City of Lawrence Historic Resources Commission May 24th, 2012 Minutes

MEMBERS PRESENT: Arp, Foster, Wiechert, Williams MEMBERS EXCUSED: Quillin, Tuttle STAFF PRESENT: Braddock Zollner, Groves, Parker PUBLIC PRESENT: Werner, Golden, Paley, Myers, Cunningham, Belot, Brown, Soden

HISTORIC RESOURCES COMMISSION AGENDA MEETING- MAY 24TH 2012--6:30 PM ACTION SUMMARY

Commissioners present: Arp, Foster, Wiechert, Williams Commissioners excused: Quillin, Tuttle Staff present: Braddock Zollner, Parker, Groves

ITEM NO. 1: ACTION SUMMARY

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Williams to approve the March 15th, 2012 Historic Resources Commission Action Summary.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Foster, to approve the April 19th, 2012 Historic Resources Commission Action Summary.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Arp, to defer the April 30th, 2012 Historic Resources Commission Action Summary.

Motion carried unanimously, 4-0

ITEM NO. 2: COMMUNICATIONS

- a) No communications from other commissions, State Historic Preservation Officer, or the general public.
- b) No declaration of abstentions from specific agenda items by commissioners.

Commissioner Wiechert stated the 2012 Oregon-California Trails Association Convention will be held August 6th – August 11, 2012 at the Lawrence Holiday Inn and Convention Center.

ITEM NO. 3: DR-2-26-12 815 Massachusetts Street; Addition; Certified Local Government Review and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is also in the environs of the Carnegie Library (200 W 9th) and the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places. The property is in the environs of the House Building (729 Massachusetts), Register of Historic Kansas Places. It is in the Downtown Urban Conservation Overlay District. Submitted by Ronald Hutchens of Paul Werner Architects for Chaudry Wahla, property owner of record.

STAFF PRESENTATION

Ms. Groves presented the item.

APPLICANT PRESENTATION

Paul Werner, Paul Werner Architects, stated the project was in the Site Plan process and the property owner was waiting on a positive recommendation. He said he understood the property owner's concern regarding the windows at 813 Massachusetts Street. Mr. Werner said the property owner at 815 Massachusetts Street also had rights. He said the staff recommendation was positive and the Building Code required a party wall. Mr. Werner stated ten weeks ago he offered to review 813 Massachusetts Street, but the offer was never accepted. He said his client was willing to work with the neighbor at 813 Massachusetts Street.

Commissioner Foster asked Ms. Braddock Zollner the process if the project went to the City Commission.

Ms. Braddock Zollner said the project would go to the City Commission if an appeal was filed for the Site Plan determination.

PUBLIC COMMENT

Web Golden, stated he represented the property owner of 813 Massachusetts Street and stated the Commission had no real guidance on how to deal with the situation and the proposal should be denied. Mr. Golden said the Downtown Guidelines did not speak to the situation. He said Section 6.10 of the Guidelines states that buildings fronting Massachusetts Street should reflect the prevailing party wall construction pattern. He said Section 12.11 states that upper windows on non visible party walls may be filled in with compatible material only if the treatment is reversible. Mr. Golden stated there was no party wall, and they were two abutting walls that separated 813 and 815 Massachusetts Street. He said 813 and 811 Massachusetts Street had a party wall and most of the downtown property was developed with a party wall. Mr. Golden stated the property owner of 815 Massachusetts Street was requested to build an extension and raise the structure to add a new building. He said that type of elevation had never been there for over 100 years and the property owner did not have a right to convert the windows. He said if the property owner of 815 Massachusetts Street was granted the proposal it would seriously damage the property at 813 Massachusetts Street. Mr. Golden stated historically 813 Massachusetts Street was a home and occupied by the Fisher family from the year 1911. He said the Fischer family still owned the property and Otto Fischer had owned the property since the 1920s. Mr. Golden stated the Downtown Guidelines should state where there is development of property without a party wall; an adjoining property could not encroach upon the existing development unless a party wall arrangement is established. Mr. Golden stated

that 813 Massachusetts Street is a contributing property in the historic district and if the project was allowed it would damage the property. He said the Downtown Guidelines do not tell the Commission how to evaluate the situation and the contributing property at 813 Massachusetts Street would clearly be injured by the proposal. Mr. Golden stated the Historic Resources Commission should have an interest in maintaining and preserving the value of all contributing properties. He said the air and light would be taken away from 813 Massachusetts Street and the value of the property will be diminished. He said the applicant could agree to install skylights to the neighboring property but the cost would be significant.

