

**RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
**CERTIFICATE OF APPROPRIATENESS COMMITTEE**  
Minutes of the Meeting  
February 28, 2019

**CALL TO ORDER**

Chair Nick Fountain called the Certificate of Appropriateness (COA) Committee meeting to order at 4:00 p.m.

**ROLL CALL**

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

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

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

**Approval of the January 24, 2019 Minutes**

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

**Minor Works**

There were no questions regarding the Minor Work report.

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

<b><u>Visitor's/Applicant's Name and Address</u></b>	<b><u>Affirmed</u></b>
Ron and Linda Rogers, 314 N Boundary St	yes
Ashley Morris, 306 Pell St	yes
Aaron Bockover, 600 Latham Way	yes
David Maurer, 115 E Hargett St	yes
Laurie Jackson, 115 E Hargett St	yes
Jeff and Sarah Shepherd,	no
Keith Shepherd,	no
Chris Crew, 306 Elm St	yes
Matthew Brown, 401 N Person St	yes
Marie Scheuring, 530 Elm St	yes
Scott and Amanda Morgan, 412 N East St	yes

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

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

**SUMMARY PROCEEDINGS**

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following case COA-0011-2019 for which the Summary Proceeding is made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

COA-0011-2019 706 N EAST STREET

Applicant: ELIZABETH NASH AND BRENT FLOYD

Received: 1/15/2019

Meeting Date(s):

Submission date + 90 days: 4/15/2019

1) 2/28/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Install 6' tall wooden fence and gates

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.4	Fences and Walls	Install 6' tall wooden fence and gates

STAFF REPORT

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

- A. The installation of a 6' tall wooden fence and gates is not incongruous in concept according to *Guidelines* 1.4.5, 1.4.6, 1.4.11, and the following suggested facts:
- 1\* *Location:* The applicant proposes replacing existing deteriorated fencing on the east property line and two smaller sections with gates that run north and south that connect to the side walls of the house. No change in fence or gate locations is proposed.
  - 2\* The proposed wooden fence and gate locations are characteristic of the district.
  - 3\* *Height:* The existing deteriorated fencing is 60-72" in height on the east property line (due to the slope of the property) and 72" for the two sections that connect to the side walls of the house. The proposed new fence height matches the existing height.
  - 4\* 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).
  - 5\* *Design:* The existing fencing is of three different designs;
    - a. Standard unpainted wood picket design with minimal spacing between pickets on the north side of the house and the east property line;
    - b. A non-traditional design with painted wide vertical boards and relatively wide spacing on the south side of the house;
    - c. Standard unpainted wood shadow-box style on the north and south property lines.
  - 6\* The application proposes installing the shadow-box style fence in all three locations that are to be replaced so that all fencing in the yard matches. Traditionally, fences were constructed

with neighbor friendly design, with structural members facing inward; the proposed shadow-box fence design has the same appearance on each side.

- 7\* If the applicant were proposing replacing the fencing like-for-like there would be no need for a COA application according to the type of work list: "Routine Maintenance (includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds.)
- 8\* One gate is proposed for each of the smaller sections that run north and south that connect to the side walls of the house.
- 9\* Wood is a traditional fencing material. The proposed fence will have a natural finish.
- 10\* A tree protection plan was not provided.

Staff suggests that the Committee approve the application with the following condition:

1. That any new post holes be dug manually and tree roots larger than 1" caliper that are encountered while digging the fence post holes shall receive a clean final cut using tools designed for the purpose, such as loppers.

#### Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Thiem moved to approve the application, adopting the staff report as the written record of the summary proceeding on COA-0011-2019. Mr. Dunn seconded the motion; passed 5/0.

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

Certificate expiration date: 08/28/19.

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

**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: 145-18-CA, COA-0190-2018, COA-0010-2019, COA-0012-2019, COA-0013-2019, and COA-0014-2019. Ms. Jeannine McAuliffe left the meeting following case COA-0012-2019 at 5:30.

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    2) **2/28/2019**    3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Install masonry retaining wall; install 8' and 6' fence in rear yard

Amendments: **The applicant has removed the request for a front yard fence and grading, has altered the retaining wall location, lowered the height of the retaining wall, and altered the proposed rear yard fence configuration.**

Staff Notes:

- **The components of this application containing a tree protection plan and tree removal were approved at the October 25, 2018 COA hearing. A front yard fence and retaining wall with front yard grading and rear yard fence were deferred to allow the applicant time to prepare additional information.**
- COA cases mentioned are available for review.
- **Changes to the staff report appear in bold lettering below.**

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 masonry retaining wall in front yard
1.4	Fences and Walls	Install masonry retaining wall in front yard; install 8' and 6' fence in rear yard

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map, photographs of the site, and briefly reviewed what was approved in the October meeting.

Support:

Ronald Rogers [affirmed] was present to speak in support of the application. Mr. Rogers stated that his wife's grandfather built the house and they have completed an interior restoration. They are now seeking to do exterior and landscape improvements. They changed contractors after receiving feedback at the last COA meeting. Mr. Rogers handed out copies of the

information already contained in the packet: a site plan showing where the fence height will change and the fence design. They are proposing an 8' fence along the rear property line and property line adjacent to the gas station. The height of the fence will reduce to 6' as it gets closer to the house. From the street it will appear as a 6' tall fence. The main reason for requesting an 8' fence is to help disguise the slope on the gas station property. It is not aesthetically pleasing. The fence will also help to prevent debris from being thrown into their yard from the gas station. The fence will also help block the future development on the south property line – it is vacant now but zoned for 3-story mixed use.

#### Opposition:

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

#### Responses and Questions:

Mr. Fountain asked where their property line lies on the slope. Mr. Rogers clarified that their property starts at the base of the slope. As you go further south along the property line, the slope increases. At the southwest corner of the property, the slope is nearly 10' tall.

Mr. Fountain asked if the applicant knows the height of the gas station fence. Mr. Rogers states that he believes it is 6' tall, but that it is not uniform – it depends on the grade.

Mr. Dunn asked about the impact of the fence on the tree.

Mr. Davis inquired about the slope height closer to the house. Mr. Rogers responded that by the time the slope gets to the street, it is nearly at grade.

Mr. Fountain asked why some parts of the fence are 6' and some are 8' and how did the applicants determine the proposed height. Mr. Rogers responded that they used feedback from the Committee and the contractors to decide.

Ms. McAuliffe asked about the height of the more open top section of the fence. Mr. Rogers stated that the fence would be 7' solid and 1' open.

Mr. Dunn asked if the applicant had spoken with the property owners to the southeast. Mr. Rogers said no, but they already have a fence with lattice.

Mr. Fountain asked if there were any other questions. Mr. Davis asked about the 8" front masonry retaining wall. Mr. Rogers clarified that it is actually 18" and that it will run along the driveway.

Mr. Fountain closed the public hearing.

