City of Raleigh

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COA-0190-2018

530 ELM STREET

OAKWOOD HISTORIC DISTRICT (HOD-G)

N

0 25 50 100 Feet

Nature of Project:
Install 72" fence and gate; remove and replace magnolia tree

APPLICANT:
JEFFREY AND MARIE SCHEURING

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – STAFF REPORT

COA-0190-2018 530 ELM STREET
Applicant: JEFFREY AND MARIE SCHEURING
Received: 10/12/2018 Meeting Date(s):
Submission date + 90 days: 1/10/2019 1) 12/27/2018 2) **2/28/2019** 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT
Zoning: General HOD
Nature of Project: Install **72"** fence and gate [After-the-Fact]; remove and replace magnolia tree
Amendments: **The original application requested installation of a 66" fence but has been changed per the applicant. New length of fence is proposed to be 50'2".**
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."
- **Changes to the staff report appear in bold lettering below.**
- **After-the-Fact applications are reviewed as though the work has not been completed.**

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

Sections	Topic	Description of Work
1.3	Site Features and Plantings	Install **72"** fence and gate; remove and replace magnolia tree
1.4	Fences and Walls	Install **72"** fence and gate

STAFF REPORT

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

A. Removing and replacing a magnolia tree is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.5; however, removing a healthy tree **is** incongruous according to *Guidelines* 1.3.3, 1.3.5, and the following suggested facts:

1* The application proposes removing a magnolia tree near the northwest corner of the property due to issues with its roots and debris. A replacement little gem magnolia tree was proposed, although the location was not shown.

2* The applicant stated in a phone call on 12/3/2018 that the magnolia tree is healthy. An International Society of Arboriculture (ISA) certified arborist's assessment of the tree was not included in the application.

3* The magnolia tree is one only a few evergreen trees on the block.

B. Installing a **72"** fence and gate is not incongruous in concept according to *Guidelines* 1.3.7, 1.4.1, 1.4.2, 1.4.8; **however, a fence that projects beyond the front wall of the adjacent garage is incongruous according to *Guidelines* 1.4.11**, and the following suggested facts:

1* From the *Inventory of Structures in the Oakwood National Register Historic Districts*, by Matthew Brown, former Historian, Society for the Preservation of Historic Oakwood, 2004-2015:

   a. The house was constructed in 1987.
   b. "Prominent Raleigh architect Jeffrey Davis designed this two-story frame house for his own family's residence. It is in the Postmodern style. There is a shed at the northeast corner of the lot, built in 2007."

2* The application proposes installation of a **72"** wood privacy fence to match the existing shadow box fencing. The proposal calls for the new fencing to extend on the north property line in parallel to the adjacent garage at 600 N Boundary St.

3* **The fence and gate were installed without approval of the COA application.**

4* **From the certified record of the December 27, 2018 COA Committee meeting when the case was deferred: "The Committee members clarified that they need the applicant to provide the following:**

   a. the fence height measured from the ground to the top of the fence, all along the length of the fence since there is a change in grade;
   b. the fence location shown on a site plan with the house, the tree and the neighboring garage;
   c. photos of the tree and its roots;

d. information about the tree roots from an arborist certified by the International Society of Arboriculture (ISA), and the impact of the fence post installation on the roots."

5* **The applicant did not provide a site plan showing the house, the tree and the neighboring garage.**

6* **City staff and a City zoning inspector measured the height of the fence on the subject property at multiple locations, ranging from 73" at the front post to 77" at the end of the first panel to 72" near the gate. See staff evidence of a rough site plan with key fence height measurements.**

7* **There is a distance of approximately 8" horizontally between the base of the magnolia tree and the front post, and as can be seen from photographic staff evidence. A face board attached to the front post is touching an exposed root on the ground level.**

8* **The applicant states that they have experienced erosion since the construction of the neighboring garage at 600 N Boundary St, and that they will restore the soil level to resolve height differences along the fence.**

9* **The applicant provided a photo (#5) showing the location where the fence installer suggested the first post be installed, but the applicant extended the length of the fence during installation and now requests the length of the fence to be 50'-2".**

10* The fencing and a gate are also proposed to connect the fencing on the north property line to the northwest corner of the house.

