

NON-CONTRIBUTING BUILDINGS IN HISTORIC DISTRICTS

By

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by

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To my husband, Mills, for all his support and encouragement

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A historic district is a geographic area comprised of a significant concentration of sites, buildings, structures, or objects linked by past historical events, an aesthetic plan or the physical development of the area. From an inventory of the proposed district, buildings are classified as contributing, meaning they add to the district's historic character, or non-contributing, meaning they do not add to the district's historic character. Two factors determine the classification: the age of the building at the time the district is designated and the historic period of significance for the proposed district. Buildings less than fifty years old when the district is designated and buildings constructed after this period are generally considered non-contributing, and may be removed from the district, either by demolition or relocation. In some districts, even buildings classified as contributing are rendered insignificant and treated as non-contributing. With only two possible classifications, these judgments are too absolute. Many non-contributing buildings are significant, but presently there is no way to define how they contribute to the district.

The solution may be to eliminate the term non-contributing, use the historic period of significance to define contributing buildings, and introduce new classifications that represent the primary ways in which these buildings contribute. The value of non-contributing buildings, if any exists, could be determined by examining the impact on districts where non-contributing

buildings have been removed. These buildings should be defined more accurately because non-contributing buildings are usually replaced with new construction, sometimes heavily inspired by the district's prevalent architectural style. The resulting environment misrepresents the past and misleads the public with regard to the district's authenticity. Because this practice is unrelated to the actual mission of preservation, it must be prevented.

Therefore to examine these problems in detail, I have selected two existing historic districts for discussion. Both were selected because of my familiarity with the districts and the fact that they represent different levels of importance. The first district is the Old Historic District, an important portion of the National Historic Landmark, Nantucket Island, Massachusetts, which is important to the entire country. The second is the Lake Eola Heights Historic District, Orlando, Florida, which is important at the local level but honored by being listed on the National Register of Historic Places. By using two opposing districts, there is an opportunity to set priorities based on the importance of each district.

Both districts had similar issues surrounding non-contributing buildings. In the Landmark district, I questioned why contributing buildings of recognizable architectural style, considered significant in other districts would be approved for removal from the Old Historic District. In the local district, I questioned why a non-contributing building requested for demolition was not classified as contributing. Fortunately it was determined to be architecturally significant. By tracing these buildings through the individual review processes, it is possible to identify modifications required to manage non-contributing buildings and related issues more effectively. These modifications are applicable not only to these specific examples, but also to all local and landmark historic districts throughout the nation.

CHAPTER 1 INTRODUCTION

Objective to Accomplish

This study investigates the term “non-contributing,” buildings that were less than fifty years old when the district was designated and were not built during the historic district’s designated period of significance. Currently non-contributing buildings are perceived as insignificant to the district, which is not always true. In reality the category is composed of many types of buildings that enrich the district in various ways. Some are an architectural style that was unrecognized when the district was designated. Others were recently constructed and it is too soon to fully appreciate their value. Also, some non-contributing buildings may describe the district’s development after the historic period of significance, possess certain intrinsic values, or support the district by their existence. Therefore, the current classifications, contributing and non-contributing, fixed by the designated period of significance are too rigid. I wish to determine if the building classifications should be revised to eliminate the term non-contributing. Perhaps new building classifications could be adopted that aptly describe how these buildings enrich the historic district and the community. By doing so, the built environment of the historic district would correlate to the history of the area, which is a continuum.

Path of Exploration

Due to Nantucket Island’s appearance, National Historic Landmark status and the published design guidelines, *Building with Nantucket in Mind*, I thought that the practice of preservation would be stringent. However, when attending Historic District Commission Meetings as a student at the University of Florida’s Preservation Institute: Nantucket, I witnessed unmethodical decisions by the commission and a staggering volume of cases. I wondered why a house of a recognizable architectural style, but not of the prevalent styles in the district, would be

moved out of the district. Then I questioned if similar decisions in the past had created the pristine appearance of the district. To investigate these questions, I conducted five case studies of buildings in a portion of a National Historic Landmark, the Old Historic District, Nantucket, Massachusetts.

While one case study investigates a non-contributing building, the other four investigate contributing buildings. This may seem unrelated to the topic of non-contributing buildings, but these buildings were rendered non-contributing by the way they were treated. From review of the meeting minutes and design guidelines, I hope to understand how and why these buildings were removed from the National Historic Landmark District. Also, I hope to determine if the new locations were reviewed for appropriateness, review the buildings in their new location, and determine the impact on the district where contributing buildings were replaced with new construction. These findings will indicate if any deciding factors should be altered.

Due to the fact that the historic districts in Orlando, Florida lack National Historic Landmark designation and separate published design guidelines, I thought that the practice of preservation would be less strict than that of Nantucket Island. But after working as the Historic Preservation Officer for the City of Orlando, I became convinced the opposite was true. The Historic Preservation Board in Orlando, Florida was effective and thorough. When a non-contributing building was requested for demolition, I questioned why it was not considered contributing to the district. The house was a recognizable architectural style, celebrated in many districts, however, it was not of the prevalent styles in this district. After extensive review and controversy, the non-contributing building was declared architecturally significant and retained. To investigate this question and board decision, I conducted a case study of this non-contributing building in the Lake Eola Heights Historic District, Orlando, Florida.

I hope to understand how and why the demolition was denied and identify the factors that formed the decision, “the non-contributing building is significant albeit outside the contributing definition.” These findings will indicate if alterations could be made to judge non-contributing buildings by their attributes, for the benefit of all historic districts. Some of the deciding factors consist of the following: the Overlay Ordinance for Lake Eola Heights Historic District, the Land Development Code’s Design and Demolition Standards, the requirements for preservation commission members, a professional staff, written reports for requests, monthly meetings and a manageable caseload.

From the case study analysis, proposed criteria can be suggested to include buildings now classified as non-contributing and to manage all resources more effectively in most residential historic districts. Furthermore, specific recommendations can be made for the Lake Eola Heights Historic District in Orlando, Florida and the Old Historic District, Nantucket, Massachusetts.

Importance of Investigation

This investigation is important for two reasons. The first deals with the philosophy of preservation, and the second deals with the actual management of historic districts. Both can be viewed from the perspective of the district’s level of importance. For example, local Ordinances and Design and Demolition Standards should embody the preservation philosophy and management required for the district and should not be disregarded. However, Ordinances, Standards and Design Guidelines at the Landmark level should be written and enforced to attain a higher standard in the realm of preservation philosophy and management.

The mission of preservation should be authenticity both in the small realm, such as materials, and in the large realm, such as the built environment. With this in mind the goal of the built environment within a district’s boundary should be authentic preservation instead of a quaint fabrication. We should be wary when we encounter the removal of an original building

with authentic material for a reproduction of a prevalent style in the district with new material. When contributing buildings and some non-contributing buildings are moved or demolished to improve the style in the district, this is exactly what is occurring. We must question, examine and determine if this is appropriate preservation practice. If it is, we must define when it is appropriate, because in most situations this practice is more related to an arbitrary form of contemporary urban planning, far removed from preservation.

All buildings in historic districts, regardless of the district's importance, are affected by how they are managed. For the districts in the case studies, the amount of effective management does not correlate to the importance of the district. Currently, while one district may strictly adhere to management standards, another may be remiss to the point of negligence. For example the preservation management in the landmark district is composed of: staff comments, which do not sufficiently analyze the request; design guidelines, which do not provide direct standards; a commission composed of non-professionals, who do not heed the advice of the professional staff; and an overwhelming caseload. In comparison, the local district is composed of required written reports, clear and concise standards, a board composed of professionals, and a manageable caseload. Perhaps districts important to the entire country, National Historic Landmark Districts, should operate at a higher standard than a district important at the local level. Requiring this would elevate building protection at the landmark level, and the ruling body would be held accountable. A standard procedure for preservation management should be required for all residential historic districts, whether landmark or local.

Limitations and Parameters of the Investigation

As a former Preservation Officer I wanted to explore the main components that form decisions on individual property requests of each historic district. Some of the components include: enabling legislation or ordinances, design guidelines or standards for changes to

buildings, the review process, the commission or board composition, and the schedule of meetings. By examining how and why the decisions were made, alterations can be suggested to serve individual buildings more effectively. To fully understand the issues that surround non-contributing buildings, I needed to use two locations that I was familiar with. However, because it was time consuming to delve into the level of detail needed to gain this understanding, case studies in other districts were not conducted.

CHAPTER 2 NATIONAL REGISTER OF HISTORIC PLACES

Definition

The National Historic Preservation Act of 1966, the most important historic preservation legislation ever passed by Congress, established the National Register of Historic Places. Until this time, the historic preservation movement was centered on incredibly significant individual landmarks. Preservation became proactive due to the National Historic Preservation Act, which requires agencies to locate, inventory and nominate properties to the National Register of Historic Places. This instills a responsible attitude toward the preservation of historic buildings. The National Historic Preservation Act advocates the expansion of the register and maintenance of the resources. After this act was passed, the Secretary of the Interior decentralized the responsibilities of preservation (Murtagh, 1997). So in each state, there is now an appointee, a State Historic Preservation Officer (SHPO) that manages the directives at the state and local level. The National Historic Preservation Act requires the documentation of significant historic properties through grants from the State Historic Preservation Officer to local preservation organizations (Tyler, 2000).

Consequences of Listing

Listing on the National Register of Historic Places provides a procedural protection against federally funded, licensed, or sponsored projects. Under Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation must review and comment on federal projects that may have an affect on National Register properties, both listed and eligible for listing. However, this does not pertain to state, local, or privately funded projects that may affect historic properties. The Advisory Council on Historic Preservation is an independent Federal agency under the Executive branch that advises the President and Congress on historic

preservation policy. Currently the Council has twenty members including the secretaries of the interior, transportation, housing, and urban development, and agriculture.

When a review is commenced, the federal agency that is involved in the project must identify the historic properties that may be affected, consults the State Historic Preservation Officer or the Tribal Historic Preservation Officer to determine which properties are listed or eligible for the National Register of Historic Places. The Advisory Council determines whether the proposed project will have no effect, no adverse effect, or an adverse affect. If an adverse affect is anticipated, the Advisory Council on Historic Preservation consults with the State Historic Preservation Officer and others to determine how to minimize the negative affect. This results in a Memorandum of Agreement (MOA), which outlines the mitigating measures to be taken. If the Memorandum of Agreement is executed, the agency can proceed with the project under its terms (Tyler, 2000). So, this review process cannot halt federal projects, but there is consideration for properties listed on the National Register of Historic Places.

There are misconceptions about listing on the National Register of Historic Places. Listing on the National Register does not restrict what private citizens can do with their property and their own funds (Murtagh, 1997). Property owners are free to maintain, manage, or dispose of the listed property as they choose. If they wish, they can even prevent their property being listed on the National Register of Historic Places by formally objecting (Ditchfield and Wood, 1995). In this case, the property categorized as eligible for listing, rather than listed. However, this does not prevent historic property laws from applying.

National Register properties enjoy many tax benefits. For properties listed on the register, rehabilitation is encouraged for income producing historic properties that meet preservation standards through tax incentives (Tyler, 2000). Property owners in a National Register Historic

District are eligible for a 20% rehabilitation tax credit on historic and non-historic buildings used in trade, business, or production of income. This does not pertain to residential historic properties used for a primary residence. The proposed rehabilitation's must adhere to the Secretary Standards for Historic Preservation and be substantial. Substantial means the taxpayer's expenditures must be greater of the "adjusted basis" of the building, or \$5,000 during any 24-month period. The "adjusted basis" is the purchase price plus the amount of previous capital improvements. This figure is then reduced by the depreciation deductions taken already. The basis does not include the land value (Boyle, 1996). Furthermore, there are actually federal income tax disincentives for the demolition of income producing property listed on the National Register of Historic Places (Tyler, 2000).

Because of the concern that historic designation would give the federal government new powers over individual property owners, the designation provisions in the National Historic Preservation Act of 1966 did not allow for any direct federal regulatory power over private properties. In fact, since the 1980 amendment to the Act, such listing can only be done after notice to the owner is and provided the owner does not object. If an owner objects, a historically significant property would be listed as "Register Eligible"(Tyler, 2000).

Properties can lose their historic designation. Reasons for dedesignation range from an unsympathetic renovation, neglect or an act of nature, but the result is the property's loss of character defining features. The procedure for removal depends upon the ordinance for designation. However, preservation law recommends there be a recession procedure.

National Register Criteria

In order to define a National Register Historic District (NRHD), one must understand the National Register of Historic Places and historic districts. The National Register of Historic

Places is a list of historic and cultural resources with national, state, or local significance. The specific criteria for listing on the National Register is defined as follows:

The quality of national significance is ascribed to districts, sites, buildings, structures, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
2. That are associated importantly with the lives of persons nationally significant in the history of the United States; or
3. That represent some great idea or ideal of the American people; or
4. That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
5. That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
6. That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree. (National Park Service. (2002). National Register Bulletin 15: Criteria for Evaluation, Retrieved on July 2006 from http://www.cr.nps.gov/nr/publications/bulletins/nrb15/nrb15_9.htm)

Listing a Resource on the National Register

Before a district, site, building, structure or object is listed, the resource is carefully documented using a Registration Form, which can be obtained from the State Historic Preservation Officer (SHPO). Citizens or organizations interested in the preservation of the resource may initiate the process and prepare the forms, but the State Historic Preservation Officer actually nominates the resource to the National Register of Historic Places. Each state

has a professional board that reviews nominations. They make a recommendation of eligibility to the Keeper of the National Register, who conducts a review. Pending this approval, the resource is listed (Boyle, 1996).

The purpose of collecting information on the resource is to determine the historic significance. The historic significance of a resource must be based on one of four categories. These are association with historic events or activities, association with important persons, distinctive design or physical characteristics, or potential to provide important information about prehistory or history. Obviously, the historic resource must meet at least one of these categories. The general rule is that a resource is not considered historic until it is at least fifty years old.

Every Registration Form requires a resource to be placed within a historic context. Context is the period, place, and the cultural events that created or influenced the resource. The historic context links the resource to the big picture, the community, state or nation. In describing historic context, association and period of significance are important factors. Association is how the property relates to the chosen historic significance category, listed above. The association should be direct. For example, if the property is significant for the association with significant people, the person must have lived there, worked there, or been there when he/she achieved the significant accomplishment. Period of significance is the time span during which the significant events or activities occurred (National Park Service, National Register Bulletin, 1997).

Most importantly, all resources must possess integrity, the authenticity of physical characteristics directly related to the property's significance. When a resource retains its character-defining features, there is a clear relationship to the significant event, person, or design. However, if the structure has been drastically altered or most of the historic material has been removed, it may not be eligible for listing on the National Register of Historic Places.

Historic integrity is based on seven factors: location, design, setting, materials, workmanship, feeling, and association. The Register Form records the property as it is at the time of listing and justifies how the property qualifies for the National Register of Historic Places. Additional general information is required like the location, size, and boundaries of the property. Also, after all resources have been evaluated the number of contributing resources is represented in a percentage verse the total number of properties. The property's historic use and current use, architectural and material classification are also recorded.

National Historic Landmark Districts

A resource listed on the National Register can be placed in a special category at the National level and known as a National Historic Landmark (NHL). These properties are of exceptional value to the nation as a whole, but this listing is honorific. However, National Historic Landmark designation may provide a higher degree of protection from federal actions (Tyler, 2000). This protection is procedural and would take action at the National level. National Historic Landmarks are defined as buildings, sites, districts, structures, and objects that have been determined by the Secretary of the Interior to be nationally significant in American history and culture. This is the highest form of designation (Tyler, 2000). The specific criteria for listing on the National Register as a National Historic Landmark is defined as follows:

The quality of national significance is ascribed to districts, sites, buildings, structures and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, technology and culture; and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (1) That is associated with events that have made a significant contribution to, and are identified with, or that outstandingly represents, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
- (2) That are associated importantly with the lives of persons nationally significant in the history of the United States; or

- (3) That represent some great idea or ideal of the American people; or
- (4) That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for the study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
- (5) That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
- (6) That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings and properties that have achieved significance within the past 50 years are not eligible for designation. Such properties, however, will qualify if they fall within the following categories:

- (1) A religious property deriving its primary national significance from architectural or artistic distinction or historical importance; or
- (2) A building or structure removed from its original location but which is nationally significant primarily for its architectural merit, or for association with persons or events of transcendent importance in the Nation's history and the consequential association; or
- (3) A site of a building or structure no longer standing but the person or event associated with it is of transcendent importance in the Nation's history and the consequential association; or
- (4) A birthplace, grave, or burial if it is of a historical figure of transcendent national significance and no other appropriate site, building or structure directly associated with the productive life of that person exists; or
- (5) A cemetery that derives its primary national significance from graves of persons of transcendent importance, or from an exceptionally distinctive design or from an exceptionally significant event; or
- (6) A reconstructed building or ensemble of buildings of extraordinary national significance when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structures with the same association have survived; or

(7) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own national historical significance; or

(8) A property achieving national significance within the past 50 years if it is of extraordinary national importance. (National Park Service. (2006). National Historic Landmarks Program: Questions and Answers, Retrieved on March 2006 from <http://www.cr.nps.gov/nhl/QA.htm#1>)

About 2,200 sites, which are about 3% of the properties on the National Register are National Historic Landmarks (Tyler, 2000, p. 106). As an example Central High School, in Little Rock, Arkansas, is nationally significant because it was the site of the first major confrontation over implementation of the Supreme Court's 1954 decision outlawing racial segregation in public schools. The city's resistance led to President Eisenhower's decision to send Federal troops to enforce desegregation at this school in 1957 (National Park Service. (2006). National Historic Landmarks Program: Questions and Answers, Retrieved on March 2006 from <http://www.cr.nps.gov/nhl/QA.htm#1>).

The National Park Service identifies these National Historic Landmarks through theme studies, which analyze properties associated with a specific area of American history. The National Park Service evaluates the historic importance of potential Landmarks through a National Park System Advisory Board public meeting twice a year. The Advisory Board consists of citizens who are national and community leaders in the conservation of natural, historic, and cultural areas. Recommendations by the Advisory Board are made to the Secretary of the Interior on potential National Historic Landmarks. Final decisions regarding National Historic Landmark designation are made by the Secretary of the Interior. Designation may be delayed if the Advisory Board or the Secretary of the Interior raises questions regarding the significance, physical condition, or boundaries of a potential Landmark. The process for Landmark designation is similar to listing a property in the National Register (National Park Service.

(2006). National Historic Landmarks Program: Questions and Answers, Retrieved on March 2006 from <http://www.cr.nps.gov/nhl/QA.htm#1>).

Local Historic Districts

The majority of properties listed on the National Register are primarily of state and local significance. The impact of this listing is restricted to a regional or smaller geographic area. For example, many historic schools are listed on the National Register because of the historically important role they played in educating individuals in the community or state in which they are located. In layman's terms a historic district is a neighborhood. The National Register of Historic Places defines a historic district as, "A geographically definable area - urban or rural, large or small - possessing a significant concentration, linkage or continuity of sites, buildings, structures, and or objects united by past events or aesthetically by plan or physical development" (Murtagh, 1997, p. 103). Prior to the establishment of a historic district, an inventory is taken of the structures within the district, meaning each structure is photographed and researched. From this information, a structure is classified as contributing, meaning it adds to the historic character of the district, or non-contributing, meaning it does not add to the historic character of the district. The creation of a district is justified when a grouping of buildings has at least one unifying factor that links all or most of the buildings within the boundaries. The factor the group of buildings represents could be an architectural period, style, or an important era in the community's history. In some cases a noncontiguous district may be supported if the unifying factor is early settlement. However, the boundaries are substantially contorted, which does not capture the sense of place (Tyler, 2000).

The boundaries of a district are important. Natural features and edges are probably the most common forms of setting up boundaries. Early settlement patterns are a logical solution for defining boundaries. If these patterns are not obvious today, early maps and descriptions can be

examined. Sometimes boundaries are simply reactionary, drawn to protect a historic area from adjacent development (Tyler, 2000). Some boundaries are considered inclusive; meaning the study committee has included more area, rather than less. The committee does this to include every single historic property. Unfortunately this weakens the historic properties within the boundaries, because the boundaries should have as much integrity as possible. They should have some basis in logic. It is usually better to be more selective and restrict boundaries to the smallest area that retains the strongest elements of the district's goals. The State Historic Preservation Officer considers approval for proposed districts by examining the ratio of historic properties to non-historic properties. The higher the proportion of historic structures, the more likely the historic district will be supported. The State Historic Preservation Officer does not recommend gerrymandering the boundaries of a district to achieve the highest ratio possible (Tyler, 2000).

However, some ordinances cover a large portion of a city to give the commission as much latitude for review as possible. In the Ypsilanti Historic District Ordinance, the district included many non-significant structures because they were seen as part of the context to the surrounding historic structures (Tyler, 2000). When submitting documentation for a proposed historic district, the National Register of Historic Places requires certain information. First, a written statement of the historic significance of the area is required. Second a map that shows the proposed district boundaries and justification for the placement of the boundaries. Third, the percentage of structures that contribute to the character of the proposed district versus the number of non-contributing buildings must be calculated and a map locating the buildings in each category. The percentage of contributing structures from that total number of structures determines whether the proposed district qualifies as a historic district. Fourth, detailed descriptions of the individual

buildings in the area need to be recorded. Lastly, photographs of significant historic structures and typical streetscapes (Tyler, 2000).

There are many reasons historic districts are created. In Norman Tyler's book, *Historic Preservation*, he identifies motivation such as: to protect against a specific threat of development, to encourage development in an older area, a tool of maintaining property values, to improve the image of a community at large. At the heart of historic districts, there should be history and we may have lost sight of this idea. While there are other valid reasons for creating a district, preservationists should concentrate districts that are created simply for the history they represent.

In some situations, a district may comprise noncontiguous sites or structures if they have a common theme. Perhaps the structures representing early settlement, for example, are scattered across a city. In this case, trying to collect the significant buildings within one physical district would mean a substantial contortion of the boundary lines. A thematic district made of noncontiguous elements may be the most appropriate approach, but this is relatively rare, since it does not capture the sense of place, an important factor. (Tyler, 2000, p. 68)

One must question why a current sense of place is such an important factor if there is a physical record of significant history.

Historic District Ordinances

A local ordinance may establish a Historic District Commission, who defines what activities within the historic district are subject to review. The activities usually include exterior alterations, additions, new construction, and demolition. The extent of control is a decision made by the local community through its legislative body (Tyler, 2000). Owners of structures within the historic district must obtain a Certificate of Appropriateness for the work they plan to do before a building permit can be issued. The historic commission's approval or denial of the request is based on criteria established in the ordinance. Historic District ordinances are often overlay ordinances, which build on existing zoning ordinance.

Characteristics of Effective Ordinances. An effective ordinance will stand up to legal challenges if it includes six factors. First the ordinance should adhere to the provisions of the state enabling legislation and provide for local concerns. Second the ordinance should be predictable in its application by the review agency. This allows property owners to be reasonably certain of approval if provided clear and direct standards. If the approval by the commission is unpredictable, the ordinance is either weak in composition or interpretation. Third an ordinance should not be too vague. If so, approvals are based on the discretion of the commission or sometimes the dynamics of the commission. Fourth ordinances must reference the standards and guidelines by the Secretary of Interior. This helps to insure that the local commission does not misinterpret the ordinance. The Secretary of Interiors Standards are nationally recognized for determining appropriate alterations and additions. Commissions should work together to formulate an understanding of what is appropriate design (Tyler, 2000). Fifth ordinances should not attempt to define property maintenance provisions, which allows for a commission to take action against an owner that fails to maintain a property. And finally the body that is responsible for the enforcement should do so consistently. The code enforcement department is usually granted this power. It is imperative for preservation staff to forge a good working relationship with the inspector assigned to overseeing historic districts. If the inspector is selective in enforcement, an owner may claim he has been singled out. “The argument may be awkward for the commission or the city to counter, but the courts generally defer to commissions as expert bodies, and failure to enforce in one case is not a legal defense in another” (Tyler, 2000, p. 75).

A historic district ordinance is a legal document and must follow requirements of the state and local government. It should be evaluated according to three basic provisions. First, its purpose should promote public welfare, written to benefit the community rather than a select

group of property owners. Second the ordinance should be rational, and third the ordinance should be fair, applying to everyone equally within a specified group (Tyler, 2000).

Example of an Effective Ordinance. The Lake Eola Heights Historic District Ordinance describes the area, as one of Orlando’s oldest and most architecturally significant. Originally a citrus grove, residential development took place after the freeze of 1894. The ordinance does not use the terms non-contributing and/or contributing. Rather than restrict itself to buildings that were fifty years or older when the district was designated, the ordinance discusses what is architecturally significant. The prevalent architectural styles built in the district and their corresponding dates are identified, but the styles are not limited to this list, “ranging in significant styles but not limited to...” (Lake Eola Heights Historic District Ordinance, 1989, p. 1). The purpose of the ordinance is, “to protect and preserve the elements which contribute to the architectural and historic significance of the neighborhood...” (Lake Eola Heights Historic District Ordinance, 1989, p. 1). The preservation philosophy for the district is proclaimed, “the historic and architectural significance of the Lake Eola Heights neighborhood has been achieved over time and the growth and development of this neighborhood is part of the history of Orlando which is worthy of protection...” (Lake Eola Heights Historic District Ordinance, 1989, p. 2). The concepts of significance achieved over time and growth and development worthy of protection are the essence of preservation. This statement continues,

this ordinance seeks to maintain and preserve what is unique to the neighborhood by preventing future growth that is incompatible with surrounding structures and neighborhood and assure changes within the neighborhood will be compatible with the historic character of the structures and the environment of the Lake Eola Heights neighborhood. (Lake Eola Heights Historic District Ordinance, 1989, p. 2)

A Certificate of Appropriateness must be acquired before a building permit is issued for exterior alteration, construction, or demolition, “according to Chapter 58 of the Orlando City Code” (Lake Eola Heights Historic District Ordinance, 1989, p. 3). When an ordinance builds off

the existing zoning, it is called an Overlay Ordinance. Because the District Ordinances take precedence over requirements in the Land Development Code, exceptions specific to the district are listed. For example walkways and patios not subject to view, landscaping, emergency repair without change to exterior design, and paint color are not reviewed in this district. For the same reason there are certain items specific to the district that are allowed like chain link fences in the rear yard and the permission for Historic Preservation Board to “adopt additional legally valid guidelines and criteria as it deems appropriate” (Lake Eola Heights Historic District Ordinance, 1989, p. 7). Therefore the Ordinance can be updated or changed as needed if approved by City Council.

