

**M E M O R A N D U M**  
**August 6, 2014**

**TO:** Landmarks Board

**FROM:** Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner  
Angela Smelker, Historic Preservation Intern

**SUBJECT:** Public hearing and consideration of a Landmark Alteration Certificate to demolish a contributing accessory building, construct a 6' x 26' rear deck, flagstone patio, and basketball court, retaining walls and fire pit with concrete base at 437 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00176).

**STATISTICS:**

- |              |                            |
|--------------|----------------------------|
| 1. Site:     | 437 Highland Ave.          |
| 2. Zoning:   | RL-1 (Residential Low - 1) |
| 3. Owner:    | Andy and Genny Horning     |
| 4. Lot Size: | 7,221 square feet          |

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**STAFF RECOMMENDATION:**

Staff recommends that the Landmarks Board adopt the following motion:

I move that the Landmarks Board adopt the staff memorandum, dated Aug. 6, 2014 as findings of the board and approve in part and deny in part the application for a Landmark Alteration Certificate submitted in case HIS2014-00176. Because the following elements of the application do not meet the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C. 1981, and are inconsistent with Sections 2, Site Design, and 7, Garages and Other Accessory Structures, of the General Design Guidelines and Section C, Landscaping and Section D, Alleys, Easements and Accessways, of the Mapleton Hill Historic District Design Guidelines, they shall be denied: demolition of the contributing accessory building and the significant paving of the backyard area including retaining walls and a fire pit. The following elements of the application shall be approved subject to the conditions of approval listed below: construction of the 6' x 26' rear deck, the relocation of

exterior stairs on the garage and construction of rear and side fences to a height of no more than 5'.

**CONDITIONS OF APPROVAL:**

1. The applicant shall reconstruct the contributing accessory building in its original location based upon existing photographic documentation.
2. The application shall:
  - remove approximately 50% of the current hardscaping in the back yard area, including complete removal of the underlying concrete slab;
  - set the pavers into sand rather than upon the concrete slab;
  - reduce the height and number of retaining walls; and
  - reduce the height of the fire pit.
3. The applicant shall submit detailed plans for the reconstruction of the contributing accessory building and the hardscaping removal, as well as a revised fence design showing the height to the top of the fence to be no more than 5' at any point. These design details shall be reviewed and approved by the Landmarks design review committee, prior to the issuance of a building permit. The applicant shall demonstrate that the design details are in compliance with the intent of this approval and the *Mapleton Hill Historic District Design Guidelines* and the *General Design Guidelines*.
4. The applicant shall be responsible for completing the work as shown on plans that have been approved pursuant to 3, above.

**SUMMARY:**

- The demolition of a contributing building and installation of hardscaping, including an athletic court, was undertaken without a Landmark Alteration Certificate (LAC). Because the applicant is requesting a (after the fact) Landmark Alteration Certificate for demolition of a building, review by the full Landmarks Board in a quasi-judicial hearing is required pursuant to Section 9-11-14(b) of the Boulder Revised Code 1981.
- On Sept. 20, 2012, the Landmarks Design Review Committee (Ldrc) approved a request for alterations to a non-historic rear addition (HIS2012-00213, HIS2013-00026). The approval included the construction of a 4' x 18' deck at the rear, measuring no more than 30" in height.

- On Mar. 26, 2014, the Landmarks Board approved a request for the construction of a fence along the north, east and west property lines (HIS2014-00068).
- In April 2014, a neighbor raised concerns regarding the height of the fence, installation of a basketball hoop and demolition of an existing accessory building.
- Upon inspection, staff confirmed that the contributing shed had been demolished, that most of the back yard had been paved for patio and basketball/lacrosse court area, and that the approved 4' x 18' (72 sq. ft.) rear deck was constructed to 6' x 26 (approximately 200 sq. ft. with steps).
- The applicant has submitted a Landmark Alteration Certificate for review of the completed work. On April 16, 2014, the Ldrc reviewed the application and referred it to the full board for review.
- Staff recommends that the Landmarks Board deny some of the requested alterations, approve others with conditions, and require reconstruction of the contributing accessory building and removal of a portion of the hardscaping from the property, as the work does not meet the standards of Section 9-11-18 of the Boulder Revised Code for *Issuance of a Landmark Alteration Certificate* and is inconsistent with the *General Design Guidelines*, the *Mapleton Hill Historic District Design Guidelines*, and the *Historic Preservation Code*.

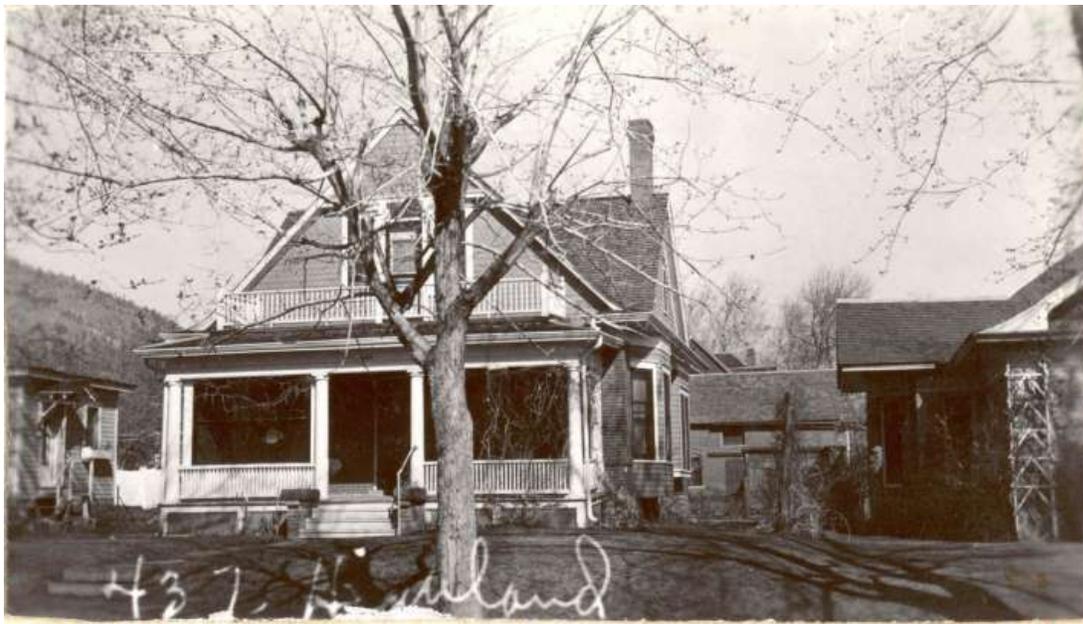


Figure 1. Location Map, 437 Highland Ave.

