

## **Agenda Item 5H**

**Public hearing and consideration of a landmark alteration certificate to demolish a contributing accessory building, construct a rear deck, flagstone patio, basketball court, retaining walls and fire pit at 437 Highland Avenue in the Mapleton Hill Historic District per Section 9-11-16 B.R.C, (HIS2014-00176).**

**Applicant: Ed Byrne, Owner: Andy Horning**

## Procedure for Quasi-Judicial Public Hearing:

1. All speaking are sworn in
2. City Council members note any *ex parte* contacts
3. Staff presentation; the City Council may ask questions of staff
4. Applicant presentation; the council may ask questions of the applicant
5. Public hearing opened for citizen comment; the council may ask questions of the public
6. Applicant rebuttal
7. Public hearing closed; council discussion
8. A motion requires an affirmative vote of at least 5 council members to pass motion.
9. A record of the hearing is kept by staff

## **PURPOSE:**

For the City Council to determine whether the proposed work is compatible with standards of the Historic Preservation Code and adopted design guidelines

9-11-18, Boulder Revised Code

## **THE CITY COUNCIL MAY:**

9-11-16(c) Boulder Revised Code

1. Approve
2. Approve with Modifications
3. Disapprove

## Section 9-11-18, B.R.C. 1981

### **The City Council shall approve a Landmark Alteration Certificate only if it meets the following conditions:**

1. Proposal preserves, enhances, or restores and does not damage or destroy the exterior architectural features of the landmark or the subject property within a historic district;
2. 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. Architecture, arrangement, texture, color, arrangement of color, and materials used on existing and proposed buildings are compatible with the character of the existing landmark and its site or the historic district;



