

**DATE:** June 13, 2018

**SUBJECT:**

<u>Certificate of Appropriateness Request:</u>	H-07-18
<u>Applicant:</u>	James David Ford
<u>Location of subject property:</u>	229 Union St N
<u>Staff Report prepared by:</u>	Scott Sherrill, Sr. Planner

**BACKGROUND:**

- The subject property is site of a “Contributing” structure and is located in the North Union Street Historic District. (Exhibit A)
- Date of home construction: 1907
- Picturesque, two-story, frame Queen Anne style residence with charming porch. House has L-shaped form characteristic of Queen Anne style designs with two-story gable-front wing projecting forward of hip-roofed main block. The house has a strong vertical emphasis created by the narrow, two-bay façade. The tall 1/1 sash windows, and the high, nearly pyramidal hip roof. The porch shelters the south (left) bay and one bay of the south side – a circular pavilion with a witch’s cap roof and a finial adjoins the corner of the porch.
- Applicant is seeking after the fact approval for a tree pruning and approval for a fence installation.

**DISCUSSION:**

An in-house approval was issued for the removal and replacement of a pecan tree with a 4 foot trunk diameter on October 21, 2013. The work for which the certificate of appropriateness was issued was never completed, but on or around January 22, 2018, city staff and code enforcement observed that tree limbs had been pruned without receiving the proper authorization, necessitating after the fact review. The Commission has two basic courses of action, it can deny the Certificate of Appropriateness, which would result in a notice of violation and a seven-day window to bring the property into compliance without incurring a fine—presumably by requesting a COA for staff approval of the removal, which would be granted. These COAs require replacement with a similar species. Or the Commission can grant the COA, but impose conditions on the approval, such as requiring the planting of additional trees.

Applicant has also applied to install a privacy fence, approximately 7 feet high, with 6 foot panels. The materials will be treated lumber using either 4x6, 4x4, 2x6, 2x4 and 5/8 panel slats. The fence would have either solar or low voltage lighting on each post, which would be approximately 6 feet apart at post center. The applicant has indicated that they may stain the fence white after completion and proper weathering.

**ATTACHMENTS**

- Exhibit A: National Register of Historic Places Inventory—Nomination Form
- Exhibit B: Application for Certificate of Appropriateness
- Exhibit C: Photographs of work performed
- Exhibit D: 2013 COA and Tree Evaluation
- Exhibit E: 2006 Inventory Image of structure
- Exhibit F: Site Plan

Exhibit G: Proposed Fence

**HISTORIC HANDBOOK DESIGN RECOMMENDATIONS:**

**Chapter 5 – Section 8: Landscaping and Trees**

*Tree health may be decided upon by the acquisition of a Tree Hazard Evaluation Report issued by the City Arborist or a report submitted by a certified arborist. Healthy trees are trees that have a hazard rating of 4 or lower. Removal of healthy trees over the size of 6 inches in diameter (measured 4 feet above ground) or pruning of healthy tree limbs over 6 inches in diameter requires Historic Preservation Commission review and approval. City staff may approved [sic] a Certificate of Appropriateness for the removal of healthy trees under 6 inches in diameter. Staff may also approve removal or pruning of unhealthy trees/limbs of any size and in any location if the tree is deemed hazardous by the Tree Hazard Evaluation Report. City Staff may refer any tree pruning or removal request to the Historic Preservation Commission.*

*All trees that are removed should be replaced with a tree of similar species in an appropriate location unless no suitable location exists on the subject site. Trees removed within street view must also have the trunks removed below ground level.*

**Chapter 5 – Section 9: Fences and Walls**

*The style of fence or wall should respond to the historic nature of the property. All wooden fences should be “stick-built” on site. The styles shown to the left are encouraged as well as custom designs with appropriate architectural detailing...Painting or staining is recommended, but not required for rear yard fences unless they are visible from the street. If a fence is designed as a single-sided fence, one with detailing on only one side, the finished detail should be on the outside face of the fence (facing neighboring property).*