**PROPERTY DESCRIPTION:**

The property is located on the north side of Highland Avenue between 4<sup>th</sup> and 5<sup>th</sup> streets. An alley runs along the north side and at the rear of the property. The house is representative of Edwardian Vernacular residential design in Mapleton Hill. The house was constructed in 1901 and features a cross-gable roof with decorative shingles and the balcony and prominent porch with classical columns. The house is considered contributing to the Mapleton Hill Historic District.

Historically, two accessory buildings were located at the rear of the lot. A garage was located on the northwest corner of the lot and a shed was located at the northeast corner of the lot (see figures 4 and 5). The one-and-a-half story garage featured a hipped roof, novelty lap siding and a multi-light garage door. In 2005, the Landmarks Board approved a request to demolish the garage and in its place construct a new, single-car garage. The request to demolish the shed building was denied. In 2013, the shed was demolished without a Landmark Alteration Certificate or a building permit. Most of the rear yard area has also recently been paved without Landmark Alteration Certificate approval or an application for a building permit. An athletic court was constructed in the area at the south end of the lot. A number of retaining walls have been constructed, as has a fire pit.



*Figure 2. Tax Assessor Photograph, 437 Highland Ave., c.1929*

### **2004-2005 Landmark Alteration Certificate Review**

In 2004, a proposal was submitted by the current owners for the demolition of the garage and accessory building to be replaced with a new two car garage with office space above. The application was scheduled for review at a public hearing in July of that year. Based on concerns expressed by staff and the Design Review Committee, the applicant elected to postpone that hearing. Following additional consultation with neighbors and staff a new proposal was submitted calling for a single-car garage. That application was reviewed at the August 2004 hearing. After public testimony and Board discussion, a motion was made to approve the demolition of the existing garage and conditionally approve the mass and scale of the new garage, with additional details to be addressed by the Design Review Committee. While a majority of the Board voiced support for the demolition, there was not a majority in favor of approving the new garage. As such, the motion failed. With the applicant's consent, the item was instead continued in order to allow for modifications to the proposed new garage.

The Landmarks Board considered the demolition of the contributing garage to be appropriate because it was unusable in its existing configuration (the garage door was oriented to the south, away from the alley and the building was not wide enough to fit a car), and that a condition of approval would be to vacate the curb cut along Highland Ave. Staff recommended the board deny the request for the demolition of the historic shed building..

The item was again reviewed by the Landmarks Board at the January 2005 hearing with a condition that the contributing shed building be preserved in place per staff's recommendation. A motion was made to approve the demolition of the existing garage and approve the construction of a new, single-car garage. The motion passed by a vote of 3-2.

The shed building located at the northeast corner of the lot first appeared on Sanborn Maps in 1931. The Aug. 4, 2004 memo describes the building as such:

*A shed is located on the east property line and extends slightly over the rear property line into the alley. It measures 8 feet deep and 12 feet across the alley. Character-defining features of the shed include its simple rectangular form, low shed roof angling towards the alley, horizontal wood siding, band of screened windows on the south elevation and low door with simple wood surround on the west elevation. A building in this location is also first evident on the 1931 Sanborn map. The similarity in materials and construction techniques suggest that both buildings were constructed at about the same time.*

*The existing shed is a contributing building to the district. It was constructed during the period of significance and retains a high degree of historic integrity. It adds historic character to the alleyscape and the site. The removal of the building will have an adverse impact on the character of the site and the district which is not mitigated by any other policy concerns. The removal of the building is not required as part of the site redevelopment.*

The 2005 Accessory Building survey was conducted after the demolition of the garage and identifies the shed building as being constructed pre-1931, with composition roofing, wood siding, corner boards and a door trim. It was identified to be in good condition and contributing to the Mapleton Hill Historic District. See Attachment A: Accessory Building Survey and figure 5.

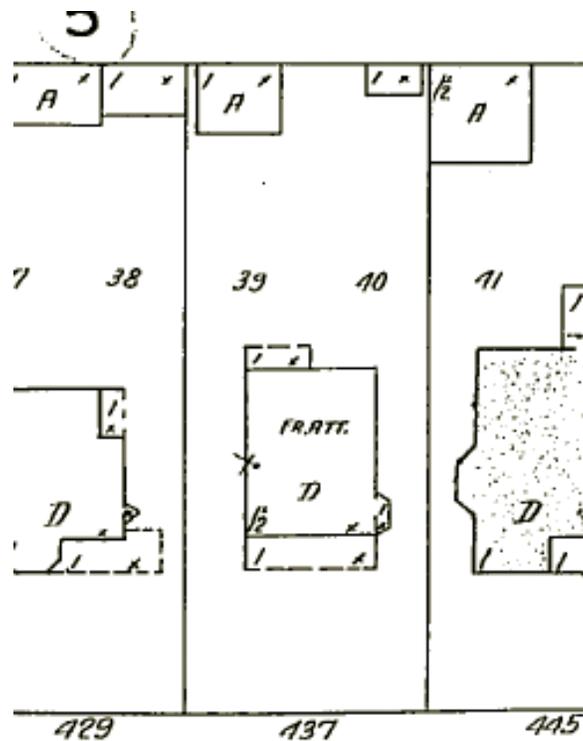


Figure 3. 437 Highland Sanborn Map, 1931.

### **2012 Review**

In September of 2012, the Ldrc approved plans (HIS2012-00213) to replace a non-historic rear bay window with a 8' x 12' bi-fold swinging door, add an 4' x 22' rear landing accessed by two steps, replace a non-historic window and to move a

non historic window at the rear elevation and to repair brick on this face of the building. The site plan dated 09.12.2012 indicated the existence of the 96 sq. ft. shed. No additional site work was requested as part of this approval.



*Figure 4. 437 Highland Ave., Facing east, North faces of garage (demolished 2005) and shed building (demolished 2013).*

#### **2014 Review**

In March of 2014, the applicant submitted plans for the construction of 6' high wood fence at the rear of the property and along the east property line to the house. Based on comments from the Ldrc, the design was modified so that fence should be no more than 5'6" in height when measured to its highest point and that the top 1' of the fence be an open lattice to maintain visibility into the property. An LAC was issued at that meeting.



Figure 5. 437 Highland Ave. rear yard landscaping and shed building, 2004 prior to demolition and paving.

### **Current Proposal**

#### **Demolition of Contributing Shed**

The applicant is requesting after-the-fact approval for demolition of the historic shed building based upon their assessment that the building was in very poor condition and a hazard. Photographs from July of 2004 (*see figures 5 & 6*), indicate that the shed was in relatively good condition at that time. The 2005 historic building survey of the building identifies it as being in “good” condition also. The applicant indicates that the building was in very poor condition prior to its demolition in April of 2013 having been “held together with license plates.” The applicants submitted one undated photograph showing the interior framing of the shed (*figure 7*) showing 2” x 4” framing approximately 18” on center.



