



Shelter From the Storm



By J. Michael Welton / Published by Dwell – March 21, 2017

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After three years of legal wrangling, a Raleigh couple find peace in their modern dream home.

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Building a house often leads down unexpected roads, but the challenges architect Louis Cherry and Marsha Gordon faced were more unpredictable than most. Both say the design

and construction phases paled in comparison to a different challenge: the legal battle to prevent the teardown of their new home.

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In a historic section of Raleigh, North Carolina, a modern home designed by Louis Cherry became the subject of a lengthy court battle. The house is clad in local cypress and HardiePanel siding in Stormy

Monday by Benjamin Moore.

Photo by Chris Edwards



The modern exterior of the home upset the couple's neighbor, a real estate agent who felt the design would have a negative impact on property values.

Photo by Chris Edwards

The couple started collaborating on the house in 2012, when they began scouring the historic Oakwood district of Raleigh, North Carolina, for a buildable site. "We were very

lucky to find a very tiny lot that was empty, in the perfect neighborhood in proximity to downtown," says Marsha, an associate film professor at North Carolina State University. "Our goal was to build a just-right house—no bigger than it needed to be—and walk or ride bikes to downtown Raleigh in ten minutes."



Louis did much of the woodworking in the house, including the fabrication of the white oak stair treads. The ironwork was crafted by Alex and Gio Welding. A Glo Ball pendant by Jasper Morrison for Flos hangs in front of the staircase.

Photo by Chris Edwards

The 50-by-100-foot lot is small, but that's not unusual in Oakwood. Once the pair bought it, they began to define their needs. That included a shop for Louis—a woodworker and furniture maker, he milled and fabricated most of the joinery in the house—plus a studio, bath, and multifunctional space for living, cooking, and dining at ground level. One bedroom, two baths, and a den would make up the second story of the 2,150-square-foot house.



The first floor's open plan combines kitchen, dining, and living areas; rift-sawn white oak planks line the floors throughout. "It's a tremendous enhancement of our life together," Louis says of the layout. Standard chairs by Jean Prouvé for Vitra surround the beeswax-coated steel dining table.

Photo by Chris Edwards

But in November 2013, just weeks after they broke ground, a neighbor appealed the house's certificate of appropriateness, granted by the Raleigh Historic Development Commission (RHDC). At issue for the neighbor, who lived in a traditional house built in 2008, was the new home's modern exterior, which Louis had designed.

Of all the styles in Oakwood—Victorian, Italianate, Greek Revival—Louis zeroed in on the language of the Arts and Crafts movement, reinterpreting it for the 21st century. "I felt it could be best adapted to my own sensibilities, like using local materials, simplicity, expression of structure—even the fenestration patterns," he says.



Beneath the white oak cabinets, ash limestone tiles from Artistic Tile's Vestige collection form a chevron pattern.

Photo by Chris Edwards

The 2013 appeal by the neighbor, who declined to comment for this story, was the opening salvo in a testy three-year battle that wound its way to the state's supreme court, threatening demolition and halting work for months in 2014. "We were picking out tile when we realized we'd have to stop construction," Marsha says.

Calling the new home "garishly inappropriate," the neighbor's appeal was to be heard by Raleigh's Board of Adjustment. "The structure as proposed is incongruous to the Oakwood Historic District," the complaint stated. "It will harm the character of the neighborhood and contribute to erosion of the neighborhood's value as an asset to its residents, to the surrounding communities, to the businesses it supports, to in-town and out-of-town visitors, and to the City as a whole."



The windows are by Jeld-Wen, and the metal roof is by Galvalume. "I feel lucky to contribute to the architectural diversity in the neighborhood with something truly of this moment that got built despite the odds," says Marsha.

Photo by Chris Edwards

Since Louis and Marsha had followed RHDC's rules, and were told the appeal proceedings would be a formality, they did not attend the hearing, where the neighbor and her lawyer presented for three hours. After reviewing the argument, the BoA voted three-to-two to reverse the home's certificate of appropriateness in February 2014.

At once, support for the couple poured in, from neighbors, from the media—most notably Paul Goldberger in *Vanity Fair* and Al Roker on *Today*—and from homeowners across the nation who had been subjected to similar cases of NIMBY-ism. North Carolina Modernist Houses established a legal defense fund for all threatened modern homes in the state. The couple would need that financial help, though their expenses would far exceed the approximately \$25,000 the fund raised.

