

**DATE:** August 2, 2021

**SUBJECT:**

<u>Certificate of Appropriateness Request:</u>	H-09-21
<u>Applicant:</u>	Jennifer and Jimmy Hall
<u>Location of subject property:</u>	39 Yorktown St. NW
<u>Staff Report prepared by:</u>	Katherine Godwin, Sr. Planner

**BACKGROUND:**

- The subject property, 39 Yorktown St. NW, is an “Contributing” structure in the North Union Street Historic District. (Exhibit A).
- Built Circa 1921
- Three bay frame, bungalow with broad side gable roof features a very broad front decorative gable with exposed rafters. The decorative gable has three four-over-four sash windows that are flanked with ventilators on either side. Three triangular-knee braces support eaves of gable. Full façade porch has untampered bungalow columns. Façade fenestrations include paired four-over-ones on either side of entrance. (Exhibit A).
- Applicants are requesting a Certificate of Appropriateness to:
  - Install a wooden, privacy fence with one gate (Exhibits B and D).
- This case was tabled from the July 14, 2021 meeting of the Historic Preservation Commission.

**DISCUSSION:**

The applicants are requesting to install a wooden, privacy fence with one gate in the rear of the property (Exhibits B, D, E, and F). The privacy fence would be 6’ tall and measure 49’ on either side and 51’ along the rear property line (Exhibits D and F). The fence would connect to the house with a 6’ wide gate on the northern side of the rear yard and a 6’ segment of fence on the eastern side of the rear yard (Exhibits D and F). The fence would be stained a natural cedar tone and the gate would be seamless in design to the fence (Exhibit F). The fence would be of “horizontal slat” design and would include a trim board on top (Exhibit E).

**ATTACHMENTS**

Exhibit A: Historic Inventory Information  
Exhibit B: Application for Certificate of Appropriateness  
Exhibit C: Subject Property Map  
Exhibit D: Site Plan  
Exhibit E: Images  
Exhibit F: Email Correspondence

## **HISTORIC HANDBOOK DESIGN RECOMMENDATIONS:**

### **Approval Requirement Needs Table**

- *Fencing and Gates (See Masonry Walls): All types require Commission Hearing and Approval.*

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

- *All wooden fences should be “stick-built” on site.*
- *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 may be higher than four feet.*
- *All proposed fences and walls should not negatively affect 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**

1. *Do not use high walls or fences to screen front yards.*
2. *Use materials like stone, brick, wood and iron.*

3. *Chain link or plastic materials are prohibited. Adding slats to existing chain link fences for screening purposes is prohibited.*
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 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	78

172. House  
39 White Avenue  
1921 (SM)  
C

Three bay frame, bungalow with broad side gable roof features a very broad front decorative gable with exposed rafters. The decorative gable has three four-over-four sash windows that are flanked with ventilators on either side. Three triangular-knee braces support eaves of gable. Full facade porch has untapered bungalow columns. Facade fenestrations include paired four-over-ones on either side of entrance.

173. House  
36 White Street, N.W.  
1921 (SM)  
C

Good example of low-slung, frame bungalow with pediment gable. House is shingled above a baseboard and two-and-a-half-feet of plain weatherboard. Fenestrations are one-over-one. Porch with balustrade extends three-bay facade and is supported by typical Craftsman-style short, tapered columns with brick piers that continue to ground level. Eaves at front gable are supported by five decorative brackets.

174. House  
32 White Street, N.W.  
c. 1910-1915  
C

Notable frame bungalow with gabled porch and broad gable roof. Porch is nearly full facade, but its gable roof does not cover northern elevation. It is surrounded by a plain balustrade and rests on full brick foundation. Brick pillars, topped with stone trim, support vernacular columns. These columns brace the weatherboarded gable roof that projects over sides. The side eaves are supported by curved sawn-rafter brackets. The main roof also projects at front and is braced by a typical (for Concord) three-part-brackets that reflect Japanese bungalow traits. Facade has three bay division with two one-over ones with diagonal lattice work.

