

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
August 22, 2019

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: Travis Bailey, Nick Fountain, Jeannine McAuliffe, Laurie Jackson, Jimmy Thiem

Staff Present: Tania Tully; Melissa Robb; Collette Kinane; Marilyn McHugh Drath, Francis P. Rasberry, Jr., Attorney

Approval of the July 25, 2019 Minutes

Ms. McAuliffe moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Bailey 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.

<u>Visitor's/Applicant's Name and Address</u>	<u>Affirmed</u>
Mr. Brian Lucy, 410 Cutler St	yes
Mr. Andy Lawrence, 122 Perquimans Dr	yes
Mr. Stuart Cullinan, 210 and 212 N State St	yes

APPROVAL OF AGENDA

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

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, COA-0058-2019 and COA-0078-2019.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – STAFF REPORT

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) **8/22/2019**

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: Ms. Jackson recused herself from the discussions and decisions related to this application.

Staff Notes:

- COAs noted in the staff comments are available for review.
- Applicant, Brian Lucy, provided samples of proposed replacement shingles for committee review.
- The application was deferred at the April and July 2019 COA Committee meetings.

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] reviewed the application, showing photographs of the property and existing roof conditions.

Support:

Brian Lucy [affirmed] was present to speak in support of the application. Mr. Lucy provided samples of proposed replacement shingles from multiple manufacturers for the committee's review. These samples were placed on chairs in the audience seating area upon the suggestion of Mr. Thiem, allowing committee members to view the samples from a distance. The proposed samples were then placed closer to the committee for further inspection and remained there during the public testimony and committee discussion.

Ms. Tully presented additional staff evidence to the committee.

Opposition:

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

Responses and Questions:

Mr. Thiem asked if the samples were all asphalt. Mr. Lucy responded that they were asphalt.

Ms. McAuliffe inquired about a sample from GAF Sightline. Mr. Lucy replied that the specific sample in question was unavailable.

Ms. Tully commented that the staff typically looks at attributes like the size of the individual shingle tabs. Staff does not typically approve the Grand Manor because of their large size.

Ms. McAuliffe asked about the color of the samples and whether those were the proposed colors. Mr. Lucy responded that those samples did in fact reflect the specific colors he proposed for the replacement shingles.

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

Committee Discussion

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

I have concerns about creating a precedent for replacement materials. The appearance of these asphalt substitutes is more stippled; slate is smoother and a bit reflective. I'm not aware of any technical requirements of the roof that would prevent replacing the shingles with actual slate. [Thiem]

Slate, like these replacement materials, will eventually reach the end of their service lives. Why not replace with original slate? [Fountain]

Specific language of the Design Guidelines doesn't say that we "may not consider economic factors" when looking at replacements. No mandate to not consider economic reasons and circumstances. Design Guidelines are silent on the matter. [Raspberry]

What about the other roof elements like the ridge caps? [Bailey]

One of the staff's recommended conditions addresses these other elements. [Kinane]

None of the samples here are approvable. [Thiem]

We can create a condition where the staff can approve an appropriate substitute material. [Tully]

Would applicant and staff agree to that? And would applicant agree to come back in front of the committee if there was no staff agreement on a substitute material? [Thiem]

Staff is okay with approving a specific sample, if committee approves asphalt replacement. [Tully]

Are there products that look more like slate? [Thiem]

No. [Tully]

Is there enough evidence to decide? [Thiem]

The applicant has been here three times. We just need to decide if there are products that replicate slate. [Fountain]

The 180 day clock is about to run out in September; some decision has to be made today on this application. [Kinane]

I can't support any of the materials presented here today but would be okay with giving that approval to staff. [Thiem]

402 Cutler may have an example of that other material that we don't have today. [Kinane]

It's hard to tell from the photos. I'm willing to make motion that applicant works with staff to determine whether there's an option that better mimicks the original slate. [Thiem]

We can modify the language of a staff recommendation. [Tully]

A finding that slate is beyond its useful life is not reason enough to justify their replacement with other materials; clarify for staff that "end of service life" is not a sufficient justification. [Fountain]