#### Committee Discussion

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

A major concern is the fence on the south property line, on undeveloped, sloped property. It has very different conditions. I am struggling around the issue of whether an 8' fence is needed in this case. The other minor issue I would like to clarify is that the retaining wall would be a maximum of 18". [Thiem]

We've been very consistent with the 6' fence ruling. However, I acknowledge that there are unique circumstances here. But I'm not sure if 8' is needed. [Davis]

I am sympathetic to the gas station-facing concern. This is an unusual topographic problem with the fence and the slope. Are there any other comments? [Fountain]

The slope is the gas station's, correct? Can we reopen so the applicant can answer? [Thiem]

#### PUBLIC TESTIMONY (2)

Mr. Fountain reopened the public hearing.

Mr. Rogers responded yes, the slope is the gas station's property. They have no control over that landscaping.

Mr. Thiem asked if staff could clarify if a fence is required between a gas station and residence.

Ms. Tully responded that she thinks yes based on similar experience with commercial and residential adjacent properties.

Mr. Thiem stated that he worries that, with an 8' fence and with the slope, you will still see some of the gas station fence. He worries that if the gas station fence were to be removed, there might be an issue.

Mr. Fountain asked if legal counsel could weigh in. Mr. Rasberry stated that it is not clear. He is speculating that the gas station was non-confirming use and may predate the regulations for buffering.

Mr. Rogers confirmed that their investigations showed that the gas station was a prior non-confirming use.

#### Findings of Fact and Conclusions of Law

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

A. The installation of a masonry retaining wall in the front yard and installation of a fence in rear yard are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.3, 1.3.7, 1.3.9, 1.3.13, 1.4.8, 1.4.11; and the following facts:

- 1\* The *Design Guidelines for Raleigh Historic Districts* states on page 14 that "Fences and walls were common site features in Raleigh's early neighborhoods..." and "Utilitarian fences and walls served to secure boundaries...and to provide visual privacy. They were generally used in rear yard locations and were not usually visible from the street. Traditionally, utilitarian fences were constructed of vertical wooden slats or pickets..."
- 2\* The applicant proposes the construction of an 18" tall masonry retaining wall **along the west edge of the driveway. The wall is proposed to match the existing low stone wall**



**located on the east side of the driveway.** Drawings of the proposed wall either in elevation or section were not provided.

- 3\* The masonry wall will replace currently existing railroad ties.
- 4\* The application also proposes the installation of an 8' tall wood privacy fence along the west and south property lines in the rear yard.
- 5\* **The fence height will be reduced to 6' where it abuts the house and for approximately 15' from its starting points on the east and west property lines to reduce the height visible from the street.**
- 6\* The proposed tall privacy fence locations abut properties that are not included in the Oakwood Historic District. One property is a commercial gas station, the other is a vacant lot that is zoned mixed use with a height up to 3 stories. A portion of the southeast property line abuts a property that is in the HOD.
- 7\* The Committee has previously approved a taller fence on property lines that abut commercial properties for the ZM Caveness House (019-17-CA).
- 8\* Photographs of the proposed fence design were included.
- 9\* Wood is a traditional fencing material.

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

#### Decision on the Application

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

1. That the previously approved tree protection plan be implemented and remain in place for the duration of construction.
2. 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.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Masonry wall.

The motion was seconded by Ms. McAuliffe, passed 4/1 (Mr. Thiem opposed).

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

Certificate expiration date: 8/28/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

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."
- After-the-Fact applications are reviewed as though the work has not been completed.

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 72" fence and gate; remove and replace magnolia tree
1.4	Fences and Walls	Install 72" fence and gate

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff evidence was presented showing the fence height when measured from the ground to the top of the fence varied from 72" at the gate to 73" at the front post to 77" toward the middle of the fence. Staff evidence also showed photographs of the fence as installed, with a close-up view showing the front fence post installed 8" from the base of the magnolia tree and immediately adjacent to an exposed root. Staff suggested

deferral to allow the applicant time to provide the previously requested information from the December 27, 2018 COA Committee meeting.

Support:

Ms. Marie Scheuring [affirmed] was present to speak in support of the application. Ms. Scheuring provided copies of a letter from the fence contractor who installed the fence. She explained that she had asked the contractor to match the fence in the back yard (66" high) and did not know the fence in front was 72". Ms. Scheuring explained they are at the same level, but the front is taller because of the grade. She addressed item A.9 from the staff report, saying she had asked the fence installer to end it at the garage. She reviewed her concerns about the neighboring garage at 600 N Boundary St. Ms. Scheuring stated her house is not unique in its setback from the street as all houses on their street are setback deeper than the neighbor's garage, so the position of the garage doesn't have any bearing on their property. She continued by saying the side door for the garage was approved administratively so she was not aware of it until it was done, and that the door and trash can is in their front yard. She said the fence post was installed after a discussion with the fence contractor and he was to hand dig it. She stated the fence has been there several months and the tree is not showing any sign of distress, but she's concerned if it were disrupted it could be problematic. Ms. Scheuring said the fence looks better for everyone in the district.

Ms. Scheuring continued, saying she had an arborist look at the magnolia tree while they were trimming other trees, and they told her the tree is healthy. She said they prefer to keep the tree, but it's a tripping hazard. She said she didn't see the point of getting an arborist since the tree is healthy, and they recognized they may not get permission to remove it.

Ms. Scheuring stated they had submitted a picture of a similar fence that is two car-lengths from the street; theirs is three car-lengths. She said she wanted to understand why that was approved, as it's the same condition, only the other one is on a corner property.

Mr. Davis asked if the fence was made to order or panels. Ms. Scheuring answered that it was built on site.

Ms. Scheuring said the house was described on the staff report as a Post-modernist style, but she felt it is hard to identify a custom-built home. She compared the elements of the house that are common in the district. Mr. Fountain responded the style was not relevant to the decision the Committee was making.

Opposition:

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

Responses and Questions:

Mr. Thiem said he had a question for staff; could the fence conditions be left to staff for approval? Ms. Robb responded yes, referring the Committee to the newly added condition #4.

Mr. Davis clarified he could approve it as originally stated unless an arborist's report showed otherwise. Mr. Thiem stated the relocation of the fence post was unlikely to affect the tree and that he didn't feel uncomfortable approving the fence post move. He also said there should not be any grading around the tree.

Ms. Tully clarified that staff suggested the fence not extend beyond the front plane of the adjacent garage. Mr. Thiem added that cutting a few roots is reasonable to relocate the post. Mr. Fountain said he was not sure if it would be harmful, but the tree health impacts would likely show up in August. Ms. McAuliffe stated she felt it would be appropriate to end the fence at the garage corner. Mr. Fountain said the two decisions to make were about the location and height.

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

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-3) and B. (inclusive of facts 1-16), to be acceptable as findings of fact, with the modifications and additions as listed below:

- 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 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 at today's hearing 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 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.