Evolving from the district’s stated purpose, the Historic Preservation Board is reminded to, “seek compatibility of structures in the district in terms of size, texture, scale and site plan” and to consider the Secretary of Interior’s “Standards for Rehabilitation” when considering requests for Certificates of Appropriateness (Lake Eola Heights Historic District Ordinance, 1989, p. 4). The authors recognized that the Land Development Code would allow construction inappropriate to the character of the neighborhood. The ordinance’s demolition criteria correspond to the Criteria for Demolition in the Design and Demolition Standards defining five criteria most important to the Lake Eola Heights Historic District and omitting the category of existing conditions or maintenance and economic hardship. Considering future utilization the ordinance requires a “substantial plan” for the site, but exactly what drawings should be submitted and what level of detail is required is not indicated. Finally the Lake Eola Heights Historic District Ordinance was accepted May 22, 1989, which is the date of designation for the district.

Oppositions to Ordinances. Opposition to the establishment of a historic district comes from several sources. Existing departments within local government may fear losing power or

not want the extra work. The City or County may not be willing to allocate additional funds for a new department. If institutions have a stake in the property, they may not be in favor of a historic district (Tyler, 2000). However, most opposition comes from homeowners in the proposed district, who have two concerns.

First homeowners object to design guidelines and standards that control alterations to the exterior of their house. They believe objective standards for beauty or appearance is impossible, because “beauty is in the eye of the beholder.” Therefore they see the legislation of aesthetics subjective and arbitrary. Homeowners accept land use zoning, such as building codes, because they know it protects their general welfare, health and safety. This is also accepted because it does not impose restrictions on landowners regarding the aesthetic appearance of the built environment. The courts have agreed that the preservation of historic districts meets the zoning criteria of protecting the public welfare, health and safety. Although some homeowners of proposed districts have no problem with guidelines and standards that preserve what currently exists. They take issue with the guidelines and standards for additions and new construction, basically the changes to the existing built environment. Property owners view these changes as arbitrary. Admittedly some alterations to districts are far from the intent of preservation, and are really closer to a contemporary form of urban planning.

Second homeowners oppose the creation of a historic district and feel it is a “taking,” the government is restricting the their rights to use or develop the property without compensation for the loss in value. The opposition from the property owners is usually representative of the degree of control being proposed. Obviously the key is to educate and persuade property owners that the positive aspects of historic districts outweigh the negatives.

If the designation of an historic district were successful, the ideal board or commission would be composed of an impartial panel of individuals who are knowledgeable of local history, architectural history, and preservation. They should make judgements on requests for change within the district (Tyler, 2000). Because members of a historic commission or board are sometimes not required to be knowledgeable or not interested in becoming so, design guidelines are helpful for visual instruction. Design Guidelines are defined as, “Criteria, locally developed, which identify local design concerns, drawn up in an effort to assist property owners to respect and maintain the character of the designated district...” (Murtagh, 1997, p. 216). Although in some districts knowledgeable staff can serve this purpose by a personal consultation with the applicants regarding their design request.

Historic Preservation is most effective at the local level because this is where ordinances are created and proposals for changes to historic structures are reviewed. Property owners deal directly with the historic preservation officer or planner and then with the Historic Preservation Commission or Board. This is where the real protective power is found. The idea that the community should determine for itself what is historically significant, and what steps should be taken to provide protection encourages a comfortable and uncontroversial environment (Tyler, 2000). The concept here is understandable, the residents take ownership of the district and its history. However, this is a conflict of interest for citizens to make decisions about what is historically significant. Besides the fact that they may lack knowledge of the area’s history or general preservation practices, their own property is at stake. Surely limitations that could be placed on their property will effect their decisions. While this approach may be fine for local historic districts, the government should step in and make judgement calls for National Landmark Districts.

CHAPTER 3 LANDMARK DISTRICT

Case Studies: Old Historic District

The citizens of Nantucket Island created the Nantucket Historic District in 1955. In 1966 the National Park Service designated the town of Nantucket a National Historic Landmark and listed it on the National Register of Historic Places (Lang and Stout, 1995). Because of incompatible new construction, the Nantucket Historic District Commission was formed to review and approve all construction on the island with design guidelines, *Building with Nantucket in Mind* (Lang and Stout, 1995). Originally the area under the Commission's purview was restricted to two main districts of Nantucket and Siasconset, but in 1975 this was extended to include the entire island of Nantucket (Lang and Stout, 1995). In 2000, the National Trust for Historic Preservation placed Nantucket on its list of "America's 11 Most Endangered Places" due to, "the trend to renovate historic structures out of existence" (National Park Service. (2006). National Landmarks Program: Search for a NHL, Retrieved on September 2006 from <http://tps.cr.nps.gov/nhl/detail.cfm?ResourceId=581&ResourceType=District>). These case studies investigate properties located in the town of Nantucket, the Old Historic District.

10 Vestal Street

The dwelling at 10 Vestal Street was surveyed in August of 1989 by AGS. Per the Inventory Form, the ownership history of the dwelling is unknown. This is a one-story weathered shingle dwelling was built circa 1930. It has a concrete foundation, composition shingle side gable roof, and a center unpainted brick chimney. Other architectural features include a central flush frame entry, plain corner boards and six-over-six windows. The structure is noted as being located in a densely built residential area of the Old Historic District. The significance of the house to the National Register Historic District is non-contributing.

Request for relocation. Application #38,051: May 4, 2001: Request to Demolish or Move Building. The existing building is recorded as being 26' in length and 29' in width with a total square footage of 648 SF. The application differs from the inventory form, listing the date of construction as 1956 (one-room house) with an addition in 1966. Also the applicant lists the original builder as his grandmother. There are no staff comments attached to this application. However, a plan of the existing site was submitted with the application, which depicts the dwelling about 12'-0" from the sidewalk, 17'-0" from the left side property line, and 12'-0" from the right side property line.

The Historic District Commission approved this application and issued the Certificate of Appropriateness #38,051 on May 22, 2001.

Personal critique. The HDC review of the non-contributing property and the new location was not critiqued, because the available paperwork did not note a proposed location.

Request for new construction. Application #38,050: May 4, 2001: Description of work to be performed: Request to construct a two-story dwelling in the Old Historic District. The structure is proposed to be 48'-0" in length and the 46'-0" in width. The proposed square footage of the first floor is 1731 SF and 1300 SF on the second floor with a 15' by 24' deck. The proposed ridge height is 26'-0" above the finished grade in each direction.

The applicants propose an 8" poured concrete foundation to be painted gray and a chimney constructed of "used red" brick. The proposed roofing material is gray asphalt architectural shingles with wood gutters and 4" by 4" leaders. The proposed exterior treatment is white cedar shingles and trim painted white. Other proposed architectural details are 1" by 6" corner boards, double hung windows with true divided lights and sashes painted gray. The front door is proposed to be six panel with sidelights and the rear door will be a french door, both

painted gray. The applicants propose a wood-applied overhead garage door and a gravel driveway. The Historic District Commission approved the application and Certificate #38,050 issued May 22, 2001.

HDC review of the proposed new construction. This Certificate of Appropriateness was not discussed at the HDC meeting. There were no staff comments or meeting minutes in case folder.

Personal critique of the proposed new construction. The guidelines define a non-contributing structure as, “a building which is not an intrusion but does not add to a historic districts sense of time, place and historic development” (Lang and Stout, 1995, p. 21). Therefore, 10 Vestal Street meets the criteria for demolition under the second standard listed, “the structure is a protected structure by virtue of its presence in the historic district but is non-contributing to the district” (Lang and Stout, 1995, p. 21).

In spite of its classification as non-contributing, 10 Vestal Street is a small cottage (Figure 3-1). It is wedged between a gable one-story dwelling and a two-story Federal style house (Figure 3-2). This cottage provides a stop in the rhythm of the street. One could argue the structure adds to the sense of place, you are not in the midst of town but on the edge of the Old Historic District about to enter the outlying area. Even with some two-story dwellings sprinkled intermittently this idea is evident. The decision to replace the cottage with a Federal-like two-story house affects the perception of the town’s historic density. Stylistically, the proposed building is a 2-1/2-story house with three bays as seen in the proposed front elevation (Figure 3-3). The front door is off-center with sidelights and the chimney located at the side of the main mass. The exterior sheathing is clapboard with 6/6 windows. These are subtle characteristics of

the early Federal style, commonly seen in town. A small cottage like 10 Vestal Street in this location provides a distinct sense of place.

Since the mass and location of the 70 year-old cottage is not a consideration in planning for new construction, the guidelines for Building in the Historic Town of Nantucket consider site planning, bulk, proportion and scale, and massing. The size of the proposed new construction may detract from Old Historic District's actual sense of time, place and historic development. There will be a definite impact on the context of Vestal Street by replacing a 1930 one-story dwelling of 648 SF (Figure 3-4) with a two-story dwelling of 3,030 SF (Figure 3-5). The proposed square footage is more than 4.5 times that of the existing building. Interestingly, the guidelines do not address this issue directly. However, if more strictly applied, the recommendation concerning scale would make a difference. "Any new construction in the town should be on a scale compatible with that of adjacent buildings. Also the scale of spaces between buildings should be carefully considered" (Lang and Stout, 1995, p. 67). If applied to what existed previously, the latter statement here, "scale of spaces between buildings" could prove useful in the preserving the Old Historic Districts sense of place.

The increase in the overall size of the building will be further impacted because the building's setback is less. While the 1930-era house was located about 12' from the sidewalk (Figure 3-4), the new construction will be about 7' from the sidewalk (Figure 3-5). From the guidelines, "on a street of generally aligned facades, it is recommended that any new construction conform to the predominant height of the facades of the existing buildings on the street. In any case, no new construction should be more than 10% taller in either its façade or overall height than the tallest building on the block on which it is to be built" (Lang and Stout, 1995). While the proposal may actually meet these criteria, one should require the height and

mass of the proposed construction be more visually compatible with adjacent dwellings to help preserve the sense of place.

Additional guidelines could consider the qualities of a non-contributing structure. The mere presence of the structure could be preserving aspects important to the district's sense of time, place and historic development. For example, if the footprint of a building were preserved, it would help maintain massing important to the sense of place and the area's density. Non-contributing structures can function as a bookmark and hold a place in the built fabric. Non-contributing buildings are usually visually obvious, as non-originals, but new construction in the form of a reproduction cannot be easily read as a new addition.

125 Main Street

The dwelling at 125 Main Street was surveyed in August of 1989 by AGS. Per the Inventory Form, the ownership of the building is private. The one-and-three-quarter tall wood frame dwelling is clad with horizontal weathered siding and has a brick foundation. The gable roof is characterized by extended eaves and exposed rafter tails. The roof is sheathed with composition shingles. There are two unpainted, corbeled chimneys located off-center. The dwelling has a one-story side porch oriented toward the façade. Other architectural features include an off-center front door, plain corner boards and two-over-two windows. It is noted that a side rear shed extension was added at some point in time.

The last page of the Inventory Form is missing from the Historic District Commission files. This page records the significance of the structure to the National Register Historic District. However, a separate document entitled, "Nantucket Island Architectural and Cultural Resources Survey, District Data Sheet," lists all the properties in the district by address, and classifies 125 Main Street as contributing to the National Register Historic District. It also indicates this structure existed by 1887 (Figure 3-6).

Request for relocation. Application #30,010: February 6, 1997: Request to Demolish “or give away- 1895 to 1900 non-contributing building.” The applicant noted the portion in quotes. A site plan of the property was submitted with the application. The site is located on the corner of Main Street and Quarter Mill Hill. It depicts an 8’-0” setback from the sidewalk.

This application for a Certificate of Appropriateness was presented to the HDC for four times before being issued. This is the sequence of comments from the HDC meeting minutes.

February 11, 1997: Application for demolition presented to Historic District Commission. The following staff comments were read, “Request advertising for potential move. Housing Authority does not have use for it. Hold for consideration with proposed new structure. Request for black and white photos.” The following comment was made, “Mr. Avery observed that this house is very typical of Victorian infill architecture. He said he did not understand why it would not be contributing.” Next a motion was made and seconded to hold the application for viewing.

February 18, 1997: Application reintroduced. Ms. Butler states that “the purchaser of the property, Wayne Dupont, is offering \$3,000 to help someone move the house.” Ms. Deeley stated that she had a problem with the house being demolished and thought it was “somewhat contributing”. At this point Mr. Avery said that he did think the house would be reused. Ms. Deeley then added, “Let’s see what [Mr. Dupont] is going to put in its place”. Motion and second to hold both applications until ¼” drawings of the new scheme are submitted.

March 4, 1997: Lack of quorum.

On March 11, 1997 the HDC approved and issued Certificate of Appropriateness #30,010 with a sixty-day hold on demolition allowing someone to move the structure for reuse.

According to the Historic District Commission meeting minutes, the approval of the demolition was based on the “lack of historical or architectural significance.”

Personal critique of the HDC review of non-contributing property and new location.

From HDC meeting minutes on February 18, 1997 in response to the question of the structure being considered historic, Mr. Avery says he thinks the house will be reused. The issue of reuse is separate from the issue of historic significance in a historic district the issue of reuse should only be considered if the building is deemed to be insignificant.

Also, the next statement, “Let’s see what [Mr. Dupont] is going to put in its [the house’s] place” leads one to think, if presented with an appropriate design, the house may not be that historic. The objective to create an appropriately designed Nantucket-like dwelling in order that the Victorian style house is not missed is faulty. When the discussion approaches this point, the question of historic viability must be answered first. By making a determination on the historic significance of the structure, you prevent pitting the HDC against the architect/owner/applicant in a contest for design appropriateness. This scenario affects both non-contributing and contributing buildings. When dealing with the latter they are not usually of the style favored in the district. In this case we have a Folk Victorian style structure in a district where the Typical Nantucket style, Federal style and Greek Revival style houses are favored.

From the HDC meeting minutes on March 11, 1997, the “lack of historical or architectural significance” is a failure of the HDC to fulfill its purpose. If the HDC cannot research a historic property, the applicant who wishes to remove the structure will not. The HDC should research the property and examine the guidelines for determining the future of this structure. Each decision impacting a singular structure also impacts the district. The guidelines provide an overview the HDC should follow in case by case decisions. “While there is no single appropriate style for the island, as indicated by the diversity of its buildings, understanding the continuity of development and relatedness of the styles described will exemplify the legacy shared by all Nantucket buildings”(Lang and Stout, 1995, p. 37). For example, the Victorian style has an exact context in Nantucket’s history. “In the end, the economic collapse of the isolated island in the 1850s, when whaling succumbed to the discoveries of oil and gold, was responsible for the unique preservation and integrity of the town today. Only in the late 1800s, when well-to-do people sought out unspoiled Nantucket as a summer resort, were numbers of

new houses built again” (Lang and Stout, 1995, p. 35-36). In addition, “As the community turned to the summer resort trade, a few of these Victorian houses were built in town” (Lang and Stout, 1995, p. 44). One-twenty-five Main Street is physical evidence of the, “continuity of development” within this historical context. Without examples like 125 Main Street there is no “relatedness of the style” to witness. The guidelines feature 73 Main Street, another example of the Victorian style in the same vicinity. From this we can conclude the dwelling at 125 Main Street is not an anomaly.

The property at 125 Main Street is an example of the Folk Victorian style (Figure 3-7). This style is characterized by Victorian details applied to a simple house form. The structure is one of the principal sub-types of Folk Victorian, a gable front and wing form, creating an asymmetrical façade. Located at the front wing is a one-story front porch. Typical of Folk Victorian, the porch is set within the L. The porch is usually the primary area for the application of Victorian detailing, however the railing detail is minimal with an “x” motif. Other characteristics of the style are simple pediments above the window and door surrounds and two-over-two double hung windows.

Request for new construction. Application #unknown: January 22, 1998: Request for new dwelling. The basic volume of the two-story dwelling is proposed to be 32’ in length and 28’ in width. The proposed square footage of the first floor is 896 SF and 780 SF for the second floor. This is a total of 1676 SF. The proposed height of the roof ridge is 24’ in all directions.

The applicants propose a 6”-8” deep parged block foundation. The proposed exterior treatment is natural cedar shingles with white trim. The main roof and dormer roof is proposed to be charcoal gray asphalt shingles at a pitch of 8 over 12 with wood gutters and downspouts. The

applicants propose double hung windows with true divided lights. The proposed front door and garage door will be a wood. The proposed driveway material is shell.

Certificate #32,087: At the same meeting the approval to move the existing building from 125 Main Street was issued. However, the NHA's application to move the same building to 7 Okorwaw Avenue was held for a viewing. The commission has approved the building relocation without a specific location.

HDC review of new construction. These are pertinent excerpts from meetings.

From the HDC meeting minutes: January 27, 1998, Staff comments: "Recommend referral to DAC (Design Advisory Council). The massing is not appropriate, particularly at the front. The structure being set back from the street is atypical of Main Street houses."

January 27, 1998: HDC meeting minutes: Application introduced. "Twig Perkins attended and stated that this design is intended to compliment the Rhodes House at 127 Main Street. He explained the property was acquired by the Rhodes so their house could have a large yard." The above staff comments were read. Then, Ms. Hall states, "If the proposed structure is an outbuilding, it should match the main house." Mr. Avery then adds, "Although the front dwelling is inappropriate for a second dwelling facing Main Street- there are bigger issues at stake here than just the design," referring to the pattern of siting on the street. At this point a motion was made and seconded for referral to the DAC.

February 3, 1998, Design Advisory Council Meeting Memorandum: The HDC members present where D.Neil Parent and Duncan Fog. Their comments on the design where to create a "carriage house" character with simple forms. They recommend a shed dormer on the front elevation with a smaller shed roof over the entry. They state the massing is not inappropriate, if "a more rural form is developed". In conclusion, they advise to see the open lot and for it to be landscaped appropriately.

March 31, 1998, Staff Comments: Staff critiques the current proposed plans both as a main residence and a garage apartment. For a main residence Staff recommends, " Gable dormers are the preferred type on the front [elevation], recommend gable type set back one foot from the wall plane as recommended by the guidelines." For a garage apartment Staff recommends, "Triple mulled 12/12 double hung windows are not appropriate to a simple carriage house structure." Then staff continues by questioning the entire situation,

Staff is concerned with the precedent this case represents. The existing structure was approved for demolition with the understanding that the new structure would closely resemble a house that had been on this site previously. If the application is approved with a different house in a different location, it not only erodes the traditional street edge, but also it erodes the historical context of this neighborhood. Furthermore, it completely undermines the HDC's policy of requesting development scenarios as a condition of

reviewing demolitions. Along this line, staff questions the validity of the demolition if the premise upon which it was based is removed. Staff requests the opportunity to consult with Town Counsel regarding this issue before the HDC acts.

March 31, 1998, HDC Meeting Minutes: The previous Staff Comments were read. The outcome of this meeting is unknown.

April 7, 1998, Staff Comments: The Staff reiterates the statement from above, "If this application is approved...the historical context of the neighborhood."

April 7, 1998, HDC meeting minutes: The concept of replacing a primary dwelling on Main Street with a large yard and garage apartment is still a troubling concept. The only redeeming thing about the situation is that the Housing Authority wants the existing building. But after airing concerns the HDC instructs the applicant to, "bring in a landscape plan showing how he proposes to make this lot more contiguous in nature with 127 Main Street. Mr. Perkins then pointed out that the yards get larger as you go up Main Street." Motion and second was made to hold the application.

On April 27, 1998 a site plan was stamped received by the HDC office. This plan shows the residence at 127 Main Street and a garage apartment at 125 Main Street with a large landscape area in the front. The only feature addressing the street at 125 Main Street is a fence. The garage apartment is in the same location at the rear of the property.

May 5, 1998, Staff Comments: The staff remains steadfast in their evaluation of the situation.

Recommend a primary dwelling on the street due to the history and context of this lot. The proposed landscaping may be beautiful but is not appropriate... The pattern of Main Street is houses on the street. Recommend the HDC be consistent on this issue. If the HDC deems this use of the property to be appropriate, recommend all dormers conform to the 1' setback from the eave and the front transom be removed.

May 5, 1998, HDC Meeting Minutes: Basically the same dilemma is restated in the dialogue between HDC members. Ms. Voorhees states, "I think it is too bad that there is not a house on the street." Mr. Perkins said he would feel differently about it if there were not similarly large yards with houses set back a little farther up Main Street. Ms. Hall asks if there is a reason the garden has to be in the front since keeping the street edge is very important. Ms. Voorhees then states that she would not like to see this particular house on the street edge. A motion was made and seconded to hold for revisions to the carriage house.

At this point the paper trail of this case is incomplete. The last staff comment on record is from May 12, 1998 where the staff states the requested revisions to the structure are appropriate.

I assume because of existing photos of the building this refers to the dormer offset and the panels under the windows being removed.

Personal critique of the HDC review of the new construction. On March 11, 1997, the HDC has allowed for the removal of a contributing building at 125 Main Street without a new location determined. The new construction is not approved until May 12, 1998. What is the hurry to remove a contributing building? Unfortunately, in the end, the new construction is not what the HDC had originally bargained for. One of the HDC members voices this view, “I think it is too bad that there is not a house on the street.” The original house was 8’ off the sidewalk, and the proposed dwelling is 60’ off the front property line and 8’ off the rear property line (Figure 3-8). To avoid this situation in the future, the HDC should hold issuing a COA for a building move or demolition until they have approved the new development plans for that same site. This way they can guarantee that these plans are not just proposals by the applicant, but the applicants’ real intentions.

On January 27, 1998, I must question what has happened here. In this meeting the HDC clearly states that they are waiting for ¼” drawings of the development plans. At this meeting, it is obvious to the HDC that they have approved the removal of a contributing structure, so the applicants can have a large yard and detached garage. When this is revealed, the discussion centers on the pattern of buildings along the street. Obviously, the applicant’s intentions do not follow the historical pattern of the street. With this issue in mind, the HDC refers the applicants to meet with the DAC.

At the DAC meeting, the streetscape and pattern of houses along the street is not addressed. Perhaps if the HDC member who brought up this important point had attended the DAC meeting, this idea could have been the focus of the meeting. If the HDC members at the DAC meeting had consulted meeting minutes, this would have been an evident issue to discuss. After all the DAC would not want the applicants to go to the next HDC meeting and still have

issues that the majority of HDC members object to. In situations like this staff can be helpful to steer the DAC to serve the concerns of the HDC.

The HDC members that attended the DAC meeting were Parent and Fog, who apparently had no issue with the historic pattern of buildings on the street. They instructed the applicants in how to appropriately create a garage apartment on the rear of the lot and to appropriately landscape the enormous front yard. However, this advice is not consistent with the comments of HDC members or staff, nor is it representative of the guidelines. Under site planning, “new construction should follow a pattern of site utilization similar to that already established adjacent to it” (Lang and Stout, 1995, p. 61). One-twenty-seven Main Street (Figure 3-9) and 123 Main Street (Figures 3-10 and 3-11) are 10’-0” or less from the sidewalk. The pattern is evident (Figure 3-12) in the front yard setbacks of the houses at 119-123 Main Street. The guidelines specifically state, “consideration should be given to the setback of the buildings from the street”. Also, “Where buildings are predominately aligned along the street creating a unified edge or wall along the street space, the front of a new building should be aligned within the general façade line of its neighbors” (Lang and Stout, 1995, p. 61). With all these recommendations directly from the guidelines, Parent and Fog do not rely on them to advise the applicants.

At the HDC meeting on March 31, 1998, the staff comments read at the meeting critiques the most current plans, even though they maintain their original opposition of the proposal. The concept of replacing a primary dwelling on Main Street with a large yard and garage apartment is a troubling concept especially for anyone involved in preservation. At this point, the HDC advises the applicant to bring in a landscape plan and model the vacant lot on larger parcels farther up Main Street. They seem to tire of the basic differences between what the applicants

want and what staff wants. The larger parcel they refer to could be 129 Main Street (Figure 3-13).

On May 5, 1998, “Mr. Perkins said he would feel differently about it if there were not similarly large yards with houses set back a little farther up Main Street.” I think Mr. Perkins is over simplifying the issue. The fact that there was once a contributing building in this location is forgotten. While there are large yards farther up the street, they were not once occupied by a contributing building that addressed the street. And if that was the case at one point in history, it is not why this decision was made. The house at 129 Main Street has a large front yard, but was constructed at a later era. This site follows a modern pattern of buildings along the street with front yards (Figure 3-13) as the guidelines explain. “After the whaling era, houses diverged from the customary single-plane façade and consistent street side building placement, thereby fragmenting the unified street edge. New houses then began to have front yards, large lots, a lack of consistency in setbacks from the property line, and orientations to the water or view rather than the street”(Lang and Stout, 1995, p. 61). For this reason, a pattern of a large front yard or side yard is not prevalent on Main Street nor is the likelihood of a Nantucket style house having a large side yard. “Voorhees then states that she would not like to see this particular house [referring to the “carriage-style” garage] on the street edge.” This is a response to what the applicant has designed not what could be designed. After they repeatedly disagree with a general concept of the development plan, staff provides a backup comment, which is true in this case. These design suggestions are implemented and the plan is granted a Certificate of Appropriateness.

