

DATE: December 14, 2022

SUBJECT:

<u>Certificate of Appropriateness Request:</u>	H-25-22
<u>Applicants:</u>	Stephen and Dana Rohrer
<u>Location of Subject Property:</u>	113 Union Street N
<u>PIN #:</u>	5620-79-8008
<u>Staff Report Prepared by:</u>	Brad Lagano, Economic Development Manager

BACKGROUND

- The subject property at 113 Union Street N is designated as a “Pivotal” structure in the North Union Street Historic District (ca. 1890) (Exhibit A).
- “Highly significant, exceptionally well-preserved, two-story frame Queen Anne style residence, the best example of the style in Concord. House is enhanced by its prominent setting on a large, corner lot with a fine late nineteenth century ornamental iron fence. A particularly notable feature of the house is the variety of sawn and molded woodwork applied to its surface. Each of the house's several gables is covered with scalloped shingles and framed with decorative sawn and molded boards; scalloped shingles also cover the flared base of the house's second story. Above the second floor is a cut-out frieze with a repeating tree shape; a frieze with a sheaf-of-wheat pattern run along parts of the house's sides. The facade has a gable-front by projecting from the main roofline, and a central balcony with richly ornamented woodwork sheltered by a projecting hip roof. The southern (left) portion of the well-detailed wrap-around porch was enclosed with latticed window sash typical of the bungalow style during the 1920s” (Exhibit A).
- Applicants’ requested modification: “ex post facto” (after-the-fact) approval to stain the side of the rear yard fence facing the adjoining properties at 19 Franklin Avenue NW and 103 Union Street N and to increase the height of the rear yard fence running adjacent to Franklin Avenue NW from 4.0’ to 6.0’.

DISCUSSION

- On October 25, 2022, Stephan and Dana Rohrer applied for an “ex post facto” Certificate of Appropriateness requesting after-the-fact approval to stain the side of the rear yard fence facing the adjoining properties at 19 Franklin Avenue NW and 103 Union Street N and to increase the height of the rear yard fence running adjacent to Franklin Ave from 4.0’ to 6.0’ (Exhibit B).
- On April 14, 2021, the Historic Preservation Commission approved the rear yard fence to be stained on the Applicants’ side and painted white on the side facing the adjoining properties at 19 Franklin Avenue NW and 103 Union Street N as well as the height of the fence to be 4.0’ along Franklin Avenue NW as shown in the Recorded Order filed April 27, 2021, with the Cabarrus County Register of Deeds.
- In February 2022, rear yard fence construction commenced including along Franklin Avenue NW.
- In September 2022, rear year fence staining commenced including on the side facing the adjoining properties at 19 Franklin Avenue NW and 103 Union Street N.
- Concord Development Ordinance – Section 7.7.4 (A) states “front yard fences, including fences on corner lots, shall not exceed 4.0’ in height. Fences may not be placed within the sight triangle.” However, this provision of the zoning ordinance has not been applied consistently by the Historic Preservation Commission on corner lots. The front yard fence has been traditionally defined as the

portion of the fence located between the midpoint of the structure and the street the house faces capping the fence height at 4.0' whereas the rear yard fence has been traditionally defined as the portion of the fence located between the midpoint of the structure and the rear property line allowing for taller fence heights such as 6.0' or 8.0'. The intent of the latter to allow for taller heights for rear yard privacy purposes even on corner lots.

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory

Exhibit B: "Ex Post Facto" Certificate of Appropriateness Application

Exhibit C: Subject Property Map

Exhibit D: Applicants' Project Summary

Exhibit E: Recorded Order Dated April 27, 2021

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Approval Requirement Needs Table: Type of Work Requiring Commission Hearing and Approval

- *Fencing and Gates: All types require Commission Hearing and Approval.*

Chapter 5 – Section 9: Fences and Walls

- *All wooden fences should be "stick-built" on site.*
- *Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.*
- *Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street.*
- *Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height.*
- *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 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.*
 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.*

4. *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 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
<u>Inventory List - North Union Street Historic District, Concord</u>	# 7	33

N. Felix Yorke (1853-1916) founded the Yorke and Wadsworth Hardware Store in the 1880s; the store is still in operation and is probably the oldest business in the city.