11* The applicant's house is set back farther from the street than is typical in Oakwood, putting the front wall of the house behind the front wall of the adjacent garage in relationship to Elm St. (See staff evidence.) The fencing extends further towards Elm Street than the adjacent garage.

12* The historic relationship between buildings and landscape features is not being changed.

13* The Committee has regularly found that 6'-tall wood privacy fences meet the *Design Guidelines* in Oakwood when installed in rear and side yards (except for corner lots).

14* Photographs illustrate the design of the existing fence, **and a photograph provided by the applicant at the December 27 COA Committee meeting shows the gate design**.

15* A tree protection plan was not included in the application.

16* **The applicant did not provide the requested information about the tree roots from an arborist certified by the International Society of Arboriculture (ISA), and the impact of the fence post installation on the roots.**

Staff suggests the Committee defer the application to allow the applicant to provide the requested information about the tree roots from an arborist certified by the International Society of Arboriculture (ISA), and the impact of the fence post installation on the roots.

Should the Committee choose to make a decision, staff suggests that the Committee approve the application with the following conditions:

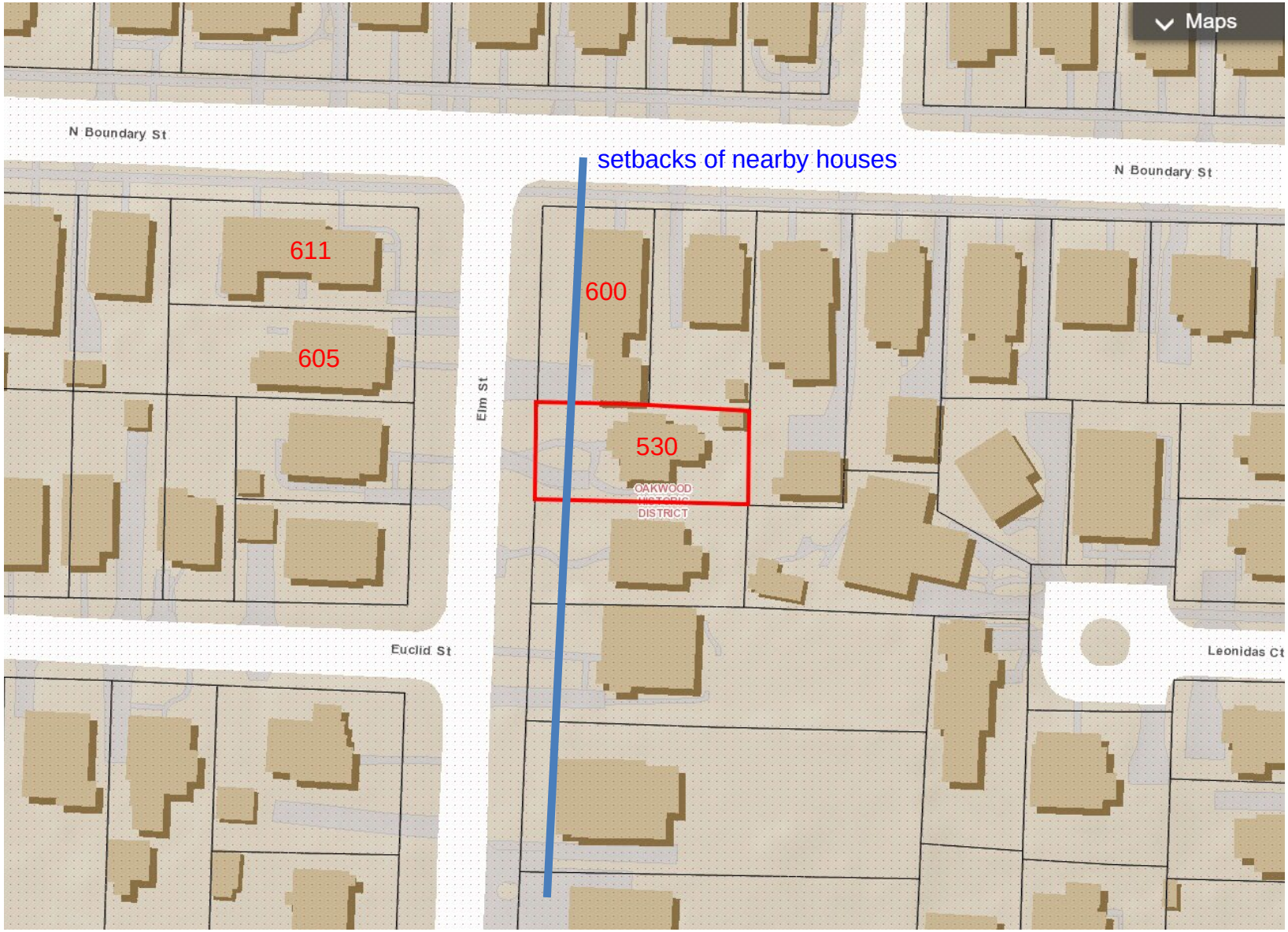
1. That the fence extend no further towards Elm Street than the front wall of the adjacent garage.
2. That a 365-day demolition delay be implemented for the magnolia tree proposed to be removed.
    a. That the replacement tree be at least 3" in caliper.
    b. That the replacement tree location shown on a site plan be provided to and approved by staff prior to issuance of the blue placard.
3. That fence footings be dug by hand and located to avoid damage to tree roots, should any be encountered during construction of the fence. Roots larger than 1" caliper will be cut cleanly using proper tools such as loppers.

