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**LAWRENCE HISTORIC RESOURCES COMMISSION**  
**ITEM NO. 4: 711 Connecticut Street**  
**STAFF REPORT**

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**A. SUMMARY**

711 Connecticut Street : Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Street Historic Residential District, National Register of Historic Places. It is also located in the environs of the Octavius W. McAllaster Residence (724 Rhode Island), Lawrence Register of Historic Places. Submitted by Michael Tubbs of Tubbs Law Firm for James and Nancy Dunn, the property owners of record. The applicant has requested the following:

DR-12-146-10 Demolition of the existing structure and new construction of a 6 unit structure

DR-01-05-11 Site Plan for a new 6 unit multi-family structure

DR-01-06-11 Rezoning from RM24 to RM32

DR-2-13-11 Parking Variance to reduce the number of required parking spaces from 7 to 6.

**B. PROJECT DESCRIPTION**

Currently the property is zoned RM24 and the main detached dwelling is vacant. There is an accessory structure on the property that is currently used as a living unit. The applicant has submitted requests to rezone the property to RM32, demolish the existing historic structures, and site plan and construct a new structure that will be a multi-family structure with 6 units. The applicant has also requested a variance to reduce the number of required parking spaces for the new structure from the 7 spaces required by code to 6 spaces.



711 Connecticut on January 5, 2011

### C. STANDARD FOR REVIEW

For Certified Local Government Review of projects within the environs of listed properties, the Historic Resources Commission has typically used the Standards and Guidelines for Evaluating the Effect of Projects on Environs to evaluate the proposed project. Therefore, the following standards apply to the proposed project:

- 1. The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.*
- 2. The environs of a property should be used as it has historically been used or allow the inclusion of new uses that require minimal change to the environs' distinctive materials, features, and spatial relationships.*
- 3. The environs of each property will be recognized as a physical record of its time, place, and use. Changes to the environs that have acquired historic significance in their own right should be retained and preserved.*
- 4. Demolition of character-defining buildings, structures, landscape features, etc. in a historic property's environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.*
- 5. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 6. New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.*
- 7. Moved historic properties that have not retained or acquired historic significance in their new environs shall be considered as artifacts without environs.*

#### **Guidelines for Evaluating the Effect of Projects on Environs specific to this project:**

##### **DEMOLITION**

###### **Recommended**

Retain the features that define the character of a listed property when possible.

When removal of a character-defining feature or structure is necessary, a new feature or structure that is compatible with the environs should be installed.

###### **Not Recommended**

Demolition of character-defining features or structures with no plans for compatible replacement features or structures.

Demolition of character-defining structure(s) with the intent of creating open space, such as a parking lot or park

Demolition of a character-defining structure(s) and replacement of it with a historic building moved to the site.

## **ZONING**

### **Recommended**

Maintain zoning that continues the histories land use in the environs of a listed property.

When rezoning is required within the environs of a listed property, the impact of the rezoning should be considered and steps taken to mitigate adverse effects.

When replatting is necessary, all subsequent new construction should be compatible with the environs in relationship to the setbacks, form, size, scale massing, etc.

### **Not Recommended**

Rezoning to allow development that is incompatible and/or inconsistent with the character of the environs.

Speculative or spot zoning without a well-defined use for the property that is compatible with the environs.

Any rezoning without design documents indicating the compatibility of the proposed new use, addition, and/or infill construction.

Replatting to facilitate new construction that is incompatible and/or inconsistent with the character of the environs of a listed property.

## **PARKING**

### **Recommended**

When possible, maintain the parking patterns that characterize the environs of a listed property.

When new parking areas are required, design them to be consistent with the character of the environs and to intrude as little as possible.

### **Not Recommended**

Wholesale modification of traditional, character-defining parking patterns.

Creation of new parking areas that are incompatible and/or inconsistent with the parking patterns that characterize the environs.

## **NEW / INFILL CONSTRUCTION**

### **Recommended**

New construction should relate to the setback, size, form, patterns, textures, materials and color of the features that characterize the environs of the listed property.

Where there are inconsistent setbacks or varied patterns, the new construction

### **Not Recommended**

New construction that is inconsistent and/or incompatible with the character of the environs of the listed property.