Clarify character defining elements of room (see fact number 6)-the standard character of this roof versus more decorative slate roofs elsewhere. [Tully]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based on the information contained in the application and materials in the evidentiary hearings, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-20) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. 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 2.5.4, 2.5.5, 2.5.8; however, replacing a slate roof with architectural shingles may be incongruous with *Guidelines* 2.5.4, 2.5.5, 2.5.7, and the following facts:
- 1* The Boylan Heights National Register designation report describes the house as a 1913 Queen Anne Colonial having a hip roof with intersecting gables. It has a projecting bay that is perhaps a later addition. There is an attached one-story porch, full façade that wraps around the corner.
 - 2* The 1914 Sanborn Fire Insurance Map indicates that the structure had a slate or metal roof.
 - 3* The roof is a prominent feature of the two-story house.
 - 4* The application states that there are four types of roof covering located on the structure; the materials are noted on a roof plan prepared by the Century Slate Co. The main roof is slate. The front porch roof is covered with asphalt shingles – no alteration is proposed to that roof in this application. One flat roof addition located on the front façade has a membrane covering that will be replaced in kind. One flat roof addition on the rear has a terne flat seam roof that will be replaced with a rubber membrane coating to match the front addition.
 - 5* Slate is a historic roofing treatment distinctive to many properties in the historic district.
 - 6* The current slate roof is laid in the standard pattern – virtually all of the slates are approximately the same length and width and the pattern is inherent to the slate's size and

thickness. The slate is a relatively consistent grey color with a slight green tint – except where an elastomeric sealant (per assessment) was applied and has caused the slate to appear dark grey.

- 7* The ridges of the roof are capped with a red-tone rounded ridge iron. Each gable end is capped with a decorative ridge finial that appear to be in the Gooseneck Horn or Scroll style. The center hip flashing is a decorative pyramidal ridge cap.
- 8* The application includes an assessment of the roof's condition by an estimator at the Century Slate Company. Century Slate is generally regarded as an expert in slate roofing.
 - a. The assessment indicates that the steel slate fasteners have reached the end of their service life and "numerous broken, cracked, and slipped slates" require replacement. The assessment also indicates that the decorative ridge cap and finials were "rusted and scaled;" but did not indicate that they were beyond repair.
 - b. The assessment's final recommendation is that, due to the poor quality of previous repairs, deterioration of the underlayment, and deterioration of the steel fasteners, full replacement would be recommended over repair. The assessment did not give any supporting evidence to that claim.
- 9* The application includes a home inspection report prepared by Mark Stovall Home Inspections, LLC on June 4, 2018. The inspection includes a section on the roof and features the following notes:
 - a. "...there are what appear to be damaged slate and asphalt [sic] shingles on this roof. Further, the metal coping at the peak of both the front and rear gable appear to be damage...Have a qualified roofing contractor evaluate the entire roof, advise, and repair as necessary."
 - b. "The roof is not fully visible from multiple sides of the home."
 - c. Several photographs of roof damage and deterioration were included in the assessment.
- 10* The application also summarized comments from **two** other recent assessments but did not include original copies of those assessments.
- 11* The application requests to replace the roof with CertainTeed Landmark architectural shingles with a matching ridge cap.
- 12* Replacement of slate roofs with a compatible substitute material has been approved by the commission in the past in cases under earlier versions of the design guidelines when the slate is irreparably damaged or deteriorating (402 Cutler Street [147-15-CA]; 710 McCulloch Street [087-04-CA]; 603 S Boylan Avenue [078-97-CA]; 516 E. Jones St. [001-97-CA]; 608 S. Boylan Ave [176-96-CA]; 523 E. Lane St. [CAD-88-094]).
- 13* Under the most recent previous guidelines a compatible substitute material that was approved was GAF Slateline (147-15-CA). Unlike other asphalt shingles, this product has a varied coloring, thickness that gives a slight shadow-line, consistent tab size, and regular configuration that results in an installed appearance that more closely mimics slate.
- 14* See staff evidence for a photo comparison of GAF Slateline and the proposed CertainTeed Landmark shingles.
- 15* In 2005 (042-05-CA), the Committee denied replacement of a slate roof with 3-tab fiberglass shingles at 532 N Bloodworth Street. The denial was upheld under appeal. In 2008 (014-08-CA and 015-08-CA), the Committee denied replacement of a slate roof with GAF Slateline

shingles at 411 and 413 N East Street, respectively. Case 014-08-CA was an after-the-fact application. In all three cases it was determined that the slate was not deteriorated beyond repair or at the end of its service life.