As a preservationist who has worked in a similar capacity, there are opportunities to learn and improve this review process. Someone, staff or Mr. Rivers, should be required to write a

detailed report to analyze the issues in total. For example, there is not a traditional Nantucket style house like the one at 127 Main Street that has a large side yard on Main Street. The house at 129 Main Street sits further back from the street but does not have a garage apartment to the side. The person that writes the analysis should be present at the HDC meeting and available to speak, especially when you are dealing with an elected board. This would provide some continuity for important design and preservation issues. Some HDC members do not come from a design or preservation background and would benefit from detailed guidance on controversial cases, if not all. The property in question should and could be evaluated from a staff or Mr. Rivers experience and credentials. One must question why the historical significance of the property is unknown. It is there, ready to be investigated.

The plan submitted for new construction in the Old Town of Nantucket on this lot should meet the goals for new construction. I believe this plan fails on the following points,

To preserve as unchanged as possible the old structures built before the middle of the 19th century in their original settings and conditions; also to maintain the fundamental harmony of the historic community by approving new structures and changes in old ones only when they blend harmoniously with the era before 1846. (Lang and Stout, 1995, p. 9)

The fact that 127 Main Street has a large side yard and a rear garage apartment is not in accordance with what would have existed before 1846. “To preserve the historic character of the old town of Nantucket as a whole, including its pedestrian scale as well as its close and complementary pattern” (Lang and Stout, 1995, p. 9). The Victorian style plays a part in the historic character of the town and it was not preserved in this case. “To preserve the integrity of the historic buildings that physically express the history of the island” (Lang and Stout, 1995, p. 9). As mentioned before, 125 Main Street was the physical evidence of a certain portion of Nantucket’s long history. “To make certain all new buildings are compatible with the buildings adjacent to them and contribute to the overall harmony of the street” (Lang and Stout, 1995, p.

9). As stated before and shown by the photos, the garage apartment is not compatible to the buildings at 127 Main Street or 123 Main Street.

Personal critique of the contributing property in the new location. The new location for the folk Victorian style house is near the Nantucket Memorial Airport at 7 Okorwaw Way (Figure 3-14). The house is barely visible from the street (Figures 3-15 and 3-16). The streetscape is very unlike the original site for the house. There are other dwellings in this area on the same dirt road however there is no rhythm created or streetscape represented. The property is in good condition (Figures 3-17 and 3-18). From this photo of the front facade one can clearly observe the folk Victorian details, as mentioned earlier. While it is useful as low-income housing, it is regrettable that the property has been relocated, especially without careful attention to location.

18 Mill Street

The dwelling at 18 Mill Street was recorded by the HDC. The date is unknown. Per the Inventory Form, Jerry E. O’Keffe owns the dwelling. According to the Sanborn Fire Insurance Maps for the area, the dwelling was built after 1923 but before 1949. The dwelling is visible from a public road.

This is a one-story three-bay Bungalow with a concrete foundation. The main roof is a gable and the one-story front porch is a shed roof, both are composition shingles. There are two unpainted brick chimneys, one located off-center the second on the end wall. Other architectural features include an off-center flush frame front door, front stair with balustrade at the porch, plain corner boards and six-over-one flush frame windows. The Structure is noted as having the “Cape Revival” influence to the style of architecture. It is located 10 feet or less from the street with the residential surroundings densely built up. Features related to the structure are the

gardens and parking. The structure is noted as being in good condition. The structure is classified as contributing to the Old Historic District.

Request for relocation.

Application #32,826: August 31, 1998: Request to Move Building and for Demolition. The applicant requests to demolish the rear section then move the house and front porch. The square footage listed on the application is 1064 SF with a dwelling length of 38'-0" and a width of 28'-0". There is a 10'-0" x 28'-0" deck.

Staff comments, September 8, 1998: "Structure is listed as contributing, the question is if the house is a significant according to guidelines on page 162. If significant, the proposal is inappropriate. Hold for black and white photos and an elevation of the proposed rear."

HDC Meeting Minutes, September 8, 1998: The staff comments above were read. Mr. DaSilva made a motion for approval. Ms. Voorhees seconded, and it was so voted. Mr. McLaughlin and Ms. Hall opposed.

Certificate #32,726 was issued. Immediately following this approval, Application #32,827 was heard. The applicant NHA Properties requested to move a building [dwelling located at 18 Mill Street] to One Norquarta Drive. "Mr. Rivers read the following staff comments: "Hold for the move off approval and elevation with new front entry door." Mr. DaSilva made a motion to approve with driveway. Ms. Voorhees seconded, and it was so voted. Mr. McLaughlin and Ms. Hall opposed.

Certificate #32,827 was issued.

Personal critique of the HDC review of the contributing property in the new location.

In the staff comments on September 8, 1998, they state that the building is classified as contributing and the guidelines dealing with the structure's significance on page 162, under the Demolition Policy. If significant, the advice to the HDC is to deem the proposal inappropriate. Since the structure is already defined as a contributing structure, "a structure which adds to the District's sense of time, place and historic development" (Lang and Stout, 1995, p. 162), this is confusing. The definitions continue and the significance of a building is described as,

Any structure within the Historic District of Nantucket Island which is in whole or in part fifty years or more old and which has been designated by the Commission to be a significant structure after a finding by the Commission that the building is either: (a) importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Island or the

Commonwealth; or (b) historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Lang and Stout, 1995, p. 162)

18 Mill Street is a bungalow style house. It is characterized by,

low-pitched roofs, exaggerated roof overhangs, and porches, often within massive, square supports...traditionally one-to 1-1/2 story dwellings, modest in design, with a horizontal emphasis, gently pitched roofs and incorporated front porches. . .coziness of its porch, which both integrates interior and exterior space and at the same time hints to the passer-by the charming intimacy that lies within. (Lang and Stout, 1995, p. 49)

Request for New Construction. Application #32,944, August 17, 1998: Description of

Work to be Performed: Request to construct a two-story building in the Old Historic District.

The structure is proposed to be 74'-10" in length and 38'-10" in width. The proposed square footage on the first floor is 2010 SF and the 1800 SF on the second floor with a 3,810 SF total.

The applicants also propose a 500 SF deck. The proposed height of the roof ridge is 29' 9-1/2" from the finished grade.

The proposed dwelling will have an 8" brick foundation with exterior white cedar shingles and wood trim painted white. The proposed roof pitch of the main mass will be 8/12 and of the porch will be 4/12 covered with white cedar shingles. The applicants propose wood gutters and leaders. The applicants propose wood windows and doors with true divided lights. The proposed windows are 6/6 double hung windows with sashes painted white. The applicants proposed a French door painted white for the rear façade. Other proposed architectural details are white shutters and cornerboards.

HDC review of the new construction.

Staff Comment, August 25, 1998: Recommend a viewing. Proposal is overly formal and out of scale with the immediate context. Guidelines recommend chimneys on larger houses be interior, particularly in town. Guidelines discourage bay windows and hexagonal masses in the OHD. 14" columns are atypical of Nantucket and the OHD. If this formal five bay design is deemed appropriate, recommend the front second floor windows be more traditional in their size. Note a move off demolition application will be required for the existing building. May want to hold for approval of either.

HDC Meeting Minutes, August 25, 1998: The above staff comments were read. “Ms. Voorhees was concerned with the size of the house. Ms. Voorhees made a motion to hold for viewing and revisions per staff comments and would like to see application for the existing 1923 house.”

Staff Comment, September 8, 1998: Door change and chimneys moved interior is appropriate revisions. Reduction of porch posts also appropriate. Otherwise general concerns with overall appropriateness of the design in this context remain. Note new context photos have been submitted.

HDC Meeting Minutes, September 18, 1998: The staff comment from September 8, 1998 was read. Mr. McLaughlin states the house is overpowering for the area it is in and there is visibility, also east elevation windows are out of proportion. Ms. Hall stated that the house is too large. Mr. DaSilva motioned to hold for revision. Ms. Hall seconded, and so it was voted.

Staff Comment, September 22, 1998: Change to a less formal four bay is a tremendous improvement. Use of mulled windows throughout is not in keeping with the historic context. Detail of gable-end shutters should be provided. Scale and massing of east elevation may be a concern in this context, as much of it will be exposed.

HDC Meeting Minutes, September 22, 1998: The staff comments from September 22, 1998 were read. Glenn Winn and Michael McClung attended on behalf of the applicant. Ms. Voorhees stated that mulled windows are inappropriate. Ms. Voorhees agrees with staff comments. Mr. McLaughlin stated east elevation is overpowering height, not appropriate height compared to other houses in this area. Ms. Hall is concerned with the overall sizing and agrees with staff comments. Mr. Winn stated that we could put more of a jog in the building. Shortened 8-10’ or lowered. Mr. DaSilva made a motion to hold for revisions. Ms. Voorhees seconded, and so it was voted.

Staff Comment, September 29, 1998: Revisions are appropriate. Recommend approval.

HDC Meeting Minutes, September 29, 1998: Gary Winn attended on behalf of the applicant. Mr. Avery abstained. The staff comments from September 29, 1998 were read. Mr. DaSaliva made a motion to approve with dormers on the east elevation raised up and shutters on the gable ends removed. Mr. Axt seconded, and so it was voted. Mr. McLaughlin opposed. Ms. And Mrs. Osdell, abutters, arrived later in the meeting and voiced their opposition to the proposal.

Certificate #32,944 was issued.

Personal critique of the HDC review of the new construction. Even though the staff has recommended denial of the current design, they provide back-up advice in their comments dated August 25, 1998, “If this formal five bay design is deemed appropriate...” because the HDC

does not always heed their advice. This is unfortunate, especially in a National Historic Register District. The HDC is an elected body and benefit from staff guidance. In the guidelines, section 3 of Appendix A, “There is hereby established in the town of Nantucket an Historic District Commission consisting of five (5) unpaid members who shall be resident taxpayers of the Town of Nantucket, to be appointed by the Selectmen” (Lang and Stout, 1995, p. 155). Therefore, the commission has no requirements for members to be design or preservation professionals.

The house at 18 Mill Street was classified as a contributing structure to the Old Historic District. During the course of this review and approval, the contributing classification has been stripped. Clearly, the guidelines created to protect this structure are not followed.

Also, the new dwelling is not consistent with a number of guidelines. The setback is less than five feet from the street. This creates quite a formal feel for Mill Street (Figure 3-19). The massing and volume of the house seem overly large (Figure 3-20). This is true when comparing the new construction with the original contributing structure (Figure 3-21). The property records indicate the square footage of the 2-1/2 story new dwelling is 3,185, while the one-story original property was 1,064 SF. The new construction is almost 3 times the size of the original. Also important is the relationship to the adjacent one story house (Figure 3-22). The site conditions do not benefit the massiveness of the new construction. While the adjacent house is one story and sits on the low side of the hill, the new two-story sits on the high side (Figure 3-23). This portion of N. Mill Street is nearing the edge of the Old Historic District, as you can see on the map of the Old Historic District. The street is less densely populated than the center of town; there are some large vacant lots and more space is between houses. The house across the street is similar in design to the new construction (Figures 3-24 and 3-25). However, due to the fact the front four-bay side gable façade is facing the side yard, the overall result is much less formal. Before the

relocation of the contributing building and the new construction, the character of the area and context of the street were representative of the edge of the district. With the formality of the new construction, this quality will eventually be lost.

There are details about the construction, which reveal that it is recent. They had to be pointed out to me, but I will relay them. The foundation has a crisp new appearance that original foundations do not (Figure 3-26). Another detail is the energy efficient windows (Figure 3-27).

The plan submitted for new construction in the Old Town of Nantucket on this lot should meet the goals for new construction. I believe this plan fails on the following points,

To preserve as unchanged as possible the old structures built before the middle of the 19th century in their original settings and conditions; also to maintain the fundamental harmony of the historic community by approving new structures and changes in old ones only when they blend harmoniously with the era before 1846. (Lang and Stout, 1995, p. 9)

The contributing structure at 18 Mill Street has not been preserved in its original setting. The mass and the style of the new construction do not blend harmoniously. “To preserve the historic character of the old town of Nantucket as a whole, including its pedestrian scale as well as its close and complementary pattern” (Lang and Stout, 1995, p. 9). “To preserve the integrity of the historic buildings that physically express the history of the island” (Lang and Stout, 1995, p. 9). The contributing bungalow style house plays a part in the historic character of the town Built between 1923 and 1949, this structure is a product of Nantucket’s survival as a district. During the time it was built, tourism was reborn on the island and became the town’s livelihood. “To make certain all new buildings are compatible with the buildings adjacent to them and contribute to the overall harmony of the street” (Lang and Stout, 1995, p. 9). As stated before and shown by the photos, the new construction is massive, close to the street, and stylistically confusing to understanding the difference of the town verse the outlying areas.

Personal critique of the contributing property in the new location. Another unfortunate aspect I see from a preservation standpoint is that the lack of concern for the placement of an original structure. The HDC did not review the new site at 1 Norquarta Drive for the placement of the contributing property. The general setting is rural, which is not consistent with the original setting. The street itself has no similarity with Mill Street (Figure 3-21, 3-28 through 3-30). The closest structures are not similar to the structures in the Old Historic District (Figures 3-29 and 3-30).

3 Coffin Street

The Historic District Commission surveyed the dwelling at 3 Coffin Street, but the year was not recorded. Per the Inventory form the ownership of the building was private. The one-story three-bay structure has a weathered shingle exterior with a concrete foundation. The side-gable roof is composition shingle with a metal chimney located off-center. The dwelling has a covered front entry porch with trellis-walls on either side. Other architectural features include the central flush-frame entry, plain corner boards and six over six windows. The building is classified as contributing to the district. Additional information included on the form is the building size of 1300 SF and setback noted as 10 feet or less from the street. The property is noted as having a shed and fence, while the context is noted as densely built up.

Request for relocation. Application #37,092, November 21, 2000: Request to move the building. The building is 38'-7" in length and 22'-3" in width. The applicant has noted the structure as 644 SF, which differs from that noted on the inventory form.

Application #37,093, November 21, 2000: Request to move the building at 3 Coffin Street to 33 Bartlett Farm Road. A site plan depicts the proposed location in the northwest corner of the Bartlett Farm Property, roughly 120 feet from the side property line and 60 feet from the rear property line.

Personal critique. The HDC review of contributing property in the new location was not critiqued, because the meeting minutes were unavailable.

Request for new construction. Application #37,179, November 24, 2000: Request to build a two-story dwelling at 3 Coffin Street. The proposed size of the new building is 38'-10 in length and 22'-4" in width. The applicants propose 701 SF on the first and second floors. This is a total of 1402 SF overall. They propose a one-story front entry porch, 6'-6" wide by 3'-6" deep. The proposed height of the ridge above finish grade is 26'-6".

The applicants propose an 8"-16" concrete foundation and exterior sheathing of natural white cedar shingles. The proposed roof pitch is a 7:12 on the main and secondary roof, which will be clad with gray asphalt shingles. The applicants propose a white aluminum skylight; double hung windows and six panel wood doors. They propose the trim, window sashes and doors be painted white. The proposed walkway will be constructed of slate. The existing fence proposed to be painted gray.

HDC review of the new construction. The front, rear, and side elevations are stamped approved June 13, 2000. There are no meeting minutes available for this case.

Personal critique of the new construction. My photos of the new structure at 3 Coffin Street depict a two-story building that differs from the approved application details and drawings. The trim is gray, not white as planned (Figure 3-31). The columns at the front entry are unpainted (Figure 3-32). The approved elevation (Figure 3-33) depicts exterior lights flanking the entry door, but they do not exist on the building (Figure 3-32). There is a window air-conditioning unit at the second story of the left wing (Figure 3-34). Therefore, it seems the building lacks exterior architectural details commonly found on most buildings in the Old Historic District.

However, the footprint of the new construction is exactly the same as the contributing one story cottage (Figure 3-35). Perhaps due to the small size of the site, only .11 acres, and the only option for gaining additional square footage was to go up adding a second story. This presents an interesting idea; new structures could conform to the footprint of the original to preserve the rhythm and open space along the street. It was also prevent proposed structures from being too massive.

Personal critique of the contributing property in the new location. The previous contributing structure's new location on Bartlett Farm possesses no similarity to the original context. The original context, as mentioned on the historic inventory was "densely built up," while the existing surroundings are rural (Figures 3-36 through 3-41). There is no relationship to a primary or secondary type street (Figure 3-42). The original house is poor condition; the building has been stripped of the character-defining front entry porch with trellis walls. The lack of consideration for the building in its new surroundings and the lack of maintenance for the building have rendered it non-contributing and non-significant.

20 Milk Street

The dwelling at 20 Milk Street was recorded by AGS on August 12, 1989. Per the Inventory Form, the owners were Arthur & Mary Desrocher. The ownership history is unknown. According to the Sanborn Fire Insurance Maps and an aerial photo, the dwelling was built circa 1930. The dwelling is visible from a public road.

This is a 1-1/2 story Bungalow with a concrete foundation and a wood frame structural system. The main roof is a hip with a one story shed porch that extends the length of the dwelling. Both the main and porch roofs are covered with composition shingles. There is one unpainted corbeled chimney located off-center. There is a hip dormer on the front façade. Other architectural features include an off-center, flush frame front door, front stair with balustrade,

plain corner boards and six-over-one flush frame windows. The Structure is located 10 feet or less from the street with the residential surroundings densely built up. Features related to the structure are the garage and deck. The structure is noted as being in good condition. The structure is classified as contributing to the Old Historic District.

Request for relocation. No application # at time that information was gathered.

Application submitted May 17, 2002: Request to Move Building. The historic name of the property and the original builder are unknown. Also included in the application is a site plan of the proposed location, Lot 13 on Norquarta Drive.

Personal critique. The HDC review of the contributing property in the new location was not critiqued. When the information on 20 Milk Street was gathered, the house had not been relocated and remained in the original location.

Request for new construction. No application # at time that information was gathered.

Application submitted May 15, 2002: Request to construct a new dwelling. The basic volume of the new two-story dwelling is proposed to be 50'-10" in length and 27'-0" in width. The first floor is planned to be 1170 SF and the second floor is planned to be 735 SF. This is a total of 1905 SF. The proposed height of the roof ridge is 25'-0" from the east and west, 26'-0" from the south and 24'-6 from the north.

The proposed dwelling will have an 8" poured concrete foundation with exterior natural cedar shingles and wood trim painted Nantucket Gray. The roof pitch of the main and secondary mass will be 8/12. The pitch of the dormer will be 8/12 as well. The roof will be covered with red cedar shingles. The gutters and leaders will be constructed of wood. The windows will be double hung with true divided lights and a six over six light pattern with Nantucket Gray sashes.

The front door will be a six panel wood door. The side and rear door have four lights. All will be painted Nantucket Gray.

HDC review of the proposed new construction. The remainder of my information was attained from an article printed in the *Inquirer and Mirror*, Nantucket's newspaper, Figure D-1. The following was revealed about the case. The owners of 20 Milk Street are Ben and Adlumia Garnett. They own the property next door and purchased 20 Milk Street from the previous owners, the Desrocher's in May. Of interest is that Mr. Desrocher is a former selectman and state legislator. The purpose of attaining this adjacent property was to increase the size of their yard or build a garage. Also the owners wish to move the existing building to Norquarta Drive and donate the building for affordable housing. Public comment on the issue was "Neighbors in the Milk Street area supported the house move because they said the house did not fit into the character of the neighborhood" (Fiegl, 2002, p. 7A).

The HDC denied the owner's request to move the contributing structure from its original site sometime on or around May 28, 2002. As quoted in the article, HDC member Dirk Roggeveen defended the HDC's vote stating, "the 20 Milk Street home represented an architecture style popular in the first half of the century. Roggeveen added that because a building did not fit into the character of other buildings on the street, it did not mean the building did not have historical significance" (Fiegl, 2002, p. 7A). He also pointed out the HDC's purpose is not to "recreate a New England village" (Fiegl, 2002, p. 7A). The owner filed an appeal to the Selectmen, who overturned the HDC's decision. Attorneys representing the owners cited a previous case where the HDC allowed a bungalow style building to be moved from 18 Mill Street to 1 Norquarta Drive in 1999. Matt Fee, the sole Selectman to vote against overturning the HDC's decision stated, "he did not want to see the "Disney-ification" of Nantucket." Chairman

of the Selectman Committee, Frank Spriggs expressed his approval in the article, “he did like that the housing proposed to replace the bungalow style house would go along with a similar footprint of a building built in the 1840s” (Fiegl, 2002, p. 7A).

Commission administrator, Mark Voight, said “the commission was not against creating affordable housing, but the bungalow style home represented one of the 14 different styles of architecture found on Nantucket” (Fiegl, 2002, p. 7A).

Personal critique of the proposed new construction. This case raises the same issues as 125 Main Street. 20 Milk Street is defined as a contributing, “a structure which adds to the District’s sense of time, place and historic development” (Lang and Stout, 1995, p. 162).

Significance of a building is described as,

Any structure within the Historic District of Nantucket Island which is in whole or in part fifty years or more old and which has been designated by the Commission to be a significant structure after a finding by the Commission that the building is either: (a) importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Island or the Commonwealth; or (b) historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Lang and Stout, 1995, p. 162)

20 Milk Street is a bungalow style house (Figure 3-43). It is characterized by,

low-pitched roofs, exaggerated roof overhangs, and porches, often within massive, square supports . . . traditionally one-to 1-1/2 story dwellings, modest in design, with a horizontal emphasis, gently pitched roofs and incorporated front porches . . . coziness of its porch, which both integrates interior and exterior space and at the same time hints to the passer-by the charming intimacy that lies within. (Lang and Stout, 1995, p. 49)

Beyond the fact that it is a bungalow with architectural characteristics, it speaks of a time on Nantucket where the economy was no longer dependant on whaling. Under the Styles of Architecture, Craftsman, and Bungalow Style (1900-1948), the Guidelines state, “Low, unpretentious and ideally suited to the concept of the vacation get-away cottage, a handful of craftsmen style cottages sprang up across the town . . . and at 20 Milk Street . . .” (Lang and

Stout, 1995, p. 50). This structure is specifically mentioned and the HDC made a sound decision in denying the proposal.

Selectmen or anyone should not be able to base approvals on poor decisions made in the past. Does this mean that the approved plan is acceptable? Or that it is just okay to move the bungalow? “The argument may be awkward for the commission or the city to counter, but the courts generally defer to commissions as expert bodies, and failure to enforce it in one case is not a legal defense in another” (Tyler, 2000, p. 75).

The proposed new construction with a large front yard and structure at the rear of the lot (Figure 3-44) is inconsistent with the site planning guidelines. Under site planning, “new construction should follow a pattern of site utilization similar to that already established adjacent to it” (Lang and Stout, 1995, p. 61). The houses on either side of 20 Milk Street establish a regular and consistent street edge (Figures 3-45 and 3-46). The guidelines specifically state, “consideration should be given to the setback of the buildings from the street.” Also, “Where buildings are predominately aligned along the street creating a unified edge or wall along the street space, the front of a new building should be aligned within the general façade line of its neighbors” (Lang and Stout, 1995, p. 61). Because these recommendations come directly from the guidelines, it is understandable why the Historic District Commission denied the request.

Personal critique of the contributing property in the proposed new location. The area surrounding Norquarta Drive is rural. The street itself is becoming denser with a relocated bungalow from 18 Mill Street (Figure 3-21) and new multifamily dwellings (Figures 3-29 and 3-30). The proposed location for 20 Milk Street Bungalow is Lot 13 located to the left of the 18 Mill Street bungalow (Figures 3-47 and 3-48). Norquarta Drive is becoming a depository for the

islands unwanted bungalows. Affordable housing is a worthy cause. However, the absence of this house in the Old Historic District is unfortunate.

Analysis of the Case Studies: Consequences of not Including Non-contributing Properties in the Old Historic District

When noncontributing buildings are unrecognized, they suffer many consequences. Unfortunately the effects are a detriment to the where they are located. This is evident in the case studies of the Landmark Historic District, the Old Historic District, Nantucket, Massachusetts.

Consequence of Re-use

When considering a “move-off” request for a contributing building, approval is easily attained if the building is being reused in another location on the island.

The case study of 125 Main Street is the most obvious example of this. When questioned if the structure is historic, Mr. Avery says he thinks the house will be reused (Historic District Commission Meeting Minutes, February 18, 1997). The issue of reuse is separate from the issue of historic significance. Reuse should only be considered if the building is deemed to be insignificant. The case study of 18 Mill Street case presents a similar situation. When considering the building’s value, the staff comments, “Structure is listed as contributing, the question is if the house is significant according to the guidelines on page 162. If significant the proposal is inappropriate.” The Historic District Commission approved the building’s relocation without discussion. The Historic District Commission may be open to “move-off” requests due to the long tradition of building reuse on the island. *Building with Nantucket in Mind* states,

There was no natural source of building materials on the island, so materials had to be shipped in at considerable cost. . . . A Nantucket house, moreover, was seldom destroyed; it was moved or its parts reused as long as they endured. (Lang and Stout, 1995, p. 34)

However, this does not give the Commission permission to move contributing buildings today.

