

DATE

December 11, 2024

SUBJECT

Certificate of Appropriateness Request: H-23-24
Applicant: Lois Morris
Location of subject property: 32 Marsh Ave NW and 22 Marsh Ave NW
PIN: PINs 5620-79-0597 and 5620-79-1642
Staff Report prepared by: Kim Wallis, AICP, Senior Planner

BACKGROUND

- The subject property, 22 Marsh Ave NW, is designated as a "Contributing" structure in the North Union Street Historic District, circa 1870 [The house was moved to Mount Pleasant sometime in the late 1980s/1990s and is currently a vacant lot] (Exhibit A).
 - "Frame house following traditional two-story, single-pile piedmont form with Greek Revival details, one of the oldest houses in the district. House has symmetrical, three-bay facade, 6/6 sash windows, center hall plan typical of Greek-influenced vernacular houses of the mid-nineteenth century. House retains exterior end chimneys that are also typical of this house type. Full-facade porch with square-in-section columns is twentieth century replacement of earlier full-facade porch. Notable late nineteenth century addition to house is bay window in center of second story facade, with cut-out awning and windows framed by molded colonnettes. House covered with asbestos siding, but this did not result in removal of trim. House originally stood on North Union Street. It was purchased by F.A. Archibald before 1900, and he moved the house to its present location about 1908 when he erected his impressive Colonial Revival residence at 183 North Union Street (see #49)." (Exhibit A).
- The subject property, 32 Marsh Ave NW, [formerly addressed as 28 Marsh Ave NW], is designated as a "Contributing" structure in the North Union Street Historic District, circa 1928 (Exhibit A).
 - "Handsome, two-story brick Colonial Revival style residence designed by Charlotte architect Louis H. Asbury. House has symmetrical, five-bay facade and side gable roof pierced by three gable-roofed dormers. One-story, three-bay porch has Tuscan columns with ornamental iron in sheaf-of-wheat pattern between columns and is topped with balustrade whose diagonal latticework creates lozenge-shaped patterns. Dormers have molded pilasters and keystone-type ornaments. Dormers and central second floor windows have intersecting tracery sash. Oglesby was a practicing attorney in Concord." (Exhibit A).

DISCUSSION

On October 24, 2024, Lois Morris applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to install fencing in the rear yards and fencing and gates in the front yards to connect and enclose both properties at 32 Marsh Ave NW and 22 Marsh Ave NW (Exhibit A).

The applicant owns the two adjacent properties on Marsh Ave NW. She states a desire to install an extension of existing fences to enclose the two yards to provide a safe environment for her small dogs to run and prevent them from disturbing the neighbors.

Included in this application was a request to install privacy fencing in the rear yards, however those have been already installed. A forth-coming after-the-fact request for the installation of these fences will be included in an ex-post-facto Certificate of Appropriateness application to be heard at the January HPC meeting.

32 Marsh Ave NW (house and lot)

The applicant is proposing to install thirteen (13) feet of 5' tall decorative black aluminum driveway gate in the rear yard connecting to the house on the right and the neighbors existing wood fence to the left at 40 Marsh Ave NW. A 5' tall decorative double picket black aluminum walkway gate and fence section is proposed to be installed at the front right corner of the house in the front yard, which will connect to the proposed fence at 22 Marsh Ave NW.

22 Marsh Ave NW (vacant lot)

The applicant is proposing to install sixty-five (65) feet of 5' tall black aluminum double picket fence in the front yard: one section will be located parallel to the public sidewalk and in front of the existing large oak and magnolia trees; a second section of fence will run down the left property line, between the two lots and parallel to an existing hedge, and will connect to the proposed fence at 32 Marsh Ave NW, at the right of the house. The applicant states that no existing shrubbery will be disrupted, and the desire is to minimize any damage to the tree roots. A 10-15' wide 5' tall black aluminum double gate is proposed to be installed across the unused driveway opening at the right front yard, which will connect to the proposed fence on the left and the existing brick and iron fence on the right side of the property.

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory

Exhibit B: Certificate of Appropriateness Application

Exhibit C: Subject Property Map

Exhibit D: Applicant submitted Description, Site Plan, and Photographs.

