

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
September 26, 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: Nick Fountain, Jeannine McAuliffe, Laurie Jackson, Jimmy Thiem

Alternate Present: Ian Dunn

Excused Absence: Travis Bailey

Staff Present: Tania Tully; Melissa Robb; Marilyn McHugh Drath; Lu-Ann Monson; Francis P. Rasberry, Jr., Attorney

**Approval of the August 22, 2019 Minutes**

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

**Minor Works**

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Mr. Nick Fountain administered the affirmation.

<b><u>Visitor's/Applicant's Name and Address</u></b>	<b><u>Affirmed</u></b>
Ashley Morris, 306 Pell Street 27604	Yes
James Clark, Aeden Workshop	Yes
Steven Valenziano, Aeden Workshop	Yes
Rob Lynn, Weathervane Properties	Yes
Julie Blandford, 218 N East Street	Yes
Brooke Tate, Maurer Architecture	Yes
Chase Nicholas	Yes

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

Mr. Thiem moved to approve the agenda noting the applicant's deferral of COA-0091-2019. Ms. Jackson seconded the motion; passed 5/0.

**SUMMARY PROCEEDINGS**

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following case COA-0108-2019 for which the Summary Proceeding is made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

COA-0108-2019 404 E LANE STREET

Applicant: BLAIR SOUTH

Received: 12/05/2019

Meeting Date(s):

Submission date + 90 days: 3/04/2020

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove 6’ fence; install 42” fence:

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Remove 6' tall wooden fence; install 42” fence
1.4	Fences and Walls	Remove 6' tall wooden fence; install 42” fence

STAFF REPORT

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

A. The removal of a 6’ tall wooden fence is not incongruous in concept according to *Guidelines* 1.3.1, 1.4.2, and the following suggested facts:

- 1\* *Location:* The applicant proposes removing existing deteriorated wood fencing on the west property line. The replacement fence will be placed in the same location.
- 2\* *Material:* The proposed fence is metal, a traditional fencing material. The fence will be black.
- 3\* *Height:* The existing deteriorated fencing is 6’ in height and follows the slope of the property. The proposed new fence height is 42”.
- 4\* *Configuration:* The proposed fence location is characteristic of the district.
- 5\* *Design:* The existing fencing is picket fence with dog-eared corners. The proposed replacement fence design is a pressed spear style picket. The design is traditional and simple, like the house. Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the proposed fence design has the same appearance on each side.
- 6\* A minor work COA application was recently approved for the construction of a rear patio, removal of the deck, repainting, gutters and downspouts, storm windows, installation of 42” fence along rear property line, and replacement of existing 42” fence in front yard.

7\* 42" tall metal fences in the proposed style are routinely approved as minor work applications. Due to the height of the wooden fence requested for removal, a major work application was required.

Staff suggests that the Committee approve the application.

#### Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Thiem moved to approve the application, adopting the staff report as the written record of the summary proceeding on COA-108-2019. Mr. Dunn seconded the motion; passed 5/0.COA

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

Certificate expiration date: 3/26/20.

### **EVIDENTIARY HEARINGS**

Chair Fountain introduced the evidentiary 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-0077-2019, COA-0081-2019, COA-0089-2019, COA-0091-2019, COA-0092-2019, and COA-0093-2019.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0077-2019 518 ELM STREET

Applicant: STEVEN VALENZIANO FOR AEDAN WORKSHOP

Received: 7/10/2019

Meeting Date(s):

Submission date + 90 days: 10/8/2019

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Resurface and edge existing driveway and walkway; remove and replace fence and gate with both 4' and 8' fence; install walkway, patios, steps; modify deck

Amendments: none

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Resurface and edge existing driveway and walkway; remove and replace fence and gate with both 4' and 8' fence; install walkway, patios, steps; modify deck
1.4	Fences and Walls	Remove and replace fence and gate with both 4' and 8' fence
1.5	Walkways, Driveways, and Off-Street Parking	Resurface and edge existing driveway and walkway; install walkway
3.1	Decks	Modify deck

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map, photographs of the site proposed for modification, and photos of existing conditions including fence lines and rear yard views.

Support:

Mr. James Clark, [affirmed], a designer with Aeden Workshop, was present to speak in support of the application. Mr. Raspberry, legal counsel for the Committee clarified with Mr. Clark, that he understood that he was providing testimony as a fact witness and not as a legal representative. Mr. Clark affirmed his understanding.

Mr. Steven Valenziano [affirmed] stated that he found the staff conditions to be fair. He added that he understands the purpose/restrictions of a 6' fence, however, he directed the committee to review photos N2 on page 9, showing view of the fence from the street and from the alley/driveway. The only point they wish to argue, is that the fence is not visible from the street, as there are trees blocking views. A change in height would not be visible from the street, would not negatively impact the view of the house, or have a detrimental effect on the house.

