

As Hoc Landmarks Ordinance Review Committee
Meeting of December 8, 2020

If the goal of this ordinance rewrite is to have local historic districts seek decertification and/or dissuade potential new historic districts from seeking local certification, this draft ordinance may well be quite successful.

A Certificate of Appropriateness is required under MGO 41.12 when a homeowner "materially alter[s] the exterior of an existing structure." Yet this draft provides about 5 pages of requirements for maintenance and repairs. A few of those requirements do materially alter the exterior, such as allowing paint on brick to peel off over time. Other requirements, such as requiring the Preservation Planner's approval for masonry cleaning methods do not involve a material alteration.

It is not at all clear what the difference is between a repair and an alteration – the difference is in the opinion of the Preservation Planner. The second story of my house is half-timbered and years ago one section of the stucco was sliding off. I replaced the section, but would that have been considered a repair or would it have been an alteration (a replacement of a masonry unit)?

The draft ordinance attempts to regulate things that the City cannot control. For example, glazing putty. How will the City ever know that glazing putty is failing and be able to require repair? Or be able to require floor sweeps and jamb liners and weather stripping? Or be able to require replacement of sash cords and lubrication of friction points? Yes, these things are good practice, but do they belong in an ordinance or in a how-to manual? (What should also be destined for a how-to manual is "using recognized conservation and preservation methods," whatever that might be.) The City is reliant on voluntary compliance and neighbors making complaints in order to have any enforcement of the ordinance. Why create new masses of requirements that are essentially unenforceable? For example, I called when a front wall was opened to create a sliding glass door to the porch (did not know the owner) but did not call when a TLR resident took down a chimney this past fall.

The draft, at times, attempts to regulate items that are questionable under state law. For example: "Repointing mortar shall duplicate the strength, composition, color, texture, width, and profile of the historic mortar joints." The foundation of my house is brick and the mortar has oyster shells in it. Can one see that texture from the sidewalk? No. And adding oyster shells adds complexity, not only in sourcing the shell size but also in the mix – there is a standard old brick mortar mix one can purchase but since shells are a source of lime, would that standard mix work?

The draft sets requirements that could impede historic restoration. For example, I found the original front storm door for my house in the garage rafters. I repaired and installed it years ago. But I could not do that again under the draft ordinance because the draft requires a full-light or full-view storm door. My original door matches the pattern of the raised paneling of the front door – but it is not a full-light door.

The problem, in my opinion, started with the consultant's recommendations. Those recommendations, per the consultant, relied heavily upon applicable portions of the Secretary of

the Interior's Guidelines for Rehabilitating Historic Buildings. The Guidelines allow for the exercise of discretion, but slapping those guidelines into an ordinance removes that discretion. Applying the Guidelines results in homes in historic districts being more strictly regulated than local landmarks: (1) for landmarks, the ordinance only requires that the proposed work meet the Secretary of the Interior's Standards for Rehabilitation; and, (2) those Standards consist of a mere 10 Standards totaling 330 words, not 23 pages of details.

Homeowners in historic districts would be required under the draft ordinance to maintain historic museums. The oft repeated phrase "good preservation practice is good preservation practice" does apply to landmarks. But in historic districts design review is "primarily concerned with preserving your building's essential qualities and the overall appearance of the streetscape." "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>

As an example, take second-story porches. Such porches are historically appropriate, but a particular house may not have had one and the owner wishes to add one. Depending upon the first floor porch and the style of house, a second-story porch may not at all detract from the character of the district – especially in Third Lake Ridge. Yet the draft ordinance appears to flat out prohibit such additions ("new additions on the front of the principal structure are prohibited").

I believe in historic preservation. I have twice obtained tax credits which, I believe, evidences my compliance with the Secretary's Standards and Guidelines. But I don't believe that homeowners need to maintain historic museums – that is what the landmark designation is for.

The meeting minutes of November 19th indicate a misunderstanding of the commercial-residential dichotomy. It is not how a property is being used, rather how it is zoned. BUILD II had as a principle "preserve the relationship between commercial and residential uses" which includes maintaining the overall proportion of commercial to residential space. Williamson has residentially zoned properties interspersed with mixed-use zoning along many blocks. If the difference between commercial and residential is not recognized, a developer could build a commercial block building on a residentially zoned lot because there would be a historical commercial block building within 200 feet.

And then there is the plan to make projects that are receiving historic tax credits get approval from Landmarks/Preservation Planner. Why, other than for additions and new construction? A friend within the National Register District but not part of the local district was required to explain her lattice work replacement and how she was going to repair the gutters. I suggest first determining exactly where the standards may differ and then determine which projects require approval.

Perhaps most importantly, district specific standards matter. If the City wants to preserve historic districts, resident buy-in is critical. Perhaps those standards will look very similar for some districts, but not all.

Respectfully Submitted,
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