



CERTIFICATE OF APPROPRIATENESS PLACARD

for Raleigh Historic Resources

Project Description:

Remove dead, water oak on rear of property.

906 Dorothea Dr

Address

Boylan Heights

Historic District

Historic Property

COA-0061-2020

Certificate Number

5/4/2020

Date of Issue

11/2/2020

Expiration Date

This card must be kept posted in a location within public view until all phases of the described project are complete. The work must conform with the code of the City of Raleigh and laws of the state of North Carolina. When your project is complete, you are required to ask for a final zoning inspection in a historic district area. Telephone the RHDC office at 832-7238 and commission staff will coordinate the inspection with the inspections Department. If you do not call for this final inspection, your Certificate of Appropriateness is null and void.

Signature, _____

Raleigh Historic Development Commission

Erin Norton

Pending the resolution of appeals, commencement of work is at your own risk.

Type or print the following:		
Applicant name: Harry Rybacki		
Mailing address: 906 Dorothea Dr		
City: Raleigh	State: NC	Zip code: 27603
Date: 31-March-2020	Daytime phone #: 612-293-9572	
Email address: hrybacki@gmail.com		
Applicant signature: <i>Harry Rybacki</i>		
Minor work (staff review) – one copy Major work (COA committee review) – ten copies Additions > 25% of building sq. footage New buildings Demolition of building or structure All other Post approval re-review of conditions of approval	Office Use Only Transaction #: _____ File #: <u>COA-00121-2020</u> Fee: _____ Amount paid: _____ Received date: _____ Received by: _____ _____	
Property street address: 906 Dorothea Dr., Raleigh, NC 27603		
Historic district: Boylan Heights		
Historic property/Landmark name (if applicable):		
Owner name: Harry Rybacki		
Owner mailing address: 906 Dorothea Dr., Raleigh, NC 27603		

For applications that require review by the COA Committee (major work), provide addressed and stamped envelopes for owners for all properties with 100 feet on all sides of the property, as well as the property owner.

Property Owner Name & Address	Property Owner Name & Address

I understand that all major work applications that require review by the Raleigh Historic Development Commission's COA Committee must be submitted by 4 p.m. on the date of the application deadline; otherwise, consideration will be delayed until the following committee meeting. An incomplete application will not be accepted.

Will you be applying for rehabilitation tax credits for this project? Yes <input type="radio"/> No <input checked="" type="radio"/>	Office Use Only Type of work: _____ _____
Did you consult with staff prior to filing the application? Yes <input checked="" type="radio"/> No <input type="radio"/>	

Design Guidelines: please cite the applicable sections of the design guidelines (www.rhdc.org).		
Section/Page	Topic	Brief description of work (attach additional sheets as needed).

Minor Work Approval (office use only)	
Upon being signed and dated below by the Planning Director or designee, this application becomes the Minor Work Certificate of Appropriateness. It is valid until <u>11/2/2020</u> .	
Please post the enclosed placard form of the certificate as indicated at the bottom of the card. Issuance of a Minor Work Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City Code or any law. Minor Works are subject to an appeals period of 30 days from the date of approval.	
Signature (City of Raleigh) <u>Collette R K</u>	Date <u>05/04/2020</u>

City of Raleigh Reviewer,

On the rear of my property, 906 Dorothea Dr., there is an old water oak. Despite attempts to treat and defeat both borer beetles and phytophthora canker disease with Bartlett Tree Experts, it has succumbed and is now almost or completely dead. Due to its large size, ~48" in diameter, it poses a risk to anything underneath its large canopy and I would like to have it removed. Please see attached images and arborist letter for specifics.

Thank you in advance,
Harry Rybacki
906 Dorothea Dr.



Quote #9398

Harry Rybacki

906 Dorothea Drive / Raleigh, North Carolina 27603

612-293-9572

AWAITING RESPONSE

Sent on

04/15/2020

Remove tree with 40 ton crane

45" Diseased/dead Water Oak in the backyard has been severely damaged by Hypoxylon Canker and Ambrosia beetle and is now a hazard to the property, and needs to be removed. The tree will be safely removed with our 40 ton crane. The crane will be set up in the back alley. Each piece will be carefully lowered and dismantled by the ground crew. All debris will be cleaned up and hauled away. Homeowner may elect to keep sections of log for wood working purposes. Homeowner will specify lengths desired. Homeowner may request to leave the stump up a few feet high. If not we will grind the stump below the surface at no additional charge. Stump mulch will be left in place.