New construction that destroys existing relationships within the environs of a listed property.

should fall within the range of typical setbacks and patterns in the environs of the listed property.

New construction that dominates the environs.

New construction that obstructs views or vistas from or to the listed property.

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.*

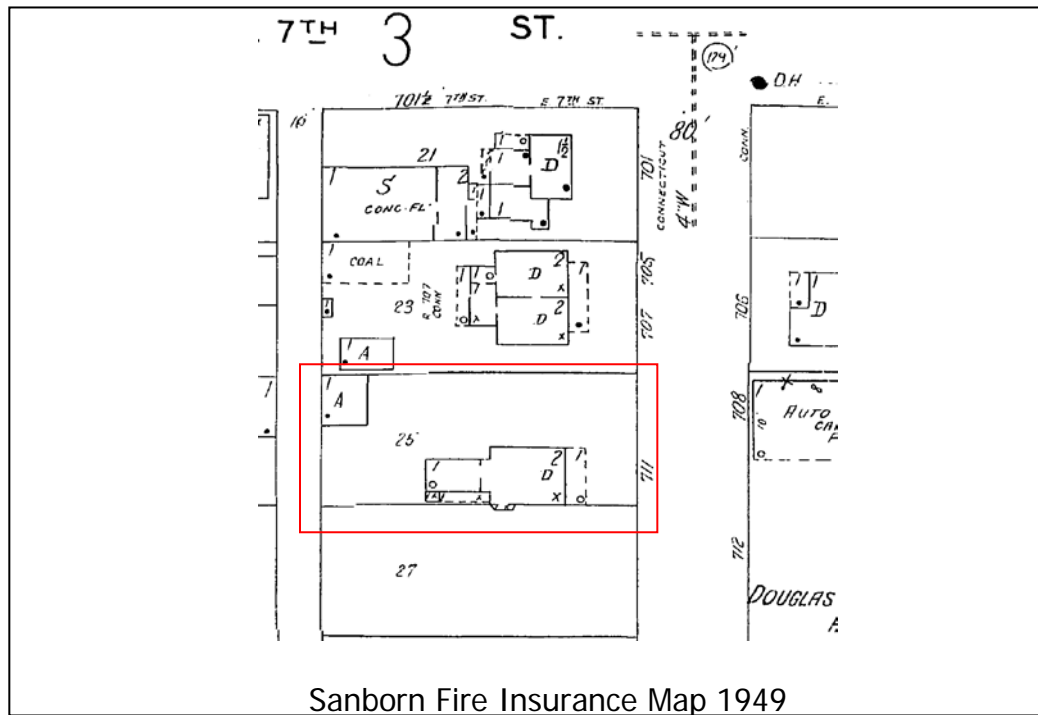
*2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.*

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.

#### **D. STAFF ANALYSIS**

"Environs," as defined by the Standards and Guidelines for Evaluating the Effect of Projects on Environs, means the historic property's *associated* surroundings and the elements or conditions which serve to *characterize* a specific place, neighborhood, district, or area. In an environs review the objective is to determine the impact of a proposed project on a listed property and its environs. Like the treatments for historic properties, guidance for environs review begins with the identification of the character-defining features of the environs, its historic and current character, and what must be retained in order to preserve that character. The character of a listed property's environs may be defined by form; exterior materials such as masonry, wood or metal; exterior features and elements such as roofs, porches, windows or construction details; as well as size, scale and proportion, massing, spatial relationships, etc.



The main structure on the property is a 2.5 story residence built in 1910 with a stone foundation and 1738 square feet of living space. Over time it has been divided into two apartment units, one upstairs and one on the main level, each with one bedroom and one bathroom. According to the Douglas County Assessor's office, this building is listed in fair condition. The secondary structure on the property was constructed around 1920. It is a frame, 1.5 story structure with 576 square feet of living space encompassing one bedroom and one bathroom. The Assessor's office lists this structure in low condition. Aside from the main front door, there is also a staircase on the south side that leads to the half story. The above Sanborn Insurance map shows the two buildings in existence in 1949 in their current size and orientation on the property. Even though it is not included in the nearby historic district, the property has historic integrity of materials and setting which should be seriously considered for this application.