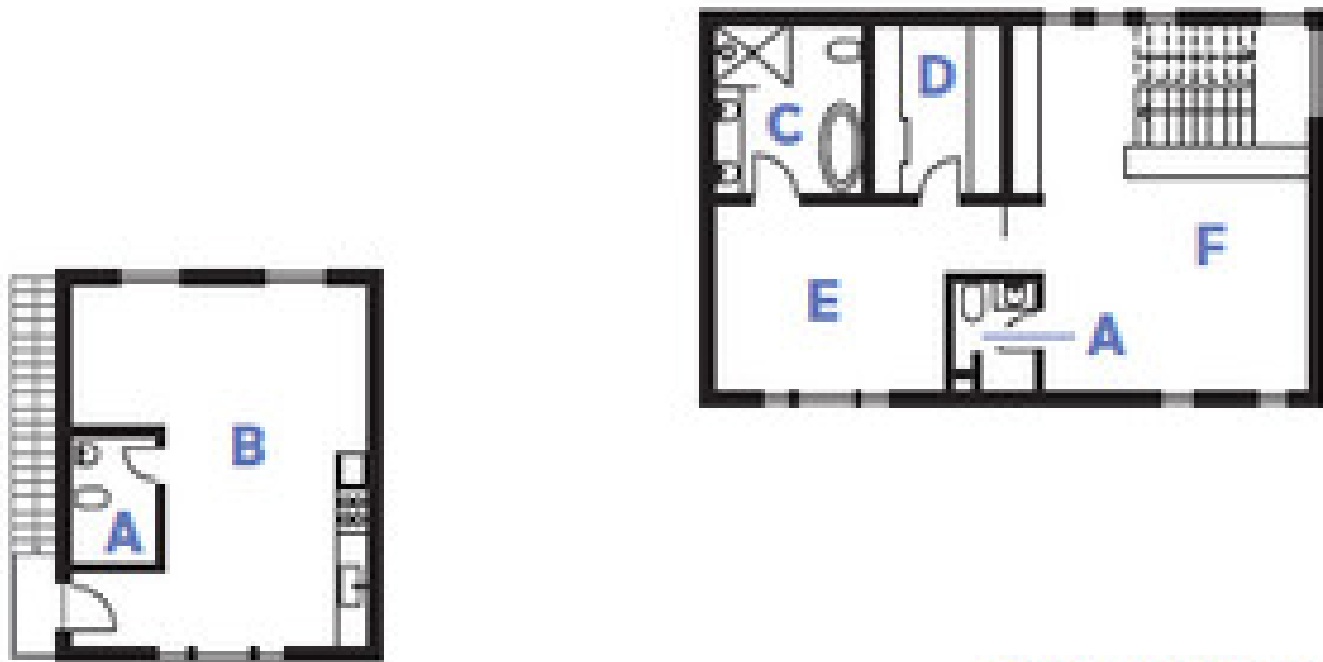
In April of 2014, Marsha and Louis obtained an injunction in Wake County Superior Court to allow construction to prevent damage to the structure. By August, the case was being heard in court. The couple's attorney, Nick Fountain, was no stranger to design: A former chair of the RHDC's Certificate of Appropriateness Committee, he owns the Fadum House, one of Raleigh's iconic modern homes.