Jospeh High, ISA Tree Risk Assessment Qualified- Certified Arborist SO-6868a

	TOTAL
	\$4,000.00
Subtotal	\$4,000.00
Sales tax (0.0%)	\$0.00
Total	\$4,000.00


If you have any questions, please feel free to contact me at +19197375335. For scheduling, contact the office, or click approve and our project planner will call. Thanks, Joseph High, ISA Tree Risk Assessment Qualified- Certified Arborist

Above is a guaranteed written estimate for the outlined work. All work is guaranteed to be as specified and performed in accordance with drawings and specifications submitted for above work, and completed in a substantial workmanlike manner. All pruning will conform to ANSI A-300 standards. All mulch and woodchips generated from the stump grinding process will be left in place. We are not responsible for turf damage or cracking of driveways or sidewalks under the weight of our equipment. ALL PAYMENTS ARE DUE THE DAY OF COMPLETION. THERE ARE NO EXCEPTIONS. Commercial clients need to obtain pre authorization for net 30 terms. All commercial accounts that pay late will be charged an additional 4% fee. If a w9 or certificate of insurance is required please request them when you schedule service. A 4% convenience fee will be added for all credit card payments.

If you are needing to cancel your scheduled tree project please provide the office with a notice 2 business days prior to the day you're scheduled or a 10% fee may be applied.

Contact Arbormax tree service

2713 Renfrow Rd., Raleigh, NC 27603
919-412-6790 arbormaxx@gmail.com www.arbormaxtree.com

 Created with getjobber.com



Dead Tree

906
Dorothea
Dr

Dorothea Dr









City of Raleigh Reviewer,

On the rear of my property, 906 Dorothea Dr., there is an old water oak. Despite attempts to treat and defeat both borer beetles and phytophthora canker disease with Bartlett Tree Experts, it has succumbed and is now almost or completely dead. Due to its large size, ~48" in diameter, it poses a risk to anything underneath its large canopy and I would like to have it removed.

As noted in one of the attached arborist letters, planting another water oak is not advisable and they have recommended planting a tree of a smaller species. I will plant a Japanese Maple towards the front of the property as a replacement as indicated on one of the site plans.

Please see attached images, site plans, and letters from arborists regarding specifics.

Thank you in advance,
Harry Rybacki
906 Dorothea Dr.



