very little content included in the file and no information as to whether the door being replaced was historic); and 1 had been changed in the past 10 years without a COA.
- B. The alteration of the second-floor balcony railing is not incongruous in concept according to *Guidelines* section 2.8.1, 2.8.5, 2.8.6, and the following suggested facts:
- 1\* In Matthew Brown's Inventory of Structures in the Oakwood National Register Historic District, the property is described as modified ca. 1933. At that time, the original front porch was removed and the right protruding entrance hall was added. At some point, the current porch was added to the left side of the house, with the balcony above. No COAs are on file for any previous alteration to or addition of the balcony.
- 2\* The baluster size and spacing on existing balcony railing is atypical in Oakwood and appears to have been added after the mid-1930s.
- 3\* The height of the current balcony is 6" shorter than current safety code requires and, per the applicant, is structurally unsound. Historic architectural details are typically grandfathered and not required to meet code. Historically, railing height ranged between 24-30".
- 4\* While a drawing of the proposed balcony railing was not provided, the application notes that the railing is proposed to match the existing first floor porch railing shown in a photograph. The first-floor railing is typical of the historic district.
- 5\* The applicant provided several photographs of other railings similar to the proposed, but did not provide complete addresses. It is unclear whether these railings are original to the properties, approved through COA, or if they're located in Oakwood. The height of the similar railings is also unknown.

There was no second to the motion.

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 1-8) and B. (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The replacement of two front doors, one rear door, and one second floor balcony door are not incongruous in concept according to *Guidelines* section 2.7.6; however, the replacement of two front doors, one rear door, and one second floor balcony door that are not deteriorated beyond repair and that do not match the original pane configuration **is not**

incongruous according to *Guidelines* section 2.7.2, 2.7.4, 2.7.5, 2.7.6, 2.7.11 and the following suggested facts:

- 1\* In Matthew Brown's Inventory of Structures in the Oakwood National Register Historic District, the property is described as having windows that feature three vertical panes over a single pane. This detail was reflected in the doors which featured three vertical panes over three horizontal panels. The front doors proposed for removal contribute to the overall character of the building.
- 2\* The applicant provided a description and some photographs of the deteriorated state of the original doors. Documentation from craftsman experienced in the repair of historic wood doors that the doors were deteriorated beyond repair was not provided.
- 3\* Two new wood-framed half-lite doors are proposed for the first floor of the front facade. Two new full-lite doors are proposed for the second-floor balcony of the front facade and the rear.
- 4\* The proposed doors do not match the design – panels and pane configuration – of the originals. Guideline 2.7.6 states "If a historic window or door unit is deteriorated beyond repair, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible."
- 5\* The applicant provided several photographs of doors similar in design – panels and pane configuration – to the proposed doors. The six photographs were not identified by the full address. One of the photographs was identified as 404 N Bloodworth Street. 404 N Bloodworth Street does not have any front facade photos in its file, nor are there any COAs on file for alteration of the door.
- 6\* The applicant stated that, per his research, the design of the original doors was unavailable commercially but could have been replicated by a craftsman at significant cost. One quote was mentioned at the August 23 COA meeting.
- 7\* The proposed doors for the balcony and rear are 15 panes due to the applicant's survey of neighboring properties. Four photographs of similar doors were provided, but addresses were not. Two of the photographs were identified as 315 Oakwood Avenue and 524 N Bloodworth Street. 315 Oakwood Avenue had an approved COA (053-94-MW) under a very early set of Design Guidelines to replace the front door; however, it appears the work was never completed as the existing door is the same that was present in the 1994 application (the style of the approved door was different than the current style). 524 N Bloodworth Street appears to be the same door as is present in a 1982 file photograph.
- 8\* The applicant provided 28 examples of properties that have front doors that are different in design and pane configuration than the windows. Of the examples provided, 18 have the same door/window configuration as early file photos from the 1980s or early 1990s; 3 were not located within the Oakwood HOD boundaries; 4 did not have useful early photos in the files; 2 had received COAs to change the front door (one of which stated a non-historic door was being replaced, the other had very little content included in the file and no information as to whether the door being replaced was historic); and 1 had been changed in the past 10 years without a COA.

- 9\* The doors were deteriorated beyond repair.
- B. The alteration of the second-floor balcony railing is not incongruous in concept according to *Guidelines* section 2.8.1, 2.8.5, 2.8.6, and the following suggested facts:
- 1\* In Matthew Brown's Inventory of Structures in the Oakwood National Register Historic District, the property is described as modified ca. 1933. At that time, the original front porch was removed and the right protruding entrance hall was added. At some point, the current porch was added to the left side of the house, with the balcony above. No COAs are on file for any previous alteration to or addition of the balcony.
  - 2\* The baluster size and spacing on existing balcony railing is atypical in Oakwood and appears to have been added after the mid-1930s.
  - 3\* The height of the current balcony is 6" shorter than current safety code requires and, per the applicant, is structurally unsound. Historic architectural details are typically grandfathered and not required to meet code. Historically, railing height ranged between 24-30".
  - 4\* While a drawing of the proposed balcony railing was not provided, the application notes that the railing is proposed to match the existing first floor porch railing shown in a photograph. The first-floor railing is typical of the historic district.
  - 5\* The applicant provided several photographs of other railings similar to the proposed, but did not provide complete addresses. It is unclear whether these railings are original to the properties, approved through COA, or if they're located in Oakwood. The height of the similar railings is also unknown.

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

#### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Detailed drawing of the proposed balcony railing;
  - b. Manufacturer's specifications of the replacement doors

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

Committee members voting: Davis, Dunn, Fountain, Thiem, McAuliffe.

Certificate expiration date: 3/27/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

108-18-CA      314 E CABARRUS STREET  
Applicant:      ZACH HOFFMAN FOR INSITU STUDIO  
Received:      7/12/2018      Meeting Date(s):  
Submission date + 90 days: 10/10/2018      1) 8/23/2018      2) 9/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Construct fence; construct gazebo and water feature; construct driveway;  
install landscaping

Amendments: After the August hearing the application was amended. The material and design  
of the wall/fence and the roofing material of the gazebo were changed. More details were  
provided about the concrete pad, water feature, and landscaping.

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Construct fence; construct gazebo and water feature; construct driveway
1.4	Fences & Walls	Construct fence
1.5	Walkways, Driveways, & Off-street Parking	Construct driveway and walkway
1.6	Garages & Accessory Structures	Construct gazebo

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and images of the property.

Support:

Zach Hoffman [affirmed] was present to speak in support of the application.