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

### DECISION ON THE APPLICATION

Following discussion on an initial motion made by Mr. Thiem and seconded by Ms. McAuliffe, Mr. Thiem made an amended motion that the application be approved, 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.
4. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. Report from an arborist certified by the International Society of Arboriculture (ISA) or NC-licensed landscape architect regarding the magnolia tree roots and the impact of the fence post installation on the roots.

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

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

Certificate expiration date: 8/28/19.

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0010-2019    600 LATHAM WAY  
Applicant:            AARON AND HANNAH BOCKOVER  
Received:            1/15/2019                            Meeting Date(s):  
Submission date + 90 days: 4/15/2019            1) 2/28/2019    2)    3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Construct second-story addition and rear addition; demolish shed; remove retaining walls, fencing, rear patio and deck; construct side deck; install walkway and fence; remove and replace trees

DRAC: An application was reviewed by the Design Review Advisory Committee at the January 7, 2019 meeting. Members in attendance were Dan Becker, Elizabeth Caliendo, Sarah David, and Curtis Kasefang; also present were Aaron Bockover, applicant, Ashley Morris, architect; and Collette Kinane and Melissa Robb, staff.

Staff Notes:

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

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Construct rear addition; demolish shed; remove retaining walls, fence, rear patio and deck; construct side deck; install walkway and fence; remove and replace trees
1.4	Fences and Walls	Remove fence; install fence
3.1	Decks	Remove rear patio and deck; construct side deck
3.2	Additions to Historic Buildings	Construct second story addition and rear addition
4.2	Demolition	Demolish shed

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff suggested approval with conditions.

Support:

Ms. Ashley Morris, 306 Pell Street, and Mr. Aaron Bockover, 600 Latham Way, [both affirmed] were present to speak in support of the application. Ms. Morris stated they were okay with the suggested conditions.

Mr. Thiem asked if the finished floor of the rear addition was to be at the same level as the house. Ms. Morris replied yes. Mr. Thiem said the tree protection plan did not address the large crepe myrtle in the southeast corner of the lot and asked if they intended to spread wood chips to protect it. Ms. Morris answered that the existing patio and retaining wall would remain in place until the house construction is done and agreed they would be able to add wood chips during construction to act as a barrier. Mr. Thiem noted the existing shed was on piers most likely to protect the root system, and that he would like the applicant to consider how to protect that area while regrading it. Mr. Bockover agreed there is a slope under the shed and they would like to fill that area in to make it level, but they could do either. Mr. Thiem said they should protect the crepe myrtle and preserve the area under the building and leave it undisturbed by filling rather than cutting. He said he wanted to add a note about regrading to the findings, to return to the existing conditions and grade, and instead of coming back with a new application, he would let staff approve an amended tree protection plan. Mr. Thiem also said they should modify the tree protection plan to include a fence to protect the ground.

Mr. Thiem also pointed out the newly proposed magnolia may be sited too close to the neighbor's shed and recommended they find a new location for it or choose a slim tree for that location. He asked where the staging area was proposed to be. Ms. Morris replied it would primarily be on the driveway and patio. Mr. Thiem advised they put mulch in the area along the west property line. He also said he had concerns about the redbud's possible conflict with the fence and that they may want to look for an alternate location at least 1.5' from fence.

Mr. Davis remarked that the application compared the proposal to other houses around it, but not to the houses behind it on Polk St. He asked if there were any calculations about how much taller it would be. Ms. Morris replied that she did not do that, but she did show what it looks like superimposed on the new structure. Mr. Bockover added that the new house is to be 7' taller than the current one and the 1 ½-story homes around them. The rear property owners have a 1 ½-story addition at the rear with steep gables and tall ceilings.

Opposition:

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

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



## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Dunn moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-23) and B. (inclusive of facts 1-7), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Constructing a second story and rear addition, demolishing a shed, and removing and replacing trees are not incongruous 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, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, and the following facts:
- 1\* The application includes a page from the "Inventory of Structures in The Oakwood National Register Historic Districts" Raleigh, North Carolina By Matthew Brown, Historian, Society for the Preservation of Historic Oakwood Researched and written from 2004 to 2015. That document states it was constructed in 1989 and is non-contributing to the historic district: "This frame bungalow was built for Richard Kolarov. The design is loosely inspired by the Craftsman style. It is of one and a half stories. It has a front-gabled saddle roof with very shallow eaves. The front porch has four battered square-section posts on brick piers. There is a triple window on the front porch. There are shed dormers on the half story. There is a saddle-roofed frame shed at the southeast corner of the lot, built in 2006 according to tax records."
  - 2\* The property is one of three residences fronting on Latham Way, and part of a later development approved through the COA process in the late 1980s and early 1990s at the northeast edge of the Oakwood Historic District.
  - 3\* The applicants propose demolishing the non-contributing shed in the southeast corner of the site.
  - 4\* A tree protection plan prepared by an ISA-certified arborist was provided showing the locations, DBH, species and critical root zones of trees on the property.
  - 5\* Three trees are proposed for removal; a 14" magnolia, a 15" maple and a 14" red maple. An assessment of the trees and the impact of the proposed construction was provided by an ISA-certified arborist. Three replacement trees were specified; a magnolia, a maple and a redbud. Locations are shown on the new site plan, with the magnolia midway back on the east property line, the maple in the southeast corner and the redbud midway back on the west property line.
  - 6\* The application proposes converting the existing 1½-story house to a full 2-story with an attic. The house form is modified from an updated Craftsman bungalow to a foursquare form with a front dormer. Examples of other nearby 2-story houses were provided.
  - 7\* The proposed roof ridge is 7' taller than the existing roof ridge, for a total height of approximately 33'.
  - 8\* The proposed addition includes slightly enlarging the footprint and enclosing an existing rear screened porch and adding a second floor above it, as well as constructing a second-story screened porch over a workshop in place of a portion of an existing deck. This is a traditional location to add to a house in the historic district.

