

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
July 25, 2019

**CALL TO ORDER**

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

**ROLL CALL**

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

Present: Travis Bailey, Nick Fountain, Laurie Jackson, Jimmy Thiem

Alternate Present: John Hinshaw

Excused Absence: Jeannine McAuliffe

Staff Present: Tania Tully; Melissa Robb; Collette Kinane; Lu-Ann Monson; Francis P. Rasberry, Jr., Attorney

**Approval of the June 27, 2019 Minutes**

Mr. Bailey moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Hinshaw 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>
Brian Lucy, 410 Cutler Street	yes
Nick Meeker, 401 Stone Flower Lane	yes
Belva Parker, 127 W Hargett Street	yes
Patrick Torres, 301 Pogue Street	yes
Laura Berry, 401 Stone Flower Lane	no
Tyler Chestnutt, 413 Northwood Drive	yes
Leon Malahias, 602 E Lane Street	yes

**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: COA-0035-2019, COA0058-2019, COA-0066-2019, COA-0068-2019, and COA-0070-2019.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0035-2019 410 CUTLER STREET

Applicant: BRIAN LUCY

Received: 03/22/2019

Meeting Date(s):

Submission date + 90 days: 06/20/2019

1) 04/25/2019 2) 7/25/2019 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Replace slate roof with architectural shingles; replace terne roof with membrane; install gutters and downspouts

Conflict of Interest: None noted.

Staff Notes:

- COAs noted in the staff comments are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Section</u>	<u>Topic</u>	<u>Description of Work</u>
2.5	Roofs	Replace slate roof with shingles; install gutters and downspouts

PUBLIC TESTIMONY

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

Support:

Brian Lucy [affirmed] was present to speak in support of the application. Mr. Lucy stated that his initial proposal to remove the slate and replace with shingles was met with skepticism. Since the last meeting, he has consulted with staff and the SHPO. He asked that the committee consider the low visibility of the roof. Mr. Lucy drew attention to the photographs he provided of the house from the street and pointed out that foliage reduces its visibility. He also indicated while there is slate on the hipped section, the main visible portion is asphalt shingle. He noted that, of the 43 houses on Cutler Street, 75% of them have asphalt shingles. Mr. Lucy also added that the ceiling joists and sheetrock in the bedroom are saturated and rotting. They are living with buckets and need to address the situation.

Opposition:

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

Responses and Questions:

Mr. Fountain asked if any adjustments have been made to preserve the slate. Mr. Lucy responded that when there are major problems with slate, it is recommended to replace in full instead of in sections due to the likelihood of further damaging the other sections of slate. Most contractors recommend replacement in full.

Mr. Bailey asked whether the metal elements - the ridge caps and finials – be restored or removed. Mr. Lucy responded that he hadn't considered those features but was willing to address these with the contractor. Ms. Kinane noted that this was included as a suggested condition of approval. Mr. Lucy added that the membrane is proposed on the porch roof that has a very low angle. He noted there are currently 4 different materials on the roof. Slate on the hip, asphalt shingles on the porch, a membrane on the addition, and terne on the south side and back.

Mr. Thiem asked what the expected life is of the proposed material. Mr. Lucy responded that he is unsure, but likely 20-30 years.

Mr. Thiem asked staff to clarify if the proposed product had been approved for the rear, but not front, of a previous case. Ms. Kinane confirmed that the product was approved for the whole roof of a case in 2015.

Mr. Lucy stated that suggested fact A. 13 states the proposed material has a varied surface, not flat like most other houses have on Cutler. It looks more like the texture of wood shingles/shakes and is similar to the slate.

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]:

The committee recently approved substitute materials on a porch floor. The product was more durable and had a longer life. The committee cannot consider cost. Tile or slate has approximately a 75-year life, which the price can be spread over a longer period when considering costs. This proposal would remove 2 historic materials from the house. Such a change was approved in another neighborhood, setting precedent. Nothing distinguishes this case different from the other with loss of historic materials. [Thiem]

Flooring, when painted, is indistinguishable from the original wood; shingles will not be indistinguishable from slate. We cannot consider cost, even if it averages out over a longer time. [Fountain]

What kind of recommendation came from the contractor in the previous roof replacement case? I feel we are establishing a precedent. [Bailey]

I share the same concerns. However, if the roof leaks, it has to be fixed – even with asphalt sometimes the whole roof needs to be removed. The question is what needs to go back. The extent of replacement is based on the condition. Owners don't want to replace in its entirety if

not necessary. But no one wants it to get to the point of Demolition by Neglect in place of maintenance. [Thiem]

