



CHARLOTTE

HISTORIC DISTRICT COMMISSION
MINUTES
September 11, 2013

MEMBERS PRESENT: Mr. Tim Bender
Dr. Lili Corbus
Mr. Roger Dahnert
Mr. Don Duffy
Mr. Tom Egan, Chair
Ms. Debra Glennon, 2nd Vice Chair
Mr. Dominick Ristaino, Vice Chair

MEMBERS ABSENT: Ms. I-Mei Ervin
Karen Labovitz
Mattie Marshall
Mr. Brad Norvell
Lisa Yarbrough

OTHERS PRESENT: Mr. John Howard, Administrator
Historic District Commission
Ms. Wanda Birmingham, Assistant Administrator
Historic District Commission
Ms. Linda Keich, Clerk to the
Historic District Commission
Mr. Thomas Powers, Assistant City Attorney

Mr. Egan called to order the Regular September meeting of the HDC at 3:12 pm by introducing the staff and Commissioners introduced themselves. He explained the procedure. All interested parties who plan to give testimony – pro or con - must complete a blue form in order to speak and must be sworn in. An HDC staff member will present an outline and description of the proposal and its impact on the subject property and district's integrity. HDC Staff will then make a Staff recommendation or suggestions about the application. HDC may question the Staff member. The Applicant will present evidence and testimony in support of the Application. The Commission may question the Applicant and Staff may question the Applicant. The Applicant may present sworn witnesses who will be subject to questioning by the Commission and Staff. Other interested parties wishing to speak – pro or con – will be

given reasonable time to present sworn testimony. Staff will give a synopsis of any additional comments received. The Applicant will be given an opportunity to respond to comments by interested parties. After hearing each application, the Commission will review and discuss the information and evidence gathered in closed deliberations and: consider and adopt a Motion for Approval, Deferral, or Denial and adopt Findings of Fact and Conclusions of Law. Interested parties may remain present during the deliberations but may not address the Commission. If one does not remain a call to HDC Staff will result in knowing the decision. All exhibits remain with the Commission. If an Applicant feels there is a conflict of interest of any Commissioner or an association that would be prejudicial, let it be known at the beginning of the hearing of a particular case. The Commission is acting in a quasi-judicial capacity for purposes of this hearing and can accept only sworn testimony. While the Commission will not specifically exclude hearsay evidence, it is only given limited weight. The North Carolina State Bar has issued an Advisory Opinion that it is the unauthorized practice of law for an individual who is not an active member of the Bar to appear for another or otherwise assist or represent another at quasi-judicial hearings on zoning and land use matters. All applicants should have been provided with a copy of that Advisory Opinion at the time an Application was filed. If a property owner or a non-lawyer is present on behalf of a property owner and have not received a copy of that Opinion, one will be provided. If as a result of this Advisory Opinion, an Applicant would like to request a continuance the Commission will consider such request. Appeal from the Historic District Commission is to the Zoning Board of Adjustment. One has sixty (60) days from the date of the issuance or notification of Denial within which to appeal. This is in accordance with Section 10.213 of the City Code. In order to receive a written copy of the decision of the Board, any aggrieved party MUST FILE A WRITTEN REQUEST for a copy of the Commission's decision by completing the form. This form must be filed with the Commission's Clerk or Chairperson at the time of the hearing. Mr. Egan asked that everyone please turn to silent operation any electronic devices. Commissioners are asked to announce, for the record, if one leaves or arrives during the meeting.

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Application: 814 East Boulevard - Siding

Originally built as a single family home c. 1915, this structure currently houses a veterinary practice. This building is a one story shingle style with a full glass-enclosed front porch. The roof is a shallow end gable roof. As one of the original remaining houses along East Boulevard, it sits in a section of East Boulevard that is a mixture of other original houses converted to office use and much later infill office construction. This building is listed as a Contributing structure to the Dilworth National Register Historic District.

