



**Project Name & Address:** 939 Jenifer Street

**Application Type(s):** Certificate of Appropriateness for exterior alterations in the Third Lake Ridge historic district.

**Legistar File ID #** [56055](#)

**Prepared By:** Heather Bailey, Preservation Planner, Planning Division

**Date Prepared:** May 29, 2019

## Summary

**Project Applicant/Contact:** Michael and Lorraine Torrence

**Requested Action:** The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness to build a deck.

## Background Information

**Parcel Location/Information:** The site is located in the Third Lake Ridge Local Historic District.

### Relevant State Statute Section:

**Wisc SS 62.23(7)(em)2m.** In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

### Relevant Landmarks Ordinance Sections:

#### 41.23 THIRD LAKE RIDGE HISTORIC DISTRICT.

- (8) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use. Any new structures on parcels zoned for mixed-use and residential use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways: (Am. by ORD-16-00082, 9-15-16)
- (a) Gross Volume.
  - (b) Height.
  - (c) The proportion and rhythm of solids to voids in the street facades.
  - (d) Materials used in the street facades.
  - (e) The design of the roof.
  - (f) The rhythm of buildings and masses.
  - (g) Directional expression.
  - (h) Materials, patterns and textures.
  - (i) Landscape treatment.

## Analysis and Conclusion

The applicant is requesting a Certificate of Appropriateness to construct a 10' x 10' deck as a separate structure in the side yard of the property. The deck would be obscured by substantial landscaping, which would largely

prevent it from being visible from the street. The deck construction will not include railings as it will be located 7" above the ground. The area for the proposed deck currently contains a wood picnic table and a grill. The Landmarks Commission has approved smooth wood alternative materials in areas that would not be visible from the public right-of-way. The question is whether the introduction of a freestanding deck in a side yard is a compatible structure for the district and if the proposed textured Trex is an appropriate wood substitute for the deck construction.

There do not appear to be other open decks in side yards within 200 feet of the subject property. Side yards in the vicinity have functional features like access stairs to upper units and wood fences. Two doors down at 921 Jenifer is a landscaped area to the side in the front yard, which includes a fire pit and chairs on top of stone mulch.

A discussion of the relevant ordinance section of Chapter 41.23 follows:

**41.23 THIRD LAKE RIDGE HISTORIC DISTRICT.**

- (8) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use. Any new structures on parcels zoned for mixed-use and residential use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways: (Am. by ORD-16-00082, 9-15-16)
- (a) The deck largely does not have a gross volume as it is only a flooring area.
  - (b) The proposed deck will not be higher than any of the porches in the vicinity. As it does not have railings or a roof, it is just about the low-profile 100 SF deck.
  - (c) This structure will not have solids and voids as it is just an open deck.
  - (d) The deck will largely not be visible from the street and will not have a street façade.
  - (e) The proposed deck would not have a roof.
  - (f) The deck structure is not a building and is more comparable to porches or patios in the vicinity. The low profile of the deck and the fact that it is largely screened from street view by vegetation allows it to not read as an introduction of an uncharacteristic mass in the side yard.
  - (g) The deck has the low-profile horizontal expression of other outdoor gathering spaces in the vicinity.
  - (h) Of the porches within 200 feet, they are either wood or concrete. The applicant is proposed a textured Trex product. The material itself may be an adequate wood substitute for a new structure with vegetative screening, but the commission has largely recommended against false wood grain in substitute materials.
  - (i) The properties within 200 feet have functional spaces in their side yards, including concrete patios used for gathering. The closest comparable is the landscaped fire pit area at 921 Jenifer. While there are no direct comparables, the creation of a minimal gathering space in the side yard has precedent in the vicinity.

**Recommendation**

Staff believes that the standards for granting a Certificate of Appropriateness may be met and recommends the Landmarks Commission approve the project with the following conditions:

1. Use of either wood or a wood substitute without false texturized wood grain, as determine by the commission.