Are amortized costs the same or different? Though more costly up front, I expect that annually they are the same. [Hinshaw]

Cost cannot be considered. Every house needs its roof replaced. The point here is the materials. If slate is fundamental to the unique character, then there's not enough reason to replace it. Is the change in materials is called for, due to the slate outliving its life? [Fountain]

When was the house built? [Hinshaw]

It appears on the 1913/1914 Sanborn Maps. [Kinane]

Do previous case minutes have rationale for decision? [Thiem]

Some relevant facts are already noted in the staff report for this case– very little of the other applications pertains to this case. [Kinane]

Is there any further information that might have a bearing on their decision? [Thiem]

#### PUBLIC TESTIMONY (2)

Mr. Fountain moved that the public testimony hearing be reopened. The motion was seconded by Mr. Thiem, motion passed 5/0.

Mr. Fountain stated that slate was the character-defining feature for some of the other cases, especially the 1-story house. What about on others? Ms. Kinane referenced 402 Cutler, 147-15-CA. Mr. Fountain asked if the roof in that case was slate on all sides. Ms. Kinane noted it was a 2-story hipped roof with a projecting addition and the porch roof had already been replaced, a very similar situation to this current case but the roof was more visible in that case.

Mr. Thiem asked if there were any technical reasons why slate couldn't have been put back on. Ms. Kinane stated that there was no evidence included in the file or minutes that indicated it could not have had slate reinstalled.

Mr. Lucy expressed curiosity about precedent and aesthetics of the other case. He noted he would be willing to compromise on other materials, such as upgrading to GAF Slateline, or Certainteed. Mr. Hinshaw noted that staff's condition stated GAF "or other manufacturer with similar materials". Ms. Tully stated that staff wanted to allow flexibility for other products that might be a suitable alternative.

#### Committee Discussion (2)

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

Further discussion? [Fountain]

I have lived with and had to replace tile on my roof. The tile is clearly tied to the architecture and the original design. There is no asphalt or synthetic material to duplicate it. The Boylan Heights district features high-style homes on Boylan Avenue, while others are more modest. [Thiem]

### Decision on the Application

Mr. Rasberry stated that the findings refer to two different *Design Guidelines* for roof replacement – one for portions and another for a complete roof replacement. He recommended that both guidelines, 2.5.4 and 2.5.5, be cited as there is currently both asphalt and slate on the property.

Mr. Thiem made a motion stating that replacing a slate roof with architectural shingles; replacing a terne roof with membrane; and installing gutters and downspouts is not incongruous in concept according to Guidelines section 2.5.5, 2.5.8; and, replacing a slate roof with architectural shingles is not incongruous with Guidelines 2.5.4, 2.5.5, 2.5.7. The motion was seconded by Mr. Hinshaw.

### Committee Discussion (3)

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

I'm concerned about setting a precedent. [Fountain]

I'm voting for it, as there's already a precedent. [Hinshaw]

Members are reminded to vote on facts, not on any precedent. [Tully]

I would like to withdraw the motion. [Thiem]

I am wrestling with the specs of replacement materials, and wonder if there's enough similarity in design, dimension, color. [Jackson]

Staff recommendation was based on prior evidence. [Tully]

The applicant offered to look for the highest and best quality shingle. [Thiem]

Does the committee wanted to see the material themselves? [Fountain]

Assuming the final choice of product would be provided to and approved by staff? [Jackson]

### Decision on the Application (2)

Ms. Jackson made a motion stating that that replacement with a non-slate material meets the *Design Guidelines*. The motion was seconded by Mr. Hinshaw. The motion failed 2/3 (Mr. Thiem, Mr. Fountain, and Mr. Bailey opposed).

### Committee Discussion (4)

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

Would seeing the materials would make a difference for the committee's decision? [Fountain]

If there is a substitute material offered, I'd like information on it since I can't see it. [Bailey]

I am not convinced that replacement slate couldn't be used. I am looking for a clear and definitive reason to approve substitute material. I question if a newer material would sway me. [Thiem]

Century Slate's assessment of the roof proposes replacement with a variety of sizes and colors.

Will proposed material will match? [Jackson]

The applicant is not proposing slate. [Tully]

Will the shingles will match what's there? [Jackson]

No substitute material will match the exact size, dimension, and color of the slate. [Tully]

Even if replaced with slate, I am not certain it would match. [Jackson]

If the applicant had proposed replacing slate with new slate, no COA would have been required. [Tully]

*Design Guidelines* section 2.5.4 and 2.5.5 – if talking about only the material, slate is slate – but couldn't match original. [Jackson]

I suggest a motion to defer so we can see the proposed material. [Fountain]

Mr. Hinshaw moved to defer until next month to see the proposed material. The motion was seconded by Mr. Bailey. The motion passed 3/2 (Mr. Hinshaw and Mr. Thiem opposed).

