



OAK RIDGE HISTORIC PRESERVATION COMMISSION MEETING
MARCH 11, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

Ann Schneider, Chair
Debbie Shoenfeld, Vice Chair
Mac McAtee
Michelle Davidson
Caroline Ruch, Alternate (Sitting)
Paul Woolf (Not sitting)

Staff Present

Sandra Smith, Town Clerk/HPC Staff
Bill Bruce, Planning Director
Bruce Oakley, Town Manager
Michael Thomas, Town Attorney

Members Absent

Ron Simpson

1. CALL MEETING TO ORDER

Chair Ann Schneider called the meeting to order at 7:05 p.m. After welcoming attendees and introductions of Commission members and staff, Schneider read a brief statement on the purpose, duties and responsibilities of the Commission.

2. APPROVE AGENDA

Schneider stated that there was a lengthy agenda, and while the Commission will attempt to handle all the business before it that evening, if the Commission got stalled on an issue, a COA request could be continued until the April meeting. In addition, if it got too late, the Commission could handle Item 6. Committee Reports/Updates by email or at the next meeting.

Mac McAtee made a **motion** to approve the meeting agenda. **Debbie Shoenfeld** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF THE JANUARY 14, 2015, MEETING

Debbie Shoenfeld made a **motion** to approve the meeting minutes. **Mac McAtee** seconded the motion, and it was passed unanimously (5-0).

4. OLD BUSINESS

A. CMT Commons findings of fact.

Town Attorney Michael Thomas explained that Judge Lindsay Davis had remanded certain aspects of Certificate of Appropriateness #10-12 to the Board of Adjustment to be remanded to the Historic Preservation Commission, and ordered that the findings of fact in granting the COA be formally made for the record. Thomas had prepared and distributed a draft motion, which is hereby incorporated by reference

and made a part of the minutes, to the Commission for that purpose. Thomas asked Schneider to note that since these findings of fact were a result of an earlier HPC meeting, only those HPC members who participated in that meeting (Schneider, Shoenfeld and McAtee) should be allowed to consider the findings of fact or participate in this matter. Schneider said that since the draft motion was a 10-page document, she understood that the Commission could forego the reading of it, since those participating in the decision had already had an opportunity to review it, and Thomas said yes.

Mac McAtee made a **motion** to enter the findings of fact as written into the record and forego reading them aloud. **Debbie Shoenfeld** seconded the motion, and it was passed unanimously (3-0, with only Schneider, Shoenfeld and McAtee allowed to vote).

Debbie Shoenfeld made a **motion** to accept the findings of fact and have the clerk include them in their entirety in the meeting minutes and in the COA records as an addendum per court order to the subject COA. **Mac McAtee** seconded the motion, and it was passed unanimously (3-0, with only Schneider, Shoenfeld and McAtee allowed to vote).

B. Town Council report. Shoenfeld drafted the report and presented it to the Town Council in February. Shoenfeld volunteered to draft the report for the next month's Council meeting, and Schneider said she would present it.

C. COAs approved/reviewed at staff level. Planning Director Bill Bruce reported there was one staff-level COA requested under review at this time for the renovation/re-siding of the property at 2102 Oak Ridge Road. He said the property owner, who said he was unaware a COA was required, had been cooperative and had submitted an application and material samples/colors. Bruce said he believes the application can be approved at staff level.

D. COAs approved but not completed.

Bruce reported that the Town had been contacted by Lowes Foods, which is preparing a sample board to be erected at the site. He said he believed the stone has been selected but not yet procured, and that the stone still needs to be approved by the Commission.

5. NEW BUSINESS

A. Election of chair and vice chair.

The floor was opened for nominations. Shoenfeld nominated Schneider to continue to serve as chair, and McAtee nominated Shoenfeld to continue to serve as vice chair. There were no other nominations.

Mac McAtee made a **motion** that the nominations be closed. **Debbie Shoenfeld** seconded the motion, and it was passed unanimously (5-0).

Separate votes were then taken; the nomination for Schneider for chair passed unanimously (5-0). The nomination for Shoenfeld for vice chair also passed unanimously (5-0).

B. Swearing in of HPC members.

Town Clerk Sandra Smith had all HPC members and current alternates take the oath of office and sign a copy of it for the record.

C. Consider recommendation of Kristin Kubly as HPC alternate.

Commission members questioned the applicant; Kubly said she worked for the Northwest Observer for the last year and, in that capacity, had attended several historic marker dedications and Town Council meetings, and had written articles on Oak Ridge's history. She said she had a master's degree in library science and had taken classes in archiving and preservation. She said she had also minored in archaeology as an undergraduate student, and she had an overall interest in history. In response to a question from Schneider, Kubly also said she had reviewed the Design Guidelines and felt she could work with the Commission to enforce and appropriately interpret them.

Mac McAtee made a **motion** that the Commission recommend that the Town Council appoint Kubly to HPC as an alternate. **Caroline Ruch** seconded the motion, and it was passed unanimously (5-0).

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Schneider stated that the goal of the Commission is to see that any proposed changes are not incongruous with the special character of the Historic District. Since the Commission will be conducting a quasi-judicial evidentiary hearing, it is to be impartial. She said individual opinions should not be expressed, but the Commission should take the evidence presented, apply the standards, make findings of fact and render a decision accordingly. The Commission may approve, disapprove or continue consideration of the COA request, but a decision must be made within 180 days. Schneider asked Commission members to cite the applicable sections of the Historic Design Guidelines in their discussions to help make findings of fact on which to base their decisions.

Schneider then discussed potential conflicts of interest, which include a having fixed opinion; having discussions or communications about a case outside of these proceedings; having a close business, family or personal relationship to the applicant or others involved in the case; or having a financial interest in the outcome of the case. She asked Commission members to disclose any potential conflicts of interest involving any of the COA applications about to be heard.

Michelle Davidson said her son had played ball with the son of Kevin McCallister, one of the applicants. Schneider asked if Davidson felt she could remain objective regarding McCallister's case, and Davidson said yes.

Ruch said Johnson & Lee, who had also submitted COA applications, had built her house, but that she could also remain objective. Schneider asked if Ruch's house had been built by Johnson & Lee and then purchased from them, and Ruch said yes. Schneider asked if any other Commission members had concerns about Ruch sitting for Johnson & Lee's cases, and none were expressed.

McAtee, Shoenfeld and Schneider said they had no potential conflicts of interest in any of the cases.

Smith then swore in those who would give testimony in the COA cases, including Bruce, Kevin McCallister, Rick Lee and Commie Johnson.

- D. Case COA-15-02: JP Looney's fence.** Kevin McCallister, owner of J.P. Looney's, requested a Certificate of Appropriateness for construction of a replacement fence. The property is located at 2213 Oak Ridge Road, tax parcel 0166226, and is zoned SC, Historic District Overlay.

Bruce said he had submitted the staff report, which is hereby incorporated by reference and made a part of the minutes, for the Commission's review. He said he did not plan to make a presentation, but was available to answer questions if needed.

Schneider asked the Commission to discuss the eligibility of the application, which is hereby incorporated by reference and made a part of the minutes, with a goal of minimizing questions to the applicant. She said she would like for the Commission to rely on the information submitted in the application to the extent possible, and that the Commission would be stating findings of fact and motions from their discussions.

Applicant presentation:

Kevin McCallister introduced himself to the Commission, and said he wanted to replace an existing wrought-iron fence on the property. When he decided to request the addition of stone columns, he said he sought out the company working on the renovation project at Lowes Foods. He said while he could not speak for that company, he did find out what company would provide the stone on the Lowes project and asked that they match the stone on his fence with that stone to be used at Lowes. McCallister said the most visual aspect of the fence, along with the wrought-iron sections, would be the stone columns. He pointed out samples of the stone that he had proposed for the columns as well as the cap stone. He said he had stated in the application that this was a stone veneer, but that it was actually a cut stone, not a hollow-backed product. Schneider asked if the columns would be solid stone, and McCallister said no, that they would just be stone on the outside. He said the current fence was showing wear and tear, and he wanted to replace it with something that would look nice.