Eighteen Mill Street was relocated to 1 Norquarta Drive, a rural location becoming denser with

relocated bungalows and newly constructed multifamily dwellings (Figures 3-29 and 3-30). These surroundings are not consistent with the context of Mill Street, where buildings were 10 feet or less from the street and the surroundings were described as “densely built up” (Figures 3-21, 3-28 through 3-30). The closest structures are unlike the structures in the Old Historic District (Figures 3-29 and 3-30). Another example is the case study of 20 Milk Street, where the proposed new location is Lot 13 on Norquarta Drive adjacent to 18 Mill Street (Figures 3-48 and 3-49). Lastly, the case study of 3 Coffin Street fared the worst in relocation. This is a quaint cottage with a covered front entry porch flanked by trellis-walls. It was classified as contributing to the district. The new location is rural, located in the northwest corner of the Bartlett Farm property, roughly 120 feet from the side property line and 60 feet from the rear property line (Figure 3-42). This location possesses no similarity to the original context described as “densely built up,” and 10’ or less from the street (Figures 3-36 through 3-41). Also, there is no relationship to a primary or secondary type street (Figure 3-42). The building has been stripped of character-defining features and is in poor condition.

The lack of consideration for the buildings’ new locations causes them to be non-contributing and non-significant. This is problematic for the Secretary of the Interior states, “Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to re-establish its historic orientation, immediate setting, and general environment” (National Park Service. (2004). National Register of Historic Places: Program Regulations, Retrieved on April 2006 from <http://www.cr.nps.gov/nr/regulations.htm#6014>). If these buildings are to remain contributing to the district, the new locations should be analyzed with the referenced criteria.

If it is proposed that a property listed in the National Register be moved and the State Historic Preservation Officer...wishes the property to remain in the National Register

during and after the move, the State Historic Preservation Officer...shall submit documentation to the NPS prior to the move (National Park Service. (2004). National Register of Historic Places: Program Regulations, Retrieved on April 2006 from <http://www.cr.nps.gov/nr/regulations.htm#6014>)

Due to the fact that the proper documentation was not submitted to approve the move, these buildings can no longer be counted as contributing. The ratio of contributing to non-contributing buildings must be altered, which may threaten the Landmark status of the historic district.

In the event that a property is moved, deletion from the National Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the responsibility of the State, Federal agency or person or local government which nominated the property to notify the National Park Service. (National Park Service. (2004). National Register of Historic Places: Program Regulations, Retrieved on April 2006 from <http://www.cr.nps.gov/nr/regulations.htm#6014>)

While moving a building within a registered historic district is not as grave as moving a building individually listed on the National Register, the concept is the same.

The Historic District Commission should review a move-off request thoroughly. They must verify that it is the only alternative for rehabilitation, not that they would rather have a building with a more prevalent style built in this location. When buildings are moved, the new site should be reviewed for consistency with the existing surroundings. Moving contributing historic buildings within a landmark district should be prohibited unless it is an absolute last resort, such as coastal erosion or a natural disaster. Moving a building to improve the concentration of a certain style with a new structure is an arbitrary form of urban planning and not related to preservation. It is inconceivable that the landmark status of the district can survive this action.

Consequence of Non-prevalence

When most of the contributing buildings in a district exhibit certain prevalent styles, contributing buildings of other styles are often moved or demolished. Many times they are

replaced with new construction, reproductions of the favored styles in the district. The island of Nantucket is celebrated for many things, but people are drawn to the Old Historic District for the quaint town atmosphere. In *Building with Nantucket in Mind*, many architectural styles are discussed, but the prevalent styles in the district that create this quaint environment are the Typical Nantucket style, Federal style and Greek Revival style. The buildings in the case studies were not prevalent styles: Folk Victorian, Bungalows, and small cottages. All were relocated and replaced with new construction.

Within the case studies of contributing buildings the consequence of non-prevalence is demonstrated. For example, 125 Main Street case is a Folk Victorian built before 1887 (Figure 3-7). The building possesses Victorian details applied to a simple house form: horizontal siding, a brick foundation, a gable roof with extended eaves, and exposed rafter tails. There is a one-story front porch set within the L of the building form, typical of the Victorian style. Other characteristics are simple pediments above the window and door surrounds, as well as, the two-over-two double hung windows (McAlester, 1984). The house is contributing to the National Register Historic District, as documented in the “Nantucket Island Architectural and Cultural Resources Survey, District Data Sheet” (Figure 3-6). The applicant requests to demolish or give away the building. The Historic District Commission board member, Mr. Avery comments “this house is very typical of Victorian infill architecture,” and he did not understand why it would not be contributing. Ms. Deeley felt the house was “somewhat contributing” and that it should not be demolished but also adds, “Let’s see what [Mr. Dupont] is going to put in its [the house’s] place”. On March 11, 1997 the Historic District Commission approved the demolition or “move-off” based on the lack of historical or architectural significance. The Folk Victorian house is not of the prevalent styles in the district, which seems to make the contributing status negotiable.

Nine months later the applicants request a two-story dwelling clad with natural cedar shingles.

At the same meeting the Historic District Commission issues a Certificate of Appropriateness to move the existing building from 125 Main Street. Later the applicants (the owners of the adjacent house) present a site plan showing a rear location for the proposed dwelling, obviously a garage apartment, and a large yard in place of the Folk Victorian building. The proposed placement is atypical of Main Street; therefore staff recommends referral to the Design Advisory Council.

The Design Advisory Council advises the applicants to create a “carriage house” character with simple forms. They state that the massing (referring to the site) is appropriate if “a more rural form is developed”. For five months from January to May the Historic District Commission struggles with the idea of losing a contributing structure to a lawn and a garage apartment. On May 12, 1998, the staff states the revisions to the garage apartment are appropriate. Today the view from Main Street is a white fence and a tall hedge; the roof is the only visible portion of the new construction. This is a corner lot, and the structure can be viewed from Quarter Mile Hill Way. From this location the garage apartment looks like it has always been there, because it closely matches the main house, a contributing structure.

The premise from this case is that the historic viability of the existing property has to be determined before new construction is considered. If not, this leads one to think if the committee is presented with an appropriate design, the house may not be that historic. The objective to create an appropriately designed Nantucket-like dwelling in order that the Victorian style house is not missed is faulty. By making a determination on the historic significance of the structure, the Historic District Commission and the architect/owner/applicant are not placed in a contest for design appropriateness. In this case the outcome was not what the Historic District Commission

hoped for, and the final comments from staff and certain commission members reflect disappointment. Staff states, “Recommend a primary dwelling on the street due to the history and context of this lot, and the pattern of Main Street is houses on the street. Recommend the HDC be consistent on this issue.” At the meeting Ms. Voorhees states, “I think it is too bad that there is not a house on the street.”

The case study of 18 Mill Street is a one-story three-bay Bungalow built between 1923 and 1949. The architectural details of the building are typical of the bungalow style: a gable roof, one-story front porch with a shed roof, porch balustrade, six-over-one flush frame windows and plain corner boards. The structure is classified as contributing to the Old Historic District, but was easily approved for relocation with no discussion noted in the HDC meeting minutes. The Bungalow style is not one of the prevalent styles in the district, which seems to make the contributing status negotiable. The proposed new construction shows influence of both the Typical Nantucket and the Federal styles. Characteristics of the Typical Nantucket style are the four bay façade, an off-center door with a transom above, first floor 12 over 12 double hung windows; aligned with second floor smaller 6/6 windows, a roof with an 8 inch pitch, and small plain cornice (Lang and Stout, 1995, p. 39). Characteristic of the Federal style is shown in the use of the twin chimneys rather than a central chimney (Lang and Stout, 1995, p. 41). There are details about the construction, which reveal that it is recent. The foundation has a crisp new appearance that original foundations do not (Figure 3-26). Another detail is the energy efficient windows (Figure 3-27). Because these details are not obvious to an untrained eye, it is questionable if the new construction serves the true purpose of the Secretary of Interior’s Standard. “All buildings, structures and sites shall be recognized as products of their own time.

Alterations that have no historical basis and which seek to create an earlier appearance shall be avoided when possible.”

The case study of 3 Coffin Street is a modest cottage, classified as contributing to the district. The Historic District Commission approved the relocation. The style of the cottage is not inspired by the prevalent styles in the district, which seems to make the contributing status negotiable. The proposed new construction is a two-story dwelling with a minimum of architectural detail, reminiscent of the Quaker influence with a shingled exterior, 6/6 windows, trim, corner boards, and a small cornice. However the built product does not reflect the approved elevations. In addition, the quality of construction is not of the high level seen in the district. In this case, more than the existence of the contributing building is lost.

The case study of 20 Milk Street is a bungalow with a hip roof, one-story front porch with a shed roof built in 1930. Other façade details are a central hip dormer, plain corner boards and 6/1 flush frame windows. The applicants propose to build a two-story shingled house with true divided lights in a 6/6 light pattern, a side gable roof and two gable dormers. Characteristics of the Typical Nantucket style are shown in the design details: an off-center front door with a transom above, a roof with an 8-inch pitch and a plain cornice. However, because the new construction sits at the rear of the lot, the contributing house is actually being replaced with a large lawn (Figure 3-44). This is uncharacteristic of the other structures on Milk Street and inconsistent with the site planning guidelines, “new construction should follow a pattern of site utilization similar to that already established adjacent to it” (Lang and Stout, 1995, p. 61). The houses on either side of 20 Milk Street establish a regular and consistent street edge (Figures 3-45 and 3-46). The guidelines specifically state, “consideration should be given to the setback of the buildings from the street” (Lang and Stout, 1995, p. 61). Also, “Where buildings are

predominately aligned along the street creating a unified edge or wall along the street space, the front of a new building should be aligned within the general façade line of its neighbors” (Lang and Stout, 1995, p. 61). With all these recommendations directly from the guidelines, it is understandable why the request was denied.

The applicants reside in the adjacent contributing house and their objective is to gain a garage apartment and large lawn. The Historic District Commission smartly denied the applicant’s request, probably to avoid a scenario like 125 Main Street. In the defense of their decision, a Commission member stated, “the 20 Milk Street home represents an architectural style popular in the first half of the century” (Fiegl, 2002, p. 7A). Also, he added “that because a building did not fit into the character of the other buildings on the street, it did not mean the building did not have historical significance” (Fiegl, 2002, p. 7A). Most importantly he pointed out that the Historic District Commission’s purpose was not to “recreate a New England village” (Fiegl, 2002, p. 7A). So unfortunately while the Historic District Commission made their decision based on information stated in the design guidelines, *Building with Nantucket in Mind*, the Selectmen overturned it based on a previous case, 18 Mill Street.

If this is the product we desire, we are not preserving but creating. We have left the realm of historic preservation and entered the realm of theme districts for economic development. All the existing buildings discussed above were contributing, which is alarming. The entire island of Nantucket is on the National Register of Historic Places and the town of Nantucket is a National Historic Landmark (Lang and Stout, 1995). Preservation at the Landmark district level should exhibit the highest integrity. The Old Historic District is not just important to the region or community, but to the entire country. One should be able to trust that the architectural fabric is authentic and not construed to be Nantucket-like. Moving a building to improve the

concentration of a certain style with a new structure is an arbitrary form of urban planning and not related to preservation. It is inconceivable that the landmark status of the district can survive this action.

Consequence of Overlooked Significance

Even if a non-contributing building is not of a distinguishable style, it can add value to the district. The size and scale of the property and/or the building may be a visual asset. The presence of a non-contributing structure can geographically or historically describe the development of a district. The case study of 10 Vestal Street is that of a small cottage built circa 1930 (Figure 3-1). It is wedged between a gable one-story dwelling and a two-story Federal style house (Figure 3-2). This cottage provides a stop in the rhythm of the street; it is not in the midst of town but on the edge of the Old Historic District about to enter the outlying area. Even with some two-story dwellings sprinkled intermittently this idea is evident. The decision to replace the cottage with a Federal-like two-story house impacts the rhythm of the street and affects the perception of the town's historic density. Stylistically, the proposed 2-1/2-story building reflects subtle characteristics of the early Federal style commonly seen in town. This is seen in the proposed front elevation (Figure 3-3). The front door is off-center with sidelights, and the chimney located at the side of the main mass. The exterior sheathing is clapboards with 6/6 windows. A small cottage like 10 Vestal Street in this location provided a distinct sense of place.

The other four case studies document decisions made by the Historic District Commission, which have stripped these contributing buildings of their status; therefore, they can be included in this discussion. The presence of a building can historically describe the development of a district. For example the Folk Victorian dwelling at 125 Main Street respected the street edge, followed the established historic pattern, as well as, added to the “diversity of it's [the island's] buildings ” and the “continuity of development” (Lang and Stout, 1995, p. 37). “While there is

no single appropriate style for the island, as indicated by the diversity of its buildings, understanding the continuity of development and relatedness of the styles described will exemplify the legacy shared by all Nantucket buildings” (Lang and Stout, 1995, p. 37). The Victorian style has an exact context in Nantucket’s history. “In the end, the economic collapse of the isolated island in the 1850s, when whaling succumbed to the discoveries of oil and gold, was responsible for the unique preservation and integrity of the town today. Only in the late 1800s, when well-to-do people sought out unspoiled Nantucket as a summer resort, were numbers of new houses built again” (Lang and Stout, 1995, p. 35-36). “As the community turned to the summer resort trade, a few of these Victorian houses were built in town” (Lang and Stout, 1995, p. 44). One-twenty-five Main Street is physical evidence of the, “continuity of development” within this historical context. Without examples like 125 Main Street there is no “relatedness of the style” to witness.

The presence of a non-contributing structure can geographically and historically describe the development of a district. For example, 18 Mill Street is a bungalow built between 1923 and 1949, and like 10 Vestal Street, it provides a sense of place. This portion of N. Mill Street is nearing the edge of the Old Historic District. The street is less densely populated than the center of town with large open lots and more space between houses. Before the relocation of the contributing building and the new construction, the character of the area and context of the street were representative of the edge of the district. With the formality of the new construction, this quality is diminished and will eventually be lost.

The bungalow at 20 Milk Street is representative of a time on Nantucket where the economy was no longer dependant on whaling. In fact this particular property is mentioned in the design guidelines, under the Bungalow Style (1900-1948), “Low, unpretentious and ideally

suiting to the concept of the vacation get-away cottage, a handful of craftsmen style cottages sprang up across the town, . . . and at 20 Milk Street. . .” (Lang and Stout, 1995, p. 50).

A new classification of “potentially significant” is required to protect buildings that cannot be classified as “contributing”, “architecturally significant” or “ancillary” when the district is designated. These buildings could be re-evaluated when they are 50-years old, which would provide flexibility for the district. While the 50-year time period may be arbitrary, it is probably long enough to divulge significance. The primary purpose would be to protect structures until enough time passes to make an informed judgment on the building’s significance. If significance is recognized before the fifty years, the structure can be re-categorized as “architecturally significant”, which recognizes a significant building that enriches the district even though it did not exist during the designated historic period of significance.

Consequence of Inconsistent Management

There are nine management issues that impact buildings within the Old Historic District. The first deals with the makeup of the Commission. The Historic District Commission is an appointed body with no requirements for the appointees to be design or preservation professionals, “established in the town of Nantucket an Historic District Commission consisting of five (5) unpaid members who shall be resident taxpayers of the Town of Nantucket, to be appointed by the Selectmen” (Lang and Stout, 1995, p. 155). The problem is the board lacks professional knowledge and often disregards recommendations made by staff, which is unfortunate in a National Register Landmark District. They could definitely benefit from the staff’s professional knowledge. For example, in the case study of 125 Main Street, the staff is presented with a proposal to replace a contributing house, which is located 8’ from the front property line with a garage apartment to be sited 60’ from the front property line. Needless to say, the staff remains steadfast in their evaluation that the applicant’s proposal is inappropriate.

“Recommend a primary dwelling on the street due to the history and context of this lot... The pattern of Main Street is houses on the street. Recommend the HDC be consistent on this issue.” However, they supply alternate advice knowing that the Historic District Commission does not always follow their recommendation. “If the HDC deems this use of the property to be appropriate, recommend all dormers conform to the 1’ setback from the eave and the front transom be removed.” Another example of the same disregard for the staff’s professional advice is the case study at 18 Mill Street. The Staff has recommended a “viewing” and pointed out several basic design issues dealing with the formality and scale. Again knowing that the board often does not heed their advice they make an alternative suggestion, “If this formal five bay design is deemed appropriate, recommend the front second floor windows be more traditional in their size” (HDC Meeting Minutes, August 25, 1998).

Often the Historic District Commission does not even discuss the staff comments, which come directly from the design guidelines. For example in the same case, the initial staff comments were as follows. “Structure is listed as contributing, the question is if the house is a significant according to guidelines on page 162. If significant, the proposal is inappropriate. Hold for black and white photos and an elevation of the proposed rear” (Staff Comments, September 8, 1998). The Historic District Commission meeting minutes note the following, “The staff comments were read. Mr. DaSilva made a motion for approval. Ms. Voorhees seconded, and it was so voted. Mr. McLaughlin and Ms. Hall opposed” (HDC Meeting Minutes, September 8, 1998). The purpose of the Historic District Commission is to uphold the design guidelines and their review should directly involve requirements and suggestions from that document.

The second management issue is that the design of new construction cannot be handled with staff comments. The staff comments are often written the day of the Historic District

Commission meeting. Staff does not have time to review the application and examine the site. This system of making comments piece-meal only hits with the highlights, the most pressing design issues. For example, the new construction at 18 Mill Street is inconsistent with a number of guidelines. The setback of the structure is less than five feet from the street, creating a formal feel for Mill Street (Figure 3-19). The siting of the new construction does not meet the requirement in the guidelines, “Any new construction should follow a pattern of site utilization similar to that already established adjacent to it” (Lang and Stout, 1995, p. 61). The adjacent one story house is set at least 10’ from the street and has a small front yard (Figure 3-49). In addition, the massing and volume of the house seem overly large (Figure 3-20). This is evident when comparing the façade of the new construction with the original contributing bungalow (Figure 3-21). The design guidelines state, “The proportions of the façade of a new building along a street should be compatible with the proportions of the existing buildings” (Lang and Stout, 1995, p. 66). This requirement is not met; the adjacent building is dwarfed by the new construction (Figure 3-22). Even though the acts and amendments enabling the historic district state that,

The Historic District Commission shall not consider relative size of buildings in plan, interior arrangement or building features not subject to public view. The Commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects of the surroundings and the Historic Nantucket District. (Lang and Stout, 1995, p. 158)

Not considering relative size in plan would be understandable if that was the only factor examined. However, the relative size of the proposed building to adjacent buildings can be informative, especially if other factors indicate that the building is too massive. For example, the property records indicate the square footage of the new construction is 3,185, while the one-story bungalow was 1,064 SF, similar in size to the adjacent one story house. The new construction is almost 3 times the size of the bungalow that once sat here. Therefore the new construction shows no relation to the adjacent one story house (Figure 3-22). Again this is in violation of the

design guidelines; “Any new construction in the town should be of a scale compatible with adjacent buildings” (Lang and Stout, 1995, p. 67). In addition the large mass of the new construction is exaggerated by the site conditions. While the adjacent house is one story and sits on the lower side of the hill, the new two-story sits on the higher side of the hill (Figure 3-23). Obviously, staff comments are not sufficient.

The third management issue is the lack of a written report to analyze the aspects of the applicant’s proposal with a staff recommendation. Without a report of this type, fundamentals fall through the cracks. For example, the request to move 125 Main Street is approved noting the “lack of historical or architectural significance” (HDC meeting minutes, March 11, 1997). This is a failure of the Historic District Commission to fulfill its purpose. If they cannot research a historic property, the applicant who wishes to remove the structure will not. According to the design guidelines, the Historic District Commission is allowed to request additional information, documentation, or evidence as is necessary to make a decision, and is required to make its decision based on all the evidence at the public hearing (Lang and Stout, 1995, p. 162). In this case they could have requested staff research the property. Another effect of the lack of a written report is that it causes misunderstandings. For example in the same case, 125 Main Street, Mr. Perkins responds to the comment that there is no house on the street. He said, “he would feel differently about it if there were not similarly large yards with houses set back a little farther up Main Street.” This is simplifying the issue. It seems that the fact a contributing building once stood here is forgotten. While there are large yards farther up the street, they were not once occupied by a contributing building that addressed the street. If they did, this is not the reason the Historic District Commission made this decision. A well-written report could make distinctions

and improve the commission's decisions. The Historic District Commission is reminded to consider,

the general design, arrangement, texture, material and color of the building or structure in question, the location of the lot and the relation of such factors to similar features of buildings and structures in the position of such building or structure in relation to the street or public way and to other buildings or structures. (Lang and Stout, 1995, p. 157)

With this in mind, the staff report could consider the house at 129 Main Street, which has a large front yard and was constructed at a later era. This site follows a modern pattern, buildings along the street with front yards (Figure 3-13). The design guidelines explain,

After the whaling era, houses diverged from the customary single-plane façade and consistent street side building placement, thereby fragmenting the unified street edge. New houses then began to have front yards, large lots, a lack of consistency in setbacks from the property line, and orientations to the water or view rather than the street. (Lang and Stout, 1995, p. 61)

A pattern of a large front yard or side yard is not common on Main Street. Another important topic for investigation would be how common it is to have a Nantucket style house with a large side yard on Main Street. The staff should be required to write a detailed report to analyze the issues in total and make it available for the Historic District Commission members to review before the meeting. The author of the report should be present at the Historic District Commission meeting, available to speak. This would provide some continuity for design and preservation issues. The property in question should be evaluated from a professional perspective, and it is of the utmost importance in a historic district important at the landmark level.

The fourth problematic management issue is that buildings are not protected until a plan for new construction is approved. The Historic District Commission and staff must not issue a Certificate of Appropriateness for demolition or relocation until the Certificate of Appropriateness for new construction is issued. Currently, the Historic District Commission has

a policy described by staff as, “requesting development scenarios as a condition of reviewing demolitions” (HDC Meeting Minutes, March 31, 1998). However, they have experienced first hand that this is not adequate. For example, considering the case study of 125 Main Street, the Historic District Commission issued a Certificate of Appropriateness for relocation on March 11, 1997 based on the “lack of historical or architectural significance.” This Certificate of Appropriateness may have expired, because on January 22, 1998 another Certificate of Appropriateness was for relocation. At this meeting, the initial proposal for new construction was presented. However, at the next Historic District Commission meeting, January 27, 1998, the applicants reveal their true intentions. “Twig Perkins attended and stated that this design is intended to compliment the Rhodes House at 127 Main Street. He explained the property was acquired by the Rhodes so their house could have a large yard.” From this point forward, there is an inherent discord where the applicant’s intentions do not conform to the historical pattern of the street. At this point in time, the Historic District Commission could have cited the applicants for changing their development scenario after receiving approval for relocation based on this scenario. This could have been considered a violation, “for any person to knowingly submit false, fraudulent or misleading information to the Commission in connection with any application” (Lang and Stout, 1995, p. 158).

In the future, the Historic District Commission could specify that a Certificate of Appropriateness for relocation is contingent on the Certificate of Appropriateness for new construction. In this case, the new construction for the site is not approved until May 5, 1998 and unfortunately it is not what the Historic District Commission had originally bargained for. To avoid this situation in the future, it is imperative that the Historic District Commission adopt a strict practice that insures submittals are the applicants’ real intentions.

The fifth management issue deals with the Design Advisory Council (DAC). The Acts and Amendments for the Nantucket Historic District require the following for denied requests. “In case of a disapproval, the Commission shall state its reasons therefore in writing, and it may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and the like of the building or structure involved” (Lang and Stout, 1995, p. 158). Therefore, the DAC meets with applicants to discuss appropriate design solutions. In the future, staff must attend the meetings and direct Council members to the reason for the meeting. For example, the first staff comments pertaining to 125 Main Street, “Recommend referral to the DAC. The massing is not appropriate, particularly at the front. The structure being set back from the street is atypical” (Historic District Commission Meeting Minutes, January 27, 1998). At the Historic District Commission meeting, it is obvious they have allowed the relocation of a contributing structure for the applicants to obtain a large yard and detached garage apartment. Historic District Commission board member, Ms. Hall states, “If the proposed structure is an outbuilding, it should match the main house” (HDC meeting minutes, January 27, 1998). Historic District Commission board member Mr. Avery responds, “Although the front dwelling is inappropriate for a second dwelling facing Main Street, there are bigger issues [the historic pattern of buildings on the street] at stake here than just the design,” (HDC meeting minutes, January 27, 1998). With this in mind, the Historic District Commission refers the applicants to the DAC.

The Historic District Commission members that attended the DAC meeting had no issue with the historic pattern of buildings on the street, because they advised the applicants to design the garage apartment to match the main house. Also, they suggested how to landscape the front yard appropriately. This advice was not consistent with comments from Commission members or

staff, and does not conform to the guidelines. Under site planning, “new construction should follow a pattern of site utilization similar to that already established adjacent to it” (Lang and Stout, 1995, p. 61). The adjacent building at 127 Main Street (Figure 3-9), and 123 Main Street (Figures 3-10 and 3-11) are 10’-0” or less from the sidewalk. The buildings at 119-123 Main Street display the regular pattern of front yard setbacks (Figure 3-12), which is taken from a point closer to town looking toward the 125 Main Street. The guidelines specifically state, “consideration should be given to the setback of the buildings from the street”. Also, “Where buildings are predominately aligned along the street creating a unified edge or wall along the street space, the front of a new building should be aligned within the general façade line of its neighbors” (Lang and Stout, 1995, p. 61). Nevertheless the DAC does not rely on these recommendations to advise the applicants. If the Commission member who brought attention to the design issue was present at the DAC meeting, perhaps the outcome would have been different. In any event, the attendees should be given copies of the Historic District Commission Meeting Minutes. Preservation staff should steer the DAC to serve the main concerns of the Historic District Commission.

The sixth management issue is that the Historic District Commission’s responsibility does not cease when the Certificate of Appropriateness is issued. The commission must make sure that the built product is representative of the approved plans on file. When they fail to do so, the results are unfortunate. For example, the built facade at 3 Coffin Street differs from the approved plans. The trim is gray, not white as planned (Figure 3-31). The front entry columns are unpainted (Figure 3-32). The approved elevation depicts exterior lights flanking the entry door (Figure 3-33), which were not installed (Figure 3-32). There is a window air-conditioning unit at the second story of the left wing (Figure 3-34). These architectural details do not exhibit the high

level of construction usually found in the Old Historic District. The design guidelines give the Historic District Commission a defense.