Staff Contact: Melissa Robb, melissa.robb@raleighnc.gov

Staff Evidence/Photos: 530 Elm St, COA-0190-2018
February 28, 2019 COA Committee Meeting

Approximately 8" from face board on front post to base of tree trunk. Note the board is immediately adjacent to the exposed tree root.

Staff Evidence: COA-0190-2018



COA-0190-2018 Amendment for 2/28/19 Meeting

COA-0190-2018

RECD 1/22/19

January 18, 2019

To: Melissa Robb, RHDC

Dear Melissa,

Please find the enclosed photos of the fence at 530 Elm St.

Image 1: Illustrates front corner of neighboring garage, location of tree roots directly below it, erosion of our property beneath new fence, new grade of neighboring driveway that is a contributing condition of of erosion of land around the magnolia.

Image 2: Shows a perpendicular view of the tree, fence and garage that shows only a small portion of the top corner of the fence not obstructed by the tree. This is due to the fact that the tree leans toward the home and is not vertical.

Image 3: We requested that the new fence match the existing fence in our backyard. We measured the back fence at 66" and requested 66" height in our COA. However, the installer put in a 72" height. The height difference was not apparent to us because the fence matches the height at the point where the two fences join. This is apparently due to the new portion of the fence installed below grade at the soil height; beside not upon the pavers. We did not notice this until the height was questioned at the hearing. For this reason, **we are requesting to amend our coa to 72 inches height.**

Image 4: Please note that we have had 4 to 6 inches of erosion since the garage was reconstructed. The goal of a second story on the garage that did not exist previously, required the previously level driveway be graded to provide the garage height necessary to remain subservient to the main home. The photo shows our utility lines are exposed in the vicinity of the tree. We will restore this soil which should resolve any height differences near the area of erosion.

Image 5: Location of the fence post as recommended by the installer. The original location of the fence was to end in front of the magnolia but major and minor roots occupy that area. We also **request to amend the new length of the fence to 50 feet plus 2 inches**. The installer recommended leaving the last portion of the fence off but that would not screen the view of the garage man door or the proposed location of the trash cans at 600 Boundary. It also, does not provide the added security we are seeking, allowing access to our side yard through the gate behind the garage and on the side yard of 600 Boundary.