- 16* The minutes of 014-08-CA include a statement indicating that the decision to replace slate with an alternate material should be based on whether the existing slate roof has reached the end of its service life. If it has not, the slate should be repaired.
- 17* The applicant included photographs of the surrounding properties on Cutler Street to illustrate that the majority of properties have already replaced their historic roof covering and several examples of roof covering replacements that mimic the look of slate.
- 18* The applicant has included in his written materials an inability to bear the cost of re-roofing the structure with slate.
- 19* For administrative convenience, this application also includes the installation of gutters and downspouts, typically a staff-approvable minor work item. The application includes details and specifications along with a drawing of proposed gutter and downspout locations.
- 20* Based on applicant testimony and discussion at the 4/25/19 Committee hearing, there is evidence that the slate is deteriorated beyond repair.
- 21* Samples were provided at the hearing for review. The provided samples do not possess the visual qualities of slate, but staff can approve substitute materials in consultation with applicant.
- 22* The determination that the slate shingles are deteriorated beyond repair does not justify replacement with other materials.
- 23* There is no finding that the location, slope, or orientation of the roof is unacceptable for slate as a replacement.

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

Decision on the Application

Mr. Rasberry and staff clarified that this is the third time the applicant has been before the committee and that a decision needed to be reached.

Mr. Fountain explained to Mr. Lucy that if he did not agree with the staff conditions, his application would have to be denied. Mr. Lucy asked for clarification about his options and then, after Mr. Rasberry explained the specifics, accepted the committee's conditions. Mr. Lucy agreed to work with staff to find a suitable replacement material for the slate shingles.

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

1. That a shingle be submitted to staff with similar visual qualities to slate with specifications and details, including the color, to be provided to and approved by staff prior to issuance of the blue placard.

2. That a shingle ridge cap not be used on the portions of the roof that are currently slate, but instead have a metal ridge cap similar to the existing, with the details to be provided to and approved by staff prior to installation.
3. That the decorative pyramidal ridge cap and decorative ridge finials be salvaged and reinstalled. If the decorative elements cannot be restored, replicas should be installed. Details on replicas should be provided to and approved by staff prior to installation.

The amended motion was seconded by Ms. McAuliffe; passed 4/0.

Committee members voting: Bailey, Fountain, McAuliffe, Thiem

Staff Contact: Collette Kinane, 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) **8/22/2019**

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.

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.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	Construct rear addition; remove 4 trees
1.4	Fences & Walls	Construct rear addition
3.2	Additions	Construct rear addition

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] reviewed photographs of the property and restated information about the application. Application had previously been deferred to provide the committee time to assess new evidence.

Support:

Andy Lawrence [affirmed] was present to speak in support of the application. Mr. Lawrence summarized the evidence that he had assembled for the committee’s consideration. He explained that a topographic survey had been completed and that the wall next to the historic floor had been resurveyed. Mr. Lawrence addressed that there was no need to build a retaining

wall—a previous concern of Mr. Thiem---because of a four inch difference in wall height. He had also finalized the grading, developed a plan to enhance the pedestrian path, and revised the tree protection plan.

Opposition:

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

Responses and Questions:

Mr. Thiem thanked the applicant for taking a closer look at the tree protection plan. He asked if there was a change in the proposed wall height. Mr. Lawrence answered that yes, it is four inches taller.

Mr. Thiem asked if the new survey information changes the connection between the proposed addition and existing building. Mr. Lawrence replied no, that there were no adjustments needed. The fascia will remain the same.

Mr. Thiem asked if it staff was okay with reviewing the proposed grading plan. Ms. Tully replied yes.