HPC discussion/comments and questions to the applicant:

Schneider asked if anyone had any concerns about the eligibility of the application, whether the scope of the project was allowed, or whether the applicant had provided enough information for the Commission to render findings of fact. Commission members agreed by consensus that the application appeared complete and eligible.

McAtee pointed out the wrought-iron sections that were currently affixed to the outside of the building under the arches and asked whether they would remain, since they were not shown on the artist's rendering submitted with the application.

McCallister said those railings would be removed. He said the only other correction to the artist's rendering was that it showed the wrought-iron sections higher than the columns, but that actually they would be mounted on the columns and would be 4 inches from the ground and 4 inches from the top of the columns.

Shoenfeld asked if the sections of railing under the arches would be removed from the building and not replaced, and McCallister said that railing would be removed from underneath the arches and installed between the stone columns to become the new fence. He said the fencing would then match the railing on the left side of the building as you face it.

Davidson asked why stone was being used on the columns and not brick. McCallister said it was just an aesthetic preference and that he felt like there was already so much brick at the shopping center that the stone might be more attractive visually.

Schneider said the Commission would need findings of fact that would show that the changes were consistent with the Historic District Design Guidelines. She suggested that she did not feel it was incongruous with the Historic District to allow the replacement of the wrought-iron fence.

Davidson said she appreciated the fact that McCallister reached out to Lowes Foods to find out what type of stone they planned to use. Schneider asked if that was because the applicant was trying to visually tie the project to the shopping center, and Davidson said yes.

Schneider said McCallister had also made a point of replacing like with like materials on the wrought-iron fence. She also reminded Commission members that they can adopt the staff report as part of their findings of fact.

Shoenfeld read from page 41 of the Design Guidelines, which say that fences that are part of a bona fide farm are exempt from the COA process. In all other cases, construction of new or relocation of existing fences when visible from the street would require review for a COA. The Guidelines also say that proposals for new fences were to be evaluated in terms of appropriateness of design, materials, dimensions, architectural details, finish, and location. Shoenfeld said that information had been spelled out in the staff report, but was also in the letter submitted by the applicant. Schneider said the staff report made it clear that the materials were appropriate and that she would concur with that.

Debbie Shoenfeld made a **motion** to adopt the staff report as the findings of fact for the application from J.P. Looney's, 2213 Oak Ridge Road. **Mac McAtee** seconded the motion, and it was passed unanimously (5-0).

Mac McAtee made a **motion** to approve the COA based on the findings of fact. **Michelle Davidson** seconded the motion, and it was passed unanimously (5-0).

E. Case COA-15-03: New single family residence at 8426 Linville Road (lot 3, Barrow Place subdivision). Rick Lee of Johnson & Lee, LLC, requests a Certificate of Appropriateness for construction of a new single family residence. The property

is located at 8426 Linville Road, tax parcel 0222371, and is zoned RS-40, Historic District Overlay.

Schneider asked Bruce if he had anything to add to the staff report, which is hereby incorporated by reference and made a part of the minutes; Bruce said he did not.

Davidson said she would like to ask about the informal tree count and whether the trees that would be removed were of an acceptable range. Bruce said the term "informal" was likely used because it did not include a map which physically located each of the mature trees on the site. He said the applicant could address the question, but because the lot is heavily wooded, he thought the informal tree survey likely involved walking around the lot and estimating the number of trees that would have to be removed and those that would remain. For clarification, Schneider asked if that meant, because there was no map, that the tree count was an unofficial count/estimate by the applicant, and Bruce said yes.

Schoenfeld asked about the roof, of which it was stated in the staff report that had a section that was approximately two-thirds the height of the structure. She asked if there were any other properties in the Historic District that have the same situation. Bruce said he could immediately think of one, the State Employees Credit Union, where the pitch of the roof is such that the roof makes up more than 50 percent of the height of the building. He said he could not specifically point out any others, but said he suspected there were some, especially where a portion of the roof might be more than 50 percent of the height but that could be offset by other portions of the façade where the roof does not take up as great of a percentage of the height. Schneider said she was also concerned with that issue, particularly because one of the issues that the Commission needs to consider is compatibility with existing contributing structures of a similar type. Town Clerk Sandra Smith said she believed the applicant had some information on that issue as well.

Davidson noted on the staff report where it says the proposed residence would be 3,596 square feet. She asked if Bruce was aware of any recent new buildings of comparable size that had been constructed in the Historic District. Bruce said there are some sizable historic homes in the District, and said the Jesse Benbow house is about 4,800 square feet in size. Schneider asked about the house back off the road just past the Barrow Place subdivision; Smith said that house is not in the Historic District.

With no other Board questions at that time, Schneider asked the applicants to come forward and make their presentation.

Applicant presentation:

Rick Lee, a partner in the firm of Johnson & Lee, said his company was comprised of himself, his son, Commie Johnson, and Johnson's son. Lee said he would be asking for COAs on two of the lots in the Barrow Place subdivision at that night's meeting, and that Johnson & Lee had also purchased the remaining four lots in the subdivision. In trying to design the houses, Lee said he had studied the Design Guidelines and, in particular, tried to pay attention to the five major design concepts in Section C of scale, balance, rhythm, proportion and order. He said he was trying to add variety to the houses and decrease any feeling of monotony. He said he felt the

proposed materials, of which he displayed samples, were compatible with the Design Guidelines.

Lee continued that the pitch of the roof on the house is a combination of 10/12 and 12/12, and that the Guidelines asked that roof pitches be 8/12 to 12/12 in pitch. Lee said that with that kind of pitch, it is almost impossible for a structure's roof to not be more than 50 percent of the total building height without it being a full, two-story house.

Lee also said the elevation drawing might be slightly misleading because it shows a 2-foot-high foundation. He said that a foundation needs to be at least 4 feet tall because of systems that need to be located underneath the house, such as the HVAC system, and that would increase the amount of wall space on the house. Lee said if the foundation height itself is a minimum of 3½ feet and the area for the floor joists is an additional 1 foot, when added to the 9-foot ceiling height, the area from the ground to the top of the front porch would actually be 13½ feet. He said in conversations with Bruce that Bruce had alluded to the fact that the amount of roof visible from the road would be averaged out with other sections of the house where it is not visible, such as the wall under the gable on the front of the garage, which would be 24½ feet tall. Lee said the wall height in the center section of the house would be 13½ feet, the same height it would be on the right-hand side of the house. He said when all that is averaged, the roof would be about 42 percent of total area of the house seen from the road, not considering wall space for the dormer.

Shoenfeld said the fact that the foundation would be raised would also appear to shrink the size of the roof proportionately.

Lee continued pointing out the material samples on display to the Board, saying that the proposed shutters would be black vinyl, the brick is red, gutters, soffit and eaves would be white, and the Hardie board siding used would be light gray. He said the proposed roof shingle was pewter gray, the garage door would be white, and the front door would be black or a dark stain. He presented the hardware for the exterior doors, and said he proposed using round, white columns that were 8 inches in diameter.

HPC discussion/comments:

The Commission agreed by consensus that the application appeared complete and the project was eligible for consideration, since it falls within the scope of what Commission should consider.

Davidson said she would like to understand why the elevations submitted and the roof were different from what the applicant had just said would be constructed. Schneider said she understood it was because the foundation was not completely shown on the elevations, and Shoenfeld said that is dependent upon the topography of the lot, but there also has to be a minimum foundation height to allow for the crawl space under the floor joists. Schneider asked if that meant more steps would be needed than were shown on the elevations, and Shoenfeld said that was likely.

Davidson said her questions had more to do with the pitch of the roof. She said in the past, the Commission had experienced problems with what was presented to it

versus what was actually built. Shoenfeld said the additional height of the house due to the crawl space would not affect the pitch of the roof. Schneider read from page 51 of the Design Guidelines, which say it is not appropriate as a rule to construct roofs that occupy more than one-half the height of the building. She said the applicant was saying that if you average the additional wall space created by the increased height of the foundation and the amount of visible roof is decreased by other areas where it is not as visible, that the total would come out the less than one-half of the building height. She said she thought that should be considered because the Commission might interpret that section of the Guidelines as saying a roof higher than 50 percent of the house should not be constructed.