Figure 6. 437 Highland Ave. Southwest corner of demolished shed, July 2004



Figure 7. 437 Highland Ave. Northeast corner of property where shed was previously located, July 2014.

The northeast corner of the existing athletic court currently occupies the location of the demolished shed.

### **Building Classification**

The General Design Guidelines define **contributing buildings** as “those buildings built during the district’s period of significance that exist in comparatively original condition, or that have been appropriately restored, and clearly contribute to the historic significance of the district. Such buildings may have compatible additions.” **Non-contributing buildings** are defined as “those buildings built during the district’s period of significance that have been altered to such an extent that historic information is not interpretable and restoration is not possible. This includes buildings erected outside the period of significance that are not individually significant.”

The shed building at 437 Highland Ave. was constructed in the 1920s, within the district’s period of significance (1865-1946) and contributed to the historic character of the alley. It is visible in the c.1929 tax assessor photograph of the house (*see figure 2*). Staff considers that due to its date of construction, relative lack of exterior changes, and prominence on the alley-scape prior to its demolition, the accessory building did contribute to the historic character of the property and the Mapleton Hill Historic District as a whole. The approval for the demolition of the garage in 2005 was, at least partially, predicated upon the understanding that the contributing shed building would be preserved and a mature tree at the rear of the yard maintained.

### **Stone Patio, Athletic Court, Retaining Walls, Fire Pit and Water Feature**

The applicant is requesting an after-the-fact Landmark Alteration Certificate for approximately 825 sq. ft. of paved area, to provide for an athletic court (450 sq. ft.) and a flagstone patio (300 sq. ft.), all set upon a raised concrete pad between 4" and 20" in thickness from north to south. In addition, approximately 75 sq. ft. of flagstone pathway is located in the back yard area. Approximately 275 sq. ft. of planted area remains in the backyard area, some of which is enclosed by sandstone and "Allen Block" retaining walls up to 30" in height. The athletic court has a basketball hoop at the east end and "rebounder" wall on the east wall of the garage. A fire pit is located in the center of the patio. Submitted drawings indicate its height will be reduced to 20". No details were provided about the proposed water feature, though it is referenced on the 02/16/2014 landscaping plan for the property.



*Figure 8, 437 Highland Ave. Northeast view of backyard, July 2014.*

### **Rear Deck Off of House**

The Landmark Alteration Certificate drawings dated 02.06.2013 (HIS2012-0213) specified a 22' x 4" (88 sq. ft.) landing where a 26' x 6' (approximately 200 sq. ft. with steps) landing was constructed. The applicant is requesting the existing landing (to be painted white) to be approved as constructed.



*Figure 9. 437 Highland Ave. North elevation (rear) showing deck, July 2014.*

### **Rear and Side Fence**

HIS2014-00104 reviewed by the Ldrc on April 16<sup>th</sup>, 2014 approved at 5'6" high fence, the top 1' being an open trellis to provide visibility into the property. The constructed fence ranges in height from 5'2" in height to 5'10" in height. The applicant has indicated that they will lower the fence to 5' in height (with the top 1' being open) to enhance the "human scale along the alley".

### **Change in Orientation of Exterior Stairway to Garage to Provide Egress**

This change, which resulted in the stair run leading north/south where it was originally constructed to run east west, was not reviewed through the Landmark Alteration Certificate review process (*see figures 8 & 9*).

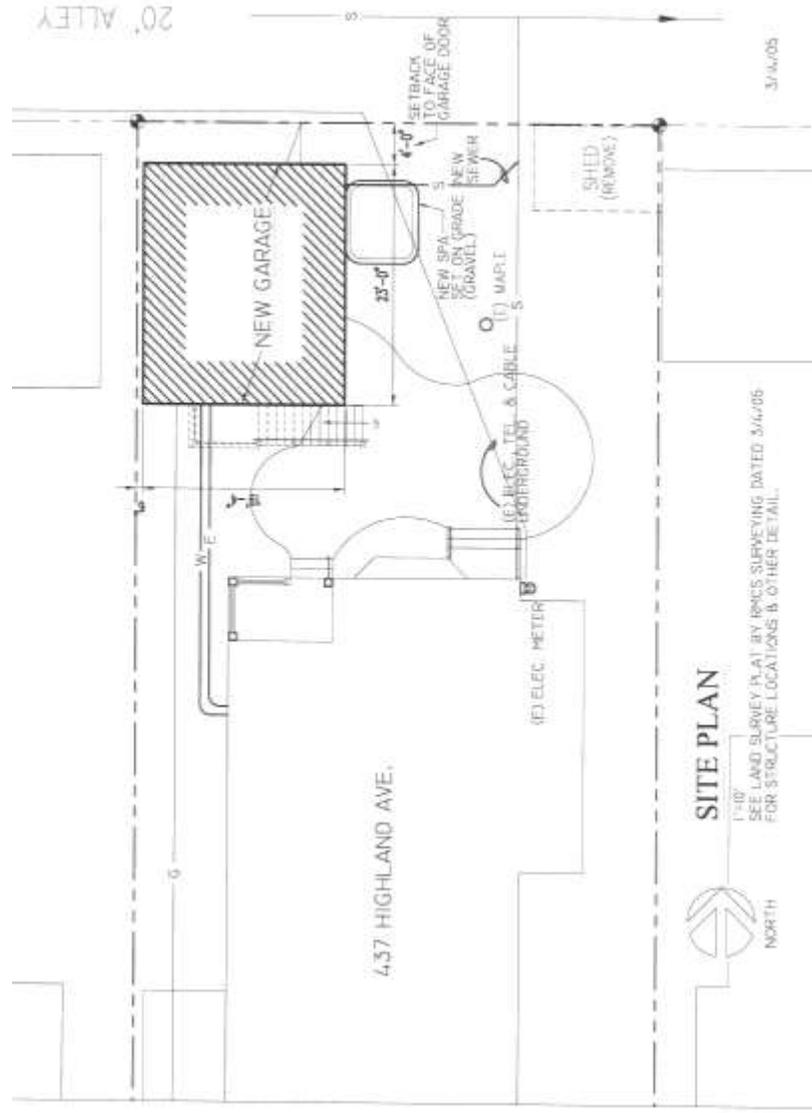


Figure 8. 437 Highland Ave., Landscape Plan for Landmark Board Review, 2005.