50 feet 20 m

# 437 Highland Avenue: History

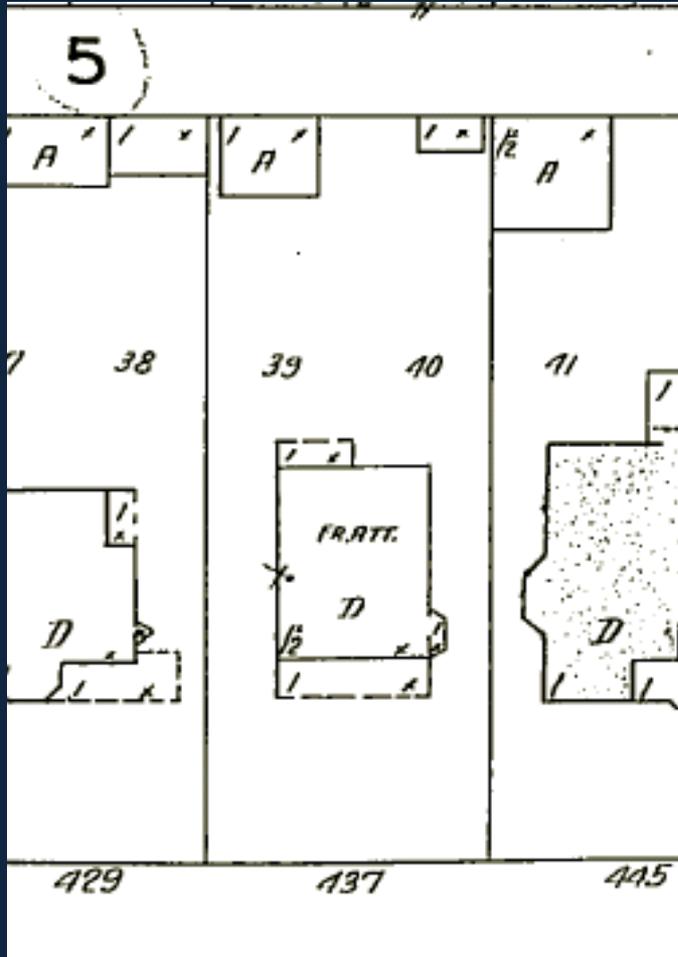


1944



2014

# History: 437 Highland Avenue

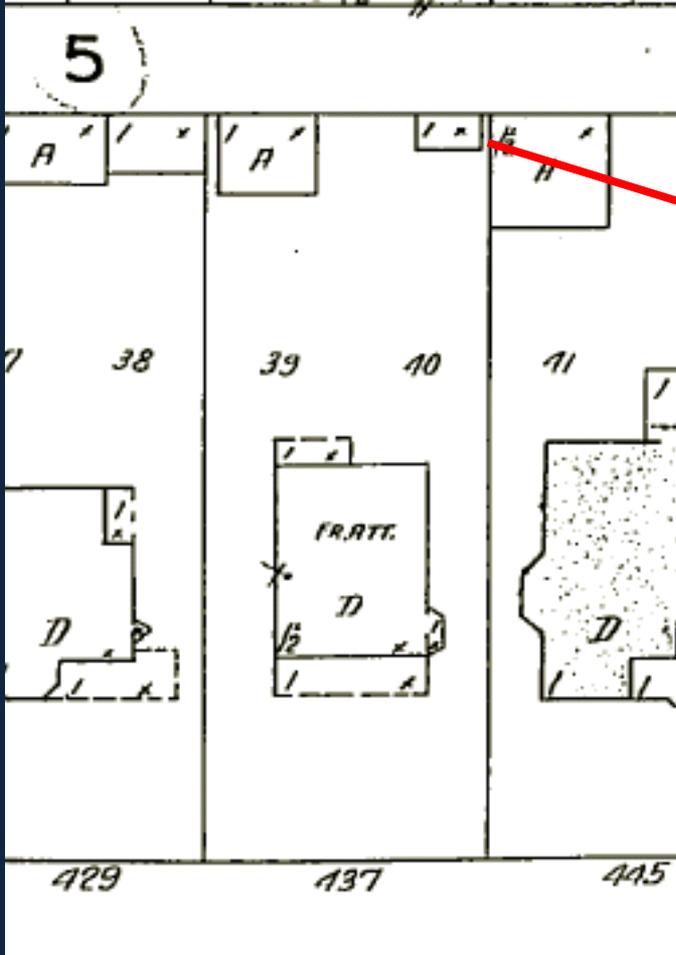


1931 Sanborn Map



1944

# History: 437 Highland Avenue



1931 Sanborn Map



1944

# History



View from alley facing east, 1993. North faces of garage (demolished 2005) and shed building (demolished 2013).



Rear yard landscaping and shed building, 2004, prior to demolition and paving.

# Background

## 1999 Review

- Approval to demolish shed (approval expired after 180 days)

## 2004-2005 Review

- Landmarks Board approval to demolish garage and construct a new, single-car garage.
- Request to demolish the shed building was denied.

## 2012 Review for House

Ldrc approved plans to:

- Replace rear window with a door
- Add 4' x 22' rear landing
- Rear window changes and brick repair
- 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.

## March 2014 Review

- Approval of 5'6" high fence at rear and side of property.

# Work Taken Place Not Approved Through Landmark Alteration Certificate Process

- **Demolition of contributing shed, 2013**



**2004**



**2014**

# Work Not Approved Through Landmark Alteration Certificate Process



- Paving of back yard with approximately 700 sq. ft. concrete slab

# Completed Work Not Approved Through Landmark Alteration Certificate Process



- Relocation of exterior stair to garage

# Work Inconsistent With Landmark Alteration Certificate Approval



- 88 sq. ft. landing approved, 2013
- 200 sq. ft. deck constructed

# Work Inconsistent with Landmark Alteration Certificate Approval



- Fence being constructed higher than 5', 6" approved



View of alley looking east, 2014



# Analysis | General Design Guidelines

## 2.0 SITE DESIGN

- 2.1.7 Preserve a backyard area between the house and the garage, maintaining the general proportion of built mass to open space found within the area.

## 2.2. STREETScape AND 2.3 ALLEYS

- 2.2.7 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.
- 2.3.6 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, soft-edged material such as recycled asphalt, that will control drainage and dust.

## 3.3 DECKS

- 3.3.3 Unpainted wood decks are inappropriate; decks should be painted or stained opaque to match the house.

# Analysis | General Design Guidelines

## 4.4 COMPATIBILITY WITH HISTORIC SITE AND SETTING

- 4.4.1 Design new additions so that the overall character of the site, site topography, character-defining site features and trees are retained.
- 4.4.4 Preserve a backyard area between the house and the garage, maintaining the general proportion of built mass to open space found within the area.

## 7.0 GARAGES

- 7.1.1 Retain and preserve garages and accessory buildings that contribute to the overall character of the site or district.
- 7.1.2 Retain and preserve the character-defining materials, features, and details of historic garages and accessory buildings, including roofs, materials, windows, and doors.

# Analysis | Mapleton Hill Design Guidelines

## C. LANDSCAPING

- C.2 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.