Image 6: Three distinct areas of heaving caused by the magnolia tree roots are provided. We have resisted cutting the roots to preserve the tree. We have no plans to remove the tree at this time but should this condition worsens, we would like to be prepared to make the necessary corrections to prevent tripping hazards on our

Marie Schenning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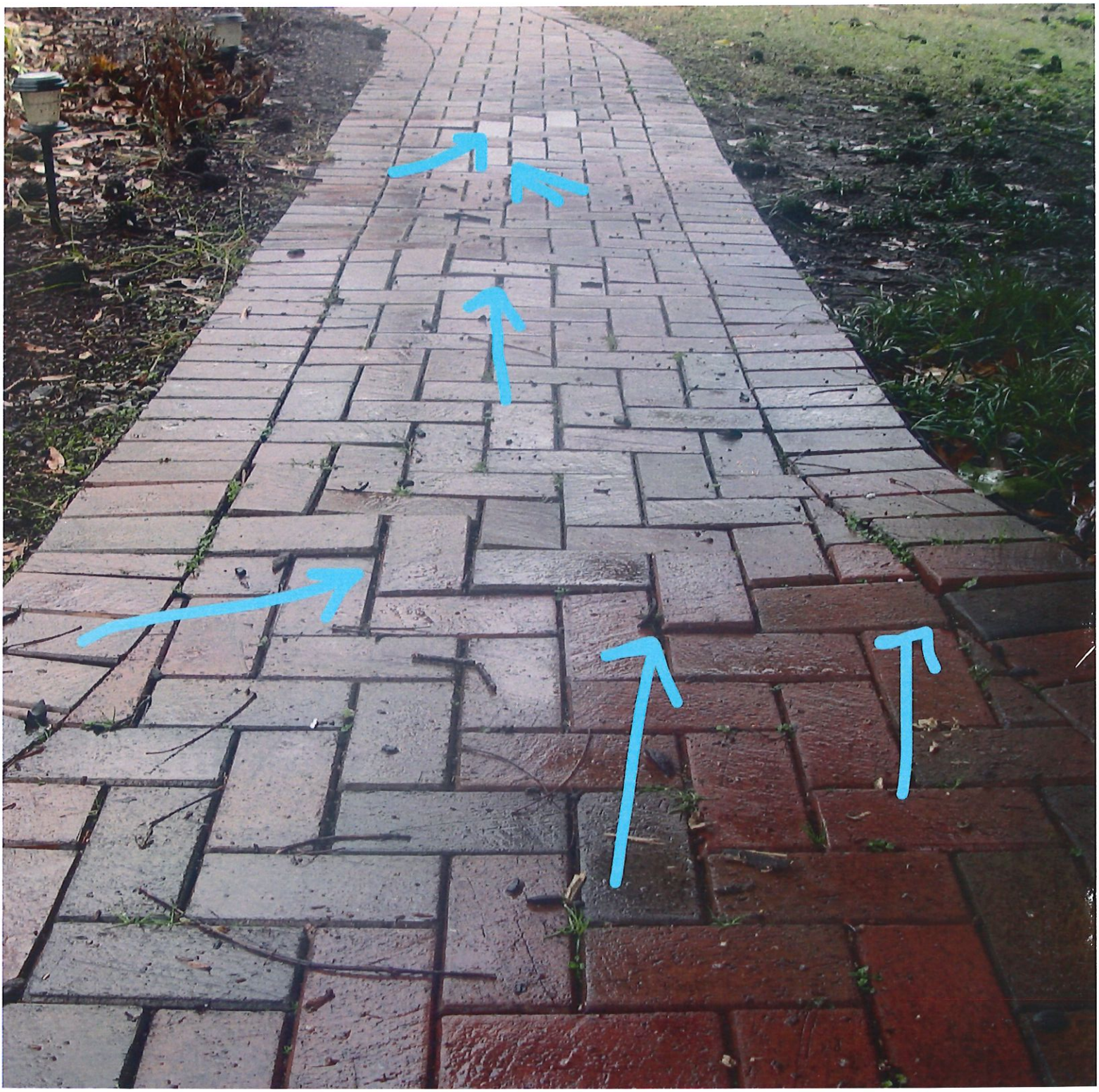

