



Project Name/Address: 409 E Main
Application Type: Exterior alteration and addition in historic district – VARIANCE HEARING
Legistar File ID # [38968](#)
Prepared By: Amy L. Scanlon, Preservation Planner, Planning Division
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Summary

Project Applicant/Contact: William Parsons, Hawks Quindel
Requested Action: The Applicant is requesting a variance from the First Settlement Historic District standards for a Certificates of Appropriateness for an addition to a commercial building in the historic district.

Background Information

Parcel Location: The subject site is located on East Main Street in the First Settlement Historic District

Relevant Landmarks Ordinance Sections:

33.19(14)(d) Criteria for the Review of Additions, Exterior Alterations and Repairs. All additions, exterior alterations and repairs must be compatible with the historic character of the building and the First Settlement Historic District. The criteria listed below are intended to maintain an historically accurate appearance. Modern materials that do not meet the exact requirements of the criteria but which duplicate the historic appearance may be considered on an individual basis in the variance procedure listed in Section 33.01(15) below.

1. Porches. Porches that are original to the building, or that pre-date 1930 and blend with the historic character of the building, shall be retained, rehabilitated or rebuilt to match the original in all details. Porches on street facades may be enclosed with wood-framed screens, on the condition that the railing must be retained or restored in a design compatible with the historic character of the building. Porches on street facades shall not be enclosed as a heated space. If a porch is on a street facade and the owner can demonstrate to the Landmarks Commission that it is beyond repair, then a new porch must be constructed in its place. Construction of new porches to approximate the dimensions of original porches is encouraged.

All porches shall present a finished appearance, e.g., all floor joists shall be hidden from view and all porches shall be finished with ceilings and frieze boards. Porch ceilings shall have the appearance of narrow beaded boards, unless another original material is approved by the Landmarks Commission. First floor porch flooring shall be tongue-in-groove boards; carpeting and two-by-four decking are prohibited. All wood on exterior porches, except flooring and stair treads, shall be painted or opaque stained.

All railings on porches shall be constructed of wood, or another material that duplicates the appearance of wood, with top and bottom rails. Bottom rails shall be raised above the floor level and shall be no higher than three and one half (3 1/2) inches from the floor. All balusters on porch railings shall be square posts, unless the owner can demonstrate to the Landmarks Commission that a different design is original to the building. If the building code requires a forty two (42) inch high railing, the lower portion of the railing may be solid framed panels. Railings on stairways may be either wood to match the railings on the porch or wrought iron with one-by-one plain vertical balusters. Twisted or other

decorative wrought iron is prohibited. All balusters shall be constructed such that a four (4) inch ball may not pass through the railing at any point. All balusters shall be located in between the top and bottom rail and shall not extend across the face of either. Siding on porch rails is prohibited unless the existing rail is sided. Porch posts shall be trimmed with decorative molding at the top and bottom of the posts.

All porches and stairways shall be enclosed between the frieze under the first floor and the ground with a framed lattice of criss-cross design, narrow vertical boards or other openwork design. The lattice shall be designed such that a three (3) inch ball could not pass through any portion of the lattice. All stairways shall have solid wood risers.

Porches on street facades may be enclosed by storm windows. Storm windows on porches shall have the appearance of double-hung windows, with or without a transom, and shall fill the space between the top of the railing and the upper frieze board. When porches are enclosed, the railing area underneath may be filled in with solid framed panels. Porches on street facades shall not be enclosed as a four-season heated space.

