

Ordinance Standards

A lot cannot be consolidated "if doing so *may* distract from the historic character of the district." More specifically, a lot cannot be consolidated if the proposed lot size is "incompatible with adjacent lot sizes, or fail[s] to maintain the general lot size pattern of the historic district."

MGO 41.12

No person may do any of the following in a historic district without a certificate of appropriateness issued under Subchapter F:

...

(5) Divide any lot, consolidate any lot, or voluntarily grant any easement on any lot if doing so may distract from the historic character of the district.

MGO 41.18

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

...

(4) Land Divisions and Combinations. The commission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

Ordinance Standards as Applied to 826 Williamson

Incompatible with adjacent lot sizes*

The proposed lot would be 3 full plats, or 198 feet of Willy frontage. The proposed lot is incompatible with adjacent lot sizes.

- The property to the west is 127' of frontage, to the east the property has 33' of frontage. Even just comparing the proposed lot to the west property, the proposed lot would be 56% longer in frontage.
- The proposed lot would be 28,912 sq.ft. The property to the west is 16,764 sq.ft. and the property to the east is 4,356 sq.ft. The proposed lot would be 12,148 sq.ft. larger than the property to the west, for a 72% increase in size.

*Note: Landmarks review is required when a development is proposed on a zoning lot *adjoining* a landmark or landmark site. "Adjoining" and "adjacent" are synonyms for each other, and "adjoining" has been interpreted as an abutting property.

Fail to maintain the general lot size pattern of the historic district

The proposed lot size also fails to maintain the general lot size pattern of the historic district. The average street frontage in Third Lake Ridge is 50'. Over half the properties in TLR have street frontage of 33' or less.

Even just looking at Willy frontages, since the commercial district is often viewed with a different lens, 198 feet of frontage is oversized compared to the general lot size pattern on Willy. The western end of Willy does have larger properties. The 600 to mid-700 blocks have the largest tax parcels, see Exhibit 1. Then, on the north 800 block, there are two tax parcels that are essentially 2 combined lots, while on the south side there are two tax parcels that are 1½ combined lots (plus the Ridge side Coop with 4 historic resources on two combined lots). Adding a third lot, as 826 proposes to do, creates an oversized lot.

Operating as a single parcel

The applicant lists 5 large tax parcels in the historic district that have served one primary function/operated as a single parcel for a number of years. The staff report states the applicants materials show 826 “has a history of operating as a single parcel and is part of the general lot size pattern of the district in its current configuration. The north side of Williamson Street features an irregular lot size pattern, with several large parcels.”

Whether a property has operated as a single parcel is not the determining factor for a lot combination under City ordinances. One could argue, as with 817 Willy, a building that crosses lot lines should have the underlying plat line resolved. But, for 826, the building sits across two of the lots. The third lot is a separate property that showcased the types of fencing. See Exhibits 4 and 5, and applicant’s Exhibit A.

Having pockets of large lots, lots that were primarily created through demolition from around the mid-1950s to 1970, does not create a “general lot size pattern of the historic district.” Clearly, these large lots created through demolition are outliers, not part of the district’s general lot size pattern. See Exhibit 2 for the Sanborn map of 1950 for the 600-900 Williamson blocks. See Exhibit 3 for all the uses that 826 contained in 1950.

The north side of Williamson does have more variation in lot sizes than most blocks of Williamson. But what can be seen from maps (see Exhibit 1 and applicant’s Exhibit J) is that the larger sized lots are on the 600 and 700 blocks, ending by the mid-700 block. The two lots to the east of 826 are not appropriate comparisons: (1) 303 S Paterson is a historic building, with the district boundary adjusted to include the lot (the back half of the westerly Williamson blocks generally had larger lots since those lots abutted the railroad and had more industrial uses, see Exhibit 2); and, (2) 1001 Jenifer is a residential property (once a Claude and Stark designed school which was demolished in 1973 to create a church parking lot).

The applicant also speaks to the “development pattern” of 826 and how the lot has operated at such size for at least 54 years. This is not accurate. The lot size which has operated as a single parcel for many years has 78,408 sq. ft. – the back lot has operated as part of the front lot. Though the owners may have chosen to have two separate tax parcels (perhaps because the land value of the back lot has been less than the value of the front lot, in 2021 the back lot was valued at \$6.98 sq.ft. versus \$17.79 for the front lot), tax parcel lines do not equate to how a lot has operated. Perhaps, if the determining factor for lots combinations/divisions becomes one of whether a property has operated as a single parcel, both tax parcels should be combined into a single parcel and the back half should become part of the historic district.

Potential Outcomes of Using Operating as a Single Parcel

Up until now, the analysis of lot division or combination has generally been addressed by looking at original lot sizes. See, for example, 909-915 Jenifer and 240 W Gilman. For the 909-915 Jenifer lot combination, the staff report analyzed the original sized plats, how various combinations/divisions had occurred, and that the land combination would "return the lot to approximately the original parcel dimensions." 240 W Gilman was permitted to subdivide a lot into two lots, separating the Women's Building from its parking lot. The staff report said the "proposed division will largely replicate the historic division of these two lots ..."