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

Committee Discussion

After the public testimony was closed, the committee moved to decide on the application without further internal committee discussion.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based on the information contained in the application and materials in the evidentiary hearing, the Committee finds staff findings from the Staff Report, A. (inclusive of facts 1-21) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Constructing a rear addition and removing four trees are not incongruous in concept according to *Guidelines* 1.3.6, 1.3.1, 1.3.2, 1.3.7, 1.3.8, 1.4.1, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, and the following suggested facts:

1* The landmark ordinance states: “Those elements of the property that are integral to its historical, prehistorical, architectural, archaeological and/or cultural significance, or any combination thereof are as follows: The 1959 Modernist house of wood and stone and the approximately 1.64 acre upon which it sits. It combines shed, flat, and low-pitched gable roofs over a modified L-plan...The dwelling rests on a stone foundation and a brick-and-concrete-block basement on a wooded parcel. The house perches high above the street. Its exterior includes board-and-batten siding and Wake County stone. Glass is also used in abundance: fixed window walls occur in conjunction with large sliders, sliding glass doors,

and clerestory awnings...At the west end, a flat-roofed room projects forward and slightly modifies the L-plan... On the rear, the eave is shallower and landscaping replaces a loggia. Together, the wings partially enclose a back garden of gravel and landscaping. Low stone walls edge other sections of the back garden, and stone steps in a south wall lead up to the wooded acreage that buffers the outdoor space from surrounding houses..."

2* From the landmark designation report:

- [The house] "is an excellent and intact example of the humanist strain of Modernism"
- [The screened porch] "elevation and the south side of front wing effectively form the back of the house. The former has board-and-batten siding and fixed windows that reach nearly to the ground; the wing houses the more public living spaces. The deep eave of the shed roof shelters a bluestone-floored loggia as at the front. The south side of the front wing-the bedroom wing- combines board-and-batten siding with smaller bands of windows. Those are set at the eave to afford more privacy to the rooms within. The eave here is more shallow and landscaping replaces a loggia."
- "...the wings partially enclose a back garden of gravel and landscaping. Low stone walls edge other sections of the back garden, and stone steps in a south wall lead up to the wooded acreage that buffers the outdoor space from surrounding houses."
- "The house and its parcel display exceptional architectural integrity, with very few changes since construction"
- "Houses with Modernist design from the mid-twentieth century are locally rare. Intact examples like the Owen Smith House are significant as representatives of an important architectural trend in the post-war period."

3* The addition is proposed on the rear (south) side of the house connected to the historic house with a glass hyphen. The hyphen is approximately 18'6" long and 13' wide.

4* The approximately 14' wide hyphen connects to the house at the historic eave. A portion of the roof may be reworked to create the connection. Details and specifications for this connection were provided.

5* The addition is proposed in the location of a raised garden bed. No information was provided on any grading or excavation that may be required.

6* The addition is built around a serpentine stone wall that delineates the formal garden space from the wooded yard. The stone wall is a historic landscape feature. Elevations were provided to show how the stone wall will be incorporated into the design with notes provided to detail how the wall will be protected during construction. Drawings was provided to show how the addition's connector foundation will be incorporated into and around the wall.

7* There are 3 Maple trees and 1 Pine tree proposed for removal to accommodate the addition. Two in the footprint of the addition and two are within 5 feet of the west and south elevations of the addition. An arborist report was provided with tree protection details included in the recommendations. The "municipal Critical Root Zone (CRZ)" measurement provided in the arborist's report is the correct calculation per the *Design Guidelines* definition.

8* The lot contains a number of other trees. A partial tree protection plan drawing was provided for only the area around the addition. Tree protection fencing was shown along

the construction pathway through the rear of the lot and along the north east side of the house for personnel access.

