

**Appeal of Cherokee Triangle Architectural Review Committee Decision  
Regarding 2213 Patterson Avenue**

First please accept my apologies for not seeking a COA for the retaining wall. I had lived in the preservation area for one year and did not understand the process.

It is the understanding of the appellant that the decision of the Architectural Review Committee should be based on the SITE guidelines established for the Cherokee Triangle Preservation District. It was noted in the Report of the Committee Conclusion's that the wall generally met those site guidelines. The Cherokee Triangle ARC voted that the wall at 2213 Patterson Avenue be torn down.

**The following guidelines were addressed:**

ST1 Guideline: Consider relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship.

**Negative Finding**

Comment: This wall design does not present a historically appropriate element along the street.

**Appellant's Comment:**

This finding is vague. The size and construction of the retaining wall at 2213 Patterson Avenue very much complements the home and is a vast improvement over the previous lawn condition. Please see the before and after photographs (Exhibits A and B). Assuming historically "appropriate elements" refers to the height of the wall and the construction materials, we found a wide range of wall heights and materials are being used throughout the Triangle. Exhibit C and D exhibit walls in the same square block of the subject home with boundaries of Everett, Patterson, Hilliard and Grinstead.

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The first photograph (Exhibit C) reflects the height of various walls within that square block. The walls were as tall as 40 inches in the same square block. Exhibit D also reflects the various building materials used for the construction of walls within that square block. These photographs reflect that the height of the retaining walls and the materials used vary greatly. There is nothing about this particular wall that suggests that it be torn down when compared to similar walls located nearby.

**ST8 Guideline** - Maintain original front yard topography, including grades, slopes, elevations, and earthen berms where present. New construction should match the grade of adjacent properties. Do not re-contour front-yard berms into stepped terraces, using railroad ties, landscape timbers, or any other historically-inappropriate material for retaining walls.

**Negative Finding**

Comment: The stacked block is not a historically appropriate material.

**Appealant's Response:** ST8 refers to materials that are inappropriate when constructing a terraced front yard. The project at 2213 Patterson Avenue did not include any terracing of the front yard. In addition, regardless of this guideline, there are various material types that have been used for retaining walls in the same square block of the subject home. All of the above materials have been used and are located in the Historic Preservation District. The types of materials described in the Committee's suggested "approved wall" indicated that "This curbing can be a stone, brick or CONCRETE material". The materials used to build the subject wall is a concrete material. There is nothing about this particular wall material that suggests that it should be torn down when compared to the materials used to construct similar walls located nearby ST10. Do not install masonry walls in street-visible locations unless they are used to retain earth at changes in grade, screen service areas, or unless a historic precedent exists.

**Negative and Positive Finding**

Comment: Large slope in the yard so the wall holds earth – no historic precedent for the wall.

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**Appealant's Response:**

The suggestion that no historic precedent for such a wall belies the fact that there are already many such walls in the Triangle. The Cherokee Triangle has many street visible masonry walls constructed in order to retain earth. Please see Exhibit E for photographs of the many types of masonry walls that have been built in street visible locations in the Triangle.

Please see Exhibit F for photographs of walls that were constructed directly across the street and two doors down from the subject property that are street-visible and were built to retain earth. The subject wall is built to retain earth as allowed by ST10 and there is certainly a historic precedent for similar walls being built in the Triangle. For example, there is a concrete retaining wall on Patterson Avenue where it meets Everett Avenue. The retaining wall was built in the 1900's. The wall is over 4 feet in height. The wall was necessary in order to build the home on the lot. In fact, the slope on that corner of Patterson Avenue was removed to build the wall and the home. Therefore, a retaining wall on Patterson Avenue is a historically appropriate element.

Also on Patterson Avenue, directly across the street from appellants home, there is a wall built of stacked block and is terraced. The committee argued that the wall is built on an alley. One side of the side of the masonry wall is built on Patterson Avenue making it a "street-visible location". See guideline ST10

An additional issue that seemed to be a concern of the Architectural Review Committee members was that the wall on Patterson affected the slope throughout the neighborhood. Driving through the Cherokee Triangle one would find repetitive situations on every street where retaining walls exist next door to homes with slopes and no retaining walls. The Arch. Cherokee Triangle Association Committee members have retaining walls. These various textures create architectural and visual interest and do not detract from the cityscape.

