

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
October 25, 2018

CALL TO ORDER

Chair Nick Fountain called the Certificate of Appropriateness (COA) Committee meeting to order at 4:01 p.m.

ROLL CALL

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

Present: Don Davis, Ian Dunn, Nick Fountain, Jeannine McAuliffe, Jimmy Thiem

Staff Present: Tania Tully; Collette Kinane; Francis P. Rasberry, Jr., Attorney

Approval of the September 27, 2018 Minutes

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

Minor Works

There were no questions regarding the Minor Work report.

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

<u>Visitor's/Applicant's Name and Address</u>	<u>Affirmed</u>
Mary Boone, 403 Elm Street, 27604	yes
Michelle Lopez-Orsini	yes
Bill Eagan	yes
Grey Poole	yes
Travis Tyboroski	yes
Charlie Queen, 914 Dorothea Drive, 27603	yes
Allison Hutchins, 914 Dorothea Drive, 27603	
Sara Queen	yes
John Fedderson, 401 Elm Street, 27604	yes
John Sibert	yes
Ron Rogers, 314 N Boundary Street, 27604	yes
Sue Ferrari, 723 Gaston Street, 27605	yes
John Thomas, 3508 Swiftbrook Circle, 27606	yes

APPROVAL OF AGENDA

Mr. Davis moved to approve the agenda as printed. Mr. Dunn seconded the motion; passed 5/0.

PUBLIC HEARINGS

Chair Fountain introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: 128-18-CA, 104-18-CA, 145-18-CA, 146-18-CA, 147-18-CA, and 148-18-CA.

Mr. Fountain left the meeting at 5:54 after case 146-18-CA. Mr. Davis took over as chair beginning with case 147-18-CA.

DRAFT

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

128-18-CA 809 BROOKLYN STREET

Applicant: BILL EAGAN

Received: 8/15/2018

Meeting Date(s):

Submission date + 90 days: 11/13/2018

1) 09/27/2018 2) 10/25/2018

INTRODUCTION TO THE APPLICATION

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: STREETSIDE HOD

Nature of Project: Construct two residential buildings

DRAC: An application was reviewed by the Design Review Advisory Committee at its August 6 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, Dan Becker and David Maurer; also present were Bill Eagan, the applicant, Melissa Lopez Orsini, and staff members Melissa Robb, Collette Kinane, and Tania Tully.

Amendments: At the 10/25/2018 hearing, the applicant provided new elevation drawings, site plans, and a narrative.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.
- Streetside HODs are "...established to provide for protection of the traditional development patterns of an area and to preserve historic resources found in it. The focus is on maintaining that character and on preserving those key character-defining features of individual historic resources within the district as viewed from the street right-of-way, excluding alleys..." (Section 5.4.2.A.1. of the Unified Development Ordinance)
- Section 5.4.2.B c. and f. of the Unified Development Ordinance governs the applicability of the COA process in Streetside HODs. The entirety of any new principal building construction on a vacant lot and the first 25% of the depth of the lot area adjacent to the public right-of-way on a vacant lot is subject to review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
3.3	New Construction of Primary Buildings	Construct two residential buildings

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the site. She noted that the case was deferred from the previous month and no new information had been submitted to prepare a staff report.

Support:

Bill Eagan [affirmed] was present to speak in support of the application. He described the project and the previous submission: two two-unit residential buildings that were three stories with two-story appendages. He heard the feedback from the Committee at the previous meeting and from the letter sent to the Committee by a neighbor. There were concerns about building location and orientation. They have revised the proposal to feature both buildings fronting Brooklyn Street; the height has been reduced to two stories; the entry has been moved to a more historic location; a sidewalk planting strip has been added and the entry drive curb cut radius have been reduced to be more in keeping with historic curb cuts. The two buildings are oriented to Brooklyn Street with a driveway in between, the garages on each building face the driveway. A one-story porch on the front façade with steps up to it is similar to those found in the neighborhood. However, with these alterations in design there are two identified issues that are in conflict with the UDO:

1. Neighborhood Transition Yard – through the new design they are not able to meet the 50' buffer requirement
2. Sidewalk Design Requirements – a 64' Right-of-Way is stipulated, though the existing condition of Brooklyn Street is much narrower. The new design features buildings that are placed close to the street, like many other properties in the neighborhood. By keeping a similar setback, the requested right-of-way is unable to be met.

Mr. Eagan stated that he hoped the Committee would be able to assist with waiving or removing the UDO requirements. Following last month's meeting, the applicants held a meeting with members of the neighborhood and had 4-5 residents attend. They feel the new proposed design has met the concerns of the neighborhood.

Responses and Questions:

Mr. Thiem asked about the differential between the 10' and 5' utility setbacks, what is the relief being requested and how close to the street is the proposed building.

Mr. Eagan responded all.

Travis Tyboroski [affirmed], an engineer for the project, responded that their desire is that the building be as close to the street as possible, near the zero-lot line, to maintain the historic setback.

Mr. Eagan added that, in reality, the buildings would likely be setback at least 5' once you add the risers. Mr. Thiem asked how this compared to the rest of the street. Mr. Tyboroski stated that the average setback is about 21'. The proposed structures are set back about 28' if the utility setbacks are removed.

Mr. Thiem asked if a compromise were to be established between zero and 10, what would be preferable. Mr. Tyboroski responded that 5' would be realistic.

Mr. Fountain opened the hearing to others in support or opposition.

Steve Gurganus [802 Brooklyn Street, affirmed] stated that he participated in a meeting with the applicants. The new proposal addressed the height concerns and altered the two buildings to face the street. He supports the application and supports the applicant's request for an adjustment to the transition yard to allow the building on the east side to be closer to the property line because the proposed project is residential in character.

Fred Belledin [711 Gaston Street, affirmed] thanked the applicant for holding a neighborhood meeting and hearing their concerns. He stated that if the property was zoned RX, they could avoid the 50' transitional buffer yard through an exception for townhomes less than three stories. He is supportive of the project in general as it is now proposed.

Mr. Fountain asked Francis Rasberry, Council for the Committee to give guidance on the Committee's limits or lack of limits to authority to remove the transitional buffer yard requirement.

Mr. Rasberry stated that normally a waiver or a dramatic reduction would require a variance. There are provisions that address potential conflicts between the powers of the Committee and provisions of the UDO. The Committee would be approving an element of a plan that is nonconforming. Whether a variance is going to be required is not something that the Committee will be able to answer at this meeting. Zoning staff will need to weigh in on it. If a variance is required, the applicant will have to make its case. The history of revising plans to address concerns of the Committee would bolster the case of a variance.

Ms. Tully stated that staff had meeting with the Zoning Administrator about the transitional setback requirements; but have not received an answer yet. Typically, setbacks are within the purview of the Committee's decision making, staff is unsure whether this includes the transitional yard.