Mr. Fountain asked if it would be visible from neighboring homes. Mr. Valenziano responded that the fence would be visible from one neighboring house but would have no effect on the character of the neighborhood.

#### Opposition:

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

#### Responses and Questions:

Mr. Thiem asked about the plan for tree protection. He asked if staff would be comfortable translating the narrative into the plan. Ms. Tully stated she is confident that staff can ensure that the visual plan conforms with the provided narrative.

Mr. Thiem stated he trusts staff to make the assessment, and if there are concerns, it can come back to committee. He added there is still some misunderstanding with CRZ category. He hopes the submittal will follow these recommendations.

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

#### Committee Discussion

There was no discussion following the public hearing.

#### Findings of Fact and Conclusions of Law

Mr. Thiem moved that based on facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A (inclusive of facts 1-17) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Resurfacing and edging an existing driveway and walkway; removing and replacing a fence with a 4' fence and gate; installing a walkway, patio, and steps; and modifying an existing deck are not incongruous in concept according to *Guidelines* sections 1.3.1, 1.3.2, 1.3.4, 1.3.7, 1.3.8, 1.3.9, 1.4.6, 1.5.1, 1.5.3, 1.5.9, 3.1.1, 3.1.2; however, removing and replacing a fence and gate with 8' fencing is incongruous according to *Guidelines* sections 1.4.8, and the following facts:

1\* According to the "Inventory of Structures in The Oakwood National Register Historic Districts" Raleigh, North Carolina By Matthew Brown, Historian, Society for the

Preservation of Historic Oakwood Researched and written from 2004 to 2015, the house was constructed in 1922 and is a Craftsman frame bungalow.

- 2\* The subject property is within the original boundaries of Oakwood Historic District listed in the National Register in 1974. That nomination form does not define the contributing status of the properties. A draft update of the nomination is under review by the RHDC Research Committee. According to the draft update, the house is considered contributing to the historic character of Oakwood.
- 3\* A tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA) was provided. Analysis of the document shows several issues:
  - a. it does not show the location on a site plan of recommended tree protection measures described in the letter as fencing, trunk wrapping, mulch or plywood;
  - b. a staging area for construction materials has not been shown on a site plan, but has been described as being "in open areas approved by owner";
  - c. the critical root zone (CRZ) calculations are incorrect, with the majority of them being larger than the defined size according to the *Design Guidelines*, and with the 24" Hackberry being undersized (it is shown as being 24' when it should be 30');
  - d. and the letter also includes an "immediate CRZ" for each tree which is irrelevant to the COA application.
- 4\* According to iMAPS there is a change in grade from the front right-of-way to the rear of the project area of up to 6'. See staff evidence. It is unclear if the grade change will impact the installation of hardscape materials and possible interference with the critical root zones by excavating to create level patio and walkway surfaces.
- 5\* The proposal includes resurfacing the driveway and the walkway leading from the end of the driveway to the gate with the same gray gravel that is currently on the driveway. Both surfaces are proposed to be edged with "strip rubble edging". It is unclear what this material is.
- 6\* A stone stepper walkway is currently in place from the gate to the existing brick patio. A fieldstone pathway is proposed to replace it, matching the existing fieldstone in use on a rear patio.
- 7\* A new patio of either brick or blue stone is proposed at the end of the new fieldstone walkway. It is proposed to be edged with galvanized steel.
- 8\* A grouping of blue stone steppers is proposed to connect the new brick or blue stone patio to the existing brick patio.
- 9\* A new blue stone patio edged with brick appears to overlay a portion of the existing brick patio.
- 10\* A stone stepper walkway currently connects the deck to a brick patio. The applicant proposes replacing it with blue stone steppers.
- 11\* The property is currently enclosed by 4' fencing on the sides and back, with a gate on the south side leading to the front of the property and a gate on the north side leading to the neighboring property at 520 Elm St. A portion of the north property line includes a tall section of screening material.

- 12\* The proposal requests new fencing for portions of the north and south property lines and wrapping to the sides of the house. An 8' fence is proposed on the north side of the property running approximately 52' back from the starting point, after which 4' fencing is proposed. A 4' fence is proposed for the south property line. It is unclear if the fence between the house and the north property line is also proposed to be 8' in height.
- 13\* Fences over 6' are atypical in Oakwood. In recent years none have been found to be congruous with the historic character of Oakwood and approved through the COA process.
- 14\* Detailed elevation drawings were provided for the fencing, including two alternatives. No drawings were provided for the gate or a section view of the fence. Fence finish details were also not provided.
- 15\* There was no indication of how the fence would be installed. In Oakwood, fences were typically installed in a neighbor-friendly design with the posts on the interior and all the vertical slats on the outside.
- 16\* The application includes a modification to the existing deck, removing the east steps to create seat steps. Detailed drawings were provided.
- 17\* The existing site plan (drawing L1.11) includes a note about the relocation of a telecom box to the house or a post. No specific details were provided on the location.