Committee members voting: Bailey, Fountain, Hinshaw, Jackson, Thiem.

Staff Contact: Collette Kinane, [collette.kinane@raleighnc.gov](mailto:collette.kinane@raleighnc.gov)

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0058-2019 122 PERQUIMANS DRIVE

Applicant: ANDY LAWRENCE

Received: 05/15/19

Meeting Date(s):

Submission date + 90 days: 08/13/19

1) 6/27/2019 2) **7/25/2019** 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: OWEN AND DOROTHY SMITH HOUSE

Nature of Project: Construct rear addition; remove 4 trees

DRAC: An application was reviewed by the Design Review Advisory Committee at its April 1 meeting. Members in attendance were Jenny Harper, David Maurer, and Mary Ruffin Hanbury; also present were Andy Lawrence, applicant, Collette Kinane and Tania Tully, staff.

Decision on the Application

No one was present to discuss the application. Mr. Thiem moved to defer.

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

Committee members voting: Bailey, Fountain, Hinshaw, Jackson, Thiem.

Staff Contact: Collette Kinane, [collette.kinane@raleighnc.gov](mailto:collette.kinane@raleighnc.gov)



APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0066-2019 602 E LANE STREET

Applicant: LAURA AND LEON MALAHIAS

Received: 6/12/2019

Meeting Date(s):

Submission date + 90 days: 12/09/2019

1) 7/25/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Replace picket fence in rear and side yards; install 42" fence around the Elm St side yard; install gates; replace 42-56" fence along Elm St

Conflict of Interest: None noted.

Staff Notes:

- This application is partially after-the-fact. After-the-fact applications are reviewed as though the work has not been completed.
- 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 & Plantings	Replace picket fence in rear yard; install 42" fence around the Elm St side yard; install gates; replace 42-56" fence along Elm St
1.4	Fences and Walls	Replace picket fence in rear yard; install 42" fence around the Elm St side yard; install gates; replace 42-56" fence along Elm St

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the property. She noted that the application is a result of a misunderstanding between the applicant and staff in the approval of a previously submitted Minor work COA application.

Mr. Fountain asked for clarification of what staff had approved. Ms. Kinane noted that fences up to 42" or in-kind replacement of the same style could be approved administratively. However, the applicants requested a design change along Elm Street, where there had been a 56" picket fence due to the slope of the property. Staff thought the applicants were agreeing to replace the fence in-kind to proceed with a Minor work application.

Mr. Thiem concluded the issue was design vs. height. Design includes the composition and arrangement of pickets. The design was changed, a new fence installed featuring a new board pattern, but without a change in the height. The fence is 42" at the front side, so only one section is of concern.

Support:

Leon Malahias [affirmed] was present to speak in support of the application. Mr. Malahias stated that staff covered the issue well. He originally wanted a different design. He worked with Ms. Robb via email and received approval for fence replacement. After the fence had been constructed, he was notified that staff could not authorize approval for the change in design where the height exceeded 42". Ms. Tully noted it was purely miscommunication, nothing on either side was problematic.

Opposition:

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

Responses and Questions:

Mr. Hinshaw stated that on his site visit he noticed a section of the new fence had been damaged. Mr. Malahias responded that the neighbor's tree fell on the 52" section of fence last week during a storm.

Mr. Fountain confirmed that the design had changed, therefore the increased height becomes an issue.

Mr. Bailey asked the age of the fence. Ms. Tully noted that it is not historic; that the previous fence doesn't matter. The question to be decided is can that fence at that height be approved in the requested location.

Mr. Malahias stated he needs the fence along the sidewalk due to grade, neighbors, for safety with children and dogs, and foot traffic. He stated a loose dog jumped over the fence into their yard. He stated he doesn't understand the spirit of the guidelines when there is a 10' change in grade along his yard.

Mr. Thiem asked about a house in Oakwood at Elm and Boundary streets, a previous case. He asked how it was resolved or modified. Ms. Tully stated the side yard fence of 404 Elm Street abutted the front of the adjacent house. It has a fully screened rear yard, and modified fence height. Staff fact #8, references this case, where the grade changed going away from the street – not along the street. Mr. Thiem asked if the intention is to preserve the relationship between the street and the house, does it make sense to continue the fence at 42" beyond the house. He agrees that the end at the corner needs to be lower, but this is the side yard behind the rear of the house. He referenced the Elm and Euclid case. Ms. Tully noted their side yard abuts the neighbor's front yard.