Mr. Thiem asked if the Committee is in a position to take action or should the item be deferred until we have clarity.

Mr. Fountain asked if the Committee feels they can move forward with the information they have.

Mr. Rasberry responded that the committee could rule based on its traditional authority, without addressing whether or not a variance would be required.

Mr. Davis asked if the decision could be worded so that the Committee approve contingent on authority. Mr. Thiem stated that if the Committee gives approval today, if it doesn't work can the applicant come back and review again. Mr. Thiem asked if the applicant should be invited to comment. Mr. Fountain stated if the Committee doesn't have the authority, the applicant will

have to come back. Ms. Tully stated that she is concerned about the Committee making a decision that could easily be appealed, from a point of protection of the Committee.

Mr. Eagan stated that they are trying to avoid variance. A strong support of design may help in seeking a variance or waiver of the buffer yard.

Ms. Tully said that applicants for variances have frequently used approved COAs to support variance requests, specifically for signs. The COA Committee found that the project meets the *Guidelines* knowing the applicant would need a variance. Ms. Tully asked the Committee's attorney if staff could be called on to testify at variance hearing.

Mr. Rasberry stated that a minimum of 30 days was needed to answer the multiple questions.

Mr. Thiem mentioned that there is a logistical situation. The staff did not have an opportunity to review the material or prepare a staff report. The previous staff report is the information the Committee has to act upon – it refers to old information. Ms. Tully responded that a new Findings would be prepared after the fact.

Mr. Fountain asked if there was anyone else that would like to be heard.

Sue Ferrari [723 Gaston Street, affirmed] said that she lives next to the apartment building. She has lived there since 1985 but owned the building since 1974. She is delighted to see something done with the parking lot. It has been a student parking lot for the high school. They have a lot of problems with garbage. It is the least attractive part of the neighborhood. She has talked to the designers and they are doing a responsible job. The neighborhood's character is front porches with postage stamp front yards. She is looking forward to having new neighbors.

Grey Poole [Selwyn Property Group, affirmed] stated that he appreciates that the Committee is wrestling with authority. He feels that they have made a lot of progress with the neighborhood and have come up with a much better plan. Another deferral would create a lot of uncertainty. He wants to find a way to approve plans, subject to variance and does not want an open application.

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

Committee Discussion

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

I think we have made similar approvals. The new design answers all the questions we had at the last meeting and meets the *Guidelines*. [Davis]

I agree. I am excited to see changes made in response to last discussion. [McAuliffe]

Thank you to the applicant for making changes in response to our concern. Especially to gather neighborhood support. The new design does appear to be congruous. [Thiem]

Anyone want to attempt a motion? [Fountain]

Can we take a minute to see what applies? [Davis]

Take general action, staff can prepare findings before next meeting. [Rasberry]

Decision on the Application

Mr. Davis made a motion that the application be approved as amended, with the following conditions:

1. That the windows either be wood or aluminum-clad wood.
2. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Window and door units;
 - b. Eave construction;
 - c. Foundation details;
 - d. Porch details
3. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
 - a. Curb cut;
 - b. Detailed driveway and parking plan;
 - c. Window and door trim;
 - d. Brick size and bond pattern for foundation, trim, and façade;
 - e. Siding specifications and reveal;
 - f. Railing specifications;
 - g. Roofing materials;
 - h. Exterior lighting;
 - i. Garage vehicular door;
 - j. HVAC location and screening.

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

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

Certificate expiration date: 4/25/19.

The proposed Finding of Fact and Conclusions of Law are in a separate document attached to these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

104-18-CA 403 ELM STREET
Applicant: MARY BOONE
Received: 6/19/2018 Meeting Date(s):
Submission date + 90 days: 9/17/2018 1) 10/25/2018

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Add wood fence section to top of existing fence bringing height to 7 ft [after-the-fact]; remove crepe myrtle tree; plant medium size tree

Conflict of Interest: None noted.

Staff Notes:

- After-the-fact applications are treated as though the work has not yet been completed.
- 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.”
- After initial deferral requests by the applicant the application was approved for deferral to the October 25, 2018 COA Committee meeting at the September 27 meeting.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	Remove crepe myrtle tree; plant medium size tree
1.4	Fences and Walls	Add wood fence section to top of existing fence bringing height to 7'

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report.

Support:

Mary Boone [403 Elm Street, affirmed] was present to speak in support of the application. Additional information was provided and distributed. Ms. Boone stated that there was

previously a 7' tall fence covered with vines – it was there when she purchased the property. The fence was removed as part of work done on the property. The fence was rebuilt with approval, however fence builder only built to 5', while the COA had given approval for a 6' fence. Ms. Boone requested that the Committee allow her to build the fence to the original height with a fence topper of traditional material and not visually opaque. She noted that she had installed bamboo screening as an experiment and that it is not permanent. She spoke to the examples of other tall backyard fences in the area she provided and that the Guidelines do not prohibit 7' fences, that they should be compatible.

Mr. Fountain asked staff if the addition of 1' would be a minor work? Ms. Tully said it could go up to feet based on the previous COA. Mr. Fountain said that they are talking about the last foot up to 7'.

Ms. Boone noted that it was a very small footprint and requested for only on 2 sides.

Mr. Dunn asked about the photo of the 7' fence and from view the photo is taken. Ms. Boone said that the photo is of the fence adjacent to 401 Elm Street. Mr. Davis asked which fence is proposed – wood or mesh.

Opposition:

John Feddersen [401 Elm Street, affirmed] spoke to the COA application. He noted that he did not oppose the fence as approved in the prior COA but did have objection to the bamboo projection. He noted that the addition of 1' of fence cuts down on light into his property. His lot is below level of applicant's lot, and 1' to 2' is significant.

Mr. Fountain asked about the questionable materials. Mr. Feddersen said that the bamboo was objectionable. He also stated his belief that the City ordinance is that fences can be no taller than 6'. He said that if this application was approved it may set a precedent.

Mr. Feddersen spoke to the notification process. He said that his letter did not arrive until the Thursday proper to the meeting and he does not believe that this was enough. He asked if other neighbors should have been notified.

Mr. Thiem asked staff if fence toppers have been treated differently in the past. Ms. Tully said that they looked at the overall height including toppers.

Ms. Boone asked about the policy for grandfathering fences. She noted that there is an existing 8' fence within a block. She also reminded the committee of the application material with examples of 7' fencing and that she has current approval for 8' hedging. Ms. Fountain noted that they are not bound by things built without a COA.