Mr. Hoffman stated that the application was revised from a CMU wall to a wooden privacy fence. He provided a wall section and full construction details.

Opposition:

Craig Ralph [owner of vacant lot adjacent to the property, affirmed] was present to speak in opposition to the application. He requested the Committee defer the application until he has an opportunity to talk to the applicant about the project. Mr. Ralph stated that he only received his notice the day prior and did not have sufficient opportunity to review the application.

### Responses and Questions:

Mr. Thiem stated that he is still concerned about the wall. Most of the new application addresses his previous concerns. On east side of the house, it appears there is less than a foot between fence and building. He questioned how this area will be accessed for maintenance. Mr. Hoffman responded that the wall runs past building because the owner doesn't want to attach anything to house. The grade change on the side also affects the fence location. Additionally, the location was an aesthetic choice to block more of house next door from view. Mr. Thiem asked staff if there have previously been fences that abut buildings.

Ms. Tully responded yes.

Mr. Dunn stated that the proposed driveway does not match the existing apron. He asked if there was access to driveway without entering the neighbor's yard?

Mr. Hoffman stated that the proposed new driveway is aligned to the right edge of the curb cut and is 8 ft wide.

Mr. Fountain asked if the visible pipe in the photograph is a clean out.

Mr. Hoffman responded yes.

Mr. Dunn asked if the property line is right edge of driveway.

Mr. Hoffman answered yes.

Mr. Fountain asked staff to summarize the notice given for the case.

Ms. Kinane responded that letters were mailed to properties within 100' on Thursday, September 13 and a sign was posted in the yard. Additionally, the hearing was advertised in the paper and posted online.

Mr. Fountain stated that the reasonable effort was made to notify adjacent property owners.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

### Committee Discussion

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

The notice seems sufficient. [Davis]

I agree. [McAuliffe]

I think the applicant responded to the concerns noted in the previous meeting. A 6-foot rear yard fence is standard. I think the proposal meets the *Guidelines*. [Davis]

### Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-10) and B. (inclusive of facts 1-12) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Construction of a fence is not incongruous in concept according to *Guidelines* section 1.3.9, 1.4.8, and the following facts:
- 1\* The special character essay for the Prince Hall Historic District states that “Fences are uncommon, although a few wrought iron fences encircle front yards or vacant parcels and some chain link fencing is present.”
  - 2\* The proposed wooden fence is 6’ tall. The double-sided fence is proposed to be 8” in depth. Wooden fences are typical of the district.
  - 3\* The proposed fence run parallel to and are inset 2’8” from the east and west property lines. This is typical of fence construction.
  - 4\* The south fence line is inset 11’ from the southern property line due to a change in grade at the rear of the parcel.
  - 5\* Basic elevation drawings and detailed drawings were included.
  - 6\* The application indicates that the fence will only be visible from the front elevation. An elevation was provided to indicate the visible portion of the fence.
  - 7\* Several 6’ tall fences have been approved in the rear yards of properties in the Prince Hall neighborhood through COA 082-12-CA, 062-14-CA, 144-14-CA, 154-14-CA, 193-14-CA, 176-15-CA, 179-15-CA, 012-16-CA, 054-16-CA, and 043-18-CA.
  - 8\* A gate in the same style as the fence is proposed for the northwest side of the fence.
  - 9\* The fence is not physically connected to the house.
  - 10\* The site plan indicates a concrete pad for mechanical equipment will exist between the fence and the property line on the south side. The concrete pad and mechanical equipment will be screened from view by a 4’ tall fence in the same style as the main fence.
- B. Constructing a gazebo and water feature; constructing a driveway; and installing landscaping is not incongruous in concept according to *Guidelines* section 1.3.1, 1.3.2, 1.3.4, 1.3.8, 1.3.9, 1.3.11, 1.3.13, 1.5.1, 1.5.5, 1.5.6, 1.5.8, 1.6.6, 1.6.7, 1.6.10, 1.6.11, and the following facts:
- 1\* Constructing a driveway, planting trees, and the construction of accessory structures less than 144 SQ FT are typically reviewed as minor works. For administrative efficiency, they are included in this application.
  - 2\* The applicant proposes the construction of a new 8’ concrete driveway and the removal of the existing narrower concrete driveway/walkway. The width and length of the proposed driveway is typical of the district. The required curb cut is existing.
  - 3\* The three examples of similar driveways provided by the applicant pre-date the creation of the historic district.
  - 4\* The application notes that a street tree will be planted adjacent to the driveway. No tree protection plan was provided due to the lack of trees located on the parcel.
  - 5\* The application states bluestone steppers will be installed between the driveway and the rear yard. No material specifications were provided on the steppers. Bluestone pavers have been previously approved in Oakwood for use in the rear yard (018-08-MW).
  - 6\* The landscaping site plan indicates significant coverage of clumping bamboo around the interior perimeter of the proposed fence. Clumping bamboo has been previously approved in Prince Hall with a COA (179-15-CA).

- 7\* "Native vegetation" is indicated for the exterior perimeter of the proposed fence. The vegetation currently exists on site. A 2' gap is depicted between the proposed fence and the native vegetation.
- 8\* The application proposes the construction of a gazebo and water feature. Gazebos are traditional rear yard landscape features.
- 9\* The proposed gazebo and water feature are in the rear yard and will be screened from view by the proposed fence.
- 10\* The proposed water feature will be 8' by 16' 8". The water feature is described as having a parged gunnite appearance. A section drawing was provided.
- 11\* The proposed gazebo is located adjacent to the water feature in the southeast corner of the rear yard. This is a typical location for an accessory structure.
- 12\* The gazebo is depicted with an asymmetrical metal hipped roof. Elevations were provided. Construction details and materials were specified.

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

#### Decision on the Application

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

1. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Product sample of the bluestone pavers;
  - b. Manufacturer's specifications and locations for exterior lighting, if any;
  - c. Metal roof details.

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

Mr. Fountain commented that implicit in the passage of the two motions is the decision not to defer the matter despite concerns from a neighboring property owner.

Committee members voting: Davis, Fountain, Dunn, Thiem, McAuliffe.