Cherry-Gordon Residence

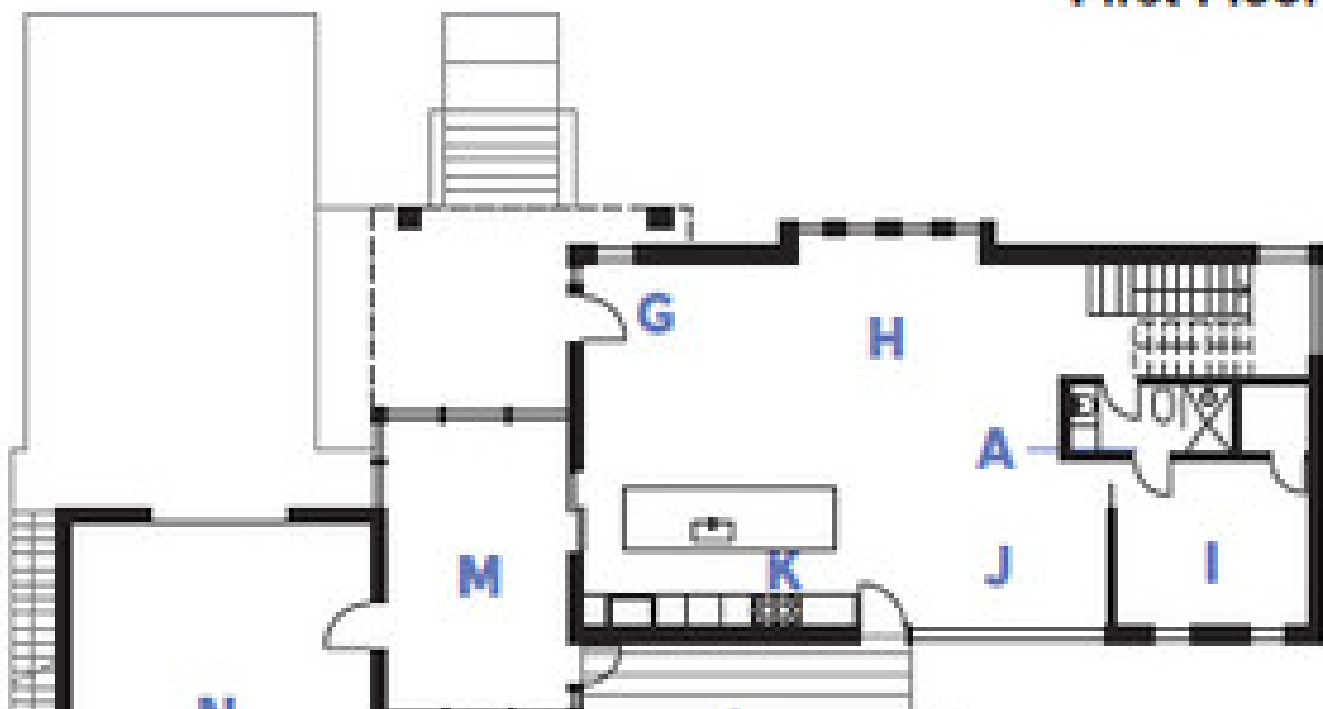


ARCHITECT **Louis Cherry Architecture**

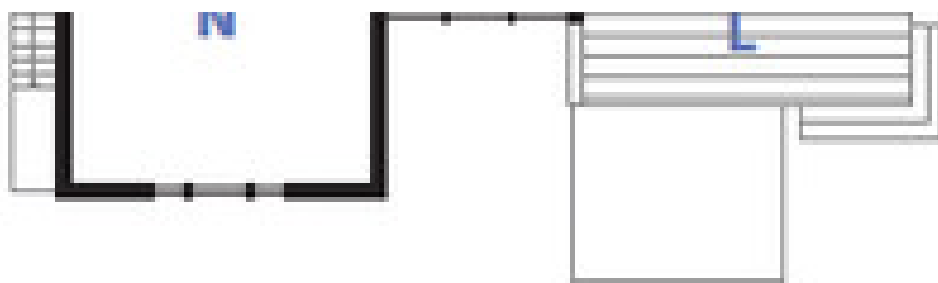
LOCATION **Raleigh, North Carolina**



Second Floor



First Floor



- | | |
|--------------------------|----------------------------|
| A Bathroom | H Dining Area |
| B Studio | I Office/Guest Room |
| C Master Bathroom | J Living Area |
| D Master Closet | K Kitchen |
| E Master Bedroom | L Deck |
| F Den | M Screened Porch |
| G Entrance | N Garage |
-

Illustration by Lohnes + Wright

"Being embroiled in the legal situation added a lot of time to our building plan. It gave us the opportunity to think about our decisions and fine-tune the design." Louis Cherry, architect and resident

On September 15, 2014, Judge Elaine Bushfan ruled that the neighbor couldn't prove she would "suffer an immediate or threatened injury distinct from the general community." It wasn't the court's place to reweigh the home's appropriateness, she said, and, since procedure was followed, there was no ground for contesting the approval. Louis and Marsha immediately ramped up construction, but when they moved into the house in November 2014, it was no more finished than their case. After the neighbor appealed

Bushfan's decision, a state appeals court ruled in the couple's favor in February 2016. Six months later, the state supreme court denied the neighbor's petition for a second appeal.