Davidson asked if part of the issue was not that the Commission would have to accept the word of the contractor on how high the foundation would be, and Schneider said that the height of the roof would not change. She said she thought the only thing the Commission would have to accept into the record is that the front elevation would be a couple of feet taller than it appears. Davidson said that would mean the Commission was accepting that the proportion is not as presented. Schneider said if you look at the center section of the building, even if there were a couple of more feet of wall space, the roof likely still occupies more than one-half of the building.

Schneider said she was proposing for discussion that the Commission average out the roof and wall heights, or that they could say that it is not a hard-and-fast rule and some flexibility is permitted in the Guidelines. She said the applicant was also arguing that they were building a 1½-story house, possibly in part, to make it conform more to the existing nearby homes. She said she thought the applicant was saying that it was hard to build such a house without a pop-up somewhere on the roof to accommodate the additional half-story. She said this was an area of discretion and interpretation.

Shoenfeld that there are lots of sections of roof on the proposed house that would be built at different heights. She said there is only one section in the center of the structure that is probably at least 50 percent of the front wall elevation.

Ruch said she would like to ask Lee about if the front elevation and the number of steps to the house changes, would that trigger a building code rule about adding a side rail, which would then alter the appearance of the house from what has been presented. Schneider said the Commission could ask Lee if the number of steps would change. She suggested the Commission discuss some particular issues more and gather their questions for the applicant.

Schneider said she had a question about what the relationship of the design of this house has to do with the predominant design and siting traditions in the Historic District; she said the Guidelines state that the siting, shape, mass, materials and roof shape have to be compatible in relation to existing structures and their setting, and should also be compatible with similar contributing structures in the Historic District. She said she took that to mean the Commission should look at whether this structure is similar to other contributing residential homes in the District.

Bruce reminded the Commission of the training session given by the Town Attorney, in which is encouraged the Commission to move away from the term "compatible" and to focus on the requirement in the state statute, which says construction is to be "not incongruous."

Regarding incompatibility, Shoenfeld said she thought the Commission should not look at the overall structure, but rather various portions of the structure. She said the proposed house has dormers, which are seen in the Historic District, some portions of shed roofs, sections of roof pitched in order to accommodate upstairs windows and the porch, gable ends, hip roofs and shutters. She said those designs are typical of residences in the District.

Schneider said she could see that the proposed house has similar building materials and similar features, but her concern was more the overall architectural style, which she said seems less congruous with other residences in the Historic District. She is said it is a contemporary, vernacular style that is very attractive and is such as could be seen in any subdivision here and be "at home" there. She said her question was whether the house is also "at home" in the Historic District and not incongruous with it, as well as in what ways has it been designed differently, in terms of architectural style, than one outside the District.

McAtee said when he looks at the elevations, he sees elements that are present in both the Historic District and outside of it, such as arches, columns, hip roofs and shed roofs. He said he thought the house would fit well in the District. He said it was not a duplicate of anything, but rather a new approach to features that exist in the Historic District. Shoenfeld said it could be considered a new interpretation of a traditional design, as encouraged in the Guidelines.

Schneider said she was not raising these issues because they are not covered in the staff report, which she said does a good job on non-aesthetic, judgment-type issues. She said the Guidelines do say variety is encouraged and new interpretations go along with that.

Davidson cited Section C, page 46, of the Guidelines, which discussed issues such as scale, proportion, order, etc., and said she thought the applicant had read and complied with the section. She said her concern was still with the roof and that the Commission has been given a clearly stated proportion. She said the staff report and the design submitted indicate a section of the roof is about two-thirds the wall height. She said she would like to hear the applicant speak on that.

Schneider said she had a concern about the windows; she asked Bruce if he had calculated to determine that the windows fall within the preferred 10 to 20 percent of the façade of the building. Bruce said he had done the calculation, which came out to about 14 percent.

Schneider then noted the language on page 53 regarding shutters. She said this house has three sets of huge, beautiful windows with small shutters on the front façade. She said her concern was that that was the focal part of the house, because the shutters do not cover those windows. Shoenfeld said that would be impossible, and Schneider said she understood, but it seemed the proportion and design

conflicts with page 53 of the Guidelines, which say that shutters should be sized so they would fit the window if closed. She said the Commission had made small exceptions before, but this would be a large exception.

Ruch said it would not be possible to have shutters large enough to fit the wide windows on this house, and Schneider said shutters were not a requirement. She said even though the shutters are not operable, she thought the Commission wanted them to appear as if they are. Ruch said she thought removing the shutters could be an issue with the other windows that do have appropriately sized shutters, because that might present a problem with proportion. Schneider said she had seen houses that used brick detailing instead of shutters, and was just wondering if perhaps there was another approach. She said her concern about the size of the shutters is because it is addressed in the Guidelines.

McAtee said the way houses are built has changed dramatically, and that it is not possible now to shutter a double-wide window. Schneider reiterated that having shutters is not a requirement, and that if this house were built outside the Historic District, it would be fine. She said the reason shutter size is addressed in the Guidelines is in order to conform or not be incongruous with contributing structures.

McAtee said there are shutters that are made up of two pieces with a hinge in between. He said that would be quite a construction issue for a shutter that would never be used, but was something the applicant could consider. Davidson said it would be good to know what is available in the marketplace.

McAtee said he had a question for the applicant regarding the layout of the site.

Ruch said she had a question about whether the dormer in the center roof section matches the roof pitch, and McAtee pointed out that it could be seen on the side elevation.

Shoenfeld asked if there were any questions regarding the landscaping, and Ruch said she wondered, because there were so many trees on the lot, if they could be incorporated into the landscaping. Schneider said she would also like to inquire about the tree survey.

Questions to the applicant:

The Commission called Lee back to the podium in order for him to answer questions. Regarding the roof and the amount of space it takes up, Lee showed a photo of an existing house in the Historic District located on Oak Ridge Road. He said it appeared the roof is much more than 50 percent of the height of the building.

Davidson asked about the informal tree count. Lee said that the lot is totally wooded, and so he and his three business partners walked the lot and counted each tree that was larger than 8 inches in diameter at a height 24 inches from the ground. He said what was given was not an estimate, but an actual count. Regarding the location of the house, Lee said that was marked with flags on the property now and that he and his partners had counted the trees in that area as well as those within 15-20 feet in order to give some space between the house and the trees. He said they

also counted the trees that would be removed to make room for the driveway. He said the only thing he did not know at this point was the number of trees in the drainfield, but said there was no way to know that. He said it was impossible to determine that until the septic system had been laid out on the ground and installation had begun. He said he felt they were very close on the number of trees to be removed, and that 124 (8-inch diameter) trees would remain on the site.

Davidson asked if there were 124 total trees on the site, and Lee said there were a total of 169, and that 124 would remain.

Shoenfeld asked if Lee had said about 20 feet around the house for yard space had been included, and Lee said yes. He said that would provide yard space and also an area in case a tree fell so it would not land on the house. He said he did not want to remove any more trees than necessary.

Shoenfeld asked if no trees were proposed as part of the landscaping because there was no real place to put them. Lee said yes, unless the Commission wanted trees to be planted under the canopy of other trees on the lot.

McAtee asked about the two rows of flags on the lot, and Lee said that was done by Heath Ward of Guilford County to determine the perkable soil area. He said once the septic system installer started work, they would work around every tree possible.

Schneider asked if part of the tree preservation area for the subdivision was in front of and behind this house. Lee said yes, and that none of the trees in those preservation areas would be removed. He said in the summertime, this house would not be seen from Linville Road because of that tree coverage.

Schneider asked if the number of steps leading to the house would change because the foundation is higher than shown on the elevation. Lee said architects and draftsmen do not put the foundation height on the elevation, but leave that up to the builder. He said everything else on the elevation would be built as shown. He said there would likely be two more steps, which would put about four steps leading up onto the porch. Schneider asked if it was a typical practice to not show the correct foundation height because that is left up to the builder, and Lee said yes, although the actual foundation height is sometimes shown on commercial building elevations. Schneider asked if the elevations were accurate, other than the foundation height, and if that would decrease the proportions of the roof; Lee said yes, and that everything is accurate except that it might be necessary to add a couple more steps.