Certificate expiration date: 03/25/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

094-18-CA      904 W SOUTH STREET  
Applicant:      DANIEL AND ELEANOR TALLEY  
Received:      6/13/2018 (9/4/18)      Meeting Date(s):  
Submission date + 90 days: 9/11/2018      1) 9/27/18      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT  
Zoning: GENERAL HISTORIC OVERLAY DISTRICT (HOD-G)  
Nature of Project: Construct three roof dormers; remove second back door; remove and replace right side window  
DRAC: An application was reviewed by the Design Review Advisory Committee at the July 2, 2018, meeting. Members in attendance were Dan Becker, Mary Ruffin Hanbury, Jenny Harper, and Curtis Kasefang; also present were staff members Tania Tully and Collette Kinane, and applicants Eleanor and Daniel Talley.  
Staff Notes:

- 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>
1.3	Site Features and Plantings	Construct three roof dormers
2.5	Roofs	Construct three roof dormers
2.7	Windows and Doors	Construct three roof dormers; remove second back door; remove and replace window

PUBLIC TESTIMONY

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

Support:  
Eleanor and Daniel Talley, applicants [affirmed] were present to speak in support of the application. The applicants provided additional photos of the house which were distributed to the Committee. Ms. Talley said the left side window is a replacement, and they want to remove the right side window and replace it with the window on the left side. She stated the left side window is plastic, and every other window is original to the home.



### Responses and Questions:

Mr. Fountain asked for clarification about the window on the left and was there always a window there, even if it wasn't this one. Ms. Talley responded it seems to be in keeping with the rest of the house, and it just looks like a replacement.

### Opposition:

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

Mr. Thiem asked if the little addition at the right rear was not original. Ms. Talley replied it's not and it's actually on the property line. Mr. Thiem said the window on the rear doesn't fit with the rest of the house. Ms. Talley said that's correct and it's a wood window. Mr. Thiem stated he could see where the window on right side was moved closer to the back porch.

Mr. Thiem said the two sets of drawings don't match. Mr. Talley replied yes, they were drawn by two different people, and that they would be working from the second set of drawings. Mr. Thiem asked if those were labeled as the proposed drawings. Mr. Talley replied yes. Mr. Thiem pointed out specific inconsistencies and stated they don't want to inadvertently approve something because the drawings don't match. Ms. Talley responded they were no longer working with the first architect, but they were not proposing any changes. Ms. Tully stated the drawings were showing changes whether they were intentional or not, so staff suggested that revised drawings be brought back to the Committee so they could see exactly what is being approved. Ms. Talley asked for more information about that recommendation. Mr. Thiem responded that the drawings of the existing building appear to be accurate, and what the Committee needs is accurate drawings of the proposed changes, not inaccuracies that appear to be changes, additions or removals. Ms. Tully restated that the staff recommendation was to approve the application, but that the new drawings be brought back to the Committee for review. Mr. Fountain asked if the condition could be brought back to staff. Ms. Tully said it was up to the Committee. Mr. Thiem said he thought it could be brought back to staff.

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. McAuliffe moved that based on the information contained in the amended application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-11), and B. (inclusive of facts 1-3), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Constructing three roof dormers is not incongruous in concept according to *Guidelines* sections 1.3.6, 1.3.7, 2.5.10, 2.7.9; however, the removal of an existing window and replacement with a smaller window is incongruous according to *Guidelines* sections 2.7.1, and the following facts:

- 1\* From the National Register nomination for the Boylan Heights Historic District: "One-story bungalow; hip roof with hipped roof dormer. Engaged one-story porch, full facade." The nomination form shows 1917 as the construction date and the status as contributing.
- 2\* The application shows the approximate locations of four trees on the property. The tree protection plan consists of the following statements: "Construct tree protection fence around American Elm tree located on the east elevation of the home. Fence to remain in place throughout construction. No additional trees/plants will be impacted by construction." A complete tree protection plan was not provided.
- 3\* Three new dormers are proposed; one on the right elevation with a one-over-one double-hung window, one on the left elevation with a one-over-one double-hung window, and one on the rear elevation with paired one-over-one double-hung windows.
- 4\* The dormers on the left and right elevations are proposed to have shed-style roof forms. The front walls of the dormers are set back from the wall plane of the ground floor.
- 5\* The dormer on the rear elevation is proposed to have a hipped roof, similar to the existing front dormer's hipped roof. The rear dormer roof peak is lower than the front dormer roof peak. Height dimensions were not provided. The front wall of the dormer is in the same plane as the wall plane of the ground floor.
- 6\* Multiple discrepancies appear between the existing building drawings and the proposed building drawings. It is unknown if these are intentional changes to the design, as none of these are called out in the text of the application. The two sets of drawings were prepared by different firms.
  - a. The width of the kitchen bump out on the left elevation appears to be narrower in the proposed drawings, and the roof form is changed from a shallow-pitched hipped roof to a hipped roof that is tied into the primary roof, albeit with a much lower ridge height than the primary roof ridge height.
  - b. The rear elevation proposed drawing shows the bump out wall in the same plane as the back wall of the house rather than being slightly inset as in the existing building drawings.
  - c. The rear porch appears much narrower in width in the proposed building drawings, with the shed roof at a steeper pitch that is also substantially higher than shown in the existing building elevations.
  - d. Drawings show alterations to windows on the right elevation where a one-over-one double-hung window matching the proportions of the other windows is being removed and replaced with a smaller one-over-one double-hung window. Window specifications were not provided for the smaller window. The drawing is incorrect; the window on the side of the house is not proposed to be changed.
- 7\* Roof plan drawings were not provided for either the existing or proposed designs.
- 8\* Photographs of other roof dormers in Boylan Heights were provided;
  - a. 518 S Boylan Avenue – Received a COA (176-95-MW) for the addition of a rear dormer duplicating the original front dormer.
  - b. 407 Kinsey Street - There are no COA applications related to the existing dormers. This ca. 1922 house likely included the side dormers with the original construction, or at least prior to designation of the historic district.

- 9\* The windows in the dormers are proposed to be one-over-one double-hung wood windows in slightly different proportions to the windows in the historic house. The windows on the side dormers do not fill the height of the dormer wall which is atypical of dormer construction in the district. Complete window specifications were not provided.
  - 10\* The roofing, siding and paint for the dormers will match the existing building materials.
  - 11\* A new HVAC unit is proposed to be installed behind the existing unit on the left side of the house. No details were provided for screening material.
- B. Removing the second back door is not incongruous in concept according to *Guidelines* section 2.7.11, and the following facts:
- 1\* One door is proposed to be removed from the rear elevation; the application does not state that the new siding will be woven into the existing siding so as to avoid the appearance of matching vertical seams.
  - 2\* The existing second rear door was added when the house was previously converted to a duplex.
  - 3\* Removal of doors from non-character-defining facades is approvable as a minor work item and has been included here for administrative efficiency.