- 9\* The proposed rear screened porch structural members and trim are to be painted wood.
- 10\* On the west elevation the application includes converting an attached storage space with exterior access into an interior access pantry with a modest increase in footprint. The existing brick fireplace and chimney are also proposed to be removed from the west side.
- 11\* Built mass to open space analysis: According to the applicant, the lot is 5,669 SF. The existing built mass is 1,973 SF, with a ratio of built mass to open space of 35%. The proposed built mass is 1,984 SF, with a ratio of built mass to open space of 35%.
- 12\* Built area to open space analysis: The existing built area is 3,452 SF, including buildings, driveway, walkways, patio, decks and stairs, with a ratio of built area to open space of 61%. The proposed built area is 2,831 SF. The proportion of built area to open space is proposed to be 50%.
- 13\* The existing roof is a gable form with a shed-roofed dormer on the east side and hipped-roof porches on front and back. The proposed roof is a hipped form with a hipped dormer on the front and a gable roof over the rear second-story porch. The roofing is proposed to be architectural asphalt shingles; specifications were not provided.
- 14\* The proposed new entry on the east side of the house features a shed roof over the new porch, as shown in the drawing labeled "new driveway side elevation." The roof does not appear in either the front or rear elevation drawings, nor the roof plan.
- 15\* The east side porch is shown with railings on the south and east sides. An elevation drawing of the railing was provided, but a detailed section drawing was not.
- 16\* An eave and soffit detail drawing of the proposed 18" eave was provided.
- 17\* The addition is proposed to be clad in smooth-faced fiber cement siding with a 4½" reveal, with 4½" trim and 5" corner board to match the existing house. The extended foundation is proposed to be of brick to match the existing.
- 18\* The structure is proposed to be painted. Paint samples were not provided.
- 19\* The existing house features both casement and one-over-one double-hung windows. Proposed new wood casement and one-over-one double-hung windows appear to match the proportions of other windows on the house. Specifications and section drawings were provided.
- 20\* Two skylights are proposed for the rear roof. Specifications were not provided.
- 21\* Full-lite wood doors are proposed on the east elevation. The west elevation shows a wood four-panel sliding door in place of the existing three-panel door. Specifications and section drawings were provided.
- 22\* Exterior lighting was not shown on the drawings, nor were specifications provided.
- 23\* Conflicting information was provided regarding gutters, with text stating that K-style gutters and downspouts are proposed for the addition to match the existing, while the new roof plan shows half-round gutters and downspouts.
- 24\* The area under the existing shed will not be regraded and areas to be regraded will match the existing grade.
- B. Removing retaining walls, a fence, a rear patio and deck; constructing a side deck; and installing a walkway and fence are not incongruous according to *Guidelines* 1.3.1, 1.3.2, 1.3.5,

1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.13, 1.4.8, 3.1.1, 3.1.2, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.1.8, and the following facts:

- 1\* The applicants propose removing retaining walls, a rear patio, and a deck, as well as demolishing the shed, in order to meet their goal of creating more open space for lawn in the rear and side yards.
- 2\* Removal of retaining walls under 42" in height, patios, and decks under 42" in height are classified as minor work items approvable by staff and are included here for administrative efficiency.
- 3\* The existing brick patio is set 11½" below grade. With its removal, the applicant proposes regrading to infill and level the rear and side yard areas.
- 4\* The applicants propose removing and replacing fencing. The existing painted picket fence appears to be 42" in height and is proposed to be replaced with a 6'-tall privacy fence along the south and east property lines. The new fence is a neighbor-friendly design with the same design on both sides and is proposed to be stained wood. The fence is proposed to match the neighbor's fence at 613 Polk St in design, height and material, which was approved under COA 118-11-CA. Stain samples were not provided.
- 5\* A new low deck without railings is proposed for the west side of the house in an area that had previously featured a deck which was removed due to moisture issues. The application requests the deck and structural members be made of ipe wood or a composite decking material. Due to the location of the house on the cul-de-sac, the deck will have little or no visibility from the public right-of-way. Deck material and finish specifications were not provided.
- 6\* The existing concrete driveway is proposed to be widened to create a walkway that extends to the side entry porch. Construction of new walkways is classified as a minor work item approvable by staff and is included here for administrative efficiency.
- 7\* The existing HVAC unit on the east side of the house will be removed and replaced on the west side of the house. It will be screened from street view by the pantry bump out.

The motion was seconded by Mr. Thiem; 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 application be approved, with the following conditions:

1. That there be no delay for the removal of the trees.
2. That tree protection plans be implemented and remain in place for the duration of construction.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:

- a. Revised tree protection plan to include protection for the crepe myrtle near the shed, to add 6" of mulch along the west property line, and to relocate the replacement magnolia tree away from the neighbor's shed;
  - b. Revised elevation and roof plan drawings accurately depicting the roof for the side entry porch.
4. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
- a. Side deck material and finish;
  - b. Paint and stain color samples from the manufacturer;
  - c. Roofing;
  - d. A section view drawing of the proposed side porch railing;
  - e. Skylights;
  - f. Exterior lighting including location on the building;
  - g. Gutters.

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

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

Certificate expiration date: 8/28/19.

Staff Contact: Melissa Robb, [melissa.robb@raleighnc.gov](mailto:melissa.robb@raleighnc.gov)

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0012-2019    412 N EAST STREET  
Applicant:         SCOTT AND AMANDA MORGAN  
Received:            1/16/2019                                 Meeting Date(s):  
Submission date + 90 days: 4/16/2019                                 1) 2/28/2019        2)        3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Master landscape plan; install driveway; install lighting; install gutters and downspouts; alter porch steps; remove two trees

Amendments:

Conflict of Interest: Mr. Thiem disclosed that he had a discussion with the applicant during his site visit. He stated that the discussion would not interfere with his objectivity.

Staff Notes:

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

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Master landscape plan; install driveway; remove two trees
1.4	Fences and Walls	Master landscape plan; install driveway
1.5	Walkways, Driveways, and Off-street Parking	Install driveway
2.5	Roofs	Install gutters and downspouts
2.8	Entrances, Porches and Balconies	Alter porch steps
1.7	Lighting	Install lighting

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

### Support:

Scott Morgan [affirmed] was present to speak in support of the application. Mr. Morgan stated that he agreed with staff's recommendation to defer, but also wanted to hear the Committee's suggestions and incorporate the feedback into the application to fill in the gaps that staff and the Committee found. He has spoken to two tree companies and plans to consult with a landscape architect. He thanked the Committee and staff for the opportunity to learn the procedures and do this well. Several priorities are driving the application. First, the excess water on the property. The previous owners used swales and berms to direct and capture water for agricultural purposes and this has led to water pooling in the yard. A poorly installed rain barrel has required the property owners to undertake efforts to protect the home from moisture damage. They realize they need to fix outside water issues to fix interior issues. They have temporarily installed black corrugated pipes to move the water away from the structure. The back-yard gate is barely operable due to the rot and water damage. The goal is to manage the water and move it away from the house. Mr. Morgan stated that he is not sure how to fix the grading of the site (to repair what the previous owners had done). Second, with two young children at home, they aspire to use their alley for parking and errands and use side entrance in a safe and secure way. They would also like to enjoy the yard and landscape it. Lastly, they want to landscape the yard. An initial consultation with landscape architect said the yard elements may be "over-mature" and past their life.

### Opposition:

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

### Responses and Questions:

Mr. Fountain asked if there were any questions.

Mr. Thiem responded yes. With the complexity of issues, he thinks the applicant may benefit from speaking with a surveyor for the topography and drainage issues on the property. From the site visit, it is obvious that they are dealing with water – especially on the north side.

Additionally, he noted that the applicant proposed a French drain. French drains are typically used for sub-surface water problems, not surface water problems – as is the case for this property. Minor grading to create a catchment area may be more beneficial and cost effective.