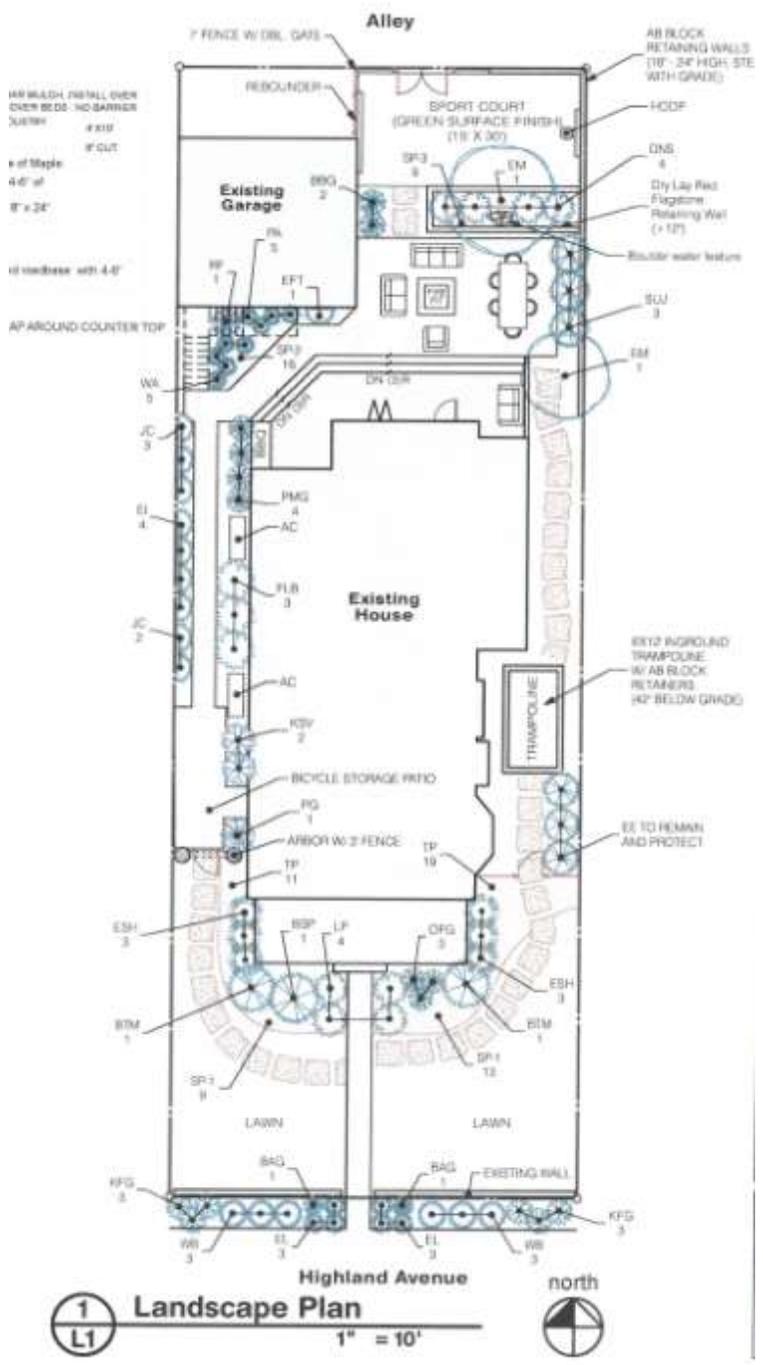


Figure 9. 437 Highland Ave., Landscape Plan, Current (2014).

## **CRITERIA FOR THE BOARD'S DECISION:**

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Subsections (b) & (c) of 9-11-18, B.R.C. 1981, set forth the standards of approval for an LAC:

*(b) Neither the landmarks board nor the city council shall approve a landmark alteration certificate unless it meets the following conditions:*

- (1) The proposed work preserves, enhances, or restores and does not damage or destroy the exterior architectural features of the landmark or the subject property within an historic district;*
- (2) The proposed work does not adversely affect the special character or special historic, architectural, or aesthetic interest or value of the landmark and its site or the district;*
- (3) The architectural style, arrangement, texture, color, arrangement of color, and materials used on existing and proposed structures are compatible with the character of the existing landmark and its site or the historic district; and*
- (4) With respect to a proposal to demolish a building in an historic district, the proposed new construction to replace the building meets the requirements of paragraphs (b)(2) and (3) above.*

*(c) In determining whether to approve a landmark alteration certificate, the landmarks board shall consider the economic feasibility of alternatives, incorporation of energy-efficient design, and enhanced access for the disabled.*

### **Analysis:**

1. *Does the proposed application preserve, enhance, or restore, and not damage or destroy significant exterior architectural features of the landmark or the subject property within an historic district?*

Staff finds the demolition of the contributing accessory building and hardscaping of the rear yard to have a damaging effect on the property within the Mapleton Hill Historic District. The contributing accessory building added to the historic character of the property and the alley and had retained a high degree of integrity. Little evidence has been presented to suggest the building was too deteriorated to be rehabilitated. The extent of the hardscaping (approximately 75% of the back yard area) is inconsistent with the *General Design Guidelines* (see Design Guidelines Analysis section) and will compromise the historic character of the property in the Mapleton Hill Historic District.

2. *Does the proposed application adversely affect the special character or special historic, architectural, or aesthetic interest or value of the landmark?*

Staff finds that the removal of the contributing accessory building and addition of extensive hardscaping adversely affects the special character of the property and the district as a whole as the accessory building was contributing and, therefore, significant to the property's special historic, architectural, and aesthetic value. Staff also finds that the proposed work will be inconsistent with the *General Design Guidelines* and *Mapleton Hill Historic District Design Guidelines*.

3. *Is the architectural style, arrangement, texture, color, arrangement of color, and materials used on existing and proposed structures compatible with the character of the historic district?*

Staff considers the extent of the proposed hardscaping will be incompatible with the architectural style, arrangement, texture, color, arrangement of color, and materials on the main house and the historic district as a whole.

4. *The Landmarks Board is required to consider the economic feasibility of alternatives, incorporation of energy-efficient design, and enhanced access for the disabled in determining whether to approve a Landmark Alteration Certificate.*

No information has been provided to suggest that energy-efficient design or accessibility have been considered beyond that required by the city's building code.

5. *With respect to a proposal to demolish a building in an historic district, the proposed new construction to replace the building meets the requirements of paragraphs (b)(2) and (3) above.*

Staff considers that demolition of the contributing shed does not meet this standard and that the applicant should carefully reconstruct the shed in its original location to reestablish this aesthetic feature on the property and alley-scape.

### **Design Guidelines**

The board has adopted the *General Design Guidelines* to help interpret the Historic Preservation Ordinance. The following is an analysis of the proposed new construction with respect to relevant guidelines. Design guidelines are intended to be used only as an aid to appropriate design and are not intended as a checklist of items for compliance.