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

Committee Discussion

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

6' is the maximum height usually approved. Traditionally rear yards did not have 8-foot-tall fences. [Davis]

Due to the grade it will be more than 6' tall to the neighbor. [Fountain]

For the request to remove the crepe myrtle tree there was not a report by an arborist or landscape architect and that the tree seemed to be healthy to him. Crepe Myrtles are acceptable street trees. [Thiem]

Findings of Fact and Conclusions of Law

Mr. Dunn moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-2) and B. (inclusive of facts 1-10) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Removing a crepe myrtle tree and planting a medium size 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 crepe myrtle tree in the street right-of-way due to its "poor shape" and location. A replacement tree was proposed.
 - 2* A letter on letterhead from the NC Cooperative Extension Office from a person who signed it as "extension master gardener volunteer" states that a cutting from the tree was assessed along with a photo. It was deemed to have "low viability" and to be "poorly placed." A "sun-loving tree of medium height" was recommended as a replacement. No tree species was identified.

- B. Adding a wood fence section to the top of an existing fence is not incongruous in concept according to *Guidelines* 1.4.1, 1.4.2, 1.4.8; however, adding a wood fence section to the top of an existing fence bringing the height to 7' is incongruous according to *Guideline* 1.4.8, 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 c. 1923.
 - b. "It has a hipped roof with a hipped-roofed dormer on the front. The eaves are not boxed and have partially exposed rafter tails. There are two square windows in the dormer. The front porch has a hipped roof supported by four Tuscan columns with a square-section balustrade. The front door is partially glazed. Most windows have nine square panes over a single pane. There is a double window on the front of the first story."
 - 2* The historic relationship between buildings and landscape features is not being changed.

- 3* The owners received a COA (163-14-CA) in 2014 to remove existing fencing in the rear yard, construct a low brick wall with fencing in the rear yard, and install a new 70" tall rear yard privacy fence.
- 4* According to the current application, the original fence on the south property line measured 7' (or 84") in height. No COA was issued for this wood-framed wire fence. It was either in place prior to district designation or the work was done without a COA. See photo labeled "original 7 ft fence."
- 5* After receiving approval for the 70" fence, a privacy fence was installed that ranged in height from 60" to 65".
- 6* This application proposes installing a 24" high lattice element to the top of the fence, making it 84" to 89" in height. The top is not proposed on the portions of the fence facing Elm Street.
- 7* Solid fences with a lattice top 6' tall and lower have met the Guidelines in prior COA applications.
- 8* Recently a bamboo screen was installed on the inside of the fence to extend the height of the current fence. See photo labeled "view after." The application does not explicitly state that the bamboo will be removed, but it is not shown in the drawing provided.
- 9* Examples of other tall fences in Oakwood were provided by the applicant:
 - a. 401 Polk St – No COA was issued for this brick wall. It was either in place prior to district designation or the work was done without a COA.
 - b. 404 Oakwood Ave – This 6' painted wood privacy fence was approved in 2014 with COA 139-14-CA.
 - c. 517 Oakwood Ave – No COA was issued for this wood-framed wire fence. It was either in place prior to district designation or the work was done without a COA.
 - d. 504 Oakwood Ave – No COA was issued for this mesh fence.
 - e. 401 E Lane St – This property has both a wood privacy fence and a lattice fence. No COAs were issued. They were either in place prior to district designation or the work was done without a COA.
 - f. An Elm St fence that does not specify the address (it may be 413 Watauga St) – A 6' tall wood privacy fence was approved in 1996 with COA 135-96-CA at 413 Watauga St.
 - g. 409 East St – This wood privacy fence with lattice top is shown on the application as 7' or more in height. No COA was issued. It was either in place prior to district designation or the work was done without a COA.
 - h. 507 Oakwood Ave – This wood privacy fence is shown as 7' or more in height. No COA was issued. It was either in place prior to district designation or the work was done without a COA.
 - i. 516 Polk St – This new wood privacy fence was replacing an existing fence in the same location and at the same height while the garage replacement project was done (COA 103-17-CA). A COA was issued in 2010 to relocate the existing 94" fence (COA 004-10-CA).

10* Since the approval of the new *Design Guidelines* in May 2017, two tall privacy fence applications have been issued COAs in Oakwood:

- a. 612 N Boundary St – COA 092-18-CA for a 6' tall fence in the rear yard;
- b. 605 N Bloodworth St – COA 102-17-CA for relocation of existing 5.5' brick wall and installation of 5' gates.

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

Decision on the Application

Following discussion on an initial motion made by Mr. Dunn and seconded by Mr. Thiem, Mr. Dunn made an amended motion that the fence portion of the application be denied, and that the removal of the tree be approved with a 365-day demolition delay.

Mr. Thiem agreed to the changes. The amended motion passed 5/0.

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

Certificate expiration date: 04/25/19.

DRAFT

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

145-18-CA 314 N BOUNDARY STREET
Applicant: LINDA AND RONALD ROGERS
Received: 9/10/18 Meeting Date(s):
Submission date + 90 days: 12/09/18 1) 10/25/2018

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Remove and replace 4 trees; plant boxwood hedge; install 42" wood fence and masonry retaining wall in front yard; install 8' fence in back yard

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.”
- COA cases mentioned are available for review.

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	Remove and replace 4 trees; plant boxwood hedge
1.4	Fences and Walls	install 42" wood fence and masonry retaining wall in front yard; install 8' fence in back yard

PUBLIC TESTIMONY

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

Support:

Ron Rogers [314 N Boundary Street, affirmed] was present to speak in support of the application. Mr. Rogers stated that the property is on the boundary of the Oakwood district and is unique in the district being the only single-family home located zero feet from a 24-hour gas station. The house was previously a rental property. It was built by Mrs. Roger’s

grandfather. Previously, they acquired a COA to make changes to the structure and planned to return for the landscaping but could not due to cost. They were not able to obtain additional details on the fence and retaining wall from the contractors, so they agree with staff to defer the fence and wall portion of the application. The focus will be on the removal of the four trees.

Mr. Rogers showed images on a PowerPoint of the yard and trees proposed for removal. The Crepe Myrtle in the front yard is not in good condition. Mr. Rogers is requesting to plant a hardwood, like a Black Gum in its place. He showed a historic photo of Mrs. Roger's grandfather in front of the house. In the photo a hardwood tree of undetermined type is located where the Crepe Myrtle is planted today. The same photograph shows the previous grading of the front yard. The proposed retaining wall is meant to restore the currently eroded yard. The Red Maples (labeled B&C) are technically healthy trees; however, Mr. Rogers and his neighbor are concerned about damage to historic resources, specifically the trees' proximity to the neighbor's house. Mr. Cox was unable to attend the meeting, but Mr. Rogers handed out copies of an email sent in support of the application. He stated that the roots of the two trees are growing under the home and into the foundation walls. The Red Maples are volunteer trees with v-angled limbs. The trees have also grown into a metal fence that existed between the two properties. The removal of Red Maple A is intended to help protect a very large Willow Oak. The smaller tree is growing directly in the Critical Root Zone of the Willow Oak. Mr. Rogers stated they would also like a white picket front yard fence similar to their neighbors. He asked the Committee to waive the delay for removal of the trees out of a concern for the safety of the structures and neighbors. He handed out a notarized affidavit attesting to his education and experience in working with trees and information about Red Maple trees.

