



Planning and Development Services Department

Appeal: HPB Decision for Petition HP-16- 89

Carl Nelson, owner. After-the-fact COA for installation of 60” aluminum fence. Located at 301 NW 2nd Street. This building is contributing to the Pleasant Street Historic District.

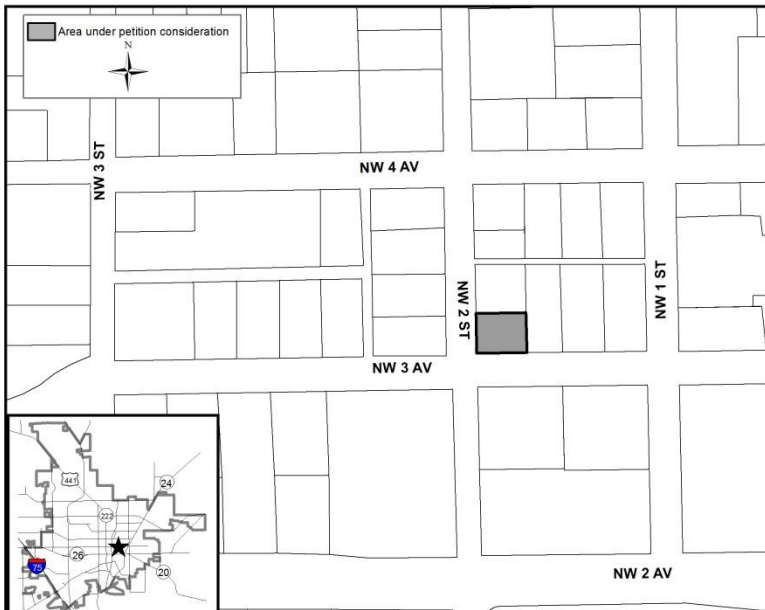
**City Commission
12/01/2016**

Project Background

- **Appeal of Historic Preservation Board decision for after-the-fact COA for installation of 60” aluminum fence.**
- **The petition followed a code violation given on August 31, 2016 for installation of a 60” aluminum fence in a historic district without a Certificate of Appropriateness.**
- **The petition was heard by 6 members of the Historic Preservation Board present at the October 4, 2016 meeting.**
- **The application was approved with the following conditions:**
 - 1) **That the existing fence be cut down to meet the height of adjacent picket fence, 40”.**
 - 2) **That the applicant submits for staff review any new gates to be installed at the fence.**

- The basis for the Historic Preservation Board's decision was meeting the *Secretary of Interior's Standards for Rehabilitation* and the City of Gainesville's *Historic Preservation Rehabilitation and Design Guidelines*.
- The owner has submitted a timely appeal of the Historic Preservation Board decision in accordance with the procedures outlined in Section 30-112(7)i of the Land Development Code.
- The City Commission may affirm, amend or reverse the Historic Preservation Board's decision.

- Located at 301 NW 2nd Street, on the corner of NW 2nd Street and NW 3rd Avenue.
- Contributing to the Pleasant Street Historic District.
- Zoned CCD (Central City District/ Mixed-use) & is .07 acres.
- The house faces west onto NW 2nd Street & has a small walkway to the front porch & a driveway to the north of the house.





60" Aluminum Fencing installed at perimeter of front and side yard.



Fencing adjacent to existing driveway, no gate.



Fencing at front walkway, no gate.



Fence wraps the corner of the lot, and ends at the tree on the right.



Fencing ends at tree in side yard and is directly adjacent to the existing sidewalk on both streets.



Details of the installed fence.



CITY OF GAINESVILLE

Department of Neighborhood Improvement
Code Enforcement Division

Notice of Violation
LAND DEVELOPMENT CODE

CE CASE NO: CE-16-02297
PROPERTY LOCATION: 00301 NW 2ND ST

TAX CODE NO: 14754000000
OWNER/AGENT: NELSON CARL G
OWNER ADDRESS: 301 NW 2ND ST
GAINESVILLE, FL 32601-3303

MANNER OF SERVICE: Check appropriate method: Time Delivered or Posted: _____ a.m. / p.m.

