

**TO: Historic Preservation Board**

**Item Number: 1**

**FROM: Planning & Development Services  
Department Staff**

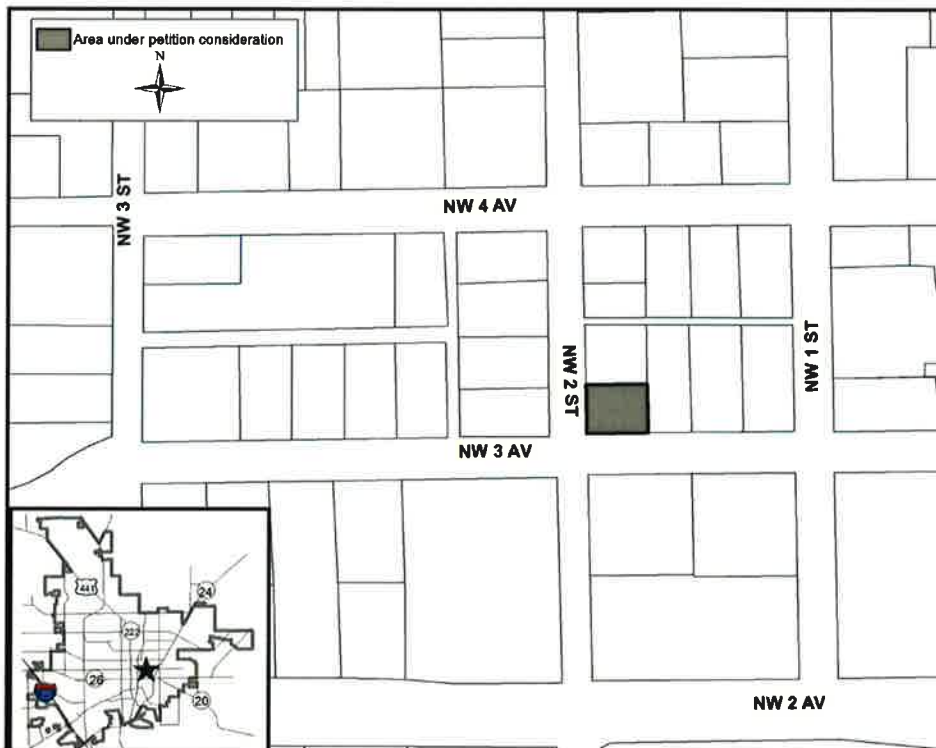
**DATE: October 4, 2016**

**SUBJECT: 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.**

### **Recommendation**

Staff recommends approval of Petition HP-16-89 with the following conditions:

1. Existing fence be cut-down to meet the height of the adjacent picket fence, 40".



### **Project Description**

The property is located at 301 NW 2nd Street and is zoned CCD (Central City District/ Mixed-use). The parcel (14754-000-000) is located in the Pleasant Street Historic District and is .07 acres. The property is contributing building to the historic district. The property is on the corner of NW 2<sup>nd</sup> Street and NW 3<sup>rd</sup> Avenue. The house faces west onto NW 2<sup>nd</sup> Street and has a small walkway to the front porch and a driveway to the north of the house.

The applicant has installed a 60” black aluminum fence, with slender, tapered pickets and square posts situated every 4’- 5’ on center. A segment of fence runs along the north side of the driveway. A second segment runs between the driveway and the front walkway, on NW 2<sup>nd</sup> Street. A third segment continues south of the walkway, wraps the corner to NW 3<sup>rd</sup> Avenue and continues to about the midpoint of the property, where it abuts a tree. There are no gates. The fence is directly adjacent to the existing sidewalk on both streets.

### **Background**

The applicant was given a Code Violation on August 31, 2016, for installation of a fence in a historic District without Certificate of Appropriateness. The Corrective Action is noted as “Apply and receive a Certificate of Appropriateness from the City or removal of the fence.”