Mr. Thiem asked the height at the back corner, where it adjoins the neighbor's front yard. Mr. Malahias noted it is roughly 52". Ms. Tully asked Ms. Kinane to show the photo of the corner section of fence.

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

### Committee Discussion

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

Walking by the property, the relationship of sidewalk to fence height felt very comfortable. It is not above eye level. The height at 52" felt very natural coming up the grade. [Thiem]

A good design to work with the grade. [Fountain]

### Findings of Fact and Conclusions of Law

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

- A. The installation of a 56" tall wooden fence and 42" fence and gates is not incongruous in concept according to *Guidelines* 1.3.2, 1.3.7, 1.4.6, 1.4.8, 1.4.11 however, the height of the fence along Elm Street is **not** incongruous according to *Guidelines* 1.4.11, and the following facts:
- 1\* *Location*: The applicant proposes the removal and replacement of fencing on the south (rear), east and west sides of the yard. The west side is along Elm Street. No change in fence location is proposed, but the Elm Street fencing is proposed to be extended further towards Lane Street.
  - 2\* *Material*: Wood is a traditional fencing material. The proposed fence will have a painted grey finish.
  - 3\* *Height*: The existing deteriorated fencing is between 42-70" in height and is tiered to follow the slope of the property. On the south and east property lines the fence height ranges from 52" to 70". The proposed replacement fence height is for this section is 56". Along the west, or Elm Street, side the fence ranges in height from 42-56". From the gate closest to the house forward towards Lane Street the proposed fence height is 42". From the same gate to the rear property line the proposed fence height will mimic the original fence height, a range from 42-56".
  - 4\* *Configuration*: The committee has regularly found that 6'-tall wood privacy fences meet the *Design Guidelines* in Oakwood when installed in rear and side yards (except for corner lots). The proposed fence and gate locations are characteristic of the district.
  - 5\* *Design*: The proposed fence design is a decorative Craftsman style along Elm Street and traditional picket along the south and east property lines. It is proposed to be painted grey.

Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the proposed fence designs have the same appearance on each side.

- 6\* The application includes details on the 10' grade change from the north-south to illustrate the need for the stepped fence style. A partial site section and photographs were also provided.
- 7\* The height of fences is measured from inside the yard from grade to the top of the fence not counting post caps.
- 8\* Evidence was provided to show that the 42" fence appears taller from the street due to the grade. Photographs were provided that show the height of the fence from the inside of the yard is 42" at the panels closest to Lane Street. In the first photo on page 6 of the scope of work, the panel to the left appears to be taller than 42". Examples of three properties that have side yard fences on elevated lots were provided: 525 N Bloodworth (133-07-MW), 404 Elm Street (084-18-CA), and 500 N Boundary (070-16-MW).
- 9\* The application includes a fence at 610 N Bloodworth Street as an example of a similar style. This fence was approved through COA 088-15-CA.
- 10\* The application includes a fence at 523 N Bloodworth as an example of a corner property that has an approved fence taller than 42" (088-16-MW and 165-15-CA).

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

#### Decision on the Application

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

1. That any new post holes be dug manually and tree roots larger than 1" caliper that are encountered while digging the fence post holes shall receive a clean final cut using tools designed for the purpose, such as loppers.

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

Committee members voting: Bailey, Fountain, Hinshaw, Jackson, Thiem.

Certificate expiration date: 1/25/20.

Staff Contact: Collette Kinane, [collette.kinane@raleighnc.gov](mailto:collette.kinane@raleighnc.gov)

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0068-2019 1204 E LANE STREET

Applicant: NICHOLAS MEEKER

Received: 06/12/2019

Meeting Date(s):

Submission date + 90 days: 09/10/2019

1) 07/25/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: Lemuel & Julia Delany House

Nature of Project: Construct house with deck; construct garage; install driveway and fence; remove two trees, plant two trees; renew COA for garage demolition

DRAC: A pre-application design was reviewed by the Design Review Advisory Committee at its June 3, 2019 meeting. Members in attendance were Dan Becker, Sarah David, and Jenny Harper; also present were Nick Meeker, Vince DeFreitas, Tyler Chestnutt, Collette Kinane, Melissa Robb, and Tania Tully.