Ruch asked if any of the existing trees could be incorporated into the landscaping plan. Lee said the landscaping plan only showed small trees, not canopy trees, because he did not know where you could put them. McAtee added that it was unsafe to have large trees leaning over a house.

Lee said a presale had already been made on the house, and that the people who are considering buying it wanted trees in front of their house. He said they liked the tree border between this lot and the houses at the front of the subdivision, as well as the ones located on the left side of the lot.

Regarding the shutters, Schneider commented that there did not seem to be a strong concern with the Commission about the issue. She said in dealing with contemporary construction, homeowners find big windows desirable. She said the Guidelines say if shutters are used, they should be able to fit the expanse of the window if closed. She asked if Lee had given any consideration to any other options, such as decorative brick around the windows. Lee said he had not, and that the potential buyers wanted the black shutters with white trim as he had shown the Commission. He said he would do what he needed to do to get the COA, but would prefer to use the shutters as shown. Lee said it might be possible to order a special shutter that is wider. He said it would still not be wide enough to cover the window, but he would be willing to consider it. Shoenfeld said she thought that would throw off the balance of the house.

Ruch asked about the large front windows, and said she understood the shutters would not be arched, but the transom above the window would be arched. Lee said it was possible to order either a straight shutter or a half-round one, which would definitely not fit the window if closed. He said he thought the shutter with the straight top looked best on the house.

Schneider said she thought oversized shutters would look more in proportion to the window size and would be closer to complying with the Guidelines. She asked if anyone else agreed, and Davidson said she did not think they would look better on the front of the house.

Schneider asked to discuss the roof. She said Lee had shown the Commission a photo of an existing house in the Historic House and that its roof appears to be even more dramatic because it covers even more of the structure than the roof the proposed house does. She said this roof accommodates the 1½-story house, which is more to scale with nearby houses than a two-story house. She asked if that satisfied the concerns of the Commission.

McAtee said with the addition of the foundation height, the roof would not take up as large a percentage of the building. He said that front section was only one section of the house, and that with the trees, many of the details of the house would not be seen from the road. He said he did not find it incongruent with the Historic District and that he thought it complied with the Guidelines. Ruch said she agreed.

Schneider said because the large portion of roof did not span the entire length of the house, she thought that made it less incongruous. Davidson said she was concerned about approving a project with elements that are clearly in conflict with something spelled out clearly in the Guidelines. She said she was hopeful the Commission could get an exact measurement when the foundation height is known so they will know if the roof is one-half the height of the building or if it was more like two-thirds the height of the building. Shoenfeld said she thought the roof height was not incongruous because there is a historic home with the same feature (taking up more than one-half of the building height) that spans the entire width of the front elevation, whereas this one actually only takes up about one-third of the front of the house. McAtee said he thought the roof proposed for this house was congruent with the roof style or feature on the historic house that was shown to the Commission.

Schneider said she took a somewhat grammatical approach to the issue, and that when the Guidelines say “it is not appropriate as a rule” to do something, it is somewhat akin to, say, saying it is not appropriate as a rule to wear a short dress to a meeting. She said when something is not appropriate as a rule, doesn’t that mean that it is not a rule, but rather suggests that something could be done in a particular circumstance. She said she thought this particular guideline was saying that roofs should not consistently be low pitched, without adequate overhangs, be flat or occupy more than one-half the height of the building. She said her interpretation was that if the next home proposed to the Commission had the same type roof, the Commission could say they do not want to have the same type of roof or feature in the Historic District. She said from a grammatical point of view, she thought this was an area where the Commission had the option of saying that it can happen, just not as a rule.

Davidson said she thought the Commission largely liked to follow the rules, so she wanted to clear the issue with others. Shoenfeld said she agreed with Schneider. She said she understood Davidson’s concern, but she thought this guideline was there to ensure that there is not monotony with homes in the Historic District because they have the same features. Schneider said she also thought there were predominant styles in the Historic District, and that the Commission did not want the styles that were not predominant to take over. She said she thought there was room to approve such a feature and still follow the rules.

Schneider said she was still somewhat concerned about the shutters, but because that was an architectural detail, she did not consider it a deal breaker. She said she would rather see larger shutters on larger windows because she thought that more closely followed the Design Guidelines, but she would leave that decision up to the Commission.

Regarding the findings of fact, Schneider said the Commission had the option of accepting the staff report. Shoenfeld said the Commission could also add findings of fact of its own. Schneider said findings of fact could also address items not specifically addressed in the staff report. Shoenfeld said what she had jotted down included a finding of fact about the roof. Schneider added that, rather than following a single design, this house borrows from different structures and design traditions, something that was not addressed in the staff report. She asked if the Commission believed the house satisfies the design concepts in Section C of the Guidelines. McAtee, Shoenfeld and Ruch said they did. Schneider said the Commission could include that the design meets the primary design concepts, and include a statement that it also includes new interpretations of existing traditions in the Historic District.

Debbie Shoenfeld made a **motion** to approve the staff report in the findings of fact, and in addition, to include the following:

- The roof height is congruous with the Guidelines because it only covers a portion of the front elevation, there is an expansive roof over the entire structure of a historic home, and under the section of the Guidelines under Roofing on page 51, item number 4, it says it is not appropriate, as a rule, to construct low-pitched roofs, roofs without adequate overhangs, flat roofs, or roofs that occupy more than one-half of the height of the building, and the Commission understands that to mean it is allowable or appropriate for a structure in a subdivision in rare circumstances; and

- The plan satisfies the primary design concepts of the Design Guidelines on page 46, Section 1.

Mac McAtee seconded the motion, but offered a friendly amendment to include the following finding:

- There are no alternatives for trees to be removed due to the placement of the house, the driveway and the septic system, so there is no practical way to comply with the part of the Guidelines about replacing trees that will be removed.

Shoenfeld accepted the amendment, and the Commission's vote on the motion with the friendly amendment was unanimous (5-0).

Mac McAtee made a **motion** to approve the COA. **Caroline Ruch** seconded the motion, and it was passed 4-1 (Davidson voting against).

- F. Case COA-15-04: New single family residence at 8424 Linville Road (lot 4, Barrow Place subdivision).** Rick Lee of Johnson & Lee, LLC, requests a Certificate of Appropriateness for construction of a new single family residence. The property is located at 8424 Linville Road, tax parcel 0222372, and is zoned RS-40, Historic District Overlay.

Schneider noted the staff report, which is hereby incorporated by reference and made a part of the minutes, and asked if there were any comments from the applicant regarding the application, which is also hereby incorporated by reference and made a part of the minutes.

Applicant presentation:

Rick Lee said his presentation was nearly identical to the one given in the previous case. He said he had tried to consider the Design Guidelines and tried to design a different type of house for this lot and add some variety to the subdivision. He pointed out to the Commission the samples he proposed using. He noted that the shutters proposed would be built in his shop and the width could be changed if the Commission desired. He said the stained cedar shutters were proposed because they would match the cedar columns on the front porch that he also proposed. He said the same type windows as presented in the last case would be used, except that they would be an almond color. He pointed out various other samples, including bronze guttering, beige trim, bronze shingles and the same type of garage door as in the previous case except it was almond. He said the same door hardware was proposed, and he also pointed out the Hardie board, which was beige, and brick samples.

McAtee asked if the sample column was the exact size as would be used. Lee said the columns are the size they generally use and are 6 inches by 6 inches. He said the trim would be about 5½ inches and would be used around the top and bottom of the column.