175. House  
26 White Street, N.W.  
1921 (SM)  
C

This high hip roof, frame cottage features two interior end chimneys,



**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 and Jennifer Hall \_\_\_\_\_  
Address: 39 Yorktown St NW \_\_\_\_\_  
City: Concord \_\_\_\_\_ State: NC \_\_\_\_\_ Zip Code: 28025 \_\_\_\_\_ Telephone: 919-817-0732 \_\_\_\_\_

**OWNER INFORMATION**

Name: James and Jennifer Hall \_\_\_\_\_  
Address: 39 Yorktown St NW \_\_\_\_\_  
  
City: Concord \_\_\_\_\_ State: NC \_\_\_\_\_ Zip Code: 28025 \_\_\_\_\_ Telephone: 919-817-0732 \_\_\_\_\_

**SUBJECT PROPERTY**

Street Address: 39 Yorktown St NW \_\_\_\_\_ P.I.N. # \_\_\_\_\_  
Area (acres or square feet): 750 \_\_\_\_\_ Current Zoning: City of Concord \_\_\_\_\_ Land Use: Backyard \_\_\_\_\_

**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: Backyard Privacy Fence
  
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):  
Contractor to build a 6ft tall wood privacy fence in the backyard
  
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**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.

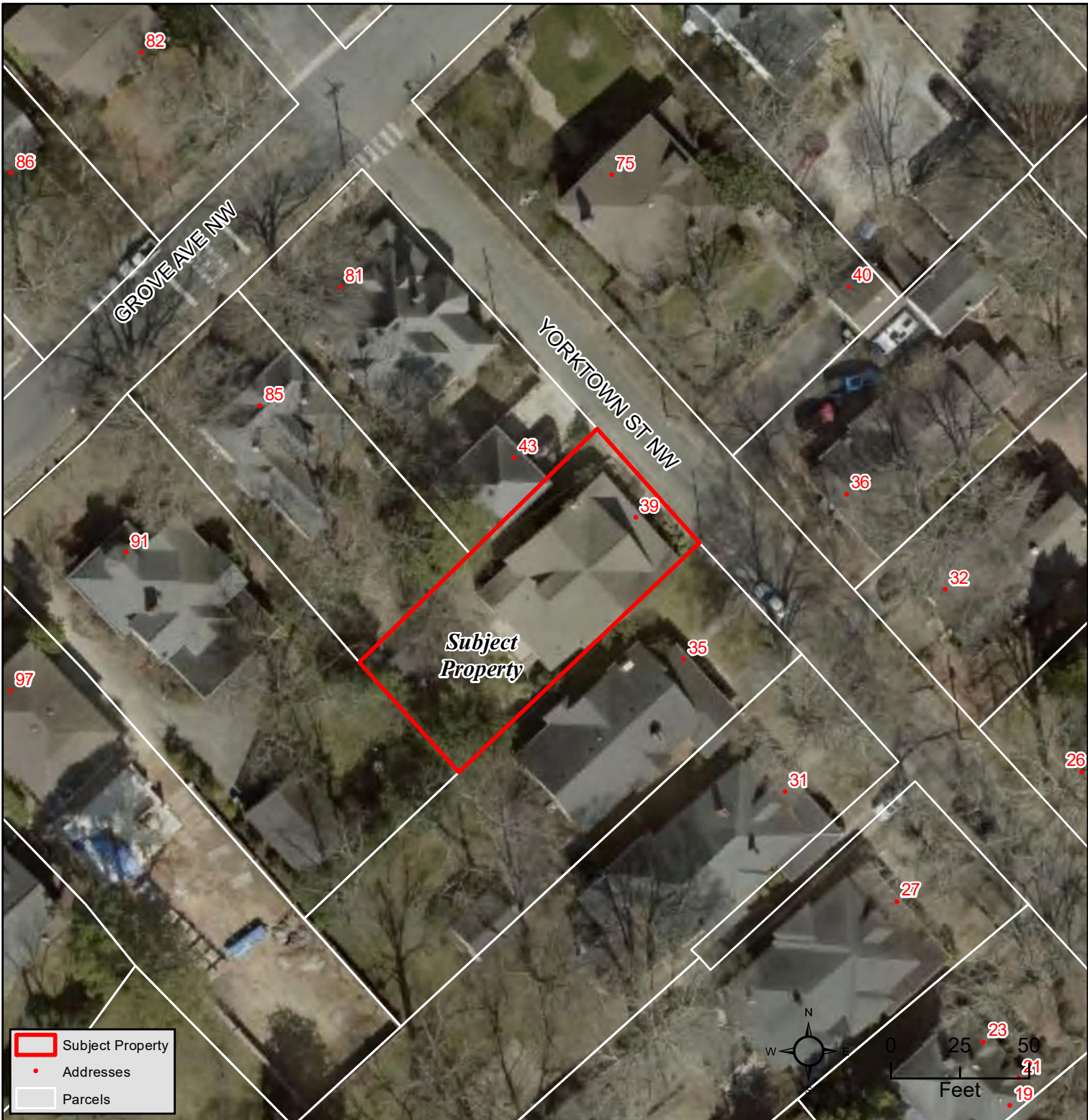
6/22/2021

Date

*Jennifer L. Hall*

Signature of Owner/Agent



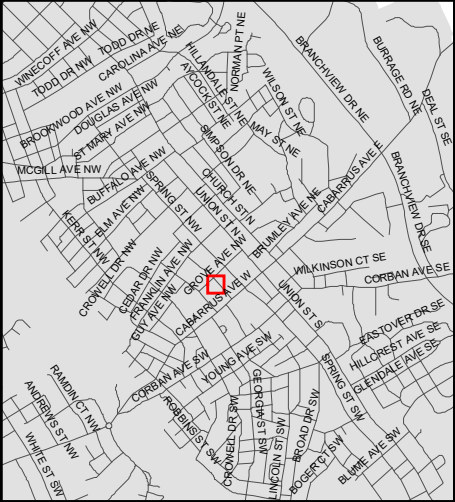


H-09-21

39 Yorktown St NW

PIN: 5620-77-7737

Exhibit C



Source: City of Concord  
Planning Department

**Disclaimer**

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.

Property subject to recorded or unrecorded R/Ws, easements, agreements, restrictions. The boundary description prepared from this survey is the surveyors opinion of the location of boundary lines of the property based on monuments found in field and is not to be construed as a certification of the quality of title or location of title to the property. A full title investigation is recommended.

Area by coordinates			
EIR = Existing Iron rod	EIP = Existing 1/2" iron pipe	EN = Existing Nail	ECM = Existing Concrete Monument
SIR = 1/2" iron rod set	CP = Computed Point	S.T. = Slight Triangle	OUL = Overhead Utility Lines
SSR = Sanitary Sewer R/W or Easement	PSDE = Public Storm Drainage Easement	EMH = Existing Manhole	