5808 Triangle Drive, Raleigh, NC 27617 www.bartlett.com 919-782-7803

May 4, 2020

Project: Hazardous Tree/Replacement Tree

Property Owner: Harry Rybacki

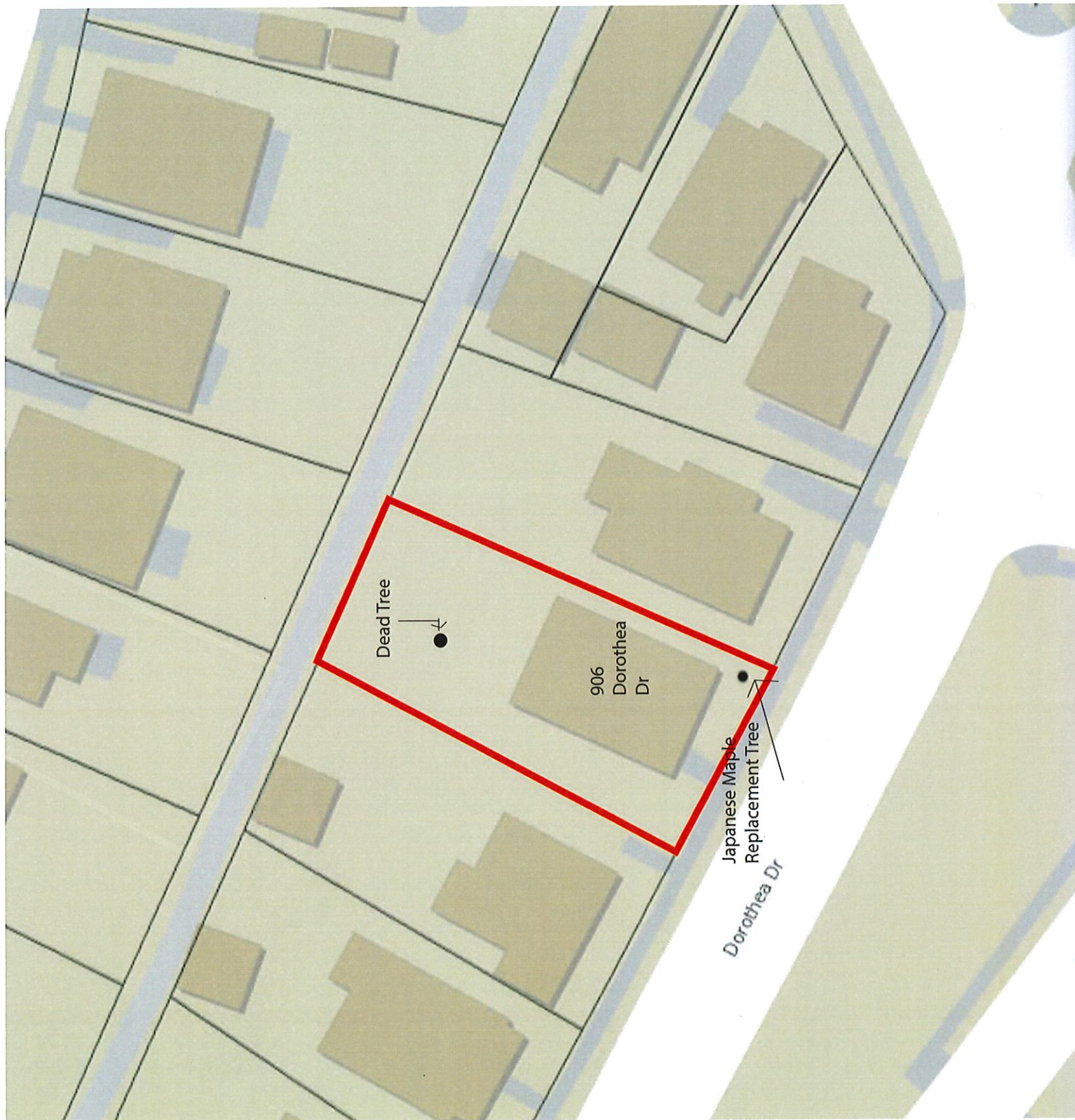
Property: 906 Dorothea Drive
Raleigh, NC 27603

Bartlett Tree Experts inspected an Oak tree at the property at 906 Dorothea Dr. in Raleigh. After my visual inspection, the tree is in decline. Large limbs have already failed and more than 1/3 of the entire canopy is dead and hazardous. The canopy that is dead already has Hypoxylon Canker which is a sign dead or dying limbs. This canker is very dangerous and unpredictable. This tree needs to be removed as soon as possible before any other tree failures occur.

Replacement Tree for the large declining Water Oak:

Given the size and location of the Water Oak, I recommend a smaller species of tree to replace the Oak. The canopy from other surrounding trees overhangs and shades the backyard. If a similar species was replaced, it would not have enough sunlight to develop into a major shade tree. A species that grows well in a high shade area would be more suitable for the area.

Stephen Bagley
ISA Certified Arborist: SO-7425A
Arborist Representative
Bartlett Tree Experts



Morton, Erin

From: Harry Rybacki <hrybacki@gmail.com>
Sent: Monday, May 4, 2020 9:25 AM
To: Morton, Erin
Cc: Tully, Tania; Kinane, Collette
Subject: Re: COA-0061-2020 minor work (906 Dorothea Dr)

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Erin,

This morning I have uploaded another arborist letter noting the need for a smaller tree species rather than a water oak, another written letter stating I will plant a new tree as a replacement, and another site plan showing where I will plant the new tree.

/R

Harry

On Fri, May 1, 2020 at 9:43 AM Harry Rybacki <hrybacki@gmail.com> wrote:
Erin,

I'm adding comments inline:

On Fri, May 1, 2020 at 9:07 AM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Hi Harry,

Hope you are doing well. I wanted to check in before the end of the week to see where we are on receiving the remaining site plan and replacement tree information for your minor work COA. In case it is unclear in previous emails, the removal of the diseased tree on your property without an approved COA in hand is considered a violation. Completing approval is a quick process on our end once we have the remaining items. During the COVID-19 stay-at-home orders, we are able to email the required blue placard instantly and will follow up with a mailed copy a few days later.