- 9* The addition is proposed to be located fully behind the historic house.
- 10* An elevation was provided to show how much of the addition will be visible from the front of the house. The highest point of the addition's roof appears to be approximately 6' above the highest point of the west wing of the historic house.
- 11* Collaged elevation drawings of the addition and the original drawings of the historic house were included in the application. The provided drawings show the addition in the same plane and scale as the east and north elevations of the historic house.
- 12* The materials for the body of the addition were specified to be vertical board and batten siding and the foundation will have a stone veneer that matches the historic foundation. The proposed exterior materials will match those of the historic house.
- 13* The addition has 2' overhangs. The proposed overhangs appear to be slightly shorter than the overhangs on the historic house.
- 14* The window openings on the historic house are placed close to the eaves when along a flat roof or fill the slope. The windows in the proposed hyphen fill the slope similar to the historic house. The remaining proposed windows proportionally echo the windows on the historic house. Window specifications were provided.
- 15* The roof form is an asymmetrical low-pitched broken gable. The slope is proposed to match the slope of the roof on the historic house and will meet the historic house to form a valley.
- 16* Sightline drawings were provided to show the potential visual impact of the addition from the front of the house. Similar studies from oblique angles at the rear of the property were provided.
- 17* The application states that the adjacent parcel on Glenwood Avenue will be used for staging and materials storage. This parcel is located outside of the landmark boundaries. A drawing was provided to show the 9'6" wide path that leads to the proposed addition as well as the trees along the path on the landmark property.
- 18* Built **area** to open space analysis: The lot is 72,709 SF. The footprint of the existing original house is 4,739 SF; including the front porch loggia, carport, covered walk, covered terrace, and screened porch it is 5,175 SF for an original proportion of built area to open space of 7.12%. The proposed addition increases the total square footage to 6,509 SF. The applicants state the proportion of built area to open space is 8.95%. However, the driveway and rear gravel patio does not appear to have been included in this calculation.
- 19* Built **mass** to open space analysis: The lot is 72,709 SF. The footprint of the existing original house is 4,739 SF; including the front porch loggia, carport, covered walk, covered terrace, and screened porch it is 5,175 SF for an original proportion of built area to open space of 7.12%. The proposed addition increases the total square footage to 6,388 SF. The proportion of built mass to open space is 8.78%.
- 20* Downspouts and gutters are noted on the elevations. Downspouts are proposed to match existing.
- 21* Exterior lighting is proposed for the three doors located on the addition. Specifications were provided.

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

Decision on the Application

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

1. That a tree protection plan be revised to include the construction footpath through the rear yard, the personnel footpath to the driveway, and the driveway to the street and that the revised plan be provided to an approved by staff prior to issuance pf the blue placard.
2. That the tree protection plan be implemented and remain in place for the duration of construction.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Retaining wall;
 - b. Topography, including grading around the addition.

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

Committee members voting: Bailey, Fountain, Jackson, McAuliffe, Thiem

Staff Contact: Collette Kinane, collette.kinane@raleighnc.gov

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0078-2019 210 N STATE STREET

Applicant: STUART CULLINAN / COREY MASON

Received: 07/11/2019

Meeting Date(s):

Submission date + 90 days: 10/09/2019

1) 08/22/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: Lemuel & Julia Delany House

Nature of Project: Construct house; install driveway, front walk, and fence; remove and replace concrete stairs, walkway, and handrail

DRAC: A pre-application design was reviewed by the Design Review Advisory Committee at its July 1, 2019 meeting. Members in attendance were Dan Becker, Sarah David, Mary Ruffin Hanbury and Curtis Kasefang; also present was Stuart Cullinan, Collette Kinane, 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 (212 N State Street) and two vacant parcels (1204 E Lane Street and 210 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; install driveway, front walk and fence; remove and replace concrete stairs, walkway, and handrail;
1.4	Fences and Walls	Install fence
1.5	Walkways, Driveways, and Off-street Parking	Install driveway; install front walk; remove and replace concrete stairs, walkway, and handrail;
3.3	New Construction	Construct house

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] reviewed the case and provided photographs of the property, its subdivision from the Delaney property; and proposed new construction. Noted that the trees in the image are from 2016 because the older photographs give a clearer view of the property. Staff recommended deferral so that the applicant could provide information on grade details and a tree protection plan.