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Raleigh Historic Development Commission – Certificate of Appropriateness (COA) Application

DEVELOPMENT SERVICES DEPARTMENT

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
eFax 919-996-1831

RHDC
RALEIGH HISTORIC DEVELOPMENT COMMISSION

X☐ **Minor Work (staff review) – 1 copy**

☒ **Major Work (COA Committee review) – 10 copies**

- ☐ **Additions Greater than 25% of Building Square Footage**
- ☐ **New Buildings**
- ☐ **Demo of Contributing Historic Resource**
- ☐ **All Other**

CONVERTED TO MAJOR WORK 10/12/18

☐ **Post Approval Re-review of Conditions of Approval**

WITH WAIVER OF ADDITIONAL FEE MR

For Office Use Only

Transaction # 566828
File # COA-0190-2018
Fee $30.00
Amount Paid $30.00
Received Date 8/20/18
Received By SUNF

Property Street Address 530 Elm St

Historic District Oakwood

Historic Property/Landmark name (if applicable) N/A

Owner's Name Jeff and Marie Scheuring

Lot size .12 acre	(width in feet) 50	(depth in feet) 110

For applications that require review by the COA Committee (Major Work), provide addressed, stamped envelopes to owners of all properties within 100 feet (i.e. both sides, in front (across the street), and behind the property) not including the width of public streets or alleys (Label Creator).

Property Address	Property Address

WWW.RALEIGHNC.GOV

I understand that all applications that require review by the commission's Certificate of Appropriateness Committee must be submitted by 4:00 p.m. on the application deadline; otherwise, consideration will be delayed until the following committee meeting. An incomplete application will not be accepted.

Type or print the following:		
Applicant Jeffrey Scheuring		
Mailing Address 530 Elm St		
City Raleigh	State NC	Zip Code 27604
Date 9/17/18	Daytime Phone 919-619-9494	
Email Address		
Applicant Signature	Jeffrey Scheuring · Mari Scheuring	

Will you be applying for rehabilitation tax credits for this project? ☐ Yes ☒ No

Did you consult with staff prior to filing the application? ☐ Yes ☒ No

Office Use Only

Type of Work 36, 75

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)
1.4	Extend fence	Extend current fence with same material/height to the end of the garage located on adjoining property line at 600 Boundary. Relocate our existing gate 10ft forward to the front corner of our home. The back of this home (600 Boundary) faces the side of our home. A revision of minor work was submitted and approved that permitted the owner of the garage to place a door and locate their trash cans in plain view of Elm Street passers-by. This detracts from the neighborhood view for everyone. An identical condition exists directly on the opposite side/corner of Elm and Boundary and an identical fence was already approved and used for similar remedy. Remove/replace magnolia tree with similar but more manageable size. The current tree presents a tripping hazard. Roots are uprooting our sidewalk and the seed pods are large. The tree is in a constant state of dropping leaves and pods. current fence is 66 inch height
1.3	Remove magnolia tree	