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

#### DECISION ON THE APPLICATION

Following discussion on an initial motion made by Ms. McAuliffe and seconded by Mr. Thiem, Ms. McAuliffe made a 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 the new siding on the rear facade be woven into the existing siding to avoid the appearance of matching vertical seams.
- 3. That details and specifications for the following be provided to and approved by staff prior to issuance of the COA blue placard:
  - a. Accurate drawings and project description to clarify discrepancies outlined in A.5.a – A.5.d above;
  - b. A tree protection plan prepared by an arborist certified by the International Society of Arboriculture or by a North Carolina licensed landscape architect that addresses the critical root zones and provides staging areas for construction activity and material storage;
  - c. Manufacturer's specifications for windows, showing both section and elevation views, and material descriptions.
- 4. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. HVAC screening.

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

Committee members voting: Davis, Dunn, Fountain, Thiem, McAuliffe.

Certificate expiration date: 3/27/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

127-18-CA      500 WASHINGTON STREET  
Applicant:      MEDALLION CONSTRUCTION INC AND TRACY AND DANIEL CYR  
Received:      8/14/2018      Meeting Date(s):  
Submission date + 90 days: 11/12/2018      1) 9/27/2018      2)      3)

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: STREETSIDE HISTORIC OVERLAY DISTRICT (HOD-S)

Nature of Project: Construct house with garage; install driveway; demolish shed

DRAC: An application was reviewed by the Design Review Advisory Committee at its August 6, 2018, meeting. Members in attendance were Dan Becker, Jenny Harper, Curtis Kasefang and David Maurer; also present were staff members Tania Tully, Melissa Robb and Collette Kinane, and applicants/interested parties Barney Baxter, Tracy and Daniel Cyr, and Greg Dyer.

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.**”
- This property is in the Glenwood-Brooklyn Streetside HOD. 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. The entirety of any new principal building construction on a vacant lot requires a COA. For the site (a vacant lot) only 25% of the depth of the lot area adjacent to the public right-of-way is regulated.
- For the purpose of Streetside HODs, alleys are not public rights-of-way.
- There is site work shown on the application that is not regulated via the COA process and not addressed in the staff report. This includes a rear patio and walkaway and tree removals.
- The application shows the address as 502 Washington Street, but it is actually 500 Washington Street. Corrections were made after the COA application was filed to errors in recording the address.

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	Construct house with garage; install driveway; demolish shed
1.5	Walkways, Driveways and Offstreet Parking	Install driveway
3.3	New Construction	Construct house with garage
4.2	Demolition	Demolish shed

PUBLIC TESTIMONY

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

Support:

Mr. Barney Baxter, Mr. Dan Cyr, and Ms. Tracy Cyr, applicants, and Ms. Ashley Morris, architect, [affirmed] were present to speak in support of the application. Ms. Morris stated that they are fine with the conditions from the staff report.

Opposition:

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

Mr. Davis asked for clarification on the porch fireplace. Ms. Morris replied it was a gas insert. Mr. Davis questioned its placement on the side of the house vs. the rear where it's more common. Ms. Morris stated they would be screening it and it would not be visible from the street. Mr. Baxter added that since the road ends at this property no one will see it from the right-of-way. Mr. Fountain asked what kind of screening would be used. Ms. Morris answered the screen porch and the trees that are being retained.

Mr. Thiem asked staff to provide background information about attached garages in this district. Ms. Tully responded 1100 Filmore St, an addition was approved with the rear garage location and the understanding that it would not be visible from the street. Mr. Thiem said there is no evidence of garages attached to houses. Mr. Davis said the streetside HOD seems to not regulate garages generally. Ms. Tully said she was not sure if there are other examples. Ms. Morris stated they intentionally tucked the garage back. Mr. Fountain said it was new construction, not historic.

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Dunn moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested findings A. (inclusive of facts 1-5) and B. (inclusive of facts 1-20) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Demolishing a shed is not incongruous in concept according to *Guidelines* sections 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 the following facts:
- 1\* The subject property is within the Glenwood-Brooklyn Historic Overlay District. The district report shows the period of significance for the district between 1907 and 1940. The property is described as a vacant lot.
  - 2\* There is no mention in the HOD report of the shed, which straddles the property line of 500 and 504 Washington Street, on either property. The applicants provided a letter signed by the owner of 504 Washington Street approving the removal of the shed.
  - 3\* According to an email provided by the applicant, the owner of 504 Washington Street and her husband "bought it a home show as a kit 40 years ago and put it together themselves."
  - 4\* Photographs of the shed were provided.
  - 5\* The application does not state whether any materials will be salvaged after demolition.
- B. Constructing a house and garage, and installing a driveway are not incongruous in concept according to *Guidelines* sections 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 1.5.5, 1.5.6, 1.5.9, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11, 3.3.12, and the following facts:
- 1\* The property is at the end of the street with a line of trees on the east side, beyond which are railroad tracks. The adjacent house at 504 Washington Street is the only other house facing the street on the north side of the 500 block.
  - 2\* The proposed new house is shown parallel to the house at 504 Washington Street with a similar setback from the street. The house is also sited on the lot so as to maintain the historic spacing between buildings in the district.
  - 3\* The proposed driveway follows the property line between the two houses as is traditional in the historic district. Water-washed concrete is proposed for the front portion of the driveway and front walkway, while brushed concrete is proposed for the back portion of the driveway (outside of the regulated area for the site).
  - 4\* As shown in the application, the site slopes approximately 12' from the rear of the property down to Washington Street. A formal survey/grading plan was not provided to ensure final height accuracy.
  - 5\* Four trees are proposed to be removed to allow for construction of the house; none are within the first 25% of the depth of the lot and so are not regulated through the COA process. A tree protection plan was provided that includes the entire lot, not just the trees in the regulated area of the 25% of the lot adjacent to the public right-of-way.
  - 6\* The application proposes constructing a 1 ½-story house in the Craftsman style with a gable roof form and dormers. The application explains the houses' similarity to others in the

historic district; additionally, photographs were provided of similarly scaled and designed houses in the district.