Support:

Stuart Cullinan [affirmed] presented his application to the committee. Mr. Cullinan previously received a COA for the Delany House. This application was for a proposed new construction on the subdivided lot. He explained that some of the images in the presentation were old and did not accurately depict existing conditions. Mr. Cullinan explained that he had studied the site and looked to the neighborhood for examples and context for the design of the new house. Presented schematics for committee along with a site plan.

Described how he planned to deal with the substantial rise of the grade. Mr. Cullinan explained that they would gently push it out of the way. To address staff conditions, he proposed larger pavers up the grade, moved the stair to be more in line with the house, and provided site sections in his application. Stated that he did not want a huge stair system going all the way to the sidewalk. Explained that he modeled the design after the Weaver House. Stated that he had provided all necessary information and would not likely add any new changes if the application was deferred. Felt that the committee's previous points on grading and cross sections had been addressed with new information.

Detailed plans to remove three trees along the property line to the south because the lot is narrow, the neighbor along that property line doesn't care for the trees, and it was unfeasible to retain them. Provided an updated plan prepared by a landscape architect.

Opposition:

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

Responses and Questions:

Ms. McAuliffe asked to see sheet A5.1 and inquired about the height of the cut away. Mr. Cullinan replied that it was four feet, excavated from a limited area and more or less at grade with sidewalk. Ms. McAuliffe asked if he needed to build a wall. He replied no, it would be sixteen inches tall. Ms. McAuliffe followed up, asking if the section would be cut in a cross direction. Mr. Cullinan replied no. Mr. Thiem asked if it would be four feet at the sidewalk. Mr. Cullinan answered that there would be a more gradual change. Did not want to build a wall because it would draw the eye. He explained that he was open to ideas for this area. Explained that this plan would not be as steep as what currently existed at the site. There was no path on the Delany house, just grass to the side door.

Mr. Thiem asked to return the site plan to the screen. Asked about the series of rectangles on the plan. Asked if those were steps. Mr. Cullinan replied that as an alternative to a lot of concrete, he was suggesting techno-block—a pre-cast concrete that can nest into landscape effectively. He explained that this choice eliminated the need for handrail and footers that would distract from the house. Stated that concrete flat work subcontractors aren't great in this area. Mr. Cullinan said that he would be happy to defer to staff on this issue but commented that he thought they would be easy to execute. Mr. Thiem said that examples of the techno-block would have helped.

Mr. Thiem stated that concrete sidewalks are part of the character of the area. Asked how level the steps were. Mr. Cullinan agreed, and stated that the point was taken. He said it was hard to detail that aspect out. He said he does not want it to look stupid. Mr. Thiem said that the applicant will have to work that out with staff.

Ms. Tully commented that this was the first time staff was seeing the site sections, updated site plan, and grading information discussed. This was all new tonight to staff.

Mr. Thiem said that there was insufficient information on details and materials to see how it works. Mr. Thiem said that he needed more evidence and samples. He also had concerns about the grading. The slopes looked to be on banks at a 1:1. 2:1 slopes require walls. Mr. Cullinan stated that if he said that, it was not what he meant. He did not intend it to be that steep. Mr. Thiem thanked the applicant for providing information on trees. Asked about the gutter detail on the side of the house because it looks below grade and might present problems if placing a driveway on top. If extended out sixteen inches, there is obviously a water problem. Inquired how that drainage issue would be resolved. Mr. Thiem expressed concern about the impact on the existing historic structure and questioned how the drainage detail will be resolved.

Mr. Thiem said that he would like to see an updated tree protection plan that showed the critical root zone. Asked Mr. Cullinan to work with staff to fix the tree protection plan to fix these issues. Mr. Thiem also noted that on the rear cross section the foundation condition might be changing.

Mr. Cullinan said that he wanted the house to live like part of the backyard. There would be a foundation slab on grade to the crawl space with a step down creating a feathering at grade. Mr. Thiem asked about the black rectangles on the sketch. Mr. Cullinan replied the bigger one was a fixed screen, the smaller one was a screen door. Mr. Thiem thanked the applicant for the clarification.

Mr. Thiem commented on the driveway apron. Ms. Tully explained that that was outside of the purview of the committee since it is outside the landmark boundary. With no objection from the Committee, Mr. Fountain closed the public testimony portion of the meeting.