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

Responses and Questions:

Mr. Fountain asked if an arborist's report had been included in the application.

Mr. Rogers responded that the contractor they consulted did not want to testify. He did not think a certified arborist was necessary, given his personal experience and knowledge.

Mr. Thiem stated that, in the process of having trees removed on site, there is effort to maintain a balance of large trees and canopies. With this in mind, he is concerned about proposal to replace large canopy trees with dogwoods.

Mr. Rogers responded that he is willing to put the Oak back in Oakwood.

Mr. Thiem said that he would not require Oaks and thanked the applicant for his willingness to compromise. In the sake of compromise and the hardwood tree that will be planted in the front yard, Mr. Thiem offered two large canopy trees and one Dogwood or small flowering tree in the backyard as replacements.

Mr. Davis asked staff if the 8' fence in the rear was included in the deferral.

Ms. Kinane responded that the deferral recommendation specifically referred to the retaining wall in front yard, but the fence could be included since the applicant did not have the additional materials.

Mr. Thiem stated that the side yard conditions currently include a large slope with a fence on top. He asked the applicant why the additional height was necessary.

Mr. Davis added that 6' is the typical rear yard fence height.

Mr. Rogers responded that, given the particular conditions of the lot – being next to a 24-hour commercial gas station, he had hoped that the Committee would reconsider in this case. There is an existing retaining wall. The lot directly behind is a vacant parcel outside of the historic district.

Mr. Thiem asked the applicant if he would be willing to amend the applicant to specify a 6' fence along the rear yard.

Mr. Rogers stated that their fear is that the surrounding parcels could be redeveloped and without consideration to Oakwood, since they're outside of the district. He would like the fence to appear uniform.

Mr. Thiem asked if the fence was on a retaining wall.

Mr. Rogers responded no.

Mr. Fountain stated that the Committee must give thought to how and where 6' is measured. He asked the applicant if the trees could be described as dangerous.

Mr. Rogers responded that he has concerns about neighboring roof and directed the Committee to the email provided from Mr. Cox. The email mentions roots causing damage to his house.

Mr. Fountain moved that the public testimony portion of the hearing be closed.

Committee Discussion

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

Trees with root structures significantly compromised by adjacent structures, is that a concern?

When a tree is next to a foundation, is the tree possibly starved for water and nutrients?

[McAuliffe]

I've never seen trees in a basement. These 2 trees are healthy trees, but I would never advise planting trees within 4' of a house. The limbs will grow against the house and get trimmed back, which will lead to a misshapen canopy. [Theim]

The trees appear to be a risk to neighboring property and I am willing to waive the delay for those trees. I think we should look at each tree individually. [Fountain]

The Red Maple is less likely to impact the Willow Oak. The Willow Oak is very healthy. In forestry terms, it would be considered the wolf tree, it's the dominant tree. The Red Maple is 28' away. The applicant is willing to plant new trees in backyard. I am willing to support removal of all trees and planting of new trees. For the replacement trees, I want to see at least 3" caliper for the shade trees and the flowering tree/Dogwood should be at least 10' tall. [Theim]

The front fence at 42" is approvable. [Davis]

The front fence was proposed for deferral in conjunction with the retaining wall. [Tully]

I agree with staff. We need more details. If you look at Boundary Street, if the retaining wall started at 30", it would end up very large at the end. It would be a fill situation, which the *Guidelines* advise against. The proposal results in the wall being constructed in public right-of-way, the applicant will need permission to do that. I recommend that the applicant see if they'll be given an encroachment for the construction of the wall.

I agree with issuing approval for the demolition of the trees and deferring the rest of the application. [Davis]

Findings of Fact and Conclusions of Law

Mr. Theim moved that based upon the facts presented in the application, the evidentiary hearing, and the email and affidavit provided by Mr. Rogers, the committee finds staff suggested finding A. (inclusive of facts 1-7) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The removal and replacement of 4 trees is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.7, 1.3.9; however, removal of healthy trees is incongruous according to *Guidelines* 1.3.5, and the following facts:
- 1* The applicant proposes the removal of 4 trees. An International Society of Arboriculture (ISA) certified arborist or landscape architect's assessment of the trees was not included in the application.
 - 2* A plot plan was provided that shows the location of the trees proposed to be removed.
 - 3* The Site Features and Plantings section of the *Guidelines* on page 22 states that the "removal of mature, healthy trees should be considered only for absolutely compelling reasons." The application states that Red Maple B (depicted as #2 in the photos and map) and Red Maple C (#3) are proposed for removal due to the proximity to and potential for damage to primary structure and the neighboring property. Red Maple A (#1) is proposed for removal due to its proximity to a large Willow Oak and the potential for disruption to the Willow Oak's critical root zone. A Crepe Myrtle (#4) is proposed for removal due to the applicant's assessment of a decline in health.
 - 4* Evidence to support the foundation damage was not included in the application.
 - 5* The application did not provide an assessment of the impact of tree removal on the tree canopy coverage.
 - 6* The application proposes the planting of 4 replacement trees. A Black Gum is proposed for the front yard and one Dogwood and two canopy trees are proposed for the rear yard.
 - 7* No tree protection information was provided for the other trees located on the property (if any), nor was information provided about the critical root zones of adjacent trees that may be impacted by the construction of a fence in the rear yard.

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

Decision on the Application

Mr. Theim made a motion that part A of the staff report be approved with the following conditions:

1. The replacement trees should be a minimum 3" caliper for the three shade trees and a minimum of 10' tall for the flowering tree.

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

Mr. Theim made a follow up motion that the entirety of part B (inclusive of facts 1-11) be deferred.

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

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

Certificate expiration date: 04/25/19.

DRAFT

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

146-18-CA 519 E LANE STREET

Applicant: JOHN SIBERT

Received: 9/12/2018

Meeting Date(s):

Submission date + 90 days: 12/11/2018

1) 10/25/2018 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Construct screened porch over existing deck; enclose existing porch; replace front walkway; change exterior paint color

Conflict of Interest: None Noted

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.5	Walkways, Driveways and Off-street Parking	Replace front walkway
2.4	Paint and paint color	Change exterior paint color
3.2	Additions	Construct screened porch over existing deck; enclose existing porch

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and noted highlights from the staff report.

Support:

John Sibert [affirmed] was present to speak in support of the application. Mr. Sibert described the project and requested clarity on the staff recommendation.

Mr. Davis said that it should remain a concrete walkway. Mr. Sibert agreed to that amendment and formally amended the application to request a concrete walk, not brick.