**GENERAL DESIGN GUIDELINES FOR GARAGES & OTHER ACCESSORY BUILDINGS.**

<b>2.0 Site Design</b>			
<b>2.1 Building Alignment, Orientation and Spacing</b>			
.7	<i>Preserve a backyard area between the house and the garage, maintaining the general proportion of built mass to open space found within the area.</i>	At approximately 75% hardscaping in the backyard, the proportion of built mass to open space far exceeds the average in backyards of contributing properties in the Mapleton Hill Historic District. Likewise, the backyard area between the house and garage is nearly completely paved or built upon. Remove significant areas of backyard paving to make more consistent with this guideline.	<b>No</b>
<b>2.3 Alleys</b>			
<b>2.2 Streetscape and Landscape</b>			
.7	<i>Where existing retaining walls are important to the character of the property, they should be preserved and incorporated into new landscape features.  Regrading and the introduction of new retaining walls is inappropriate.</i>	New retaining walls in back yard area including fire pit are inconsistent with this guidelines. Remove these features from the landscaping and in reduction of overall hardscaping in back/side yard areas. Review details at Ldrc.	<b>No</b>
.6	<i>Generally, paving alleys in historic district alters the historic character and is inappropriate. If paving is necessary, a paving material that preserves the utilitarian character of the alley is appropriate; the preferred surface is permeable, self-edged material such as recycled asphalt, that will control drainage and dust.</i>	Athletic court is comprised of an even, smooth surface between the existing garage and the garage on the adjacent property and has a hard edge.	<b>No</b>
<b>3.3 Decks</b>			
.3	<i>Unpainted wood decks are inappropriate; decks should be painted or stained opaque to match the house.</i>	While quite large, the deck is consistent with this guideline. Applicant has indicated the rear deck will be painted white to match the house.	<b>Yes</b>
<b>4.4 Compatibility with Historic Site and Setting</b>			
	<i>Additions should be designed and located so that significant site features, including mature trees, are not lost or obscured. The size of the addition should not overpower</i>		

	<i>the site or dramatically alter its historic character.</i>		
.1	<i>Design new additions so that the overall character of the site, site topography, character-defining site features and trees are retained.</i>	Demolition of accessory building and installation of athletic court and hardscaping have resulted in the loss of the character-defining site features (open lawn, mature tree and accessory building.) Uniform topography of athletic court and hardscaping not consistent with historic character of site or historic district.	<b>No</b>
.4	<i>Preserve a backyard area between the house and the garage, maintaining the general proportion of built mass to open space found within the area.</i>	Proposed new porch at west maintains approximately 12 ft. between itself and southeast corner of garage. Consider reducing depth of this porch area which is shown at 15 ft. – maybe reviewed at Ldrc.	<b>Maybe</b>

<b>7.0</b>	<b>Garages &amp; Other Accessory Structures</b>		
	<p><i>Accessory structures include barns, sheds, garages and outbuildings. Originally accessory structures were used for storage of equipment, animals, or carriages. Generally, these structures have been adapted for the storage of cars. In most cases, accessory building were located to the rear of the lot and accessed by alleys. They were subordinate in size and detailing to the primary house. Over time they have emerged as important elements of many lots and alleys in the district. Efforts should be made to protect the eclectic character of alleys.</i></p> <p><i>Both additions to existing accessory buildings and new accessory building will be evaluated in terms of how they affect the historic character of the individual site and the district as a whole. In the past, larger accessory structures have been allowed than may be appropriate today.</i></p>		
<b>7.1</b>	<b>Existing Historic Accessory Buildings</b>		
.1	<i>Retain and preserve garages and accessory buildings that contribute to the overall character of the site or district.</i>	The accessory building proposed for demolition was constructed pre-1931, within the period of significance for the Mapleton Hill Historic District, and retained high historic integrity. Reconstruct this building in original location based upon historic photographs to re-establish feature on property on an alleyscape. Review details at Ldrc.	<b>No</b>
.2	<i>Retain and preserve the character-defining materials, features, and details of historic garages and accessory buildings, including roofs, materials, windows, and doors.</i>	Demolished accessory building remained largely intact from its original construction. Reconstruct this building in original location based upon historic photographs to re-	<b>No</b>

		establish feature on property on an alleyscape. Review details at Ldrc.	
<b>7.2</b>	<b>New Accessory Buildings</b>		
.1	<i>It is inappropriate to introduce a new garage or accessory building if doing so will detract from the overall historic character of the building and property, or if it will require removal of a significant historic building element or site feature.</i>	Existing garage was approved on 2005. Relocated exterior stair will not detract from the historic character of the property or require removal of a significant element.	<b>Yes</b>
.4	<i>Preserve a backyard area between the house and the accessory buildings, maintaining the general proportion of built mass to open space found within the area. ↘</i>	Approximately 75% of the back yard area has been paved with hardscaping, including a flagstone patio, rear deck and sandstone planters. Approximately 275 sq. ft. of planted area remains in the backyard area. Historically the rear yard had an open lawn with mature trees. Remove continuous concrete slab and reduce rear hardscaping by at least 50%. Review details at Ldrc.	<b>No</b>

### Mapleton Hill Historic District Guidelines

<b>C</b>	<b>LANDSCAPING</b>		
	Guideline	Analysis	Confirms ?
2.	<i>Larger scale landscaping alterations, including without limitation the replacement of sod with concrete or any hard surface, have an impact on the character of the district, and require a Landmark Alteration Certificate prior to beginning work.</i>	Hardscaping has an impact on the historic character of the district.	<b>No</b>
<b>D</b>	<b>ALLEYS, EASEMENTS AND ACCESSWAYS</b>		
	<i>Alleys are a strong visual element of the district, and have much variety of scale and detail. They play an important part in the development patterns that give the more visible areas their character. Alleys provide access to rear parking and garages. They have a varied edge quality, with building both on the property lines and set back. The size and quality of these accessory building varies considerably. Careful consideration should be given to changes in traditional use.</i>		
	Guideline	Analysis	Confirms ?

2.	<i>Efforts should be made to protect the variety of shape, size, and alignment of buildings along the alleys. Alleys should maintain a human scale and be sensitive to pedestrians.</i>	Demolished shed contributed to the variety of shape, size and alignment of buildings along the alley and its removal negatively impacts the character of the site and historic district. See 7.1 & .2 above.	<b>No</b>
3.	<i>Building such as garages, sheds, etc. which contribute to this variety should be retained in their original form whenever possible.</i>	The demolished shed was built prior to 1931, within the period-of-significance of the Mapleton Hill Historic District and retained a high level of integrity. See 7.1 & .2 above.	<b>No</b>
5.	<i>Efforts should be made to maintain character of the alleys in the district</i>	Demolition of the shed has a negative impact on the historic character of the alley. See 7.1 & .2 above.	<b>No</b>

Staff finds the demolition of a contributing building and extensive hardscaping to be inconsistent with the *General Design Guidelines* and the *Mapleton Hill Historic District Design Guidelines*.