39. John Phifer Allison House
113 North Union Street
ca. 1890
P

Highly significant, exceptionally well-preserved, two-story frame Queen Anne style residence, the best example of the style in Concord. House is enhanced by its prominent setting on a large, corner lot with a fine late nineteenth century ornamental iron fence. A particularly notable feature of the house is the variety of sawn and molded woodwork applied to its surface. Each of the house's several gables is covered with scalloped shingles and framed with decorative sawn and molded boards; scalloped shingles also cover the flared base of the house's second story. Above the second floor is a cut-out frieze with a repeating tree shape; a frieze with a sheaf-of-wheat pattern run along parts of the house's sides. The facade has a gable-front by projecting from the main roofline, and a central balcony with richly ornamented woodwork sheltered by a projecting hip roof. The southern (left) portion of the well-detailed wrap-around porch was enclosed with latticed window sash typical of the bungalow style during the 1920s.

John Phifer Allison (b. 1848) was a financier and merchant who erected the Allison Block, on the largest buildings in downtown Concord, between 1897 and 1906. He was an officer of several important Concord businesses. Arthur W. Fisher, a Cannon Mills executive, purchased the house in 1942, and his widow still lives there.

40. A. Jones Yorke House
123 North Union Street
1908 (OI)
P

Highly distinctive Colonial Revival style residence constructed of creamy tan brick, designed by Charlotte architect, Leonard L. Hunter. Gable ends of the main block, the porte-cochere that projects from the south side of the house, and the one-story garage at the rear of the house all have stone-trimmed parapets. The windows are segmental-arched and have well executed radiating brickwork and keystones. Tuscan columns grouped in threes support the porch, which is topped with a balustrade.

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: Stephen Rohrer
Address: 113 Union St. N
City: Concord State: NC Zip Code: 28025 Telephone: (252) 267-2035
Email: _____

OWNER INFORMATION

Name: Stephen and Dana Rohrer
Address: 113 Union St. N
City: Concord State: NC Zip Code: 28025 Telephone: (252) 267-2035
Email: _____

SUBJECT PROPERTY

Street Address: 113 Union St. N P.I.N. # 56207980080000
Area (acres or square feet): 0.64 acres Current Zoning: RM-1 Land Use: Residential

Staff Use Only:
Application Received by: BRAD LAGANO Date: 10/25/22, 20
Fee: \$20.00 Received by: BRAD LAGANO Date: 10/25/22, 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: Staining fence and fence install
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):
Ex-post facto request for staining of fence and increased height from 4ft to 6ft on the partial rear and side adjacent to Franklin Ave.

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., may 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.

10/25/2022
Date

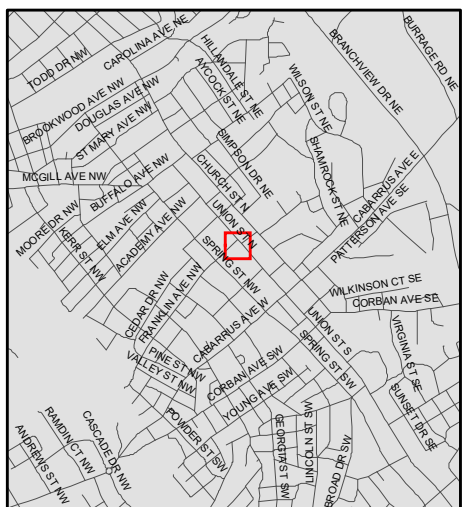

Signature of Owner/Agent



H-25-22

113 Union St N

PIN: 5620-79-8008



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.

H-25-22 EXHIBIT C

Project Summary

(1) Stained fence

Fence on 103 Union St N side

Fence on 19 Franklin Ave side

Other pre-existing fences along 113 Union St N

(2) 6 ft. rear side fence

Addendum 1: Home Trim and Fencing stained to match

Addendum 2: Handbook Guidelines

Addendum 3: Fence examples on corner lots within North & South Union Historic District

Project Summary

In 2021, The Rohrer family received approval from the Historic Preservation Commission (HPC) to remove and replace the existing rear yard fence, and construct a new fence in its place. We request an ex-post facto approval from the HPC for two changes made during the development of the fence: (1) both sides of the rear fence were stained to match the trim of the home, particularly the wooden, original historic columns on the front porch and balcony, along with the double front doors and storm doors of the home and following Handbook guidelines; (2) a 6 ft. rear yard fence constructed along the side of Franklin Ave, beyond the rear corner of the home following Handbook guidelines.