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Approval Requirement Needs Table:

- **Fencing:** All types of new fencing in public view require Commission review and approval. Planning Department may extend approval for rear fencing.

Chapter 5.2: Fencing & Walls

- Where fences are desired in front yards and side yards at corner lots, the design shall be primarily decorative in nature. Front yard fences shall not exceed four feet in height.
- All wooden fences shall be "stick-built" on site. Painting 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 must be on the outside face of the fence (facing the neighboring property or the street). Additionally, wood picket fences shall have pickets spaced at a minimum of 1 inch or half the width of the picket. (See notes regarding "Privacy Fences" for allowable

exceptions to this rule). Walls or fences in front yards and side yards at corner lots shall not be more than 65% solid.

- Cast-iron, powder coated aluminum, or wrought iron fences shall be designed to follow historic precedents found in the districts.
- Where fences are desired in front yards and side yards at corner lots, the design shall be primarily decorative in nature. Front yard fences shall not exceed four feet in height.
- 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 will 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 shall 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 shall be submitted at time of application. If a front yard fence adjoins a rear yard fence, or an existing neighboring property fence, attention shall be given to the transition between the two fences. Also, attention shall be given to the design of fences placed along a sloping grade. All proposed fences and walls shall not negatively affect existing trees and mature landscaping.

Design Standards

- Fence and wall materials and style shall 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**

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Continuation sheet

Item number

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Inventory List - North Union Street
Historic District, Concord

#7

42

64. John M. Oglesby House
28 Marsh Avenue, N.W.
1928 (AWB)
C

Handsome, two-story brick Colonial Revival style residence designed by Charlotte architect Louis H. Asbury. House has symmetrical, five-bay facade and side gable roof pierced by three gable-roofed dormers. One-story, three-bay porch has Tuscan columns with ornamental iron in sheaf-of-wheat pattern between columns and is topped with balustrade whose diagonal latticework creates lozenge-shaped patterns. Dormers have molded pilasters and keystone-type ornaments. Dormers and central second floor windows have intersecting tracery sash. Oglesby was a practicing attorney in Concord.

65. House
40 Marsh Avenue, N.W.
1921 (SM)
C

One-and-a-half-story, frame, double-pile house with high hip roof and engaged, full-facade porch. Roof is pierced by broad, hip-roofed dormers with three windows apiece on front and both sides of house. Porch has Tuscan columns and balustrade. Broad, seven-bay facade with tall 1/1 sash windows.

66. House
46 Marsh Avenue, N.W.
ca. 1925
C

Two-story, frame Colonial Revival residence with gambrel roof and full facade shed dormer. Symmetrical, five-bay facade; central entrance has projecting, gable-roofed portico with Tuscan columns. Shed-roofed porches on both sides of house; exterior end chimney on west (left) side. Shuttered windows have 9/1 sash.

**United States Department of the Interior
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Continuation sheet	Item number	Page
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education wing, erected in 1923, which is set perpendicular to the nave along the rear of the church's west side. The church is laid up in 1:5 common bond and has handsome corbeled cornices along the front and sides of the nave and on the tower. The steep pitch of the nave's roof, the lancet-arched window openings, and the buttresses flanking the nave and tower combine to give the design its Gothic flavor. The church has fine stained glass and much of its original interior detail.

62. Associate Reformed Presbyterian Manse
16 March Avenue, N.W.
ca. 1925
F

One-and-a-half-story, frame bungalow with semi-engaged, full-facade porch with slightly tapered wood columns on brick plinths. House victimized by unsympathetic application of vinyl siding which resulted in removal of original trim.

63. Reverend John S. Heilig House
22 Marsh Avenue, N.W.
ca. 1870
C

Frame house following traditional two-story, single-pile piedmont form with Greek Revival details, one of the oldest houses in the district. House has symmetrical, three-bay facade, 6/6 sash windows, center hall plan typical of Greek-influenced vernacular houses of the mid-nineteenth century. House retains exterior end chimneys that are also typical of this house type. Full-facade porch with square-in-section columns is twentieth century replacement of earlier full-facade porch. Notable late nineteenth century addition to house is bay window in center of second story facade, with cut-out awning and windows framed by molded colonnettes. House covered with asbestos siding but this did not result in removal of trim.