Questions & Answers:

Mr. Thiem, pointing to a section on page 13, noted that it appeared as though the columns were buried in ground. He asked what the grade line was representing at the back of the house. Mr. Sibert stated that he was not entirely clear what was being asked. Mr. Thiem noted that the

concern is that the commission is finding cases where there is major excavation where it may not be appropriate. Mr. Sibert stated that there would be no major excavation.

Mr. Thiem disputed the statement that there were no trees being affected. He said that when standing at back of house, going off of NE corner, there is a 24" bald cypress, opposite the end that is very close to the proposed work. Mr. Sibert stated that they were not changing the footprint. Mr. Thiem explained that applicants are required to show significant trees and critical root zone so that the required tree protection fencing can be appropriately placed. The construction zone also needs to be noted also. It will be a condition of approval. Mr. Fountain noted that the cypress can be seen in the photo on page 20.

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

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

Committee Discussion

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

It's a straight forward addition. [Davis]

With the porch screening material recommended by staff on inside of railings we are trying to achieve a not-uniform screen on outside. I would offer that you could break the line with the guardrail. The screen could sit above and below versus on the inside [McAuliffe]

I don't want to create an awkward condition [Sibert]

The condition is suggested that the screening is to be on inside of railing. The condition can be worded to address commissioner concerns. [Tully]

Findings of Fact and Conclusions of Law

Ms. McAuliffe moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-2) and B. (inclusive of facts 1-13) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Replacing a front walkway is not incongruous in concept according to *Guideline 1.5.3*; however, replacing a concrete front walkway with brick is incongruous according to *Guideline 1.5.3*, and the following suggested facts:
 - 1* The application states the concrete front walkway is proposed to be replaced with a brick walkway in a basket weave pattern. Generally, brick is an atypical material for front walkways of modestly-scaled houses in the historic district. However, a recent COA (085-18-CA) for a brick walkway was approved in June this year at 223 Elm St using slate gray pavers in a basket weave pattern for the front walkway and stairs.

- 2* No detailed photographs were provided of the existing walkway. No sample brick material was provided.
- B. Constructing a screened porch over an existing deck, enclosing an existing porch, and painting a house a new color is not incongruous in concept according to *Guidelines* 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12, 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 c. 1940 and was classified as non-contributing.
 - b. "The house is veneered in brick. The house has a side-gabled saddle roof with no eaves. There is a flush gable on the leftward part of the front. The front door is partially glazed. Most windows are eight-over-eight or six-over-six. There is an exposed chimney on the right side of the house. A front porch was added in c. 1971. A dormer was added on the front in c. 2005."
- 2* There are regulated trees that will be impacted by the project, thus a tree protection plan is required.
- 3* Built area/mass to open space analysis: The application does not explicitly state this, but it is evident from the drawings that there is no change in built area. The new built mass is the roof over an existing deck.
- 4* The applicant proposes enclosing a rear porch on the northeast corner of the house and constructing a screened porch over an existing deck on the north side of the house.
- 5* The roof over the screened porch is an extension of the existing gable roof on the back of the house and is proposed to be finished with asphalt shingles to match the existing roofing.
- 6* The porch screening material appears to extend from the floor to the underside of the roof.
- 7* The porch screening is proposed to be installed on the outside of the porch railings. The Commission has typically required the railings to be on the exterior of the screening to have a more traditional porch appearance.
- 8* One new wood double-hung window is proposed to be installed. Window specifications were provided but were illegible.
- 9* Four skylights are proposed in the roof of the screened porch. Specifications were provided.
- 10* Two new exterior fiberglass doors are proposed to be installed. Door specifications were provided but were illegible. Fiberglass doors on existing houses have not yet been shown to be congruous with the character of Oakwood.
- 11* One screened door is proposed between the screened porch and deck. Door specifications were not provided.
- 12* Paint colors were specified, although paint samples from the manufacturer were not provided.
- 13* Two new light fixtures are proposed to be installed. Specifications were provided.

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

Decision on the Application

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

1. That the front walk be replaced with concrete.
2. That the tree protection plan be implemented prior to construction and remain in place for the duration.
3. That the porch screening material be installed on the inside of the railings.
4. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Site plan noting the location and critical root zone of regulated trees with roots extending onto the property.
 - b. Tree protection plan
 - c. Manufacturer's specifications for windows, showing both section and elevation views, muntin profiles and material descriptions.
5. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
 - a. Manufacturer's specifications for doors, showing both section and elevation views, and material descriptions;
 - b. Paint color swatches from paint manufacturer.

Mr. Thiem agreed to the changes. The amended motion passed 5/0.

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

Certificate expiration date: 4/25/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

147-18-CA 914 DOROTHEA DRIVE
Applicant: CHARLES QUEEN AND ALLISON HUTCHINS
Received: 9/13/18 Meeting Date(s):
Submission date + 90 days: 12/12/18 1) 10/25/2018

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct rear addition with screened porch; construct retaining wall; remove rear deck and steps; remove tree

DRAC: An application was reviewed by the Design Review Advisory Committee at its October 1, 2018 meeting. Members in attendance were Elizabeth Caliendo and Sarah David; also present were Charles Queen, Allison Hutchins, and Sara Queen, the applicants, and staff member Melissa Robb.

Conflict of Interest: None noted.

Staff Notes:

- Raleigh City Code Section 10.2.15.E.1. states that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District or Historic Landmark 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

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

PUBLIC TESTIMONY

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

Support:

Sara Queen [affirmed] was present to speak in support of the application. Ms. Queen stated that they have reviewed the staff report and feel that it is a clear report. She and the applicants are here to answer any questions. Ms. Queen provided two handouts – a letter from an arborist and pictures showing low-brick retaining walls located elsewhere in Boylan Heights.

Opposition:

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

Responses and Questions:

Mr. Thiem stated that he had a few observations as a result of his site visit. Using the information provided in the application and topographic map, he took a close look and noticed that the elevation at back of house (using the bottom siding line), it appears that the door at back of house is about the height of ground. However, that's not what is showing on plan which suggests that you are cutting back into the slope. He is concerned that impact of grade at back of house will be more significant than what is shown on plan. He recommends a surveyor go and take a site reading of a small area at back of site. He also noted that there was no tree protection plan.

Ms. Kinane noted there was a tree protection plan included in the application. It's the 3rd page before the last page.

Mr. Thiem responded that there are some trees missing and the Critical Root Zone is larger than what is shown.

Ms. Queen stated that the trees that were not included are on adjacent property.

Mr. Thiem responded that the tree may be on adjacent property, but the critical root zone would extend into the property.

Ms. Queen asked if there were other comments to address about the design if they're going to come back with landscape information.

Mr. Thiem stated that he was fine with the design.

Mr. Davis said that it appears the design meets the *Guidelines*.