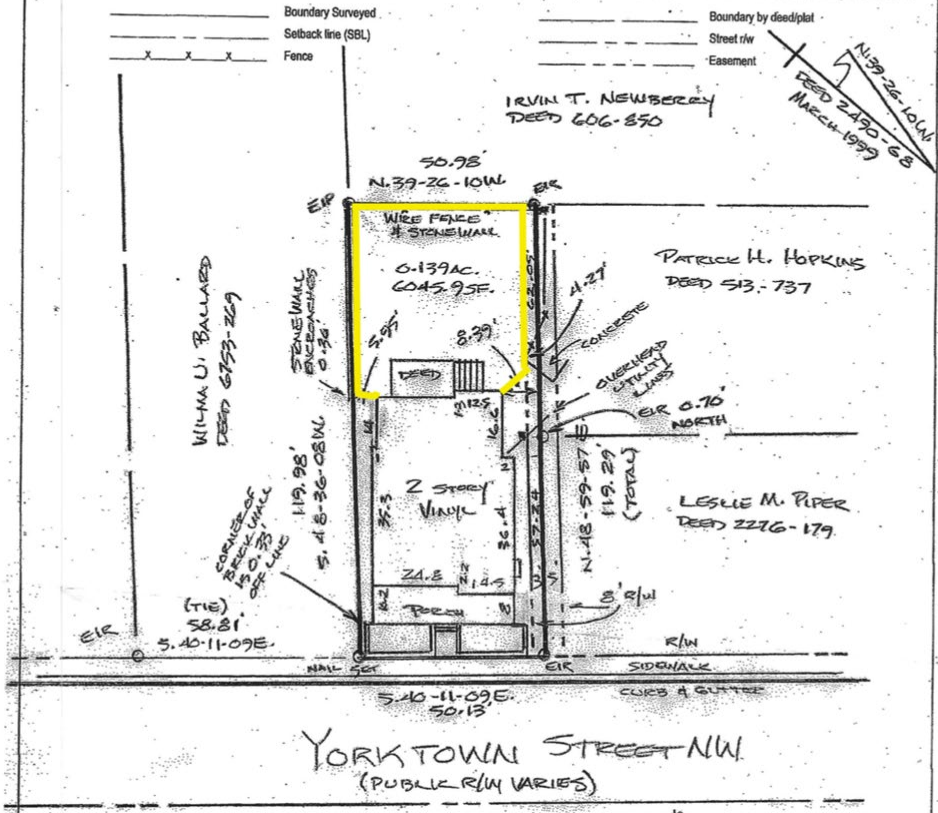


Exhibit D





Exhibit E



Exhibit E





**From:** [Jimmy Hall](#)  
**To:** [Katherine Godwin](#)  
**Subject:** Re: 39 Yorktown St.  
**Date:** Tuesday, June 29, 2021 4:20:21 PM

---

**[NOTICE: EXTERNAL EMAIL]**

Yes! Thank you.

JIMMY HALL

GO GORILLA PRODUCTIONS | CHARLOTTE NC  
704.654.7186

On Jun 29, 2021, at 4:18 PM, Katherine Godwin <godwink@concordnc.gov> wrote:

<image004.jpg>

Does this site plan look accurate or is the gate somewhere else?

*Katherine Godwin, AICP*  
Senior Planner  
Planning & Neighborhood Development  
City of Concord | (704) 920-5155  
35 Cabarrus Ave W, Concord, NC 28025

<image002.png>

---

**From:** Jimmy Hall <jimmyhall76@gmail.com>  
**Sent:** Tuesday, June 29, 2021 4:07 PM  
**To:** Katherine Godwin <godwink@ConcordNC.gov>  
**Cc:** Jennifer Hall <jennifer.hall79@gmail.com>  
**Subject:** Re: 39 Yorktown St.

**[NOTICE: EXTERNAL EMAIL]**

Will the fence have any gates? If so can you please provide me a location, dimensions, and image/materials of the gate.

Yes it will have a gate : sorry I don't have the dimensions : Our idea is that it will be seamless with the rest of the structure - nothing ornate. It will not be higher than 6ft -

Exhibit F

it will be on the right side looking from the deck.

Are you planning on removing the wire fencing/metal poles or any of the vegetation with trunks larger than 6" in diameter 4' from the ground?

The wire fencing is not on our property / we will not be removing it / there is no vegetation in the path of the build

Are the pictures in order of left side, back, right side as you look at the backyard from the deck

Yes

What are the dimensions of the two side pieces connecting to the house-6' and 8'?

They would be the same as the gate - 6'

Did the contractor give you a design name for the fence other than privacy fence?

No

Will the fence be visible from the street.

No, it will not be visible from the street.