Marsha and Louis collect herbs

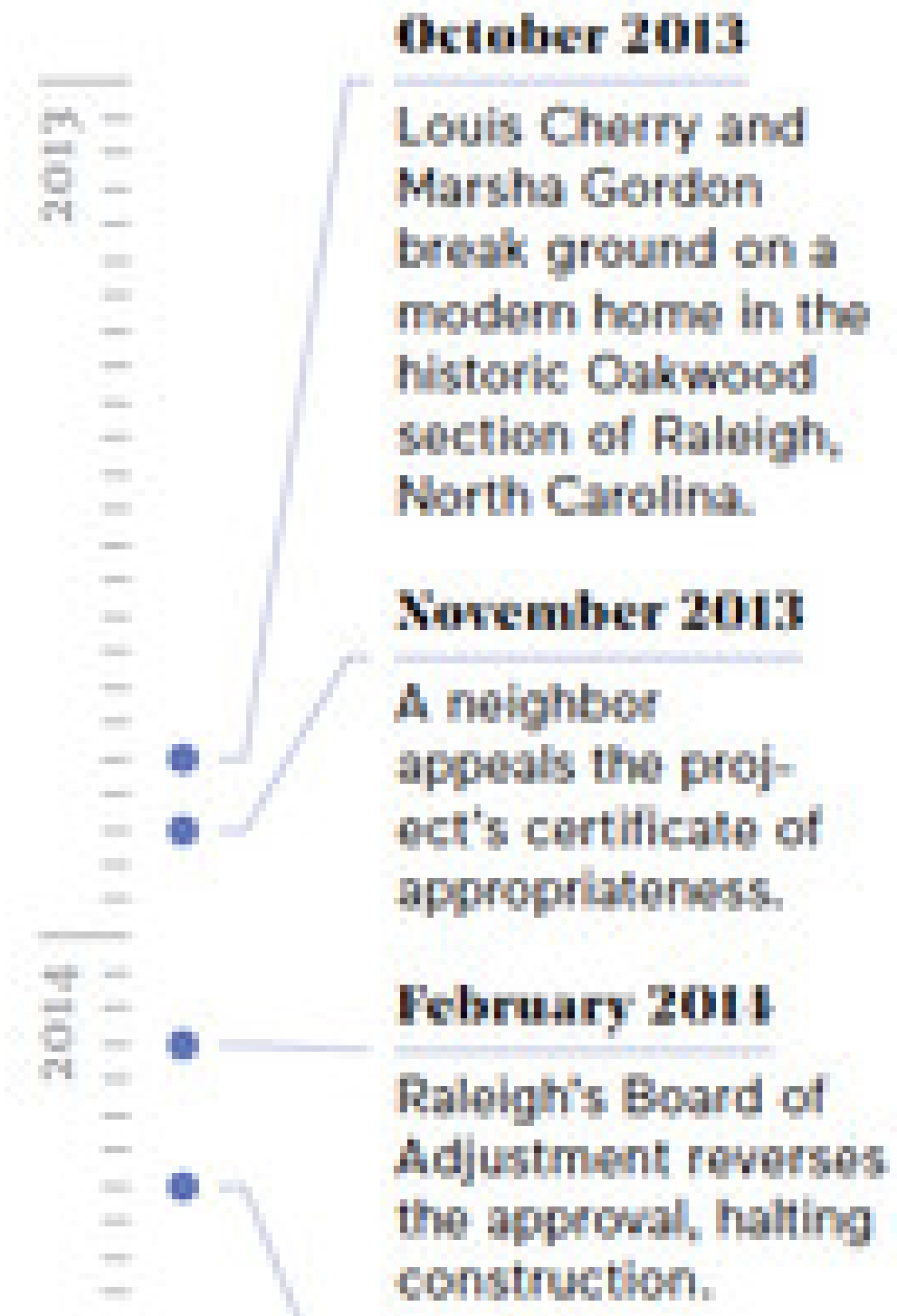
in a garden by their screened porch (above). The home's exterior cypress cladding is finished with Sikkens ProLux Cetol stain in Teak.