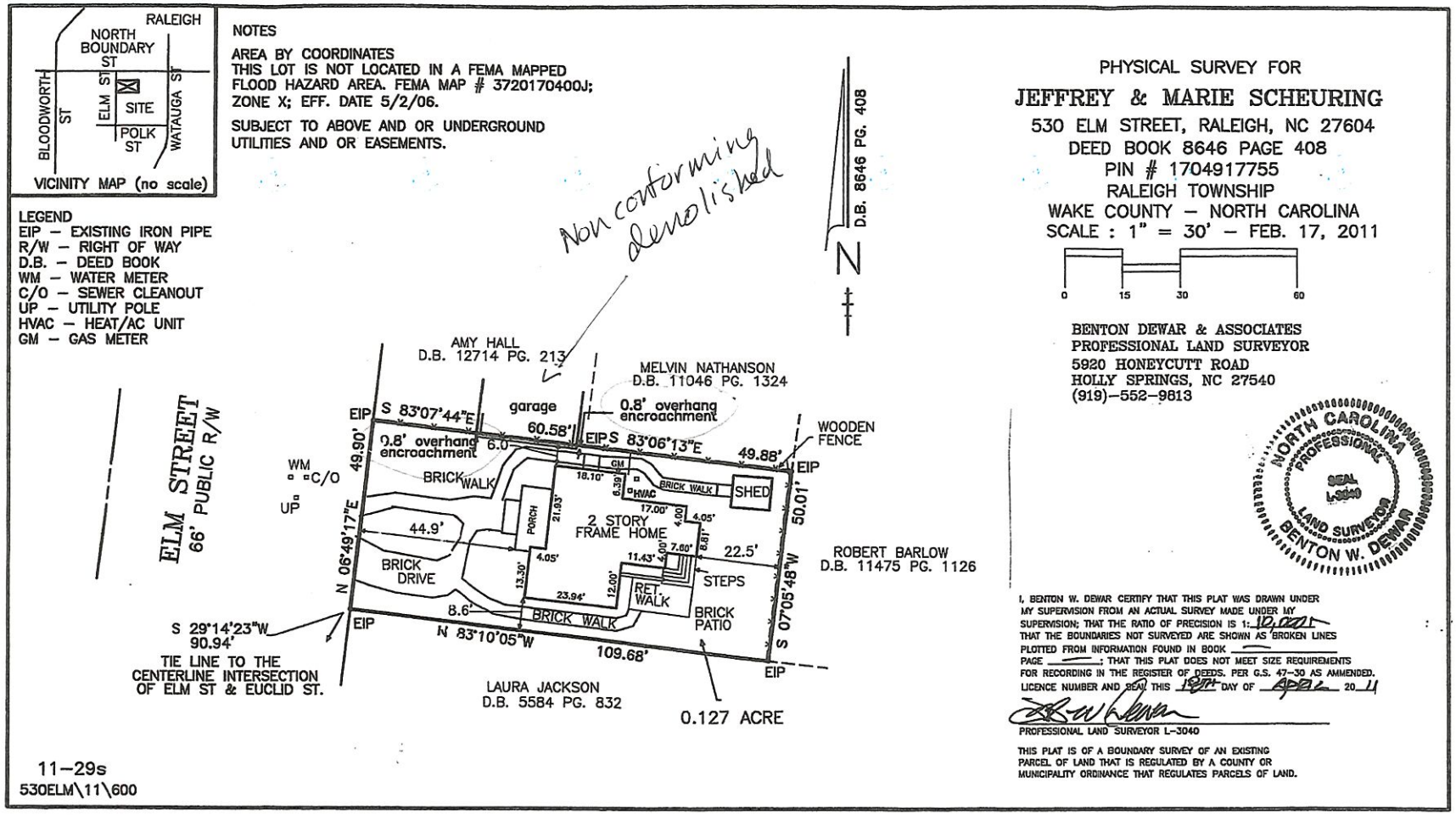
Minor Work Approval (office use only)

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 _____. 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) _____ **Date** _____

