
LAWRENCE HISTORIC RESOURCES COMMISSION
ITEM NO. 5: DR-8-99-09
STAFF REPORT

A. SUMMARY

DR-8-99-09 1926 Learnard Avenue; New Construction; Certificate of Appropriateness Review. The structure is located in the environs of the Zinn-Burroughs House (1927 Learnard), Lawrence Register of Historic Places. Submitted by Tim Windholz for Wendy Stauffer, Jennifer Hemphill, Jill Windholz and Carolyn Hemphill, the property owners of record.

B. PROJECT DESCRIPTION

The applicant is proposing the new construction of a duplex on the existing vacant lot.

C. STANDARD FOR REVIEW

For Certificate of Appropriateness Review, Section 22-505 of the Code of the City of Lawrence indicates that the least stringent standard of evaluation be applied to properties within the environs of listed properties:

4. The least stringent evaluation is applied to noncontributory properties and the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness shall be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district. If the Commission 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.

For projects requiring a Certificate of Appropriateness, the Historic Resources Commission must use the general standards and design criteria listed in Section 22-505 of the Code of the City of Lawrence. Therefore, the following standards apply to the proposed project:

1. 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;

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;

4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have

acquired significance in their own right, and this significance shall be recognized and respected;

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity;

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conceptual designs or the availability of different architectural elements from other buildings or structures;

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken;

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, and project;

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration 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.

General Standards

For projects that require a Certificate of Appropriateness the Historic Resources Commission is required to use the general standards and the design criteria listed in the Conservation of Historic Resources Code, Chapter 22 of the City of Lawrence Code.

Typically, the design criteria in section 22-506 are used in the review of projects. The following is the design criteria that apply to the project.

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:

Secretary of the Interior's Standards for Rehabilitation

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
2. *The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.*
3. *Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
4. *Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.*
5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
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.*
10. *New additions and adjacent related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.*

In conducting Certificates of Appropriateness, the Commission has used a standard of review based on the designation of the property or its proximity to the designated property.

The adopted environs definition for the Zinn-Burroughs House at 1927 Learnard Avenue identifies that projects should be reviewed in the according to the area of location of the project. The proposed project is in Area 1 and the following standards apply:

Area 1: Maintaining the existing structures and visual appearance of the environs is the primary focus of review. Main structure demolitions would be approved if documentation was provided that indicated that the structure was unsound and/or a certificate of economic hardship was approved.

Minor projects (minor additions, porch remodeling, window and door changes, demolition of outbuildings, etc.) that do not involve the front facing facade will be approved administratively by the Historic Resources Administrator. 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.

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.

D. STAFF ANALYSIS

The HRC approved with conditions this application at the 9-17-2009 meeting. One of the conditions of approval was that the applicant work with the Architectural Review Committee for the final design:

- 1. The applicant will work with the Architectural Review Committee to finalize the design and placement of the structure;*

The ARC has met twice (once with the applicant) without coming to a consensus on the placement and orientation of the structure on the property. The ARC also had significant concerns about the location of the parking area. The optimal placement of the structure would reduce the impact of the direct line of sight to the parking area from the Zinn-Burroughs House. Following is a review of the information that was included in the original staff report for your information.

The applicant is proposing to construct a pair of duplexes on the properties addressed as 423 E 19th Street and 1926 Learnard Avenue. Each duplex will have a footprint of approximately 1860 square feet with individual units having 870 square feet (remainder in porches and bump-out extensions.) The structures will be built on a slab concrete foundation and will have asphalt shingle roofs. Sheathing material is not noted in the application, but staff conversations with the architect indicate some type of lap siding, likely fiber-cement board.

The intent of Chapter 22 is not to limit or retard growth. The intent is for growth and redevelopment to occur in a planned fashion that will not negatively impact the important historic resources that have been identified by the community worthy of protection. Environs review for locally listed properties is the planning tool used by the City of Lawrence to ensure development or redevelopment is sensitive to the character of these listed places. This particular project is located in the environs of the Zinn-Burroughs House listed in the Lawrence Register of Historic Places by the City Commission in 2005.

Staff is of the opinion the proposed duplex is compatible with the environs of the Zinn-Burroughs house in size, scale, massing, and what is know of the materials. The only concern for staff is the placement of the structures on the lots with the large parking area in front of the structures. The lots pose challenges for development as they are irregular shaped, have a portion of the lot in the regulatory floodway and additional area in the floodplain. The proposed site layout will minimize the intrusion of development into the floodway (only a small portion of the driveway approved by the BZA B-08-11-09 on September 3, 2009) and remove the structure from the floodplain. However, the

placement of the structures to the east of the lots places the parking to the west of the structure in direct line of sight to the Zinn-Burroughs House and places one duplex at an angle to Learnard Avenue. A positive aspect of placing the structures to the east of the lots is they will be further removed from the listed property and the open "rural" aspect of the view from the Zinn-Burroughs house will be somewhat maintained. The placement/orientation of the proposed structure for this lot is problematic. Staff is of the opinion that there is a way to slightly alter the placement/orientation of the structure for this lot and the parking area site plan to reduce the impact of the direct line of sight to the listed property. This minor adjustment would make the project will be more compatible.

E. Summary

For Certificate of Appropriateness review for environs projects, there is a presumption that a Certificate of Appropriateness shall be approved unless the proposed construction or demolition would **significantly** encroach on, damage, or destroy the landmark or historic district. The project is compatible in size, scale, massing and materials to the environs and to the listed property. The project is not compatible in terms of placement and orientation of the proposed structure. The proposed project will change the spatial relationships of the environs of the listed property. The placement of the parking is problematic. The placement of the parking lot in the direct line of sight will damage the environs of the listed property. Staff is of the opinion that if there is a way to slightly alter the structure placement/orientation and site plan and reduce the impact on the environs of the listed property. With this refinement, the application would meet the intent of Chapter 22, the Historic Resources Code of the City of Lawrence.

The alteration of the spatial relationships of the environs and the visual impact created by the placement of the parking area in the direct line of sight encroach upon and damage the environs of the listed property. The difficulty for Staff is the determination as to if the extent of the encroachment and damage reaches the threshold of "significantly". "Significantly" is not defined in Chapter 22. If the applicant utilizes landscaping, the impact of the parking area could be mitigated to some extent thereby reducing the impact on the line of sight from the listed property. With this addition, Staff is of the opinion that the encroachment and damage to the listed property does not reach the level of significance implied by the code language.

F. STAFF RECOMMENDATION

In accordance with Chapter 22 of the Code of the City of Lawrence, the standard of evaluation, staff recommends to approve the proposed project and make the determination that the proposed project does not encroach upon, damage or destroy listed historic properties and their environs. This approval should be subject to the following conditions:

1. The applicant submit a landscape plan to be reviewed and approved by the HRA;
2. The applicant provide complete construction documents with material notations to be reviewed and approved by the HRA prior to release of a building permit;

3. Any changes to the approved project will be submitted to the Historic Resources Commission for review and approval prior to the commencement of any related work;
4. The property owner will allow staff access to the property to photo document the project before, during, and upon completion of the project.