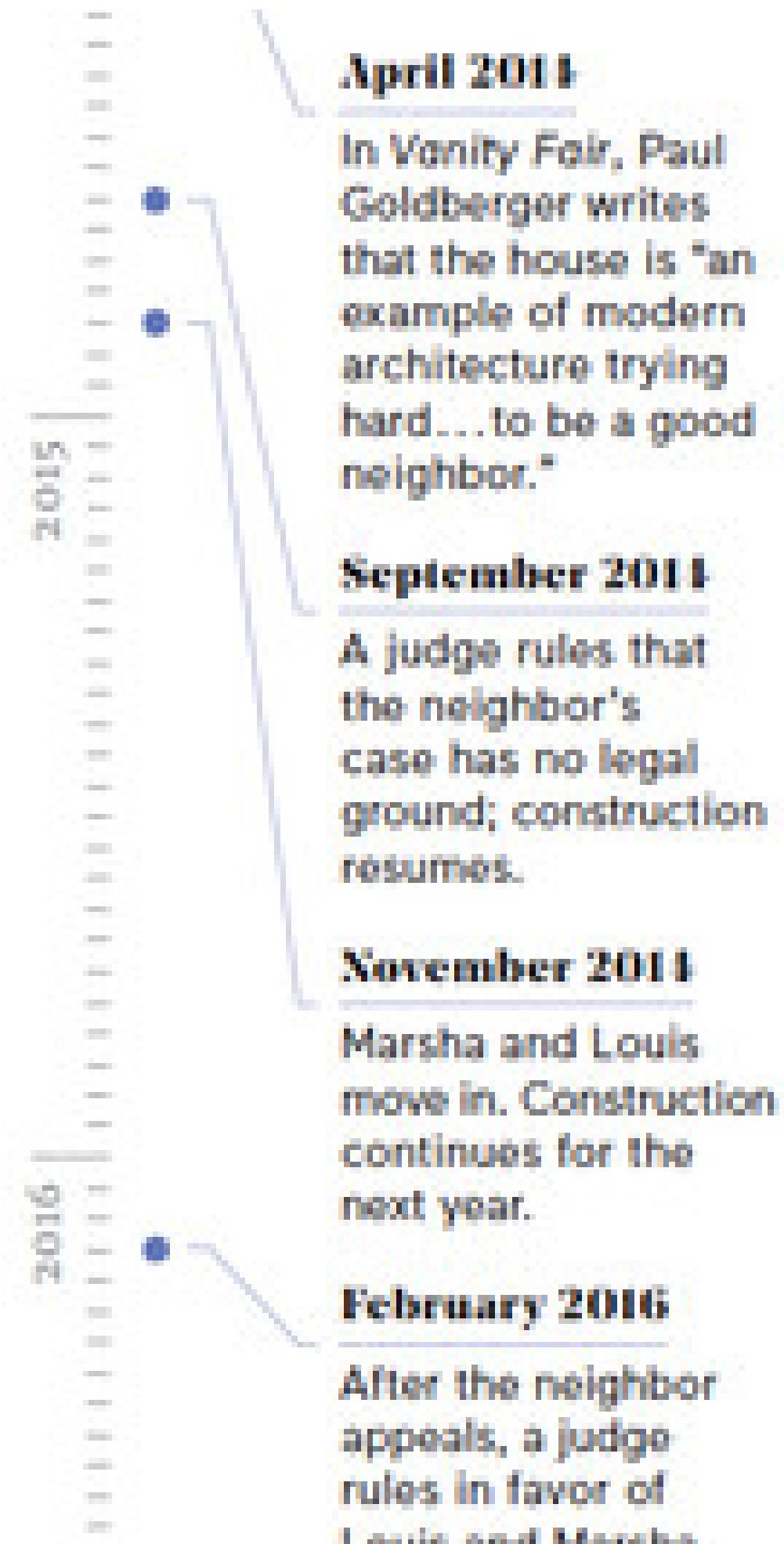
Photo by Chris Edwards

"People have a right to express their desires," Louis says, now happily home. "If you're not harming someone else, you can build the house of your dreams."

Design Docket

How a house made its way to the North Carolina Supreme Court







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Mike Welton writes about architecture, art and design. His work has appeared in The New York Times, Interior Design, Inform, Modern and Artworks. He also publishes an online design magazine at www.architectsandartisans.com.

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