### **Basis for Staff Recommendation**

The staff’s recommendation for conditional approval is based on the City of Gainesville *Historic Preservation Rehabilitation and Design Guidelines: Fences and Garden Walls*, which recommend:

1. *Utilize custom-design fences or walls over pre-fabricated constructions.*
2. *Use design, scale and materials compatible with the context.*
3. *Design features such as vertical accent elements or tapering picket heights to offset repetition of fences.*

*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;*
- *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.*

In the Pleasant Street Historic District, front yard fences on residences are typically low (often under 40”), wood picket fences, often painted white. The neighbor to the north has a white picket fence, approximately 40” in height. Taller, aluminum fences, such as this one, are not found on residences in the Historic District, but is used on properties owned by Santa Fe college, as a means of securing private property. In this case, the guidelines recommendation for context compatibility in materials and scale has not been met, as a residential property in the historic

district would typically have a low, wood picket fence.

Aluminum can be an appropriate substitute material for historic wrought iron, provided that there is sufficient detailing, such as the slender pickets size and the tapered ends of the installed fence. The openness of the existing fence is also appropriate for the historic district, as it allows for visibility of the contributing house beyond. Although there are not any examples of low, aluminum fences in the historic district, staff finds that the scale of the fence is the element most incompatible with the context. At 60" in height, the fence appears more like a security fence and is not appropriate for the historic district.

As the fence is mostly open, the height could be allowed at 48", per the guidelines. However, since aluminum fencing is not a typical material 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".

Respectfully submitted,



Andrew Persons  
Interim Principal Planner

Prepared by:



Cleary Larkin, AIA  
Planner

**List of Exhibits**

- Exhibit 1**      **Photos**
- Exhibit 2**      **Code Violation**
- Exhibit 3**      **COA Application**
- Exhibit 4**      **City of Gainesville *Historic Preservation Rehabilitation and Design Guidelines: Northeast, Southeast, & Pleasant Street Historic Districts***



# Exhibit 1- Photos



Top & Bottom: Installed fence wraps the corner of the lot.





Top: Installed fence at the side yard ends at the existing tree.

Bottom: Details of the installed fence.





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.



## Exhibit 1- Photos



Top & Bottom: Houses within a three-block radius have low wood picket fences.



## Exhibit 1- Photos



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

Bottom: Aluminum security fencing used by Santa Fe College in the Pleasant Street Historic District.





**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)

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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.





Planning & Development Services 306 N.E. 6th Avenue  
Gainesville, Florida 32601  
352.334.5022 Fax 352.334.3259  
www.cityofgainesville.org/planningdepartment

**REQUIREMENTS**

**CONTACT THE HISTORIC PRESERVATION OFFICE FOR A PRE-APPLICATION CONFERENCE 334.5022**

**REVIEW THE CHECKLIST FOR A COMPLETE SUBMITTAL** (If all requirements are not submitted it could delay your approval.)

**PLEASE PROVIDE ONE (1) DISK OR USB FLASH DRIVE CONTAINING ALL OF THE FOLLOWING:**

- 1 ORIGINAL SET OF PLANS TO SCALE SHOWING ALL DIMENSIONS AND SETBACKS.
- LIST IN DETAIL YOUR PROPOSED REPAIR AND/OR RENOVATION
- A SITE PLAN OR CERTIFIED SURVEY
- PHOTOGRAPHS OF EXISTING CONDITIONS
- ANY ADDITIONAL BACKUP MATERIALS AS NECESSARY

AFTER THE PRE-CONFERENCE, TURN IN YOUR COMPLETED COA APPLICATION TO THE PLANNING OFFICE (RM 210, THOMAS CENTER-B). PAY APPROPRIATE FEES, AND PICK UP PUBLIC NOTICE SIGN TO BE POSTED 10 DAYS IN ADVANCE OF THE MEETING.

MAKE SURE YOUR APPLICATION HAS ALL THE REQUIREMENTS.