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.**”
- Previous COA cases are available for review.
- The boundary of the landmark designation includes three lots; one with the historic house (210 N State Street) and two vacant parcels (1204 E Lane Street and 212 N State Street)

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 deck; construct garage; install driveway and fence; remove two trees, plant two trees
1.4	Fences and Walls	Install fence
1.5	Walkways, Driveways, and Off-street Parking	Install driveway; install front walk
1.6	Garages and Accessory Structures	Construct garage
3.3	New Construction	Construct house with deck; construct garage

## PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff suggested that the Committee approve the application with conditions.

### Support:

Mr. Nick Meeker and Mr. Tyler Chestnutt, applicants, [affirmed] were present to speak in support of the application. Mr. Meeker passed out copies of the tree protection plan. He noted there is a large tree just outside of the property lines.

Mr. Fountain asked if he was content with staff conditions? He stated yes.

Mr. Thiem stated that there was no grading information provided, and he noted during his site visit the grade change of approximately 5 ½' from the front of the property to the back. He noted that a portion of the building is in a critical root zone which is often remedied by building that section on piers or grade beams. Mr. Thiem also noted the small setbacks with a 2' side yard setback and 1' setback for the garage. He also stated it was unclear how the grade change would be accommodated, with either cutting or filling required to accommodate the placement of the house on the lot, which was not clear from the drawings provided with showed the house on a flat site. He added that no evidence had been provided to justify the small setbacks, and without dimensions or eave overhangs the setbacks may be problematic. Mr. Thiem said there was no indication of what would happen to the concrete slab that joins to the Delany House. Mr. Meeker stated the slab will be demolished within their property lines, but was not sure of remainder. Mr. Thiem asked about the location of a tree protection fence, and areas for storing and staging materials. He asked that the site and grading plans address these.

### Opposition:

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

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

## COMMITTEE DISCUSSION

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

There is nothing showing existing conditions. No built area, building mass, site. How was this computed? There is enough around to provide representative samples. [Thiem]

The information was provided by the applicant. Because the immediate area features two Raleigh Historic Landmarks, the context of the neighborhood is not as significant as it would be for an application in a historic district. [Robb]

Can the grading and changes to the tree protection plan be reviewed by staff? [Jackson]  
We would prefer the decision be made by the committee, as previous cases involving grading have been difficult. [Tully]

A previous case on Dorothea was similar. With the tightness of the site and the grade change in the garage photo, they need to adequately address the slope. [Thiem]

Mr. Meeker read from the tree protection plan that “no grading should occur within the critical root zone”.

With no objection from the Committee, Mr. Fountain reopened the hearing.

### PUBLIC TESTIMONY (2)

Mr. Stuart Cullinan [affirmed], 210 and 212 N State St, stated there is significant grade change closer to the street with about 4’ from the front to the back. He indicated they would not be grading into the critical root zone because they would have a footer only about 12” deep. He said the predominant grade change is in the first 30’ which will require bringing fill dirt into the front yard to avoid excavating downward in the rear which would mean the crawlspace will be taller at the front. He stated he owns and controls the lot to the west, and they will work through the storage of materials by utilizing the large paved area slated for demolition. He stated he does not object to the removal of the existing concrete.

### Opposition:

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

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

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. Jackson 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 1-23), and C. (inclusive of facts 1-4) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installation of a driveway and fence, removal of two trees, planting two trees, and renewal COA are not incongruous in concept according to *Guidelines* 1.3.7, 1.3.13, 1.4.8, 1.4.11, 1.5.1, 1.5.3, 1.5.5, 1.5.6; however, the removal of two healthy trees is not incongruous according to *Guidelines* 1.3.1, 1.3.5, 1.3.6, and the following facts:
  - 1\* The demolition of the existing garage was approved with COA 133-16-CA. Open conditions remain to be met prior to issuance of a blue placard and demolition permit (see attached

staff evidence.) Renewals of expired approved COA applications are classified as minor work. This item has been included here for administrative efficiency.