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

#### Decision on the Application

Following input from Attorney Rasberry on an initial motion made by Mr. Thiem, Mr. Thiem made an amended motion that the application be approved, with the following conditions:

1. That the fencing not exceed 6' in height.
2. That the fencing be installed using neighbor friendly design: Either the traditional way in which fences were constructed – with structural members facing inward – or fences that have a design treatment where both sides of the fence present an identical appearance.
3. That the tree protection plan, as updated, be implemented and remain in place for the duration of construction.
4. That prior to the issuance of the blue placard the following be provided to and approved by staff:
  - a. An updated tree protection plan showing the location on a site plan the recommended tree protection measures described in the letter as fencing, trunk wrapping, mulch and plywood, as well as a staging area for construction materials and a corrected CRZ for the 24" Hackberry;
  - b. An updated site plan showing the heights of all fencing;
  - c. Final fence and gate elevation and section drawings;
5. That detailed drawings and/or specifications for the following be provided to and approved by staff prior to installation or construction:
  - a. Photographs of the strip rubble edging;

- b. Telecom box;
- c. Fence paint or stain color swatches from paint manufacturer.

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

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

Certificate expiration date: 3/26/20.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0081-2019 216 E LENOIR STREET

Applicant: ROB LYNN AND JULIE MANLY

Received: 10/30/2019

Meeting Date(s):

Submission date + 90 days: 1/28/2020

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove chain-link fence; install fence with horizontal pickets; remove six trees; plant four replacement trees

Conflict of Interest: None noted.

Staff Notes:

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

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Remove six trees; plant two trees; Remove chain-link fence; Install fence
1.4	Fences and Walls	Remove chain-link fence; Install fence

PUBLIC TESTIMONY

Staff Introduction: presented the request, showed the location of the property on the map, noted highlights from the staff report, and presented photographs of existing conditions.

Support:

Mr. Rob Lynn [affirmed], Weathervane Properties, spoke as a fact witness for the owner, and not as an attorney. He stated they were comfortable with the conditions in the staff report and offered no comments at the present time.

Opposition:

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

Responses and Questions:

Mr. Thiem stated the application says “maple”. He asked what variety and indicated that red maple is an acceptable tree. Relative to location, he recommended that no trees should be planted closer than 5’ from the fence. In addition, shade trees and redbuds should be a minimum of 15’ apart to maximize sunlight.

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

Committee Discussion

There was no discussion following the public hearing.

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based on the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A (inclusive of facts 1-7) and B (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Removing of a chain-link fence and installing a fence are not incongruous in concept according to *Guidelines* 1.3.7, 1.4.7, 1.4.8; however, the installation of a fence with horizontal pickets **is** incongruous according to *Guidelines* 1.4.8 and the following facts:
  - 1\* The applicant provided a tree survey identifying the species of trees located on the property.
  - 2\* *Location*: The applicant proposes replacing existing chain-link fencing on the south and east property lines. No change in fence location is proposed.
  - 3\* *Material*: Wood is a traditional fencing material. The proposed fence will have a natural finish.
  - 4\* *Height*: The proposed new fence height is 6’.
  - 5\* *Configuration*: The committee has regularly found that 6’-tall wood privacy fences are congruous with the character of the historic districts when installed in rear and side yards (except for corner lots). The proposed fence and gate locations are characteristic of the district.
  - 6\* *Design*: The existing fencing is chain-link. The proposed replacement fence design is a horizontal board design. It is proposed to have a natural finish. Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the proposed fence design will be built with the pickets on the outside. Fences in Raleigh neighborhoods traditionally had vertical pickets. To date the committee has not found horizontal pickets congruous with the character of any of the historic districts.
  - 7\* The application states that no similar styles exist in Prince Hall.
  