*Rear yard fences are defined as fences, which do not extend forward on the applicant’s property beyond the side centerline of the house in plain view. Approval of the location may also be handled on a case-by-case basis to determine the best natural break in the rear and front yards for placement of fences. Rear yard fences may be higher than four feet. The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application....All proposed fences and walls should not negatively effect existing trees and mature landscaping.*

*Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:*

- 1. Privacy fences are most appropriate in rear yards*
- 2. Privacy fences may be allowed where the applicant’s rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:*
  - a. That the adjacent property is unsightly in comparison to other properties surrounding the applicant’s property,*
  - b. That the adjacent property or nearby property raises reasonable security concerns for the applicant, or*

- c. *That the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.*

*Privacy fences shall be allowed only on the applicant's property line directly adjoining the aforesaid adjacent property unless the Commission feels that such a partial privacy fence would not be visually appropriate or would not accomplish the purpose(s) of the privacy fence set forth above.*

3. *Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.*

*Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.*

*Design Guidelines and Recommendations*

*2. Use materials like stone, brick, wood and iron.*

*4. Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.*

**RECOMMENDATION:**

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
  - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
  - Completed project will be photographed to update the historic properties survey.

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Inventory—Nomination Form

For NPS use only

received

date entered

Continuation sheet

Item number

Page

Inventory List - North Union Street  
Historic District, Concord

#7

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52. House  
201 North Union Street  
ca. 1940  
F.

Two-story, frame, Colonial style residence comprising three wings: a central, two-story main block; a two-story wing on the north (right) side recessed behind the main block; and a one-story wing on the south side, also recessed behind the main block. All three wings have side gable roofs - the main block and north wings have exterior end chimneys. The first floor facade of the main block has a vent with decorative boards under its eaves.

53. House  
213 North Union Street  
ca. 1950  
F

Two-story, brick Colonial style residence laid up in Flemish bond. Pedimented entrance with reeded pilasters centrally placed in symmetrical, three-bay facade. Other Colonial style features include modillion block cornice, radiating brickwork over windows, and the Doric columns upholding the porch on the south side of the house. Although not considered contributing because of its age, this house is harmonious with nearby contributing houses in most respects.

54. Kerr Street Baptist Church Parsonage  
221 North Union Street  
ca. 1975  
I

One-story brick ranch style house with pronounced horizontal emphasis and pseudo-Colonial trim. Both main block and garage wing on south (left) side of house have side gable roofs. Although yard has mature trees, the materials, horizontality, and pseudo-historical details of the house are incongruous with those of the district.

55. Joe M. Sills House  
229 North Union Street  
1907 (01)  
C

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Exhibit A



United States Department of the Interior  
National Park Service

National Register of Historic Places  
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Inventory List - North Union Street  
Historic District, Concord

#7

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Picturesque, two-story, frame Queen Anne style residence with charming porch. House has L-shaped form characteristic of Queen Anne style designs, with two-story gable-front wing projecting forward of hip-roofed main block. The house has a strong vertical emphasis created by the narrow, two-bay facade, the tall 1/1 sash windows, and the high, nearly pyramidal hip roof. The porch shelters the south (left) bay and one bay of the south side - a delightful circular pavillion with a witch's cap roof and a finial adjoins the corner of the porch.

Joe M. Sills was a contractor and the proprietor of a lumber company.

56. Aaron Greene Lentz House  
235 North Union Street  
1899 (OI)  
C

Two-story, frame, Queen Anne style house with hip-roofed main block and projecting facade bay with conical roof. Handsome wrap-around porch has turned posts, decorative brackets, and balustrade with vertical and horizontal balusters adorned with cut-out panels. Cornice trimmed with pendant drop brackets. House has 2/2 sash windows except for front of projecting bay, which has square single pane windows.

Aaron Greene Lentz was a butcher who owned commercial property in downtown Concord.