Committee Discussion

After the public testimony was closed, the committee moved to decide on the application without further internal committee discussion.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Bailey moved that based on the information contained in the application and materials in the evidentiary hearing, the Committee finds staff findings from the Staff Report A. (inclusive of facts 1-10) and B. (inclusive of facts 1-27), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installation of a driveway, front walk, and fence, and removing and replacing concrete stairs, walkway, and handrail 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 healthy trees may be incongruous according to *Guidelines* 1.3.1, 1.3.5, 1.3.6, and the following suggested facts:
- 1* The application notes that trees are proposed for removal on the south property line; however, no details are provided on the DBH or if the trees are under the 8" DBH review standard.
 - 2* A 26" DBH oak is located in the rear yard. The critical root zone was not shown on a proposed tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA). Trees present on the other landmark property lots were not shown on the tree protection plan. Additionally, the scale and wording of the plan are difficult to read and does not clearly indicate the location of tree protection fencing.
 - 3* The application states that one replacement tree, a Willow Oak, is proposed to be planted on the property; however, the application indicates that the property will be a street tree, located outside the boundary of the historic landmark.
 - 4* The new house is oriented to face N State St with a driveway located on the north side of the parcel. The site plan indicates that the driveway will be concrete. A water-washed finish is historically appropriate for concrete driveways.
 - 5* The application states that grading for the site will be minimal, but that the grade around the driveway will be modified to avoid the need for a retaining wall. No section drawings or details that indicate the change in grading were provided. Only a portion of the new driveway will be in the boundary of the landmark.
 - 6* A walkway is shown leading from the street to the front porch steps. This is a typical arrangement for historic properties like the Delany House where the front walkway leads directly from the sidewalk to the front steps. Materials and stairway details were not provided.
 - 7* The application includes the installation of a 6' wood fence and gate to enclose the rear yard. The location of the proposed fence was included; however, the design 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.

- 9* The application includes the removal of a concrete stair, walkway, and handrail that lead from the sidewalk to the second N State Street entrance to the Delany House. The stairway is approximately located where the proposed driveway is to be installed. No existing site plan was provided. From iMaps, it appears as though only a portion of the existing steps are within the landmark boundary.
- 10* The application states that the stairway and walkway will be relocated 5-10' north of its current location and suggests that future details be approved by staff. No details were provided on the design of the replacement stairway. Only a portion of the steps will be within the landmark boundary.
- B. Construction of a house 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 south third 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 25'. The front porch is set back 17'. The setback of the Delany House from N State Street 16.1' to the porch and 24.2' to the front wall of the house.
- 4* Other than a front elevation drawing, there are no drawings that illustrate the visual impact of the new house on the Delaney House.
- 5* **Built area to open space analysis:** According to the applicant, the built area which includes the house and porches is proposed to be 44.75%. As subdivided, the Delany House built area will be 42.4%. The nearby Weaver House, another historic landmark has a built area of 46%. It is unclear if the proposed calculation includes the surface area of the driveway and walkway.
- 6* **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 the same or slightly less (depending on whether the driveway and front walk were included in the previous calculation).
- 7* The applicant proposes constructing a two-story house with porch in the front and screened porch in the rear.
- 8* The roof ridge appears to be roughly 30' and is higher than the nearby Delany House as shown in an elevation drawing on sheet A-5 of the application. The roof ridge on the new

house appears to be approximately slightly more than 7' higher than the Delany House which is a 1 ½ story residence.