- B. Removing six trees and planting four replacement trees is not incongruous in concept according to *Guidelines* 1.3.5; however, the removal of a healthy tree **is** incongruous according to *Guidelines* 1.3.1, 1.3.5, and the following facts:

- 1\* The application proposes the removal of six trees on or near the south property line. Five trees were identified as Paper Mulberry and one is a Hackberry.
- 2\* The applicant provided a tree survey identifying the species of trees located on the property with the DBH and CRZ of those trees noted. The CRZ is not drawn to scale.
- 3\* The applicant included an aerial image of the existing tree canopy coverage. Removal of the six trees would eliminate the existing canopy coverage for this property.
- 4\* The application indicates that the trees are invasive, have root damage, and are overgrown with English Ivy. Photographs of the trees were provided, but no information on structural integrity was provided. An assessment on the health of the trees from an International Society of Arboriculture (ISA) certified arborist or NC-licensed landscape architect was provided. The arborist did not state that the trees were dead, diseased, or dangerous.
- 5\* Two Maple trees and two Forest Pansy trees are proposed to be planted as replacement trees. The applicant included the mature spread dimensions to demonstrate replacement canopy coverage.

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

#### Decision on the Application

Mr. Thiem moved to deny the horizontal pickets on the fence and to approve the remainder of the application with the following conditions:

1. That there not be a delay for the removal of the four trees on the property line that are grown into the chain-link fence
2. That there be a 365-day delay on the 19" DBH Hackberry and the 13" DBH Paper Mulberry, located on the east property line.
3. 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.
4. That a revised fence design be provided to and approved by staff prior to issuance of the blue placard form of the COA.
5. That the replacement maple trees be Red Maples.
6. That the new shade trees be a minimum 3" caliper at planting.
7. That the Redbuds be a minimum 8' in height and located no less than 15' from the maple trees.
8. That no tree be planted less than 5' from the fence.

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

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

Certificate expiration date: 3/26/20.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0089-2019 218 N EAST STREET

Applicant: JULIE AND DONALD BLANDFORD, JR

Received: 8/13/2019

Meeting Date(s):

Submission date + 90 days: 11/11/2019

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Raleigh Historic Landmark: HECK-POOL-PARKER HOUSE

Zoning: General HOD

Nature of Project: Install stone patio, outdoor free-standing masonry fireplace and stone walkway; remove and replace garden and front sidewalk plantings

Amendments: none

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Install stone patio, outdoor free-standing masonry fireplace and stone walkway; remove and replace garden and front sidewalk plantings

PUBLIC TESTIMONY

Staff Introduction: Melissa Robb [affirmed] provided an overview of the case, presented highlights from the staff report, identified the location of the property on the map, and provided photographs. Staff suggested approval of the application.

Support:

Owner Julie Blandford [affirmed] and her architect, Ashley Morris, [affirmed] were present but offered no comments.

Opposition:

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

Responses and Questions:

Mr. Thiem noted that he was struck by how well the landscape is taken care of. Ms. Blandford thanked him. He recalled an earlier case on the property, where contractor access was from Lane Street. He asked if the contractors would access the same way. Ms. Blandford replied yes.

Mr. Thiem noted there is a large willow oak next door, but only a small area is fenced. He expressed that the critical root zone identified was not completely fenced and wanted to ensure the entire area was protected. Mr. Thiem recommended a tree protection fence extend to the house to protect the CRZ and to keep the contractor out of this area. Ms. Blandford agreed, and stated the contractor will be staging materials on the rear driveway. He thanked the applicant for providing a complete application.

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

### Committee Discussion

There was no discussion following the public hearing.

### Findings of Fact and Conclusions of Law

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

- A. Installing a stone patio, an outdoor free-standing masonry fireplace, and a stone walkway, and removing and replacing a garden and front sidewalk plantings are not incongruous in concept according to *Guidelines* sections 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.7, 1.3.8, 1.3.9, and the following facts:
- 1\* From the National Register of Historic Places nomination for the Heck Houses: "The Heck Houses, 218 North East Street and 503 and 511 East Jones Street are a Second Empire-style trio located on spacious contiguous city lots in northeast Raleigh. The houses are not identical, but are close variations on one charmingly eclectic formula. Each is a one-and-one-half story L-shaped frame structure set on a common bond brick foundation with a wrap-around porch, a full-height mansard roof and a two-and-half-story corner mansard tower. Each house has a rear free-standing kitchen, now joined to the main block and partially obscured by frame additions." The house was built between 1872 and 1875, according to the nomination.
  - 2\* Built **area** to open space analysis: According to the applicant, the lot is 34,700 SF. The existing built area, including the house, porches, barn, stairs, walkways, patio and driveway, totals 8,131 SF. The existing built area to open space is 23%. After the proposed project the built area will be 8,974 SF, an increase of 843 SF. The proportion of built area to open space will be approximately 26%.
  - 3\* A tree protection plan prepared by an arborist certified by the International Society of Arboriculture (ISA) was provided.
  - 4\* The proposed patio is designed to extend south from an existing brick landing and stair from an existing side door, and will be in the last half of the south side yard. Blue stone is proposed as the patio material.