57. Vacant Lot  
between 235 North Union Street and Elm Avenue, N.W.  
VL

Unpaved parking area for Saint James Catholic Church

58. Saint James Catholic Church  
251 North Union Street  
ca. 1955  
F

Brick church of contemporary design. Church is traditional in form, with steeply-pitched, gable-roofed nave and entrance centered in gable-

4.1

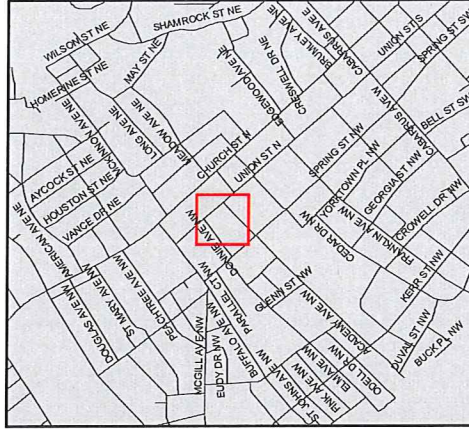


H-07-18

James David & Jamie M Ford

229 Union St N

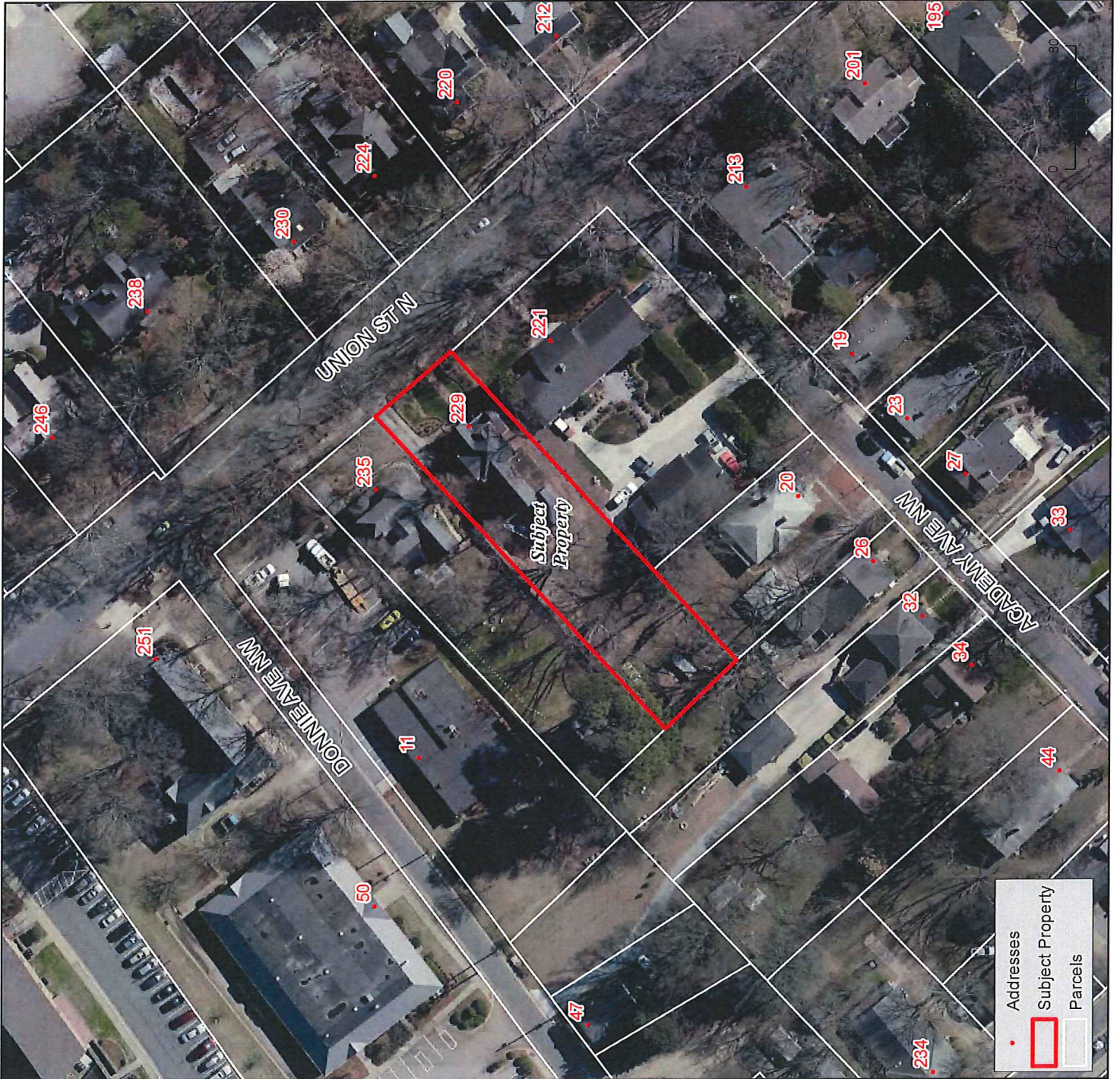
PIN: 5621-60-8101



Source: City of Concord  
Planning Department

**Disclaimer**

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S



AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.