No occupancy permit shall be issued by the Building Inspector with respect to any building or structure in Nantucket Historic District unless and until the Building Inspector receives a written certification from the Historic District Commission that the building has been constructed or altered in compliance with the terms of the certificate of appropriateness issued therefore. (Lang and Stout, 1995, p. 156)

However, to clear up discrepancies between the built product and the approved plans, they must take advantage of this leverage.

The seventh management issue is the resulting negative cumulative effect. An example is the case study of the bungalow at 20 Milk Street. The owners of the adjacent property purchased the contributing bungalow for relocation, so they could increase the size of their yard and build a garage apartment. Public opinion on the issue was, “Neighbors in the Milk Street area supported the house move because they said the house did not fit into the character of the neighborhood” (Fiegl, 2002, p. 7A). Clearly the public has a stilted view of “preservation” formed by previous Historic District Commission decisions. The Historic District Commission denied the owner’s request to move the contributing structure from its original site on or around May 28, 2002. Historic District Commission member Dirk Roggeveen defended the Historic District Commission’s decision, “the 20 Milk Street home represented an architecture style popular in the first half of the century” (Fiegl, 2002, p. 7A). In addition to the fact that the bungalow has architectural significance, it speaks of a time on Nantucket where the economy was no longer dependant on whaling. This structure is specifically mentioned in the design guidelines, and the Historic District Commission made a sound decision in denying the proposal. Then Roggeveen added, “because a building did not fit into the character of other buildings on the street, it did not mean the building did not have historical significance,” and that the purpose of the HDC is not to “recreate a New England village” (Fiegl, 2002, p. 7A). Historic District Commission

administrator, Mark Voight, said “the commission was not against creating affordable housing, but the bungalow style home represented one of the 14 different styles of architecture found on Nantucket” (Fiegl, 2002, p. 7A). This decision is pivotal, the Commission seems poised to uphold the premise in the design guidelines. “While there is no single appropriate style for the island, as indicated by the diversity of its buildings, understanding the continuity of development and relatedness of the styles described will exemplify the legacy shared by all Nantucket buildings” (Lang and Stout, 1995, p. 37). The Historic District Commission members realized that without examples like 20 Milk Street, there is no “relatedness of the style” to witness.

The eighth issue deals with appeals to the Historic District Commission’s decisions and is demonstrated in the appeal of the 20 Milk Street case study. When the owner appealed to the Selectmen, the Commission’s decision was overturned. The owners’ attorneys cited a previous case, 18 Mill Street, a bungalow that was moved to 1 Norquarta Drive in 1999. The Selectmen should not be able to blindly base approvals on past decisions made by the Historic District Commission without considering the premise behind the Historic District Commission’s altered decision in the current case. “The argument may be awkward for the commission or the city to counter, but the courts generally defer to commissions as expert bodies, and failure to enforce it in one case is not a legal defense in another” (Tyler, 2000, p. 75). Matt Fee, the sole Selectman to vote against overturning the Historic District Commission’s decision stated, “he did not want to see the “Disney-ification’ of Nantucket” (Fiegl, 2002, p. 7A). The authenticity of the district is brought to the forefront rather than a Nantucket-ish creation. Chairman of the Selectman Committee, Frank Spriggs defended action, “he did like that the housing proposed to replace the bungalow style house would go along with a similar footprint of a building built in the 1840s”

(Fiegl, 2002, p. 7A). This would be a logical argument for a vacant lot, but it is not a good defense for the loss of a contributing bungalow style house.

The ninth management issue is that the area under Historic District Commission management is too large. In 1966 the town was placed on the National Register of Historic Places and designated a National Historic Landmark by the National Park Service and the U.S. Department of the Interior (Lang and Stout, 1995). In spite of all these protections, Nantucket has been threatened by overbuilding for years. Nineteen seventy-two marked the peak of the building boom after the restoration of the waterfront (Lang and Stout, 1995). Heavy incompatible development caused the island to extend the jurisdiction of the Historic District Commission to include the entire town of Nantucket (Lang and Stout, 1995). The Commission was formed to review and approve all construction on the island and published *Building with Nantucket in Mind* to provide a guide to appropriate design (Lang and Stout, 1995). Since July 1975 all of Nantucket has been listed on the National Register of Historic Places (Lang and Stout, 1995). So, there is one commission to review and approve construction on the entire island. There are too many responsibilities for one organization. There is not time for the staff to consult the design guidelines, to write staff reports, to visit sites or research requests made by the applicants. The lack of time for analysis compromises all properties on the island. The geographic area under Historic District Commission review must be reduced to insure the district's integrity.

The Historic District Commission has nine management issues: a commission comprised of non-professionals; inadequate time for staff to review major requests for Certificates of Appropriateness; no requirements for written staff reports; no protections for existing buildings while proposed plans for new construction are reviewed; an inconsistent relationship between the

Historic District Commission; staff and Design Review Committee; no verification that the actual construction reflects the Historic District Commission's approved plans; arbitrary decisions by the commission that create precedent leading to the Selectmen overturning their decisions; and a management area that is too large.

Proposed Criteria for Including Non-contributing Properties in a Landmark District

The following recommendations would recognize the value of non-contributing buildings and benefit the management of most residential historic districts. In addition, specific changes to the governance and guidelines for the Old Historic District are suggested for the same reasons.

Revise the Building Classifications

Many residential historic districts would benefit by adopting new classifications that accurately reflect the value of the district's buildings. Buildings in proposed districts should be surveyed, and non-contributing buildings in existing districts should be re-surveyed, using the following terms: "potentially significant," "architecturally significant," "contributing," and "ancillary."

- The term "potentially significant" refers to a building that is less than fifty years old when the district was (is) designated. These buildings will be evaluated when they turn fifty years old, and categorized as "architecturally significant" or "ancillary." They are not eligible to be "contributing" because they were not built during the designated period of significance. If significance is recognized before the fifty years, the structure can be re-categorized as "architecturally significant." This classification protects buildings that were recently built for the reason that it might be too soon to fully appreciate their value. This term provides flexibility for the district. There is no other reason for the set 50-year time period except that it is probably long enough to divulge significance. This revision is necessary because non-contributing buildings can be architecturally significant. Currently, for a non-contributing building to be approved for demolition, it must be deemed architecturally insignificant. Interestingly, architectural significance is not defined as fifty years or older at the time the district is designated.
- The term "architecturally significant" refers to a building that was not built during the designated historic period of significance but enriches the district, in spite of this fact. These buildings would be preserved without question.

- The term “contributing” refers to a building that was (is) at least fifty years old when the district was (is) designated, existed during the designated historical period of significance and enriches the district.
- The term “ancillary” refers to a building that supports or aids the district, at least by its existence, but does not possess architectural significance of its own. Includes buildings that were built during the designated period of significance but have lost their architectural integrity, or buildings that were not built during the designated period of significance and are not architecturally significant.

While the district’s designated period of significance is upheld, the possibility of additional architectural significance is recognized. If a majority of potentially significant buildings are re-evaluated as “architecturally significant,” the designated historic period of significance should be reviewed for either an amendment to the original period of significance, or to add another period of significance. In this situation, the architecturally significant buildings that correlate to this change in the period would be classified as “contributing.” If the governing body wishes to change a building’s classification after the re-survey, evidence would be required to show that the building’s status has changed.

The Historic District Commission staff should re-survey the buildings in the Old Historic District with these revised classifications. When changes are proposed to buildings in the district, they should be reviewed and evaluated regardless of classification. These buildings have an effect on the contributing buildings as part of the district and many significantly enrich the district. Therefore the New Standards would state, “Alterations and additions to potentially significant, architecturally significant and ancillary structures in Old Historic District shall be reviewed for their appropriateness in respect to the design, massing, and scale of the existing structure.” The concept of modernizing a non-contributing structure would be omitted, because the term would be eliminated. The New Standards would continue, “No structure shall be redesigned to create a false historical appearance” (Derived from Non-contributing Structures, City of Orlando Land Development Code, 1999, p. CD 62-114).

If these building classifications are not adopted, the Historic District Commission must redefine their existing building classifications to reflect the universally accepted definitions. Currently, the Nantucket Historic District Commission has great leeway to re-classify buildings in the Old Historic District. The definitions in the Demolition Policy empower the Commission to change the district drastically. In the realm of real protection from demolition or relocation, no building is truly protected by classification alone. For example, the Demolition Policy's opening statement is, "no Certificate of Appropriateness shall be issued for the demolition of any protected structure (Lang and Stout, 1995, p. 162). Protected structures are defined as, "Any significant structure which the Commission determines is in the public interest to preserve or rehabilitate rather than demolish" (Lang and Stout, 1995, p. 162). However, a "protected structure" can be granted the Standards for Approval for demolition if the Commission finds that either the structure is insignificant or that the structure is only considered protected because of its presence in the district and is non-contributing to the district. So a significant structure in the public interest to preserve is then judged non-contributing. The definition of a contributing property is "A structure which adds to the District's sense of time, place and historic development" (Lang and Stout, 1995, p. 162). The universal definition of contributing buildings is that they enrich the district, and indicates the structure was present during the historic period of significance and preservation is required. However, the Historic District Commission defines the term significant structures to mean,

Any structure within the Historic District of Nantucket Island which is in whole or in part fifty years or more old and which is or has been designated by the Commission to be a significant structure after a finding by the Commission that the building is either: (a) importantly associated with one or more historic persons or events or with the broad architectural, cultural, political, economic or social history of the Island or Commonwealth; or (b) historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Lang and Stout, 1995, p. 162)

Therefore significant structures are similar to contributing structures elsewhere.

No classification is completely dedicated to preservation. The high degree of flexibility is not acceptable for a landmark district. Likewise the non-contributing is defined in the guidelines as, “A structure which is not an intrusion but does not add to a historic district’s sense of time, place and historic development” (Lang and Stout, 1995, p. 162). Usually non-contributing is defined as a structure that was not built during the designated period of significance and was less than fifty years old when the district was designated. Alterations to a National Historic Landmark should not be subject to the whim of the Historic District Commission. The Commission members are not required to possess knowledge of preservation and do not seem to heed the advice of the historic preservation staff. The following should be adhered to: “the Commission shall state their reasons for denial of a request in writing” (Lang and Stout, 1995, p. 158). This should include the ability of the Commission members to re-classify buildings in the district.

Qualifications for Historic District Commission Members

Members of the commission or board that reviews and approves proposed alterations in the historic district, must be qualified. The commission should be composed of one or more of the following organizations: a preservation professional, a local historian and/or architectural or art historian, a business, commercial finance or investment counselor, an architect, a city planner, a landscape architect, a lawyer, an engineer or building contractor, a realtor or property appraiser, residents of the city’s historic districts (Derived from City of Orlando Land Development Code, 1999, p. CD 65-21).

This would be a vast improvement for the Historic District Commission. Currently, the only requirement for Commission members is that they are resident taxpayers of the Town of Nantucket. This is insufficient for any historic district and especially for a National Historic

Landmark. The preservation staff should identify current members of the community that meet these criteria and nominate them to the Selectmen.

Restrict and Focus the Purview of the Existing Commission

In historic districts the governing body should have a manageable workload and ample staff. Otherwise the integrity of the buildings in the district and the status of the district may be compromised. Currently, the purview of the Historic District Commission is defined as the Nantucket Historic District, “the land and waters comprising the Town of Nantucket” (Lang and Stout, 1995, p. 156). This is too massive for one Commission. In addition, to require the Landmark Historic District guidelines be followed outside the Old Historic District is demeaning to the original construction of the town of Nantucket. Therefore, to manage the district more effectively the responsibility must be delegated.

Two review commissions with ample staff support should be created. First, an appearance and environmental review board, the Outlying Area Commission would manage proposals for alterations in the open space and moors. Standards for review should be developed from Chapter V, pages 101-148 of the current guidelines, *Building with Nantucket in Mind*. Second, another historic review commission would manage individual historic districts in other towns on the island like Siasconset, Quidnet, Wauwinet, Surfside and Madaket. Standards for review should be developed for these districts from Chapter IV, pages 89-100 of the current guidelines, *Building with Nantucket in Mind*. Both commissions would follow the same management procedures as the Old Historic District, such as, monthly meetings and written reports for Major Reviews to analyze requests with the Standards.

With the new boards established, the Historic District Commission can restrict their review to the Old Historic District. This would allow preservation staff the ability to concentrate on the

design guidelines, write staff reports, visit sites of current cases, and conduct research for applicants requests for one Historic District Commission meeting per month.

Establish an Overlay Ordinance and Include Secretary of Interior’s Standards

Historic Districts should use an overlay ordinance, because it is directly linked to the Standards for Alterations, Additions, New Construction, Demolition and Relocation in the Land Development Code. For example, the Lake Eola Heights Historic District is a Historic Preservation Overlay District with an Overlay Ordinance, which builds off the Land Development Code. As referred to in the Ordinance, “A Certificate of Appropriateness shall be required when a building permit is required for the exterior alteration, construction, or demolition of a structure in a historic district according to Chapter 58 of the Orlando City Code” (Lake Eola Heights Historic District Ordinance, May 22, 1989, p. 3). Also the Secretary of Interiors Standards for Historic Preservation should be included in the Ordinance and the Town Building Code. For example, the City of Orlando lists the Secretary of Interior’s “Standards for Rehabilitation” as General Standards in Section 62.201 of the City of Orlando, Land Development Code. They provide a philosophy for the district and can be used for review when a request for a Certificate of Appropriateness does not correlate to the Standards for Alterations, Additions, New Construction, Demolition or Relocation. The Old Historic District would benefit from an Overlay Ordinance and the incorporation of the Secretary of Interior’s Standards for Historic Preservation.

Create Standards for Alterations, Additions and New Construction

Historic districts should provide clear and concise standards for three areas of work: Standards for Alterations to Existing Structures, Additions to Existing Structures, and New Construction. They should be written to retain existing material and to recognize all contributing buildings in the district.

In the Old Historic District the following steps were taken to create Standards for review from the existing design guidelines. The requirements in the guidelines were separated from the explanations and divided into the appropriate area of work. Then direct and concise criteria were incorporated into the requirements to fill in where gaps existed. Lastly the criteria were revised to recognize all contributing buildings.

After the requirements were separated from the architectural, historical, and cultural explanations, they were sorted into three areas of work, Alterations, Additions and New Construction. Currently requirements, recommendations, and considerations are embedded in one lengthy document, “Guidelines for Building in the Historic Town of Nantucket” under nine headings. While the explanations are interesting and insightful, the guidelines provide too much information. Applicants probably have difficulty sifting through the information to determine what is allowed. Described as, “criteria by which the Commission will determine the appropriateness of this new construction” (Lang and Stout, 1995, p. 59), they are directly referenced in the staff comments but usually the Commission members do not reference them.

Straightforward standards would insure that the committee’s decisions are based on the guidelines and not a whim. For example consider the following regarding the “Siting of a Building” as currently written,

Any new construction should follow a pattern of site utilization similar to that already established adjacent to it. In particular, consideration should be given to the setback of the buildings from the street, the width of their facades and the spaces between them, especially because these factors contribute to the rhythm and continuity of the buildings as seen together. Where buildings are predominantly aligned along the street creating a unified edge or wall along the street space, the front of a new building should be aligned within the general façade line of its neighbors. (Lang and Stout, 1995, p. 61)

Keep in mind this only reflects the italicized portion in the guidelines, more information exists in the text. Therefore the regulations for the “Siting of the Building” must be simplified. Compare the site-planning standard as written above to the following with the explanations and

background omitted. “The front yard setback of new construction must follow a pattern of site utilization similar to the adjacent buildings. The front façade of the new building should be aligned within the general façade line of the adjacent buildings” (Derived from Lang and Stout, 1995, p. 61). When the criteria stands on its own, it is hard for the applicant, the staff or the Commission, to vary from it.

Next, other design standards must be incorporated to fill voids in the current guidelines. For example, the concept of the rhythm of solids and voids is introduced to complete the “Siting the Building” requirement. “New construction must be designed and positioned on the site in such a way that it reflects the regular pattern of buildings and open space along the block face” (City of Orlando, Land Development Code, 1999, p. CD-62-119). This concept comes from the Design Standards from City of Orlando Land Development Code, which were used to fill in where there were omissions in the requirements. These were selected because they deal with materials, concepts and elements in a direct and thorough manner.

Another benefit of using the Design Standards from City of Orlando is that they place an emphasis on material. The existing requirements in the design guidelines seem to overlook material. The Commission permits regular maintenance, repair or replacement of exterior architectural features that does not change the design, material, color, or “the outward appearance thereof” without a Certificate of Appropriateness. This creates a permissive attitude of the maintenance, repair, and replacement of the existing fabric. Compare this to Historic District Commission’s definition of “subject to view”:

wherever such exterior features are subject to view from a beach, public way, public park, public body of water, traveled way, a street or way shown on a land court plan, or shown on a plan recorded in the registry of deeds, a proprietors road or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law. (Lang and Stout, 1995, p. 157)

Adopting an all-encompassing philosophy to material review would establish the fabric of the building as a priority.

In a National Landmark Historic District these small but important material replacement requests should require Historic District Commission review to obtain a Certificate of Appropriateness. Specifically the Standards for Alterations will address materials and elements: wood, masonry, roof and roof features, windows, shutters, door and door details, garage doors, porch and porch features, site issues, entrances, color and other items, with the following basic philosophy. If the existing material is in good condition, it shall be retained. If the existing material is repairable, it shall be repaired. If the existing material is deteriorated it shall be replaced to match the existing material in size, shape, and texture. The Standards for Alterations would also include the concept of proper treatment of materials and replacement of items that are inappropriate to the style and period of the building. Perhaps the emphasis on material will translate into a renewed sensitivity to “gut rehab” and curtail this practice of removing a building’s original interior fabric for new material. By preserving material, the authenticity of individual buildings and the entire district is maintained.

Lastly the Standards must be revised to recognize all contributing buildings in the district, which helps to develop concise and straightforward Standards. For example the current guidelines for roofs on additions designate the appropriate pitch for each traditional roof shape. Compare this to, “Roofing on additions to existing buildings should be appropriate to the period and style of the original structure” (Lang and Stout, 1995, p. 71). In this case to achieve a concise Standard for roof additions, the design variables that must be appropriate are specified. “The roof on an addition should have similar shape, detailing, pitch and materials as the existing building”

(City of Orlando Land Development Code, 1999, p. CD 62-117). Because all contributing buildings are valued, the standard can be simplified.

Other revisions have been made to the Standards when needed. For example, emphasis on material in National Historic Landmarks is important, but buildings should be allowed to develop naturally. Therefore when considering windows on additions, the Standards should incorporate the philosophy from the Secretary of Interior's "Standards for Rehabilitation." "All buildings, structures, or sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged" (City of Orlando Land Development Code, 1999, p. CD 62-6). When the fenestration of an addition is closely matched to the original, an earlier appearance may be created. However, small variations from the original would not be detrimental if controlled. Therefore, the Standard would read,

Requirements for windows on additions vary depending on the elevation. On the street elevation, windows shall match the original windows in materials, frame type, orientation and configuration. These windows should be of a similar size to the original windows and possess a ratio of glass to wall surface similar to that of to the existing building. On other elevations, windows should match the existing windows in material and frame type, may be similar to the existing windows in orientation and configuration, but may differ in size. The arrangement of the windows within each façade should be ordered and balanced in keeping with the style and period of the building. (Derived from Lang and Stout, 1995, p. 77)

When considering the Standards for Additions, a strict material standard may create the illusion of an earlier appearance. Therefore the revised standard would permit a small variation in the design of the addition. "The wall surface material should be appropriate to the style and period of the existing building. While the wall surface must match the material and color of the existing building, the size, orientation, and texture of the material can be similar to the existing building. There should be one material per single wall plane. Foundations of additions should be similar to the existing building." While more detailed than the current rules and regulations, the new standards will insure a truthful depiction of the building's progression.

The quality of a building's progression must not be lost or the environment becomes too staid. The Nantucket Federal Style house located at 41 Liberty Street is a 2-1/2 story with some Greek Revival detailing. From the primary street façade there are no additions visible, and the 12/12 windows and clapboard wall surface are consistent (Figure 3-50). The side of the building tells a different story. At least two additions are visible. The first addition exhibits 2/2 windows, typical of the Victorian era and the same clapboard wall surface. The second addition has three windows and the wall surface is wood shingles instead of clapboard (Figure 3-51). With many inconsistencies this elevation does not even meet the revised Standards for windows on additions. However due to the similarity in window material, size, and orientation, the overall effect is successful. The inconsistencies do not detract, but add to the authenticity of the building.

Other changes to the Standards deal with porch and roof walk additions. Currently, "Porches additions should be kept to the rear where they can be unobtrusive" (Lang and Stout, 1995, p. 82). However, in certain situations porches could be added as part of an addition and uphold a historical precedent. For example, there are many Nantucket-style houses with side ell additions and recessed first floor porches. Therefore the revised standard would read, "A porch may not be added to the primary façade of an existing building. A porch may be added to a secondary façade, behind the primary façade plane, if it is part of an addition and is appropriate to the style and period of the building" (Derived from Lang and Stout, 1995, p. 82). The only situation where a porch may be added to the primary façade is if convincing evidence is presented that a porch originally existed as part of the façade and that porches are appropriate to the style and period of the building. Situations like this would not be spelled out in the Standards, but would be open to the discretion of preservation staff. "Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an exterior

structure in the Old Historic District shall be reviewed by the Historic District Commission using the most closely analogous standards” (Derived from City of Orlando Land Development Code, 1999, p. CD 62-118). To create Standards for specific types of work, some revisions are necessary to cover a topic that is not addressed in the design guidelines. For example, the appropriateness of a roof walk as a portion of an addition is not specifically discussed in the existing guidelines. However, the guidelines do state that they are a historical feature of many Nantucket buildings found on visually dominant masses. Since additions should not be visually dominant, “Roof walks are not appropriate for additions.”

Finally, the revisions made to the Standards for New Construction serve to uphold the integrity of the district. The design expectations for new construction in historic districts range from conforming to a prevalent style in the district to simply sharing design variables with contributing buildings in the district. In historic districts that function as living museums, there is merit in creating a seamless district, one frozen in the designated period of historic significance. However, for buildings in residential historic districts, this does not meet the philosophy of the Secretary of Interior’s Standard, which states, “All buildings, structures, or sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged” (City of Orlando Land Development Code, 1999, p. CD 62-6). Alterations that seek to create an earlier appearance should be avoided in a National Register Historic District, where the built surroundings should be authentic. The current philosophy for new construction in the Old Historic District is, “A building can fit into its context if it embodies relatedness to surrounding structures. Relatedness means, simply, a similarity of a number of different architectural aspects among neighboring buildings” (Lang and Stout, 1995, p. 59). Therefore, hypothetically the guidelines permit design that would be

recognized as a product of the current day. If Standards that promote similarity to the built surroundings are maintained, the design inspiration for new construction could widen, while avoiding the extremes, contemporary design or reproductions. Presently, the guidelines do not address the sensitive issue of style. However, it must be confronted: “New Construction may be influenced by, but not duplicate historic styles. If a historic style influences new construction, that style must already exist or have existed in the Old Historic District” (Derived from the City of Orlando, Land Development Code, 1999, p. CD 62-119). The design of new construction may not distract from contributing buildings” (Derived from Lang and Stout, 1995, p. 59). Designs for new construction should differ from the existing established structures. Also, the design should strive for compatibility in size, scale, color, material, and character of the neighborhood or immediate environment.

National Historic Landmarks deserve all the protections available. The recommendations in the current design guidelines, *Building with Nantucket in Mind*, would be updated to reflect the new Standards, and both could work together to benefit the Old Historic District. The preservation staff could provide applicants with the appropriate Standards for the requested proposed work, explain the ideas behind them, and if needed refer to the guidelines for further explanation. When the applicants bring in preliminary drawings, the staff could work with applicants on the design of the proposal. These changes will help Nantucket operate in a more organized fashion, as a landmark district should.

Establish Standards for Demolition

When considering a demolition proposal, the building in question should be reviewed with the Standards for Demolition. These Standards would provide clear criteria to examine the building in a larger realm specifically the building’s architectural, historical, and cultural significance. All buildings in the district that are requested for demolition, regardless of

classification must be reviewed with these criteria. These Standards will provide the framework for the staff report and commission review.

Key elements of the Standards for Demolition respond directly to current problems with non-contributing buildings in landmark districts. First, the demolition request should be tiered as a two-step process with the determination of historic viability as the first step. In fact only basic information on the future utilization may be provided: the type of structure, the inspiration stylistically, and an estimated size of the building. Additional information is distracting to the commission and may cloud their decision on the building's historic viability. Only after the building is determined as significant or insignificant will the future utilization, the second step, be considered. The reason for this tiered process is to insure that the built fabric of the landmark district remains authentic. The second key element is the concept of mitigation for buildings that are determined insignificant, which entails reviewing the building with the Standards for New Construction. The purpose of this is to determine if there are any aspects of the building that indirectly add to the district. If some exist, these values will be incorporated into the requirements for the future utilization. For example, if the footprint of the original structure added to the rhythm and open space along the street, the footprint of the new building would be required to conform to the footprint of the original to preserve the rhythm and open space along the street.