- 5\* A brick fireplace is proposed on the south side of the patio. The hearth and mantel are proposed to be blue stone. A detailed drawing of the outdoor fireplace was provided. It is proposed to be 13' - 6" tall and 6' - 6" wide with a mantel at 5' - 7".
- 6\* The fireplace is proposed to be placed opposite an accessory building on the neighboring property at 503 E Jones St.
- 7\* The ground level of the side yard is elevated roughly 12' above the front sidewalk on East St. The application states the "patio and outdoor fireplace would not be readily visible from the sidewalk due to the height of the grade" and heavy vegetation would also screen it from the street.
- 8\* A ca. 1943 photo was provided showing a low brick fireplace with wing walls on the south side of the house.
- 9\* Photographs were provided of outdoor fireplaces in Oakwood that have been approved at 503 E Jones St (153-17-CA – labeled in photos on the application as 225 Elm St), 601 N Bloodworth St (054-05-CA), 605 N Bloodworth St (192-13-CA), and 225 Elm St (018-13-CA).
- 10\* The proposed walkway of blue stone pavers will connect the new patio with an existing rear walkway and stairs to the gravel driveway. Blue stone is used on the existing round patio and stepping stones.
- 11\* Photographs were provided of blue stone stepping pavers at 610 N Bloodworth St (088-15-CA).
- 12\* Changes proposed for the landscape components include removal of shrubs and smaller plants in three areas; the proposed patio area, the southwest corner of the site above the stone retaining wall, and the space between the front sidewalk and stone retaining wall. New plantings are proposed in the same areas.

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

#### Decision on the Application

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

1. That a revised tree protection plan be submitted to and approved by staff prior to the issuance of the blue placard. Revisions should include a tree protection fence to the west of the construction area and a note about construction access in the rear from the driveway.

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

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

Certificate expiration date: 3/26/20.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0092-2019 213 E CABARRUS STREET

Applicant: BROOKE TATE FOR MAURER ARCHITECTURE

Received: 8/12/2019

Meeting Date(s):

Submission date + 90 days: 11/10/2019

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove rear addition, non-original siding; carport, shed, deck, fence, front porch decking, and brick patio; construct screened-porch addition with second-story deck; install brick patio and walkway; relocate HVAC; install fence; remove non-original windows; remove original window; install new windows; install new exterior door

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Remove rear addition, carport, shed, deck, fence and brick patio; construct screened-porch addition with second-story deck; install brick patio and walkway; relocate HVAC; install fence
1.4	Fences & Walls	Remove fence; install fence
1.5	Walkways, Driveways, & Off-street Parking	Remove carport; install walkway
1.6	Garages & Accessory Structures	Remove carport; remove shed
2.7	Windows & Doors	Remove non-original windows; remove original window; install new windows; install new exterior door
2.8	Entrances, Porches, & Balconies	Remove front porch decking
3.1	Decks	Remove deck; construct second-story deck
3.2	Additions	Remove rear addition; construct screened-porch addition with second-story deck

## PUBLIC TESTIMONY

Before the staff introduction commenced, Ms. Jackson made a statement, clarifying that although she worked at the same architectural firm as the applicant, she felt that she could hear and participate in the discussion of this application without bias.

Staff Introduction: Melissa Robb [affirmed] distributed new architectural plans provided by the applicant. Tania Tully [affirmed] gave an overview of the application to the committee. Ms. Tully listed all the proposed modifications to the property and displayed photographs and site plans for the committee. Ms. Tully added the staff's proposed addition to item B suggesting that the following additional text: "however replacing wood siding with fiber cement siding is incongruous according to guidelines 2.6.7, 2.1.5, 2.1.6." Mr. Fountain asked for clarification on these changes to item B. Ms. Tully ended her presentation stating that the staff suggested the committee approve the application with conditions.

Mr. Raspberry clarified with the applicant, Brooke Tate, that she understood that she was providing testimony as a fact witness and not as a legal representative. Ms. Tate affirmed her understanding.

### Support:

Brooke Tate [affirmed] was present to speak in support of the application. Ms. Tate stated that she would be happy to answer any questions posed by the committee. She stated that railings on the rear porch were not required by code and that the property owners desired a cleaner look. Ms. Tate added that this rear porch is not visible from the street and that the owners request that the rear porch can be screened without railings.

### Opposition:

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

### Responses and Questions:

Ms. Tate made a comment on the decision between wood or fiber cement siding. She requested that the sills of the windows be made from fiber cement. Ms. Tully stated that synthetic sills are commonly approved.