An addition was reviewed by the HDC and approved in June 2012. The project was approved with cedar shake siding to match the existing as if it were a typical residential project. The plan reviewer for commercial projects noted the proposed siding material would not meet the fire rating requirement because of the building separation distance and due to it being a commercial use.

This application requests approval of Nichiha siding in a cedar shake design on a portion of the left side elevation. The applicant is requesting a change to the current Certificate of Appropriateness in the way of an exception to the ***Policy & Design Guidelines*** by allowing a Non-Traditional Material based on commercial building code requirements that were unknown at the time of HDC review in 2012. The side elevation is not highly visible from the public street.

Staff Recommendation: The Design Guidelines allow flexibility for material selection on a case by case basis. Though the building separation issue was not addressed initially it would remain a topic for discussion because of the commercial code conflicting with the Design Guidelines which are heavily based on residential construction. The type of material proposed is not uncommon because of its resemblance to traditional materials. Based on the location of the addition, the type of siding being used, and the uniqueness of this application staff believes the change in material is reasonable and within the intent of the Guidelines.

FOR/AGAINST:

Neighborhood Resident Tamara Titus spoke in favor of the application.

MOTION: Based on exception warranted to ***Policy & Design Guidelines – Substitute Siding***, Mr. Bender made a motion to APPROVE the Nichiha siding. Ms. Glennon seconded the motion.

MOTION ADDITION ACCEPTED BY MAKER AND SECONDER: Dominic made a friendly motion for staff approval that the applicant provides a letter to staff from the building standards department that stated wood siding could not be used with a fire retardant finish/paint/treatment applied to satisfy the fire code requirement.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

DECISION: NICHHA SIDING APPROVED WITH LETTER REGARDING USE OF WOOD ON FILE.

Application: Tremont Avenue/Euclid Avenue – Redevelopment.

An application for a 54 unit apartment building was deferred in August. The HDC asked for more information setbacks and details of materials and their application. The height is two stories fronting Euclid Avenue and three stories along East Tremont Avenue. The pedestrian level elements on both sides include individual porches, landscaping, brick foundations, and sidewalk connections. Exterior materials include cementitious siding (Nichiha), brick, wood, and wood picket railings. Urban Residential zoning allows 14' setbacks measured from back of curb along Euclid Avenue. The setback proposed is 16' for the porches and 21' for the primary building which is slightly deeper than the existing setback of the existing multi-family building. On the East Tremont Avenue side the required setback is 20' and the primary building is 24' - measured from the back of curb.

Landscaping and screening will exceed minimum zoning standards. The trees in planting strips (public ROW) are required and do not count toward on-site landscaping improvements.

Staff Recommendations: Staff believes the proposal meets the Guidelines for Setbacks, given the location of the existing multi-family structure to be removed. The Guidelines also provide guidance on how to evaluate and apply setback criteria (See item A below). It should be noted that adjacent mixed use building on the block (within the Historic District) have setbacks that meet the minimum required by zoning (TOD) and do not appear to meet the established setback on the East Tremont block face. There are questions remaining regarding the material and dimension of certain architectural details which have been noted on the plans.

FOR/AGAINST: Neighborhood Resident Tamara Titus spoke in opposition of the application.
Patrick George from Heartwood Tree spoke in opposition of the application.
Neighborhood Resident Marcia Rouse spoke in opposition of the application.
Neighborhood Resident Regina Porter spoke in opposition of the application.
Neighborhood Resident Lucia Griffith spoke in opposition of the application.
Neighborhood Resident Chris Hudson spoke in opposition of the application.
Adjacent Neighbor Rick Cohan spoke in opposition of the application.
Neighborhood Resident Jeff Gerlach spoke in opposition of the application.
Neighborhood Resident Nancy Northlott spoke in opposition of the application.
Neighborhood Resident John Fenlon spoke in opposition of the application.
Neighborhood Resident John Phares spoke in opposition of the application.
Neighborhood Resident Patricia Tracey spoke in opposition of the application.