TO BE COMPLETED BY APPLICANT			TO BE COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
Attach 8-1/2" x 11" or 11" x 17" sheets with written descriptions and drawings, photographs, and other graphic information necessary to completely describe the project. Use the checklist below to be sure your application is complete. Minor Work **(staff review) –** 1 copy Major Work **(COA Committee review) –** 10 copies	X				
1. **Written description.** Describe clearly and in detail the nature of your project. Include exact dimensions for materials to be used (e.g. width of siding, window trim, etc.)	☐		✓		
2. **Description of materials** (Provide samples, if appropriate)	☐		✓		
3. **Photographs** of existing conditions are required. Minimum image size 4" x 6" as printed. Maximum 2 images per page.	☐		✓		
4. Paint Schedule (if applicable)	☐	☐			✓
5. Plot plan (if applicable). A plot plan showing relationship of buildings, additions, sidewalks, drives, trees, property lines, etc., must be provided if your project includes any addition, demolition, fences/walls, or other landscape work. Show accurate measurements. You may also use a copy of the survey you received when you bought your property. Revise the copy as needed to show existing conditions and your proposed work.	☐	☐		✓	
6. **Drawings** showing existing and proposed work ☐ Plan drawings ☐ Elevation drawings showing the façade(s) ☐ Dimensions shown on drawings and/or graphic scale (required) ☐ 11" x 17" or 8-1/2" x 11" reductions of full-size drawings. If reduced size is so small as to be illegible, make 11" x 17" or 8-1/2" x 11" snap shots of individual drawings from the big sheet.	☐	☐		✓	
7. Stamped envelopes addressed to all property owners within 100 feet of property not counting the width of public streets and alleys (required for Major Work). Use the Label Creator to determine the addresses.	☐	☐			✓
8. **Fee** (See Development Fee Schedule)	☐		✓		

Rcvd 10/12/18
TGT



Tanya – The non-conforming garage on adjoining lot was demolished and rebuilt 5 ft off property line. The location of fence would approximate the line of the garage that was torn down.

Magnolia for removal / replacement with Little Gem or similar.

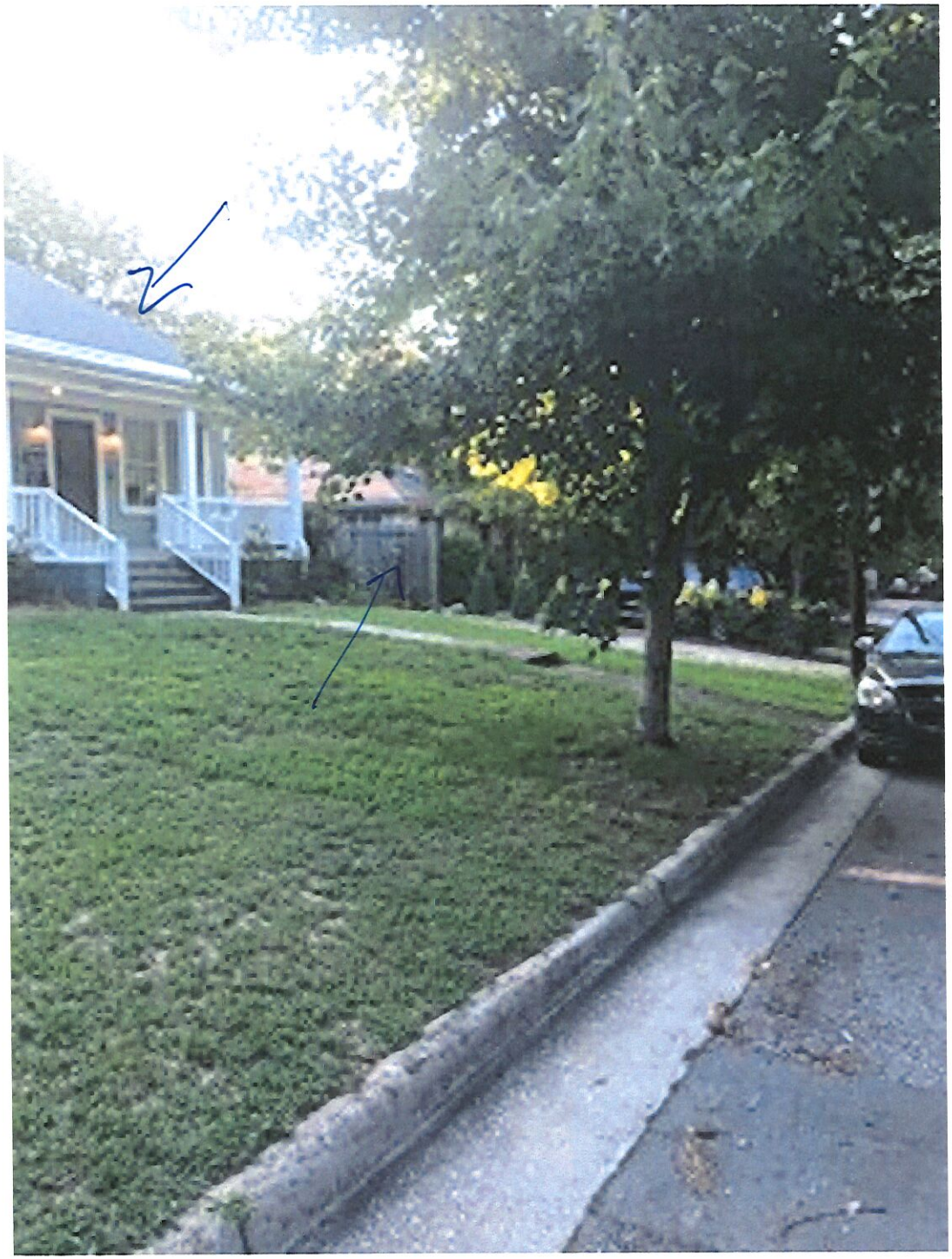
Current tenant was agreeable to moving trash cans while we work out fence details. This garage door plan was the irresponsible efforts of an owner & architect with disregard of the beautification of Elm St. This was approved as minor work instead of during COA review.