Certified Mail Return Receipt Requested Personally delivered Posted to premises & First Class Mail

INSPECTION DATE: 08/31/2016
ISSUANCE DATE: 08/31/2016
VIOLATIONS TO BE CORRECTED BY: 09/30/2016

As owner or agent of the above property you are hereby notified that the property address and/or business activity referenced above, in which you have an interest, located in the City of Gainesville, Florida, has been found to be in violation of the Code of Ordinances of the City of Gainesville by reason of the attached Exhibit "A".

Appeals of the interpretation of this Ordinance may be made by any person aggrieved or affected by any notice or decision, which has been issued in connection with the enforcement of sections 30-58 (revocation), 30-85, 30-252, 30-303, 30-310, 30-311, or 30-315 through 30-347 excluding 30-316(a) and (b). Such appeals shall be taken within twenty (20) days from the date of this notice. A petition may be filed in the Planning Department with the Clerk of the Board of Adjustment, 306 NE 6th Avenue, 1st Floor.

Failure to comply with this Notice of Violation within the timeframe prescribed above will result in your case being referred to the Gainesville Code Enforcement Special Magistrate. If you are found guilty of any of the referenced violations you may be fined up to \$1000.00 daily for a first time offense and \$5000.00 a day for a repeat offense, and the City shall be entitled to recover all costs incurred in prosecuting the case before the Special Magistrate.

If you have any questions regarding the abatement of this violation, please contact me at (352) 334-5030. I will be happy to discuss your options.

Issued By:

Greta Moreau

Greta Moreau
Code Enforcement Officer
Phone # (352) 334-5030
PCID#CH30-2003

Exhibit "A"

CE-16-02297 08/31/2016
LAND DEVELOPMENT CODE VIOLATION(S)

VIOLATIONS
SECTION | SPECIFICATIONS

Violation of Section 30-112(d)(5), City of Gainesville Code of Ordinances; A certificate of appropriateness must be obtained before making certain alterations, described below as regulated work items, to contributing structures within a local register district and structures listed individually on the local register. 1. Abrasive cleaning. Cleaning of exterior walls by blasting with abrasive materials. 2. Awnings or canopies. Installation or removal of wood or metal awnings or wood or metal canopies. 3. Decks. Installation of all decks above the first-floor level and/or on the front of the structure. 4. Exterior doors and door frames. Installation of an exterior door or door frame, or the infill of an existing door opening. 5. Exterior walls. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area. 6. Fencing. The installation or relocation of wood, chainlink, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing. 7. Fire escapes, exterior stairs and ramps for the handicapped. The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped. 8. Painting. Painting unpainted masonry, including stone, brick, terracotta and concrete. 9. Porch fixtures. Installation or removal of railings or other wood, wrought iron or masonry detailing. 10. Roofs. Installation of new materials, or removal of existing materials. 11. Security grilles. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied. 12. Siding. Installation of new materials, or removal of existing materials. 13. Skylights. Installation or removal of skylights. 14. Screen windows and doors. Installation of screen windows or screen doors. 15. Windows and window frames. Installation of a window or window frame or the infill of an existing window opening. d. In addition to the foregoing, a certificate of appropriateness must be obtained from the historic preservation board to: 1. Erect a new building, structure, fence or parking lot within a district listed on the local register. 2. Demolish a building, structure or object listed individually on the local register, or designated as contributing to a district listed on the local register. 3. Relocate a building, structure or object listed individually on the local register, or designated as contributing to a district listed on the local register. 4. Increase the size of a noncontributing structure within a district listed in the local register by constructing an addition, adding an additional floor, or enclosing one or more porches, carports or any other architectural features that will increase the size of the structure or change the roof form.

DESCRIPTION: INSTALLING A NEW FENCE.

CORRECTIVE ACTION: APPLY AND RECEIVE A CERTIFICATE OF APPROPRIATENESS FROM THE CITY, OR REMOVAL OF THE FENCE.

