



Project Name & Address: 1131 Jenifer Street
Application Type(s): Certificate of Appropriateness for an Alternative Design Variance
Legistar File ID # [77228](#)
Prepared By: Heather Bailey, Preservation Planner, Planning Division
Date Prepared: April 25, 2023

Summary

Project Applicant/Contact: James Merett, Innovative Carpentry LLC
Requested Action: The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness for an Alternative Design Variance.

Background Information

Parcel Location/Information: The subject property is in the Third Lake Ridge Local Historic District.

Relevant Ordinance Sections:

41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS

A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

- (1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
 - (a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
 - (b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
 - (c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.
 - (d) In the case of any exterior alteration or construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.

41.19 VARIANCES

- (1) General. A property owner who applies for a certificate of appropriateness under Subchapter F may request a variance from one or more standards under Sec. 41.18. The Landmarks Commission may vary one or more standards under Sec. 41.18 for any of the following reasons:
 - (a) Economic hardship under sub. (4) below.
 - (b) Historic design under sub. (5) below.
 - (c) Alternative design under sub. (6) below.
 - (d) Projects which are necessary for the public interest under sub. (7) below.

- (2) Variance Request. A property owner shall make a variance request under sub. (1) above on a form approved by the Landmarks Commission. The request shall include:
 - (a) The name and address of the property owner.
 - (b) The location of the property to which the request pertains.
 - (c) The certificate of appropriateness application under Sec. 41.17 to which the variance request pertains.
 - (d) The type of variance requested under sub. (1).
 - (e) The specific standard or standards under Sec. 41.18 from which the owner requests a variance.
 - (f) The circumstances and supporting evidence that justify the requested variance.
 - (g) Any other materials requested by the Preservation Planner or Landmarks Commission.
- (3) Hearing, Decision, and Appeal.
 - (a) The Landmarks Commission shall hold a public hearing on each variance request under sub. (1). The Commission shall give notice of the hearing as provided in Sec. 41.06. The Commission may combine the hearing with a hearing on the proposed certificate of appropriateness to which the variance request pertains, provided that the hearing notice identifies both items.
 - (b) After it holds a public hearing on a variance request, the Commission shall grant or deny the request.
 - (c) The Commission's decision under par. (b) may be appealed to the Common Council, as provided under Sec. 41.20.
- (6) Alternative Design Variance. The Landmarks Commission may grant a variance allowing, in a new or altered structure, elements that are otherwise prohibited under Sec. 41.18 if all of the following apply:
 - (a) The elements will enhance the quality of the design.
 - (b) The design complies with all other applicable standards under Sec. 41.18.
 - (c) The design does not allow material deviations from historic district standards and guidelines that would undermine the character or purpose of the historic district.
 - (d) The design will have a beneficial effect on the historic character of the area within two hundred (200) feet of the subject property.
- (7) Public Interest Variance. The Landmarks Commission may grant a variance allowing the construction of a new structure, or the alteration, demolition or removal of an existing structure, which would otherwise be prohibited under Sec. 41.18, if the Commission finds that a variance is necessary in the public interest. A variance is necessary in the public interest if the Commission finds all of the following:
 - (a) The proposed building, object, site or structure provides unique, high priority benefits to the general public.
 - (b) The benefits to the general public under sub. (7)(a) above substantially outweigh the strong public interest in preserving historic resources expressed in this chapter.
 - (c) There are no reasonable alternatives to granting a variance that would allow the proposed project to occur in the city and satisfy the standards of this chapter.

41.25 STANDARDS FOR ALTERATIONS

- (1) General
 - (a) Alterations are defined as any change to any portion of the exterior of a building or site that replaces existing materials or changes its appearance. This section provides standards for building alterations.
 - (b) Materials and Features
 1. Alterations shall be in keeping with the original design and character of the building.
 2. The removal of historic features on elevations visible from the developed public right-of-way is prohibited.

3. The introduction of conjectural architectural features without historic precedent on the building is prohibited.
- (3) Exterior Walls
- (b) Wood
 1. Replacement siding shall imitate the original siding within one inch of historic exposure/reveal.
- (4) Roofs
- (c) Skylights
 1. Skylights visible from the developed public right-of-way shall be flat, parallel to the slope of the roof, and have the frame painted to match the roof material, and be located least twelve (12) feet back from the front edge of the roof.

Analysis and Conclusion

The proposed project is to remove a nonhistoric window on the front of the building, return that area to be covered with siding as it was historically, and install a skylight on the roof that is 8' from the front of the roof's edge. The house at 1131 Jenifer was constructed in 1904 and is a front-gabled simple Vernacular Victorian.

While originally the house had a pair of centrally located double-hung windows on the second floor of the front façade, a later alteration introduced a small slider on the west side of the façade in order to accommodate a bathroom. The proposal would remove this out-of-character window and return that area to being covered in siding as it was historically. However, the window still needs a window. A window on the side would create a situation where the window would only come up to waist height as it is a front-gabled building and its location and height would be out of character with the openings on the side of the building. A skylight is the least intrusive option, but in order to comply with the standards and place it 12' back, would locate the skylight in another room. The furthest back it can be located on the roof and still be within the bathroom is 8'.

The standard for having skylights set back 12' from the front of the roof provides a specific boundary for having skylights significantly setback from the front of the building rather than leaving it open for interpretation with every project. Staff believes that this standard still serves its purpose. However, this project is an unusual circumstance in that the introduction of the skylight will allow for rectifying a nonhistoric alteration to the primary façade of the building. This situation is unique to this structure and would not set a precedent for other properties in the district that do not have this problem.

A discussion of relevant standards follows:

41.19 VARIANCES

- (6) Alternative Design Variance. The Landmarks Commission may grant a variance allowing, in a new or altered structure, elements that are otherwise prohibited under Sec. 41.18 if all of the following apply:
 - (a) By including the skylight, this will enhance the quality of design by removing a nonhistoric window from the front of the building while still having the skylight set back from the front of the roof edge.
 - (b) The design complies with all other applicable standards under Sec. 41.18.
 - (c) The design does not allow material deviations from historic district standards and guidelines that would undermine the character or purpose of the historic district in that it meets the intent of the standards and allows for mitigation of a nonhistoric alteration that is out of character with the historic resource..
 - (d) The design will have a beneficial effect on the historic character of the area in that it will return the look of the primary façade back to a more historic character.

41.25 STANDARDS FOR ALTERATIONS

- (1) General
 - (a) Alterations are defined as any change to any portion of the exterior of a building or site that replaces existing materials or changes its appearance. This section provides standards for building alterations.
 - (b) Materials and Features
 - 1. The nonhistoric window is proposed to be removed and siding will infill to match adjacent.
 - 2. The window proposed for removal is not a historic feature.
 - 3. No conjectural features are proposed to be introduced.
- (3) Exterior Walls
 - (b) Wood
 - 1. The replacement siding will match the adjacent and essentially patch in the small area where the nonhistoric window will be removed.
- (4) Roofs
 - (c) Skylights
 - 1. The proposed skylight would be located eight feet from the front edge of the roof rather than the required twelve feet.

Recommendation

Staff believes that the standards for granting a Certificate of Appropriateness are met and recommends the Landmarks Commission approve the project as proposed.