With regard to the documents, my hands are tied until my arborist can back to me (I'm cc'ing him in this email thread). For your records, the tree dropped another limb in the most recent rains.

Per our previous email and your departments request given the circumstances, I have agreed to a replacement tree. The current tree was diseased, it is now dead and dangerous. Again, this tree dropped limbs on the alleyway last Thursday where City of Raleigh employees picked up trash and recycling not even an hour later. This could have injured/killed someone or damaged persona/city property.

I know it is a violation to take down a tree without complete approval. What would you do in my situation? Is a violation worth the mitigated risk of a limb dropping atop a child riding their bike through the alleyway? I can only hope that you would feel the same if you were in my shoes.

Following our most recent emails, I assume that you have moved forward with scheduling tree removal. Please make sure to submit the remaining documentation quickly so that we can finalize approval before workers arrive on site. This will avoid undertaking work in violation and prevent any delays with the scheduled workers. Please let us know. Thank you.

After this threat is gone, I would like to start a formal request to alter this process. For imminently dangerous trees, especially during extenuating circumstances, waiting this long to approve is borderline negligent in my view. Can you direct me to someone or something that can explain what that process entails, please?

We need to find a sane balance between preserving the quality and character of our neighborhoods with common sense and safety for the people living there.

Best,

Erin

/R

Harry

Erin Morton

Preservation Planner II

■ Raleigh Urban Design Center

One Exchange Plaza, Suite 300 | Raleigh, NC 27601

919-996-2632 | raleighnc.gov

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From: Harry Rybacki <hrybacki@gmail.com>

Sent: Thursday, April 23, 2020 12:36 PM

To: Morton, Erin <Erin.Morton@raleighnc.gov>
Subject: Re: minor work COA application link

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Erin,

Thank you for the quick responses. I'm adding some comments inline below.

On Thu, Apr 23, 2020 at 10:44 AM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Harry,

I believe we can get to a place where the application can be approved as a minor work quickly. Staff is bound by the bylaw procedures and list of work to require a replacement tree as a part of the minor work approval; however, we have a quicker approach to this process to allow you to begin removal immediately given the dangerous nature of the tree.

I understand. Thank you for being both professional with the stressful nature of this and diligent in your duties.

Under special circumstances such as these, we have in the past allowed flexibility for the replacement tree to be of a different understory species so that you don't have to worry about crowding the canopy or that a good location for a tree of that size is not available. To be clear, the replacement tree does not need to be planted in the exact same spot, just somewhere on the property. The understory tree can even be planted in the right-of-way out front. We would just need material from you to demonstrate that a replacement tree of similar species cannot be planted on the property. We also still need a site sketch showing the proposed location and species of the new tree.

We had not thought of planting a replacement oak elsewhere on the property. I've reached out to my arborist regarding the two options. If they agree another oak, elsewhere on the property, would do well I am happy plant one. If not, I've requested a document supporting the claim that a different species would be better suited.

Our goal here is simply to ensure that if another citizen reads the case file at a later date, the reasons for the minor work approval are clear and it is fully documented that staff has followed the mandated procedures based on the evidence provided. We want to make sure that all information is included in the written file, without the need for more explanation from external sources.

I understand.

The other option is to agree to plant a replacement tree for the time being to get the tree removal work underway now, and follow up with staff to request a change to the minor work condition at a later date. If you would like to jump on a WebEx call with me this morning to go over the options, I am happy to! Let me know your availability and I will send you a link.

I agree to plant a replacement tree. As soon as I hear back regarding the best path forward I will update you with an updated site plan and support documents as needed.

If this email is formal enough of an agreement to a replacement tree in the interim, I would like schedule removal of the tree. If not and you are still available for a call sometime after 2PM, please let me know.

/R

Harry

Best,

Erin

Erin Morton

Preservation Planner II

■ Raleigh Urban Design Center

One Exchange Plaza, Suite 300 | Raleigh, NC 27601

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From: Harry Rybacki <hrybacki@gmail.com>
Sent: Thursday, April 23, 2020 10:14 AM
To: Morton, Erin <Erin.Morton@raleighnc.gov>
Cc: Kinane, Collette <Collette.Kinane@raleighnc.gov>; Tully, Tania <Tania.Tully@raleighnc.gov>
Subject: Re: minor work COA application link

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

This literally just happened. That could have fallen on my car had I not moved it or someone walking through the alley. Please help me expedite this.