Mr. Thiem recommended that the applicants hire a professional that deals with water drainage and grading. The applicants also proposed a rain garden: this is a feature new to the Commission. They are not common. It is Mr. Thiem's inclination that the area proposed is too small to catch the amount of water draining on the property.

Mr. Morgan stated that they're having an ongoing conversation with the neighbors. It is the Morgan's hope that the neighbors will relocate the drains so that they're dealing with it on their own property.

Mr. Thiem stated that he would be remiss not to mention some potential issues that would affect the rain garden and ruin the investment. Additionally, the applicant may wish to look at where fire pit is planned. It might be in the way of where applicant is intending to direct the water runoff. Similarly, the driveway area may be too small for their needs. However, the plan makes sense to want to get rid of bumps and swales in the yard. Mr. Thiem noted that a Tree Protection Plan will be necessary.

Mr. Davis asked if the applicant wants to remove two trees to accommodate the proposed driveway? Mr. Morgan responded yes and the rain garden. However, he stated he is open to other forms and suggestions.

Mr. Fountain asked if there were any other comments.

Mr. Dunn asked Mr. Thiem to speak to the proximity of the proposed rain garden to the proposed driveway and if that will affect the soil saturation/stability. Mr. Thiem explained the function of rain gardens: primarily only catching water from impervious surfaces. When the garden is moved further away from the impervious surface, the more water it will collect. It would be a good idea to see if area is chronically wet.

Mr. Morgan stated they are working with a water management team to design the rain garden. Mr. Thiem responded that will be wise.

Mr. Morgan stated that he had two questions about the deferral process and the project work. He asked if he had permission to remove part of the fence around the existing parking pad that's deteriorating while the case was deferred. Removing the fence would allow them to see the space and give more design options with landscape architects. Mr. Fountain asked Ms. Tully if this could be a minor work. Ms. Tully responded that since it would be part of an active case, it could be removed and assessed when the project is finished.

Mr. Morgan stated that the second question related to the driveway. With two cars in the pad, they don't seem to fit. He understands that the circle drive is not a great option but asked if there are other options that staff and commission would approve.

Mr. Davis asked the Committee if they should discuss the circle drive. Mr. Fountain stated that its a serious problem and will have to take a bit of work. They will need to think all of these things through.

Mr. Thiem made a motion to defer. Ms. McAuliffe seconded. Passed 5/0.

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

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0013-2019 308 S BOYLAN AVENUE

Applicant: LAURIE JACKSON FOR MAURER ARCHITECTURE

Received: 1/16/19

Meeting Date(s):

Submission date + 90 days: 04/16/19

1) 02/28/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Raleigh Historic Landmark: THE BOYLAN MANSION/MONTFORT HALL

Zoning: HOD-G

Nature of Project: Replace curb cut; remove 15 trees; remove portion of fence; alter driveway; construct parking areas; install metal roof

Amendments: The application was amended to include the addition of new walkways.

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: Don Davis disclosed that he had spoken to the applicant about the process and not the substance of the case. He noted that he was not influenced by this discussion and could make an unbiased decision.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.1	Public Rights of Way & Alleys	Replace curb cut
1.3	Site Features and Plantings	Remove 15 trees; remove portion of fence; construct parking areas
1.4	Fences and Walls	Remove portion of fence
1.5	Walkways, Driveways, & Off-street Parking	Alter driveway; construct parking areas; replace curb cut
2.5	Roofs	Install metal roof



## PUBLIC TESTIMONY

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

### Support:

Laurie Jackson [affirmed] was present to speak in support of the application. Ms. Jackson disclosed that she is a Raleigh Historic Development Commission member and serves as alternate to the COA Committee. Ms. Jackson noted that the rezoning case for the property will go before the Planning Commission on March 5<sup>th</sup>. She handed out additional materials including a revised summary of work, additional evidence for the proposed parking area, a comparison of existing and proposed built area, a letter from an ISA certified arborist, a tree protection plan, and existing and proposed site plans.

Ms. Jackson stated that the location of the proposed parking area is consistent with the existing parking area and that it does meet the *Design Guidelines*. There is also a new proposed pathway that is consistent with the front stair. Pathways on the site are required by the City of Raleigh for public accessibility to the right-of-way. They will need to provide an accessible path to the rear as well.

The new parking area is roughly 25 feet from the front or main elevation. The pathway is 20 feet back. The new parking area is 15 feet off of the western property line due to 3 mature trees. The notes from the arborist state that they will be able to retain those trees. They will be going through a site plan review with Planning Department staff. Parking is mandated at the proposed numbers, as well as handicap-accessible spaces.

They are proposing to remove 15 trees. In total there are 50 trees with a DBH of 8" or larger on the site. Of those 50, they plan to keep 35. Eleven of the proposed to be removed are located in the parking area, 2 are located along the intersection of Mountfort and Boylan Avenue to open up the vista, and 2 are in the right-of-way to make room for a curb cut.

Ms. Jackson also noted that a condition of the proposed rezoning is to provide a buffer from nearby residential uses, IX-mixed uses, and commercial uses. They will be proposing 20 new trees in fulfillment of those conditions – a minimum of 7 trees per 100 feet is required. Ms. Jackson stated that they have done everything possible to locate the parking area in the best location given constraints of the property. She acknowledged that there is not a lot of space for construction staging and that it will be located in the new parking area. This is the "30,000-foot view" of the initial COA application for site issues prior to getting into other issues that will require further approval, like solid waste and stormwater. She stated that all of this is included in the revised packet. One additional item to note is that per staff's comment, the curbing will be concrete, not granite. Another concern was the built area of the property – 13,947 square feet is 37% of the existing site is proposed.

Opposition:

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

Responses and Questions:

Mr. Fountain asked if there are any questions.

Mr. Thiem said yes. He stated that he wanted to clarify the square footage of the home, but with indication of rezoning mentioned brings the question of reuse/future use. He would like to know what's planned to justify the 19-space parking lot and what information is missing. He asked Counsel for advice as use is not usually in the Committee's purview. Mr. Rasberry suggested that any approvals and conditions made here are pending approval of other agencies. That COA decisions are only affecting congruity. This would be dependent on the structure's current use (as of when the decision was made) and what it will be. Mr. Fountain clarified that the decision is contingent on other bodies' decisions. Mr. Rasberry responded yes, it falls in step behind the other approvals. But, administratively, the COA needs to be administered first.

Mr. Thiem stated that he would like to know what proposed use would be in initial application statement. Leaving it out leaves them not knowing what the context for the application is. He asked the applicant to state the proposed use. Ms. Jackson stated that the property is currently in the rezoning process to change the zoning from R10 to a commercial mixed use with a 3-story limit. The proposed use is a boutique inn and event space. For that, the City of Raleigh requires 27 parking spaces. This is the reason why the applicants and architects have given a lot of thought on where to site the new parking.