- 2\* Two trees are proposed for removal; a 14" DBH cedar and a 19" DBH birch, both of which are in the footprint of the proposed house and garage.
  - 3\* A 40" DBH willow oak is outside the property boundaries to the south on the 212 N State St property. The critical root zone was not shown on the proposed plot plan, but would cross onto the subject property. A tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA) was provided.
  - 4\* Two replacement trees are proposed to be planted on the property, with one in the front yard and one in the rear yard; however, the tree species was not provided for either tree.
  - 5\* The new house is oriented to face E Lane St with a garage in the southeast corner of the lot and a driveway leading to it from the street. There is no indication what material or finish has been proposed for the driveway; a water-washed finish is historically appropriate for concrete driveways.
  - 6\* A walkway is shown leading from the driveway to the front porch steps. This is an atypical arrangement for historic properties like the Delany House where the front walkway leads directly from the sidewalk to the front steps.
  - 7\* The application includes the installation of a 6' wood fence and gate to enclose the rear yard. Photographs of the proposed design are included; however, the exact location and finish color of the fence and gate were not provided.
  - 8\* The committee has regularly found that 6'-tall wood privacy fences meet the *Design Guidelines* when installed in rear and side yards (except for corner lots). Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the proposed fence designs have the same appearance on each side.
- B. Construction of a house with deck is not incongruous in concept according to *Guidelines* 1.3.2, 1.3.7, 1.3.8, 3.3.1, 3.3.2, 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\* As shown in the application, the property is on the northeast corner of the Lemuel & Julia Delany House property (210 and 212 N State Street) which was previously subdivided but has not been recorded with Wake County. The Delany House landmark boundaries were not affected by the newly configured property lines; thus, this new address is still part of the landmark property.
  - 2\* Unified Development Ordinance 5.4.1.E.1. states that "The minimum and maximum setbacks...for Historic Landmarks...shall be congruous with the setbacks of any typical well-related nearby building and structure within 1½ blocks ...and congruous with the character of the Historic Landmark..." The *Design Guidelines* defines well-related nearby buildings as "Existing contributing buildings within 1-½ blocks of the subject property as measured parallel to the building-wall line in both directions and on both side streets."
  - 3\* According to the proposed plot plan in the application the proposed setback of the house is 19'. The front porch is approximately 12' from the sidewalk. The Delany House fronts on N State Street and is setback from E Lane St approximately 6.6'.



- 4\* **Built area to open space analysis:** According to the applicant, the built area which includes the house, deck, porches, driveway and garage is proposed to be 64.2%. As subdivided, the Delany House built area will be 42.4%. The nearby Weaver House, another historic landmark has a built area of 36.7%. It is unclear if the Delany House calculation includes the surface area of the large paved area at the rear of the house.
- 5\* **Built mass to open space analysis:** No analysis of built mass was provided by the applicant, nor was any analysis of the existing built mass of properties in the immediate neighborhood provided. Compared to the built area above, the built mass to open space ratio would be slightly less with only the driveway and front walk removed from consideration.
- 6\* The applicant proposes constructing a two-story house with porches in the front and rear as well as a rear deck.
- 7\* The roof ridge appears to be roughly 26' and is higher than the nearby Delany House as shown in an elevation drawing on page 12 of the application. The roof ridge on the new house appears to be approximately 3' higher than the Delany House which is a 1 ½ story residence.
- 8\* The application includes two pages labeled Building Comparisons that shows elements from both the Delany House and the Weaver House across the street that served as references for the development of the proposed design.
- 9\* The proposed house has a long rectangular form with a clipped gable in the front and hipped roof in the rear. From the front, the house appears to have side dormers. These extend to become a hip which masks the shallow pitch of the rear portion of the roof
- 10\* The front porch is shown to have a hip roof from the front and a gable on the side. A hipped roof is compatible with the proposed roof of the house.
- 11\* The house is proposed to be clad with painted smooth-faced fiber cement siding with an 8" exposure which is deeper than the 5-7" exposure typical of historic houses.
- 12\* Trim is proposed to be a painted composite material with a smooth finish.
- 13\* Brick is proposed for the foundation and for the column bases on the front porch. A sample board was provided for Lee Brick #740 Scottsdale. The sample brick has a deliberately aged and damaged appearance which is atypical for new construction. The Delany House has a painted foundation.
- 14\* Material specifications were not provided for the front porch floor and ceiling or asphalt shingle roofing.
- 15\* Double-hung windows appear to be primarily vertically-oriented units of four sizes. The right/west façade includes two units which appear to be fixed windows.
- 16\* The application states the windows will be wood or aluminum-clad wood windows. The Committee has previously determined that aluminum-clad wood windows with certain characteristics meet the *Guidelines* for new construction. Window specifications were not provided.
- 17\* The window trim is shown to be in a modern picture frame configuration. Historically windows would have trim on three sides with a sill at the bottom.

- 18\* The front door is proposed to be a one-lite over a panel unit surrounded by sidelights and a transom. The rear includes a single-lite unit on the ground floor and a pair of 18-lite French doors on the second floor. Door specifications were not provided.
- 19\* A wood deck is proposed at the rear of the house. The location is typical and will not be visible. Neither deck stain color samples nor detailed drawings of the deck railing were provided.
- 20\* The eaves will have an enclosed sloped soffit. Neither the materials nor construction details were provided.
- 21\* The application states that materials will be painted. Paint samples were provided.
- 22\* Exterior lighting was not shown on the drawings, nor were specifications provided.
- 23\* Neither locations nor specifications were provided for gutters and downspouts.
- 24\* The drawings show the house on a flat lot, not reflecting accurately the grade change across the lot. The applicant stated the foundation height would be greater at the front than the rear.