On Thu, Apr 23, 2020, 09:00 Harry Rybacki <hrybacki@gmail.com> wrote:

Erin,

Given the height and spread of the dead water oak, I do not believe it would be possible to plant another oak that would fill out in the same way. When asked, both arborists I had verify the death and threat of the water oak, stated the other large trees on my property, and my neighbors, would fill in this negative space.

Is another, already existing oak over 3" in diameter that stands higher than the utility poles in the alleyway sufficient? It is the most likely 'young' oak that could potentially grow into the canopy.

I looked over the [COA schedule](#) and, if I am reading this correctly, the quickest hearing I could hope for would be an application deadline of May 13th for a hearing on June 25th. That date is eight weeks away and more than *three weeks after the beginning of the hurricane season*. This tree has already dropped two large limbs and needs to be removed now.

There must to be a special case for situations that are an imminent threat, right? Nothing that I saw in the guidelines discusses issues that are time sensitive. What would happen if the tree had already fully fallen or partially fallen?

Can you please help, escalate, or direct me to someone who has dealt with a similar scenario? All of the small limbs have already fallen. Some major ones have already fallen too. Now only the largest, most life threatening ones are left and they are over both my bedroom as well as the alleyway which neighbors, children, and City of Raleigh workers use daily.

For what it's worth, the previous owner let these trees and the house fall into disrepair. I have spent innumerable hours, too much money, and too much stress rectifying decades of poor maintenance around this property. For this tree alone, under the guidance of an arborist, I have spent two years treating at the cost of \$3,000 trying to save it.

I'm sad for the loss of this water oak despite years of treatments -- the trees are why I moved and bought here. I am frustrated for a (this) process that neighbors and friends warned me to avoid because it couldn't understand nuances (danger) for this situation. I am scared each time I go into my bedroom that one of those limbs will injure someone or something and force us to handle an even worse predicament during this pandemic.

I can begin filing the major COA paperwork today. But please, please, please let me know if there are any alliterative options. Per my arborist, 'This canker is very dangerous and unpredictable. This tree needs to be removed as soon as possible before any other tree failures occur.'

/R

Harry Rybacki

On Wed, Apr 22, 2020 at 4:59 PM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Harry,

We have made an initial review of your application. In order for the application to be approvable at the staff level, we will need one additional item. The evidence you have provided to show the diseased nature of the water is considered adequate. All minor work removals of diseased trees require that a replacement tree of a similar species be planted in its place somewhere on the property. The replacement tree should be planted with a minimum 3" caliper and grow to a similar mature size and canopy as the existing tree. Can you provide an accurate site sketch of the location of all existing trees on or near the property and indicate a proposed location and species for the replacement tree?

If you are not in favor of planting a replacement tree, you are able to submit a major work COA application to be heard by the COA committee. If you would prefer to pursue this option, please let us know and we can provide additional information on the process. Thank you!

Best,

Erin

Erin Morton

Preservation Planner II

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From: Harry Rybacki <hrybacki@gmail.com>

Sent: Tuesday, April 21, 2020 3:33 PM

To: Morton, Erin <Erin.Morton@raleighnc.gov>

Cc: Tully, Tania <Tania.Tully@raleighnc.gov>; Kinane, Collette <Collette.Kinane@raleighnc.gov>
Subject: Re: minor work COA application link

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Thanks for clarifying that for me, Erin. I understand now.

/R

Harry

On Tue, Apr 21, 2020, 14:34 Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Harry,

Apologies, I gave you some misinformation. City staff can only use Internet Explorer to access our file management software on the back end. The public-facing permit portal can be accessed by a number of browsers, including Internet Explorer 11.0 and higher, Google Chrome, Mozilla Firefox, and Apple Safari. See the portal FAQs at the link below, which should hopefully help you to solve your specific issue. In the meantime, we do have your materials and your application is in review. Thank you.

<https://raleighnc.gov/business/content/PlanDev/Articles/DevServ/PermitDevPortalFAQ.html>

Best,

Erin

Erin Morton

Preservation Planner II

■ Raleigh Urban Design Center

One [Exchange Plaza, Suite 300 | Raleigh, NC 27601](#)

919-996-2632 | raleighnc.gov

From: Harry Rybacki <hrybacki@gmail.com>

Sent: Tuesday, April 21, 2020 2:01 PM

To: Morton, Erin <Erin.Morton@raleighnc.gov>

Cc: Tully, Tania <Tania.Tully@raleighnc.gov>; Kinane, Collette <Collette.Kinane@raleighnc.gov>

Subject: Re: minor work COA application link

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Hey Erin,

That is all of the items -- thanks for verifying it went through. The tree is honestly keeping me up at night.