House originally stood on North Union Street. It was purchased by F.A. Archibald before 1900, and he moved the house to its present location about 1908 when he erected his impressive Colonial Revival residence at 183 North Union Street (see #49).

Application for Certificate of Appropriateness

An application will not be placed on the agenda until all required information and attachments, as listed in this document, are submitted and complete

TO BE COMPLETED BY APPLICANT			STAFF USE ONLY				
Application Deadline: Approximately one month (~ 30 days) prior to regularly scheduled HPC meeting. Please check with City Staff to confirm submission deadlines and meeting dates. COA Fee: \$40.00 After-the-Fact Fee: \$120.00			Yes	N/A	Yes	No	N/A
1	Written Description Describe clearly and in detail the project scope of work.	✓					
2	Materials Description Type/Width of siding, window trim, height/style of doors, etc.	✓					
3	Photos of Existing Conditions Clear digital photos of: <ul style="list-style-type: none"> • All sides of the building(s) • Front yard • Rear yard • Trees to be removed • Significant site features 	✓					
4	Context Photographs <ul style="list-style-type: none"> • Photos of structures on same block and across the street, include property address for each photo. • Photos of other properties in District with similar design features, as applicable. 	✓					
5	Site Plans - Existing + Proposed. (Property survey, or scaled drawing accepted) <ul style="list-style-type: none"> • Lot Dimensions • Setback dimensions [side,rear,front (porch + thermal wall)] • Setback dimensions of neighboring properties • Drives, walks + alleys • Tree protection and/or tree removal + replanting • HVAC location • Fences/walls • Accessory buildings (garages, sheds, gazebos, etc.) • Easements/public rights of way • % of Rear Yard Coverage 	✓					

6	Elevation Drawings - Existing + Proposed All drawings should include dimensions, materials, foundation height, topography, etc. For additions, the existing structure and proposed addition must be clearly shown. The plans must clearly identify the building elements to be demolished. <ul style="list-style-type: none"> • Front • Rear • Left • Right 					
7	Architectural Details <ul style="list-style-type: none"> • Porch section (showing the column/beam alignment) • Railing detail • Roof detail (soffit, fascia) • Window detail (material, design, dimensions, trim) • Wall section <i>May include additional information as requested by the Commission as a condition for future review.</i>		NA			
8	Floor plans As needed (usually optional).		NA			

(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 Planning & Neighborhood Development. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to ensure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be used to update the City's historic districts inventory database.

SUBJECT PROPERTY

Address: 32 1/2 Marsh Ave NW Concord

Parcel ID (PIN): #5620791642 ^{#3620790597}

Area (acres or square feet): 197' x 129.88'

Current Zoning: Residential

OWNER INFORMATION

Name: Lois Wheeler Morris

Address: 32 Marsh Ave NW

City: Concord State: NC Zip Code: 28025

Email Address: MMorris96@gmail.com

Phone: 704-906-7448

APPLICANT INFORMATION

Name: Lois W Morris

Address: 32 Marsh Ave NW City: Concord

State: NC Zip Code: 28025

Email Address: _____ Phone: 704-906-7448

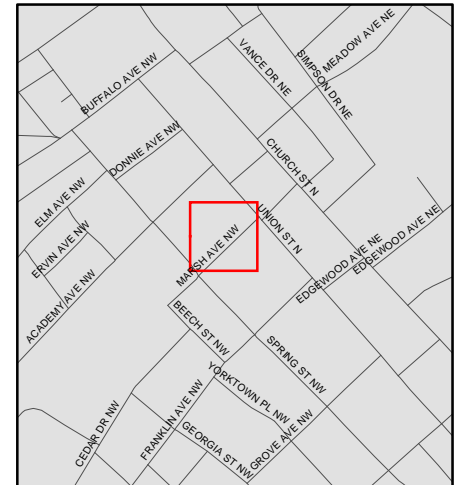
Signature of Owner: Lois W Morris Date: _____