The combination of 1½ lots for 817-821 Williamson did discuss how the two lots had functioned as a single parcel, but in that case the building which primarily sat on the ½ lot crossed over the lot line into the full lot.

Now the concept is being expanded to not just permit lot combinations where the building crosses a lot line, but to also permit expansion to include accessory uses. For 826, the building crosses a lot line and, under the rationale used for 817, an argument could be made for combining the two lots. However, the third lot has operated as a showcase for types of fencing – no part of the building is on the third lot (see Exhibits 4 and 5, and applicant's Exhibit A). Should a separate lot, used for an ancillary use such as parking or fencing samples, automatically be entitled to be part of a lot combination? That is not the standard specified in the ordinance.

If the rationale for lot combinations merely becomes one of how the properties have been used, that could lead to results that "distract from the historic character of the district." For example, 1021 Spaight (5 plats) is the Immanuel Lutheran Church and 1007 Spaight (2 plats) is its parking lot. Both properties have 132 feet of street frontage. Combining these two tax parcels (which, like 826 Williamson, "have a history of operating as a single parcel" - though as separate tax parcels) would result in a single lot of 1.31 acres with 264 feet of street frontage. Nothing in Third Lake Ridge, except for the commercial western end of Williamson, has this length of street frontage.

Or consider at 924 Williamson, a lot with 168 feet of street frontage. The building sits on a 66-foot wide lot, the other 102 feet is a parking lot. Would a large lot, another block to the east, be approved just because it has operated as a single parcel? 924 Williamson is attached to 916 Williamson, both are owned by the same owner, the parking lot is used for businesses at 916 and 924, and neither is a historic resource. Arguably, 916 could become part of the history of operating as a single parcel, resulting in a lot of 30,888 sq.ft. and 234 feet of street frontage.

Conclusion

I urge the Commission to place this request on file (or only permit the two lots on which the building sits to be combined). It does not meet ordinance standards for lot combinations. And, as noted by one Commissioner with respect to the 817 Willy project, the preapproval of a lot combination limits what Landmarks can do to ensure visual compatibility. The 826 proposed lot would be more than twice the size of 817. If the two lots where the existing 826 building is sited were combined into one lot, it would not be inconsistent with the general lot size pattern on the north side of Williamson. That would then leave a third lot, a single lot, which would not be inconsistent with the one-half lot to the east, nor inconsistent with the general pattern of lots throughout Williamson – there are many full lots and many half lots.

Respectfully Submitted,
Linda Lehnertz

Exhibit 1, Tax parcels, 600-900 Williamson (#s are street frontage)



Exhibit 2, Sanborn Map Company, 1942 - May 1950 Vol. 1



Exhibit 3, Sanborn Map Company, 1942 - May 1950 Vol. 1

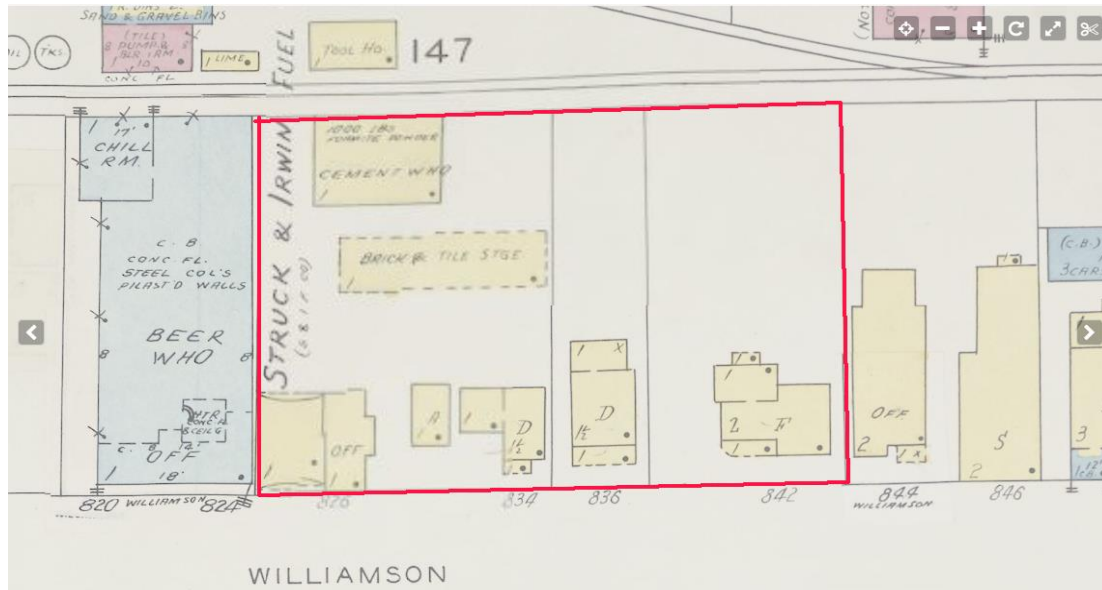


Exhibit 4, Plat Lines



Exhibit 5