- 7\* The house is proposed with an attached garage at the rear that faces the west property line in order to not be readily visible from the street. It is also lower in height than the primary body of the house.
- 8\* The Special Character Essay states that in Glenwood-Brooklyn “Victorian influence appears in a few houses built as late as the early 1920s, but generally speaking the style was eclipsed by the Craftsman style beginning in the mid-1910s.”
- 9\* Wood windows and doors in a neo-Craftsman style are proposed on the new house. This includes double-hung two-over-one windows, 2 lite casement windows, and a front door with three lites over three panels, surrounded by paired sidelites and transoms above. Specifications for each were provided.
- 10\* Two sets of folding wood or PVC accordion-style doors are proposed for the east side of the house leading to the screened porch. Specifications were provided for the PVC option. Smooth faced cellular PVC has been found to be congruous on the trim of detached new construction in Oakwood and Boylan Heights.
- 11\* The paired garage vehicular doors are proposed to be steel in a recessed panel design. It is unclear from the application whether windows will be included in the door design. Specifications were provided.
- 12\* The application states that there are elements that relate to the characteristics and materials of the historic district;
  - a. Large dormers;
  - b. Porch supports with wood posts on brick pedestals;
  - c. Brick foundation and steps (brick specifications were not provided for the size and bond pattern);
  - d. Wood shingle sheathing in gables and on dormers;
  - e. Gable brackets;
  - f. Double-hung windows with three or more lites in the upper sash.
- 13\* The application states that other elements that will distinguish it as new construction;
  - a. The new front porch is proposed to have its own roof, rather than being incorporated under the house roof;
  - b. The house is proposed to be clad in fiber cement siding with a 7” exposure to provide contrast with existing siding in the neighborhood cladding.
- 14\* Roofing is proposed to be architectural asphalt shingles.
- 15\* The porch decking is proposed to be pressure treated lumber that is either stained or painted. Detailed drawings were not provided of the porch railings showing both elevation and section views.
- 16\* Eave construction details were not provided.
- 17\* **Built area to open space analysis:** According to the applicant, the lot is 10,019 SF (0.23 acre). The footprint of the house, porches and garage total 2,966 SF. The proportion of built area to open space is proposed to be 30%.
- 18\* The application includes analysis of the existing built area of properties in the immediate neighborhood showing a range of 34% to 39% (built area to open space).



- 19\* Exterior lighting was not shown on the drawings, nor were specifications provided.
- 20\* Gutters and downspouts were not shown on the drawings, nor were specifications provided.
- 21\* The outdoor fireplace and chimney will not be visible from the street.
- 22\* The garage is at the rear of the site and will not be visible from the street.

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

### DECISION ON THE APPLICATION

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

- 5. That there be no demolition delay for the removal of the accessory building.
- 6. That tree protection plans be implemented and remain in place for the duration of construction for the front 25% of the lot adjacent to the public right-of-way.
- 7. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. A site section/side elevation based on a stamped grading plan;
  - b. Eave construction details;
  - c. Window and door trim;
- 8. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Brick specifications for the size and bond pattern;
  - b. Detail drawings of the porch railings showing both elevation and section views;
  - c. Manufacturer's specifications for exterior lighting, and location on the building;
  - d. Specifications for the gutters and downspouts, and location on the building;
  - e. Clarification regarding the garage door window inclusion.

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

Committee members voting: Davis, Dunn, Fountain, Thiem, McAuliffe.

Certificate expiration date: 3/27/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

128-18-CA      809 BROOKLYN STREET  
Applicant:      BILL EAGAN  
Received:      8/15/2018      Meeting Date(s):  
Submission date + 90 days: 11/13/2018      1) 09/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: STREETSIDE HOD

Nature of Project: Construct two residential buildings

DRAC: An application was reviewed by the Design Review Advisory Committee at its August 6 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, Dan Becker and David Maurer; also present were Bill Eagan, the applicant, Melissa Lopez Orsini, 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 c. and f. of the Unified Development Ordinance governs the applicability of the COA process in Streetside HODs. The entirety of any new principal building construction on a vacant lot and the first 25% of the depth of the lot area adjacent to the public right-of-way on a vacant lot is subject to review.
- There is site work shown on the application that is not regulated via the COA process and not addressed in the staff report.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
3.3	New Construction of Primary Buildings	Construct two residential buildings

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and views of the existing property.

### Support:

Bill Eagan and Michelle Lopez-Orsini [both affirmed] were present to speak in support of the application.

Mr. Eagan described the project. One proposed building faces Brooklyn Street, with another one behind it. Each building has 2 units and are designed to look like single family homes. In designing the structures, they used common elements from the vernacular of the neighborhood. In the application, they provided examples of existing properties that are over 30 feet tall. The topography varies in the district. The overall height, including topography, of other buildings existing in the district, are much taller than the proposed. The project height is similar to non-historic properties that have been recently constructed in the district.

Mr. Fountain asked the applicant to comment on the lot coverage.

[Mr. Eagan provided several new materials to the Committee: a site survey, a new street view elevation and perspective drawing, and an elevation of the west façade.] Mr. Eagan stated that the proposed lot coverage is 18%, which is comparable with other properties in the neighborhood. The site is currently two parcels and will remain so. They're just changing tract configuration.

### Opposition:

Ms. Tully noted that staff had received a notarized letter from Fred Belledin (Gaston Street) with comments on the project. Additionally, staff did not properly review the application. The line drawn on the site plan is 25', not the 25% reviewable area.

Mr. Raspberry stated that, while the Committee could accept the letter as evidence, it is important to note that a letter cannot be questioned.

Steve Gurganus, 802 Brooklyn Street, [affirmed] was present to speak in opposition to the application. Mr. Gurganus stated that he was involved with HOD-S designation process. He had several issues with the proposed project:

- the lack of planting strip between sidewalk and curb (his house only one with planting strip on street);
- that the orientation of buildings perpendicular to street is not in character with district;
- that the east side of the lot is remote parking which is not a historic use;
- that the curb cut shows a large radius and taper that is too wide for the district;
- if there is a UDO constraint, he would support a variance request that would allow the two buildings to be side by side along the street front; and
- the window materials and roof elements are not included.

It's a huge project in development and should comply with the *Guidelines*.

### Responses and Questions:

Mr. Fountain asked if the applicant had any response.

Mr. Eagan stated that they had not seen letter. [Mr. Belledin's letter was passed to the applicants.]

Mr. Davis asked staff if the built area includes parking lots?

Ms. Tully responded yes, but the question is what is considered “original”?

Mr. Eagan stated that there is in place a 50-foot side yard setback for property, that essentially runs the length of property. Takes up almost half of the allowable frontage on Brooklyn.

Ms. Tully discussed whether the parking lot is the original square footage or if previous structures on the lot would be considered the original square footage.

Mr. Eagan stated that the curb cut is a fire requirement. He thinks they could accommodate a planting strip. There is currently a nonconforming sidewalk. He is also fine with reducing the radius. The city wants more, but the historic requirement is okay with less.