The Standards for Demolition follow. The commission will consider a Certificate of Appropriateness if a building is defined as an imminent hazard, "the determination by the building official and the historic preservation officer that the repairs would be impractical" (Derived from City of Orlando Land Development Code, 1999, p. CD 62-120). As part of this determination Criteria (g) and (h) would be considered for the purpose of discouraging

intentional harm to buildings. Therefore, if any measures have been taken to prevent the structure from deteriorating, such as normal maintenance, repairs, provision of normal tenant improvements, the historic preservation staff will recommend approval to the commission (Derived from City of Orlando Land Development Code, 1999, p. CD 62-120). However, if the structure was willfully or negligently allowed to deteriorate the recommendation to the commission will be for further investigation. If so, any measures taken to save the structure from further deterioration will be taken into consideration, such as collapse, arson, vandalism or neglect (Derived from City of Orlando Land Development Code, 1999, p. CD 62-120). If the structure is beyond saving or if certain measures are recommended and action is not taken, violations will be issued.

Otherwise, to obtain a Certificate of Appropriateness for Demolition, the building would be reviewed with the Standards for Demolition, which is a tiered two-step process. The first step would be to concentrate on the buildings historic viability, specifically architectural significance, as defined in Criteria (a)-(c), and remaining examples, as defined in (d) and (e). Also, the following criteria will be considered:

- The qualities of the building which enrich the district, including the general design of the building in question, as well as, the relation to the street and to other buildings.
- The possibility that the presence of the building provides information about later architectural movements within the district.
- The information the building provides to the sense of place, the historical development or geographic development of the district (Derived from Lang and Stout, 1995, p. 157).

The applicant may provide basic information for the future utilization of the site: the type of structure, the inspiration stylistically, and an estimated size of the building. Historic preservation staff will help the applicant gauge an appropriately sized proposal for new construction by providing the square footage of the existing building and the adjacent buildings, as well as, the

existing Impervious Surface Ratio for the lot and the adjacent lots. While these values are not requirements, the square footage of the building provides an easily understood comparison. If the proposed new construction is significantly greater the design may be denied. Applicants will be informed that the analysis of the new construction will examine the relative mass, size, and location to existing buildings in the district.

If the subject property is determined to be insignificant, mitigation must be considered. If the building indirectly enriched the district in some way, the future utilization must incorporate these values into the design proposal. The second step would concentrate on the future utilization. The applicant will be required to provide drawings for staff evaluation. This Standard will be revised, “The floor plans, elevations, and a perspective of the future utilization of the site and the effect those plans will have on the architectural, historical, archeological, social, aesthetic or environmental character of the district” (Derived from City of Orlando Land Development Code, 1999, p. CD 62-120).

If the applicant feels two submittals and reviews by the commission is an imposition, he or she will be reminded that it is not easy to get a building demolished in a Landmark district. Because new construction must be approved before a permit for demolition can be issued, the Certificate of Appropriateness for Demolition and the New Construction will be issued at the same time. This will be stated in terms of the Certificate of Appropriateness to provide a direct correlation to the Historic Preservation review process. “The applicant must present a Certificate of Appropriateness for demolition and new construction based on the standards set forth in this Chapter, prior to receiving a building permit for either” (Derived from City of Orlando Land Development Code, 1999, p. CD 62-122). If it is determined that the building enriches the district and the applicant claims an economic hardship, this will be reviewed by the commission,

as defined in criteria (j). The commission will follow the criteria and investigate the factors listed in this section (Derived from City of Orlando Land Development Code, 1999, p. CD 62-120).

The Old Historic District would benefit by adopting Standards for Demolition. Currently, the Demolition Policy in Appendix C of the guidelines states the intent, building definitions and Standards for Approval. However, there are no clear criteria to examine the significance of a building. The intent of the Historic District Commission's Demolition Policy is,

to avoid the unnecessary demolition of architecturally, historically or culturally significant structures by providing a suitable time period during which the owner or agent and interested persons may explore reasonable alternatives to demolition and make appropriate arrangements for the preservation of such structures; and by providing a process whereby determinations can be made between the rights of the public to continue to enjoy the structure and those of the owner to enjoy the property. (Lang and Stout, 1995, p. 162)

Basically if the style of the structure is not prevalent on Nantucket, demolition is almost a given. A designated time period to suggest alternatives to demolition is provided, but this is insufficient. Also the second portion of the intent gives the property owner too much power. When considering demolition in a landmark district, the focus should be the architectural, historical, or cultural value of the building. If the building is significant, alternatives for preservation are not an issue, and demolishing or moving the building should be prohibited. If the building is insignificant, it may be a candidate for relocation or demolition. However, it would be incorrect to assume that an ancillary building is automatically a candidate for relocation or demolition. These buildings can support the district in a significant ways, which can only be defined through the review process.

Establish Standards for Relocation

When considering a proposal for a move-off or relocation, the building in question should be reviewed with the Standards for Relocation. These Standards would examine the proposed

location compared to the existing location in respect to the historic orientation, immediate setting, and general environment. All buildings in the historic district regardless of classification must be reviewed with these criteria. However, because universally a contributing building is one that enriches the district, moving this type of building will be prohibited and only permitted in rare occasions, such as, a natural disaster. If the commission permits relocation, the new location must be reviewed.

Key elements of the Standards for Relocation directly respond to the problems encountered with non-contributing buildings in the landmark historic district. The first key element is to tier the Standards for Relocation, making it a two-step process. The first step is to determine the historic viability of the building with only basic information concerning the future utilization. Any additional information is distracting to the commission and may cloud their decision on the building's historic viability. If the building is determined to be insignificant, mitigation will be provided and the aspects of the building that indirectly add to the district will become requirements for the future utilization. The second step considers the future utilization of the property. The reason for the tiered process is to insure that the built fabric of the landmark district remains authentic. Overall these Standards would provide the framework for the staff report and the major topics for review in the commission meeting.

The National Landmark or National Register Staff should caution governing bodies that if the new location is not reviewed for appropriateness to the original location or if the new location is not appropriate and the building is moved anyway, the classification of the building will be changed to ancillary. In turn, the ratio for contributing to the total number of buildings in the district will be adjusted. If too many contributing buildings are moved, the district may be in danger of losing its National Register and/or National Landmark status. If requests for relocation

of contributing buildings are approved regularly, the governing body should re-survey the buildings in the district. If for some reason the classification of individual buildings has changed, the National Register Registration Form should be amended to reflect this.

The Nantucket Historic District, which includes the Old Historic District, and the Historic District Commission are established by state enabling legislation, acts and amendments used in lieu of an ordinance. Currently, the acts define the terms “constructed” and “razed,” which provide some insight to the Historic District Commission’s view of moved buildings.

“Constructed” is defined as, “built, erected, installed, enlarged, and moved.” “Razed” is defined as “destroyed, demolished and removed” (Lang and Stout, 1995, p. 155). Clearly, they do not consider a contributing building “razed” if it is moved to another location on the island; it is simply “constructed” at another location.

However, the lack of a review process that considers the appropriateness of the new location strips the building of its contributing status, similar to razing a building. The Standards for Relocation would establish the criteria needed to review a request for a Certificate of Appropriateness for a “move-off,” as it is commonly referred to. Currently the Historic District Commission has a policy described by staff as, “requesting development scenarios as a condition of reviewing demolitions” or a move-off (HDC Meeting Minutes, March 31, 1998). However, they have experienced first hand that this is not adequate. To guarantee that submittals are the applicants’ real intentions, the Certificate of Appropriateness for Relocation will be issued at the same time as a Certificate of Appropriateness for New Construction. If the applicant has misrepresented their intentions and later presents inappropriate plans for new construction, the Certificate of Appropriateness for Relocation and New Construction are not issued and the existing property remains intact.

When proposals are altered after an existing building is approved for relocation or demolition, the Historic District Commission must enforce the policy that is currently in place. It is a violation, “for any person to knowingly submit false, fraudulent or misleading information to the Commission in connection with any application” (Lang and Stout, 1995, p. 158). This is the consequence of a false proposal. Furthermore, violations should be issued to property owners when the actual construction does not reflect the approved plans on file with the Historic District Commission Office.

Establish a Universal Purpose

All National Landmark Districts should have a universal purpose of authentic preservation with added local concerns. The island of Nantucket is a historic district and the Historic District Commission is established for the Town of Nantucket by state enabling legislation, acts and amendments used in lieu of an ordinance. Currently, the purpose of the historic district and the Historic District Commission is defined as,

The purpose of this Act is to promote the general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of the historic buildings, places and districts of historic interest through the development of an appropriate setting for these buildings, places and districts and through the benefits resulting to the economy of Nantucket in developing and maintaining its vacation-travel industry through the promotion of these historical associations. (Lang and Stout, 1995, p. 155)

While Nantucket’s economic livelihood is based on summer tourism, Nantucket has a responsibility to the National Register Landmark status of the district. The purpose of the Act should center on the preservation of Nantucket for history’s sake, the first portion of the stated purpose above, and not for “developing and maintaining its vacation-travel industry through the promotion of these historical associations.” The first priority should be to preserve the town authentically, and then attract tourism. This Act was written in 1970 and reflects Nantucket’s financial instability. However today the island has the opposite problem: there are too many

visitors and too much development. Therefore the purpose of the historic district must be updated.

Establish Major and Minor Review Processes

Develop two review processes for obtaining a Certificate of Appropriateness. The Major Review is used for “construction, alterations, additions, restorations, relocations or demolitions of a landmark or a building” (Lake Eola Heights Historic District Ordinance, May 22, 1989, p. 8). In this type of review an application for a Certificate of Appropriateness is submitted along with the required information and drawings. If submitted by the designated due date, which would be a month before the next board meeting, the case will be placed on the next commission meeting agenda and a staff report will be written. This systematic report will review the applicant’s proposal with the applicable Standards, then make a recommendation to the commission for approval or denial. This is important to the management of all historic districts, but is of utmost importance in a Landmark District. The careful review of the proposal will prevent fundamental concepts, as well as details in the design, from falling short, which does occur with staff comments. The staff report and a copy of the applicant’s submittal must be delivered to the commission members at least one day before the meeting to allow them to review the cases and visit the pertinent sites. The commission members will arrive at the meeting briefed, anticipating the issues they will encounter. The author of the staff report should be present at the commission meeting and available for questions when the case is discussed. Other concerns requiring this level of attention will be listed in the District Ordinance.

The Minor Review is for construction and alteration to a building in a historic district that will have a minor impact on the significant historical, architectural, or cultural materials of the structure in question. The minor review applies to the following: fences and gates, awnings, signage, materials replaced on gates, fences, driveways, walkways, steps, siding, roofs, doors, or

windows, paint color, signs, mechanical systems including heating cooling and irrigation and any other request determined by the planning official or his designee and the Minor Review Committee to have a minor impact. For a minor review, there is no written staff report and the full commission does not hear the proposal. However, the preservation staff does consult the Standards, make recommendations, and conduct a review with the Minor Review Committee, comprised of two members of the commission. If the applicant appeals the decision of the Minor Review Committee, the request becomes a Major Review, a staff report will be written and the case will be placed on the agenda for the next commission meeting (Lake Eola Heights Historic District Ordinance, May 22, 1989, p. 9).

Improvements to the Design Advisory Council

In most historic districts, there is usually an advisory board made up of actual commission members that meets with applicants outside of the formal meeting to discuss appropriate design solutions on pending proposals. This forum provides a setting where the applicant, the staff and a portion of the commission can concentrate on the issues related to the proposal, whether specific design details or larger concepts. While the meeting is more informal than the regular monthly meeting with the full board, these meeting tend to be too informal. The following suggestions would provide more structure for these meetings. First, staff must be required to be present, conduct the meetings and distribute copies of the Meeting Minutes in order to direct the discussion. The Committee member who brought attention to the design issue should be present. If not, the member should provide a statement to explain the issue. Meeting minutes should be required. The goal of the meeting should be written recommendations for design changes based on the appropriate standards. In the Old Historic District, the Design Advisory Council would benefit from these alterations.

Required Considerations for Appeals

When unfortunate design decisions are made in historic districts, there must be a measure for prevention rather than the blind continuation of poor precedents. Therefore the judicial body, which handles appeals to the commission's decisions, should consider the reason behind the commission's alternate decision in this particular case.

In the Old Historic District, if the Historic District Commission finds a past design decision unsuccessful, they often make an alternate decision when presented with a similar request. If the applicant appeals the Commission's ruling, they appeal to the Selectmen. In general the courts recognize that a historic district meets the zoning criteria of protecting public health, welfare, and safety. To respect the Commission's efforts to fulfill their mission, the Selectmen should consider the commission's reason for making an alternate decision in this case, as opposed to their judgment on a past similar case, which may have created poor precedent for the district. By requiring the Historic District Commission to include design professionals, the Selectmen would have more confidence the Commission's decisions. If members of the Selectmen have a conflict of interest, they should pardon themselves from the proceedings of the appeal. If the majority of the Selectmen are not objective, they should not be in the position of making a ruling. In order to minimize conflicts of interest and avoid decisions, which may not be based upon an understanding of preservation ordinances that are in effect, appeal responsibility should be delegated to an unbiased hearing officer who could handle the appeals of the Historic District Commission's decisions in a quasi-judicial hearing forum. However, an effective overlay ordinance must be written for the Old Historic District to serve as a legal basis for appeals.

Summary: Case Studies and Related Issues

Although Nantucket is a National Historic Landmark with detailed design guidelines, *Building with Nantucket in Mind*, the enabling legislation provides the Historic District

Commission too much latitude to redefine the district. This study includes five case that document the HDC's review of requests for Certificates of Appropriateness, one non-contributing building and four contributing buildings. None of the contributing buildings used in the cases are the celebrated styles of the whaling era, which are the Typical Nantucket Style, Federal Style and Greek Revival Style. All are later styles of the vacation era, Folk Victorian, Bungalow Style and cottage style. The Commission's review of the relocation requests involved little or no consideration of the appropriateness of the building in the new location. The acts and amendments define the terms "constructed" and "razed," but do not define the term "move-off." Perhaps the Commission finds relocation easier to accept and not as final as demolition, as well as merit to the structure's re-use. However, relocation of contributing buildings should not become common practice in a National Historic Landmark District or any other historic district. In fact relocation should only be permitted when there is no other alternative for preservation, a last resort due to a natural disaster or force of nature. If this is the case, the effect of moving a structure without analysis of the proposed location is equal to the demolition of the structure. When reviewing proposals for Certificates of Appropriateness, the Historic District Commission staff issues a comment when there is a conflict with the design guidelines. This abbreviated review process proves insufficient for the management of a National Historic Landmark or any other historic district. Evidence of these indiscretions is contained within the case studies.

The first case study involves a non-contributing building, 10 Vestal Street, which was probably demolished, while the other case study buildings were contributing and relocated. This is the only building classified as non-contributing, however upon further investigation the contributing buildings were being treated like non-contributing buildings, in spite of their classification. In any event, both types of buildings no longer remained at their original sites.

Without a case study that examined a non-contributing building, no gauge is available to judge the Historic District Commission's treatment of contributing buildings. By treating some contributing buildings like they have no value, the Historic District Commission has construed the appearance of the district. Looking past the classification of 10 Vestal Street, this cottage provides a sense of place. It is not located in the midst of town but on the edge of the Old Historic District where you are about to enter the outlying area. Visually this idea is evident, in spite of the fact that some two-story dwellings are sprinkled intermittently. The decision to replace the cottage with a Federally inspired two-story building, a style commonly seen in town, impacts the rhythm of the street and affects the perception of the town's historic density. A small cottage like 10 Vestal Street in this location provided a stop in the rhythm of the street. Perhaps if the mass and location of the cottage been a factor in the design of the new construction, the sense of place may have been preserved.

The second case study is a contributing Folk-Victorian style house located at 125 Main Street. In this case the Commission had to judge what was appropriate for the district, either an existing contributing building with an "undetermined" historic significance or a "new structure would closely resemble a house that had been on this site previously" (HDC Staff Comments, March 31, 1998). However, after obtaining the Certificate of Appropriateness for "move-off" the applicant's plans were altered and were inappropriate for the site. The Historic District Commission policy of, "requesting development scenarios as a condition of reviewing demolitions" (HDC Staff Comments, March 31, 1998) is inadequate. Stronger safeguards would prevent false proposals. The guidelines present an overview of the district. "While there is no single appropriate style for the island, as indicated by the diversity of buildings, understanding the continuity of development and relatedness of style described will exemplify the legacy

shared by all Nantucket Buildings” (Lang and Stout, 1995, p. 37). The Historic District Commission’s actions do not reflect this philosophy. Basically they chose a reproduction, new construction similar to a house that once existed on this site, instead of an authentic historic building, the Folk-Victorian. This contributing building was representative of the “diversity of buildings.” The building’s historical and architectural significance is representative of the “continuity of development” present in the Victorian style and the 1800’s summer resort trade. The removal of this contributing structure creates a void. Without examples like 125 Main Street there is no context for grander examples like 73 Main Street, and in turn, there is no “relatedness of style” to witness. Also, the lack of historical and architectural analysis in the form of a systematic staff report prevents commission members from clearly understanding pertinent issues. This becomes evident when observations by commission members do not quite correlate to the actual situation. If they were an integral part of the meeting, preservation staff could provide clarification by fielding questions from the commission.

The third case study is a contributing bungalow located at 18 Mill Street. In this case the relocation of the building caused a loss in the sense of place. Also, the lack of analysis concerning the new construction further emphasized this loss. Staff comments only deal piece-meal with the proposed designs, and this does not result in an effective review. The Historic District Commission, an elected board with no professional requirements, would benefit from the knowledge of their own staff. However the Commission frequently does not heed their advice and staff regularly provides alternate comments. In this case the massing of the new construction is overly large, three times the size of the original bungalow, and the slope of the site adds to the incongruity. A systematic report analyzing the new construction could have examined these issues. Also, this portion of Mill Street is nearing the edge of the Old Historic District. This area

is less densely populated than the center of town, characterized by large vacant lots with more space between houses. Before the relocation of the contributing bungalow and the construction of the formal four-bay façade, the character of the area and the context of the street were representative of the edge of the district. With the formality of the new construction, this quality will eventually disappear. Other than the excessive massing, it would be difficult to identify this building as new construction. The foundation's crisp appearance and the energy efficient windows are both clues to the recent construction. Because these details are not obvious, it is questionable if the new construction serves the true intent of the Secretary of Interior's Standard. "All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be avoided when possible."

The fourth case is a contributing cottage located at 3 Coffin Street. The most obvious issue was the lack of a review process for the proposed new location. This building fared the worst in relocation. The new site possesses no similarity to the original context, the building was in poor condition and had been stripped of character defining features. The proposed new construction, a two-story building conforming to the original footprint of the cottage, showed promise. However, the execution of the building's details is inferior to the approved elevations. The Historic District Commission must insure that the built product is appropriate before the Building Official grants the Certificate of Occupancy.

The final case study is a contributing bungalow located at 20 Milk Street. Many of the previous issues are represented in this case. However, unique to this case is the cumulative effect of the Commission's past decisions. The poor precedents created definitely take a toll on this contributing property. Reminiscent of 125 Main Street, the owners of the adjacent property

purchased 20 Milk Street with the intent for demolition or relocation to increase the size of their yard and build a garage apartment. The Historic District Commission denied the relocation due to the building's architectural significance. The neighbors' felt the structure did not fit into the character of the neighborhood, the Commission's response was that their purpose was not to recreate a New England village. Unfortunately due to past Commission decisions, the public may have a stilted view of preservation. When this decision was appealed, the Selectmen overturned the denial based on the Historic District Commission's approval to relocate 18 Mill Street to 1 Norquarta Drive in 1999.

Application and Consequences of Proposed Criteria

From the case studies two buildings were selected for review using the proposed criteria. Because the new classifications for buildings will not entertain certain requests, "contributing buildings will be preserved without question," the current building classifications will be used.

The dwelling at 10 Vestal Street will be reviewed using the proposed criteria. Currently classified as "non-contributing," it would probably be redefined as "ancillary". The applicant's initial request was "to demolish or move building." Since there was no address for relocation in the HDC meeting minutes, the building was probably demolished. Therefore, the Mock Report located Appendix D considers the demolition request with the proposed criteria, Standards for Demolition located in Appendix B.

The dwelling at 125 Main Street will be reviewed using the proposed criteria. Currently the building is classified as "contributing." However, if it had not been relocated, it would have been redefined as "architecturally significant." The applicant's request was to demolish or "give away 1895 to 1900 non-contributing building," but the first submittal did not include a possible site for relocation. At first the applicant claimed the future utilization would be a house designed to resemble a structure that once sat on this site. After obtaining the Certificate of Relocation, the

applicant revised their plans to a rear garage apartment and a large yard to compliment their residence next door. Therefore, the Mock Report located in Appendix D will consider a request for demolition and a rear garage apartment with a large yard. The proposed criteria, the Standards for Demolition and the Standards for New Construction located in Appendix B were used to review this request.

Eleven months after the initial request, a site was suggested for relocation, 7 Okorwaw Way. Therefore, the second Mock Report located in Appendix D will consider a request for relocation and a rear garage apartment with a large yard. The proposed criteria, the Standards for Relocation and the Standard for New Construction located in Appendix B were used to review this request.

Conclusion. These mock staff reports demonstrate the need for thorough analysis. Unless proposals are examined and analyzed, pertinent issues are overlooked. While this is true for all cases, it is imperative for controversial cases. Therefore, a systematic review will examine proposals with the appropriate Standards. The major issues in each case can be identified in this fashion. This process will help uphold the authenticity of the Old Historic District and the National Historic Landmark status.



Figure 3-1. 10 Vestal Street. Front elevation.



Figure 3-2. Vestal Street. Street elevation.



APPROVED
MAY 22 '01 38050
NO EXTERIOR CHANGES
WITHOUT H.D.C. APPROVAL

Figure 3-3. 10 Vestal Street. Proposed front elevation. Courtesy of Nantucket Historic District Commission Office (HDC).

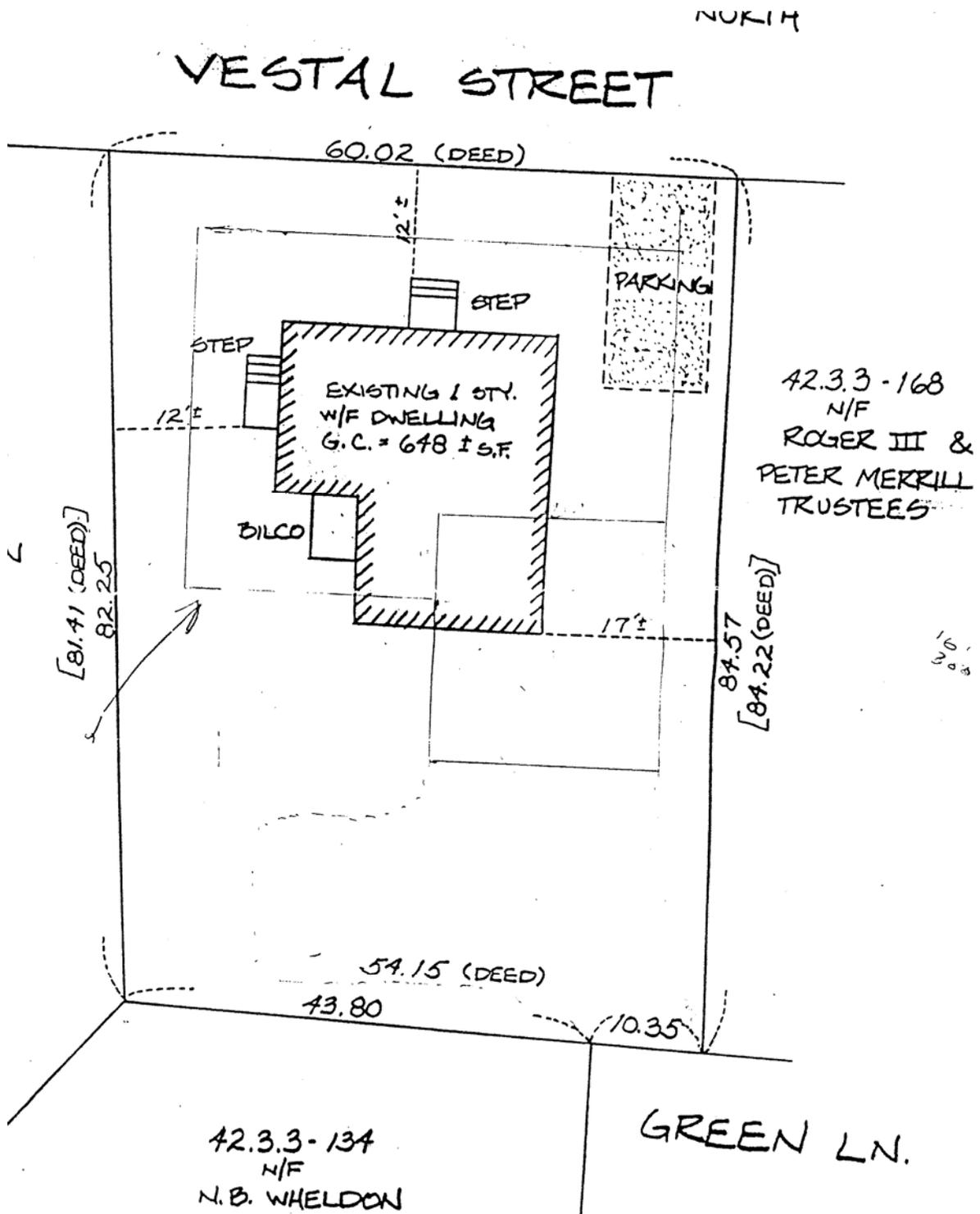
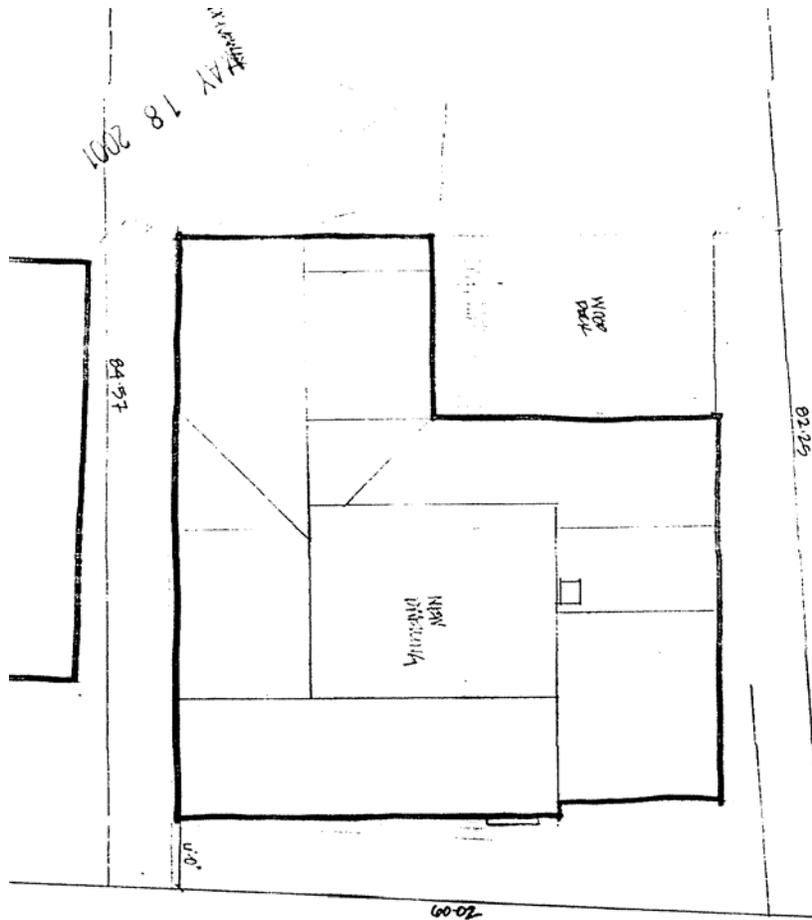


Figure 3-4. 10 Vestal Street. Existing footprint. Courtesy of Nantucket HDC.