Ms. McAuliffe asked whether the window being removed in the drawings was being turned into a door. Ms. Tate answered that the triple window will be turned into an access point. Mr. Dunn asked where the window would go. Ms. Tate explained that the window would be moved approximately six feet to the west into the bathroom. She expanded that the property owners wanted to reuse the original windows when possible and only purchasing new windows when required.

Mr. Thiem said he had two questions for the applicant. He stated that he could not see the notation on the tree protection plan of who prepared it. Ms. Tate responded that she had

prepared the plan. Mr. Thiem asked if she was a registered arborist or landscape architect. Ms. Tate replied no. Mr. Thiem stated that she needed to be one of those two occupations to prepare the plan. Ms. Tully interjected, clarifying that the neither the guidelines nor the code specify a profession. She continued that in this application, the whole back yard would basically be fenced off. Mr. Thiem stated that he thought the committee had been consistent with the requirement. Mr. Raspberry added that while it was fair to say that over time, with landscape issues like this, that the committee has found this type of expertise to be reliable, but he did not believe that the guidelines have this as a requirement. Mr. Thiem expressed concern that when the committee was trying to make site decisions the determination can get more difficult without clear direction in this matter. Based on the current conversation, Mr. Thiem clarified he understood that the committee does not require an arborist or landscape architect to prepare these plans. Ms. Tully confirmed, that it was the committee's decision to make. Mr. Thiem commented that if the applicant had worked with staff in good faith, then he would not hold up the discussion, but would like to clarify at another point. Mr. Fountain said that the committee can have a post-mortem on those requirements. Ms. Tate commented that the fees for arborists or landscape architects can be heavy for clients, especially at this early application stage. Mr. Fountain thanked Ms. Tate for her thoughts on the matter.

Mr. Fountain asked if there are other questions or comments.

Mr. Thiem said he had another question. On plans with a lot of remedial site work, he noticed that there was no note for a new landscape plan. Ms. Tully said there was no reason to not include a landscape plan requirement. Ms. Tate posed a question about the proposed landscape replacements and native species. She asked for further clarification on whether the applicant needed to submit an updated landscape plan if replacing in kind. Ms. Tully answered that if replacing in kind in existing planting beds, staff usually considered that as routine maintenance. If the applicants were only discussing grass, then it was okay. Mr. Thiem clarified that in cases with major landscape renovations, it was as if the landscape is starting brand new. Ms. Tully added that staff thinks about balance. If trees or shrubs were removed during construction then replanted in the same area, there was no change from a COA standpoint. However the question did arise when some plants are being removed and replaced with different types. Ms. Tully suggested adding a 6.e under conditions asking to see any new or removed planting beds. Mr. Thiem confirmed that the applicant would then work with staff.

Ms. Tully, referencing the porch detail on the updated plan handed out at the start of the case, stated that the updates would take care of staff suggested conditions 4 and 5; if 4 goes away, then 5 goes away.

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

## COMMITTEE DISCUSSION

After the public testimony was closed, the committee moved to decide on the application without further internal committee discussion. The only comment offered in the committee discussion portion of the meeting was a clarification by Ms. Tully in response to a comment from Ms. McAuliffe regarding condition 2. No additional discussion about this comment or clarification occurred.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. McAuliffe moved that based on the information contained in the application and materials in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report A (inclusive of facts 1-12) and B (inclusive of facts 1-19), to be acceptable as findings of fact, with the modifications and additions as listed below.

- A. Removing a carport, shed, deck, fence, and brick patio; relocating HVAC equipment; and installing a brick patio and fence are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.11, 1.4.6, 1.4.8, 1.4.10, 1.5.1, 1.5.6, 1.5.9, 1.6.1; and the following facts:
- 1\* The Report and Recommendation for the Designation of the South Person/South Blount Historic Overlay District identifies the house as the Jones-Williams House, c 1923. It is described as a "Two-story Craftsman frame house with asbestos-shingle siding, an asphalt-shingled front-gable roof, gable brackets, some replacement windows, an attached rear carport, and a one-story wraparound porch with battered wooden posts on brick piers and an enclosed side. 'First owner was Dr. George T. Jones, a black pharmacist and manager of Mallette Drug Co. His wife, Alice Jones, a school teacher, sold the house to the current owner J.E. Williams. According to Mr. Williams, the house was constructed by Lucius Wilcox, who is the only black builder listed in the 1925 directory.'"
  - 2\* The carport, deck, and brick patio proposed for removal are not historic.
  - 3\* The proposed patio will reuse bricks from the existing patio and some new, matching bricks.
  - 4\* A brick walkway will connect the existing driveway to the proposed patio.
  - 5\* An existing shed on the east side of the house is proposed to be removed. No information was provided on the historic nature of the shed.
  - 6\* The HVAC equipment is proposed to be relocated a few feet further to the north along the west elevation. No screening details were provided.
  - 7\* The application states that all trees larger than 7" DBH will remain and be protected. A tree protection plan was provided.
  - 8\* All existing fences on the property are proposed to be removed. This includes chain-link fencing, two vinyl fences, and a wood privacy fence. Chain-link and vinyl are prohibited materials.
  - 9\* The cast iron railings in the front yard and two brick pillars with lions are proposed to remain.