All fencing at 113 Union St. N is owned by 113 Union St. N, and set back from the property lines for easier future maintenance without interruption to neighboring properties. All gates and fencing was erected in the same style, color, and design previously approved by the HPC and in accordance with the Historic Handbook.

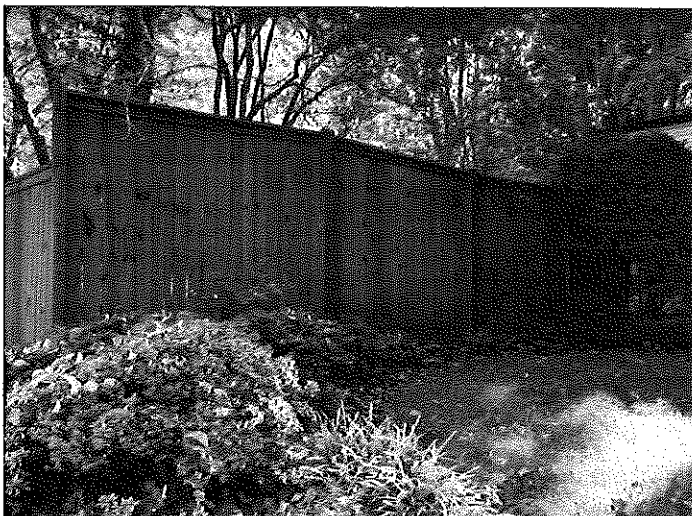
(1) Stained fence

The fence was stained to match the trim of the home, particularly the wooden, original historic columns on the front porch and balcony, along with the double front doors and storm doors of the home (following Handbook guidelines). The stain was color matched to Minwax Red Oak 215 wood stain, which coincides with the same home trim stain. Oil based stains provide a long lasting protection compared to paint, which can appear dirty quicker, crack and peel from sunlight and water, and create rot by locking in moisture. Stained fencing also gives a more natural backdrop to this historic property, not to take attention away from the historic home itself.

Fence on 103 Union St N side



Fence on 19 Franklin Ave side



(2) 6 ft. rear side fence

The rear yard fence along Franklin Ave, beyond the rear corner of the home, was erected as a 6 ft fence following the same design, color, and style that was approved by the HPC. This was an oversight in which we believed the original approval was for a 6 ft. fence instead of a 4 ft. fence.

Addendum 1: Home Trim and Fencing stained to match



Addendum 2: Handbook Guidelines

Chapter 5 – Section 9: FENCES and WALLS pg. 43 paragraph 1

“Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.”

Chapter 5 – Section 9: FENCES and WALLS pg. 43 Paragraph 2

“Wooden fences should be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.”

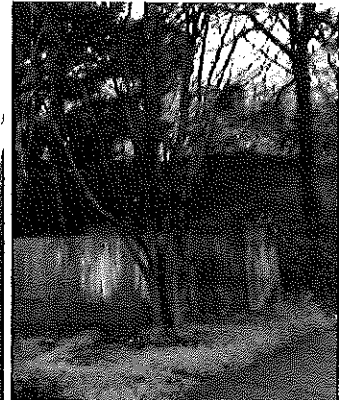
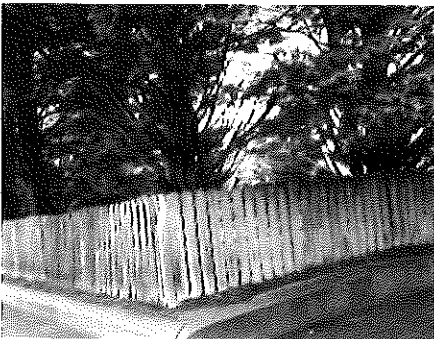
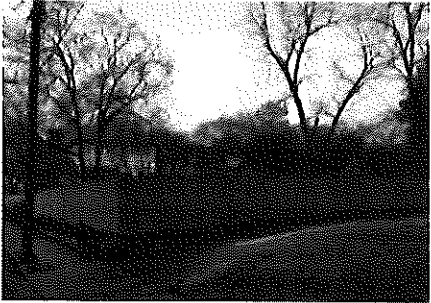
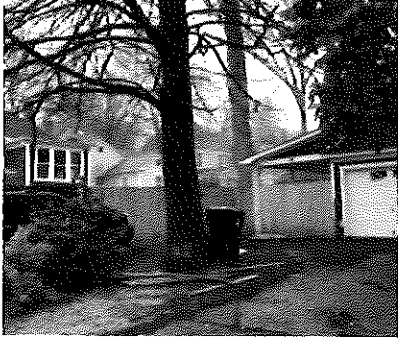
Chapter 5 - Section 9: FENCES and WALLS pg. 43 Paragraph 4