Mr. Fountain asked if two structures could not be side by side fronting street?

Mr. Eagan stated that the zoning changes along southern property end (residential to commercial), there is a required 50-foot transitional zone that is restrictive.

Mr. Thiem asked if the lots were being recombined?

Mr. Eagan responded no.

Mr. Thiem asked if the lot lines are just moving?

Mr. Eagan responded yes.

Mr. Thiem stated that the design is placing a parking lot in the first 25% at the front of the lot. This is out of character of the historic district and must also meet the *Guidelines*. Parking close to the street is incongruous. Additionally, in the new materials there is a difference in the parking plans you have submitted.

Mr. Eagan stated that the new one is incorrect.

Mr. Thiem asked if the applicant can explain the rest of the parking. The project is already meeting the parking requirement with the garage.

Mr. Eagan stated that the extra parking serves a project across the street. Half of the project is in the district, half is not. It's intended to be one community.

Mr. Thiem asked for clarification on the dedication area along frontage.

Mr. Eagan stated that he thought the document is out of date. There is a setback requirement. He was told by the civil engineer that it was required.

Mr. Davis asked when comparing heights, were there any other three-story buildings?

Ms. Orsini responded no, but there were high pitched roofs and attics where the total height was close to the proposed height - close to 36' range.

Mr. Davis asked how close the height was to the proposed building? There are all one-story properties on Brooklyn.

Ms. Orsini stated that the provided diagram shows the height similarities. Mostly located on Glenwood and Boylan.

Mr. Gurganus added that he would like to verify that these comparison homes are contributing historic properties and not infill. With a redesign of the structure, two buildings could be accommodated.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

#### Committee Discussion

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

The first 25% of the lot should be contributing to the character of the district. Parking at the edge near the entrance gives the appearance of multifamily, as opposed to the single-family design of the structure. [Questions directed to Staff] What area on diagram is applicable? There is no precedent for two primary structures, especially when one is behind the other. [Thiem] Any new primary structure is fully reviewed – similar to an HOD-G project. In comparing height, the *Guidelines* specify well-related nearby buildings as existing contributing structures within 1 ½ blocks of the subject property. [Kinane]

Though there are two primary structures, technically they are on two lots – one of which is a flag lot that requires building in the rear. The only similar situation would be the construction of a large accessory building or garage. Those are diminutive compared to a true primary building. [Tully]

This isn't similar to a tall building because of an attic. There are no other examples of three full stories. I don't think this is in keeping with the *Guidelines*. The front door is between different levels of the building, which is unusual for the district. [Davis]

Would secondary buildings be subject to 25%? [Thiem]

No. [Tully]

But we have two primaries, no matter the location. [Thiem]

The AJ Fletcher house has two primary structures, but you can't see it from Glenwood. [Fountain]

This is an atypical application. Including two primaries on two lots in one application makes sense, but also makes it difficult. A lot of the specifics don't neatly apply. The *Guidelines* are guidelines. Advise to go back to broad strokes of guidelines and look at overall congruity. It's not just checking a box. [Raspberry]

Is the parking considered a site feature or a built feature? [Davis]

It's a site feature. [Tully]

I would like to defer the application so that the applicant can address these issues. [Thiem]

Then let's be sure we summarize all our comments and concerns:

- Height (especially the 3rd floor)
- Parking in the first 25% of the parcel(s)
- The second primary structure (whether it should appear as accessory or should be brought to street)
- How the structure facing Brooklyn works in relation to the street
- The design of the stoop/front porch facing Brooklyn
- Staggered floor lines are inconsistent with neighborhood [Fountain, McAuliffe]

Will someone make a motion to defer? [Fountain]

Mr. Thiem made a motion to defer the application to the next meeting. The motion was seconded by Mr. Davis; passed 5/0.

Committee members voting: Davis, Fountain, McAuliffe, Dunn, Thiem.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

129-18-CA      412 KINSEY STREET  
Applicant:      LAURA MICHELLE ROBINSON AND HAROLD LEON ROBINSON  
Received:      8/15/18      Meeting Date(s):  
Submission date + 90 days: 11/13/2018      1) 9/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Implement master landscape plan; install fence; alter driveway; remove trees

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.

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 and Plantings	Implement master landscape plan; removal of trees
1.4	Fences and Walls	Install fence in rear yard
1.5	Walkways, Driveways, and Off-street Parking	Alter driveway

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the property.

Support:

Michelle Robinson [affirmed] was present to speak in support of the application.

Ms. Robinson stated that they were open to suggestions on the driveway material. They are participating in the City's Rainwater Rewards program – which offers reimbursement for permeable pavers. They are open to brick or stone, a full driveway or ribbons.

Opposition:

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

Responses and Questions:

Mr. Davis stated that brick is not characteristic of Boylan Heights.

Ms. Robinson stated that the pavers have a cement appearance.

Mr. Dunn asked if the applicant would consider driveway ribbons.

Ms. Robinson responded that they would prefer a full driveway.

Mr. Fountain asked if the applicant had a sample of the material.

Mr. Davis stated that a driveway in Boylan Heights made out of anything but concrete would be atypical.

Ms. Kinane stated that staff had not seen a physical sample.

Ms. Tully stated that there is only one precedent for stone ribbons in Boylan Heights.

Mr. Thiem stated that he understood the need to rectify environmental and aesthetic sensibility.

He asked if the applicant had considered porous concrete – the product has a maintenance requirement but could fulfill the needs of the program.

Ms. Robinson stated that she would look into it.

Mr. Thiem stated that there is little probability that roots will penetrate or go under the foundation. The Silver Maple and Mulberry trees are probably volunteers. He would support the removal of the trees. He stated that the trees probably have an impact on the driveway and that roots are exposed. Additionally, he thinks the trees are actually located on the neighbor's property.

Ms. Robinson stated that she has spoken to her neighbor and they have no objection to anything that has been proposed. She added that the arborist said that the size of the root structure is equal to the size of the canopy.

Mr. Thiem stated that roots want food and water and will seek out those nutrients. He also noted that the existing sidewalk in backyard wasn't on the existing conditions. He asked if the applicant would provide a plan that shows the existing state of the back yard and if the applicant planned to remove existing sidewalk and alter the rear yard.

Mr. Thiem stated that the Committee doesn't regulate Ligustrum. He asked for the removed shade trees to be replaced with 3 trees that have a 3" caliper on the property. He noted that the applicant may need to negotiate with neighbors for trees that are on borders. The tea olive is an overgrown shrub that will not count in the tree replacement.