Mr. Thiem responded thank you. He stated that he will have to put on his "professional regulatory hat." It is his understanding that city codes require a hard surface, not gravel. Ms. Jackson responded that he makes a good point. Because of the historical significance, the COA process has some leeway to alter some of the city code requirements. There should be some balance between all of the required regulatory bodies. She stated that they would like to get COA approval to use Chapel Hill grit as the parking surface. Ideally, this approval will be considered during their site review process and they hope to make these decisions with staff. They plan to return with a second COA that includes other details and issues after site plan review. They also plan to submit an application for a rear addition.

Mr. Thiem asked the applicants to make an argument for grit over hard surface. Ms. Jackson responded that their initial argument is related to the trees. There is a long history of compacted soil and parking on site. Second, gravel is less impervious than pavement. And additionally, they would argue aesthetics. There may be a requirement to pave the handicapped accessible spot. This is where applicant and architects are hoping to get some feedback from the Committee before moving forward. Mr. Thiem stated that the City assumes grit and pavement are similarly impervious. Ms. Jackson responded that that is true but there are varying degrees.

Mr. Thiem stated that he had two other big picture ideas. He asked about the arborist who provided the letter and tree protection plan. Ms. Jackson stated that the information is included in the packet of handouts. She stated that it is important to note that a landscape architect will be retained later when developing the master landscape plan. This will occur in the future. Mr. Thiem stated that the tree protection plan shows protected areas as those that will be built upon. Like walkways and the parking lot. They need a revised tree protection plan that shows actual effects. Ms. Jackson stated that this is the tree protection plan for the construction area. Mr. Fountain stated that the letter from arborist explains this.

Ms. Jackson stated that they want to protect trees as much as possible during construction. Some encroachment is unavoidable. The intent to keep the trees. Provisions and steps can be taken to minimize tree interference during process. Again, they will be coming back with revisions and updated protection plans.

Mr. Fountain asked how many parking spots are supposed to go by the alley. Ms. Jackson stated that they think 2 spaces. This depends on what the City will count; they might not count 2 alley access spots as required spots. It is important to note that this area is intended for owner/occupier parking, not for large public access.

Mr. Thiem stated that he hears the arguments, but this doesn't conform with his professional experience. At end of day, the parking lot will be paved, but by varying degrees dependent on materials. The plan doesn't show a phased tree protection plan, so it doesn't give the full idea. There needs to be a phase 1 and phase 2 plan at a minimum. He asked applicant to clarify that want certain approval now and other approvals later. Ms. Jackson stated that the plans currently meets RHDC requirements about trees and that what's proposed meets undershade trees requirements. Mr. Thiem stated that what the applicant proposes will provide radically different visuals and shading/screening within the site from what currently exists. Ms. Jackson stated that there is quite a bit of canopy along Montfort already. Mr. Fountain stated that the applicant could do with some more camelias along front walk.

Mr. Thiem asked if the applicants intend to have a grading plan done for parking lot and if there will be no parking construction until the later application. Ms. Jackson responded that they want to work with this committee and RHDC to find solutions.

Ms. Tully stated that they should think about this as a phased COA similar to what we do with new construction. She also noted that they have staff suggested conditions that they can discuss if interested. Mr. Fountain stated that he is appreciative of way it is being done. The COA gets a lot of weight in process.

Mr. David Maurer, architect, stated that he would like to reemphasize Ms. Tully's comments. They are anticipating site review in 4-6 weeks. They wanted to come here first and get the Commission's ideas before going to other regulatory bodies.

Mr. Thiem stated that his concern is that they are being clear with what they're discussing today: which pieces are we discussing today, and which are for a later date's discussion. He asked what exactly is needed today. Ms. Jackson stated that the alley spot doesn't connect to main parking area. Mr. Thiem questioned the details about the back parking area. He is unclear how that works because dimensionally it doesn't fit. Ms. Jackson stated that their intent in showing the rear parking area was to help calculate existing to proposed building area.

Mr. Fountain asked about the changes to the roof and what changes would be visible from Boylan. Ms. Jackson stated that the existing roof is in disrepair. They are proposing a copper roof and retaining the built-in gutter system. They are keeping the cupola as it appears.

Mr. Fountain asked if there are any other questions.

Mr. Davis asked staff if the metal roof does not already have ridges. Ms. Tully stated that the pans need to be flat, like copper is usually. It won't be an issue.

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]:

Should we move ahead or defer? [Fountain]

We should move ahead. We have enough information to move on. Also, I wanted to agree that chimneys looked in disrepair. [Davis]

#### Findings of Fact and Conclusions of Law

Mr. Davis moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-7, 9-13) to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Installing a curb cut; removing a portion of fence; altering the driveway; constructing a parking area; and installing a metal roof are not incongruous in concept according to *Guidelines* 1.1.1, 1.1.2, 1.1.13, 1.3.1, 1.3.7, 1.3.8, 1.3.9, 1.4.1, 1.5.3, 1.5.4, 1.5.5, 1.5.7, 1.5.10, 2.5.1, 2.5.7, 2.5.8, 2.5.9; however, the removal of healthy trees is incongruous according to *Guidelines* 1.3.1, 1.3.5, 1.3.7, 1.5.9, and the following facts:

1\* The National Register of Historic Places nomination for Montfort Hall describes the relationship of the house to its site as: "The siting of Montfort Hall is still impressive, for it stands amid a one-acre plot of land on the highest elevation for some distance around. From this vantage point, once located in a semi-rural area but now surrounded by early twentieth century development, Montfort Hall overlooks the immediate neighborhood of Boylan Heights...This siting recalls Montfort Hall's proud role as one of a series of luxurious suburban mansions built shortly before the Civil War for Raleigh's wealthy families."

- 2\* The removal of 15' of chain link fencing is proposed to provide access to the alley on the southwestern corner of the property.
  - 3\* The existing curb cut on Mountford Street is proposed to be removed and replaced with concrete curbing, sidewalk, and planting strip to match existing.
  - 4\* A new wider curb cut on Mountford Street is proposed to the east of the existing location. Specifications were not provided.
  - 5\* The application states that of the 50 mature trees located on the property, 35 are to be retained. Fifteen trees are stated to be removed: two street trees at the location of the new curb cut; two trees at the corner of Boylan and Mountford to thin out the trees and restore the view; 11 for the parking area construction. New trees are proposed to be planted.
  - 6\* An ISA certified arborist's assessment is included that states two trees are considered dead, diseased, or dangerous and recommended for removal. The remaining 11 trees noted for removal are not assessed. A tree protection plan was included with a plan noting the species and critical root zones of the trees.
  - 7\* A 19-space gravel parking area is proposed in the location of the driveway. Chapel Hill grit is proposed as the material. Information on screening was not provided. The application states that it will be provided in a separate COA application.
  - 8\* The applicant testified that the property is in the midst of a rezoning application (Z-34-18) that would change the use from residential to commercial. Approval of the parking area is contingent on the rezoning application being approved by City Council.
  - 9\* A gravel parking area is also proposed at the rear of the house adjacent the alley.
  - 10\* The *Guidelines* on page 26 state that "If a parking lot must be located in a residential historic district or landmark site, it should be located unobtrusively and screened from street view by a substantial planting strip or a combination of plantings and fencing."
  - 11\* The proposed parking area is at the north side of the house and the southeast corner of the parking area is located an estimated 20 feet behind the front wall of the house. The proposed parking area is set 15 feet from the rear property line and an estimated 10 feet from the property line along Mountford Street.
  - 12\* The application proposes the alteration of the roof from coated terne and membrane (on the main building block) and asphalt (on the one-story addition) to standing seam copper. The roof is proposed to have 15" wide pans with 1" standing seam and no hip or ridge caps. Evidence of the condition of the existing roof was provided.
  - 13\* The application includes information on the removal and rebuilding of the of the four painted brick chimneys. Evidence to support the deteriorated condition of the chimneys was provided. The new chimneys will be reconstructions in-kind, without the paint. Brick and mortar samples were on the property.
- The motion was seconded by Mr. Dunn; passed 3/1 (Mr. Thiem opposed).