Street view –

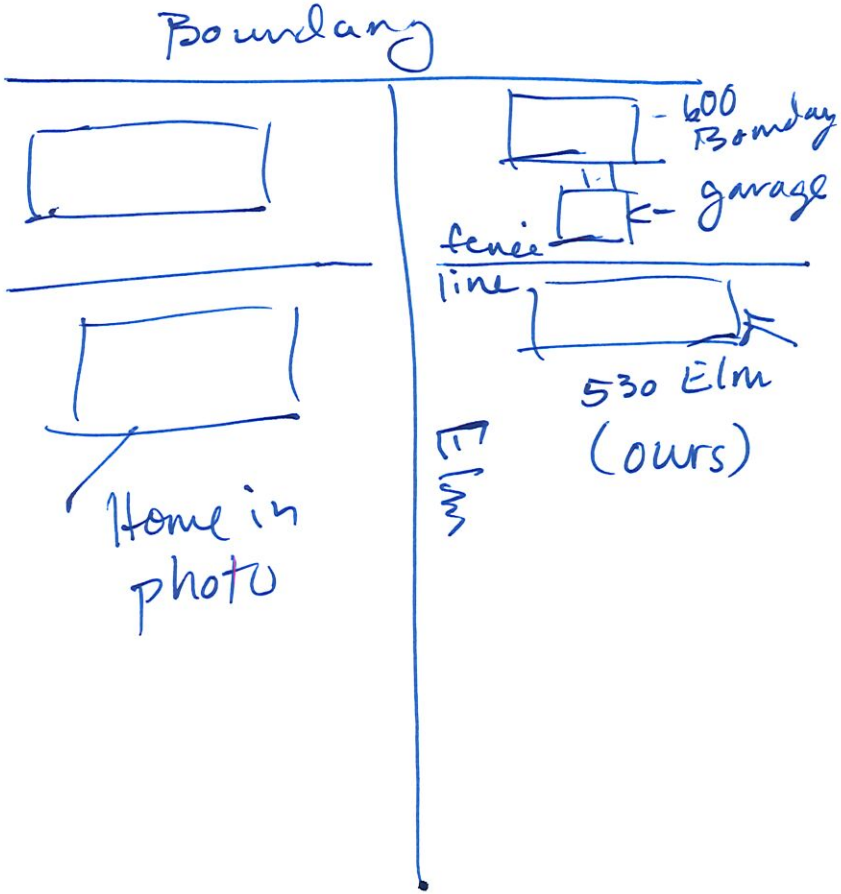
It is difficult to see but our fence is hidden by jasmine

Continue our fence to end of garage


End fence here
End fence



Home across the street on Elm.



— Home on other corner of Boundary / Elm.

Same fence, same situation.