Staff recommends that the shed be reconstructed base upon photographs and the 2005 description of the building and that half of the hardscaping, including the entire concrete slab, be removed. This will preserve a backyard area between the house and accessory buildings and restore the general proportion of built mass to open space found in the area. Reconstruction of the historic should occur in a manner consistent with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties, 1995 (Reconstruction)*, see Attachment F.

Staff also recommends that a revised landscape plan, showing approximately a 50% reduction of the current hardscaping in the back and side yard and a lower fence height, be reviewed by the Ldrc to ensure consistency with the design guidelines. The installation of pavers set into sand rather, than upon the concrete slab, should be undertaken as revisions to the landscaping plan.

Staff considers the enlarged deck and relocated garage stairway to be consistent with the applicable design guidelines provided the paved area in the backyard be reduced.

Staff finds that if the listed conditions are met, the proposal will meet the standards set out in Section 9-11-18, B.R.C. 1981, and will be consistent with the

*General Design Guidelines* and the *Mapleton Hill Historic District Design Guidelines*. These conditions need to be met prior to issuance of a final Landmark Alteration Certificate and a building permit for the project.

**FINDINGS:**

Staff recommends that the board adopt the following findings:

The construction of the 6' x 26' rear deck, the relocation of exterior stairs on the garage and the construction of rear and side fences to a height of no more than 5' is consistent with Section 9-11-18 B.R.C 1981, the *Mapleton Hill Historic District Design Guidelines* and the *General Design Guidelines*.

The request for the demolition of the contributing accessory building and the extensive hardscaping is not consistent with the Historic Preservation Ordinance, in that:

1. The proposed work damages and destroys the exterior architecture of the property and adversely affects the Mapleton Hill Historic District as a whole.
2. The mass, scale, height, architectural style, arrangement, and materials used for the proposed alterations is incompatible with the character of the landmark and historic properties in the Mapleton District.
3. The work does not meet the standards for issuance of a Landmark Alteration Certificate per Section 9-11-18 B.R.C 1981, and will be inconsistent with the *Mapleton Hill Historic District Design Guidelines* and the *General Design Guidelines*.

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**ATTACHMENTS:**

- A: Cultural Resource Re-evaluation Form: Accessory Building Survey
- B: Tax Assessor Card
- C: Photographs
- D: Plans and Elevations
- E: Applicant's submittal
- F: The Secretary of the Interior's Standards for the Treatment of Historic Properties