2. Decks. Not applicable
3. Accessibility Ramps. It is the intent of this section to permit accessibility ramps wherever possible, especially when required by ADA guidelines. Accessibility ramps shall be as inconspicuous as possible. Landscape screening shall be provided where possible. The details of such ramps shall conform to the guidelines for porches in Par. 1.
4. Windows. On the front facade and on side facades within ten (10) feet of the front facade, all original windows or pre-1930 windows that are compatible with the historic character of the building shall retain their existing historic size, appearance, and trim detail. If any of the original windows or pre-1930 windows that are compatible with the historic character of the building have true divided lights (i.e., with small panes of glass between muntin bars), replacement sash shall duplicate the existing appearance and have true divided lights. If windows have been altered in the past, restoration to the original appearance is encouraged. On side facades not within ten (10) feet of the front facade and on rear facades of the building, the sills of original windows or pre-1930 windows that are compatible with the historic character of the building may be raised to serve bathrooms and kitchens. In other respects, the design shall duplicate the original appearance of the existing window. On side facades more than ten (10) feet from the front facade and on rear facades, new windows in locations where no window previously existed may be approved, provided they retain a similar ratio of height to width as original windows on the building, are the same type of window as others on the building (e.g., double-hung or casement), and are trimmed and finished to match the appearance of the other windows.
5. Entrance Doors. If the entrance door is original or is pre-1930 and blends with the historic character of the building, it should be retained unless the owner can demonstrate to the Landmarks Commission that it is beyond repair. Metal doors may be approved, provided they blend with the historic appearance of the building. Unpaneled, modern-style doors, and doors with a fake wood grain are prohibited. All doors shall be painted or varnished.
6. Double or Multiple Doors. Double or multiple doors, such as doors leading onto patios or decks, may be permitted, provided they have frames similar to full view doors. Raw aluminum or other metallic finishes are prohibited. Patio doors shall be painted or finished with a material that resembles a painted finish. Such doors on street facades shall be hinged doors, rather than sliding doors.
7. Storm Windows and Doors. Not applicable
8. Skylights. Not applicable
9. Roof Materials. Reroofing shall be done with asphalt, fiberglass or other rectangular composition shingles similar in appearance to 3-in-1- tab asphalt shingles. Sawn wood shingles also may be approved. Modern style shingles such as thick wood shakes, Dutch lap, French method, and interlock shingles are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar-and-gravel, rubberized membranes, and other similar roofing materials

are prohibited, except that such materials may be used on flat or slightly sloped roofs that are not visible from the ground.

10. Dormers and Other Roof Alterations. New dormers shall match the appearance of original dormers on the building in roof shape and material, width of overhang, siding, window design, and trim details whenever feasible. If the original roof shape is not practical, another shape may be approved, provided that it does not detract from the historic character of the building or the neighborhood. New dormers shall be no less than twelve (12) feet from the front edge of the roof. The ridge line of a new dormer shall not extend above the ridge line of the main roof of the building unless such higher roof line is not visible from the ground. Shed dormers behind existing dormers or gables on non-street sides of the building may be approved, provided that the roof material, siding, window design and trim details match the original features of the building. Other roof alterations shall be compatible with the roof shape and other historic features of the building, such as siding and trim details, and shall not extend above the ridge line of the building unless such extension is not visible from the ground.
11. Chimneys. Not applicable
12. Siding. Original wood siding or pre-1930 siding that blends with the historic character of the building shall be retained and restored as necessary, except that if the owner can demonstrate to the Landmarks Commission that the original siding is beyond repair, it may be replaced with wood, composite wood, or concrete clapboard siding to match the original or existing pre-1930 appearance. Restoration of original wood decorative details is encouraged. Soffits may be replaced or sided with wood or artificial materials, provided the appearance of the proposed material matches as closely as possible the original appearance. Original brick, stone and stucco siding shall be retained. Installation of artificial siding on such buildings is prohibited. Painting of unpainted brick is prohibited. Mortar and other materials used in brick repair shall match the original in color, hardness, and appearance.
13. Foundations. All original foundation masonry, such as brick, stone, or rusticated concrete block, shall be retained unless the owner can demonstrate to the Commission that significant repairs are required, in which case replacement with materials to duplicate the original appearance is encouraged. If duplicating the original appearance is not practical, other materials may be approved, provided they blend with the historic character of the building and the district.
14. Additions. New additions on the front of the building are prohibited, except for open porches. Additions on the sides or rear shall be permitted if they are compatible with the building in architectural design, scale, color, texture, proportion of solids to voids, and proportion of widths to heights of doors and windows. Additions and exterior alterations that exactly duplicate the original materials in composition are encouraged. Additions or exterior alterations that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the main facade. Siding on new additions shall be the same as the building, unless the building is masonry, in which case narrow-gauge clapboards will be permitted. Foundation material on new additions shall duplicate the original foundation material whenever practical. Other foundation materials may also be permitted, provided they do not detract from the historic character of the building.
15. Fire Escapes and Rescue Platforms. Not applicable
16. Lighting Fixtures. Lighting fixtures that are visible from the street shall be of a design that is compatible with the historic appearance of the building.
17. Permanently Installed Air Conditioners. Permanently installed air conditioners shall be as inconspicuous as possible. Ground air conditioners shall be screened with landscaping where possible.
18. Shutters. Not applicable
19. Repairs. Repairs to buildings shall either match the existing or the original appearance. Restoration to the original appearance is encouraged.
20. Alterations to Post-1930 Buildings. Alterations of buildings that post-date 1930 shall be compatible with the original character of the building and shall not detract from the historic character of older buildings in the district. Alterations that bring the building into compliance with the regulations of this section regarding siding, decks, foundations, porches, the proportion of windows and doors, and the proportion