C. Construction of a garage is not incongruous in concept according to *Guidelines* 1.6.6, 1.6.7, 1.6.8, and the following facts:

- 1\* The proposed garage is a single-story single-car size. Complete side elevations were not provided.
- 2\* The gable front building is oriented towards E Lane Street, sited at the rear of the lot, and at the end of the driveway.
- 3\* Exterior materials for the garage will match the house.
- 4\* The drawings appear to show both a vehicular door on the front of the garage and a person door on the left/west side. Door specifications were not provided.

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

#### DECISION ON THE APPLICATION

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

- 1. That there be no demolition delay for the removal of the trees.
- 2. That a tree protection plan be implemented and remain in place for the duration of construction.
- 3. That the driveway have a water-washed finish.
- 4. That there be a front walkway that leads directly from the sidewalk to the front steps.
- 5. That the smooth-faced fiber cement siding have a 5-7" exposure.
- 6. That the brick used in the foundation and column bases on the front porch be a less distressed style or be painted.
- 7. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard for the **house**:

- a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA) or a NC-licensed landscape architect;
  - b. Manufacturer's specifications for windows, showing both section and elevation views, muntin profiles and material descriptions;
  - c. An accurate site section drawing showing the existing conditions and a site section drawing showing the location of the proposed building on the lot with grade changes;
  - d. A grading plan showing the existing conditions a grading plan showing the location of the proposed building on the lot with grade changes;
  - e. Revised elevation drawings for all sides of the house showing the foundation exposure;
  - f. A foundation plan that demonstrates how the critical root zone of the 40" oak CRZ will be protected during and after construction, and if necessary it will come back to the Committee.
8. That detailed drawings and/or specifications for the following be provided to and approved by staff prior to installation or construction for the **house**:
- a. Species and size details for new trees;
  - b. Location and finish color of the fence and gate;
  - c. Roof material;
  - d. Front porch including the roof, floor, ceiling, pier and columns;
  - e. Trim at windows and doors including a sill detail on the windows;
  - f. Brick specifications/sample for the color, size and bond pattern;
  - g. Doors, showing both section and elevation views, muntin profiles and material descriptions;
  - h. Deck railings showing both elevation and section views;
  - i. Eave/soffit construction;
  - j. Exterior lighting including locations on the building;
  - k. Finish specifications for the gutters and downspouts, and location on the building shown on elevation drawings.
9. That the conditions for the garage demolition for COA 133-16-CA remain in effect and must be met prior to the issuance of the blue placard for the garage.
10. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard for the **garage**:
- a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA) or a NC-licensed landscape architect;
  - b. Manufacturer's specifications for windows, showing both section and elevation views, muntin profiles and material descriptions;
  - c. Side elevations.
11. That details and specifications for the following be provided to and approved by staff prior construction of the **garage**:
- a. Roof material;
  - b. Trim at windows and doors;
  - c. Brick specifications/sample for the color, size and bond pattern;

- d. Doors, showing both section and elevation views, muntin profiles and material descriptions;
- e. Eave/soffit construction;
- f. Exterior lighting including locations on the building;
- g. Finish specifications for the gutters and downspouts, and location on the building shown on elevation drawings.

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

Committee members voting: Bailey, Fountain, Hinshaw, Jackson, Thiem.

Certificate expiration date: 1/25/20.

Staff Contact: Melissa Robb, [melissa.rob主@raleighnc.gov](mailto:melissa.rob主@raleighnc.gov)

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0070-2019 301 POGUE STREET

Applicant: RALEIGH LITTLE THEATRE, INC

Received: 6/14/19

Meeting Date(s):

Submission date + 90 days: 9/12/19

1) 7/25/19 2) 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: Raleigh Little Theatre/Amphitheatre/Rose Garden

Nature of Project: Install recessed and surface-mounted lighting at entrance, seat wall and steps

Staff Notes:

- The following COA applications have recently been approved:
  - COA-0069-2019 – Nature of work: Install bollard lighting along entrance pathways; replace lighting in amphitheatre; install up-lighting
  - COA-0061-2019 – Nature of work: Remove 2 trees; storm drainage installation; small landscape plan
- According to the RHDC bylaws and rules of procedure, alteration/installation/removal of exterior light fixtures are considered minor work COA types of work which require staff review; however, if in staff’s judgment the change involves alterations that do not meet the guidelines staff will refer minor work projects to the COA Committee for review.
- 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>
1.4	Fences and Walls	Install recessed and surface-mounted lighting at entrance, seat wall and steps
1.7	Lighting	Install recessed and surface-mounted lighting at entrance, seat wall and steps

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff suggested that the Committee deny the installation of recessed lighting requiring core drilling in the historic site walls. Staff suggested that the committee approve the installation of the surface-mounted lighting on the steps.