Ms. Robinson asked about the Paw Paw trees.

Mr. Thiem responded that Paw Paws do not grow as large as the trees being removed. He's thinking of Oaks, Maples, Poplars – talk to neighbors about planting on their property.

Ms. Robinson responded that yes, they are proposing to remove the sidewalk because it is damaged. They are proposing to remove the sidewalk and put in a patio.

Mr. Fountain asked if Ms. Robinson would respond to staff's comments about metal gate.

Ms. Robinson responded that the downside of installing a privacy fence is that you have less passive security in yard from people walking by. The gate provides visibility.  
Mr. Fountain moved that the public testimony portion of the hearing be closed.

### Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:  
It looks like walnut didn't need to be removed. So, I recommend three shade trees or two shade trees and one small flowering tree as replacements. [Thiem]  
I think we can approve concrete ribbons on driveway and a wooden gate. [Davis]

### 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 1-13) and B. (inclusive of facts 1-3) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The implementation of master landscape plan; installation of fence; and tree removal are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.9, 1.3.10, 1.3.13, 1.4.8; however, removal of healthy trees is incongruous according to *Guidelines* 1.3.5, and the following facts:
- 1\* The proposed landscape plan includes a traditionally designed front yard that features flowers and herbs along the right-of-way and boxwoods and flowerbeds along the porch.
  - 2\* The rear yard is proposed to feature a sitting wall constructed from stone that addresses the grade of the yard and separates a permeable paver patio from the lawn and vegetable gardens. The patio and steps are proposed to be constructed from pavers that have the appearance of natural stone and are grey in appearance. Specifications were provided.
  - 3\* Grey brick, while atypical of Boylan Heights, is similar in color to the traditional concrete and concrete block seen throughout the district.
  - 5\* A large galvanized rain barrel cistern is proposed for the northwest corner of the house in the rear yard. The cistern will be sited on a gravel base and will tie into the gutter system. A photo of the proposed cistern was provided; manufacturer's specifications were not included. The application does not state that the cistern will be screened.
  - 6\* The application proposes the removal of 5 trees. An International Society of Arboriculture (ISA) certified arborist's assessment was included in the application. The arborist noted that all of the trees proposed for removal appear to be in decent health. It also appears from the report that they need to be pruned.
  - 7\* An aerial map was provided that shows the tree canopy of the trees proposed to be removed in red circles.
  - 8\* The Site Features and Plantings section of the *Guidelines* on page 22 states that the "removal of mature, healthy trees should be considered only for absolutely compelling reasons." The Silver Maple (depicted as #1 in the photos and map) and the Mulberry (#2) are proposed for



removal due to the damage the roots are causing to the driveway and the potential damage to the foundation of the primary structure and the neighboring property. The Ligustrum (#3) is causing severe damage to the shed in the rear yard. The application notes that the property owners would like to remove this tree to repair the shed in the future. The arborist noted that the Walnut (#4) and Hackberry (#5) likely have integrity issues and may see future failures.

- 9\* The application proposes the planting of several Paw-paw trees and an Espalier Tea Olive as replacement trees. Per the applicant, Paw-paw trees have a mature height of 20' and a canopy of 15-25'. Espalier Tea Olive trees have a mature height of 20-25'; however, the applicant intends to maintain a height of 10' and a width of 13'. Comparatively, a Silver Maple can reach 49-82' in height, Mulberry - 70', Ligustrum - 10', Walnut - 80', and Hackberry - 30-50'.
- 10\* No tree protection information was provided for the other trees located on the property (if any), nor was information provided about the critical root zones of adjacent trees that may be impacted by the construction of a fence in the rear yard.
- 11\* The applicant proposes the installation of a 6' tall dog-eared, cedar privacy fence around the perimeter of the rear yard. The written description mentions a proposed fence along the driveway, but additional information was not included on this fence.
- 12\* Three black aluminum gates are proposed to be installed in the fence. The applicant intends for these gates to "increase pedestrian visibility of the back yard from the street." It is atypical to install a metal gate in a wood fence. No photos or specifications were provided.
- 13\* A concrete walkway in the rear yard that extends from the house to the driveway and garage is proposed to be removed.

B. The alteration of a driveway is not incongruous in concept according to *Guidelines* 1.5.1, 1.5.3, 1.5.4, 1.5.9; however, the installation of a full brick driveway **is** incongruous according to *Guidelines* 1.5.1, 1.5.9, and the following suggested facts:

- 1\* The applicant proposes the alteration of the driveway. The existing concrete strips are in poor condition. The application drawings indicate that brick paver strips are proposed; however, in an email from the applicant, a full brick driveway is preferred. The proposed bricks are permeable pavers that will match the existing brick retaining wall in the front yard in appearance. Images of the proposed bricks were provided.
- 2\* Full brick driveways are atypical in Boylan Heights. The Boylan Heights Special Character Essay states: "When not adjacent to alleys, driveways are most often gravel or concrete ribbon strips, squeezing beside the house to access the rear yard, and pushing the house close to the opposite side-lot line."
- 3\* The proposed pavers require excavation of up to a foot in depth which will likely impact the critical root zone of the Silver Maple and the Mulberry that are proposed for removal. A tree protection plan was not provided.

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

### Decision on the Application

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

1. That a 365-day demolition delay be waived for the removal of the Silver Maple, Mulberry, and Hackberry.
2. That a 365-day demolition delay be implemented for the Walnut.
3. That the tree protection plan be implemented and remain in place for the duration of construction.
4. That fence footings be dug by hand and located to avoid damage to tree roots, should any be encountered during construction of the fence. Roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.
5. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Wood fence gates;
  - b. Concrete ribbon driveway details.
6. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Dimensions for cistern.
7. That the landscape plan be revised to show either three 3" caliper shade trees or two 3" caliper shade trees and one flowering tree.

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

Committee members voting: Davis, Fountain, Dunn, Thiem, McAuliffe.

Certificate expiration date: 03/25/19.

APPEAL OF A MINOR WORKS CERTIFICATE OF APPROPRIATENESS  
- CERTIFIED RECORD

096-18-MW      507 OAKWOOD AVENUE

Appellant:      JUAN BENITO

Application Approved: 6/22/2018

Meeting Date(s):

Approved date + 30 days: 10/01/2018

1) 9/27/2018

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Install motion sensor rear lighting; install security camera

Conflict of Interest: None noted.

