



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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February 8, 2010

Tim Windholz
4001 W. 14th St.
Lawrence, KS 66049

RE: DR-8-98-09; 423 E 19th St; New Construction
RE: DR-8-99-09; 1926 Larnard Ave; New Construction

Dear Mr. Windholz:

The Lawrence Historic Resources Commission (HRC) at their meeting on January 21st, 2010 did not approve the above-referenced requests. The HRC determined that the project, as proposed, does not meet the established standards and guidelines for new construction located within the environs of a Lawrence Register of Historic Places property. Specifically, the HRC found:

In accordance with Section 22-505 (A) (4) of the Code of the City of Lawrence, the project "would significantly encroach on, damage, or destroy the landmark."

In accordance with Section 22-505 (B) of the Code of the City of Lawrence, the Commission was of the opinion that "Every reasonable effort" was not made to provide a compatible use for a property that requires minimal alteration of site and its environment, or to use a property for its originally intended purpose;

Additional Design Criteria in Section 22-506 identifies:

The purpose of these design criteria is to encourage preservation of intact significant properties; restoration of significant properties that have already undergone insensitive alterations; and new construction, as long as such complement the existing buildings and streetscapes.

(2) New Construction and Additions to Existing Buildings.

- (a) The design for new construction shall be sensitive to and take into account the special characteristics that the district is established to protect. Such consideration may include, but should not be limited to, building scale, height, orientation, site coverage, spatial separation from other buildings, facade and window patterns, entrance and porch size and general design, materials, textures, color, architectural details, roof forms, emphasis on horizontal or vertical elements, walls, fences,



landscaping, and other features deemed appropriate by the Commission.

- (b) New buildings need not duplicate older styles of architecture but must be compatible with the architecture within the district. Styles of architecture will be controlled only to insure that their exterior design, materials, and color are in harmony with neighboring structures.
- (c) The following specific design criteria shall be used to review all applications for certificates of appropriateness for new construction or additions to existing buildings:
 - (3) Demolition, Relocation, and Land Surface Change.
 - (a) Demolition in whole or in part of individual landmarks or any key contributory or contributory structure within an historic district shall not be permitted. Exceptions are allowed only if a structure has been substantially damaged through fire or deterioration, and if there is reasonable proof that it would not be economically or physically feasible to rehabilitate. Other exceptions may be allowed if a structure does not possess the integrity, originality, craftsmanship, age or historical significance to merit preservation. However, demolition of past additions which have not gained historical significance and which have disguised or sheathed original elements or facades are encouraged, as long as the intention is to restore such elements or facades. Demolition under this chapter shall be subject to Ordinance 5810, as amended.
 - (b) Structures should not be removed from their original site. Exceptions will be allowed only if there is substantial evidence that it would not be practical or economical to utilize the building on its present site. If a structure lies in the path of a public improvement project, involving the city and if the building is worthy of preservation by virtue of its integrity, originality, craftsmanship, age, or historical significance relocation may be considered as an alternative.
 - (c) Major and substantial change of land surface within the boundaries of a landmark or historic district should not be permitted. Exceptions will be allowed only if there is substantial evidence that the change would not be detrimental to the historical and architectural character of surrounding structures or landscaping.

In addition, the Commission was of the opinion that the project, as proposed, does not meet the Area 1 standards of the Zinn-Burroughs House environs at 1927 Learnard Ave as adopted by the City Commission on July 12, 2005. Specifically, the environs definition identifies:

- Maintaining the existing structures and visual appearance of the environs is the primary focus of review.
- Major projects (major additions, new infill construction, major alterations, roof changes, dormers, etc., to the front facing elevations) would be reviewed by the Historic Resources Commission. All design elements are important. The proposed alteration or construction should meet the intent of the Secretary of the Interior

Standards for Rehabilitation, the Standards and Guidelines for Evaluating the Effect of Projects on Environs, and the Criteria set forth in 22-505.

According to Chapter 22-504, a denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The reasons identified by the Commission are identified above. The Commission shall also make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission. Following are recommendations made by the Commission to change the application so that it will meet the standards.

1. There is no issue with the placement, orientation and design of the structure for 423 E 19th Street.
2. Reorient the structure for 1926 Learnard so that it is perpendicular or parallel to Learnard. This was one of the biggest concerns for the Commission as the pattern of the environs is structure orientation to the streets in a perpendicular or parallel pattern.
3. If the structure cannot be oriented in a compatible position, the structure could be placed closer to the east and south property lines to reduce the visual impact on the Zinn-Burroughs House. (Similar to option presented by applicant with adjustment to the southeast.)
4. Divide the parking area for the two duplexes. This will minimize the "parking lot" effect that is in the direct line of site from the Zinn-Burroughs House.
5. Recess the parking area so that it is not in front of the proposed structures. Even if the parking area is not divided, moving the parking to the east as much as possible will reduce the impact.
6. Provide landscaping and retaining wall/fencing in natural materials to reduce the impact of the parking area. The full Commission was not in agreement on this recommendation.

Another issue identified at the public hearing of the Commission was the possibility of the 19th Street duplex taking access from 19th Street. Planning staff, including the Director of Planning and Development Services who serves as the Floodplain Administrator for the City of Lawrence, has reviewed the plat and rezoning files for this lot. As with many infill development projects, development of this lot faces challenges from multiple areas of the City Code established to protect the public health, safety, and general welfare. Planning staff has identified that at this time, the addition of a driveway on 19th Street is not advised due to the current floodplain and the use of 19th Street as a minor arterial. (See Chapter 20, Article 12 Floodplain Management Regulations and Article 9 Section 15(e)(1)).

The Historic Resources Code (Chapter 22-504 (B)) also identifies:

- (B) Any person dissatisfied with a determination by the Commission concerning a certificate of appropriateness may file an appeal to the City Commission within fifteen (15) days of the date of notification of that determination. The City Commission must act on this request within thirty (30) days of receipt and must hold a public hearing on the appeal.

As indicated at the HRC meeting, we encourage you to work with staff to revise your project so that it meets the identified standards and guidelines while achieving your desired project goals. You may appeal the Historic Resources Commission determination per Chapter 22 of the Code of the City of Lawrence. If you wish to appeal the HRC determination, you will need to request a public hearing before the City Commission in writing within fifteen (15) days of the date of this letter. Please contact me if you wish to appeal this decision and I will make sure you have the appropriate information.

On behalf of the City of Lawrence and the Historic Resources Commission, I would like to thank you for your cooperation. If I can be of further assistance, please do not hesitate to contact me (832-3151).

Respectfully,

Lynne Braddock Zollner
Historic Resources Administrator