of solids to voids of the street facades of such buildings are encouraged. It is not the intent of this ordinance to create fake historic buildings, but to allow modern style buildings to retain their essential style while still blending with the appearance of historic buildings in the district.

33.19(15) Variances.

- (a) Authority. The Landmarks Commission may vary the criteria for review of additions, exterior alterations or repairs for designated landmarks, landmark sites and improvements in any Historic District and the criteria for new construction in any Historic District in harmony with the general purpose and intent to preserve the historic character of landmarks, landmark sites and of each Historic District only in the specific instances hereinafter set forth and only if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project and of all buildings within the visually related area.

The variance procedure and standards are designed to prevent undue hardships caused by application of the strict letter of the regulations of this chapter and to encourage and promote improved aesthetic design by allowing for greater freedom, imagination and flexibility in the alteration of existing buildings and the construction of new buildings within an Historic District while ensuring substantial compliance with the basic intent of the ordinance.

- (b) Application for Variance and Notice of Hearing. Section Not Applicable.

- (c) Standards. The Landmarks Commission shall not vary the regulations of this ordinance unless it makes findings of fact based upon the evidence presented to it in each specific case that one or more of the following conditions is present:

1. The particular physical characteristics of the specific building or site involved would result in a substantial hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out, provided that the alleged difficulty or hardship is created by this ordinance and has not been created by any person presently having an interest in the property.
2. In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the ordinance but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.
3. In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the ordinance but which would enhance the quality of the design for the new building or structure, provided that said new building or structure otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.

- (d) Authorized Variances. Variances shall be granted by the Landmarks Commission only in accordance with the standards set forth in (13)(c)* above, and may be granted only in the following instances:

1. To permit residing with a material or in a manner not permitted under this chapter.
2. To allow additions visible from the street or alterations to street facades which are not compatible with the existing building in design, scale, color, texture, proportion of solids to voids or proportion of widths to heights of doors and windows.
3. To allow materials and/or architectural details used in an alteration or addition to differ in texture, appearance and design from those used in the original construction of the existing building.
4. To permit the alteration of a roof shape otherwise prohibited under this chapter.
5. To permit the use of roofing materials otherwise prohibited under this chapter.

6. To allow use of materials for new construction which use would be otherwise prohibited under Sec. 33.19(12)(f)1.b.

**(13)(c) is an incorrect reference. It should be (15)(c).*

Analysis and Conclusion

The Landmarks Commission received an informational presentation related to this project on March 16, 2015. At this presentation, there was general discussion and consensus that this request would require a variance from the First Settlement Historic District standards because 33.19(14)(d)14. Additions and 10. Dormers and Other Roof Alterations would not be met by the request to construct an addition on the commercial building.