<image003.jpg>

JIMMY HALL

GO GORILLA PRODUCTIONS | CHARLOTTE NC  
704.654.7186

On Jun 29, 2021, at 2:58 PM, Katherine Godwin  
<[godwink@concordnc.gov](mailto:godwink@concordnc.gov)> wrote:

One more question. Will the fence be visible from the street? Or is it hidden from view by existing vegetation or the front porch/other house features? Also could you provide with a picture of the front of your house? Thanks!

*Katherine Godwin, AICP*  
Senior Planner  
Planning & Neighborhood Development

Exhibit F



City of Concord | (704) 920-5155  
35 Cabarrus Ave W, Concord, NC 28025

<image001.png>

---

**From:** Katherine Godwin  
**Sent:** Tuesday, June 29, 2021 2:20 PM  
**To:** Jimmy Hall <[jimmyhall76@gmail.com](mailto:jimmyhall76@gmail.com)>  
**Cc:** Jennifer Hall <[jennifer.hall79@gmail.com](mailto:jennifer.hall79@gmail.com)>  
**Subject:** RE: 39 Yorktown St.

Hi Jimmy,

Thanks for sending this information on. A couple of questions,

- Will the fence have any gates? If so can you please provide me a location, dimensions, and image/materials of the gate.
- Are you planning on removing the wire fencing/metal poles or any of the vegetation with trunks larger than 6" in diameter 4' from the ground?
- Are the pictures in order of left side, back, right side as you look at the backyard from the deck?
- What are the dimensions of the two side pieces connecting to the house-6' and 8'?
- Did the contractor give you a design name for the fence other than privacy fence? Definitely a wooden privacy fence but doesn't look like a shadowbox design or a traditional box design so was wondering if they called it something else.

Thanks again for this information and the images!

*Katherine Godwin, AICP*  
Senior Planner  
Planning & Neighborhood Development  
City of Concord | (704) 920-5155  
35 Cabarrus Ave W, Concord, NC 28025

<image001.png>

---

**From:** Jimmy Hall <[jimmyhall76@gmail.com](mailto:jimmyhall76@gmail.com)>  
**Sent:** Tuesday, June 29, 2021 8:21 AM  
**To:** Katherine Godwin <[godwink@ConcordNC.gov](mailto:godwink@ConcordNC.gov)>  
**Cc:** Jennifer Hall <[jennifer.hall79@gmail.com](mailto:jennifer.hall79@gmail.com)>  
**Subject:** Re: 39 Yorktown St.

**[NOTICE: EXTERNAL EMAIL]**

Good morning Katherine : Attached is a survey of our property and a view of what the backyard currently looks like - highlighted in yellow is where the fence will be constructed. Two segments of the fence will be backed up to existing vegetation - the other segment of the fence will border an existing stonewall. We plan on staining the fence with a natural cedar tone. The total area to be enclosed will be roughly 990 sq ft - width 51ft / length 49ft. The height of the fence will be consistently 6ft - the property is considerably level. Also, I have not heard from Maria Brown about the \$20 payment. Please let me know if I can provide any more information. Thank you!

<image003.png>

<image004.jpg>

<image005.jpg>

<image006.jpg>

<image007.jpg>

JIMMY HALL  
GO GORILLA PRODUCTIONS |  
CHARLOTTE NC | 704.654.7186

On Jun 23, 2021, at 10:28 AM, Katherine Godwin  
<[godwink@ConcordNC.gov](mailto:godwink@ConcordNC.gov)> wrote:

Hi James,

I received your email and have forwarded it on to Maria Brown to collect the \$20 application fee. Additional information I am going to need- a site plan of where the fence is going on the property as well as the dimensions (length and height if it varies from the 6') of the fence at different segments (this can be hand drawn on an existing survey of the property, GIS map, or a Aerial photograph) I will also need to know if you plan to paint or stain the fence and any vegetation you plan to put on the outside of the fence to soften its appearance in accordance with the Historic Handbook (see attached). Also will any trees be taken out or trimmed to install the fence? If you or Jennifer can get me this information by next Wednesday that would be great. Thanks!

*Katherine Godwin, AICP*

**Exhibit F**