



## Legislation Details (With Text)

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<b>Title:</b>	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 MODIFICATIONS AT 540 SOUTH LAHOMA AVENUE.				

### Sponsors:

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**Attachments:** 1. Text File, 2. Appeal Letter, 3. Denial Letter, 4. Garage Door Drawings, 5. HDC Minutes 5-7-18.pdf, 6. HDC Staff Report, 7. 540 \_S\_ Lahoma \_HDC\_ Verbatim 5-7-18.pdf

Date	Ver.	Action By	Action	Result
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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 MODIFICATIONS AT 540 SOUTH LAHOMA AVENUE.

**BACKGROUND:** The property at 540 S. Lahoma is a two-story 1919 Italian Renaissance contributing structure to the Chautauqua Historic District. The property has a concrete driveway leading to a carport located north and west of the rear of the house. The 1988 Historic Survey of Chautauqua does not indicate the presence of the original historic garage which was probably removed prior to that time.

The current owner of the property, Curtis McCarty, made a request for a Certificate of Appropriateness for a new 836 square foot tandem garage which was approved at the March 5, 2018 Historic District meeting. However, at that time the Commissioners requested that the applicant return with a different garage door material and design. In particular, the Commissioners were interested in alternative materials to the proposed overhead metal garage door such as wood or Smartwood.

At the May 7, 2018 meeting the applicant returned to the Historic District Commission with a proposed steel door with wood composite. A motion was made to approve the proposed steel and wood composite overhead garage door as proposed. The vote was 3 to 3, resulting in a denial for the requested garage door.

The reasons cited by some of the Commissioners for denial was that the material for the garage door did not meet Section 2.3, Guidelines for Garages and Accessory Structures, of the Historic District Guidelines which states that new garages are to have materials that match the principal structure. In this case, the Commissioners opposed to the approval of the proposed metal and composite wood garage door felt that since this garage door would be visible to the front public right-of-way, that it should be wood.

In accordance with § 22:429.3(10) of the City's *Historic District Ordinance*, the applicant timely filed an appeal of the May 7, 2018 Historic District Commission denial on May 16, 2018, and the appeal was set to be heard by City Council on June 12, 2018.

### DISCUSSION:

***What proposal was denied in the COA application request at the Historic District Commission Meeting held on May 7, 2018?***

The applicant's request to install the following to the property was denied:

Installation of a steel and wood composite garage door.

### ***Historic Preservation Guidelines***

The property at 540 S Lahoma is located in the Chautauqua Historic District which was designated as a historic district in 1995 at the request of a majority of the property owners. The *Historic Preservation Guidelines* are used to protect the historic character of the structure and the neighborhood.

The Historic District Commission uses the *Norman Historic District Ordinance* and the *Historic Preservation Guidelines* as the basis for evaluating all Certificate of Appropriateness application requests. The *Historic Preservation Guidelines* were developed by members of the Historic District Commission with the assistance of City staff and were reviewed and adopted by City Council in March, 2009.

Distinctive site features contribute significantly to the overall character of the Chautauqua Historic District and to individual properties in the district. The consistency and repetition of site features including spacing, placement, design and materials creates a rhythm to the streetscape in historic districts. Site elements, such as garages, are one of the features that help create the historic character found in the Chautauqua Historic District. In the Chautauqua District historic garages are usually small wooden structures situated very near or on the property line on one side of the house. It is important to maintain this rhythm found in garage structures when possible to help retain the historic character of the neighborhood. The guideline for new garages states that new construction should be compatible with the neighborhood by being sensitive to form, scale, size, features and materials with the principal structure.

It should be noted that the Historic District Ordinance's statement regarding regulations of the rear elevation of properties provides the underlying guidance that modern day features such as garages, shall be located in the rear and be regulated to lower standard. The Historic District Ordinance states:

"Changes to the rear elevations do require a COA; however, the rear elevation of a historic structure is considered a secondary elevation and is therefore regulated to a lower standard to allow flexibility for additions and other modern day appurtenances."

The Historic District Commission has interpreted this guidance as allowing for the placement of modern day garages in the rear yard along one property line at the end of a driveway or off the alleyway. However, the proposed garage still must be compatible with some flexibility in the massing, design, size and finishes with the principal structure and the neighborhood.

### ***Historic Preservation Handbook:***

#### ***2.3 Guidelines for Garages & Accessory Structures***

***.5 Make New Construction Compatible.*** *If a new garage is the approved alternative, it shall be compatible in form, scale, size, materials, features, and finish with the principal structure. New accessory structures shall maintain the traditional height and proportion of accessory buildings in the district.*

#### ***What was the basis of the denial?***

The Historic District Commission denied the request, finding that the proposed composite and metal garage door was not a compatible material with the principal structure and, therefore, did not meet the Historic Preservation Guideline for garage construction. The applicant's request was based upon the assertion that the proposed steel garage door with composite wood overlay met the Guidelines and, furthermore, was similar to many of the garage doors installed in the neighborhood. Additionally, the applicant desired a door that would be a strong and long-lasting door that would require less maintenance than a wood door. In particular, the applicant stated that he wanted a door that would meet building code wind load requirements and would not need to be painted every few years.

Staff suggested in the report to the Historic District Commission the Commission would need to determine if a steel/wood composite garage door was appropriate in this situation. The key to this decision-making process was whether the proposed door would impact the historic structure or the surrounding historic district.

In the staff report and the discussion with the Commission, staff cited several observations that the Commission might use in their consideration of the appropriateness of the of garage door material: 1) recent COAs approved by the Historic District Commission for front facing garages that are visible from the public right-of-way have been for a wood door; 2) this garage will sit over a 100 feet from the public right-of-way; 3) wood garage doors composed of wood stiles and wood composite are available; 4) the garage is new construction and is not meant to be restoration of the historic structure that once existed. A motion was made to approve the application, ending in a 3-3 tie vote, therefore resulting in a denial. Three of six Commissioners present felt that the garage door did not meet the Guidelines for material since the garage would be visible to the front public right-of-way.

***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.