**Attachment A: Cultural Resource Re-evaluation Form: Accessory Building Survey**

11. Current Ownership O'DONNELL GENEVIEVE W & ANDREW J HORNING  
437 HIGHLAND AV  
BOULDER  
CO  
80302

12. Other Changes, Additions or Observations:

13. Eligibility Assessment:

Individual

District

National Register: **N/A**

National Register: **Contributing**

Local Landmark: **N/A**

Local: **Contributing**

Locally Designated Property: **NO**

14. Management Recommendations: **N/A**

15. Photograph Types and Numbers:

Type: **B&W**

Roll No: **11**

Frame No: **16A, 17A**

16. Artifact and Field Documentation Storage Location **N/A**

17. Report Title: **Accessory Building Survey**

18. Recorder(s): **Kathryn Howes Barth, AIA; Lara Ramsey**

19. Date(s): **Apr. 2005**

20. Recorder Affiliation: **Kathryn Howes Barth, AIA; Ramsey Planning and Preservation**

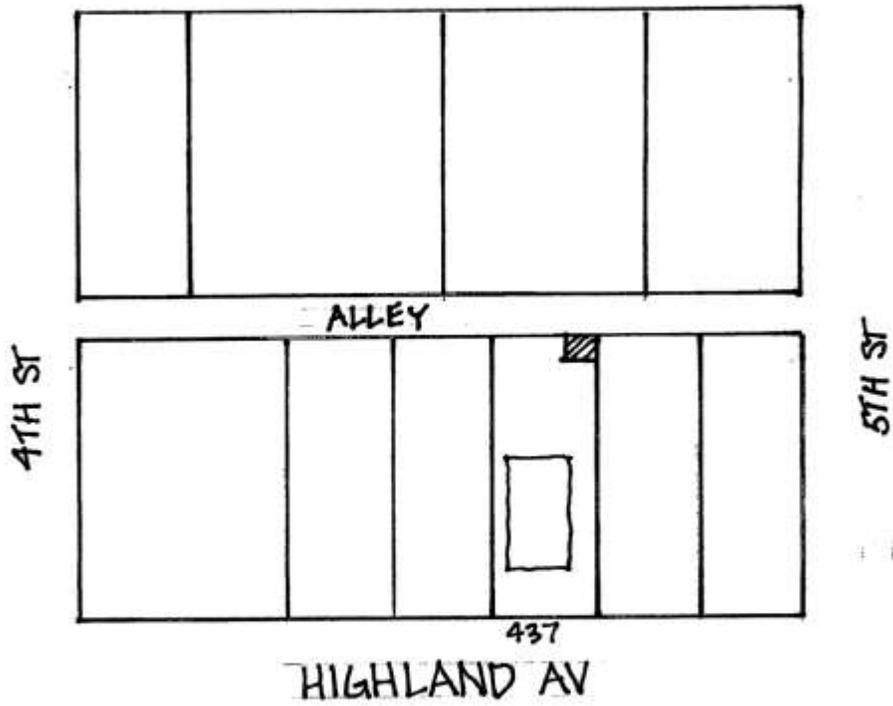
5BL4496

437 HIGHLAND AV

SITE PLAN



MAPLETON AV







CLASS OF BUILDING		HEIGHT		ROOF		LIGHT		DESCRIPTION																																																		
Check		Check		Check		Check		Check																																																		
No. of Stories		CONSTRUCTION		CONSTRUCTION		Electricity		ROOMS																																																		
FOUNDATION		STYLE		PLUMBING		Gas		STORIES																																																		
BASEMENT		EXTERIOR		HEATING		Oil		1																																																		
CONSTRUCTION		CONSTRUCTION		OUTSIDE TRIM		Private Garage		2																																																		
CHARACTER OF CONST.		CONSTRUCTION		STATE OF REPAIRS		Construction		3																																																		
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1- Single Residence	2- Dwellings	3- Bungalow, Apt., Cot.	4- Flat or Terrace	5- Apartment House	6- Hotel	7- Store Building	8- Office Building	9- Hospital or Sanitarium	10- Bank Building	11- Theatre	12- Warehouse	13- Factory	14- Public Garage	15- Private Garage	16- Service Station	17- Bot House or Gr. House	18- Fuel House	19- Barn or Shed	20- Other																																							
Brick	Concrete	Stone	Wood	Tile	Quartz	Half	Three-Quarter	Full	Cement Floor	Finished Walls and Ceiling	Laundry	None	Common Brick	Pressed Brick	Wire Cut Brick	Glass Brick	Wood Siding	Concrete, Plaster or Block	Concrete, Reinforced	Steel Frame	Cherry	Medium	Good	Non-Fire Resisting	Fire-Resisting	Good	Bad	Fair	Good																													
Wood Shingle	Composition Shingle	Tile and Gravel	Prepared Paper	Sheet Iron	Copper	Concrete Tile	City Tile	Slate	Asbestos Shingle	Tin	Gable	Hip	Flat	Gambrel	Mansard	Leanto	Oil Style	Modern	No. Bath Tubs	No. Shower Baths	No. Toilets	No. Lavatories	No. Urinals	No. Laundry Tubs	Sewer Closets	Cess Pool	Stove	Hot Air	Hot Water	Steam	No. Fireplaces	No. Dummy Fireplaces	Air Conditioned	Coal	Oil																							
Electricity	Gas	Oil	Private Garage	Construction	Roof	Heat	SEEDS AND BARN	LOCAL IMPROVEMENTS	Street Paving	Alley Paving	Sidewalks	Carbing	Water	Storm Sewer	Sanitary Sewer	Electricity	Gas	Telephones	Unfinished	Plastered, Plain	Plastered, Ornate	Painted or Tinted	Hardwood Floor	Softwood Finish	Hardwood Finish	Tile	Marble or Onyx	Wall Board	Sheetrock	Ceiling	Wainscoting	Metal Ceiling	REMARKS																									
Living Room	Dining Room	Kitchen	Breakfast Nook	Bath Room	Yield Room	Shower Room	Sleeping Porch	San Room	Dan	Storage Room	Office	Halls	Unfinished	Plastered, Plain	Plastered, Ornate	Painted or Tinted	Hardwood Floor	Softwood Finish	Hardwood Finish	Tile	Marble or Onyx	Wall Board	Sheetrock	Ceiling	Wainscoting	Metal Ceiling	REMARKS	Private Garage	Construction	Roof	Heat	SEEDS AND BARN	LOCAL IMPROVEMENTS	Street Paving	Alley Paving	Sidewalks	Carbing	Water	Storm Sewer	Sanitary Sewer	Electricity	Gas	Telephones	Unfinished	Plastered, Plain	Plastered, Ornate	Painted or Tinted	Hardwood Floor	Softwood Finish	Hardwood Finish	Tile	Marble or Onyx	Wall Board	Sheetrock	Ceiling	Wainscoting	Metal Ceiling	REMARKS



Tax Assessor Photo, c. 1934

**Attachment C: Current Photographs**

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Photo 1. 437 Highland, south elevation (façade), July 2014.



Photo 2. 437 Highland Ave., southeast elevation, July 2014.



Photo 3. 437 Highland Ave., west elevation, July 2014.



Photo 4. 437 Highland Ave., north elevation (rear), July 2014.



Photo 5. 437 Highland Ave., view of backyard looking north east, July 2014.



Photo 6. 437 Highland Ave., view of backyard looking east, July 2014.



Photo 7. 437 Highland Ave., view of basketball court looking east, July 2014.



Photo 8. 437 Highland Ave., view of backyard looking west, July 2014.



Photo 9. 437 Highland Ave., view of backyard and eastern elevation of garage, July 2014.



Photo 10. 437 Highland Ave., view of alley looking east, July 2014.



Photo 11. 437 Highland Ave., view of alley looking west, July 2014.



Photo 12. 437 Highland Ave., view from alley, April 2014



*Photo 13. 437 Highland Ave. northeast corner of property where shed was located, 2014.*



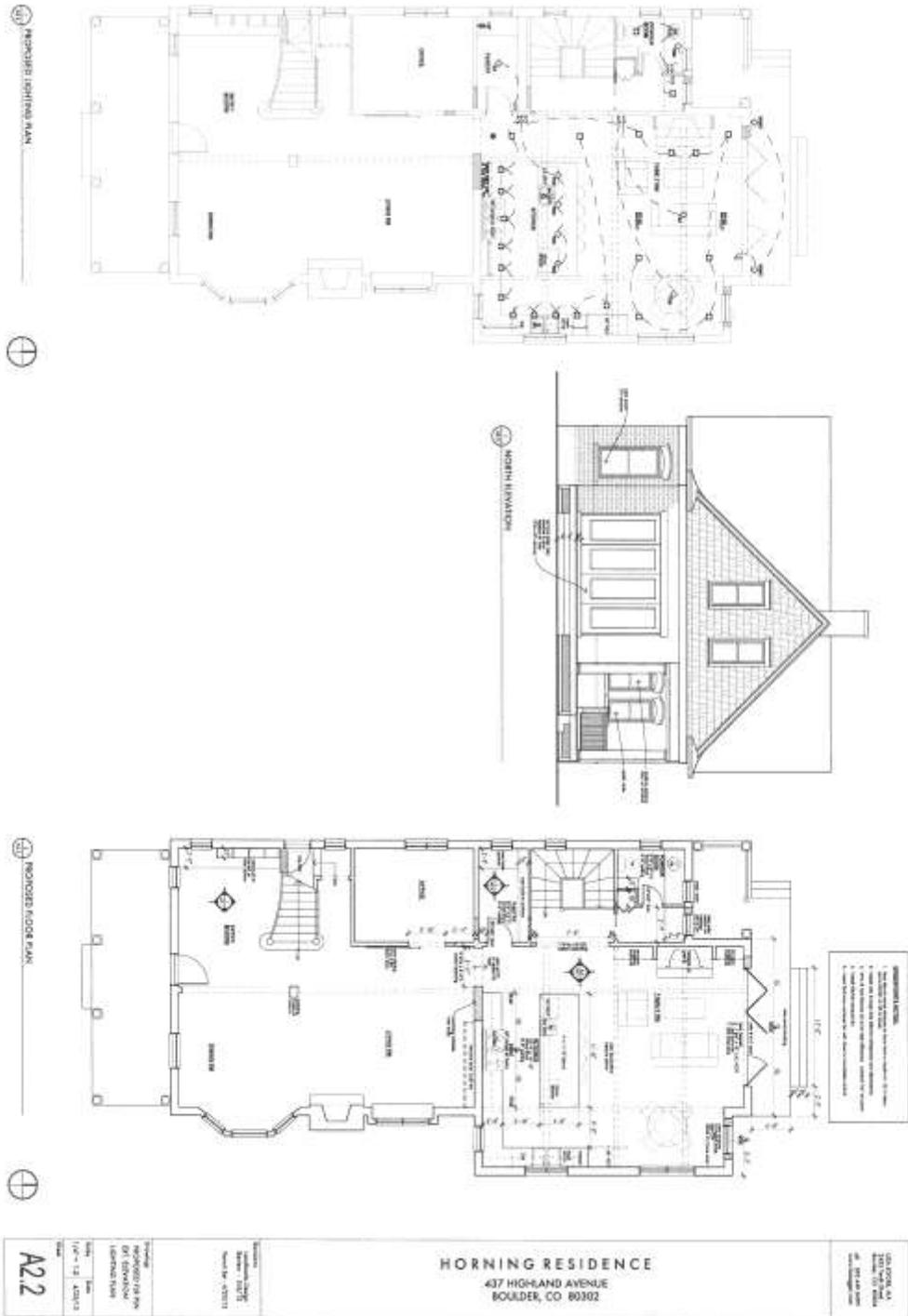
*Photo 14. 437 Highland Ave., North (rear) Elevation, 2014*



*Photo 15. 437 Highland Ave. West elevation of Neighbor's garage and eastern edge of property line, 2014.*







Site Plans for 437 Highland Ave. dated February 6<sup>th</sup>, 2013.