## D. ALLEYS, EASEMENTS AND ACCESSWAYS

- D.2 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.
- D.3 Building such as garages, sheds, etc. which contribute to this variety should be retained in their original form whenever possible.
- D.5 Efforts should be made to maintain character of the alleys in the district

# Basis for the City's Council's Decision

- Is the proposal generally consistent with the General and Mapleton Hill Historic District Design Guidelines?
- Does the application meet the conditions for issuance of a Landmark Alteration Certificate in Section 9-11-18 of the Boulder Revised Code?

# September 3<sup>rd</sup>, 2014

## Landmarks Board Action

- Staff recommended denial of the demolition of the contributing shed
- Staff recommended approval of:
  - Larger wood deck
  - Reorientation of the garage stair
  - Construction of the rear fence
  - Some paving in the back yard
- Staff recommended conditions:
  - Accurate reconstruction of shed in original location
  - Reduce hardscape from 75% of backyard to 50%
  - Reduce number & height of retaining walls & height of fire pit
  - Reduce height of rear fence to 5'

# September 3<sup>rd</sup>, 2014

## Landmarks Board Action

- On a vote of 4-0 (M.Schreiner absent), the Landmarks Board:
- Denied the demolition of the contributing shed finding its removal has a damaging effect to the property and the district as a whole per 9-11-18(b)(1)(4) B.R.C., but did not require its reconstruction acknowledging the City Attorney's Office would be exploring enforcement options.
- Approved:
  - Construction of the larger wood deck
  - Reorientation of the garage stair
  - Construction of the rear fence
  - That no more than 50% of the back yard area (including the deck) be hardscaped

# Staff Recommendation

The City Council deny the demolition of the contributing garage finding its loss would have a damaging effect on the property within the Mapleton Hill Historic District per 9-11-18(b)(1)(4) B.R.C. 1981 and;

Approve with conditions the construction of the rear deck, paving and fence finding the proposal meets the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C 1981

# Recommended Conditions of Approval:

1. Reconstruct the demolished accessory building in original location based upon photographic evidence;
  - Remove approximately 50% of the hardscaping between the rear of the house and the garage;
  - Lower the height of the fire pit, retaining walls and planters;
  - Revise fence design to a maximum height of 5’;
  - Submit for review by Landmarks design review committee (Ldrc) design details.
2. Submit detailed plans to be reviewed and approved by the Ldrc prior to the issuance of a building permit, ensuring design details are in compliance with the intent of this approval and the *Mapleton Hill Historic District Design Guidelines* and the *General Design Guidelines*.
3. The applicant shall be responsible for completing the work as shown on plans that have been approved.





# Analysis | General Design Guidelines

Guideline	Analysis	Conforms?
<p><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></p>	<p>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.</p>	<p>No</p>
<p><i>Where existing retaining walls are important to the character of the property, they should be preserved and incorporated into new landscape features.</i> <i>Regrading and the introduction of new retaining walls is inappropriate.</i></p>	<p>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.</p>	<p>No</p>
<p><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, soft-edged material such as recycled asphalt, that will control drainage and dust.</i></p>	<p>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.</p>	<p>No</p>
<p><i>Unpainted wood decks are inappropriate; decks should be painted or stained opaque to match the house.</i></p>	<p>While quite large, the deck is consistent with this guideline. Applicant has indicated the rear deck will be painted white to match the house.</p>	<p>Yes</p>

# Analysis | General Design Guidelines

Guideline	Analysis	Conforms?
<p><i>Design new additions so that the overall character of the site, site topography, character-defining site features and trees are retained.</i></p>	<p>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.</p>	<p><b>No</b></p>
<p><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></p>	<p>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.</p>	<p><b>Maybe</b></p>
<p><i>Retain and preserve garages and accessory buildings that contribute to the overall character of the site or district.</i></p>	<p>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.</p>	<p><b>No</b></p>
<p><i>Retain and preserve the character-defining materials, features, and details of historic garages and accessory buildings, including roofs, materials, windows, and doors.</i></p>	<p>Demolished accessory building remained largely intact from its original construction. Reconstruct this building in original location based upon historic photographs to re-establish feature on property on an alleyscape. Review details at Ldrc.</p>	<p><b>No</b></p>

# Analysis | Mapleton Hill Design Guidelines

Guideline	Analysis	Conforms?
<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.	No
<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.	No
<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.	No
<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.	No