MOTION: Based on non compliance with ***Policy & Design Guidelines*** – New Construction, Mr. Dahnert made a MOTION to DENY the application based on (1) Size – the relationship of the project to its site, (2) Scale – the relationship of the building to those around it, and (3) Context – the overall relationship of the project to its surroundings. Lili Corbus seconded the motion.

VOTE: 4/3 AYES: CORBUS, DAHNERT, GLENNON, RISTAINO,

 NAYS: BENDER, DUFFY, EGAN

DECISION: APPLICATION DENIED.

Application: 327 East Worthington Avenue – Addition.

This application was deferred in August based on the need for a streetscape exhibit, site plan, further design study regarding the roof slope, mass, scale, fenestration, and separate front dormer from ridge.

The single family house is listed as a Contributing structure in the National Register of Historic Places. Built in 1920, the one bedroom structure has a “high hip roof with exposed rafter ends, hip roof ventilator, engaged porch with exposed end bay with paired posts on piers.” Existing siding appears to be asphalt or inconsistent siding type for this house. The windows are replacement 1/1 type. The character of residential development on the block is one to one and half story single family houses. A horizontal siding type can be found on the rear entranceway.

The proposal is a full second story addition keeping within the original building footprint. The roof design has pitches of 10/12 and 3/12 with 18” overhangs with exposed rafter ends.

Updated Proposal for September: Siding proposed is wood (previously Hardie). The windows are 4/1 with new wood trim on existing windows. The new porch columns are wooden, square tapered and a wood railing. Corner boards and frieze boards are wood.

The massing and scale have improved from the previous design. On the front elevation the roof vent is unchanged. The side elevation massing has been improved by reducing the amount of living space on the rear second story and reducing the size of the dormers on the sides. A rear porch was added to create a rear elevation that resembles the front elevation. The rear roof design is a simpler hip roof instead of conflicting hip and gable from the previous design which organizes the entire rear elevation.

Fenestration details are improved with wood trim and even spacing along all elevations.

The project does not identify significant changes to the site.

Staff Recommendation: Mr. Howard said that the revised project meets all of the applicable Guidelines. The revised design also blends into the context of the street. Setbacks are not an issue.

FOR/AGAINST: Neighborhood Resident Tamara Titus commended the changes and asked that they only remove one chimney and leave one. She also commented that the side dormers were overwhelming.

Neighborhood Resident Lucia Griffith was pleased with the changes and suggested that they change the upper windows.

MOTION: Based on the need for more information, Mr. Duffy made a MOTION to DEFER. Revised plans will show enhanced architectural details, a wall section, front porch details remaining, all window details, improved roof pitch, one chimney saved if possible, front door, side dormers offset. Mr. Dahnert seconded.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO,
 NAYS: NONE

DECISION: APPLICATION DEFERRED.

Application: 1915 Lyndhurst Avenue – Addition.

This c. 1903 single family house has long been identified as the house with the semi-circular front porch. A rear addition is proposed to create a new second story. One front gable will be retained and another added. Hardie is proposed for the siding. A rear garage will be accessed from the alley. The non-original curved front porch will be removed and replaced with a more usual rectilinear one. Shed dormers will be added to the sides.

Based on comments from the previous HDC meeting the applicant has proven the existing curved porch is not original and that the proposed porch design is architecturally consistent with the home as well as other homes in the area. The applicant has also provided additional photos of houses along the block. The material for the “main structure” has been changed to wood lap siding on the façade and cedar shingles along the dormers and rear gable. Trim materials proposed are cementitious. The new garage is subordinate to the principal structure and not visible from the street. However, materials on the home are replicated on the garage

Staff Recommendation: Mr. Howard said the project satisfies all the Guidelines for Additions and neither diminishes the original character of the house, nor appears to be out of scale with adjacent homes. The massing of the home has been improved with slight

modifications including the replacement of the curved porch with a more traditional design which also reestablishes the setback.