Commissioner Wiechert asked if the existing second floor of 813 Massachusetts Street was now a residence.

Mr. Golden stated at the present time the second floor was not used as a residence which was due to a generational change.

George Paley stated he managed the property at 813 Massachusetts Street for a long time and he had talked to the Jones' regarding putting apartments back in the space. He said there had been a fire in the previous apartments and the Jones' did not want to convert the space back to apartments. He said he utilized the second floor and it was a beautiful space.

Commissioner Arp asked the applicant to explain the party wall.

Mr. Werner stated most adjoining walls were party walls that neighboring structures used. He said the situation was unusual and if apartments were added to 813 Massachusetts Street today the building would have to be sprinkled and fire shutters would have to be added. He said if 817 Massachusetts Street wanted to add one or two stories 813 Massachusetts Street would have to deal with it.

Commissioner Foster asked if the two property owners would agree, would the Commission prevent the windows from being closed or the second story from being built.

Mr. Werner said he was happy to walk through 813 Massachusetts Street to see if there was something that could be done.

Commissioner Arp said someone's 1927 windows would potentially be covered up against their will.

PUBLIC COMMENT CLOSED

COMMISSION DISCUSSION

Commissioner Williams said signs installed in the downtown area should not obscure architectural features of a building or obstruct views of historic downtown. He said signs were installed so that they do not damage or conceal historic features. Commissioner Williams stated Staff did not believe the windows were an architectural feature of the building. He said window light was lighting but the light was from the building itself and not the neighbor.

Ms. Braddock Zollner said Staff looked at the character defining elements and the protection of the listed properties to maintain the character defining elements so that they were not compromised and lose their National Register listing. She said the question was if the loss of the windows would harm the district or the listed properties.

Commissioner Wiechert said Staff found that if the windows were covered it would not damage the listed property.

ACTION TAKEN

Motioned by Commissioner Foster, to approve the project at 815 Massachusetts Street, based on the supporting documentation and with the conditions as listed in the staff report.

Motion died for the lack of a second.

Commissioner Arp said he believed covering the windows would encroach upon the historic property.

Commissioner Williams said the issue was whether or not the windows were character defining and he could not find where blocking someone else's light was a Historic Resources Commission issue.

Mr. Werner said a glaring sign on Massachusetts Street affecting a building next door would be more of an encroachment issue. He said the property is shared and asked where the rights fall between the two property owners. Mr. Werner said the building has to be sprinkled and brought up to code. He said the reason for a party wall was to stop fires from spreading from one building to another and the applicant has as much right as the neighboring property owner.

Commissioner Arp said the Historic Resources Commission had to determine if the new structure would not encroach upon the neighbor's property.

Mr. Werner said there would be no modification to the front or the back of the building. He said the side façade was not addressed because it was not the primary or secondary façade.

Mr. Golden said mostly what Mr. Werner was talking about was building code issues. He said party walls have existed since building began on Massachusetts Street, and it was a way for property owners to share a common wall. He said party walls started as a common party wall that defined the rights and relationships of the parties to use the common space. Mr. Golden said there was only an abutting wall and no party wall with the property. He said for the past 100 years the windows overlooked 815 Massachusetts Street. Mr. Golden said legally cutting off the easement and light could be dealt with through the civil legal process. Mr. Golden said relevant to the situation, if the project at 815 Massachusetts Street went forward it would impair and encroach upon 813 Massachusetts Street. He said the project would encroach upon a historic property in the Historic District. Mr. Golden stated the Historic Resources Commission had an interest in seeing that all contributing properties in a Historic District were protected. He said when 815 Massachusetts was purchased the buyer knew there was no party wall that gave any right to do any type of encroachment and they knew the windows were there.

Commissioner Arp asked Staff how encroachment was defined.

Ms. Braddock Zollner stated the project would not encroach upon the National Register of contributing status of the building. She said the Commission had the right to look at that differently and the ultimate decision was theirs. She said on downtown buildings the main façade was important and on this structure the windows were not character defining for the building or the district.

Commissioner Williams asked if the allowance of light into a structure was a consideration.

Ms. Braddock Zollner stated she would have to research the accessibility of light and how it was interpreted in accordance with the standards.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Foster, to approve the project at 815 Massachusetts Street, based on the supporting documentation, with the conditions as listed in the staff report.

