

Landmarks Commission
Meeting of March 9, 2021
Legistar #64458, Agenda #2

The case studies present the analysis that would be made under the proposed ordinance. Though the analysis is different, for 4 of the 5 historic districts the staff recommendation is word-for-word the same.

Marquette Bungalow case study

The one exception is the Marquette Bungalow district. That case study involves a new front porch and the staff conclusion under the proposed ordinance is that the "Landmarks Commission must decide if the historic configuration of the porch must be retained or if the compatible design found elsewhere in the district meets the intent of the standards."

The Marquette Bungalow case studies assesses a new front porch as an "alteration" rather than as an "addition." "Alteration" is defined under the proposed ordinance as "as any change to any portion of the exterior of a building or site that replaces existing materials or changes its appearance." "Addition" is not defined.

Is a new front porch an alteration or an addition? This makes a difference. For 1012 Jenifer, a back porch was called an addition. For 1514 Rutledge, the analysis was as an alteration (though the district's ordinance says "new additions on the front of the structure are prohibited").

- If it is an alteration, Landmarks could approve the porch even if Landmarks deems the porch conjectural since conjectural features are not prohibited (though are to be avoided). Proposed 41.30(1)(b)1.c.
- If it is an addition, the porch is prohibited. Proposed 41.31(1)(a)1.a. provides: "New additions on the front of the principal structure are prohibited, except for restoring or reconstructing missing historic features that can be documented." Proposed 41.30(6): "An entire entrance or porch that is too deteriorated to repair shall be replaced using any available physical evidence or historic documentation as a model to reproduce the porch features." "A historic entrance or porch shall be retained in all instances, including change of use or space function."

Also, the porch flooring approved was a PVC composite from Timbertech – it appears all Timbertech products have a faux wood grain. The proposed ordinance says: "First floor porch flooring shall be tongue-and-groove boards; carpeting, dimensional lumber or board decking, and composites with faux wood grain texture are prohibited."

Other potential case studies where the result would have been different

Examples could have been provided that illustrate the difference between the existing and proposed ordinances. Some examples where the result could have been different between the existing ordinance and the proposed ordinance (these illustrate a few differences, but not necessarily all differences):

- Legistar 60137 (a new garage behind a Spaight Street house). The garage siding was proposed as vinyl to match the house, and the staff's report only concern was that the vinyl have a smooth surface.
 - Under the proposed ordinance, 41.31(3)(c)1.b., vinyl is prohibited.
- Legistar 64128 (a new garage and new screened in porch behind a Jenifer Street house). The porch was approved with Trex decking, skirting, treads and railings on the lower porch, and aluminum wrapping of the columns.
 - Proposed: "Spaces beneath porches and stairs shall be enclosed with a framed lattice of crisscross design, narrow vertical boards, or other openwork design." The project had no openwork design, it was entirely solid.
- Legistar 62823 (replacement of 17 windows on S Dickinson). Staff thought the windows repairable, and the SHPO said replacement would not meet their standards for replacement.

Landmarks referred to a future meeting for the applicant to provide more information on window conditions and cost of repair. The information, per staff, did not provide the necessary information. Staff went on to say that quite a few of the windows seemed to need repair, that the applicant had proceeded in good faith with Landmarks processes, and recommended Landmarks approval. The replacements were approved.

- The proposed ordinance says: "Only when original windows are too deteriorated to repair may they be replaced with new windows that replicate all design details."
- Legistar 19449. The applicant had already installed sliding patio doors on the front of the house. Staff did not support those doors. Landmarks allowed the doors to remain.
 - Proposed ordinance: "The new openings and the windows or doors in them shall be compatible with the overall design of the building." "New openings should have a similar height to width ratio, operation (e.g., double hung, casement, awning, or hopper), components (including sash, muntins, glazing, pane configuration, sills, mullions, casings, brick molds, or trim), and finish as historic windows of the structure."

District historic character

"A preservation ordinance should reflect the preservation needs and goals of its community: ... A committee or task force of representatives will need to determine the preservation goals and objectives of the community and set priorities. Public input and support is important so that the concerns and issues of citizens are recognized and addressed."

<https://www.wisconsinhistory.org/Records/Article/CS107>

The proposed ordinance does not look at the preservation needs and goals of the various districts. Rather, each district is treated the same. For example, the proposed ordinance does not permit removal of chimneys.

While chimneys are significant for some neighborhoods, such as First Settlement, do all chimneys in Third Lake Ridge merit retention? In 2007, the Preservation Planner approved removal of this chimney in TLR.





Has that house lost a character defining feature? Are chimneys that have no particular flair worthy of retention just because they are a historic feature (even if only minimally visible)? Does it matter if a lot of chimneys in the district have already been removed? What if the owners want the interior space that can be reclaimed by chimney removal? Or that the cost for rebuilding the chimney is too great? The State Historical Society has an article that says:

The good news is that historic preservation "best practices" recognize that buildings must evolve with the people who use them and with their changing needs.

<https://www.wisconsinhistory.org/Records/Article/CS4227>

The proposed ordinance would regulate historic districts more tightly than landmarks. Landmarks signed on, for the most part, accepting tighter regulation. Historic districts signed on to preserve the district's historic character. That character differs between the districts and those differences should be recognized in any new ordinance.

Respectfully Submitted,
Linda Lehnertz