- 9* Examples of tall skinny houses next to shorter wider houses were provided.
- 10* The application states that the lot is relatively flat but provides no grading or site sections to show how the house will sit on the lot or as compared to the Delany House.
- 11* The application includes three pages labeled Building Comparisons that shows elements from both the Delany House and the Weaver House that served as references for the development of the proposed design. The elevations are not compared using scale.
- 12* The proposed house has a long rectangular form with a gable roof form.
- 13* The deep front porch is shown to have a hip roof. A hipped roof is compatible with the proposed roof of the house.
- 14* The house is proposed to be clad with smooth-faced fiber cement siding with a 5" exposure. No information was provided on paint color.
- 15* The fascia and corner boards are proposed to be a composite material with a smooth finish. The application did not indicate that the fascia and corner boards would be painted, the typical finish for these components.
- 16* Parged and painted concrete block is proposed for the foundation. No specifications were provided for paint color. The Delany House has a painted foundation.
- 17* Material specifications were not provided for the front porch floor and ceiling, metal porch roofing, or architectural shingle roofing.
- 18* Double-hung windows, 4/1, appear to be primarily vertically-oriented units of three sizes set in groupings of single, double, or triple windows. Skylights are proposed on the north side near the center of the house.
- 19* Detailed drawings of the units and trim were not provided.
- 20* Window specifications were not provided. Wood or aluminum-clad wood windows have been approved for new construction. The Committee has previously determined that aluminum-clad wood windows with certain characteristics meet the *Guidelines* for new construction.
- 21* The front door is proposed to be a six-lite over a panel unit. The rear includes what appears to be a screened enclosure with a screened door on the left side. Door specifications were not provided.
- 22* The screened enclosure is in a typical location for a screened. Details on the screened enclosure were not provided.
- 23* Sheet 3 of the drawings appears to indicate a concrete patio in the rear yard. No dimension or material details or specifications were provided.
- 24* The eaves will have an open sloped soffit. Neither the materials nor construction details were provided.
- 25* Exterior lighting was not shown on the drawings, nor were specifications provided.
- 26* Gutters and downspouts were shown on elevations. Specifications were not provided.
- 27* No details were provided on the location of HVAC equipment or screening.

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

Decision on the Application

Following the initial motion, Mr. Thiem asked whether the built area and mass were provided. Ms. Tully said that it was not a problem due to the unique circumstances of this application.

Following discussion on an initial motion made by Mr. Bailey and seconded by Ms. McAuliffe, Mr. Bailey made an amended motion that the amended 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 driveway have a water-washed finish.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. An updated tree protection plan to show trees to be removed, addition of one 3" caliper shade tree in front yard, and identify any trees greater than 8" DBH within the landmark boundary with critical root zones that encroach on the property and that clearly indicates the location of tree protection fencing
 - b. Manufacturer's specifications for windows, showing both section and elevation views, muntin profiles and material descriptions;
 - c. Eave/soffit construction;
4. That detailed drawings and/or specifications for the following be provided to and approved by staff prior to installation or construction:
 - a. Design and finish color of the fence and gate;
 - b. Paint colors;
 - c. Roof materials;
 - d. Front porch details including the roof, floor, ceiling, piers and columns;
 - e. Front walk and stairway details, including materials and design;
 - f. Driveway details, including a east-west section drawing;
 - g. New stairway and walkway location and details including handrails;
 - h. Trim at windows and doors including a sill detail on the windows;
 - i. Skylight specifications;
 - j. Doors, showing both section and elevation views, muntin profiles and material descriptions;
 - k. Screen porch details;
 - l. Exterior lighting including locations on the building;
 - m. Finish specifications for the gutters and downspouts;
 - n. HVAC location and screening;
 - o. Concrete patio dimensions, materials, and finish;
 - p. Grading details at south wing of existing house;
 - q. Front sidewalk be concrete or another material as approved by staff.

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

Committee members voting: Bailey, Fountain, Jackson, McAuliffe, Thiem

Staff Contact: Collette Kinane, collette.kinane@raleighnc.gov

OTHER BUSINESS

1. Unofficial Review
 - a. COA-0068-2019, 1204 E Lane St, Lemuel & Julia Delany House, Raleigh Historic Landmark: At the request of the applicant, the Committee discussed the idea of a change to be proposed moving the garage farther forward on the property to line up with the rear of the house. As explained by the Committee attorney Razz Rasberry, their general favorability toward the proposal should not be taken as an official decision. In order to get the official decision and COA placard for the change, the applicant must submit a minor work COA application to request this change to the previously approved application COA-0068-2019.
2. Committee Discussion
 - a. Meeting Post-Mortem

ADJOURNMENT

The meeting was adjourned at 6:02 p.m.

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

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