### **Demolition**

Demolition of historic structures is rarely positive for a neighborhood because it destroys the relationships between the structures, landscape features, and open space, and as a result the overall character of the area is diminished. When possible, staff prefers rehabilitation to retain structures and their relationship to the environs of the listed properties. If demolition is approved, it removes the opportunity for a future owner to rehabilitate the existing structure. Staff identifies both of the structures located at 711 Connecticut Street as character-defining features of the environs of the listed property and is of the opinion the structures can be rehabilitated.

The applicant has supplied a condition analysis from architects and a structural analysis from Theron M. Barton of Apex Engineers, Inc. (See Attached) Staff agrees with the recommendation from the

engineer in that the foundation will likely need to be replaced or significantly repaired to rehabilitate the structure. This type of repair is not atypical as part of a restoration process for a structure constructed in 1910 in this area of Lawrence. The HRC has reviewed and approved many foundation replacements and repairs. Staff is also in agreement with the majority of the findings in the engineer's report and is of the opinion that the majority of the issues related to the failing condition of this structure are due to neglected maintenance and care of the structure. The rotting and damaged wood siding and trim did not reach this state of disrepair in the last year. This damage, like that of the foundation and the rotting wood in the walls and structure system has been ongoing for some time. At staff's site visit on January 7, 2011, there was a broken pipe that had not been addressed and had been running water throughout the south side of the structure for some undetermined time. Staff is of the opinion the poor condition of this structure is a direct result of the failure of the current and previous owners to properly care for the structure and neglect maintenance. According to the County Records, the current owner has owned this structure since January 2004.

The definition of demolition by neglect described by the National Trust for Historic Preservation is the "process of allowing a building to deteriorate to the point where demolition is necessary to protect public health and safety." The current owners have been in possession of the property since 2004. Over the course of seven years, few (if any) strides have been made to improve and restore the structure or, at the bare minimum, secure the structure from its future deterioration. This lack of action on the part of the owner has brought the building to its current dilapidated state and is directly responsible for the code citations issued by the City.

On staff's inspection of the property, several character-identifying features were noted to remain in the structure. Original wood floors, baseboards and door trim are all present as well as multi-panel wood doors, built in cabinets, door knobs and air exchanges. While many of these features are in some level of disrepair they are repairable. The main staircase is in good condition with the original wood banister, spindles and newel post.

The subject structure is not currently listed in the Kansas or National Register of Historic Places, but is in the vicinity of several designated historic properties. The rear property line is directly adjacent to the boundary for the North Rhode Island Historic District. Though there is no direct line of sight, 711 Connecticut does share a block with the McAllaster House at 724 Rhode Island and is only one block east of the Downtown Historic District. The treatment of this property influences many historic resources. However, the property is not eligible for tax incentives and grants that might make the rehabilitation of the structures more financially feasible.

The environs guidelines specific to demolition portion of this project include:

**DEMOLITION**

**Recommended**

Retain the features that define the character of a listed property when possible.

**Not Recommended**

Demolition of character-defining features or structures with no plans for compatible replacement features or structures.

When removal of a character-defining feature or structure is necessary, a new



feature or structure that is compatible with the environs should be installed.

Staff is of the opinion the historic structures located at 711 Connecticut Street are character defining features of the environs and could be retained. Staff is also of the opinion the existing historic structures are not in a condition that warrants the entire removal or demolition of the structures but rather a significant rehabilitation of the structures. The existing primary historic structure can be rehabilitated by removing the existing rear addition that seems to have the most damage and repairing the remainder of the structure. A new addition may possibly allow the applicant the additional space desired for the project and the historic structure could be used as a positive component of the redevelopment of the site.

However, staff is aware that because the structure has been allowed to deteriorate unabated for the last decade, the rehabilitation of the structure may result in replacement structures of new materials that visibly look like the historic structures. The question for staff and the HRC is have the structures in the environs achieved such a state of disrepair that their removal should be identified as "necessary." If the Commission determines the structures should be demolished, new compatible construction should be built. The applicant has included a replacement project in the application materials. This project includes the construction of a new 3900 sf apartment building, rezoning the property to RM32, and a variance for required parking.