McAtee asked if the shutters could be built so that, had they been hinged and closed, that they could cover the width of the windows. Lee said he could do that, although that did not mean he would want to. McAtee asked if a shutter could be added on the other windows on the front of the house, and Lee said it was not possible to put a shutter on the first-floor window closest to the door because the wall protrudes, so there is not enough room. Lee said he could put a shutter on the second window to the right of the front door. Schneider asked for clarification that shutters could not

be put on both windows, and Lee said that was correct, and that shutters could be put on one window but not the other. He said the architect did not include a shutter on the second window in the design, but if the HPC thought that looked better, he would be glad to add a shutter there. Schneider explained that the Commission was not there to tell Lee how to design the project, and the members could only consider what was submitted. She said the Commission's concern was that the Guidelines state that when shutters are present, they should cover the windows if closed.

McAtee called the Commission's attention to the second-floor window in the center of the house; he said because that is a double window, the shutters there would not cover the window if closed. Schneider said if Lee were to build an adjustable/folding shutter, if that was possible, that would be more consistent with the Design Guidelines. Davidson said an adjustable/folding shutter would not match the other shutters on the house.

HPC discussion/comments:

Schneider noted that, while there is a lot of brick in the Historic District, the surrounding existing homes are all made of clapboard and are architecturally different from the three new homes in this subdivision, which will all be brick. She said the use of Hardie board helps, but she wanted to raise that issue to the Commission. She said the new homes have details that incorporate the styles seen in the Historic District, but there are no actual styles that reflect what is seen in the District.

Shoenfeld called to the attention of the Commission to the 11-by-17-inch sheet in the packet shows that a half-round window would replace the louvered vent in the front gable. Ruch noted that there was a half-round window in a nearby home, but that is it not historical; she said she did not think the Commission could say that half-round windows were historically rooted as far as neighboring homes in the Historic District.

Schneider said they could ask the applicant about that, but asked if other Commission members could think of other such windows in the District. Smith said there are many examples of half-round windows in the Historic District. Schneider asked about the historic Larkin house, and Smith said it did have an eyebrow window; Shoenfeld pointed out that an eyebrow window was just a little more elongated than a half-round or fan window. Ruch said she thought half-round windows were usually seen over the tops of other windows, but not alone. Shoenfeld said she had seen them alone, sometimes in a gable over a porch. Schneider said the Commission could ask the applicant.

Schneider said that, in looking at the first house approved in the Barrow Place subdivision, there are similarities between that house and these two. She said she thought the three houses in the subdivision have a lot in common with each other and that they draw details from other parts of the Historic District, but that they did not have a lot in common with the immediate context of the District, except for the use of Hardie board to mimic the siding on the other homes. She asked if that was a concern to the Commission.

McAtee said he did not believe it was a concern at this point, but said as the subdivision grows, there will be houses built beside each other. Currently, the houses are somewhat spaced apart, McAtee said.

Schneider asked if it might be a concern if all seven houses in Barrow Place are brick and have variations on the same themes. McAtee said one of these houses (lot 3) will not be seen as far as the details because it is set back off the road. He added that the house on lot 3 will be built of red brick as opposed to the "aged" brick proposed for this house, and those factors will add variety. He said the brick factor could make a difference as more of the houses are built in the subdivision along Linville Road.

Schneider said the conversation hearkens back to an earlier one in which Commission members said they did not want this to look like any other subdivision outside the Historic District, and that they wanted to mirror the variety seen in the District in order to not create monotony. McAtee said he thought the first house built in the subdivision would receive more leeway than the others built next to it later.

Ruch said although the Commission did not want monotony, she thought members needed to be careful about too much variety. She said it was hard now because the Commission does not know what the future holds for the empty lots in the subdivision, but she thought that there needed to be some common threads seen, but also differences. She said perhaps a question for the builder would be what he plans for the remaining homes, and while there should be variety, there should also be some common threads so there is also a level of congruent characteristics.

McAtee said the brick on the three houses proposed is all different, and that is going to add to the variety. He said if you end up with four brick houses in a row, the variety would start to fade. He said as the development grows, the issue of sameness will become more pronounced. McAtee said at this point, he did not think it was an issue because no two houses are directly beside each other.

Schneider said she thought the Commission was grappling with this issue because it is one of the few Historic Districts in the state and possibly even in the country that has open tracts of land that can still be developed. The Commission is looking to the builders and to perhaps those with architectural expertise to dig in and look at the Historic District in a different way, Schneider said. She added that the three houses proposed in the subdivision draw details from existing homes, but their details are not drawn from a particular style such as Colonial, bungalow, neoclassical or Queen Anne, although she admitted those last two might be overwhelming here. She said the first house had a little touch of bungalow with its stone piers. She said she hoped to see a bit more variety and exploration of architectural styles.

Shoenfeld asked staff if the entire front façade of the house approved for lot 6 was brick. Smith pointed out the elevation of that house, a copy of which was also included in the Commission's packet, and said the center part of the front façade and the wall underneath the porch was Hardie board. Davidson said while there had been some variation of styles, the roofs, brick and windows are all different. She commended the builders for their efforts to stay true to the Design Guidelines and

yet attempt variety; she said if she bought a house, she would not want one that looks exactly like one of her neighbors' houses.

Schneider said there was generally a preference among buyers for brick because of the lower maintenance costs. Shoenfeld asked if Hardie board had a 25- or 50-year warranty; and Lee said it did have to be painted from time to time because it would fade, and Commie Johnson of Johnson & Lee agreed that it required more maintenance than brick. Shoenfeld said she thought Hardie board was cast in color, and Lee said the sample he had presented had been painted.

Ruch said she would like to ask the builder about the recessed window just to the right of the front door where Lee had said there was no room for shutters. She said she was concerned about what she believed was disproportionate empty wall space around the front door relative to the space between the windows. While the spacing may make sense in the interior of the house, she said she still found the spacing odd. Shoenfeld asked if Ruch understood that the front section of the house would jut out, and Ruch said she did.

Schneider said the Guidelines encourage symmetry, but that characteristic is overridden by the desire for overall balance. Ruch noted in the Guidelines on page 52, item number 11, under the section on windows and doors; Schneider read from that section of the Guidelines, which say that it is not appropriate to design or construct blank walls, or walls with disproportionate or unbalanced windows and/or doors that are visible from the street. Schneider asked McAtee and Davidson for their comments or if they shared Ruch's concern, and none were noted. Schneider and Shoenfeld said they had also noticed it.

Schneider said she did not think the Design Guidelines say that everything has to be regularly spaced, and that she did not think this proposal fell outside of the Guidelines. She said she thought it was more a matter of personal taste, and McAtee said he thought it was an accommodation of the interior of the house so that the windows fall in logical places on the inside. Ruch said she thought the issue stood out for her because of the window placement and the fact that the applicant was unable to put shutters on all the windows on front of the house.

Schneider said she Commission needed to decide if the design was incongruous with the District. She said that there is a lot of symmetry in the Historic District, but she did not think it was mandated.

Schneider asked Lee about the basis for adding the half-round/fan window in the space under the front gable and the appropriateness of that detail. Lee said that the original design for the house had the half-round window, but then he had heard a rumor that perhaps the Commission did not like half-round windows, so he replaced it with a louvered vent. He said he would really prefer to have the window there, and said a half-round window with the exact same design is in the front gable at Linville Chapel. Although Lee said he would not object to installing the louvered vent, he would prefer to have the half-round window there.

Shoenfeld said she thought the half-round window helped break up the monotony of all the angles. Schneider said that was a good point and that she did not think the

window was incongruous with the District; Ruch said based on a similar window being in Linville Chapel, it was not incongruous, but she pointed out that the chapel is also a very differently styled building. Schneider said Oak Ridge Commons shopping center was new construction that was intentionally designed to connect with Oak Ridge Military Academy, and without the academy, there would probably be no Historic District. With that in mind, she said she thought it was a nice touch to mimic the feature in Linville Chapel, even though this was not a similar contributing structure. She and Shoenfeld both said they had no problems with the window.

Schneider asked if Ruch had been citing page 52, item number 11 of the Guidelines, which say it is not appropriate to design or construct blank walls, or walls with disproportionate or unbalanced windows and/or doors visible from the street; Ruch said yes. Schneider then read from page 47 under Balance, which says balance may either be symmetrical between identical parts or asymmetrical and attained through attention to visual weight. She said that the only contributing factor there would be that the door protrudes forward, balancing that weight against the double windows, so the asymmetry is not incongruous with either the Historic District or the Design Guidelines. Schneider asked if the proposed plan was consistent with the five major design concepts; Commission members agreed by consensus that they did.