Mr. Davis moved that the public testimony portion of the hearing be closed.

Committee Discussion

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

Do you want to defer? [Davis]

I'm thinking of the Cutler St house and the Rothstein House and the situations with those applications. This is looking like it will be below grade. We need a grading plan to illustrate the relationship between the addition and the site. Does it make sense to approve the building design with a condition related to grade? [Thiem]

You could make it a condition of approval before the blue placard can be received. [Tully]

If they brought it back, would it need to be re-advertised? [Thiem]

Not for approvals of conditions. [Tully]

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application, the arborist report and photographs provided by the applicant, and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-21) and B (inclusive of facts 1-9) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Constructing a rear addition and removing a rear deck and steps are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.7, 1.3.8, 1.3.9, 1.3.13, 1.4.8, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12 and the following suggested facts:
- 1* In the National Register of Historic Places nomination for the Boylan Heights Historic District, the property was deemed contributing, and was described as a 1922 one-story bungalow with a gable perpendicular to the street, dormer, and attached porch.
 - 2* Built **area** to open space analysis: The lot is 6,888 SF. The footprint of the existing original house is 1,048 SF; the new addition footprint will be 1693 SF; the deck, porch, and stairs, total 473 SF. The applicants state the proportion of built area to open space is currently 35% and will increase to 44%.
 - 3* Built **mass** to open space analysis: The lot is 6,888 SF. The current proportion of built mass to open space is 23%. The proportion of built mass to open space is proposed to be 31%.
 - 4* The addition extends straight back from the house which maintains the relatively large side yard.
 - 5* The rear of the house includes an existing deck with stairs. All are being proposed for removal. The deck and stairs were approved December 15, 1986 (no COA number).
 - 6* The applicants provided examples in the historic district of the built area of adjacent properties. The existing built area ranges from 18% to 48%. The average of the provided examples is 38.5%. The median is 43%.
 - 7* The applicants provided examples in the historic district of the built mass of adjacent properties. The existing built mass ranges from 16% to 41%. The average of the provided examples is 34.7%. The median is 38%.
 - 8* The applicants provided examples in the historic district of similarly scaled projects which have received COA approvals for additions; 915 W South St (104-17-CA), 1027 W South St (85-13-CA), 917 W South St (003-18-CA), and 1003 W South St (188-16-CA). Drawings and photos from the COA applications were included.
 - 9* The proposed addition is a gable form that extends perpendicular to the rear of the original house. The ridge of the addition sits lower than the ridge of the historic house. The east side of the addition is a screened porch.
 - 10* This is a traditional way of adding onto a side-gable house.
 - 11* The eave is proposed to be open rafter tails. Detailed drawings were not provided.
 - 12* The screen of the porch is proposed extend to the rafters and to fill half the gable end. While this is atypical of historic screened porch construction, a similarly designed project was approved at 1003 W South Street (COA 188-16-CA) where the screen filled the whole gable end wall.

- 13* 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. It is unclear whether the screen will be installed on the inside or outside of the railings.
- 14* The east side of the addition will be inset 2'6" from the existing north east corner of the structure. The west side will extend the existing wall plane.
- 15* The applicants propose to clearly differentiate the addition by vertical trim boards and a change in siding materials. Wood siding with a 5" exposure is proposed. The historic house is sided in asbestos shingles with a 10.5" exposure.
- 16* The existing windows are primarily four-over-one wood framed with flat trim and a sill. Windows on the addition are proposed to match the historic windows in design proportion and header height. Specifications for the windows and trim were not provided.
- 17* The existing doors to the rear deck are a pair of French doors. These doors are proposed to remain in place but be enclosed within the screened porch addition. The new doors proposed for the rear of the addition are proposed to be full light wood door (on the east façade) and a screen door (on the north façade). Specifications were not provided.
- 18* The elevations indicate that skylights are proposed for the east and west façades. Specifications were not provided.
- 19* The addition will be painted to match the existing structure.
- 20* No specifications were provided as to any exterior lighting.
- 21* A tree protection plan was provided.
- B. Constructing a retaining wall is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.7, 1.3.8, 1.3.9, 1.3.13, 1.4.8; however, removing a healthy Ash tree is incongruous in concept according to *Guidelines* 1.3.5 and the following suggested facts:
- 1* As is common in Boylan Heights, the property backs to an alley.
- 2* The applicant provided a topographic map and photographs that show a change in grade of approximately 6' from the alley to the rear of the house.
- 3* To stabilize the rear yard and repair drainage issues, the applicant proposes the construction of a masonry retaining wall. Walls of this sort are common along Dorothea Drive due to the slope and water issues.
- 4* The proposed wall will be CMU faced with brick and topped with stone. Brick is an atypical material for Boylan Heights. Specifications were not provided. Photographs of other brick retaining walls in Boylan Heights were provided.
- 5* Per the property's file, a 2' tall retaining wall is partially shown in photographs and is mentioned in a 1986 COA application as being about 5' away from the edge of the deck. The wall is no longer visible. It is unknown if the wall was removed or buried.
- 6* A mature Ash tree on the western side of the house is proposed for removal due to the proximity to the house and damage to the foundation. An International Society of Arboriculture certified arborist's report recommending removal was included in the application as well as photographs of the foundation wall.
- 7* A replacement magnolia tree is proposed for the north east corner of the lot.
- 8* A tree protection plan was provided; however, the critical root zones of the trees in the rear yard may not be sufficiently protected with the plan due to the construction of a retaining

wall in close proximity to the trees. The critical root zone is defined as “The area uniformly encompassed by a circle with a radius equal to one and one-quarter (1.25) foot per inch of the diameter of a tree trunk measured at four and one-half (4.5) feet above the ground, with the trunk of the tree at the center of the circle.” Based on the submitted drawings, it appears that the proposed tree protection fencing will need to be relocated or removed for construction of the retaining wall.

9* An arborist’s assessment on the potential impact to the rear yard trees by the proposed retaining wall was submitted.

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

Decision on the Application

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

1. That tree protection plans be implemented and remain in place for the duration of construction.
2. That there be no demolition delay for the removal of the tree.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard for the addition:
 - a. Window specifications;
 - b. Window trim;
 - c. Construction details for the eaves
4. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard for the retaining wall:
 - a. Elevation;
 - b. Section;
5. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
 - a. Door;
 - b. Rear deck and stairs;
 - c. Skylights;
 - d. Screen porch construction details;
 - e. Exterior lighting, if any.
6. That a grading plan with provisions for the Tree Protection Plan be brought back to the Committee for review and approval.

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

Committee members voting: Davis, Dunn, McAuliffe, Thiem.