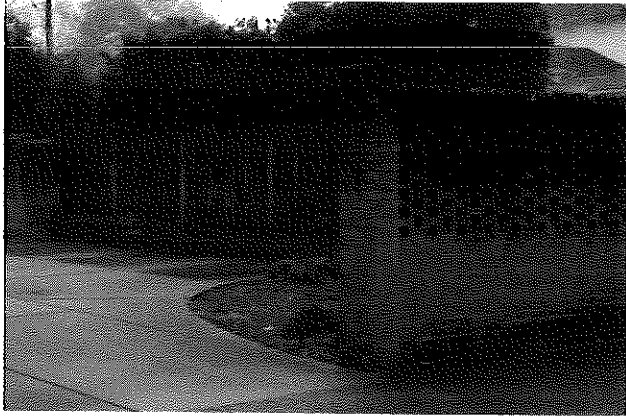
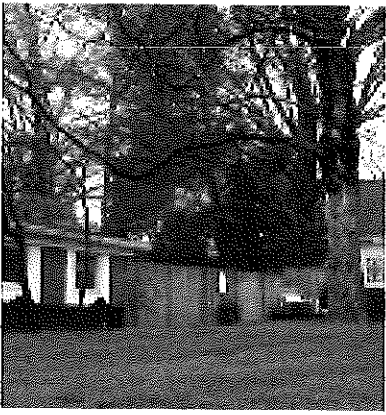
“Rear yard fences may be higher than four feet.”

Addendum 3: Fence examples on corner lots within North & South Union Historic District

[Addresses excluded on this page]

Many more examples available:





SCANNED AND RETURNED

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS
FILED Apr 27, 2021
AT 02:38 pm
BOOK 15126
START PAGE 0123
END PAGE 0129
INSTRUMENT # 18388
EXCISE TAX \$0.00
MNS

Mail to: City of Concord, Planning Dept., PO Box 308, Concord, NC 28026 PIN#5620-79-8008

NORTH CAROLINA ORDER OF THE CITY OF CONCORD
CABARRUS COUNTY HISTORIC PRESERVATION COMMISSION CASE # H-4-21

This matter came before the Historic Preservation Commission (hereinafter the "Commission") on April 14, 2021. The Commission, heard sworn testimony from the following witnesses: Katherine Godwin, Stephen Rohrer, Bill Leake, Anna Marshal, Bob Nixon, Doil Bussey, and Glenda Steel and considered the following exhibits: Exhibit A: National Register of Historic Places Inventory, Exhibit B: Application for Certificate of Appropriateness, Exhibit C: Subject Property Map, Exhibit D: Scope of Work, Exhibit E: Site Plans, Exhibit F: Tree Risk Assessment Form and Images, Exhibit G: Email Correspondence, and Exhibit H: Letter and Photographs from Glenda Steel. Based upon competent, material, and substantial evidence, the Commission makes these:

FINDINGS OF FACT:

1. The subject property is located at 113 Union Street N, Concord, NC. The owners are Stephen and Dana Rohrer who acquired the property by deed recorded in Cabarrus County Register of Deeds Book 13690, Page 48, as recorded on August 29, 2019.
2. The subject property is located in the RM-1 (Residential Medium Density) zoning district and is in the North Union Street Historic District.
3. The subject property is designated as a "Pivotal" structure in the Concord Historic Districts Handbook (June 2001 ed.), (the "Handbook") Chapter 3 (Exhibit A).
4. The Handbook is an ordinance of the City of Concord duly adopted by the City Council and incorporated into the Code of Ordinances by reference.
5. On March 3, 2021, Stephen Rohrer submitted an application (Exhibit B) for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to make modifications to the property including 1) removing a Crepe Myrtle tree, 2) installing an inground pool in the rear yard with pump and concrete surround, 3) moving a brick patio,