- 10\* A wood privacy fence is proposed to be installed on the north, east, and west property lines. This is a typical configuration for fencing. The proposed fence will be constructed in the traditional neighbor-friendly design, with structural members facing inward. Detailed drawings were provided.
- 11\* An existing chain-link gate is proposed to be removed and replaced with a wooden gate. Photographs of similar wooden gates in the district were provided. A drawing was provided.
- 12\* To the east of the house (from the street) an existing wood privacy fence is proposed to be replaced with a 42" wood picket fence. A drawing was provided.
- B. Removing a rear addition, non-original siding, and front porch decking; and constructing a screened-porch addition with second-story deck and installing gutters are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 2.7.1, 2.7.9, 2.7.11, 2.7.13, 2.8.1, 2.8.3, 2.8.4, 3.1.1, 3.2.2, 3.1.5, 3.1.6, 3.1.7, 3.1.8, 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.10, 3.2.11, 3.2.12; however, replacing wood siding with fiber cement is incongruous with *Guidelines* 2.6.7, 2.1.5, 2.1.6.
- 1\* The rear additions proposed for removal are not historic.
- 2\* The proposed screened porch addition with a second-story deck is inset from the existing rear corner boards by 1'4". The architectural elements of the screened porch are designed to be similar to the features of the front porch.
- 3\* The foundation of the proposed addition is composed of brick piers that will match the existing rear brick foundation wall.
- 4\* The proposed second-story deck is inset from the corners and will not be visible from the street.
- 5\* The second-story deck railing is proposed to have the appearance of inset pickets; a drawing was provided.
- 6\* Screened porches under open decks are seen on the rear of historic houses. These features are typically integrated to appear as a single unit.
- 7\* The Committee has previously required that screening be placed on the inside of railings and balusters so as to have a more traditional porch appearance. The drawings do not indicate that there will be railings and balusters around the screened porch. The application notes that the screening will be installed inside the columns. This is an atypical construction method for screened porches in the historic district. A drawing was provided.
- 8\* The application includes the following built **area** to open space analysis: The lot is 8,101 SF. The existing built area is 3,457 SF, or 44%. The proposed built area is 2,940 SF, or 36%. This is a decrease in built area of 8%.
- 9\* The application includes the following built **mass** to open space analysis: The lot is 8,101 SF. The existing built mass is 2,242 SF, or 28%. The proposed built mass is 1,917 SF, or 24%. This is a decrease in built mass of 4%.
- 10\* The application also includes the repair and repointing of the existing foundation. The areas of the existing foundation that are stucco and painted will be repainted. Proposed paint colors were not provided.

- 11\* All non-original siding, including 12" particle/asphalt board and 8" aluminum siding, is proposed to be removed. The original 4 1/4" wood lap siding is proposed to be scraped, painted, and repaired or replaced where necessary.
- 12\* If original wood lap siding is not found under the modern covering, fiber cement siding is proposed to be installed with composite trim. The application states that "all new materials will match the existing in size, composition, and aesthetic." Evidence was not provided to support this statement.
- 13\* The *Design Guidelines for Raleigh Historic Districts and Landmarks* gives guidance to "Consider compatible substitute materials only if using the original material is not technically feasible."
- 14\* Two new wood windows on the east façade and one new window on the north façade are proposed to replace non-original horizontal windows. Specifications were provided.
- 15\* One double hung window on the north façade is proposed to be relocated. In its place a full-lite wood door is proposed. Specifications were provided.
- 16\* Specifications were provided for the new wood door located on the interior of the screened porch. Specifications were not provided for the screened door.
- 17\* Half-round gutters and downspouts are proposed for the east and west façades.
- 18\* The application includes the removal of treated decking from the front porch floor. Original tongue-and-groove boards are underneath the decking. The original flooring will be scraped and painted. If the original floor is deteriorated beyond repair, a replacement tongue-and-groove floor will be installed.
- 19\* No information was provided on exterior lighting, if any.
- 20\* Updated drawings showing porch detailing were provided.