**APPLICANT INFORMATION**

Name: James David Ford and Jamie M Ford  
Address: 229 Union Street North  
City: Concord State: NC Zip Code: 28025 Telephone: 704-791-4901 704-792-7467

**OWNER INFORMATION**

Name: Same  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

**SUBJECT PROPERTY**

Street Address: Same P.I.N. # \_\_\_\_\_  
Area (acres or square feet): \_\_\_\_\_ Current Zoning: \_\_\_\_\_ Land Use: \_\_\_\_\_

**Staff Use  
Only:**

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_, 20 \_\_\_\_\_  
Fee: \$20.00 Received by: \_\_\_\_\_ Date: \_\_\_\_\_, 20 \_\_\_\_\_

*The application fee is nonrefundable.*

**General Requirements**

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: Install Wood Privacy Fencing. Approval of Tree trimming that has been performed.
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):  
Installation of on site built privacy fencing in back yard of property with either solar or low voltage lighting on each post which will be app 6' apart on post center. Height to be app 7' with app 6' wide panels, see design attached. All treated lumber using either 4 x 6, 4 x 4, 2 x 6, 2 x 4 and 5/8 panel slats. Possibly stain fencing white after completion and proper weathering.  
Lighting to be similar to existing

**Required Attachments/Submittals**

1. Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted if **16 folded copies** are submitted for distribution.
2. A photograph of the front of the house.
3. Photographs of site, project, or existing structures from a "before" perspective
4. Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
6. Detailed list of materials that will be used to complete the project.

\*\*\*Applications may be submitted electronically.\*\*\*

**Certification**

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

\_\_\_\_\_  
Date

  
Signature of Owner/Agent



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Exhibit C









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H-19-13

# CERTIFICATE OF APPROPRIATENESS

HAS BEEN ISSUED

DATE 10/21/13 APPLICANT David Ford

LOCATION 229 N. Union St

PROJECT DESCRIPTION Removal of pecan  
w/ 4ft trunk diameter. Must replace w/  
like species.

APPROVAL: [Signature] Rogers per HPC

NOTICE: THIS MUST BE POSTED AT THE BUILDING SITE.  
EXPIRES AFTER SIX MONTHS.

*Historic Preservation Commission  
City of Concord  
P.O. Box 308  
Concord, NC 28025*

No 1726



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas  
**TREE HAZARD EVALUATION FORM** 2nd Edition

Site/Address: 229 N. UNION ST.  
 Map/Location: \_\_\_\_\_  
 Owner: public \_\_\_\_\_ private  unknown \_\_\_\_\_ other \_\_\_\_\_  
 Date: 10-16-13 Inspector: Bill Leake  
 Date of last inspection: \_\_\_\_\_

HAZARD RATING:						
<u>2</u>	+	<u>2</u>	+	<u>2</u>	=	<u>6</u>
Failure Potential		Size of part		Target Rating	=	Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

**TREE CHARACTERISTICS**

Tree #: 7 Species: Pecan (close to rear of house)  
 DBH: 4" # of trunks: 2 Height: 95' Spread: 75'  
 Form:  generally symmetric  minor asymmetry  major asymmetry  stump sprout  stag-headed  
 Crown class:  dominant  co-dominant  intermediate  suppressed  
 Live crown ratio: 95 % Age class:  young  semi-mature  mature  over-mature/senescent  
 Pruning history:  crown cleaned  excessively thinned  topped  crown raised  pollarded  crown reduced  flush cuts  cabled/braced  
 none  multiple pruning events Approx. dates: \_\_\_\_\_  
 Special Value:  specimen  heritage/historic  wildlife  unusual  street tree  screen  shade  indigenous  protected by gov. agency