Staff Notes:

- After-the-fact applications are reviewed as though the work has not been completed. As such, the lighting and camera already installing are referred to as being proposed for installation.
- UDO section 10.2.15 D. 2b. iv. and section 10.1.8 require that appeals of Minor Work COA be heard by the RHDC in a quasi-judicial public hearing.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.7	Lighting	Install exterior lighting
2.10	Sustainability and Energy Retrofit	Install security camera

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the property.

Appellant:

Juan Benito [408 N East Street, affirmed] was present to speak regarding the appeal of the minor work application. Mr. Benito stated that there were omissions in the evidence provided by staff. He initially contacted the property owner by text message asking to rectify the matter. He additionally stated there are three floodlights on the rear of the property in question and the property owner has barricaded the gate that allows access to the rear of his property.

Property Owner:

Justin Griffin [507 Oakwood Avenue, affirmed] was present to speak in opposition to the appeal. Mr. Griffin stated that he had a previously approved COA for an addition that was submitted as major work in 2016. The application included an update to the back yard. The

security camera and light were installed separately through their own COA. Zoning enforcement has inspected the lights and they are within the City's zoning guidelines.

Ms. Kinane stated that staff also had a memo from Zoning enforcement staff stating the results of the light investigation.

#### Responses and Questions:

Mr. Fountain asked Mr. Griffin what he was trying to accomplish with the light.

Mr. Griffin responded that they required more light in the back yard that the current ones weren't reaching. The security camera was installed as a result of break ins in the neighborhood. The lights are on motion sensors. He noted that the appellant also has lights installed on the rear of his property.

Mr. Davis asked how often the lights are on in an average night – if they're on every night.

Mr. Griffin responded that the lights are on whenever someone is in the back yard.

Mr. Dunn asked how long the lights stay on.

Mr. Griffin stated that he was unsure, but the maximum is probably 10-15 minutes.

Mr. Thiem asked if he had considered moving the light down to where the camera is located.

Mr. Griffin responded that he had considered that, but the light is then right at face level.

Mr. Thiem asked what the distance is from the fence to the back of the house.

Mr. Griffin stated that it was about 10 feet.

Ms. Kinane stated that in the application is a photo of the box which states that the timer can be set for 1, 3, or 10 minutes. The plot plan states that the distance from the back of the house to the fence is 14'.

Mr. Fountain asked staff to review the approval process for a minor work – what was considered in the approval.

Ms. Kinane responded that staff reviews the submitted materials and checks for conformity with the design guidelines. In this particular case, the "Things to Consider as You Plan" section of Guidelines 1.7 states "Considerations in reviewing any proposed lighting fixture for compatibility should include location, design, material, size, color, scale, and brightness...New lighting must also comply with the City of Raleigh lighting ordinance..." and "If additional lighting is desired because of safety or security concerns, careful consideration should be given to where supplemental light is needed and in what quantity... Adequate lighting can be introduced through pedestrian-scaled lightposts, recessed lights, footlights, or directional lights mounted in unobtrusive locations...To minimize the intrusion of lighting in primarily residential neighborhoods, and to also save energy, the lighting may be connected to timers or motion detectors that automatically shut it off when it is not needed." The application met the main criteria in consideration.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

#### Committee Discussion

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

So, we are making a Committee decision as we would a Major work. [Fountain]  
In looking at the Things to Consider section, it's been met. The light is motion activated. [Davis]  
Mr. Benito requested the Committee reopen the evidentiary hearing.

#### PUBLIC TESTIMONY (2)

Mr. Davis made a motion to reopen the evidentiary hearing. Mr. Dunn seconded. Motion passed 5/0.

Mr. Benito stated that he takes issue with regard to Mr. Griffin's insinuations about his character. He also disputed Mr. Griffin's statement that he would not be amenable to other solutions.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

#### 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 1-9) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The installation of exterior lighting and security cameras is not incongruous according to *Guidelines* section 1.7.5, 1.7.6, 1.7.9, 2.10.12, and the following suggested facts:
- 1\* Guidelines section 1.7 "Things to Consider As You Plan" states "Considerations in reviewing any proposed lighting fixture for compatibility should include location, design, material, size, color, scale, and brightness...New lighting must also comply with the City of Raleigh lighting ordinance..." and "If additional lighting is desired because of safety or security concerns, careful consideration should be given to where supplemental light is needed and in what quantity... Adequate lighting can be introduced through pedestrian-scaled lightposts, recessed lights, footlights, or **directional lights mounted in unobtrusive locations... To minimize the intrusion of lighting in primarily residential neighborhoods, and to also save energy, the lighting may be connected to timers or motion detectors that automatically shut it off when it is not needed.**" [emphasis added]
  - 2\* The lighting meets the UDO standards as inspected by Kevin Utley, Zoning Enforcement Officer. Documentation of the inspection will be provided at the meeting.
  - 3\* The lights are proposed to be mounted on the north side of the house in the gable end above the window, an inconspicuous location on the rear elevation of the house.
  - 4\* The lights are white metal motion activated LEDs with adjustable heads.
  - 5\* The proposed security camera is a wireless dome with a white base.
  - 6\* The security camera is proposed to be mounted to the soffit above the first-floor window.
  - 7\* There is an estimated 6' tall fence on the property line approximately 14 feet from the location of the lights.
  - 8\* The appellant provided a diagram of his assessment of the light fall pattern onto his property from the exterior lights on the subject property.

9\* The other two exterior lights (located on the east façade and north-east corner of the property) that were questioned by the appellant were previously installed by a prior property owner and can be seen in photographs included in a 2002 COA application (156-02-CA).

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

Mr. Fountain noted that item 7 in the Findings of Fact should be 14'.

#### Decision on the Application

Mr. Davis made a motion that the application be approved, meaning the minor work application is upheld.

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

Committee members voting: Davis, Dunn, Fountain, Thiem, McAuliffe.

Certificate expiration date: 03/25/19.

## **OTHER BUSINESS**

1. Administrative Review of Conditions
  - a. 004-18-CA, 319 E Lane Street, Oakwood Historic District: Mr. Roger Austin, 3434 Edwards Mill Rd, was present to speak regarding the conditions. Mr. Davis moved that the lower left window on the rear façade be approved to be removed and replaced with a window matching the others on the rear elevation. Mr. Thiem seconded the motion; passed 5/0.
2. Committee Discussion
  - a. Meeting Post-Mortem

## **ADJOURNMENT**

The meeting was adjourned at 7:47 p.m.

Nick Fountain, Chair  
Certificate of Appropriateness Committee,  
Raleigh Historic Development Commission

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