Signature of Applicant: Lois W Morris Date: _____

H-23-24

22 & 32 Marsh Ave NW

PIN: 5620-79-0597,
5620-79-1642

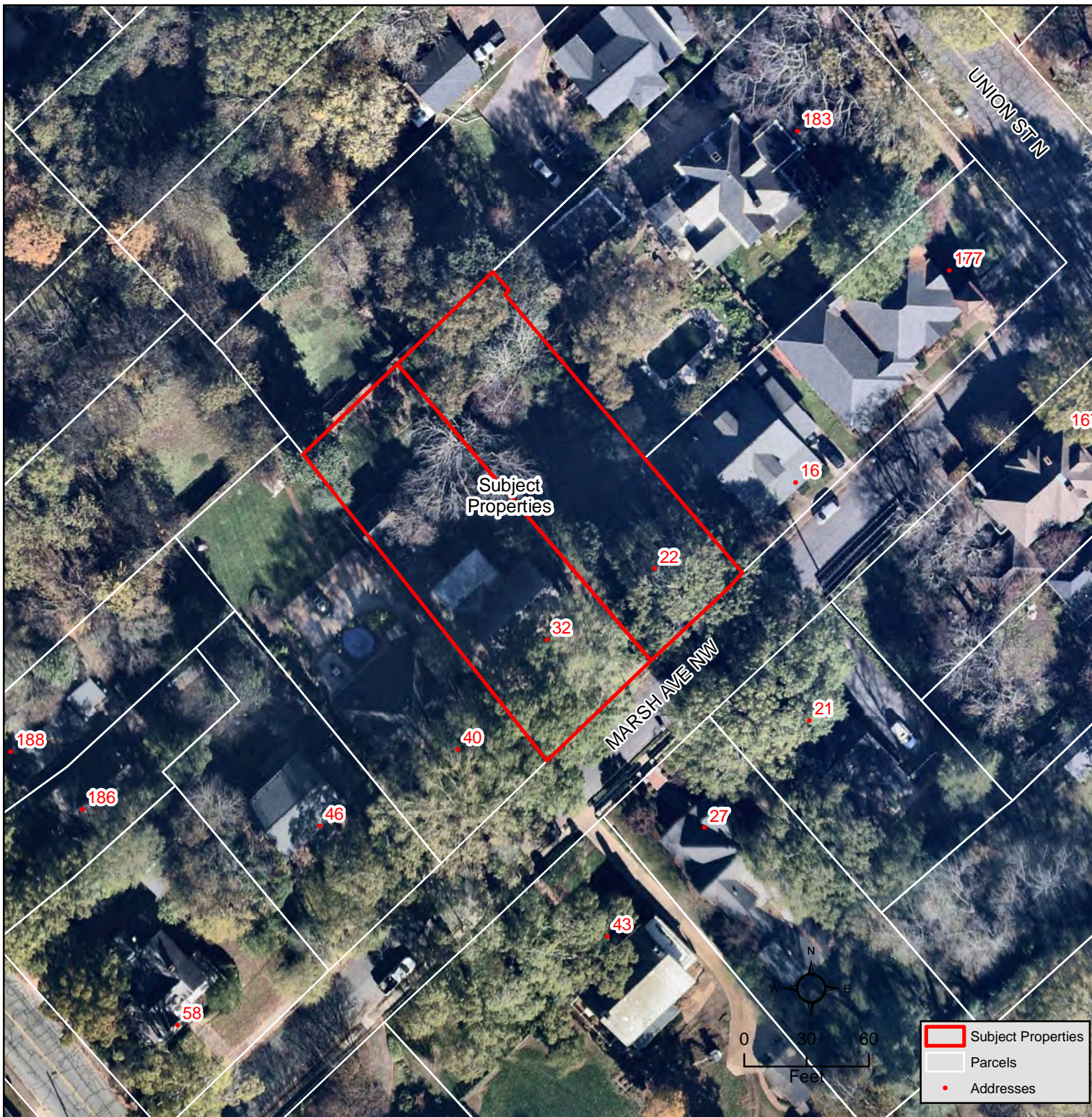


Source: City of Concord
Planning Department

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.

