

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Lynne Braddock Zollner, Historic Resources Administrator

**CC:** Scott McCullough, Director PDS  
Sheila Stogsdill, Assistant Director Planning

**DATE:** February 16, 2010

**RE:** Appeal of Historic Resources Commission's Denial of Certificate of Appropriateness for 423 E 19<sup>th</sup> Street and 1926 Learnard Avenue

Please place the following item on the future agenda items memo to be placed on the City Commission March 9, 2010 agenda. The City Commission must hold a public hearing and act on this appeal request within thirty days from February 16, 2010. (Code of the City of Lawrence 22-504(B))

**I. Project Description.** At their meeting on January 21<sup>st</sup>, 2010, the Lawrence Historic Resources Commission (HRC) denied the Certificate of Appropriateness requests for new construction located at 423 E 19<sup>th</sup> Street and 1926 Learnard Avenue. 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. The proposed project is within the environs of the Zinn-Burroughs House located at 1927 Learnard Avenue. The Zinn-Burroughs House was placed in the Lawrence Register of Historic Places by the City Commission on July 12, 2005, under Criterion 3 for its association with William Burroughs and Criterion 4 as a good example of the bungalow house type with craftsman detailing. This house type is often associated with the early twentieth century middle class is important to the study of the evolution of architectural styles in Lawrence. (Merit Zinn, original owner, was a streetcar motorman.) 1927 Learnard is not currently listed in the Kansas or National registers and is not subject to review under K.S.A. 75-2715—75-2725, as amended.

The applicant is appealing the decision of the HRC in accordance with Section 22-504(B) of the Code of the City of Lawrence.

**II. Project Description/History.** The applicant is proposing to construct two duplexes on the properties addressed as 423 E 19<sup>th</sup> Street and 1926 Learnard Avenue. Each duplex will have a footprint of approximately 1860 square feet with individual units having 870 square feet. The HRC first reviewed the new construction request on September 17, 2009 and **approved** the Certificate of Appropriateness with conditions. (See attached staff report and action letter.) One of the conditions of approval was that the applicant work with the Architectural Review Committee (ARC) on the final design and placement of the new structures. The applicant agreed to this condition at the September 17, 2009 public meeting. The ARC met twice on the proposal: once without the applicant to identify alternatives that would meet the majority of the applicants' goals while meeting the applicable standards and guidelines; and once with the applicant to discuss design alternatives. The

ARC and the applicant could not come to consensus on the final placement of the parking area and orientation of the duplex proposed for 1926 Learnard Avenue. The project was returned to the full HRC for review because the conditions of approval could not be met. The HRC reviewed the project at their meeting on January 21, 2010. The Commission was of the opinion that the project, as proposed, did not meet the applicable standards and guidelines and did not approve the Certificate of Appropriateness. Specifically, the HRC found:

- The project “would significantly encroach on, damage, or destroy the landmark.”
- “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;
- The design for new construction was not sensitive to and did not take into account the special characteristics that the district in respect to building orientation, site coverage, and spatial separation from other buildings.
- The proposed orientation of the one structure and the placement of the parking area are not in harmony with neighboring structures.

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.

The HRC identified that a 45° rotation of the proposed structure would make the structure compatible with the orientation of the structures in the environs and would allow for the parking area to be shifted to the east. Staff mailed the official letter of determination to the applicant on February 8, 2010. (See attached)

**III. Project Status.** In accordance with 22-504 (B) of the Code of the City of Lawrence, the applicant filed an appeal to the City Commission within fifteen days of the date of notification of the determination by the HRC concerning the denial of the Certificate of Appropriateness. 22-504 (B) of the City Code also identifies that the City Commission “must act on this request within thirty (30) days of receipt and must hold a public hearing on the appeal.” Chapter 22 does not identify criteria for the City Commission to consider in addition to the criteria considered by the HRC. The Standards for Review for the City Commission are the Standards identified in Chapter 22 Section 505. 22-506 identifies Design Criteria used to promote the standards in 505 and 506.1 shows Illustrative Design Criteria. (See attached Design Criteria)

Specific Standards for Review and Design Criteria applicable to this application include:

- The least stringent evaluation is applied to the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness should be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district.
- Every reasonable effort shall be made to provide a compatible use for a property that

requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;

- The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed.
- Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.
- The design for new construction shall be sensitive to and take into account the special characteristics that the district is established to protect.
- 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.
- 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.

Illustrated Design Criteria are attached.

22-505 (A)(4) also states that if the HRC “denies a certificate of appropriateness in this category, and the owner(s) appeals to the City Commission, the burden to affirm the denial shall be upon the Commission, the City or other interested persons.”

Other items to be addressed before the release of building permits:

- This project will require a new water main extension. The design for this improvement has not been submitted/approved.
- This project will require individual sewer service connections. Utilities has not approved plans.
- This project will require a Floodplain Development Permit. This application is pending final design approval.
- Building Permit Review/Approval

**IV. Commission Options.** The following are options available to the City Commission.

A. Affirm the HRC denial of the Certificate of Appropriateness as the proposed project does not meet the applicable standards and guidelines and will significantly encroach on, damage, or destroy the landmark Zinn-Burroughs House. This action will uphold the HRC determination and a building permit for this proposal cannot be issued. There is no limitation on successive applications. The applicant may submit a new request at any time.

B. Approve the Certificate of Appropriateness with conditions or modifications. This action will overturn the HRC determination. The City Commission may add conditions or modifications to the proposal to help achieve the applicable standards and guidelines or to mitigate the impact of the proposed project on the landmark property and its environs. Appropriate conditions or modifications could be:

1. 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.
2. 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.)

3. 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.
4. 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.
5. Provide landscaping and retaining wall/fencing in natural materials to reduce the impact of the parking area.

C. Approve the Certificate of Appropriateness for the proposed project. This action will overturn the HRC determination. A building permit may be issued as soon as the other project items are complete (utilities design/approval, floodplain development permit, and review for building code compliance).

**V. Action Request.** The City Commission should hold a public hearing and act on the appeal request for the proposed new construction located at 423 E 19<sup>th</sup> Street and 1926 Learnard Avenue before March 17, 2010.