Ruch said the Commission had not discussed the shutters. Schneider noted that some people like to see shutters all the same size as opposed to the fact that historically, shutter width would have varied according to the size of the window. Ruch said her point was that the shutters proposed were not solid, raised panel or louvered shutters, which is what the Guidelines say should be used (page 29, item e. under Shutters and Awnings). The Guidelines also say merely decorative designs are not appropriate. Schneider said she would not call the proposed stained cedar shutters merely decorative, but she would describe them as having a more rustic look. McAtee agreed. Schneider added that the shutters proposed have raised strips, but not raised panels. She said she doubted there were any similar shutters in the Historic District.

Davidson said she did not understand the applicant's approach toward shutters on this house, and said she would like to hear from the applicant. Schneider asked Lee to address the Commission on the type of shutters and why there are shutters on some windows, but not on others. Lee explained that it was not possible to put a shutter on the window directly to the right of the front door because there was not room for it. He said he did not object to putting a shutter on the second window to the right of the door. Shoenfeld asked if that area was on a different plane than the front door and first window. Schneider said putting a shutter on the second window but not the one beside the door would look; Lee said that had been his thought as well.

Shoenfeld asked about the smaller window on the far right side of the house; Lee said that window was on a small entry porch. She asked if it was possible to put a shutter on that window, and Lee said yes. Shoenfeld said she thought it would help achieve symmetry to add a shutter on that smaller window. Ruch asked if that window could be seen from the front of the house, and Lee said yes, although it was set further back.

Schneider asked Lee to confirm that it was not possible to put a window to the left of the front door because the interior of the house would not accommodate a window there; Lee said that area is the wall to a closet in the master bedroom. While trying to be accommodating, he said they still needed to sell the house, and that adding another window would eliminate wall space needed for shelving and other elements on the interior wall. Commie Johnson added that you would not want to hang clothes in front of the window, and Shoenfeld said a window in the closet would also cause clothes to fade.

Ruch asked if the two windows to the right of the front door were both in the same room, and Lee said yes, they were in the dining room. She said she was not trying to harp on the issue, but asked if those windows could not be placed in such a way that they were more centered because they appear proportionately "off." Lee showed the Commission a floor plan of the house and explained that those windows are centered in the interior of the dining room. Ruch said it was not possible to see the corner of the dining room because it is behind the front door wall, so it throws the windows off balance when viewing the front elevation.

Bruce pointed out that the windows in question are centered between the porch columns, and if one of the windows is moved, the column would have to be moved as well. Ruch said her point in bringing all that up was an attempt to get shutters on those windows so all windows on the front of the house would be shuttered. She said she could now see why that could not be accomplished. Lee said he would be glad to put a shutter on the smaller window at the rear, and Ruch said she thought that would provide some balance. Lee asked that it be added to the record that he agreed to add a shutter on the smaller window on the far right of the house.

Schneider said the previous conversation raises the issue that these homes are not designed for exterior architectural integrity, which is typical of homes in this area – they are designed for the interior. She said that was a concern for her, but it appears to be a reality and she was unsure what could be done about it. Ruch said she thought the Commission was trying hard to make sure these homes reflect the historic integrity of the District. Johnson said Lee had put great effort into trying to achieve that as well.

McAtee asked to address the rustic design of the shutter as opposed to what the Guidelines say should be a solid, raised panel or louvered shutter. Schneider asked for his thoughts on the subject, and McAtee said the house is relatively plain and has cedar posts, and that the cedar shutters compliment that and go along with the theme. He asked if the Guidelines said an applicant cannot use anything but a louvered or raised panel shutter, or if the Guidelines just say that is what is preferred or desired.

Schneider said looking at the Guidelines grammatically, they say "should," not "must" regarding the shutters. She added that the Guidelines also say that merely decorative shutters should not be used, but that she was not sure what the term "merely decorative" means because all the shutters today are decorative. She said she would not call a cedar shutter any more decorative than the other types and she did not have a problem with the ones proposed. She said she thought the

Commission could wedge the cedar shutters into the interstices of the sentence. She asked if the Commission thought the shutters could be accepted, and no concerns were voiced.

Debbie Shoenfeld made a **motion** to accept the staff report COA-15-04 as part of the findings of fact with the addition of the following:

- The Commission determined that the half-round window is congruous with the Historic District because there is a similar window in Linville Chapel, and the window breaks up the sameness of the rectangular windows;
- The windows, door and protruding mass are balanced as cited in the Guidelines on page 47 under Section B. Balance, which say "the architect achieves balance when the point of focus is in the correct location to produce order, and balance may be either symmetrical between identical parts or asymmetrical and attained through attention to visual weight";
- The proposal meets the primary design concepts on page 46, item number 1;
- Citing item number 6 on page 53, the Commission determined that the louvers are not a merely decorative design and are therefore congruous with the Guidelines; and
- The applicant agrees to add shutters to the window on the far right side of the house to achieve a greater sense of balance.

Mac McAtee seconded the motion, and it was passed unanimously (5-0).

Debbie Shoenfeld seconded the motion to approve an Certificate of Appropriateness to allow for construction of a home at 8424 Linville Road, Oak Ridge, NC 27310, for the property owner Johnson & Lee, LLC, tax parcel and zoning as described in the COA application dated February 2, 2015, and in the applicants' presentation and responses to the Historic Preservation Commission during the March 11, 2015, meeting, using materials and colors as presented to the Commission and to include the following:

- The addition of shutters on the far right window as part of construction of the home.

Mac McAtee seconded the motion, and it was passed unanimously (5-0).

6. COMMITTEE REPORTS/UPDATES

A. 2014-15 Budget update

The budget update which is hereby incorporated by reference and made a part of the minutes.

B. Historic inventory/Markers

Schneider said the subcommittee has identified two possible locations for markers and would update Commission members via email. She said on March 31, a historic marker dedication is scheduled at Linville Chapel.

C. Communications outreach

Schneider reported that ads publicizing the historic marker dedication will run in the Northwest Observer.

D. Display case

No report

E. Land Use Plan Update

Schneider encouraged members of the Commission to provide input to her about possible ways in which the Land Use Plan can better or more fully support the Historic District and Design Guidelines and the work of the Commission, or if changes should be made to the Historic District and Design Guidelines that would make the Land Use Plan better.

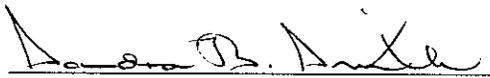
7. CITIZEN COMMENTS

None

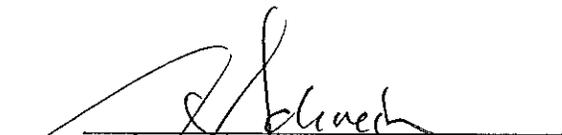
8. ADJOURNMENT

Debbie Shoenfeld made a **motion** to adjourn the meeting at 9:44 p.m. **Mac McAtee** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk


Ann Schneider, Chair

OAK RIDGE HISTORIC PRESERVATION COMMISSION

MOTION TO ADOPT FORMAL FINDINGS OF FACT

CERTIFICATE OF APPROPRIATENESS No. 10-12

Whereas:

1. CMT Commons, LLC ("CMT") appealed to the Board of Adjustment this commission's issuance of Certificate of Appropriateness No. 10-12 issued on 23 October 2012 by the Historic Preservation Commission; and, following hearing of the appeal, the Board of Adjustment entered an order on 18 March 2013 upholding the certificate of appropriateness, which order was appealed by CMT to the Guilford County Superior Court;
2. On 13 January 2015, the Hon. Lindsey R. Davis, Superior Court Judge, filed an order in the superior court appeal, in part upholding the Board of Adjustment's decision and in part remanding the matter to the Board of Adjustment for remand in turn to this commission for the limited purpose of setting forth finding of facts as to certain aspects of Certificate of Appropriateness No. 10-12, as indicated below;
3. On 12 February 2015, the Board of Adjustment remanded the matter for such limited purpose to this commission;
4. Compliance with the Superior Court's order requires this commission to adopt and formally enter in the record its findings of fact with specific references to provisions of the Town's historic preservation ordinance and any guidelines or other factors considered by the Historic Preservation Commission in making the decision reflected in the 23 October 2012 Certificate of Appropriateness No. 10-12 as to the three items the Superior Court identified as remaining in dispute, namely:
 - (1) "Overhead front . . . large doors to be reduced in size to match the height of the smaller entry doors"
 - (2) "[W]indows to be in the top of all doors on the front . . . elevation[]." "
 - (3) "The front faux hayloft doors to be installed"

Therefore, be it moved:

That with reference to the application by CMT Commons, LLC, for a certificate of appropriateness, heard before this commission at its meeting on 12 September 2012 and 17 October 2012, and to the Certificate of Appropriateness No. 10-12 issued based upon facts appearing in the record of this commission made in connection with said hearings, the Oak

Ridge Historic Preservation Commission hereby formally makes the following findings of fact, identifies the following violations of the Historic District Design Guidelines and Historic Preservation Ordinance, and confirms its conditional approval of a certificate of appropriateness, with regard to the overhead doors, the windows (fenestration) in all front and side doors, and the front faux hayloft doors:

(A) With regard to the overhead doors, the commission finds as facts that:

Findings of Fact:

1_CMT's representative Gimbert admitted and the commission finds that the front and side overhead doors are significantly different than shown in the approved elevation, or "rendering" as the same is called by CMT's representatives.

2_CMT's representative Gimbert admitted and the commission finds that the front and side overhead doors are larger than the non-entry doors; specifically, and that the front and side overhead doors are 10 feet high by 16 feet wide, compared with the 8-foot non-entry doors.

3_CMT's representative Gimbert acknowledged and the commission finds that CMT originally planned for the front and side overhead doors to be sliding entry doors but changed the form of said doors to roll-up doors without prior consultation with this commission.

4_CMT's representative Smith attributed the change in the type of front and side overhead door to the engineer who drew the mechanical plans for the building, and who he said specified an overhead carriage-style door (a roll-up door); the commission finds that the mechanical drawings referred to were not part of the application upon which the project was granted a new construction certificate of appropriateness nor ever made a part of the application record before this commission.

4_ The as-built front and side overhead doors fail to appear as shown in the elevation, being higher and different in details, instead of the same height and displaying the same details.

5_ The as-built front and side overhead doors both fail to conform to the approved elevation and are inconsistent with other prominent structures in the Historic District

generally and nearby structures, including the Town Hall, State Employees' Credit Union, McDonald's, Lowes Foods, and Tractor Supply, which do not use an oversize door.

6_There are no other principal or public use buildings in the historic district with oversized doors or without windows.

7_The overhead doors as built compete for attention in the Linville Road corridor of the historic district.

The commission finds and concludes that based on the foregoing facts the as-built front and side overhead doors are contrary to the following provisions of the Oak Ridge Historic District design Guidelines and incongruous with the historic district:

Design Guidelines Violations:

1_The as-built front and side overhead doors are improper in terms of the approved design's own rhythm, scale, and proportion, based on the approved elevation in which what are now the front and side overhead doors and other standard-height Dutch-style or stall-type doors were the same height; this violates Primary Design Concepts set forth in Appendix III, which provides in pertinent part:

"Applications for Certificates of Appropriateness for new construction within the Oak Ridge Historic District are considered on the basis of five major design concepts: Scale, Order, Balance, Proportion, and Rhythm. For example, in the Oak Ridge village setting, there is a two-part sense of rhythm to be satisfied: (a) the individual building's own rhythm *established by its doors, windows and architectural elements* and (b) the building's placement within the overall streetscape and, where applicable, in relation to open land." (Emphasis added.)

2_The as-built roll-up front and side overhead doors are not human-scaled, and this violates Primary Design Concepts set forth in Appendix III, which provides in pertinent part: " 1. Scale. All of the buildings in the Historic District were built to a human scale, which means that the individual architectural features of their facades are little longer than the height of the human body. The possible exception is the Alumni Hall at the Oak Ridge Military Academy, but even here doorways and windows do not tower over individuals as is true in many monumental structures which are not based on human scale. Relatively large houses such as Maple Glade, Oakhurst and the Jesse Benbow House are humanly scaled, and the simplicity of large farm buildings prevents them from overwhelming nearby houses. . . ."

3_The as-built front and side overhead doors lack the visible cross-brace or single-brace door panel architectural details shown in the approved elevation, and this violates the New Construction Guidelines, Sec. C. I.H. "Architectural Elements and Details," providing: "*Architectural elements and details are of paramount importance in maintaining a characteristic atmosphere. They can relate the new with the old in order to reflect the historic characteristics of the area. For example, elements and details may include porch trim, cornice designs, chimney shapes, shutters, window trim and door paneling.*" (Emphasis added.)

The commission finds and concludes that based on the foregoing facts the as-built front and side overhead doors are contrary to the following provisions of the Oak Ridge Historic Preservation ordinance and incongruous with the historic district:

Historic Preservation Ordinance Violations:

1_Sec. 30-590(f)(d) "*Certificate of appropriateness required.*(1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to . . . the type and style of all doors . . .) . . . shall be erected, altered, restored, moved, or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted and approved by the historic preservation commission.

2_Sec. 30-590(f)b. "Exterior form and appearance." Exterior features include . . . *the type pattern and style of all . . . doors . . . [taken] into account . . . to ensure that they are consistent with the historic or visual character or characteristics of the district[.]*"

3_Sec. 30-590(f)b.4. "Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features"

4_Sec. 30-590(f)h.(2)b.1."Construction of any new building that requires a building permit, or is visible from the street right-of-way. . . ."

5_Sec. 30-590(f)h.(2)b12. "Addition or deletion of *any* architectural feature, such as porches, steps, balconies, or decks if visible from the street right-of-way. . . ." (Emphasis added.)

The commission finds and concludes that a certificate of appropriateness for the project in regard to said overhead front and side overhead doors should issue based upon the following condition(s):

The overhead front and side large doors (the overhead doors most visible from the public right of way) should be reduced in size to match the height of the smaller exterior Dutch-style or stall-type doors, and all doors are required to have the same cross-brace or single-brace architectural details.

(B) With regard to the windows (fenestration) in all front doors:

Findings of fact:

1_The commission finds that the installed large front and side overhead doors and the eight-foot-tall (standard height) doors lack the appearance of “stall-type doors” as shown in the approved elevation, namely, they are not the same height as the entry doors and omit architectural details including cross bracing and windows.

2_There are no exterior windows, as represented in the approved elevation, all windows having been deleted from the new construction.

3_CMT's representative Gimbert acknowledged and the commission finds that the installed eight-foot-tall (standard height) doors lack visible cross bracing and lack windows.

4_CMT's representative Smith acknowledged and the Commission finds that the project elevation upon which project was originally approved showed all exterior doors having windows.

5_There are no other principal or public use buildings in the historic district with oversized doors or without windows.

The commission finds and concludes further that the foregoing are contrary to and violate the following provisions of the Oak Ridge Historic District Design Guidelines:

Design Guidelines Violations:

1_The Design Guidelines anticipate and implicitly require windows in new construction (a) by establishing an ideal range for window coverage of 10-20% of the exterior façade under Part III, Sec. C.I.G. Windows and Doors, subsection (6), and (b) by looking to fenestration, defined in the Guidelines glossary ‘the arrangement of windows, doors and other exterior openings of a building,’ as a key element in determining the

appropriateness of a building's overall appearance under the primary design concepts set forth in Appendix III, which provides in pertinent part:

"Applications for Certificates of Appropriateness for new construction within the Oak Ridge Historic District are considered on the basis of five major design concepts: Scale, Order, Balance, Proportion, and Rhythm. For example, in the Oak Ridge village setting, there is a two-part sense of rhythm to be satisfied: (a) the individual building's own rhythm *established by its doors, windows and architectural elements* and (b) the building's placement within the overall streetscape and, where applicable, in relation to open land." (Emphasis added.)