**TREE HEALTH**

Foliage color:  normal  chlorotic  necrotic Epicormics?  N  
 Foliage density:  normal  sparse Leaf size:  normal  small  
 Annual shoot growth:  excellent  average  poor Twig Dieback?  N  
 Woundwood development:  excellent  average  poor  none  
 Vigor class:  excellent  average  fair  poor  
 Major pests/diseases: \_\_\_\_\_

**SITE CONDITIONS**

Site Character:  residence  commercial  industrial  park  open space  natural  woodland/forest  
 Landscape type:  parkway  raised bed  container  mound  lawn  shrub border  wind break  
 Irrigation:  none  adequate  inadequate  excessive  trunk wetted  
 Recent site disturbance?  N  construction  soil disturbance  grade change  line clearing  site clearing  
 % dripline paved:  0% 10-25% 25-50% 50-75% 75-100% Pavement lifted?  Y N  
 % dripline w/ fill soil:  0% 10-25% 25-50% 50-75% 75-100%  
 % dripline grade lowered:  0% 10-25% 25-50% 50-75% 75-100%  
 Soil problems:  drainage  shallow  compacted  droughty  saline  alkaline  acidic  small volume  disease center  history of fail  
 clay  expansive  slope \_\_\_\_\_° aspect: \_\_\_\_\_  
 Obstructions:  lights  signage  line-of-sight  view  overhead lines  underground utilities  traffic  adjacent veg.  \_\_\_\_\_  
 Exposure to wind:  single tree  below canopy  above canopy  recently exposed  windward, canopy edge  area prone to windthrow  
 Prevailing wind direction: SW Occurrence of snow/ice storms  never  seldom  regularly

**TARGET**

Use Under Tree:  building  parking  traffic  pedestrian  recreation  landscape  hardscape  small features  utility lines  
 Can target be moved?  Y  N Can use be restricted?  Y  N  
 Occupancy:  occasional use  intermittent use  frequent use  constant use



# TREE DEFECTS

## ROOT DEFECTS:

Suspect root rot:  Y  N Mushroom/conk/bracket present:  Y  N ID: \_\_\_\_\_  
 Exposed roots:  severe  moderate  low Undermined:  severe  moderate  low  
 Root pruned: 5' distance from trunk Root area affected: 15% Buttress wounded:  Y  N When: \_\_\_\_\_  
 Restricted root area:  severe  moderate  low Potential for root failure:  severe  moderate  low  
 LEAN: 10 deg. from vertical  natural  unnatural  self-corrected Soil heaving: Y  N  
 Decay in plane of lean: Y  N Roots broken Y  N Soil cracking: Y  N

Compounding factors: \_\_\_\_\_ Lean severity:  severe  moderate  low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep			m	m
Codominants/forks		m		
Multiple attachments		s		
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam	m			
Decay	l			
Cavity				
Conks/mushrooms/bracket	l			
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				l
Borers/termites/ants				
Cankers/galls/burls				
Previous failure			l	l

## HAZARD RATING

Tree part most likely to fail: Scaffolds  
 Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other \_\_\_\_\_  
 Failure Potential + Size of Part + Target Rating = Hazard Rating  
2 + 2 + 2 = 6

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe  
 Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);  
 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)  
 Target rating: 1 - occasional use; 2 intermittent use;  
 3 - frequent use; 4 - constant use

## HAZARD ABATEMENT

Prune:  remove defective part  reduce end weight  crown clean  thin  raise canopy  crown reduce  restructure  shape  
 Cable/Brace: Yes, multiple Inspect further:  root crown  decay  aerial  monitor  
 Remove tree: Y N Replace? Y N Move target: Y N Other: \_\_\_\_\_  
 Effect on adjacent trees:  none  evaluate  
 Notification:  owner  manager  governing agency Date: 10-16-13

## COMMENTS

This tree is showing a small amount of stress due to all the renovation activity at this location