Certificate expiration date: 04/25/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

148-18-CA 715 N BLOODWORTH STREET
Applicant: JOHN THOMAS FOR GARDENER BY NATURE LLC
Received: 9/13/18 Meeting Date(s):
Submission date + 90 days: 12/12/2018 1) 10/25/2018

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Install master landscape plan: remove and replace 4 trees; enlarge patio and build walkways; alter driveway; remove and replace fences and gates; build pergola, arbors, water feature and fire feature

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.”

Conflict of Interest: None noted.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	Install master landscape plan: remove and replace 4 trees; enlarge patio and build walkways; alter driveway; remove and replace fences and gates; build pergola, arbors, water feature and fire feature
1.4	Fences and Walls	Remove and replace fences and gates
1.5	Walkways, Driveways and Off-street Parking	Enlarge patio and build walkways; alter driveway

PUBLIC TESTIMONY

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

Support:

John Thomas [designer with Gardener by Nature, affirmed] was present to speak in support of the application. Mr. Thomas handed out a packet of information intended to address staff concerns and questions. The packet included a statement from the owner of the adjacent properties to the north and south, information on the gate arbor, walkway paving design, information on the fire and water features, and photographs of a rose arbor and swing arbor. Mr. Thomas stated that they are hoping for a conditional approval. He added that a few points of the new information may need clarification. Joanne Sanford owns property to the north and south and the application impacts her property. Her statement supports the applicants request to remove the Hackberry trees on the south side. With regards to tree on north side, it would be endangered or killed by the regrading of the driveway. Bartlett arborist rendered the opinion that the tree will be dead within a year. The neighbors sought a second opinion and are treating tree for a fungal issue. The applicants are willing to wait until that tree has died and been removed before excavation begins. After that occurs, the Pecan will be removed and replaced with a Black Gum. They are willing to wait the 365 days. Mr. Thomas presented an alternative to the walkway paving in rear, they are now pursuing a gravel base with embedded brick for the straight path and a gravel path with brick edging for the figure eight path. By limiting the depth of excavation, there will not be a negative impact on trees in question.

Opposition:

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

Responses and Questions:

Mr. Thiem stated that the Hackberries are shown on the plan but questioned the status of trees on the north side.

Mr. Thomas responded that no trees are proposed for removal on the north side.

Mr. Thiem thanked the applicant for their concern of the driveway tree. He was going to suggest lowering the driveway 8" and seeing what happens. Pecans can be very hardy. The challenge is the Pecan is healthy, so likely may or may not do 365-day delay. Thanks also for showing where trees are located. Tree protection plans are important to guide contractors. He asked for a tree protection plan with Critical Root Zones showing where tree protection fencing will be set up.

Mr. Thomas stated that he would be glad to provide plan with critical root zone and fencing.

Mr. Thiem asked that the applicant provide a tree protection plan by a certified arborist or landscape architect.

Mr. Thomas responded that there is a letter from arborist supporting approach included in the application, the challenge is showing critical root zone.

Mr. Thiem stated that seeing the Critical Root Zones on a site plan is important. The plan is key to ensure areas that need protection and areas where contractors can work are abided by.

Ms. Tully stated that Mr. Thomas could draw the plan and get it endorsed or signed by a certified arborist. That would be acceptable.

Mr. Davis asked for clarification on the pergola drawing.

Mr. Thomas responded that the paneling or trellis pieces are set in south wall, the north wall is close to the wall of the accessory building.

Mr. Davis asked if there was a drawing for the swing arbor.

Mr. Thomas stated that he provided some example photographs.

Mr. Dunn asked if the applicant would be building the proposed structures.

Mr. Thomas responded that he would be closely supervising the construction. Fundamentally, the structures will appear as they do in the photos.

Mr. Davis asked about the arbor at 517 N East.

Ms. Tully stated that the arbors there have been for a while. Similar have gotten approval with a simple style. In this case, staff had a question on height, which he addressed, and the two panels on side. There have been various design of arbors over gates over the years.

Mr. Thomas stated that the design is not too different than the style of fence of the neighbor to the north.

Mr. Davis said the design is very noticeable. It stands out.

Mr. Thomas responded that the arbor is set back from the street. The design is appropriate for the arts and crafts style of the house.

Mr. Davis moved that the public testimony portion of the hearing be closed.

Committee Discussion

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

The gate design is nice, but it is not in keeping with the *Design Guidelines*. The fancy, decorative panels are unusual. The example provided at 517 N East Street is simple over a simple gate.

[Davis]

The style of the house is Colonial Revival with Craftsman influences. We can't tell the scale in comparison to the house. It's not a fence on a property line. The top of the arbor would be very close to the eave of the house. [Thiem]

Are there any equally elaborate styled gates similar to this? [Davis]

I've not seen any like it. The house does have Craftsman elements. A more subdued version would be more appropriate. [Dunn]

At the request of the applicant, Mr. Davis reopens the public hearing.

PUBLIC TESTIMONY (2)

Mr. Thomas stated that he is willing to eliminate the side panels and leave the header, if that helps to simplify the design. Nothing else above 42" will be on the sides.

Mr. Davis stated that the change would be more in keeping with the *Design Guidelines*.

Mr. Thiem added that it would be less stylized.

Ms. Tully stated that staff would note this as an amendment.

Findings of Fact and Conclusions of Law

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

- A. Installing a master landscape plan involving removing and replacing four trees, enlarging a patio and building walkways, altering a driveway, removing and replacing fences and gates, building a pergola, arbors, a water feature and a fire feature is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.7, 1.3.8, 1.3.9, 1.3.13, 1.4.1, 1.4.2, 1.4.8, 1.4.11, 1.5.1, 1.5.3, 1.5.5, 1.5.6, 1.5.9; however, removing and replacing four healthy trees **is** incongruous in concept according to *Guideline* 1.3.1, 1.3.5 and the following facts:
- 1* According to the Oakwood North Amendment to the Oakwood Historic District (1988) the house was constructed circa 1910 and is contributing to the district: "Hip-roofed frame Classical Revival Four-Square with hipped dormer; hip-roofed one-story porch has tapered posts on replacement concrete block piers and foundation; sidelighted entrance."
 - 2* The property includes a concrete strip driveway that leads to a solid gravel driveway along the side of the house. The applicant proposes regrading the front portion of the driveway to eliminate the awkward slope between the sidewalk and driveway. Concrete strips are proposed to be reinstalled.
 - 3* The application includes a letter from an ISA-certified arborist stating that an oak tree on the neighbor's property north of the driveway that will be impacted by the driveway regrading is in declining condition. The application includes this statement: "We will delay beginning work on the proposed driveway reconstruction until this tree has died or been removed."
 - 4* The application includes a proposal to remove a pecan tree on the south side of the driveway, as well as three hackberries on the south property line. The roots of the pecan tree will be impacted by the driveway regrading project. The locations and general character of replacement trees are shown on the proposed site plan, although specific species are not. Illustrations of the affected tree canopy were provided.
 - 5* A tree protection plan prepared by a certified arborist was provided.
 - 6* **Built area to open space analysis:** According to the applicant, the lot is 15,768 SF. The current built area totals 4,268 SF. The proportion of built area to open space is currently 27%. The proposed built area, including all new hardscaping, is 5,583 SF. The proportion of built area to open space is proposed to be 35%. The applicant points out that only 210 SF of the new built area is above the ground plane. (Note: This information was provided in pages marked "Supplemental Material" and replaces the information originally provided on page 13 of the application.)
 - 7* The application includes visual evidence of the more densely built area of other properties on N Bloodworth St at 703, 610 and 602.
 - 8* Brick hardscaping is proposed for walkways, patios and a 6" tall brick curb near the south property line to divide a mixed shrub border from low groundcovers. The new brick walkway proposed to connect the deck to the rear accessory building is 6' wide. Brick is a traditional paving material in the historic district.