VESTAL STREET.

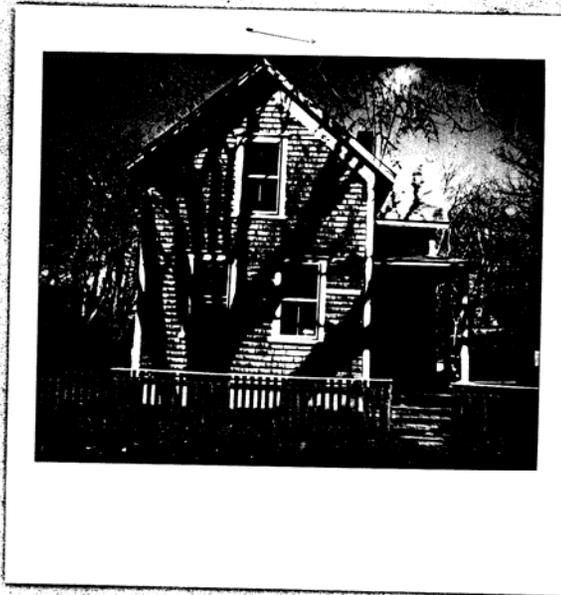
**RES
NOVAL**

Figure 3-5. 10 Vestal Street. Proposed footprint. Courtesy of Nantucket HDC.

NANTUCKET ISLAND DISTRICT DATA SHEET

| ADDRESS | SURVEY # | BUILDING NAME | DATE OF INIT. CONSTRUCTION | NATIONAL REG. ROLE | STYLE |
|-------------|----------|---------------------------|----------------------------|--------------------|--------------------|
| 114 MAIN ST | CR3-33 | | C1836 | C | Greek Revival |
| 114 MAIN ST | CR3-34 | | C1887 | C | |
| 114 MAIN ST | CR3-35 | | C1887 | C | |
| 115 MAIN ST | CR3-32 | THE HOMESTEAD | C1881 | C | Italianate |
| 117 MAIN ST | CR3-30 | EDWARD CARY HOUSE | 1790-1800 | C | Federal |
| 117 MAIN ST | CR4-1 | | S1949 | NC | |
| 118 MAIN ST | CR3-27 | | S1938 | NC | |
| 118 MAIN ST | CR3-29 | | 1805 | C | Nantucket Four-Bay |
| 119 MAIN ST | CR3-24 | | 1836 | C | 1 3/4 story, 3 Bay |
| 120 MAIN ST | CR3-28 | | C1806 | C | Nantucket Four-Bay |
| 121 MAIN ST | CR3-23 | | 1836 | C | |
| 122 MAIN ST | CR3-21 | | C1816 | C | Nantucket Four-Bay |
| 122 MAIN ST | CR3-22 | | S1938 | NC | |
| 123 MAIN ST | CR3-11 | GEORGE WENDELL MACY HOUSE | C1834 | C | Greek Revival |
| 123 MAIN ST | CR7-37 | | S1975 | NC | |
| 124 MAIN ST | CR3-20 | | C1840 | C | 3BAY |
| 125 MAIN ST | CR11-5 | | BY1887 | C | |

Figure 3-6. 125 Main Street. District Data Sheet from the “Nantucket Island Architectural and Cultural Resources Survey” Courtesy of Nantucket HDC



RECEIVED
APR 13 1998 HOUSE RELOCATION
FROM: 125 MAIN ST.

TO: 7 OKORWAW AVE

NHA PROPERTIES, INC
3 MANTA DRIVE
NAUTUCKET, MASS

Figure 3-7. 125 Main Street. Photographs depicting the side elevation. Courtesy of the Nantucket HDC.



SCALE: 1" = 20' DATE: SEPT. 5, 1997

APPROVED

You are reminded that no use may differ from your filed specifications without prior approval of the Commission.

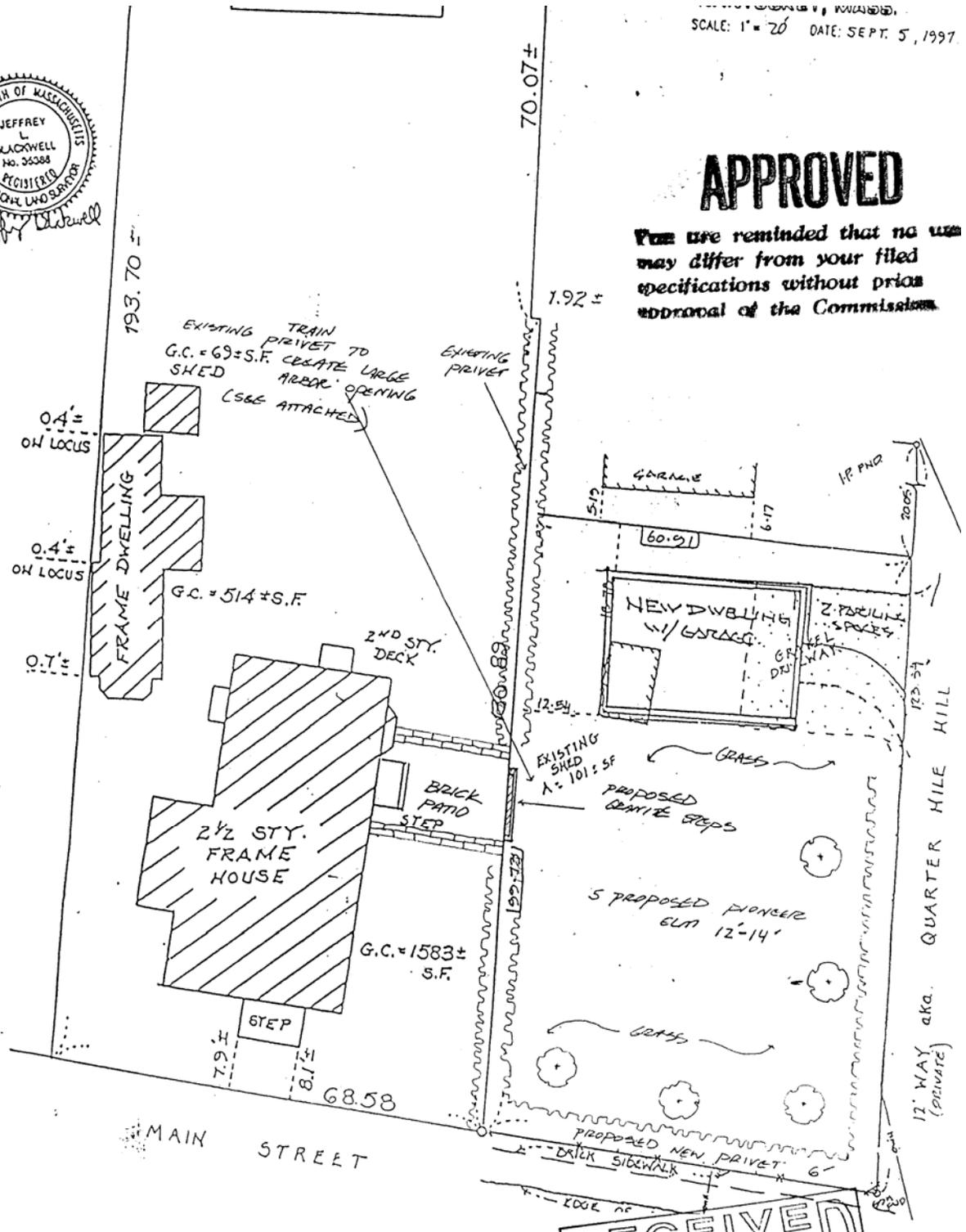


Figure 3-8. 125 Main Street. Proposed garage apartment and large front yard. Courtesy of Nantucket HDC.



Figure 3-9. 127 Main Street. Front elevation located 10'-0" or less from the street.



Figure 3-10. 125 Main Street. Hedge and fence replaced the Folk-Victorian house. 123 Main Street in foreground.



Figure 3-11. 123 Main Street. Located 10'-0" or less from the sidewalk.



Figure 3-12. Main Street. View of Main Street depicting the established site utilization.



Figure 3-13. 129 Main Street. House with a large front yard.

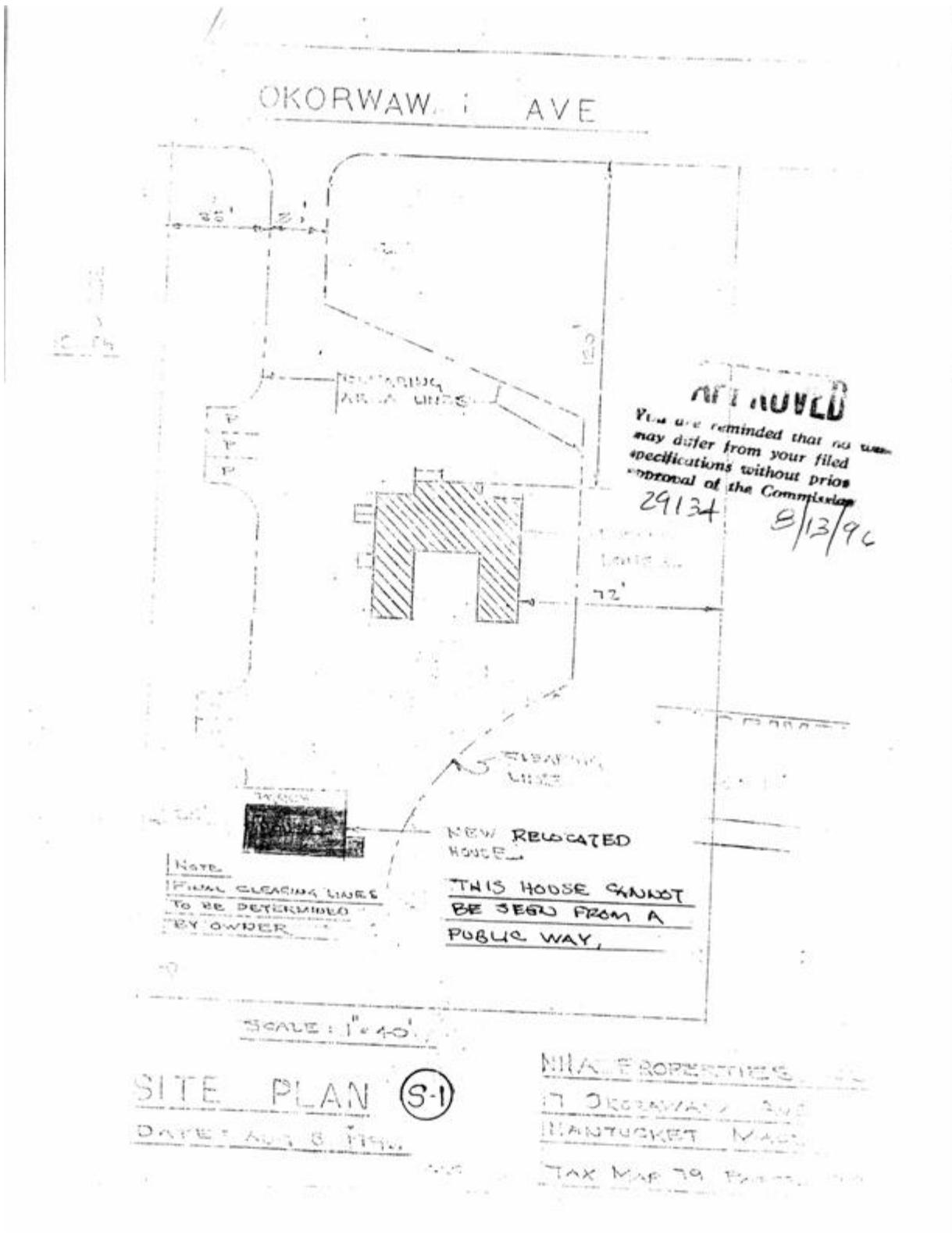


Figure 3-14. 7 Okorwaw Way. New site for the Folk-Victorian style house, 120' from the street. Courtesy of Nantucket HDC.



Figure 3-15. 7 Okorwaw Way. House is barely visible from the street.



Figure 3-16. 7 Okorwaw Way. House is barely visible from the street.



Figure 3-17. 7 Okorwaw Way. Folk Victorian style house in new location.



Figure 3-18. 7 Okorwaw Way. Front door.



Figure 3-19. 18 Mill Street. Located less than 5'-0" from the street.



Figure 3-20. 18 Mill Street. Massing and volume are overly large.



Figure 3-21. 1 Norquarta Drive. Contributing bungalow style house that was originally located at 18 Mill Street.



Figure 3-22. 18 Mill Street. Relationship to adjacent one-story house.



Figure 3-23. Mill Street. Sloping site condition.



Figure 3-24. House across the street from 18 Mill Street with façade oriented to the side yard.



Figure 3-25. Four-bay side gable house facing the side yard.



Figure 3-26. 18 Mill Street. Photograph of crisp new foundation.



Figure 3-27. 18 Mill Street. Photograph showing the energy efficient windows.



Figure 3-28. 1 Norquarta Drive. General setting is rural with no similarity to Mill Street.



Figure 3-29. Norquarta Drive. General setting is rural with no similarity to Mill Street.



Figure 3-30. Norquarta Drive. Closest structures with no similarity to the structures in the Old Historic District.



Figure 3-31. 3 Coffin Street. Detail of trim and color inconsistent with approved plans.



Figure 3-32. 3 Coffin Street. Photograph of front door, which lacks the light fixtures approved in the elevations.



Figure 3-33. 3 Coffin Street. Approved front elevation. Courtesy of Nantucket HDC.



Figure 3-34. 3 Coffin Street. Photograph of air-conditioning unit at second floor window.

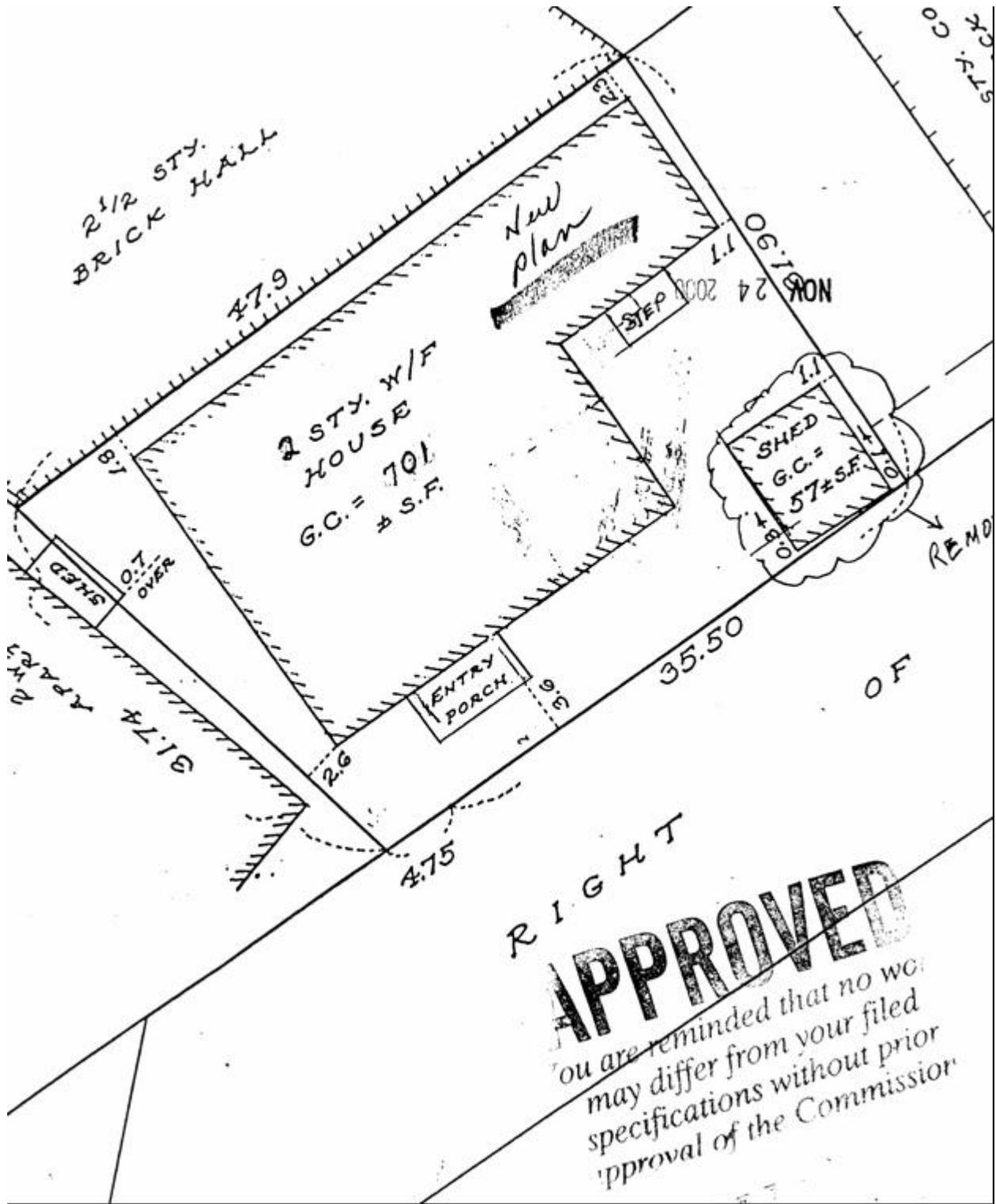


Figure 3-35. 3 Coffin Street. Footprint of new construction. Courtesy of Nantucket HDC.



Figure 3-36. Bartlett Farm. Rural surroundings and the poor condition of the relocated cottage.



Figure 3-37. Bartlett Farm. Rural surroundings and the poor condition of the relocated cottage.



Figure 3-38. Bartlett Farm. Relocated cottage in rural surroundings.



Figure 3-39. Bartlett Farm. Relocated cottage in rural surroundings.



Figure 3-40. Bartlett Farm. Relocated cottage in rural surroundings.



Figure 3-41. Bartlett Farm. Relocated cottage in rural surroundings.

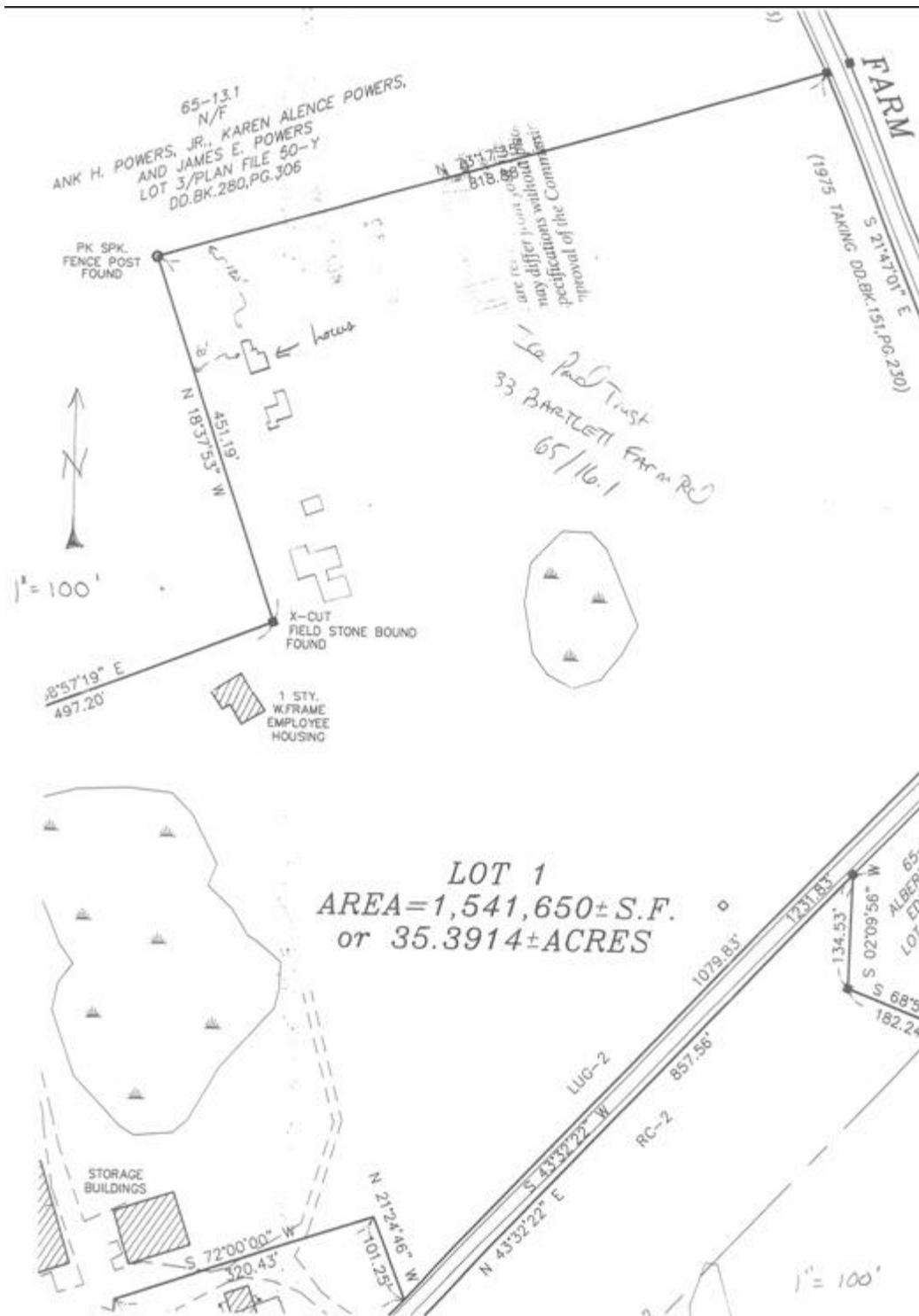


Figure 3-42. Bartlett Farm. Location of cottage. Courtesy of Nantucket HDC.



Figure 3-43. 20 Milk Street. Bungalow style house.