#### PUBLIC TESTIMONY (2)

Mr. Fountain made a motion to reopen public comment.

Mr. Thiem asked the applicant if they're requesting approval of the tree protection plan. Mr. Maurer stated that their goal is to obtain a placard today, but they won't necessarily be tearing down trees.

Mr. Davis stated that the parking screening will need to be addressed. Mr. Maurer stated that they need a placard for the site plan review meeting.

Mr. Thiem stated that considering the nature of this case, to approve now and satisfy the conditions at a later date; when it seems like they need to meet the conditions now. Mr. Maurer stated that they are fine with another landscape master plan for approval at a later date.

Mr. Thiem asked about exterior lighting. Ms. Jackson stated that it will be addressed in a later landscape plan.

### Decision on the Application

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

1. There not be a delay for the removal of the trees.
2. That replacement trees be 3" in caliper.
3. That a tree protection plan be implemented and remain in place for the duration of construction.
4. That the replacement curbing be concrete.
5. That the metal roof have flat pans (no striations or ridges).
6. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
  - a. New curb cut;
  - b. Parking areas;
  - c. Parking area screening;
  - d. Replacement tree species and locations;
7. That details and specifications for the following be provided to and approved by staff prior to construction or installation:
  - a. Gravel.
8. That a COA be submitted for a Master Landscape Plan that includes exterior lighting.

There was no second. The vote was 3/1 (Mr. Thiem opposed).

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

Certificate expiration date: 8/28/19.

Staff Contact: Collette Kinane, [collette.kinane@raleighnc.gov](mailto:collette.kinane@raleighnc.gov)

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0014-2019 407 N BLOUNT STREET

Applicant: LAURIE JACKSON FOR MAURER ARCHITECTURE

Received: 1/16/19

Meeting Date(s):

Submission date + 90 days: 04/16/19

1) 02/28/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BLOUNT STREET HISTORIC DISTRICT

Raleigh Historic Landmark: ANDREWS-DUNCAN HOUSE

Zoning: HOD-G

Nature of Project: Remove non-historic addition and stairs; construct additions on south and west facades; construct new side porch; enlarge parking area; add new rear walk

Staff Notes:

- 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	Enlarge parking area; construct additions on south and west facades
1.5	Walkways, Driveways, & Off-street Parking	Enlarge parking area
2.8	Entrances, Porches, and Balconies	Construct porch on south facade
3.2	Additions	Remove non-historic addition; Remove exterior stairs; Construct additions on south and west facades

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map, photographs of the property, and a summary of the proposed changes.

Support:

Laurie Jackson [affirmed] was present to speak in support of the application.

Mr. Rasberry commented that Ms. Jackson is making comments as a witness, not as a Committee member and is not falsely presenting as an attorney making arguments about facts.

Ms. Jackson handed out new materials to the members of the Committee. The new information included a revised summary of work, data on the existing and proposed built area, a proposed site plan, railing section drawings, window specifications, a tree protection plan and letter from an ISA-certified arborist, and new elevation and floorplan drawings showing a new proposed chimney. She stated that there is a Sugar maple on site. The site had been home to the famous Henry Clay Oak, there's a plaque in its previous location. The applicants are proposing to keep the sugar maple and protect it during construction. The property is owned by State of North Carolina. The clients are under contract to purchase the property. At the southern end of the property, in between the property line and the street, there's a different owner, so they are only talking about some of the property. Tree protection is focused on protecting the Sugar maple. A letter from an arborist is included about the tree, which needs some structural pruning. Proposed gravel in the area of construction will limit damage to tree.

Ms. Jackson stated that the new materials include a proposed parking layout and site plan. The parking is based around location of tree with goal of keeping it and preserving it. There is another large magnolia on site. The arborist recommends pruning, but it will also be protected during construction.

Mr. Fountain asked about the Dogwood on site. Ms. Jackson said that it is included but will require some remediation.

Ms. Jackson stated that, in response to staff comments on the railing, addition, and windows, new information is included in the handouts. Historic photos included in the original packet show a side porch on south elevation. The applicants intend to take the non-historic addition down. An extant cut-stone foundation has been found inside the existing addition foundation. They propose to build an addition on the existing foundation. The proposed design intent is based on the historic porch on the east side and the documentary photograph. They have also proposed a new covered porch. They are trying to distinguish from the historic house by limiting the historic details incorporated into the new porch. The applicants are proposing to hand dig foundations to protect tree and critical root zone.

Ms. Jackson added that, in response to staff's comments on brick pavers, at this point the client has not made a decision on whether to go with pavers or grit. They will be happy to provide details to commission after decision has been made. To further complicate the discussion, the client has decided to propose a masonry fireplace on western side of building, within the footprint of the covered new porch. The State Historic Preservation Office has covenants on the property—on the interior and exterior. Ms. Jackson stated that she is not sure if she needs to bring up their thoughts on the proposed changes, but this proposed change to the southern elevation is based on SHPO staff recommendations to tuck it away. There are no details on design yet. It will be dependent on what decisions are made today. It is located in the proposed location due to code requirements. The chimney height must be 2 feet higher than any point within 10 feet. So, it is based on the height of the second floor, which is closest to the proposed change.



Mr. Davis asked if they have come across any other chimneys like that in a HOD, because it looks like a smokestack. Ms. Jackson said that the final design of the chimney will be more attractive. This is just a sketch. The clients would love wood-burning chimney; and, if that's the case, the flue can get narrower. Mr. Davis said that he didn't see anything to support that. Mr. Dunn stated that he assumed that it would be an outdoor fireplace. Ms. Jackson said yes.

Mr. Fountain asked if there was anyone else present who wanted to be heard.