FAILURE TO COMPLETE THE APPLICATION AND SUBMIT THE NECESSARY DOCUMENTATION WILL RESULT IN DEFERRAL OF YOUR PETITION TO THE NEXT MONTHLY

RECEIVED  
OCT 11 2016

STAMP

**PROJECT TYPE:** Addition  Alteration  Demolition  New Construction  Relocation   
Repair  Fence  Re-roof  Other

**PROJECT LOCATION:**  
Historic District: Pleasant Street  
Site Address: 301 NW 2nd St.  
Tax Parcel #: 147 540 0000

OWNER	APPLICANT OR AGENT
Owner(s) Name <u>Carl Nelson</u>	Applicant Name <u>Larry's Fence</u>
Corporation or Company	Corporation or Company <u>Larry Denny</u>
Street Address <u>301 NW 2nd St.</u>	Street Address <u>16105 SW 15th Ave</u>
City State Zip <u>Gainesville FL 32601</u>	City State Zip <u>Newberry FL 32669</u>
Home Telephone Number <u>352-727-1344</u>	Home Telephone Number <u>352-213-0569</u>
Cell Phone Number	Cell Phone Number
Fax Number	Fax Number
E-Mail Address <u>ncarl65@yahoo.com</u>	E-Mail Address

**To Be Completed By City Staff**  
(PRIOR TO SUBMITTAL)

Fee: \$ \_\_\_\_\_  
EZ Fee: \$ 57.88

HP # 16-89

Contributing Y  N \_\_\_\_\_

Zoning \_\_\_\_\_

Pre-Conference Y \_\_\_\_\_ N  \_\_\_\_\_

Application Complete Y \_\_\_\_\_ N \_\_\_\_\_

Enterprise Zone Y  N \_\_\_\_\_

Request for Modification of Setbacks  
Y \_\_\_\_\_ N \_\_\_\_\_

Received By: Claudia  
Date Received: 8/12/2016

- Staff Approval—No Fee (HP Planner Initial \_\_\_\_\_)
- Single-Family requiring Board approval (See Fee Schedule)
- Multi-Family requiring Board approval (See Fee Schedule)
- Ad Valorem Tax Exemption (See Fee Schedule)
- After-The-Fact Certificate of Appropriateness (See Fee Schedule)
- Account No. 001-660-6680-3405
- Account No. 001-660-6680-1124 (Enterprise Zone)
- Account No. 001-660-6680-1125 (Enterprise—Credit)