Attachment E: Applicant's submittal

**Kane Hanson**  
Architects

May 27, 2014

Reference : Landmarks submittal for 437 Highland Ave. on behalf of Ginny and Andy Horning

1.) Deck enlargement from approved plan from 5' x 13' to 6' x 26' with egress steps to lower patio. Please note: per the attached photos : the egress decks from the original house are at the same elevation as the current deck. The east end of this deck is intended as a quiet sitting space where the resident can read on a seat bench. In an effort to preserve historic intention: the entire deck will be painted white, matching the trim on the home. The east end of this deck is intended to be planted with columnar upright evergreens to ensure privacy for the adjoining neighbors. It is the desire of the Hornings' to keep the deck with the footprint as currently shown, should a reduction in deck space be required: the east end of this deck could be reduced (cutting back the deck by approximately 48 square feet to 90 degree angle. See proposed revised dashed line.

2.) Extensive Hardscape: Efforts have been made to reduce square footage of hardscape and incorporate more planting space. Please see attached Landscape plan dated 5-27-14. Walkways have been reduced in width, patio areas made smaller. **In respect to the overall site development : 3957 square feet (or 57%) of the site is currently permeable with the remaining 3043 square feet being the residence, stone patio or pavement. A 57% permeable ratio exceeds green point requirement for the City of Boulder. Any drainage off of the hardscape areas are designed to filter storm water into the planting beds versus egress off site.**

3.) Egress on garage was constructed per approved City of Boulder permit set dated 4/23/13 by Lisa Edgar (Architect). Please see attached plan (24 x 36"). We were not aware that this stair configuration was not passed through the Landmarks Board.

4.) Removal of contributing accessory building: Please see attached photo: building was held together with the metal license plates and after a heavy rain in April of 2013: the building was leaking and in very poor condition. Virtually falling down and considered "unsafe". There was no foundation below the structure and the Horning would no longer allow the children to even play near it., let alone enter it. Also per the attached certificate dated 3/17/99, it was the Horning understanding that they had approval of the removal of this failing building per the Landmark Granted Alteration Certificate.

5.) Please note: fence detail compliant with Landmarks Review Guidelines. In an effort to supplement additional human scale elements along the alley : vine coverage on the north side of the fence facing the alley has been added to the fence panels.

6.) Also in compliance with "human scale" along the alley: the elevation of all of the raised planters and fire pit have been reduced to 18". Please see plan dated 5-27-14 for desired reduced height of these elements.

3180 Third Street  
Boulder, Colorado 80304

303-444-5211  
[hidelly@kanehanson.com](mailto:hidelly@kanehanson.com)

Mapleton

# Landmark Alteration Certificate

granted to: TOM ELWISON for: <sup>DEMO OF</sup> CHICKEN COOP

Located at: 437 HIGHLAND AVE

this 17 day of MARCH 1999

City of Boulder Planning Department

*[Handwritten signature]*

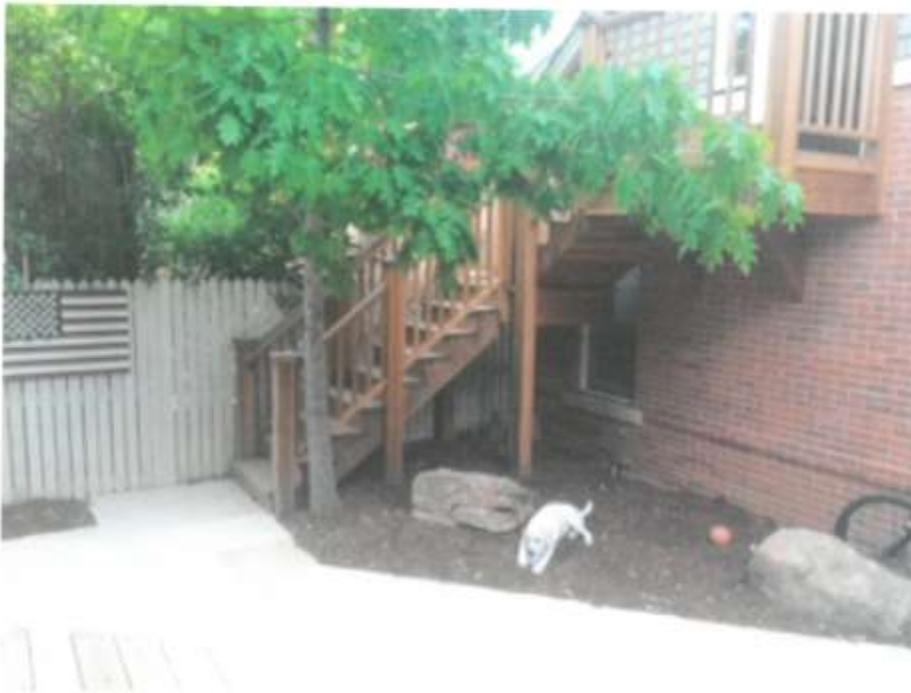
City of Boulder Landmarks Board

*[Handwritten signature]*  
City of Boulder Landmarks Board

City of Boulder Planning Dept.

**Reasons for Basketball/Lacrosse Court Approval  
437 Highland Avenue**

- Space under the tree was always muddy – multiple attempts annually to grow grass were unsuccessful
- Provides space for our children to be active and practice multiple sports, including basketball and lacrosse...there was nowhere else to play otherwise, except in the alley or street
- We make our livelihood coaching youth and high school athletics. Genny is a high school lacrosse coach. Andy is a youth basketball coach.
- Active gathering space for all the kids in the neighborhood
- Green surface of sport court is aesthetically pleasing.













Attachment F: The Secretary of the Interior's Standards for the Treatment

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## of Historic Properties.

### **The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995**

#### **Standards for Preservation**

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

#### **Standards for Rehabilitation**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **Standards for Restoration**

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

### **Standards for Reconstruction**

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.