EXHIBIT C



Continuation of pre-existing fences, to enclose yard. Adding a wrought-iron fence to front of lot next to church, connecting to existing wrought-iron fence separating the lot and the church property. Adding a 6' wooden fence to back of yard, connecting to the wooden fence of neighbor at 40 Marsh Ave, with a gate across the driveway. Enclosed fence would provide a safe environment for my small dogs to run, and prevent them from disturbing our neighbors.

See diagram of property, current fences and proposed new fences.

improve security for myself & small dogs

32 Marsh 65.05 Ft across Back } Wood Fence - 6 Ft
22 Marsh 64.82 Ft across Back }

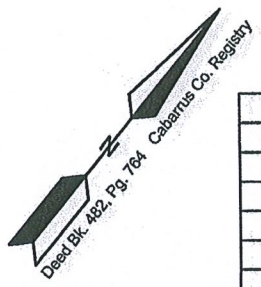
22 Marsh 64.99 Ft across Front - Black aluminum fence 5 Ft } 10-15' gate (double gate)
connecting to house

Wood privacy gate across driveway connecting to house &
neighbor's existing wood fence @ 40 Marsh Ave NW
(6 Ft)

BOUNDARY SURVEY

LEGEND

- R/W - RIGHT OF WAY
- (F) - FOUND
- (B) - BENT
- a/s - AS SHOWN
- CP - CALCULATED POINT
- BoC - BACK OF CURB
- ⊕ - POWER POLE
- - WATER METER

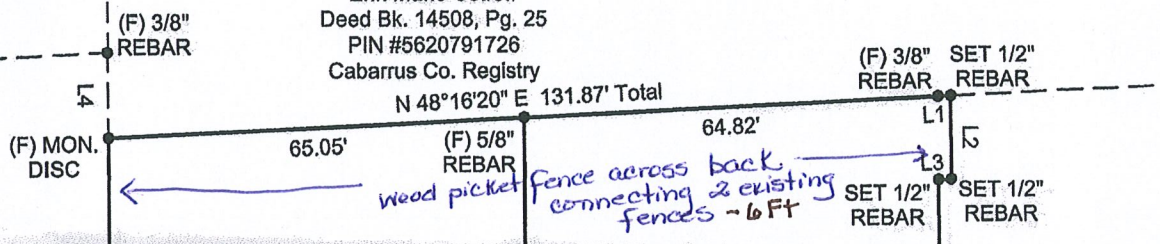


Line	Bearing	Distance
L1	N 48°16'20" E	2.00'
L2	S 39°15'18" E	13.00'
L3	S 48°16'20" W	2.00'
L4	N 39°15'00" W	13.31'
L5	S 39°15'18" E	6.95'
L6	S 39°12'14" E	6.87'

Tie Line

NOW OR FORMERLY
Erin Marie Ostroff
Deed Bk. 14508, Pg. 25
PIN #5620791726
Cabarrus Co. Registry

(F) 3/8" SET 1/2"
REBAR REBAR



NOW OR FORMERLY
Adam Miller & Wf. Jessica
Deed Bk. 14834, Pg. 224
PIN #5620792734
Cabarrus Co. Registry

NOW OR FORMERLY
Melody M. Sloan
Deed Bk. 9081, Pg. 335
PIN #5620790542
Cabarrus Co. Registry

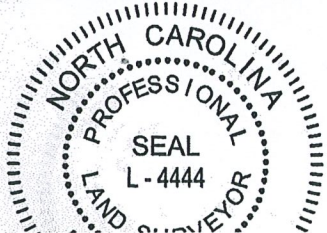
12185.20 sf
0.280 AC
*Improvements Not Shown
Per Client Request*

The William B. & Clara Jean
Wheeler Estate
Deed Bk. 482, Pg. 764
PIN #5620790597
Cabarrus Co. Registry

12645.50 sf
0.290 AC
*Improvements Not Shown
Per Client Request*

The William B. & Clara Jean
Wheeler Estate
Deed Bk. 554, Pg. 264 &
Bk. 1047, Pg. 132
PIN #5620791642
Cabarrus Co. Registry