<p><b>DID YOU REMEMBER?</b></p>	<p><b>OVERVIEW</b></p>
<p>CHECK YOUR ZONING AND SETBACKS FOR COMPLIANCE</p>	<p>The Historic Preservation Board (HPB) is an advisory board to the City of Gainesville's Commission composed of citizens who voluntarily, without compensation commit their time and expertise to the stewardship of historic resources in our community.</p>
<p>REVIEW THE HISTORIC PRESERVATION REHABILITATION AND DESIGN GUIDELINES</p>	<p>The HPB approval is a procedure which occurs for alterations, construction, restorations, or other significant changes to the appearance of an structure in Gainesville's Historic Districts which have an impact on the significant historical, architectural, or cultural materials of the structure and/or the district. The City's historic review guidelines are available online at <a href="http://www.cityofgainesville.org/planningdepartment">www.cityofgainesville.org/planningdepartment</a> and within the Land Development Code, Section 30-112.</p>
<p>REVIEW THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION</p>	<p>After submission of an application, the Historic Preservation Planner prepares a written recommendation for the board meeting which addresses whether the proposed changes are compatible with the criteria of the SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION and the City of Gainesville's HISTORIC PRESERVATION REHABILITATION AND DESIGN GUIDELINES. Once staff has prepared and completed the staff report, an Agenda of the proposed meeting and the staff report will be posted online approximately 5 to 7 days prior to the HPB meeting and can be found at <a href="http://www.cityofgainesville.org/planningdepartment">www.cityofgainesville.org/planningdepartment</a> — Citizen Advisory Boards — Historic Preservation Board.</p>
<p>CHECK TO SEE IF YOU WOULD BE ELIGIBLE FOR A TAX EXEMPTION FOR REHABILITATION OF A HISTORIC PROPERTY</p>	<p>Public notice signage is required to be posted at the property by the applicant no later than 10 day s prior to the scheduled Historic Preservation Board meeting. The notarized <i>Public Notice Signage Affidavit</i> must be submitted once the sign is posted.</p>
<p>THE HPB MEETINGS ARE HELD MONTHLY AT CITY HALL, 200 EAST UNIVERSITY AVE., GAINESVILLE, FL 32601, CITY HALL AUDITORIUM AT 5:30PM. THE SCHEDULE OF MEETINGS IS AVAILABLE ON THE PLANNING DEPARTMENT WEBSITE.</p>	<p>The applicant and/or owner of the property should be present at the Historic Preservation Board meeting and be prepared to address inquiries from the board members and/or the general public. The HPB meeting is a quasi-judicial public hearing with procedural requirements. The review body may approve, approve with conditions, or deny projects. It is not necessary for owners to be present at the HPB meeting if your COA has been staff approved.</p>
<p>THE HISTORIC PRESERVATION OFFICE STAFF CAN PROVIDE ASSISTANCE AND GUIDANCE ON THE HP BOARD'S REVIEW PROCESS, AND ARE AVAILABLE TO MEET WITH PROPERTY OWNERS OR AGENTS. IF YOU NEED ASSISTANCE, PLEASE CONTACT THE HISTORIC PRESERVATION PLANNER AT (352) 334-5022 OR (352) 334-5023.</p>	<p>In addition to a Certificate of Appropriateness (COA), a building permit may be required for construction from the Building Department. This is a separate process with submittal requirements. Building permits will not be issued without proof of a COA and the Historic Preservation Planner signing the building permit. After the application approval, the COA is valid for one year. Please post the CERTIFICATE OF APPROPRIATENESS at or near the front of the building.</p>
<p><b>PERSONS WITH DISABILITIES AND CONTACT INFORMATION</b></p>	<p><b>CERTIFICATION</b></p>
<p>PERSONS WITH DISABILITIES WHO REQUIRE ASSISTANCE TO PARTICIPATE IN THE MEETING ARE REQUESTED TO NOTIFY THE EQUAL OPPORTUNITY DEPARTMENT AT 334-5051 (TDD 334-2069) AT LEAST 48 HOURS PRIOR TO THE MEETING DATE. FOR ADDITIONAL INFORMATION, PLEASE CALL 334-5022.</p>	<p>BY SIGNING BELOW, I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AT THE TIME OF THE APPLICATION. I ACKNOWLEDGE THAT I UNDERSTAND AND HAVE COMPLIED WITH ALL OF THE SUBMITTAL REQUIREMENTS AND PROCEDURES AND THAT THIS APPLICATION IS A COMPLETE SUBMITTAL. I FURTHER UNDERSTAND THAT AN INCOMPLETE APPLICATION SUBMITTAL MAY CAUSE MY APPLICATION TO BE DEFERRED TO THE NEXT POSTED DEADLINE DATE.</p>
	<ol style="list-style-type: none"> <li>1. I/We hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.</li> <li>2. I/We authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.</li> <li>3. I/We understand that Certificates of Appropriateness are only valid for one year from issuance.</li> <li>4. It is understood that the approval of this application by the Historic Preservation Board or staff in no way constitutes approval of a Building Permit for construction from the City of Gainesville's Building Department.</li> <li>5. The COA review time period will not commence until your application is deemed complete by staff and may take up to 10 days to process.</li> <li>6. Historic Preservation Board meetings are conducted in a quasi-judicial hearing and as such ex-parte communications are prohibited (Communication about your project with a Historic Preservation Board member).</li> </ol>
	<p><b>SIGNATURES</b></p> <p>Owner  Date <u>8-31-16</u></p> <p>Applicant or Agent _____ Date _____</p>



PROJECT DESCRIPTION

1. DESCRIBE THE EXISTING CONDITIONS AND MATERIALS Describe the existing structure(s) on the subject property in terms of the construction materials and site conditions as well as the surrounding context.