Motion failed, 2-2

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Williams, to forward the proposed project at 815 Massachusetts Street, to the State Historic Preservation Office for a recommendation under the State Law Review.

Motion carried unanimously, 4-0

ITEM NO. 4: DR-4-63-12 1145 Indiana Street; Porch Replacement; Certified Local Government Review and Certificate of Appropriateness Review. The property is listed as a non-contributing structure in the Hancock (12th Street) Historic District, National Register of Historic Places. It is in the environs of the Oread Neighborhood Historic District, and the Ecumenical Christian Ministries Building (1204 Oread), National Register of Historic Places. The property is also in the environs of the Jane A. Snow Residence (706 W 12th), National and Lawrence Registers of Historic Places. Submitted by Mike Myers of Hernly Associates for Ernie Eck of Alor LLC, property owner of record.

STAFF PRESENTATION

Ms. Groves presented the item.

APPLICANT PRESENTATION

Mike Myers, Hernly Associates, said the goal was to bring the structure back to the original state. He said the house was a non-contributing structure primarily due to the front porch. He said the back porch would be replaced with a deck with the same configuration.

Commissioner Williams asked how the windows on the front porch would be kept from being accessible.

Mr. Myers stated there was a door on the front that opened to nowhere and it would be permanently closed but would look the same.

PUBLIC COMMENT

There was no public comment.

PUBLIC COMMENT CLOSED

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Arp, to approve the project at 1145 Indiana Street, based on the supporting documentation and with the following conditions as listed in the staff report:

1. The applicant provide complete construction documents to be reviewed and approved by the Historic Resources Administrator prior to release of a building permit;

- 2. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
- 3. The property owner will allow staff access to the property to photo document the project before, during construction and upon completion of the project.

Motion carried unanimously, 4-0

ITEM NO. 5: DR-4-66-12 817 Massachusetts Street; Addition; Certified Local Government Review and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Carnegie Library (200 W 9th) and the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places, as well as the House Building (729 Massachusetts), Register of Historic Kansas Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by Chris Cunningham of Treanor Architects for 817 Mass LLC, property owner of record.

STAFF PRESENTATION

Ms. Groves presented the item.

APPLICANT PRESENTATION

Chris Cunningham, Treanor Architects, stated he would answer any questions the Commission had regarding the project.

Commissioner Williams asked if the back door of the building was used.

Mr. Cunningham stated the door was used but office space was needed more so than the court yard and canopy.

PUBLIC COMMENT

There was no public comment.

PUBLIC COMMENT CLOSED

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Arp, to approve the project at 817 Massachusetts Street, based on the supporting documentation and with the following conditions as listed in the staff report:

- 1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.
- 2. Complete construction documents with material notations will be submitted and

approved by the HRA prior to the release of a building permit.

Motion carried unanimously, 4-0

ITEM NO. 6: DR-4-67-12 1513 Crescent Road; Rehabilitation and Addition; Certified Local Government Review. The property is in the environs of the Fernand-Strong House (1515 University), National Register of Historic Places. Submitted by Allen Belot of Allen Belot Architects for Melissa Moore and Kurt Look, property owners of record.

STAFF PRESENTATION

Ms. Groves presented the item.

APPLICANT PRESENTATION

Allen Belot, Allen Belot Architects, said the previous owner of the structure had demolished the kitchen and there were no restrooms. He said the current property owner wanted to restore the interior of the structure and put on an addition. Mr. Belot said the new shingles would match the existing steel shingles.

Commissioner Williams stated he was the realtor the last few times the property sold.

PUBLIC COMMENT

There was no public comment.

PUBLIC COMMENT CLOSED

COMMISSION DISCUSSION

Commissioner Williams said the property on the National Historic Register was not in the line of site. He said the proposal was more subtle than the previous one submitted three years ago.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Arp, to approve the project at 1513 Crescent Road, based on the supporting documentation and with the following conditions as listed in the staff report:

- 1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.
- 2. The applicant will allow staff access to the property to photo document the project before, during, and after the demolition and new construction.