### **New Construction (including Site Plan review)**

The Standards and Guidelines for Evaluating the Effect of Projects on Environs also identifies that exterior alterations of properties in the environs of a listed property are generally needed to assure continued use, but it is important that such alterations *do not change*, obscure, or destroy any *character-defining* spaces, materials, features and/or relationships. Alterations may include demolition of structure(s) and/or features, providing additional parking, modification of entries, installation of signs, or cyclical maintenance involving repairs with incompatible materials. The line of sight between a listed property and a proposed project is often directly related to the impact of a project on the listed property. As mentioned above, the proposed project has a direct line of sight to the North Rhode Island Street Residential Historic District.

### **NEW / INFILL CONSTRUCTION**

#### **Recommended**

New construction should relate to the setback, size, form, patterns, textures, materials and color of the features that characterize the environs of the listed property.

Where there are inconsistent setbacks or varied patterns, the new construction should fall within the range of typical setbacks and patterns in the environs of the listed property.

#### **Not Recommended**

New construction that is inconsistent and/or incompatible with the character of the environs of the listed property.

New construction that destroys existing relationships within the environs of a listed property.

New construction that dominates the environs.

New construction that obstructs views or  
vistas from or to the listed property.

The applicant proposes the construction of a 2 story apartment structure with 6 Units of approximately 3900 total square feet of living space. The proposed building will have a footprint of 1964 square feet on a land area of 5850 square feet and include 100 square feet of pavement. The proposed materials for the complex are cedar lap siding (6 ¼"), vinyl single hung windows, shingle siding in the gables and wood trim. The roofline consists of a front gable facing Connecticut Street and a cross gable facing north and would be composed of composite shingles.

The applicant has designed a replacement structure that is mostly compatible with the environs of the listed properties. Some of the roof shapes are typical of the neighborhood and the majority of the building materials are compatible with the environs of the listed properties. Staff does not recommend vinyl windows even for replacement structures although they have been approved by the Commission in the past for replacement structures. Architectural details, like porches, porch columns, and gabled-end shingles are used to help the replacement structure be more compatible with the environs of the listed properties. Of concern for staff are the overall size of the structure and the significant loss of green space, rhythm, and patterns for the area.

For the proposed new construction to meet the standards and guidelines for the environs of the listed properties, the overall size of the footprint should be significantly reduced. If the footprint is reduced, this opens the opportunity for the project to meet the rhythm and patterns for the environs, including green space. While there are some larger structures in the area, they tend to be on the corners with more than one lot parcels. The one-story linear commercial area across Connecticut will accentuate the height and mass of the proposed structure. Other design alterations that could help the proposed structure be more compatible include a porch treatment for the front door and removal of large parking areas. The property width parking tray on the alley is not typical in the environs and should not be approved. As proposed, the replacement structure is not compatible, but staff is of the opinion that the applicant can work with the Architectural Review Committee to refine the design so that it is compatible with the environs of the listed properties.

### **Rezoning**

The current zoning for 711 Connecticut Street is RM24. The existing structures currently house 3 dwelling units. The applicant is requesting the zoning be changed to RM32 and would like to place 6 dwelling units on the property. Under the existing City Development Code (Chapter 20 of the Code of the City of Lawrence), it is not possible to have a six unit apartment complex on this 5850sf lot in either the RM24 District or the RM32 District. Because neither of these zoning districts will allow for the applicants request, Staff is of the opinion the request for rezoning should not be approved. A redesigned structure that is smaller to meet the compatibility of the environs of the listed properties would also necessitate fewer units. The size of the new structure should provide the number of units allowed by the RM24 Zoning District. This area of the neighborhood was not identified in the East Lawrence Revitalization Plan as an area to increase density with RM32 zoning. Because of the size and nature of the structures in the environs, the RM24 zoning is the highest residential zoning that should be allowed in this area.

The reduction in the number of units to meet the existing density requirements is possible for the proposed structure. This reduction in size and units will allow for a reduction in the required parking which will eliminate some of the impervious surface and make the proposed project more compatible with the environs of the listed properties.

Staff is of the opinion rezoning the property located at 711 Connecticut Street will allow development that is incompatible and/or inconsistent with the character of the environs, and therefore does not meet the standards and guidelines for rezoning in the environs of a listed property.