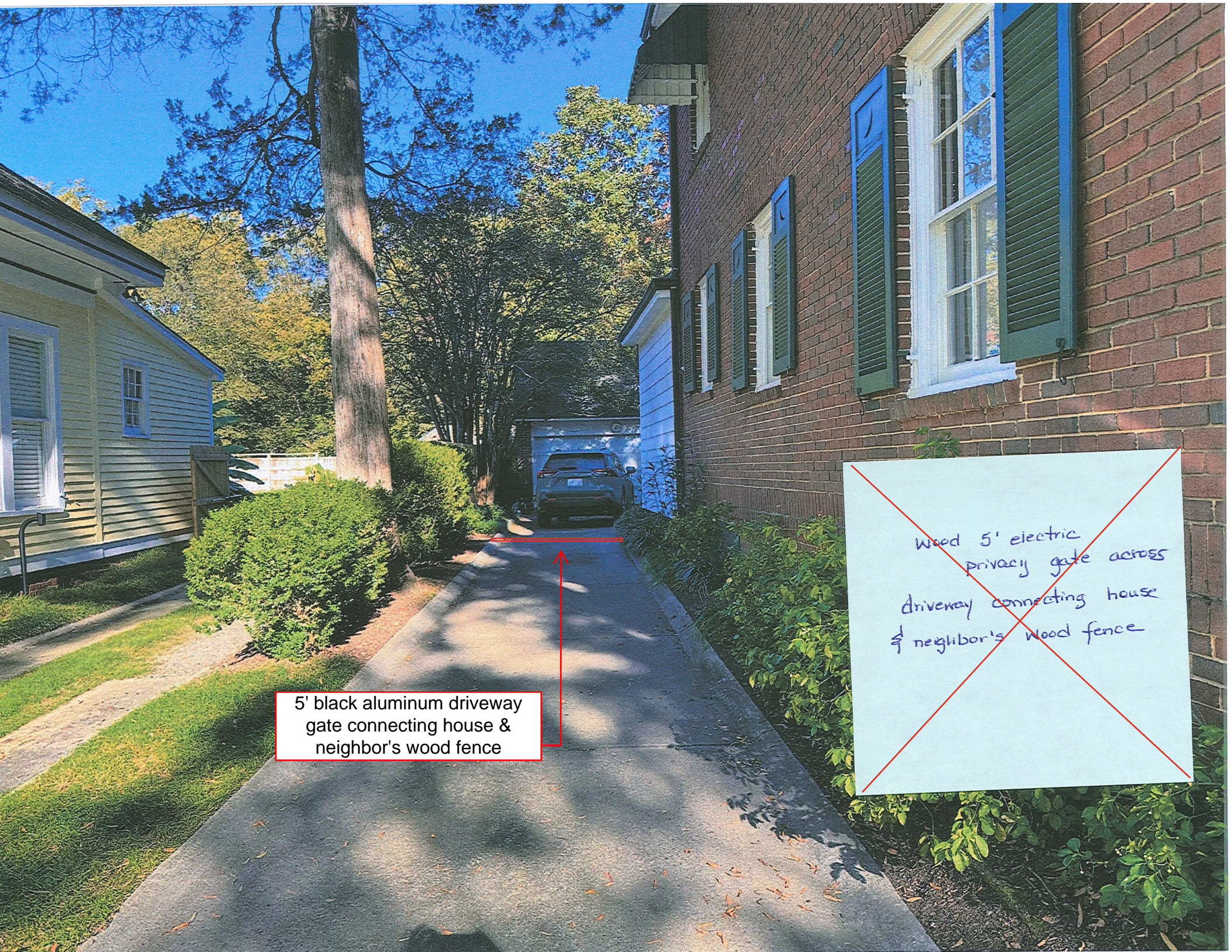
NOW OR FORMERLY
Associate Reform
Presbyterian Church
Deed Bk. 72, Pg. 256
PIN #5620792685
Cabarrus Co. Registry



NOTES:

* Deed Reference - Deed Bk. 482, Pg. 764 The William B. & Clara Jean Wheeler Estate
Dated September 19, 1977 Recorded in Cabarrus Co. Registry