Motion carried unanimously, 4-0

ITEM NO. 7: MISCELLANEOUS MATTERS

- A. No Board of Zoning Appeals applications received since April 19, 2011.
- B. No demolition permits received since the April 19, 2011 meeting.
- C. Review of Administrative and Architectural Review Committee approvals since April 19, 2011:

Administrative Reviews

- **DR-3-47-12** 701 W 9th Street; Sign Permit; Certified Local Government Review. The property is in the environs of the Michael D. Greenlee House (947 Louisiana) and the Oread Neighborhood Historic District, National Register of Historic Places. Submitted by Ryan Schurle of Schurle Signs Inc. for S & A Properties, LLC, property owner of record.
- **DR-3-49-12** 1740 Massachusetts Street; Sign Permit; Certified Local Government Review. The property is in the environs of the Edwards House House (1646 Massachusetts) and the Eugene F. Goodrich House (1711 Massachusetts), National Register of Historic Places. Submitted by Ryan Schurle of Schurle Signs Inc. for Dillon Companies Inc., property owner of record.
- DR-3-50-12 200 W 9th Street; Sign Permit; Certified Local Government Review, Certificate of Appropriateness Review, and Downtown Urban Conservation Overlay District Review. The property (Carnegie Library) is individually listed in the National Register of Historic Places. It is also in the environs of Lawrence's Downtown Historic District, the Lucy Hobbs Taylor House (809 Vermont), and the Oread Neighborhood Historic District, National Register of Historic Places. It is in the environs of Plymouth Congregational Church (925 Vermont), National and Lawrence Registers of Historic Places as well. The property is also located in the Downtown Urban Conservation Overlay District. Submitted by Keith Middlemas on behalf of the City of Lawrence, property owner of record.
- **DR-3-51-12** 700 Massachusetts Street; Rooftop Unit Replacement; Certified Local Government Review, Certificate of Appropriateness Review, and Downtown Urban Conservation Overlay District Review. The property is listed as a key

contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Eldridge Hotel (701 Massachusetts) and the United States Post Office (645 New Hampshire), National Register of Historic Places; the House Building (729 Massachusetts), Register of Historic Kansas Places; and Miller's Hall (723-725 Massachusetts), Lawrence Register of Historic Places. The property is located in the Downtown Urban Conservation Overlay District as well. Submitted by Terry Cox on behalf of 700 Mass LC, property owner of record.

- DR-3-52-12 706 Massachusetts Street; Rooftop Unit Replacement; Certified Local Government Review, Certificate of Appropriateness Review, and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Eldridge Hotel (701 Massachusetts), the North Rhode Island Street Historic Residential District, and the United States Post Office (645 New Hampshire), National Register of Historic Places; the House Building (729 Massachusetts), Register of Historic Kansas Places and Lawrence Registers of Historic Places; and Miller's Hall (723-725 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District. Submitted by Anchor Air on behalf of Nickel Building LC, property owner of record.
- DR-3-53-12 SW Corner of 9th Street & Massachusetts Street; Street Vendor License; Certified Local Government Review and Downtown Urban Conservation Overlay District Review. The property is listed in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Carnegie Library (200 W 9th) and Plymouth Congregational Church (925 Vermont), National Register of Historic Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by Hot Rod Hot Dogs.
- DR-3-54-12 NE Corner of 9th Street and Massachusetts Street; Street Vendor License; Certified Local Government Review and Downtown Urban Conservation Overlay District Review. The property is listed in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Carnegie Library (200 W 9th), the North Rhode Island Street Historic Residential District, and Plymouth Congregational Church (925 Vermont), National Register of Historic Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by Michael "Jack" Franks.
- **DR-3-55-12** 800 E 8th Street; Temporary Construction; Certified Local Government Review. The property is in the environs of the East Lawrence Industrial Historic District, National Register of Historic Places. Submitted by Penny's Concrete Inc., property owner of record.