Bill Leake  
14

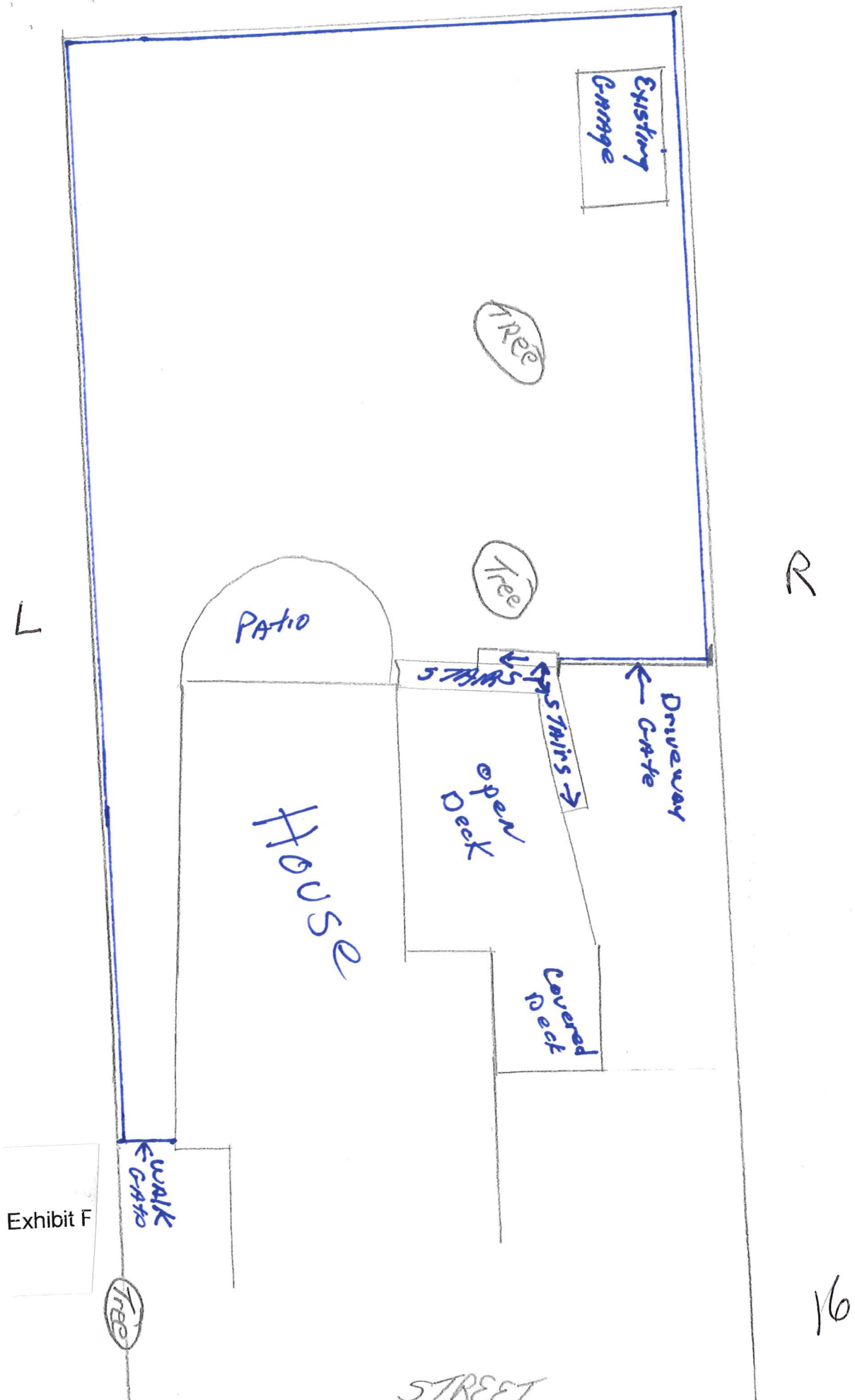




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Exhibit E





16



light mount

2x6 face trim

2x6 top/beveled edge

4x6 post  
4" face

2x4 face trim

2x6  
face trim

2x6  
bottom face  
trim

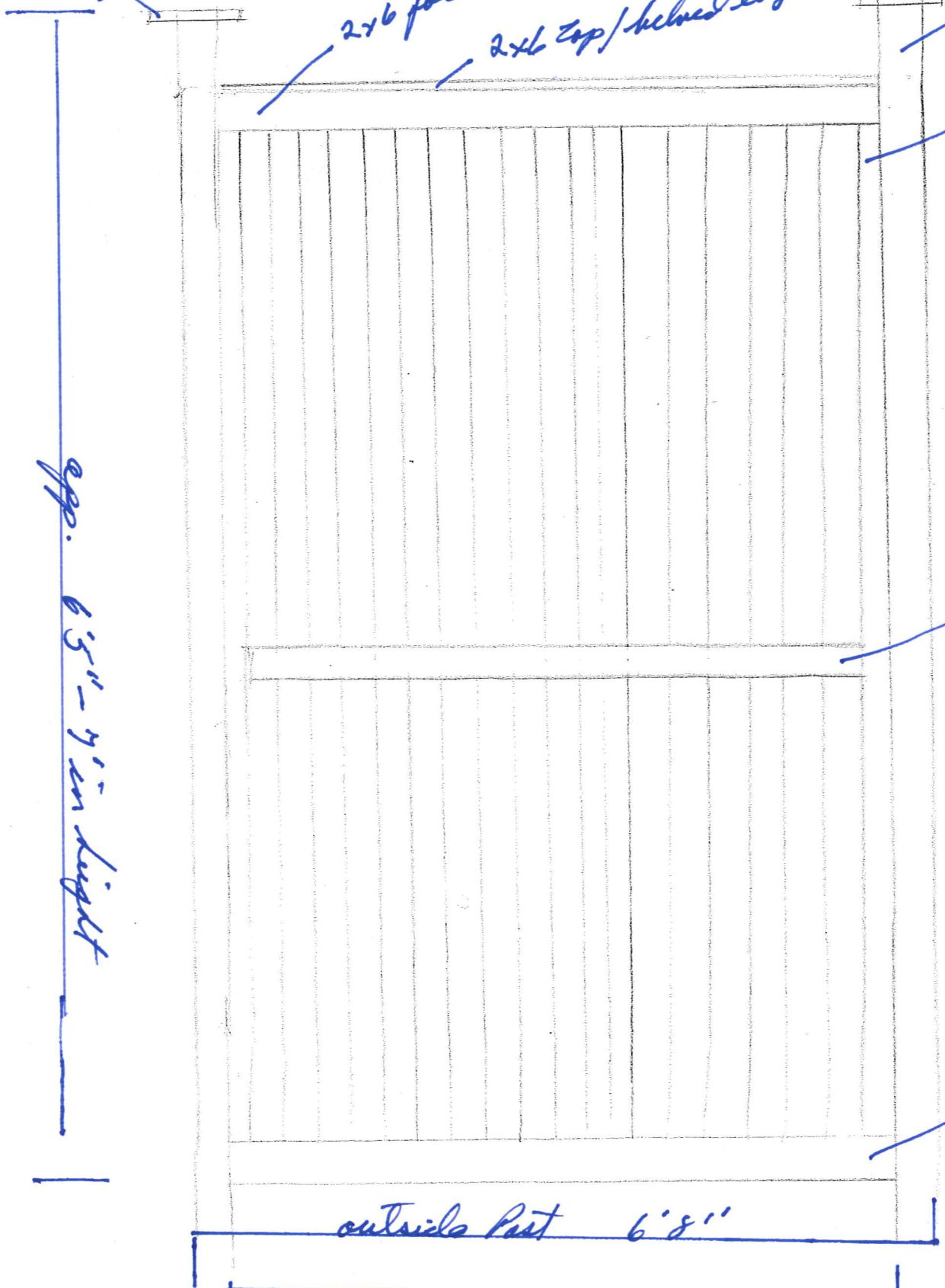
app. 6'5" - 7' in height

outside Post 6'8"

panel face 6ft

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Exhibit G



A hand-drawn table with 12 columns and 2 rows. The table is drawn with simple black lines on a white background. The columns are of equal width, and the rows are of equal height. The table is oriented vertically on the page. At the top of the page, there are two small rectangular marks, one on the left and one on the right, which appear to be artifacts from the scanning process or the original document's layout.