



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1415-12

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Type: Development, Deferrals
and Variances

Status: Non-Consent Items

Version: 1

Reference: Item No. 32

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 07/29/2014

File Name: Historic District Appeal for 434 Chautauqua Avenue

Final Action:

Title: SUBMISSION OF A NOTICE OF APPEAL REQUESTING CITY COUNCIL OVERTURN THE DECISION OF THE HISTORIC DISTRICT COMMISSION REGARDING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR MODIFICATION OF THE SECOND STORY ELEVATION AT 434 CHAUTAUQUA AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the Historic District Commission for property located at 434 Chautauqua Avenue.

ACTION TAKEN: _____

Agenda Date: 08/12/2014

Agenda Number: 32

Attachments: Proposal Comparison 434 Chautauqua.pdf, Initial COA Application 02-07-14.pdf, Staff Report 05-05-14.pdf, Presentation by Applicant 05-05-14, HDC Verbatim Minutes 05-05-14, HDC Denial 05-07-14.pdf, Staff Report 07-07-14.pdf, HDC Verbatim Minutes 07-07-14.pdf, HDC Denial 07-09-14.pdf, Appeal Request and New Proposal Picture 07-17-14.pdf, 1988 and 2004 Historic Surveys.pdf

Project Manager: Linda Price, Revitalization Manager

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Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1415-12

Body

BACKGROUND: On February 7, 2014, the applicant submitted an application for a Certificate of Appropriateness ("COA") for proposed changes to the exterior front elevation of the property located at 434 Chautauqua. The application included proposed changes to the second story roofline and façade as well as to the porch.

The Historic District Commission (“HDC”) considered the applicant’s application for a COA on May 5, 2014. The HDC divided the application into two separate issues, one pertaining to the second story roofline and façade and the other pertaining to the porch. The HDC voted unanimously to deny the COA application as to the second story and tabled the issue regarding the porch pending the submission of additional information.

In accordance with § 22:429.3(10) of the City’s *Historic District Ordinance*, the applicant timely filed an appeal of the denial pertaining to the roofline and front façade. At its meeting of June 2, 2014, the HDC met to review the additional information presented by the applicant regarding the porch, and the HDC unanimously approved the porch COA application with certain stipulations. Accordingly, the porch COA application is not at issue in this appeal.

On June 24, 2014, the applicant’s appeal of the HDC’s denial of a COA for the proposed changes to the second story roofline and façade was presented to Council. After hearing presentations from both City staff and the applicant, Council voted unanimously to remand the item back to the HDC to consider additional information presented by the applicant at the appeal.

The HDC reviewed the applicant’s additional information at its July 7, 2014 meeting. The applicant presented a new picture of proposed modifications which would remove the second story front façade and roofline characteristics that had been noted in both the 1998 (“gabled roof”) and 2004 (“side-gambrel roof with cross-gables”) historic/architectural surveys when identifying the property as a contributing structure. The HDC voted 4-1 to deny this application as presented by the applicant. The applicant timely filed an appeal of this denial on July 17, 2014.

DISCUSSION:

What proposed changes were denied by the HDC at its May 5, 2014 meeting?

The applicant requested to make the following alterations to the front elevation:

1. Remove dormer peaks on front second story elevation
2. Continue existing mansard roof with wood shingle siding on second floor in a single plane the full width of the house

What proposed changes were denied by the HDC at its July 7, 2014 meeting?

The applicant modified his previous proposal and requested to make the following alterations to the front elevation:

1. Remove dormer peaks and all other architectural features on front second story elevation
2. Construct a new facade with wood siding on second floor in a single plane the full width of the house

Standards for Evaluating Applications for a COA

The *Norman Historic District Ordinance* (Zoning Ordinance, Section 22:429.3) states that applications for a COA must be evaluated based on the *Historic Preservation Guidelines* and the *Secretary of the Interior Standards* to preserve property values and to protect the historic character of these neighborhoods.

The Miller and Chautauqua Historic Districts were designated as historic districts in 1995 and 1997 at the request of a majority of the property owners. The *Historic Preservation Guidelines* were created by members of the HDC with the assistance of City staff and were reviewed and adopted by Council in August, 2008. The *Secretary of the Interior Standards* are set forth in the *Historic Preservation Guidelines*. Roof form and pitch are among the major distinguishing characteristics of historic buildings, and it is particularly important to retain and preserve historic roofs that create distinctive effects by shapes or color because to alter or remove them would result in the loss of a significant architectural feature. (Section 3.4, *Historic Preservation Guidelines*). Pertinent excerpts of the *Historic Preservation Guidelines* are included below:

Section 1.4 Secretary of the Interior Standards for Rehabilitation

4. *Acknowledge Changes Over Time*. Most properties change over time; those changes that have acquired

historic significance in their own right shall be retained and preserved.

Section 3.1 Guidelines for Exterior Walls

.1 *Preserve Original Walls.* Retain and preserve exterior walls that contribute to the overall historic form and character of a building, including functional and decorative features and details.

.2 *Retain Original Building Materials.* Retain and preserve exterior wall materials that contribute to the overall historic character of a building.

.3 *Replace Only Deteriorated Portions.* If replacement of a deteriorated wall or feature is necessary, replace only the deteriorated portion in kind rather than the entire feature. Match the original in material, design, dimension, detail, texture, and pattern. Consider compatible substitute materials only if using the original material is not technically feasible.

Section 3.4 Guidelines for Roofs

.1 *Preserve Original Features.* Retain and preserve roofs and roof features that contribute to the overall historic character of a building, such as cresting, dormers, cupolas, and cornices. Tile and slate roofs rarely need to be discarded.

.2 *Replace Only Deteriorated Portions of Roof Features.* If replacement of a deteriorated roof feature is necessary, replace only the deteriorated portion in kind to match the original feature in design, dimension, detail, and material. Consider compatible substitute materials only if using the original material is not technically feasible.

What was the basis of the denial?

The applicant's request was based on an assertion that the proposed modifications would return the house to an earlier form. The HDC denied the request, finding that there was not sufficient evidence presented to prove that the proposed modifications were returning the roof and facade to an earlier form.

The HDC further determined that even if the property had been modified over time, which is quite common for houses of this age, the property had been the subject of two historic/architectural surveys conducted in 1988 and 2004, both of which designated it as a contributing structure to the Chautauqua Historic District in its current form. Even if these features were not original, the changes occurred many decades ago and had acquired their own historic significance over time. The HDC found that the mansard roof and dormer peaks were character-defining features of this contributing structure and that removal of these elements would completely alter the structure's historic integrity as it is viewed from the street.

Ordinary Maintenance and Repair

The applicant also raised the issue of the deteriorated condition of the house due to poor construction methods and design and damage from water and wildlife. The HDC agreed that areas of deterioration can and should be repaired. That activity is described in the *Historic Preservation Guidelines* as "ordinary maintenance and repair" and is strongly encouraged. Undertaking ordinary maintenance of historic structures often provides opportunities for property owners to correct minor design flaws or poor construction methods that have resulted in deterioration due to water, insect, and wildlife damage. These issues can usually be addressed without removing character-defining features of the historic structure.

Standard of Review

This appeal comes before Council on a *de novo* (or "new") standard of review, meaning that Council is to evaluate the COA application on its merits and not simply review the HDC's decision. As such, Council is to apply the applicable provisions of the *Historic District Ordinance* (§ 22:429.3 of the *Zoning Ordinance*) and the *Historic Preservation Guidelines* outlined above. Council may approve or deny the application for the COA in whole or in part.