- DR-3-56-12 803 Massachusetts Street; Sidewalk Dining; Certified Local Government Review and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Carnegie Library (200 W 9th) and the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places, as well as the House Building (729 Massachusetts), Register of Historic Kansas Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by Brian Kemp of Paul Werner Architects for David and Susan Millstein, property owners of record.
- **DR-3-57-12** 646 Rhode Island Street; Rehabilitation; Certified Local Government Review. The property is in the environs of Lawrence's Downtown Historic District, the North Rhode Island Street Historic Residential District, and the United States Post Office (645 New Hampshire), National Register of Historic Places. Submitted by Nathan and Summer Wedermyer, property owners of record.
- **DR-3-59-12** 500 S Powerhouse Road; New Construction; Certified Local Government Review. The property is in the environs of the Consolidated Barb Wire Building (1 Riverfront), Register of Historic Kansas Places. Submitted by Bowersock Mills & Power Co. on behalf of the City of Lawrence, property owner of record.
- **DR-4-60-12** 1645 Kentucky Street; Parking Variance; Certified Local Government Review and Certificate of Appropriateness Review. The property is in the environs of the Ludington/Thacher House (1613 Tennessee), National and Lawrence Registers of Historic Places. Submitted by Chad Donohoe of Grace Evangelical Presbyterian Church for David D. Wagner, property owner of record.
- DR-4-61-12 1920 Massachusetts Street; Kitchen Rehabilitation; Certified Local Government Review. The property is in the environs of the George K. Mackie House (1941 Massachusetts), National Register of Historic Places. Submitted by Kevin White on behalf of Jason Rush, property owner of record.
- DR-4-62-12 712 Massachusetts Street; Sidewalk Dining; Certified Local Government Review, Certificate of Appropriateness Review, and Downtown Urban Conservation Overlay District Review. The Anderson Building is listed as a contributing structure in Lawrence's Downtown Historic District, National Register of Historic Places. It is in the environs of the Eldridge Hotel (701 Massachusetts), the North Rhode Island Street Historic Residential District, and the United States Post Office (645 New Hampshire), National Register of Historic Places; the House Building (729 Massachusetts), Register of Historic Kansas Places and Lawrence Register of Historic Places; and Miller's Hall (723-725 Massachusetts), Lawrence Register of Historic Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by

Brian Kemp of Paul Werner Architects for SJC VII LLC, property owner of record.

DR-4-64-12 706 Illinois Street; Sunporch Removal; Certified Local Government Review and Certificate of Appropriateness Review. The property is in the environs of the Old West Lawrence Historic District, National Register of Historic Places, and the John Robert Greenlees House (714 Mississippi), Register of Historic Kansas Places and Lawrence Register of Historic Places. Submitted by Allen Belot of Allen Belot Architects for Haris and Alisa Mehmedovic, property owners of record.

Ms. Braddock Zollner stated DR-3-57-12 would need the approval from the Historic Resources Commission to allow the applicant to use vinyl clad wood windows for the project.

Commissioner Williams said the structure was in very poor condition and the fact the property owner was restoring the house it deserved special support.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Arp, to approve the project at 646 Rhode Island Street, based on the recommendation of Staff.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Williams, to affirm the Administrative Reviews.

Motion carried unanimously, 4-0

D. Dennis Brown said it was fascinating to listen to the discussion regarding 815 Massachusetts Street. He said May was National Preservation Month. Mr. Brown stated 1300 Haskell Avenue would appear before the Kansas Historic Preservation Office for a possible listing on the State and National Registers of Historic Places. He said there were three houses, 1300, 1320, and 1340 Haskell Avenue that were not on the register and the Lawrence Preservation Alliance was trying to get the properties registered.

Mr. Brown stated on June 4th, 2012 at the New Center for Design Research, there would be a presentation on how to list a historic property and how to prepare register nominations.

Commissioner Wiechert asked Mr. Brown if there was an interest in putting the Chamney Barn and House on the State Register.

Mr. Brown said he would research the possibility of adding the Chamney Barn and House to the State Register.

Ms. Soden said the East Lawrence Neighborhood Association voted unanimously against the five story structure at 900 New Hampshire Street. She said the Board recommended to the City Commission to add a full time historic preservation planner to City Staff.

E. Miscellaneous matters from City staff and Commission members.

Ms. Braddock Zollner displayed a photo of 4th and Mississippi Streets and stated there was a water issue and concrete curb and gutter would be installed. She said the stone curbing would be removed and stored. She asked the Commission for a recommendation of approval to save the stone curb and place in storage.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Williams, to approve Staff's recommendation to replace the stone curb in the area of 4th and Mississippi Streets with concrete, and place the stone curb into storage.

Motion carried unanimously, 4-0

Ms. Braddock Zollner stated a grant was received from the State Historic Preservation Office for \$7,200.00 to hire a consultant to update the multiple property documentation form to include resources from 1945- 1975.

Commissioner Wiechert asked Ms. Braddock Zollner if the City was funding the travel for the National Conference in October 2012.

Ms. Braddock Zollner stated there was no money in the budget for travel.

Commissioner Williams asked if funds from the development on New Hampshire Street could fund Historic Preservation to the homes along New Hampshire Street in the area of the proposed hotel at 900 New Hampshire Street.

Ms. Braddock Zollner stated she would research the issue and provide information to the Commission.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Arp, to adjourn the Historic Resources Commission meeting.

Motion carried unanimously, 4-0

ADJOURN -8:03 p.m.