### **Variance**

A variance request has been made to reduce the number of required parking spaces from 7 to 6 to accommodate the 6 unit apartment complex. By code, the new construction must have one parking space for per bedroom and 1 parking space for each 10 units. If the applicant reduces the size of the structure to be compatible with the environs of the listed properties, the overall number of units could be reduced and the parking variance would not be needed. Staff is of the opinion the project should be revised so that the variance is not needed.

### **Summary**

Staff is of the opinion the applicant and developer can achieve many of their project goals while using sustainable building practices including the rehabilitation of the existing structures. The reuse and rehabilitation of the existing buildings as part of the overall proposed design does not preclude an addition to the site to provide additional housing and parking. The embodied energy in the existing structure in combination with the reduction and reuse of materials reduces energy, materials waste and consumption. A redesigned plan that incorporates the existing structure as a component of the development is possible and visionary.

However, staff has some concerns that the rehabilitation of the existing structures will not be rehabilitation but rather a replication. Because the properties are located in the environs and are not listed individually or as part of a district, removal may be appropriate if a compatible new structure is constructed on the site. The proposed new structure, does not in staff's opinion, meet the tests for a compatible structure. Overall reduction in size, placement, setbacks, rhythm, forms and patterns need to be adjusted to make the replacement structure compatible.

Staff is also of the opinion the requested rezoning and variance do not meet the established standards and guidelines for properties located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Street Historic Residential District, National Register of Historic Places, and the Octavius W. McAllaster Residence, Lawrence Register of Historic Places.

## **E. STAFF RECOMMENDATION**

### **Demolition**

In accordance with the Standards and Guidelines for Evaluating the Effect of Projects on Environs, the standard of evaluation, staff recommends the Commission approve the demolition of the existing structures located at 711 Connecticut Street and make the determination that the proposed

demolition does not encroach upon, damage, or destroy the environs of the listed historic property if a compatible replacement structure is constructed. This approval is based on the following findings and conditions:

1. The applicant will work with the Architectural Review Committee to reduce the size of the addition, refine architectural elements such as the porch, and reduce the amount of impervious surface and parking ;
2. The applicant will provide measured drawings of the structure before the demolition permit is released;
3. The applicant will board and secure the structure until demolition;
4. The applicant provide complete construction documents, with material notations to be reviewed and approved by the Historic Resources Administrator prior to release of the demolition permit and the building permit for new construction;
5. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
6. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.

In accordance with Chapter 22 of the Code of the City of Lawrence, the standard of evaluation, staff recommends the Commission 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 with the following conditions:

1. The applicant will work with the Architectural Review Committee to reduce the size of the addition, refine architectural elements such as the porch, and reduce the amount of impervious surface and parking ;
2. The applicant will provide measured drawings of the structure before the demolition permit is released;
3. The applicant will board and secure the structure until demolition;
4. The applicant provide complete construction documents, with material notations to be reviewed and approved by the Historic Resources Administrator prior to release of the demolition permit and the building permit for new construction;
5. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;

6. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.

### **Rezoning**

In accordance with the Standards and Guidelines for Evaluating the Effect of Projects on Environs, the standard of evaluation, staff recommends the Commission deny the proposed project and make the determination that the proposed project does encroach upon, damage, or destroy the environs of one or more listed historic properties. Specifically:

Rezoning to allow development that is incompatible and/or inconsistent with the character of the environs.

In accordance with Chapter 22 of the Code of the City of Lawrence, the standard of evaluation, staff recommends the Commission approve the proposed project and make the determination that the proposed project does encroach upon, damage, or destroy listed historic properties and their environs with the following conditions:

1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
2. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.

### **Variance**

In accordance with the Standards and Guidelines for Evaluating the Effect of Projects on Environs, the standard of evaluation, staff recommends the Commission deny the proposed project and make the determination that the proposed project does encroach upon, damage, or destroy the environs of one or more listed historic properties. Specifically:

Wholesale modification of traditional, character-defining parking patterns.

Creation of new parking areas that are incompatible and/or inconsistent with the parking patterns that characterize the environs.

In accordance with Chapter 22 of the Code of the City of Lawrence, the standard of evaluation, staff recommends the Commission 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 with the following conditions:

1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;

2. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.