~~yard perimeter fence~~  
no existing fence

2. DESCRIBE THE PROPOSED PROJECT AND MATERIALS Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s). Attach further description sheets, if needed.

60" perimeter fence of wrought iron  
Aluminum

DEMOLITIONS AND RELOCATIONS (If Applicable)

Especially important for demolitions, please identify any unique qualities of historic and/or architectural significance, the prevalence of these features within the region, county, or neighborhood, and feasibility of reproducing such a building, structure, or object. For demolitions, discuss measures taken to save the building/structure/object from collapse. Also, address whether it is capable of earning a reasonable economic return on its value. For relocations, address the context of the proposed future site and proposed measures to protect the physical integrity of the building.) Additional criteria for relocations and demolitions: Please describe the future planned use of the subject property once vacated and its effect on the historic context.

MODIFICATION OF EXISTING ZONING REQUIREMENTS (If Applicable)

Any change shall be based on competent demonstration by the petitioner of Section 30-112(d)(4)b. Please describe the zoning modification and attach completed, required forms.

### **City of Gainesville *Historic Preservation Rehabilitation and Design Guidelines: Northeast, Southeast, & Pleasant Street Historic Districts***

#### **FENCES AND GARDEN WALLS**

##### **Applicable Secretary Standards**

*2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

*9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.*

Fences, walls and hedges can define the private landscape of personal property and make the spatial order of the district visible. Fences and walls designed in this manner combine personal expression with civic order.

The term “fence” generally applies to a lightweight construction of wood or metal whereas “wall” applies to a more substantial barrier constructed of stone or masonry. Hedges are lines of enclosure constructed of natural material such as shrubs or flowers. Trees may also be used to define space in the landscape.

Fences and walls that are designed to permit the passage of light and air are preferred over totally solid construction. Recommended fence and wall materials are wood, stone, masonry, and metal used separately or in combinations. Fences designed with more than two materials are not recommended. Owner designed solutions are recommended over pre-manufactured fences such as “stockade” fencing due to its ubiquitous use and lack of detailing. Vinyl and recycled prefabricated fence materials are also discouraged for the same reason. The board may approve selected use of these materials on a case-by-case basis. Finish, appropriate detail and compatibility with existing architecture are significant factors to be considered.

Grid wire fencing supported by metal, wood or masonry piers is acceptable if used as a support for plant materials.

Fences should be coordinated with landscaping elements. Taller fences should be placed adjacent to taller landscape elements.

Applicants who live on corner lots must design fences to comply with the City’s intersection visibility requirements. The State of Florida’s Department of Transportation and the City of Gainesville have adopted The American Association of State Highway and Transportation Officials (AAASHTO) guidelines for determining visibility at intersections. If you have any questions concerning the requirements, call the City of Gainesville’s Public Works.

##### **Recommended**

1. Utilize custom-design fences or walls over pre-fabricated constructions.
2. Use design, scale and materials compatible with the context.
3. Design features such as vertical accent elements or tapering picket heights to offset repetition of fences.

##### **Not Recommended**

1. Use of stockade style fencing.
2. Use of chain link fencing.
3. Use of vinyl fencing.



### Staff Approval Guidelines

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:

*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);*

*Where the lot is higher than the sidewalk or street, the fence height should be reduced, where practical, by the difference between the height of the lot and the sidewalk;*

*Align with adjacent fences, if appropriate, in terms of height (where permissible) and materials;*

*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.*

*Comply with the AASHTO Standards.*

*New construction should include fence-lines/walls when adjacent to historic properties with fence-lines and walls.*

*Fences in backyards shall be no more than six feet in height and constructed of wood or masonry; and*

*Picket designs should draw inspiration from architectural elements of the historic structure.*

### Board Approval Guidelines

None required if all conditions are met.