FOR/AGAINST: Neighborhood Resident Tamara Titus supports the addition.

MOTION: Based on compliance with **Policy & Design Guidelines** – Additions, Mr. Duffy made a motion to approve with changes for staff to review. 1) front to back gable lowered, 2) shed dormer to front, 3) siding at choice of applicant, 4) wood trim, 5) 2/2 vertical windows, 6) garage to match house. Tim Bender seconded.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO,

NAYS: NONE

DECISION: APPLICATION APPROVED WITH MODIFICATIONS FOR STAFF TO REVIEW AND APPROVE.

Application: 1909 Wilmore Drive – Addition.

This is a c. 1936 one story house. It has a front facing gable and a hipped roof. The lot falls off from front to back and the plan is to capture additional living space in the high basement area on the back. The brick foundation would be painted.

This application was deferred in August for further design study regarding the siding material and windows in the new stair well. The plans have been revised to add German lap wood siding. This is the siding material beneath the existing vinyl siding. The window on the stair tower matches other windows.

Staff Recommendation: Mr. Howard said the proposal meets all of the Guidelines for Additions, provided wood siding is used as noted.

FOR/AGAINST: No one accepted Mr. Egan's invitation to speak either FOR or AGAINST the application.

MOTION: Based on compliance with **Policy & Design Guidelines** – Additions, Mr. Dahnert made a motion to approve with modifications to be reviewed by staff: 1) lower window to landing in tower, 2) lower tower by, 3) extending existing roof line. Debra seconded

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO,
NAYS: NONE

DECISION: APPLICATION APPROVED WITH MODIFICATION TO BE REVIEWED BY STAFF.

Application: 405 East Tremont – Demolition/New Construction.

The subject property is a one story brick duplex built in 1950. It is identified as a Non Contributing structure in the Dilworth National Register Survey. Adjacent structures along the block include a matching duplex and various types of one and two story single family homes. Setbacks along the block are generally consistent. There is an old City water convergence underground that has been abandoned.

The application is to request approval for demolition of the duplex and an exception to the '90 day no hear' policy to submit plans for the new single family home. The proposal is for the construction of a new single family, 2-story home. Details of the home include: brick foundation, paired columns, full width front porch with an 8' depth, 9/1 full size windows, cementitious siding, exposed rafter tails with barge rafters, all wood details (columns, railing, pickets, brackets, corner boards).

Staff Recommendation: Mr. Howard said the proposal meets the Guidelines for size, scale, massing, fenestration, rhythm, setback, landscaping and context. Materials may be further discussed.

FOR/AGAINST: Neighborhood Resident Tamara Titus did not speak in opposition to demolition.

MOTION: Based on the age and style of the duplex , Mr. Dahnert made a MOTION to identify the structure as Non Contributing. Dr. Corbus seconded.

MOTION: Ms. Glennon made a MOTION to APPROVE the Demolition but to keep the building standing until new construction plans are approved. Dr. Corbus seconded.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

NAYS: NONE

MOTION: Based on the need for more information Mr. Dahnert made a motion to DEFER this application for additional information: (1) context exhibit, (2) completed site plan needs, (3) different materials, (4) come back as 1 ½ story house, (5) setbacks of street.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

NAYS: NONE

DECISION: APPLICATION DEFERRED

Application: 1223 Belgrave Place– Addition.

The subject property is a one story ranch home built in 1951. This section of Dilworth is more suburban in character with longer blocks, larger and non-uniform lots, and deeper setbacks. Adjacent structures along the block are various types of one and two story single family homes.

The proposal is for the addition of three dormers on the front roof slope with traditional materials matching the primary structure.

FOR/AGAINST: No one accepted Mr. Egan’s invitation to speak either FOR or AGAINST the application.