H-25-22 EXHIBIT E

7/26

- and 4) replacing, redesigning, and extending a wooden privacy fence with three gates (Exhibit B, D, E, and G).
6. The owners are proposing to remove a Crepe Myrtle tree in order to install a pool. The stump will be removed and the tree replaced with Nellie Stevens Hollies and Camellia trees (Exhibits B and D).
 7. The Tree Hazard Evaluation form indicated a hazard rating of 3 and the City Arborist indicated that the tree has no structural defects but the proposed pool installation will impact the root system of the tree (Exhibit F).
 8. The inground pool would be located in the rear yard in the Southeast corner of the property, measure 20' by 30' and be in a Full L Shape. The pool's depth would vary between 3' and 6' and would consist of fiberglass with a 2'6" concrete surround (Exhibits D and E).
 9. The inground pool would comply with all of the standards set for in the Concord Development Ordinance Section 8.4.4 Swimming Pools (Exhibit D).
 10. The applicants are proposing to relocate the brick patio (repurposing the bricks) from beside the garage to connect the new pool to the concrete patio in front of the garage (Exhibits D and E).
 11. The applicants are proposing to replace, redesign and extend a privacy fence to include:
 - A) Replacing an 8' tall wooden privacy fence measuring approximately 101'3" along the southern boundary of the property with an 8' trimmed wood fence in a boxed style (Exhibits D and G).
 - B) Extending this portion of the fence approximately 49'5" towards Franklin Avenue (Exhibits D and G).
 - C) Replacing a 6' tall wooden privacy fence measuring approximately 110'9" along the eastern boundary of the property with an 8' trimmed wood fence in a boxed style (Exhibits D and G).
 - D) Replacing and moving a wooden picket fence on the eastern side of the house (approximately 46'2" in length and 2.5' in height) with a 4' tall trimmed wood fence in a boxed style (Exhibits D and G). A single side gate would be installed over the sidewalk, measure approximately 3'3" wide and 4' tall, and be of similar design as the fence (Exhibits D and G).
 - E) Replacing a wooden picket fence (approximately 32' in length and 2.5' in height) on the eastern side of the driveway with a 4' tall trimmed wood fence in a boxed style (Exhibits D and G). A double side gate would be installed near the driveway gate, measure approximately 8' wide and 4' tall, and be of similar design as the fence (Exhibits D and G).
 - F) Extending the trimmed wood fence in a boxed style along Franklin Avenue (approximately 92'9" and 4' tall) (Exhibits D and G).
 12. The new fencing and side gates would be stained using Minwax Red Oak 215 Wood Stain to match the existing stained wood trim on the front porch (Exhibit D).

13. A new electric and motorized driveway gate, similar in design to the front yard iron fences and gates (keeping in design with the Queen Anne design of the house) would be installed over the driveway and setback approximately 25' from the street (Exhibit G). The gate would be black powder-coated galvanized steel, measure 6' tall and 10'2" wide and be mounted to 2 brick columns (measuring 2' by 2' and 6' tall) on either side with a concrete cap (Exhibits D and G).
14. The privacy fence will be stained on the applicant's side and painted white on the side facing the adjoining properties located at 19 Franklin Street and 103 Union Street N.

Based upon these Findings of Fact, the Commission makes these:

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to N.C. Gen. Stat. § 160A-400.7, et seq. and the Concord Development Ordinance.
2. Pursuant to the Handbook, **Approval Requirement Needs Table**
 - *Fencing and Gates (See Masonry Walls): All types require Commission Hearing and Approval.*
 - *Miscellaneous: Any type of alteration of exterior features of a building, site, or environment which is not specifically listed require Commission Hearing and Approval.*
 - *Patios, Walks, and Driveways: Repair or replacement of patios, walks, and driveways with similar materials and design does not require approval.*
 - *Trees: Removal of healthy trees or pruning of limbs over six inches in diameter in any location on the property require Commission Hearing and Approval.*
3. Pursuant to the Handbook, **Chapter 5- Section 8: Landscaping and Trees**
 - *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.*
 - *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 stumps removed below ground level.*
 - *Trees which are removed shall be replaced by a species which, upon maturity, is similar in scale to the removed specimen. For example, canopy trees shall be replaced with canopy trees, and understory trees with understory trees.*
4. Pursuant to the Handbook, **Chapter 5- Section 9: Fences and Walls**
 - *All wooden fences should be "stick-built" on site.*