2_The deletion of windows, implicitly required in all new construction in the Historic District, and expressly provided for in the approved elevation for this project, violates Section C. New Construction Guidelines, I. Applicable to All Land Uses: ". . .Compatibility is essential for obtaining a Certificate of Appropriateness. Compatibility of new construction is evaluated principally in terms of the appropriateness of siting, shape and mass, size, and materials in relationship to existing structures and their setting. As further articulated by roof shape, fenestration and detailing, these elements are key to determining the appropriateness of a building's overall appearance or design expression."

3_Because windows have been deleted from the as-built new construction,(a) there is no relationship of windows to solid spaces of the building façade, and (b) the as-built building represents a complete imbalance of windows to other exterior parts, rendering the exterior façade disproportionate, imbalanced, and non-rhythmic in terms of the historic district, all of which are violations of Section C. New Construction Guidelines, Part I.G. Windows and Doors: ". . . The relationship of the solid spaces of the facade to the voids of windows and doors or to additional elements such as porches and balconies is the major source of the structure's proportion, balance and rhythm, and it is of primary importance in evaluating a proposed design. Buildings in the Oak Ridge Historic District are generally well ordered in this respect, with most of the older structures having a symmetrical arrangement of doors and windows, with doorways typically centered in the facade. / 1. Design the dimensions and placement of windows and doors on new buildings to be compatible with those on nearby contributing structures."

4_The omission of fenestration renders the as-built structure incompatible with other principal structures in the district, all of which are fenestrated, and this violates the New Construction Guidelines, Sec. C. I.: "Compatibility is essential for obtaining a Certificate

of Appropriateness. Compatibility of new construction is evaluated principally in terms of the appropriateness of siting, shape and mass, size, and materials in relationship to existing structures and their setting. As further articulated by roof shape, fenestration and detailing, these elements are key to determining the appropriateness of a building's overall appearance or design expression."

The commission finds and concludes that based on the foregoing facts the arbitrary deletion of the windows (fenestration) in all front and side doors is contrary to the following provisions of the Oak Ridge Historic Preservation ordinance and incongruous with the historic district:

Historic Preservation Ordinance Violations:

1_Sec. 30-590(f)(d) "*Certificate of appropriateness required.*(1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to architectural style; general design; and general arrangement of the exterior of the building or other structure; including . . . windows, doors, . . . signs, . . . and other appurtenant features, such as . . . colors . . .) . . . shall be erected, altered, restored, moved, or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted and approved by the historic preservation commission.

2_Sec. 30-590(f)b. "Exterior form and appearance. Exterior features include the architectural form and style, general design and general arrangement of a building or other structure including the type and texture of the building material and, the type pattern and style of all windows, doors, . . . signs and other appurtenant features. In considering exterior form and appearance, the historic preservation commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district Exterior features include . . . the type pattern and style of all windows [and] doors . . . [taken] into account . . . to ensure that they are consistent with the historic or visual character or characteristics of the district[.]"

3_Sec. 30-590(f)b.4. "Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features

4_Sec. 30-590(f)h.(2)b.1."Construction of any new building that requires a building permit, or is visible from the street right-of-way. . . ."

5_Sec. 30-590(f)h.(2)b.6.Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration;

6_Sec. 30-590(f)h.(2)b12. "Addition or deletion of *any* architectural feature, such as porches, steps, balconies, or decks if visible from the street right-of-way. . . ." (Emphasis added.)

The commission finds and concludes that a certificate of appropriateness for the project in regard to the windows (fenestration) in all front and side doors should issue based upon the following condition(s):

That windows be installed in the top of all doors on the front and side elevations (being the elevation areas visible from the public right of way).

(C) With regard to the front faux hayloft doors:

Findings of Fact:

1_CMT's representative Gimbert acknowledged and the commission finds that the faux hay loft door, an architectural detail, was omitted.

2_CMT's representative Gimbert acknowledged and the commission finds that the faux hay loft door under the front gable was a prominent decorative detail set forth in the project elevation and that CMT's elimination of this detail was arbitrary.

3_CMT's representative Smith contended that the modification of the front gable roof pitch and the approved painted-on sign rendered the installation of the front faux hay loft doors infeasible; however, the commission finds, based upon a comparison of the elevation and the as-built photographs of the CMT building, that all of the faux hay loft doors (front and side) were designed to be located at the same height, which is now at the top the second run of the exterior Hardie Board cladding, and that this location is not affected by either the approved painted-on sign nor the front 7: 12 pitch gable. The commission further finds that the sign certificate of appropriateness issued in this matter did not affect the position or colors of the front faux hay loft doors or the apparent feasibility of matching the front and side faux hay loft doors.

The commission finds and concludes further that the foregoing are contrary to and violate the following provisions of the Oak Ridge Historic District Design Guidelines:

Design Guidelines Violations:

1_The deletion of the faux hay loft doors, designed to replicate working doors and therefore appropriately treated as such, violates Section C. New Construction Guidelines, Part I.G. Windows and Doors: ". . . The relationship of the solid spaces of the facade to the voids of windows and doors or to additional elements such as porches and balconies is the major source of the structure's proportion, balance and rhythm, and it is of primary importance in evaluating a proposed design. Buildings in the Oak Ridge Historic District are generally well ordered in this respect, with most of the older structures having a symmetrical arrangement of doors and windows, with doorways typically centered in the facade. / 1. Design the dimensions and placement of windows and doors on new buildings to be compatible with those on nearby contributing structures."

2_The deletion of the faux hay loft doors, designed to replicate working doors and therefore appropriately treated as such, violates Section C. New Construction Guidelines, Part I.H. Architectural Elements and Details: "Architectural elements and details are of paramount importance in maintaining a characteristic atmosphere. They can relate the new with the old in order to reflect the historic characteristics of the area. For example, elements and details may include porch trim, cornice designs, chimney shapes, shutters, window trim and door paneling. 1. Design new construction to employ some of the details typically found on analogous contributing structures in the Historic District."

The commission finds and concludes that the foregoing are contrary to and violate the following provisions of the Oak Ridge Historic Preservation ordinance:

Historic Preservation Ordinance Violations

1_Sec. 30-590(f)(d) "*Certificate of appropriateness required.*(1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to architectural style; general design; and general arrangement of the exterior of the building or other structure; including . . . doors, . . . signs, . . . and other appurtenant features, such as . . . colors . . .) . . . shall be erected, altered, restored, moved, or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted and approved by the historic preservation commission.

2_Sec. 30-590(f)b. "Exterior form and appearance. Exterior features include the architectural form and style, general design and general arrangement of a building or other structure including the type and texture of the building material and, the type pattern and style of all windows, doors, . . . signs and other appurtenant features *[taken] into account* . . . to ensure that they are consistent with the historic or visual character or characteristics of the district[.]"

3_Sec. 30-590(f)b.4. "Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features

4_Sec. 30-590(f)h.(2)b.1."Construction of any new building that requires a building permit, or is visible from the street right-of-way. . . ."

5_Sec. 30-590(f)h.(2)b.12. "Addition or deletion of *any* architectural feature, such as porches, steps, balconies, or decks if visible from the street right-of-way. . . ." (Emphasis added.)

The commission finds and concludes that a certificate of appropriateness for the project in regard to the front faux hayloft should issue based upon the following condition(s):

The front faux hay loft doors should be installed from trim materials at the same height and the same size as the side hay loft doors and to include architectural details/bracing consistent with all other doors.

Based upon the foregoing findings of fact, and findings of violation of the cited provisions of the Design Guidelines and Preservation Ordinance, the commission reaffirms its conclusion that CMT Commons, LLC's application for a certificate of appropriateness should be approved as provided and conditioned in Certificate of Appropriateness No. 10-12 issued on 23 October 2012, and the commission hereby reaffirms its issuance of Certificate of Appropriateness No. 10-12 and all conditions therein.