MOTION: Based on the need for more information, Mr. Dahnert made a motion to Defer this application for further developed plans and better photos and drawings.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

NAYS: NONE

DECISION: APPLICATION DEFERRED

Application: 420 East Park Avenue – New Construction.

The subject property is a vacant lot along a residential street and across from Dilworth Elementary School. Adjacent single family Victorian homes on the block were built between 1988 and 1998. The parcel is also abutting a contemporary multi-family project that was built

in 1981. The lot has a very gentle slope to the rear with a mature tree in the front. The property is accessible by a rear alley.

The proposal is for a new single family home and detached garage. The home is two stories with even fenestration across the front, a wide front porch, and a series of hip roofs with a small cross gable over the entrance. The materials of the main structure are brick (foundation), wood lap siding, cedar shakes (gable, and wood railings and columns. The plan is to use Hardie in the soffit and Miratek trim boards. Windows are SDL wood sash with composite trim. The height of the home is approximately 35' from average grade, consistent with other homes on the block face.

The applicants intend to save the mature tree in the front yard. The setback will be in alignment with the adjacent four single family homes and excluding the corner dwellings on each end of the block. The curved retaining wall along the front property line will be maintained and repaired.

Staff Recommendation: Mr. Howard said the proposal meets the Guidelines for Size, Scale, Massing, Rhythm, Setback, Materials, Context and Landscaping. There are minor questions about Fenestration in terms of window placement or style on the right elevation and in the front dormer.

Overall, the scale and Size of the home is consistent with those along the block and the design is consistent with the character of the neighborhood.

FOR/AGAINST: Neighborhood Resident Tamara Titus asked that all materials be natural and to get the front set back in writing.

MOTION: Based on the need for more information Mr. Dahnert made a MOTION to DEFER this application. Revised application will include: (1)an arborist's letter for tree protection plan – more than erosion control fencing, 2) material details, 3) documented setback, 4) change windows to be all traditional. Ms. Glennon seconded.

VOTE: 7/0 BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

NAYS: NONE

DECISION: APPLICATION DEFERRED FOR MORE INFORMATION.

Application: 601 Mt. Vernon Avenue – Addition

The subject property is a split level home built in 1954. Several alterations have occurred to the home including painted brick and a large shed dormer on the front with

mismatched windows from the main structure. The house sits on a corner lot with the driveway access from Euclid Avenue. Adjacent structures along the street are primarily two story of various designs. Setbacks along the subject block face are generally consistent.

The proposed additions include a bathroom and front porch, an attached garage and deck over the garage on the rear, a covered patio, second floor balcony to the rear, a breakfast nook to the rear and cedar shake siding to replace the existing metal siding. The exterior cladding of the new additions will be cementitious siding. Attached garages are not prohibited by the Policy & Design Guidelines.

Staff Recommendation: Mr. Howard said the organization of the house will be improved by the proposed additions. Specifically, the proposal organizes the façade Massing, Rhythm, Materials and improves the overall Context of the block. The home’s Fenestration and Size also meet the Guidelines. The front Setback of the new addition may be a point of discussion for the Commission.

FOR/AGAINST:Neighbor Tamara Titus asked applicant to use natural materials. Attached garage not historic for neighborhood, explore other options.

MOTION: Based on non-compliance with **Policy & Design Guidelines – Additions**, Mr. Duffy made a motion to DENY this application based on (1) Size – the relationship of the project to its site, (2) Setback- in relation to setback of immediate surroundings, (3) Massing – the relationship of the building’s various parts to each other, and (4) Context – the overall relationship of the project to its surroundings. Mr. Dahnert seconded.

VOTE: 7/0 AYES: BENDER, CORBUS, DAHNERT, DUFFY, EGAN, GLENNON, RISTAINO

NAYS: NONE

DECISION: APPLICATION DENIED

Minutes for July and August were approved

The meeting adjourned at 9:45 pm with a meeting length of six hours and thirty three minutes.

Linda Keich, Clerk to the Historic District Commission