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

#### DECISION ON THE APPLICATION

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

1. That fence post holes be dug manually to avoid damaging tree roots, and that any roots greater than 1" in diameter be cut cleanly with a proper tool such as loppers.
2. That, should the applicant find that more than 50% of the wood siding underneath the asbestos and aluminum siding needs replacing, the applicant will stop work and consult with staff to determine the appropriate next step.
3. That any replacement siding be wood.
4. That details and specifications for the following be provided to and approved by staff prior to the installation or construction:
  - a. Paint colors;
  - b. HVAC screening;
  - c. Screen door;

- d. Exterior lighting;
  - e. Landscape changes.
5. That the tree protection plan be modified by deleting note 2.

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

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

Certificate expiration date: 3/26/20.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0093-2019 330 E DAVIE STREET

Applicant: CHASE NICHOLAS FOR 330 E DAVIE ST, LLC

Received: 8/14/2019

Meeting Date(s):

Submission date + 90 days: 11/12/2019

1) 9/26/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Remove tree

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.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Remove tree

PUBLIC TESTIMONY

Staff Introduction: Melissa Robb [affirmed] provided an overview of the case, presenting photographic evidence of the tree and remainders of a stone foundation wall on the lot. Photographs given were from various views along the property line. Staff suggested the committee approve the application with conditions, including a 365-day demolition delay for the tree.

Mr. Raspberry clarified with the applicant, Chase Nicholas, that he understood that he was providing testimony as a fact witness and not as a legal representative. Mr. Nicholas affirmed his understanding.

Support:

Chase Nicholas [affirmed] was present to speak in support of the application. He explained that the mulberry tree in question has created maintenance issues for the property owner and

adjacent property owners. The owners want to remove the tree and not replace it in kind. He stated that the mulberry tree's fruits attract vermin and stain furniture. He said that the tree is not well suited for the environment, is an invasive species, and that this species has not historically been used for ornamental purposes. Mr. Nicholas claims that replacing the mulberry tree would be inappropriate.

Opposition:

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

Responses and Questions:

Mr. Fountain asked why the owner does not want to replace the tree after removal. Mr. Nicholas explained that the owner has plans to redevelop the site as a pocket park in the future. He also clarified that the owner was not opposed to placing a tree somewhere on the lot.

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

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

Ms. Jackson moved that based on the information contained in the application and materials in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A (inclusive of facts 1-7), to be acceptable as findings of fact.

- A. Removal of a tree is incongruous according to *Guidelines* section 1.3.1, 1.3.3, 1.3.5, and the following facts:
- 1\* The "Report and Recommendation for the Designation of the South Person/South Blount Historic Overlay District" (now referred to as the Prince Hall Historic Overlay District) describes the property as a vacant lot and "stone retaining wall/foundation wall and stone steps remain." As a vacant lot it is considered non-contributing to the character of the district.
  - 2\* A 44" diameter White Mulberry tree is proposed for removal. No replacement tree is proposed on the property. The application states "The owner is open to reviewing recommendations for the planting of a replacement tree of a historically-appropriate species on another property on the same block, as the current tree location is not well-suited for a large species in the long term." There have been no cases in the recent past in which a similar request has been approved.
  - 3\* The application states, "... the tree is likely to disrupt and be disrupted by the future development of the property" and "The owner also intends to develop a pocket park on the

lower portion of the lot and retain the existing foundation walls.” No details were provided for the future development of the site.

- 4\* The application also states, “The tree is located in a corner very close to two homes.” No dimensions for the distances to the nearby houses were provided, although the site plan shows the tree is 4’ from the west property line and 10’ from the south property line.
- 5\* An arborist report was provided that it is “a vigorous tree with a full crown with some large diameter dead wood.” The report also details a number of structural issues with the tree, although it also states, “The trees stem would need to be exposed by eliminating the ivy in order to assess the structural integrity.”
- 6\* The report also provides a number of recommendations for treatment of the tree if it were to be retained. The application does not indicate whether any of these measures have been explored.
- 7\* The arborist report indicates that “little developmental pruning or maintenance has been performed on this tree for some time” which has resulted in some of the current condition issues.

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

#### DECISION ON THE APPLICATION

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

- 1. That a 365-day demolition delay for the tree be imposed.
- 2. That prior to the issuance of the blue placard the following be provided to and approved by staff:
  - a. location and species of a replacement tree of similar or identical species of appropriate scale.

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

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

**OTHER BUSINESS**

1. Committee Discussion
  - a. Meeting Post-Mortem

**ADJOURNMENT**

The meeting was adjourned at 5:31 p.m.

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

Minutes Submitted by:  
Tania Tully, Senior Preservation Planner  
Collette Kinane, Preservation Planner