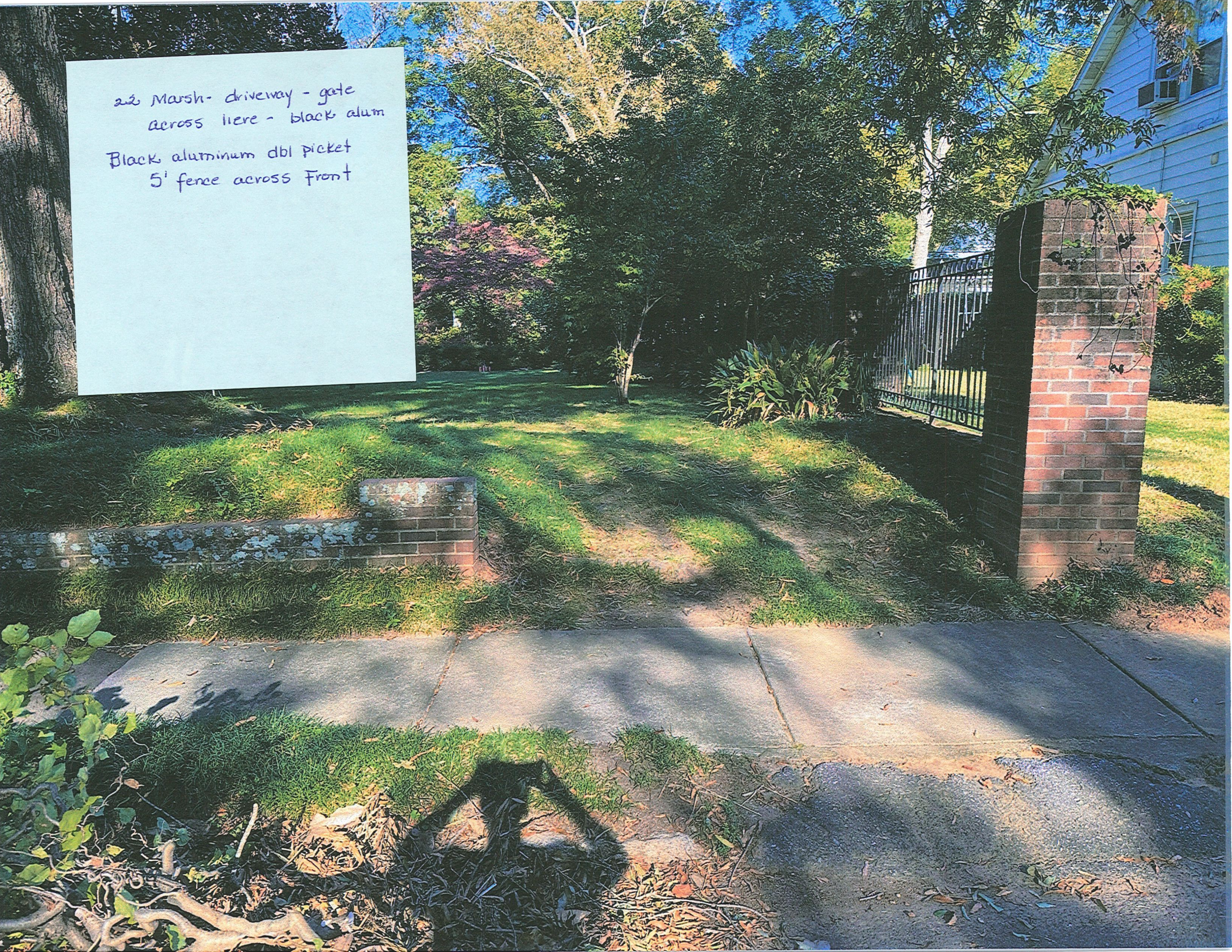
Marsh Avenue NW
40' Public R/W



5' black aluminum driveway gate connecting house & neighbor's wood fence

~~Wood 5' electric privacy gate across driveway connecting house & neighbor's wood fence~~