For citizens not using Microsoft Windows, what is the best way for us to check/monitor status of the permits?

/R

Harry

On Tue, Apr 21, 2020 at 1:53 PM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Hey Harry,

Unfortunately, I believe the only way to access the online portal is through Internet Explorer. We were able to download several attachments for your application, including the application form, written description, arborist report, plot plan, and a series of 4 photographs. Did we get everything you intended to provide?

Best,

Erin

Erin Morton

Preservation Planner II

■ Raleigh Urban Design Center

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From: Harry Rybacki <hrybacki@gmail.com>

Sent: Tuesday, April 21, 2020 11:36 AM

To: Morton, Erin <Erin.Morton@raleighnc.gov>

Cc: Tully, Tania <Tania.Tully@raleighnc.gov>; Kinane, Collette <Collette.Kinane@raleighnc.gov>

Subject: Re: minor work COA application link

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Hey Erin,

I was hoping you may be able to help me go about viewing the review status of COA-0061-2020. The status says 'awaiting files' but I've uploaded everything per our discussion in March. The web portal is telling me I need to use Internet Explorer to view specifics. However, I only own devices running OSX or Linux which Microsoft does not allow/support the use of. Any tips?

Apologies if you're the wrong point of contact, the portal itself doesn't direct me to any person/department for aid.

Thanks again for your help,

Harry

On Sat, Apr 18, 2020 at 11:00 AM Harry Rybacki <hrybacki@gmail.com> wrote:

Thanks Erin,

For whatever reason the plan application page wasn't allowing me to move past the 'location' section. After a lot of page refreshing it suddenly allowed me to continue. All the documents we spoke about have been attached, the plan submitted, and fee paid. I've got the tree crew on standby for when this is approved.

/R

Harry

On Mon, Apr 13, 2020 at 2:46 PM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Harry,

The application portal appears to be working now. Make sure you are looking under the "Plans" tab, not the "Permits" tab. The application you want to submit is the fourth one down the page labeled "Certificate of Appropriateness – Minor." You are also welcome to email us the PDFs you want to submit, but the application fee will need to be paid through the online portal [online portal](#) before we can begin processing the application.

If any work regarding exterior changes to the property is undertaken without an approved COA in hand, the application will be reviewed as an after-the-fact application, automatically resulting in a doubled fee. We generally discourage applicants from taking this route.

Because of the stay-at-home order and the city's attempt to have as many employees working remotely as possible, I would expect that you will receive much higher response rates by contacting city employees over email rather than phone until the quarantine is lifted. Please let us know if you have any additional issues trying to submit the application. Thank you.

Best,

Erin

Erin Morton

Preservation Planner II

■ Raleigh Urban Design Center

One [Exchange Plaza, Suite 300](#) | [Raleigh, NC 27601](#)

919-996-2632 | [raleighnc.gov](#)

From: Harry Rybacki <hrybacki@gmail.com>

Sent: Monday, April 13, 2020 12:19 PM

To: Morton, Erin <Erin.Morton@raleighnc.gov>

Subject: Re: minor work COA application link

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Hey Erin,

I've been having troubles with the permit portal application to allow me to file the permit. The portal seems to be unfinished -- the [help link](#) is leads to a dead website and the [help pdf link](#) seems to be broken as well. Is there a specific number to call for help?

Over the last couple of weeks I spent a couple of days trying to get help on the phone but never heard back from my voicemails.

After this mornings storms and another fallen limb, I'm growing pretty concerned about the tree and would like to get it removed asap. Is it possible to retroactively file this permit?

Thank you for your help!

/R

On Fri, Mar 20, 2020 at 1:12 PM Morton, Erin <Erin.Morton@raleighnc.gov> wrote:

Hi Harry,

Please follow the link below to submit a minor work application when you are ready. Thanks!

<https://energovcitizenaccess.tylertech.com/RaleighNC/SelfService#/applicationAssistant?sectionName=All&moduleId=3&categoryName=All>

Best,

Erin

Erin Morton

Preservation Planner II

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Harry Rybacki