Support:

Mr. Patrick Torres (Raleigh Little Theatre/Amphitheatre/Rose Garden) and Ms. Belva Parker (Raleigh Arts Commission), applicants, [affirmed] were present to speak in support of the application. Mr. Torres indicated they accept staff conditions. They are okay with surface-mounted fixtures, and no core-drilled fixtures, as well as painting the conduit. Ms. Parker stated she has reviewed the staff report and understands the concerns. She stated that she has been working with PRCR and the arborist through every step.

Opposition:

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

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

COMMITTEE DISCUSSION

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

I have an issue with drilling into the masonry, due to moisture, expansion and contraction.  
[Hinshaw]

It's not uncommon for signs, lighting, and other elements to penetrate masonry. [Robb]  
Penetrations on top of a masonry wall are a concern, but on the side they are not an issue.  
[Thiem]

The applicant has been very particular about the site and providing for the safety of their guests. The proposed fixtures are the most unobtrusive. I think they are good stewards of the property. [Bailey]

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Hinshaw 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 1-10), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installing lighting at the entrance, seat wall and steps is not incongruous according to *Guidelines* 1.4.1, 1.7.5; however, installing recessed lighting in the historic site walls and columns **is** incongruous according to *Guidelines* 1.4.2, 1.7.4, 1.7.9, and the following facts:
  - 1\* From the landmark report: "The Little Theatre/Amphitheatre/Rose Garden complex is arguably the city's best planned, best integrated and best preserved park space."
  - 2\* Also, according to the landmark report, low, random ashlar stone walls with concrete copings are found across the site, including as seats and surrounding walls of the

amphitheatre, around the plaza in front of the theatre, and flanking the pedestrian entrance walkway and stairs leading from the east side of Pogue St to the amphitheatre, the location of the proposed lighting installations. The random ashlar walls were primarily constructed in 1939 by Works Progress Administration (WPA) masons, a common element of WPA public projects across the country.

- 3\* From the Things to Consider as You Plan section of guidelines 1.7 Lighting: "Contemporary fixtures that are inconspicuous or that complement the style and the building's character may be selected for historic buildings. Simple, discreet styles and materials are usually successful. If more illumination is desired than the original fixture provides, unobtrusively located contemporary recessed lights may be appropriate... Adequate lighting can be introduced through pedestrian-scaled light posts, recessed lights, footlights, or directional lights mounted in unobtrusive locations."
- 4\* The application proposes installation of lighting in three locations; the 45" tall entry columns, the 26" seat wall across from the donor bricks, and the steps down to the amphitheatre.
- 5\* On the historic entry columns and seat wall the proposed light fixtures would require drilling holes measuring approximately 3" in diameter by 6" in depth in which to recess the new light fixtures.
- 6\* On the seat wall across from the donor bricks the proposed light fixtures would require drilling holes measuring approximately 2-5/8" in diameter by 6" in depth in which to recess the new light fixtures.
- 7\* On the steps, three surface-mounted fixtures are proposed to be installed approximately 36" above ground.
- 8\* Each fixture type will involve drilling 1/2" diameter holes through the depth of the masonry element so that face mounted tubing, typical of lighting installations, could carry the electrical wiring below ground.
- 9\* The contemporary fixtures proposed are inconspicuous in the modernist setting, and are compatible in design, material, size, color, finish, and scale. is
- 10\* According to the application "there is not an effective alternative to drilling into the existing walls that would allow illumination of the pathways." Evidence to support this statement was not provided.

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

#### DECISION ON THE APPLICATION

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

1. That only surface-mounted lights be installed.
2. That the conduit be painted to match the stone.

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

Committee members voting: Bailey, Fountain, Hinshaw, Jackson, Thiem. Certificate expiration date: 1/25/20.

Staff Contact: Melissa Robb, [melissa.robbs@raleighnc.gov](mailto:melissa.robbs@raleighnc.gov)



**OTHER BUSINESS**

1. Committee Discussion
  - a. Meeting Post-Mortem

**ADJOURNMENT**

6:08 p.m.

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

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