Basis for Staff Review

- **City of Gainesville *Historic Preservation Rehabilitation and Design Guidelines: Fences and Garden Walls* recommend:**
- ***Utilize custom-design fences or walls over pre-fabricated constructions.***
- ***Use design, scale and materials compatible with the context.***
- ***Design features such as vertical accent elements or tapering picket heights to offset repetition of fences.***

Basis for Staff Review

- *Fences and walls extending in to the front yard beyond the front wall of the house or with a highly-visible side or rear yard must meet the following conditions for staff approval:*
- *Constructed of wrought iron, masonry, wood or stucco;*
- *No greater than 48 inches tall if mostly open (i.e., 50% or more transparent);*
- *No greater than 36 inches tall if mostly closed (i.e., 50% or more opaque);*
- *Align with adjacent fences, if appropriate, in terms of height (where permissible) and materials;*

Basis for Staff Review

- *Vertical elements which break up the repetition of the picket fence should be introduced for every ten feet of picket fence. This can be accomplished by tapering the height of the pickets or interjecting decorative posts at rhythmic intervals.*
- *Picket designs should draw inspiration from architectural elements of the historic structure.*

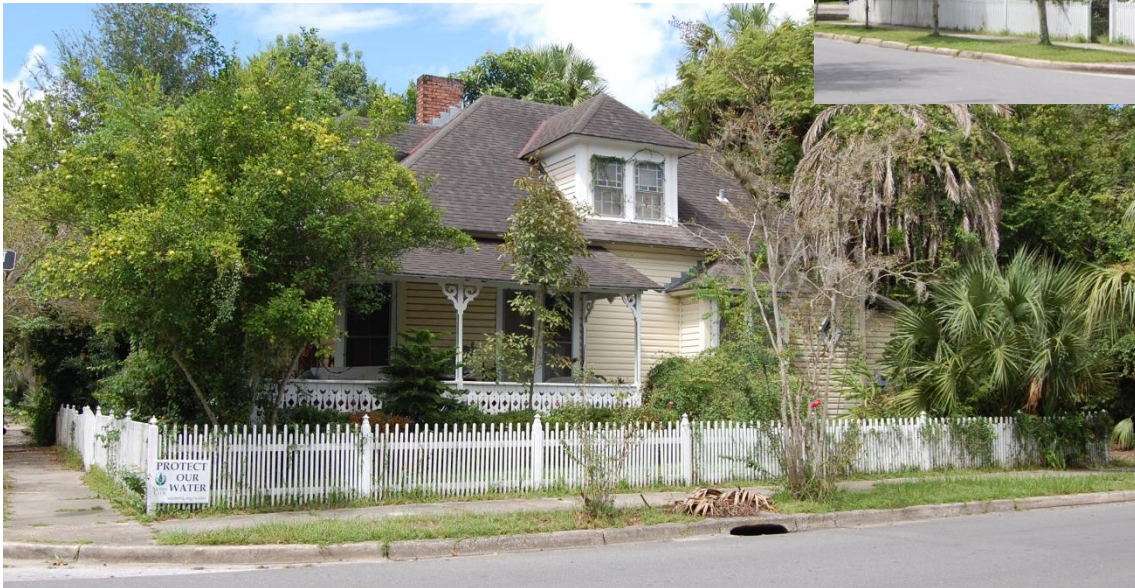


Top: Adjacent house to the north has a 40" wood picket fence.

Bottom: House one block to the north has a low wood picket fence.



Pleasant Street Historic District 160408C



Houses within a three-block radius have low wood picket fences.

Pleasant Street Historic District



Aluminum security fencing is only used by Santa Fe College in the Pleasant Street Historic District.

Staff Recommendation

160408C



- As the fence is mostly open, the height could be allowed at 48”, per the guidelines.
- However, since aluminum fencing is not typical for residences in the historic district, staff recommends that the height of the existing fence be reduced to align with the neighbor, to a height of 40”.