22 Marsh- driveway - gate
across here - black alum
Black aluminum dbl picket
5' fence across front



→ gate @ 43 Marsh Ave NW





Black aluminum dbi picket
Fence to connect to
house




1660
A

1660
1660 North

example of fence
@ Carolyn & Monte's home -
5' in ht - fore me



Back of 32 & 220 Marsh Ave
neighbor's fence down &
not replaced -

A photograph of a wooden fence made of vertical slats. The fence is weathered and has a natural wood finish. In the foreground, there are several green bushes and a patch of grass. A white piece of paper with handwritten text is attached to the fence on the right side. The background shows trees with autumn foliage and a blue sky.

neighbor's Wood Fence
to go along back property
connecting 2 existing
fences



5 Ft aluminum black fence
w/ double pickets

FILED Mar 27, 2024
AT 01:05:00 PM
BOOK 16866
START PAGE 0046
END PAGE 0047
INSTRUMENT # 06080
EXCISE TAX \$0.00

FILED

2024 MAR 20 A 11:55

CABARRUS CO., C.S.C.

BY LBG

NORTH CAROLINA
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
BEFORE THE CLERK
24 E 199

In the Matter of the Estate of)
CLARA JEAN M. WHEELER)
Deceased.)

RENUNCIATION AND
QUALIFIED DISCLAIMER

The undersigned, JULIA RHODES WHEELER ("Julia"), files this Renunciation and Qualified Disclaimer with the Court pursuant to Chapter 31B of the General Statutes of North Carolina.

WITNESSETH:

WHEREAS, CLARA JEAN M. WHEELER ("Clara") died a resident of and domiciled in Cabarrus County, North Carolina on January 6, 2024; and

WHEREAS, Clara left a Will (hereinafter the "Will") dated June 23, 2016 which Will was probated in the Clerk of Court's office in Cabarrus County, North Carolina on February 16, 2024; and

WHEREAS, pursuant to Article 5 of the Will, the Decedent left her residuary estate to her spouse, *per stirpes*; Clara's spouse predeceased her; Clara and her husband were survived by their children, Julia and MARY LOIS WHEELER MORRIS; and they did not have any children who predeceased Clara; and

WHEREAS, Julia wishes to renounce and disclaim her right to receive certain assets in which she would otherwise have a beneficial interest through Clara's Will; and

WHEREAS, less than nine months have elapsed since the date of Clara's death.

submitted electronically by "BELL, DAVIS & PITT, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the Memorandum of Understanding with
the Office of the Register of Deeds of cabarrus County. NCGS 47-14(a1)(5).

NOW THEREFORE, pursuant to Chapter 31B of the General Statutes of North Carolina and Section 2518 of the United States Internal Revenue Code of 1986, as amended, Julia does hereby entirely, irrevocably and unqualifiedly renounce, disclaim and refuse to accept the real property and all improvements thereon located at the following addresses:

1. 22 Marsh Avenue, NW, Concord, Cabarrus County, North Carolina; and
2. 32 Marsh Avenue, NW, Concord, Cabarrus County, North Carolina.

Except as hereinabove provided, Julia does not intend by this Renunciation and Qualified Disclaimer to renounce any other interest, properties or powers to which she is or may be entitled as the result of Clara's death.

The undersigned hereby declares that she did not heretofore accept or benefit from any of the property herein renounced or disclaimed.

IN TESTIMONY WHEREOF, JULIA RHODES WHEELER has hereunto set her hand and seal on the 7th day of March, 2024.

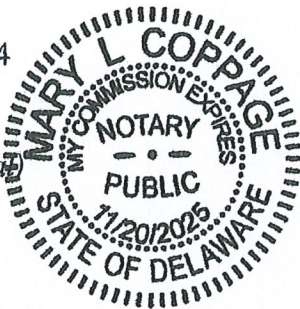
Julia Rhodes Wheeler (SEAL)
JULIA RHODES WHEELER

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I certify that JULIA RHODES WHEELER personally appeared before me this day, acknowledging to me that she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated.

Date: March 7, 2024

(Official Seal)



Mary L. Coppage
Official Signature of Notary

Mary L. Coppage
Notary's printed or typed name, Notary Public

My Commission Expires: 11-20-2025

Acknowledgement of Receipt

The undersigned hereby acknowledges receipt of a copy of this Renunciation and Qualified Disclaimer.

3/7/24
Date Acknowledged

Julia Rhodes Wheeler
Julia Rhodes Wheeler, Executor