Mr. Matthew Brown stated that he lives one block away. He thanked the applicants for taking on the project and thinks the plans submitted are wonderful. Mr. Brown stated that he is glad to see it restored and the later addition removed. He also greatly appreciates that the Commission requires tree protection plans. Mr. Brown added that he hoped the project would be approved for a couple of reasons. First, it is a key piece of Raleigh's historic architecture and the damage is causing increased deterioration every day. Also, that area, south of the house, has been used as a staging area for another neighboring project. Those future property owners are doing all the work before purchasing to avoid having to deal with regulatory systems like a COA.

Mr. Fountain asked if there was anyone else present who wanted to be heard.

Mr. Chris Crew, 306 Elm Street, stated that he would like to second Mr. Brown's comments. He stated that they've been water carriers for these and other homes on Person Street. They will fall into disrepair if decisions aren't made with all due haste. Thank you.

Mr. Fountain asked if any members of the Committee had any questions.

Mr. Dunn asked if the applicants plan on reusing the rear columns. Ms. Jackson said yes, the National Register nomination noted that there was a porch on the west elevation.

#### Opposition:

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

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]:

My concern is similar to Montfort Hall---there is a lack of specificity with the tree protection plan and the measurements of the root zones and Sugar maple may be incorrect or at least undersized. I am worried about the substantial amount of construction going on in the area. There are a lot of roots at ground surface. To put parking on site in the proposed areas, they will have to remove roots. My concern is that tree will die and we'll be left with a 3" caliper tree. We (and staff) need to take a very clear look at how tree protection plans are being assessed. It's a dilemma. I'm not sure that the tree protection plan has any value for this project. [Them]

Let me ask you this, with the gravel parking spaces, are you content where they're at or should the location be changed. [Fountain]

On my site visit, I observed the state of parking on the site. The existing alignment of the concrete edges and measurements are not sufficient to meet the 18-inch City requirements. I don't think that removal of one space will make a big difference. In my experience, you can't just put down gravel. It will compact soil. The reality of situation is that in a year or two down the road, we'll be here looking at an application to take down the tree. [Theim]

One of the parking spaces looks shorter than others. [Fountain]

I don't think it makes any difference. With all these projects, and to access to the site, the tree protection area disappears. This proposal cannot physically be built while protecting the tree. We need to review how we consider tree protection plans. [Thiem]

It may come down to losing the house or losing the tree. Other comments? [Fountain]

I have a comment not about the tree, but about the fireplace. The proposed chimney doesn't meet the *Design Guidelines*. Thus far, chimneys on porches are limited to rear/non-visible facades. Any sort of chimney or flue won't likely meet the *Guidelines*. [Davis]

The south addition will the applicant be recreate/replicate the columns on the front? And then simplifying the columns on the side? [Dunn]

Ms. Jackson responded yes, to distinguish the new construction and not create a false sense of history. Some of the more elaborate historical details have been lost. The design intent is that it looks that the southern porch was an infilled covered porch.

I found information about the porch today; the side porch originally had steps—functioned as a front porch. I wanted this to be noted that stairs existed there. [Dunn]

### Findings of Fact and Conclusions of Law

Mr. Dunn moved that based upon the facts presented in the amended application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-15) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Removing a non-historic addition; constructing additions on the south and west facades; removing exterior stairs; and enlarging a parking area are not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.6, 1.3.7, 1.3.8, 1.3.13, 1.5.5, 1.5.6, 1.5.7, 2.8.6, 3.2.1, 3.2.2, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12; however the proposed chimney on the new porch is incongruous according to *Guidelines* 3.2.7, 3.7.10, and the following facts:
- 1\* The National Register of Historic Places nomination for the Blount Street Historic District describes the house as: "Built for Alexander Boyd Andrews about 1873, this boxy, two-and-a-half-story Victorian Italianate frame dwelling has broad gables and cross-gables with long returns and deep eaves. Supporting the eaves are pairs of highly sculptural brackets. Two large, paneled chimneys with corbelled stacks figure prominently in the building's silhouette. A rectangular porch with paired, and at the corners tripled, posts fronts and central three bays of the house. The windows have segmental-arched hood moldings, except for the central windows of the front elevation on the second and third levels, which are pairs of Roman-arched openings under a single broad hoodmolding."

- 2\* The applicant proposes the removal of a non-historic addition on the south façade and the removal of the deck and stairs on the east façade.
- 3\* First floor windows on the south and west sides were converted to doors at some point. The application proposes to remove the doors and reinstall windows “to match existing”; specifications are not included in the application.
- 4\* The elevations note that four non-historic infill windows on the north façade will be removed and replaced “to match existing.” Photographs of the north façade were not provided. Window specifications were provided.
- 5\* The proposed addition on the south façade is to be constructed on the extant historic stone foundation that remains from the original porch. The addition has the appearance of an enclosed reconstruction of the original porch design.
- 6\* A new porch built on brick piers is proposed to extend from the addition along the south façade. The proposed porch design visually complements the historic structure by using simplified elements of the original porch design – specifically balustrades that resemble a lengthened version of the historic balustrade and columns – but does not present itself as a false historic addition.
- 7\* A one-story ~100 SF addition with rooftop balcony is proposed for the west façade. Details on the balcony railing were provided.
- 8\* The west façade addition is inset 8” from the rear wall of the structure.
- 9\* The form of the rear addition is simple and boxy.
- 10\* The additions are proposed to be sheathed in wood siding and trim that matches the existing.
- 11\* A flat-pan metal roof is proposed for the additions and to replace the existing membrane roof on the one-story additions.
- 12\* **Built area to open space analysis:** According to the applicant, the lot is 13,045 SF. Sanborn maps from 1914-1950 show approximately 3,450 SF of built area, with a ratio of built area to open space of 26%. The existing built area is 3,853 SF, with a ratio of built area to open space of 29%. The proposed built area is 5,073 SF, with a ratio of built area to open space of 39%.
- 13\* Four gravel parking spaces are proposed from the recently created driveway/easement across the rear of the property. The proposed spaces are located behind the house with limited visibility from N. Blount Street.
- 14\* A brick paved walkway is shown on the site plan. Details were not provided.
- 15\* Several mature trees were identified on a site plan; however, their critical root zones were not identified and no tree protection plan was provided.

The motion was seconded by Mr. Davis; passed 3/1.

#### Decision on the Application

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

1. That a tree protection plan be implemented and remain in place for the duration of construction.

2. That porch 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.
3. That details and specifications for the following be provided to and approved by staff prior to construction or installation:
  - a. Window specifications;
  - b. Balcony railing details;
  - c. Brick walkway details.

The motion was seconded by Mr. Davis; passed 3/1 (Mr. Them opposed).

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

Certificate expiration date: 8/28/19.

Staff Contact: Collette Kinane, [collette.kinane@raleighnc.gov](mailto:collette.kinane@raleighnc.gov)

**OTHER BUSINESS**

1. Committee Discussion
  - a. Meeting Post-Mortem

**ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

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

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