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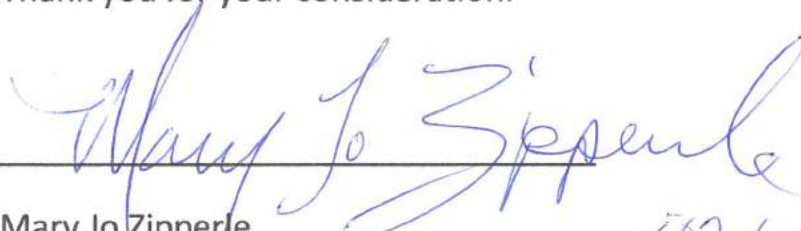
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To clarify, the minutes of the meeting reported that the appellant built the wall because she could not mow the slope. The appellant built the wall because the yard had eroded and because the slope would not hold dirt due to huge tree roots and runoff. Mowing the yard is not possible. The only way to maintain the weeds was to use a weed eater which is dangerous on such a steep incline.

Thank you for your consideration.

  
Mary Jo Zipperle 502-648-0485

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Exhibit A - Before Pictures

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Exhibit B - After Pictures

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Exhibit C - Height of Various Walls

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Exhibit C- Height of Various Walls

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Exhibit D - Various Building Materials

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Exhibit E - Visible from Street

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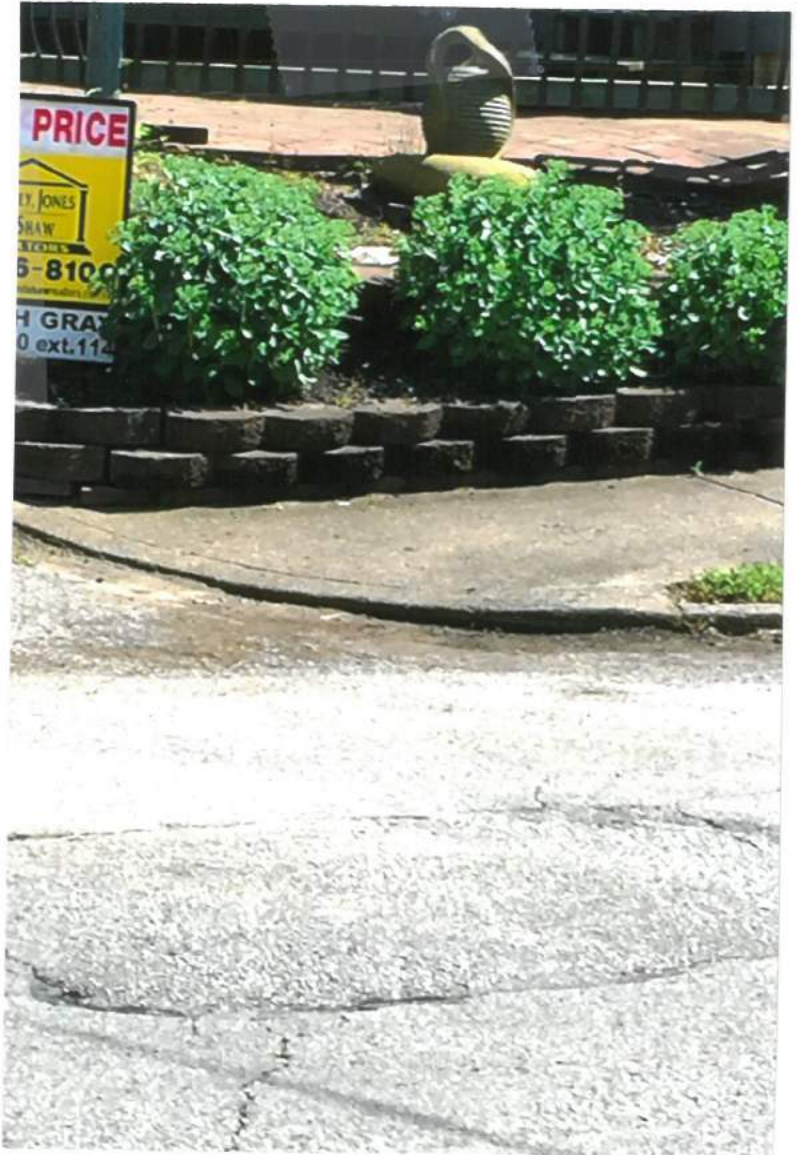


Exhibit F - Across the Street

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Exhibit F - Two Doors Down  
Historic Retaining Walls

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