A brief discussion of 33.19(14)(d) standards follows:

1. Porches. The front entry porch of this building will be retained in its original location and configuration. The porch is a commercial entrance and is not a residential porch as this standard suggests.
2. Decks. Not applicable.
3. Accessibility Ramps. The front entrance approach slopes toward the front door and is as inconspicuous as possible.
4. Windows. The majority of the existing windows are replacements that were installed after 1930 and are being requested for replacement. The proposed replacement windows will be compatible with the historic character of the building will retain their existing historic size, appearance, and trim detail. Muntins shall have a raised profile and not be flat like tape. Simulated divided lights are encouraged.
5. Entrance Doors. The existing front entrance door is part of a storefront system that was installed after 1930. With the proposed reconstruction of the storefront, the front entrance doors will blend with the historic character of the building. The doors will likely be aluminum with a powder coat finish.
6. Double or Multiple Doors. Not applicable.
7. Storm Windows and Doors. Not applicable.
8. Skylights. Not applicable.
9. Roof Materials. The proposed new roof is flat and the roofing material will not be visible from the ground.
10. Dormers and Other Roof Alterations. The proposed addition affects the roof, but is not a dormer. The ordinance specifically allows for an impractical original roof shape to be changed provided that it does not detract from the historic character of the building or the neighborhood. The proposed addition creates a flat roof that is similar to the existing flat roof form. The ordinance also states, "other roof alterations...shall not extend above the ridge line of the building unless such extension is not visible from the ground." This language assumes that the roof form is gabled or has a slope, but does provide for alteration to the roof.
11. Chimneys. Not applicable.
12. Siding. The proposed addition is clad in cement board panels. The original building is brick that has been painted. Mortar and other materials used in the repair of the existing brick shall match the original in color, hardness, and appearance.
13. Foundations. The applicant shall provide information about the original and proposed foundation materials and related condition. The corner base elements are proposed to be limestone.
14. Additions. The ordinance states that, "new additions on the front of the building are prohibited." The proposed addition is not on the front of the building, but becomes part of the front of the building because it is visible from the front. The proposed addition is also visible on the sides and the rear. The design of the addition is generally compatible with the building, but the addition alters the two story architecture. The proposed addition on the roof and at the rear are visible as part of the side elevations, but do not detract from the design composition of the main facade. The proposed siding is cement

board panels instead of narrow-gauge clapboards as prescribed in the ordinance. Foundation material at the addition will need to be discussed.

15. Fire Escapes and Rescue Platforms. Not applicable.
16. Lighting Fixtures. Lighting fixtures shall be discussed.
17. Permanently Installed Air Conditioners. The applicant shall describe where HVAC equipment will be located and how it will be screened.
18. Shutters. Not applicable.
19. Repairs. The applicant shall describe any proposed repairs to the existing building.
20. Alterations to Post-1930 Buildings. The building was built before 1930, but underwent significant alterations after 1930. The proposed alterations are attempting to restore the original appearance of the original building. The proposed addition is a modern element that blends with the appearance of historic buildings in the district.

Variance standards 1 and 3 allow the variance option to be considered for this project. The hardship is not created by the applicant rather the hardship is created by the strict language of the ordinance and the addition is the new construction of an addition structure, but is not the new construction of a new primary building.

The Secretary of the Interior's Standards suggest that the design of new additions be different from the original building and that traditional architectural details not be replicated. The proposed addition is consistent with this preservation practice. The First Settlement historic district standards do not specifically anticipate additions on top of existing buildings as it does for more typical front, side or rear additions, thus variances are being requested. In conjunction with the proposed addition, the existing building will be restored to a more historically appropriate appearance.

Per the variance authority, the Commission should determine if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project and of all buildings within the visually related area (VRA). The VRA Map is attached.

Recommendation

Staff recommends that the standards for granting the requested variances and a Certificate of Appropriateness for the proposed exterior alterations may be met and recommends that the Landmarks Commission approve the requests with the following conditions of approval:

1. The applicant shall provide information and details related to the proposed window replacement units.
2. The applicant shall confirm that the front doors have a powder coat finish instead of paint.
3. The applicant shall provide information about the extent and location of brick repair work.
4. Mortar and other materials used in brick repair shall match the original in color, hardness, and appearance.
5. The applicant shall describe the material and condition of the existing foundation material and the proposed foundation material.
6. The applicant shall provide information about any decorative light fixtures on the front elevation.
7. The applicant shall provide information about the location and size of exterior HVAC equipment.