- *Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.*
- *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).*
- *Additionally, wood picket fences should 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.)*
- *Additionally, it is not appropriate to introduce walls or fences in front yards and side yards at corner lots that are more than 65% solid.*
- *Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height.*
- *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 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.*
5. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:
- lot coverage, defined as the percentage of lot area covered by primary structures;
 - setback, defined as the distance from the lot lines to the building(s);
 - building height;
 - exterior building materials;
 - proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
 - surface textures;
 - structural condition and soundness;
 - walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
 - color (new construction only and not for existing residences); and
 - effect of trees and other landscape elements.
6. The application is congruous with the historic aspects of the District.
7. Based on the standards of the Handbook, and the City of Concord Code of Ordinances, including the standards listed above, the Commission concludes that:

- A. The removal of the Crepe Myrtle (including the stump) to be replaced with Nellie Stevens Hollies and Camellia trees is appropriate because the tree will be replaced in accordance with the Historic Handbook.
- B. The installation of an inground pool in the rear yard is appropriate because the design and location is in compliance with the Historic Handbook.
- C. The relocation of the brick patio is appropriate because the proposed new location and the reuse of the brick is in compliance with the Historic Handbook.
- D. The replacement and extension of the 8' privacy fence along the southern boundary of the property with an 8' trimmed wood boxed style privacy fence is appropriate because the fence is in the rear yard and replacing an existing privacy fence.
- E. The replacement of the 6' privacy fence along the eastern boundary of the property with an 8' trimmed wood boxed style privacy fence is appropriate because the fence is in the rear yard and replacing an existing privacy fence.
- F. The replacement and relocation of the 2.5' wooden picket fence with a 4' privacy fence with side gate on the eastern side of the house is appropriate because of its height, design, and location in the front yard.
- G. The replacement of the 2.5' wooden picket fence with a 4' privacy fence and double side gate on the eastern side of the driveway is appropriate because of its height, design, and location in the front yard.
- H. The installation of a 4' privacy fence along Franklin Avenue to the concrete driveway is appropriate because of its height, design, and location on a corner lot.
- I. Staining the fencing and side gates using Minwax Red Oak 215 to match the porch trim is appropriate because the color is in compliance with the Historic Handbook.
- J. The installation of an electric driveway gate and connecting columns is appropriate because it is in compliance with the Historic Handbook with regard to material and design.
- K. The privacy fence will be stained on the applicant's side and painted white on the side facing the adjoining properties located at 19 Franklin Street and 103 Union Street N.

Based upon these Findings of Fact, Conclusions of Law, standards of the Handbook, and the City of Concord Code of Ordinances, including the standards listed above, and limited to the extent consistent with the application, exhibits, and testimony provided to the Commission, the Commission issues this

ORDER:

THE COMMISSION APPROVES A CERTIFICATE OF APPROPRIATENESS TO: REMOVE A CREPE MYRTLE TO BE REPLACED WITH NELLIE STEVENS HOLLIES AND CAMELLIA TREES, INSTALL AN INGROUND FIBERGLASS POOL AND CONCRETE SURROUND, RELOCATE A BRICK PATIO, AND REPLACE, REDESIGN AND EXTEND A PRIVACY FENCE IN ACCORDANCE WITH THIS ORDER.

SO ORDERED this the 14th day of April, 2021 by the Historic Preservation Commission.

CITY OF CONCORD
HISTORIC PRESERVATION COMMISSION

BY: Lee Gray
(Chairman – Dr. Lee Gray)

ATTEST:
Angela Baldwin
Secretary

NORTH CAROLINA
CABARRUS COUNTY

I, Kristina M Fausel, a notary public for ^{Mecklenburg} ~~sard~~ county and state, do hereby certify that Angela Baldwin personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this 15th day of April, 2021.

Kristina M Fausel
Notary Public

My commission expires: 6-13-2023