- 9* A new walkway is proposed in a figure-eight shape between the existing brick patio and the accessory building. The figure-eight walkway is proposed to be edged with brick and covered with crushed stone.
- 10* An existing fire feature and pond feature are proposed to be removed.
- 11* A brick fire feature is proposed to be centered on a 10' x 12' brick patio west of the main deck. A new water feature is proposed between the brick walk and brick curb. Photos of the two features were provided.
- 12* The proposal includes a new 16' wide x 10' high pergola on the south side of the accessory building and a 6' wide x 6' deep x 10' high rose arbor in the center of the figure-eight walkway. A drawing of the pergola was provided. A photo of the rose arbor was provided. Pergolas and arbors are traditional rear yard landscape features.
- 13* A new swing in a wooden arbor is proposed at the rear of the property. A photo was provided.
- 14* The existing 40" picket fence enclosing a portion of the backyard is proposed to be removed. It will be replaced on the side property lines with a 42" wood fence, but the fencing that had spanned the width of the lot will not be replaced. Fencing is proposed to be stained dark brown to match that at 602 N Bloodworth St.
- 15* The application shows the existing fencing and gate on the north side of the house will be removed and replaced with a 42" wood fence and a wood gate. The gate is proposed to be topped with a header feature that measures 9' high.
- 16* The application does not clearly illustrate what the proposed arbor would look like in context with the house.
- 17* Evidence was provided in the amended application to support the appropriateness of the height of the gate arbor, the rose arbor and the pergola.

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

Decision on the Application

Mr. Thiem made an amended motion that the application be approved as amended with the following conditions:

If the Committee chooses to approve the application, staff suggests the following conditions:

1. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Detailed drawings of the rose arbor including elevations, sections and materials;
 - b. Detailed drawings of the swing in a wooden arbor including elevations, sections and materials.
2. That a Tree Protection Plan be provided that shows tree protection fencing, to be reviewed by staff.
3. That replacement canopy shade trees be a minimum 3" caliper and replacement flowering trees be a minimum of 10' tall.

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

Committee members voting: Davis, Dunn, Thiem, McAuliffe.

Certificate expiration date: 4/25/19.

DRAFT

OTHER BUSINESS

1. Committee Discussion
 - a. Meeting Post-Mortem

ADJOURNMENT

The meeting was adjourned at 7:30 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

DRAFT

CERTIFICATE OF APPROPRIATENESS
PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

128-18-CA 809 BROOKLYN STREET

Applicant: BILL EAGAN

Historic District: GLENWOOD-BROOKLYN HISTORIC DISTRICT

Zoning: STREETSIDE HOD

Nature of Project: Construct two residential buildings

Amendments: At the 10/25/2018 hearing, the applicant provided new elevation drawings, site plans, and a narrative.

Conflict of Interest: None noted.

FINDINGS OF FACT

Based upon information contained in the amended Application, evidence received at the evidentiary hearing, including testimony and supporting materials offered by the witnesses, the Committee makes the following Findings of Fact:

1. The existing condition of the parcel is a paved parking lot. The entire parcel is paved, thus there are no trees on site and no tree protection plan included.
2. The application proposes the construction of two two-unit residential buildings and sixteen parking spaces.
3. Though a landscaping plan is included in the application, only the first 25% of the lot is regulated through the COA process.
4. The proposed buildings address Brooklyn Street as a typical single-family home might. The parking area is located directly behind the two buildings and accessed by a driveway that goes between the two buildings.
5. The setback of the front building aligns generally with the side setback of the two other buildings on the south side of the street.
6. As shown in the application, the site slopes approximately 5% from Brooklyn Street to the rear of the property.
7. A transverse section that demonstrates the relationship between the proposed structure and neighboring properties on Brooklyn Street was provided in the application.
8. The application includes an analysis of built area to open space. The proposed structures will result in 23% built area. Neighboring properties range from 12-29%.
9. The proposed buildings are two stories, or 31' tall. Guideline 3.3.7 states in part that "The height of new buildings should **generally** fall within 10 percent of well-related nearby buildings." [emphasis added]. The *Guidelines* defines well-related nearby buildings as existing contributing buildings within 1-½ blocks of the subject property as measured parallel to the building-wall line in both directions and on both side streets.
10. The application includes a comparison of both height and massing for structures in the neighborhood. This comparison generally shows that the proposed structure is an average of 5.65% taller than adjacent contributing structures. Three of the properties selected for comparison are within the zone of well-related nearby buildings. The property selected for

comparison on Glenwood Avenue is located farther away from the proposed structure than the *Guidelines* definition of a well-related nearby building.

11. The overall massing and proportion are broken up into smaller units through the use of porches, a differentiated brick base, and inset bays on the side facades.
12. Roof shapes are a main pitched roof with gable additions: all common roof forms found within the historic district.
13. Window and door patterns are composed of single, paired, and triple units. Patterns of units are generally balanced, and proportions are vertical in orientation. The windows are symmetrical on the south and north elevations.
14. No specific construction details are provided in the application for exterior detailing of the buildings, including but not limited to foundation details, exterior trim of water table, corner boards, porches, eaves, windows and door trim, window and door units, and exterior lighting units.
15. Though specific material specifications and manufacturers were not provided for most details, the application states that the materials used will be traditional to the district.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee makes the following Conclusions of Law:

1. The construction of two residential buildings is not incongruous in concept according to *Guidelines* sections 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11, 3.3.12.
2. The Committee is hearing this case under the authority of Section 5.4.B.2. of the Raleigh Unified Development Ordinance (UDO).
3. The sole issue for the Committee's determination in this matter is whether the proposed work is not incongruous with the special character of the Historic Overlay District in light of the applicable *Guidelines* and other applicable provisions of the UDO.

DECISION

Based upon the forgoing, the Committee Finds, Concludes, and Rules that COA Application 128-18-CA be Approved with Conditions as stated in the meeting minutes.