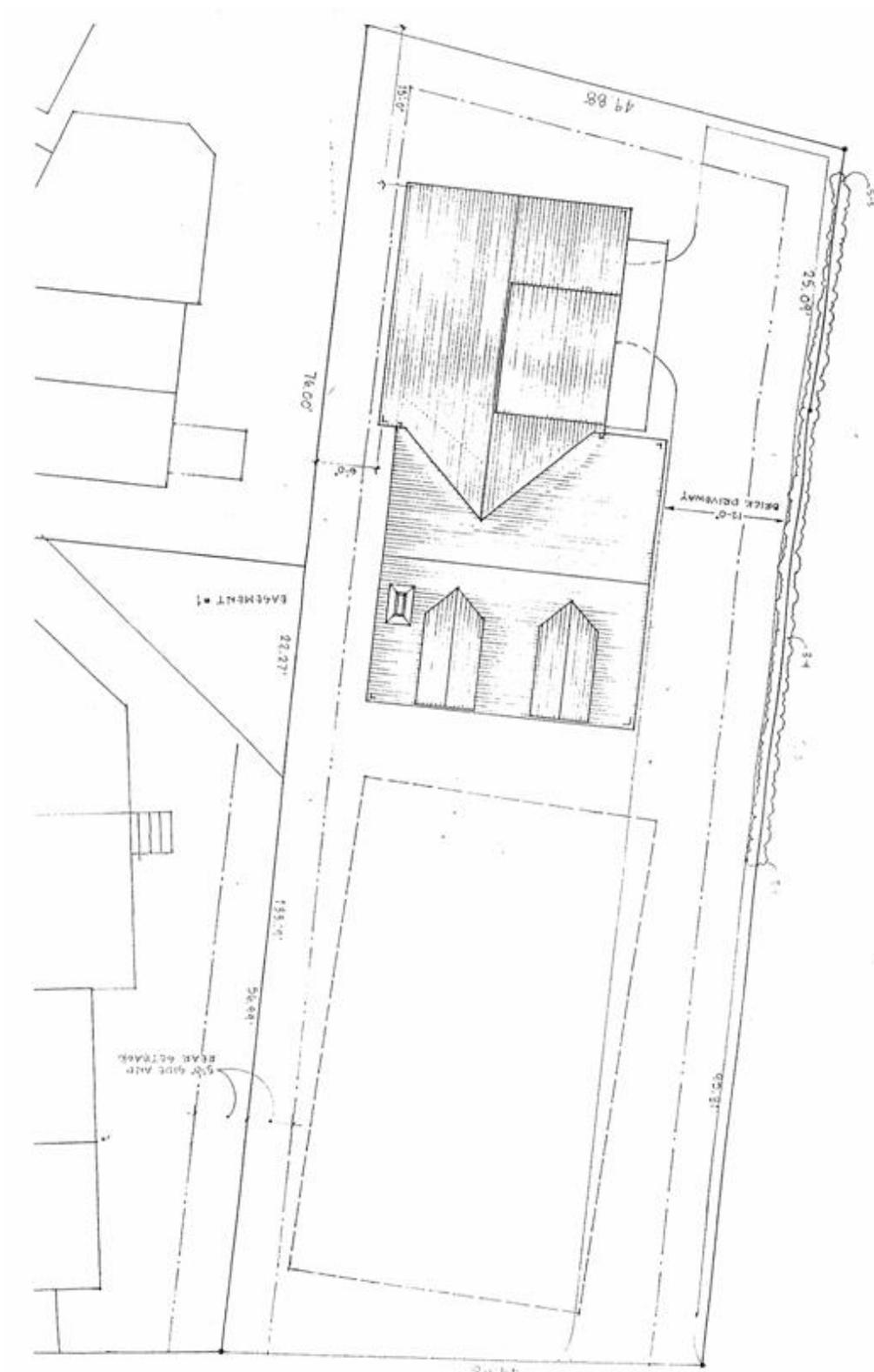


Figure 3-44. 125 Main Street. Proposed site plan with a large front yard and rear garage apartment. Courtesy of Nantucket HDC.



Figure 3-45. Milk Street. Houses adjacent to 20 Milk Street depict a regular and consistent street edge.



Figure 3-46. Milk Street. Streetscape depicts a regular and consistent street edge.



Figure 3-47. 20 Milk Street. Proposed new location for the Bungalow style house. Courtesy of Nantucket HDC.



Figure 3-48. Norquarta Drive. Lot 13 proposed location for the 20 Milk Street bungalow.



Figure 3-49. 18 Mill Street. Adjacent one-story house with front yard.



Figure 3-50. 41 Liberty Street. Front elevation of the contributing building with no additions visible.



Figure 3-51. 41 Liberty Street. Side elevation of contributing building with two additions visible.

CHAPTER 4
LOCAL HISTORIC DISTRICT

Case Study: Lake Eola Heights Historic District

The Lake Eola Heights Historic District was established by an Overlay Ordinance in May of 1989. In 1992 the district became the first in Orlando to be placed on the National Register of Historic Places (Figure E-11). This historic district is about 120 acres in area. It is primarily residential, but also contains religious, educational and commercial buildings. The district has 664 buildings. Four hundred eighty-one are contributing and 183 are non-contributing (Johnston, 1980). As the National Register of Historic Places Nomination Form describes, “The district possess a significant concentration, linkage, and continuity of buildings united historically by plan and physical development” (Johnston, 1980, p. 1).

223 East Concord Street

The residence at 223 E Concord Street was built in 1950. It is a split-level Ranch style structure constructed of concrete masonry. The residence displays an overall horizontal emphasis with wide eave overhangs and horizontal banding. Details, such as corner metal-casement windows and glass block, are influenced by the Art Moderne style. The house also possesses some traditional details, such as a tile roof and two brick chimneys with a decorative brick banding and a metal hood. A center side gable connects two hip portions of the tile roof. This residence is non-contributing to the district, because it was constructed after the designated historical period of significance (1884-1940) for the Lake Eola Heights Historic District (Figure 4-1).

Request for demolition. Request for Demolition: HPB#2000-00216: November 27, 2000: The applicant requested to demolish the single-family residence for the construction of two Mediterranean Revival duplexes. A staff report dated November 27, 2000 (Figure E-1) analyzed

this request with the Criteria for Demolition in the Design and Demolition Standards (Figure E-2). The main topics in the report were the significance, remaining examples, future utilization, existing conditions/maintenance, and economic issues. The staff recommended approval to the City Council and to waive the 180-day waiting period.

Personal critique of the staff report. In the report, the issue of significance was examined in the realm of how the structure relates to other structures within the historic district. The Lake Eola Heights Historic District was designated in 1989 by Ordinance (Figure E-3). At this time, the residence was less than 50 years old and categorized as non-contributing. In this report, it was recognized as representing the post-WWII-building period in Orlando, however, not significantly. This judgment seemed amiss, for the background information contains a detailed description of the architectural significance of the structure (Figure E-1).

The report examined remaining examples of similar significance and the difficulty of reproducing this type of building. No other remaining examples were noted, but this example was noted for its size and scale. Specifically, the scale of the house as it relates to the expansive size of the lot. The report stated that reproducing this relationship may be impossible, but “unlikely” would have been a more accurate word than “impossible.” Today, building one residence on two city lots is not cost-effective for most people.

The report stated that the style of the residence is not valued in the district, and reproducing the structure would not be allowed. The design inspiration for new construction is not required to be a contributing style in the historic district; the Standards state the style of new construction can be influenced by a style that has existed in Orlando. Nevertheless, it would probably be difficult to gain approval from the Historic Preservation Board for this design.

The future utilization for the site and the effect of those plans on the character of the historic district was examined in the report. The proposed two-story Mediterranean Revival style duplexes on each lot were accepted as appropriate. This was based on the fact that this style is contributing in the district and duplexes were common throughout the district.

Historic Preservation Board review of the non-contributing property. Historic Preservation Board Meeting Minutes, December 6, 2000 (Figure E-4): The staff report was presented. The applicant stated that the owner asked him to develop the property after failing to sell his house at a fair market value. They stated that previously, Ms. Rubin, the Preservation Officer, told them the house was non-contributing. They discussed splitting the property and constructing two duplexes. The owner read a letter from his neighbor at 213 Concord Street in favor of his development plans. Historic Preservation Board member, Mr. Maines requested that all comments be limited to the subject demolition.

At this point, five residents from the district were present to speak. All were in opposition to the demolition. Rick Adams was concerned about tearing down single family houses and building multifamily homes in their place. He felt the idea, tearing down a home and building a new home that looks old for profit, was “ridiculous.” He felt the house was in excellent condition and worth saving. Mente Connery felt the size of the house would support a large family, and she supported families living downtown. She felt there were enough multi-family homes downtown and too few houses of this quality and size. Kerry Kelly was concerned about the preservation of his neighborhood, traffic, and felt more multi-family houses caused problems. He stated that Maury Hurtz, a renowned artist with paintings in City Hall and Orange County Court House, had grown up in the house. Ed Miesak felt the house was a contributing structure to the district. “Replacing it with a synthetic structure is not in keeping with the district.” He stated he would

not have purchased his house at 222 East Concord Street last September if 223 East Concord Street had been a multi-family structure. Raymond Cox, President of the Lake Eola Heights Neighborhood Association noted that there may be houses of this style, but not of this size. He continued, noting that the Lake Eola Heights Historic District is listed on the National Register of Historic Places and the definition of a contributing structure is a one that is 50 years old. He stated the house meets this criterion. Mr. Cox stated that demolishing the house and building two other structures would dilute the percentage of contributing structures in the district and add non-compatible structures. He also stated the quality of life in the neighborhood would be compromised and downgraded by the construction of two duplexes because of the added density. The public portion of the hearing was closed and the board began discussion on the request.

The board discussed non-contributing houses in respect to the Land Development Code, and touched on the topic of amending a district ordinance to change aspects that are out of date and/or invalid. Further discussion continued regarding the house's style, size, importance, and unique contribution to the district. HPB member, Ms. Hill felt the structure had historical significance due the fact that the Hurtz family built the house. They were managers at one of Orlando's first hotels and a member of the family was an artist. She felt the house would be recognized for this association if allowed to exist. HBP chairman, Mr. Bryla felt there was no reason to act hastily and that the neighborhood and the owner could find a workable solution. He added that even though the house was built in 1950, twenty years from now this style house could be lacking if they are all torn down. He felt the City Code was short-sided, since it does not seem to coincide with the Secretary of Interior's Standards. The board voted to deny the request. In closing, Mr. Maines recommended Lake Eola Heights Neighborhood Association amend their charter. Mr. Bryla recommended that the Historic Preservation Officer suggest each

district review their inventory and ordinance to determine if they need to be amended. He also added that a demolition could not be approved until a full set of plans is presented.

Personal critique of the HPB review of the non-contributing property. The applicant made a statement, but did not add any useful information or facts to back up claims of his failed house sale. Even though the future utilization of the site was not the subject of the meeting, any amount of information, time and insight into the project's purpose would have been beneficial to his case.

The public outcry was based on six issues. The Historic Preservation Board was in agreement with most. The first issue was that the house was contributing to the district, "excellent condition and worth saving" and "few houses of this quality and size." While the board may have agreed on this point, they did not make any comment. The second issue was that replacing the single-family structure with multi-family structures was undesirable. The residents felt that multifamily structures would lead to more traffic and compromise and downgrade the quality of life due to the added density. If permitted by code, the Historic Preservation Board cannot dictate what type structure can be built. Knowing this, the board did not comment on this issue. The third issue was that the house had historical significance based on the Hurtz family. Ms. Hill offered some detail about the family; however, these claims were not backed by facts. The fourth issue was that any new construction would not be compatible or as compatible as the existing home. Rick Adams felt the idea of tearing down a home and building a new home that looks old for profit is ridiculous. Ed Miesak felt replacing the house with a synthetic structure was not in keeping with the district. The fifth issue presented is based on the criteria for the National Register of Historic Places. During the meeting Mr. Cox of the Lake Eola Heights Neighborhood Association and Mr. Bryla of the Historic Preservation Board brought up this

criteria; however, both were mistaken. While it is true that a structure has to be fifty years of age or older to be considered historic, structures within a historic district are judged when the district is surveyed or designated. Most of the time, this is before the area formally is recognized as a district. Lake Eola Heights Historic District was formally recognized in 1989 (Figure E-3), and the house was 39 years old. At the time of designation it was categorized as non-contributing (Figure 4-1). This classification remains until a district is resurveyed. If changed, this classification should be based on an extension in the era of significance or the declaration of an additional significant era. Re-surveying a district is not commonly done, but is probably prompted by cases like this. So, saying the house is contributing because it is 50 years old was incorrect. The sixth issue, solely expressed by Historic Preservation Board Chair, Mr. Bryla, was that this house, if not contributing now, might be contributing in the future. Mr. Bryla felt that even though the house was built in 1950, twenty years from now this style house could be lacking if they are all demolished. Recognizing the quality of design and construction, he felt the City Code was short-sided, since it does not seem to coincide with the Secretary of Interior's Standards. Based on this information the Historic Preservation Board denied the applicant's request.

During the board's closing discussion certain comments were made, specifically the "lack of a site plan," and then later, "a demolition could not be done in any event until a full set of plans are presented." To the applicant and owner, who did not want to hear that the demolition would not be approved, these comments gave hope to their development plans. For others, these comments clouded the reason for denial.

Ongoing activity. Three Design Review Committee meetings were held on the following dates: December 20, 2000; January 18, 2001; and February 12, 2001, with the applicant and/or

the owner. The Committee is made up of three members of the Historic Preservation Board. They critiqued the proposed Mediterranean Revival duplexes and garage apartments (Figure E-5). Against the recommendations of the staff, the applicant requested to be placed on the March agenda. Staff issued the Addendum to March 7, 2001 Staff Report (Figure E-6). The final Design Review Committee recommendations are summarized in the staff report dated March 7, 2001 (Figure E-7).

Request for new construction. HPB#2000-00216: March 7, 2001: The applicant requested to demolish a single-family residence for the construction of two two-story Mediterranean Revival duplexes and two- two-story garage apartments. The staff report (Figure E-7) analyzed this request with the criteria in the Design and Demolition Standards. In addition to the background information from the previous staff report, pertinent information about the denial of the demolition was included. The staff recommended deferral of the proposal because the proposed buildings were too large for the district. In addition, the reason for denial was based on the architectural significance of the residence, in spite of its classification.

Personal critique of the staff report dated March 7, 2001. The report was divided into two sections. The first dealt with the demolition, and the second dealt with the proposed new construction. Due to the denial of the demolition at the December 2000 Historic Preservation Board Meeting, the issue was re-visited. In spite of the classification as non-contributing, the structure was significant and possessed design elements characteristic of the Art Moderne style.

This report offered a new remaining example, the residence at 323 East Concord Street, which was similar in size, style, and time frame and has maintained its original character. This residence was also classified as non-contributing, due to the fact that it was built in 1947. The report stated because the structure was non-contributing, it could be demolished in the future. If

the house at 223 E. Concord Street was demolished, the same thing could happen to similar properties in the future like the house at 323 E. Concord Street.

The report stated reproducing the structure would not be allowed, which may or may not have been true. Even though this house style once existed in Orlando, it was unlikely a design of this style would have been approved. Most designs approved for new construction possess details reminiscent of a style prevalent in the district. Also the report stated, “Considering the scale of the structure related to the expansive size of the lot, reproducing the structure may be impossible.” This statement was made in regard to the large scale of new construction, which refers to the Land Development Code for what is permitted, and usually builds to the maximum. When a house is demolished, either the new construction dwarfs the lot or the parcel is split creating two lots with a house on each. For these reasons, “impossible” may have been the correct word, but “improbable” was more accurate. Concerning the issue of existing condition and maintenance, the report stated that “because of the size of the structure, it would be impossible to be moved.” Again, “improbable” is a better word. Because of the high cost of moving masonry structures, this would not be an option for most people or organizations.

The second section of the report was an analysis of the future utilization of the site. Since the March 7, 2000 staff report, the applicant has added two two-story garage apartments to his proposal for two two-story Mediterranean Revival duplexes (Figure E-5). However, this did not comply with the Land Development Code.

After three Design Committee Review Meetings, three suggested design changes remained unresolved. These were evaluated with the criteria found in the Standards for New Construction, Section 62.706 of the Land Development Code.

First, the Design Review Committee recommended the parapet height of the rear portion of the primary structure be reduced on both duplexes. Instead, the applicant created a difference in the parapet height on one building by raising the front parapet. The report stated, “This is inappropriate as the Design Review Committee has been working with the applicant to achieve massing and scale similar to the contributing structures in the district. In the previous submittal, the height of Building #1 and #2 was 24’-0” in the front portion and 23’-6” in the rear portion.” The staff recommendation was to return the front parapet height 24’-0” to create a new average height of 20’-0”. Altering the height helped reduce the mass and blend the new construction with the residential character of the neighborhood.

Second, the proposed structures were excessive in mass, and the additive massing utilized in the design was insufficient. Each of the proposed buildings was double the size of the adjacent houses at 6,021 square feet. The house to the left at 213 E. Concord Street was 3,868 square feet, and the house to the right at 229 East Concord Street was 3,034 square feet. These houses actually appeared smaller by the use of additive massing, a smaller mass that is added to a visually dominant mass. The residence at 213 East Concord Street achieved this by attaching one-story additive elements: the front porch, porte-cochere, and a sunroom, which accounted for 1,289 square feet, leaving the two-story mass at 2,579 square feet. The residence at 229 East Concord Street was composed of additive one-story elements that accounted for 1,011 square feet, leaving the total main mass at 2,023 square feet. The front porch and the entry porch of the proposed duplexes were the only additive space. Another issue concerning mass dealt with the one-story section behind the primary mass (Figure E-8). Due to the fact the space is enclosed, it actually increased the perceived massing. Also, the proposed two-story structure behind the courtyard was double the square footage of other garage apartments in the neighborhood. Third,

the Design Review Committee advised the applicant to remove the penthouse. However, the applicant retained this element and reduced the size.

The applicant proposed many appropriate elements like the fenestration, orientation, materials and roof shape. Also, sensitive to the single-family neighborhood, each duplex had a single entry. In reference to rhythm of solids and voids, the proposed buildings' front yard setbacks each reflected that of the respective existing adjacent building. This helped give the buildings their own identity. The applicant has also looked to the pattern of the existing driveways to propose a shared driveway.

On the issue of style, staff felt the proposed influence of the Mediterranean Revival style was appropriate and that the style itself has not be duplicated. Staff stated that this had been accomplished by the use of "certain details, such as aluminum windows with modern transoms above differentiates it from true historic designs." This seemed like a very small detail to depend on to distinguish it from historic examples. The staff report recommended deferral for two reasons: the clarification of architectural significance and/or the outstanding design issues. However, the applicants requested their case be presented to the board for clarification, and an addendum was issued to inform the Historic Preservation Board.

HPB review of the non-contributing building and the proposed construction. The following information is from the Historic Preservation Board Meeting Minutes dated March 7, 2001 (Figure E-9). To re-acquaint the board with the case, the staff restated the applicant's request, a brief history of the structure, and the denial of the demolition at the December 2000 Board Meeting. The reason for the denial was either due to the architectural significance of the house or the lack of information regarding the new construction.

The owner of 223 East Concord Street read an excerpt from the December 2000 staff report, stating the building was non-contributing and outside the period of significance for the district, and the criteria for landmark designation from the Land Development Code. He showed photographs of buildings inside and outside of the historic district, then concluded that he did not think the house met landmark criteria.

Public comment commenced. Jim Hunt, an owner of two non-contributing properties in the district, stated that he felt the house should be preserved, and that it contributes to the district. Ed Miesak, 222 East Concord Street, felt the house contributed to the district and would be replaced with over-development. Raymond Cox, 600 East Amelia Street, felt demolishing a house in such good condition would cause other non-contributing properties to follow suit, resulting in a negative economic impact on the neighborhood. Jim Benson, 538 Broadway Avenue, felt that the house contributed to the district and replacing it with four units would be a travesty. Rick Adams, 212 E. Concord Street, and T.J. Walchessen, 235 E. Amelia Street were against the demolition and the proposed new construction. Letters were read from three other residents of the district against the demolition and redevelopment.

Mr. Bryla, Chair of the Historic Preservation Board, outlined his understanding of the 50-year requirement, and stated that he voted against the demolition in the spirit of what the LDC [Land Development Code] states in looking at structures 50 years or older, not structures which fall into certain time frames. He requested that each board member clarify their position at the time of the December HPB meeting for voting for or against demolition.

HPB member, Mr. Bass cited the architectural and historical significance and the age of the house as his reasons for voting against the demolition. He further stated that he voted as he did regardless of the future plans for development. Ms. White cited the house as the best example of

the ranch style in the Lake Eola Heights Historic District. She further stated that the plans for future utilization were not relevant as she felt the structure should be saved. Mr. Brito cited the significance of the structure as his reason for voting against the demolition. He felt the size, condition, and style made the house irreplaceable. He stated his vote for denial had nothing to do with what may occur after demolition. He said that even though the structure did not meet the time requirements, the Board is allowed to make an exception to save a significant structure. Mr. Gaines cited that he voted for the demolition because the structure does not fall within the guidelines of protected time periods. He felt it was contradictory of the board to deny the demolition and also deny an application proposing the existing design. Ms. Jenkins cited the character of the house as her reason for voting against demolition, and because of this she did not consider what would be built on the property. Ms. Hill cited the significance of the house as her reason for voting against the demolition.

Mr. Bryla declared that the board consensus is that the house was a contributing structure. He stated the house did not qualify as a historic landmark, but the house does meet the criteria for historical significance. A motion and second were made to deny the request for demolition. However, discussion continued, and Ms. Painter outlined the process of appeal for the applicant. Mr. Marsa stated he was cognizant of his neighbors concerns regarding the density of the proposed construction, and he wished to notify the Board that the Code allows for multi-family zoning on his property. In response Mr. Brito stated that the Board is tasked to interpret the Code and read between the lines of the same. He further stated he would vote to deny the demolition regardless of what is proposed to replace it, and the reason for denial is not a density issue, but the Board's finding that the structure is contributing, albeit outside of the window of the

contributing definition (HPB Meeting Minutes, March 2001, p. 6). The motion was voted and passed with one nay.

Ms. Painter instructed the board to hear the second part of the owner's request, the proposed construction of two structures. At the applicant's request, staff announced that the two two-story garage apartments had been removed from the proposal because they did not meet code. She described the Design Review Committee recommendations for the duplexes, with one outstanding. The applicant had not changed the orientation of the rear portion of the primary structure for a more linear alignment. Nevertheless, the staff recommendation was for denial based on the size of the proposed buildings. Staff stated that the applicant was cautioned at each Design Review Committee Meeting that the buildings were too large.

Mr. Marsa, the owner, read from the City of Orlando's Ethics Manual in response to Mr. Bryla's comments about the "spirit" of the Code and "reading between the lines". Mr. Marsa gave a history of his property, beginning with his 1994 purchase and ending with Design Review Committee Meeting topics. He recalled expressing his desire to agree on the design and size of the duplexes with the Committee at the second Design Review Committee Meeting. He identified an existing penthouse, located at 600 Livingston Street and approved by the Board last year. Also, he referred to a building on Concord Street 3' wider and 7' taller than his proposed duplexes. Staff interjected that the building in question is half the square footage of each proposed duplex. Mr. Marsa felt the review should be limited to only what can be seen from the right-of-way. Mr. Marsa then closed his presentation, stating the style of the proposed duplexes related to the contributing buildings in the Lake Eola Heights Historic District more closely than the existing house.

Mr. Raymond Cox opened public comment by stating the applicant never met with the Lake Eola Heights Neighborhood Association as suggested at the December 2000 Historic Preservation Meeting. He was concerned about the scale and massing, the depths visible from the right of way and the voids in the buildings. He was unhappy that the buildings were mirror images of each other with shared materials, details and style. He understood the intent was for the buildings to appear as single family homes, but the appearance of the buildings and the shared easement created a compound rather than individuality. He closed by saying that there are no buildings similar in scale and mass in the Lake Eola Heights Historic District. Mark Hampton, 1100 Ayrshire Street, was concerned about the style of the duplexes and the treatment and recesses of the windows. Jim Hunt, 1231 East Amelia Street, stated he was opposed to attempts to downsize the neighborhood. He stated he hoped there could be a compromise between the applicant and the board regarding scale and mass.

Board discussed details of the design. Seth King, Assistant District Attorney, recommended the board rule on both requests and reminded them that the demolition would have to be approved to build on the site. He suggested that if the board does not want to take action at this point that they move to continue the matter. Mr. Gaines was opposed to reviewing the proposal because of the denial of the demolition. Also, he stated that no matter what the proposal, the neighbors do not want the house demolished. Ms. Werth felt that a proposal for new construction could not be approved at this meeting. A motion was passed to continue the hearing in the event the demolition was approved, in which case, another Design Review Committee Meeting would be held before the request is brought back to the Board. The issues of size, scale and massing would be addressed again at this time (HPB Meeting Minutes, March 2001, p. 10).

Personal critique of the HPB review of the non-contributing building. After the December 2000 denial of the demolition, and three Design Review Committee Meetings, the board was familiar with the request and the progress of the proposed design. Staff asked the Board to clarify whether the denial of the demolition was due to the architectural significance of the existing structure or the lack of information concerning the new construction.

The owner opened his presentation by stating that the structure is classified as non-contributing to the district. Then he read the criteria for landmark designation from the Land Development Code suggesting that if the structure is significant, it must be a landmark. After showing photographs of buildings he felt were similar to his house, he concluded that his house was not a landmark. The question of the house being a landmark was nonsense. The photos that were shown depicted the incongruity between his house and other houses in the district. Even to the untrained eye, it was obvious these buildings were not of a comparable quality.

In general, public comment was that the house contributed to the district and should be preserved. It was mentioned that the idea of demolishing a house in good condition could cause similar properties to follow suit, resulting in a negative economic impact on the neighborhood. This is a viable concern since any decision by a board seems to mandate equal treatment for future similar requests, but the real negative would be the preservation of this period in the district.

Mr. Bryla stated his vote against the demolition was in the spirit of what the Land Development Code states in looking at structures 50 years or older, not structures that fall into certain time frames. Even though this statement is understandable, it was not accurate. When the National Register of Historic Places was created, the 50-year time frame was instilled because it was thought to be long enough for one to recognize the significance of a structure. Therefore

structures must be fifty years or older to be considered historic unless they are of exceptional importance. In saying, “what the Land Development Code states in looking at structures 50 years or older,” he might be referring to the Land Development Code’s definition of a Structure: Non-Contributing (Figure E-10): “Historic landmarks or structures in HP Overlay districts that, at the time of designation, are less than fifty (50) years old.” He may have overlooked “at the time of designation” or decided to disregard it. Lake Eola Heights Historic District was designated locally in 1989 and by the National Register in 1992 (Figure E-11) when 223 Concord Street was 39 years old. The survey work was prepared much earlier. The 1983 Survey Area List for the proposed district (Figure E-12) did not include 223 East Concord Street, because it was 33 years old. In the next portion his statement, “not structures that fall into certain time frames,” he may have been referring to the November 27, 2000 Staff Report (Figure E-1). “This residence is non-contributing to the district, because it was constructed after the designated historical period of significance (1884-1940) for the Lake Eola Heights Historic District.” This statement came from two sources. The first source is the documentation on the property entitled, “Non-contributing Resource” (Figure 4-1). This depicts a black and white photograph of the structure with a Statement of Significance,

Constructed circa 1950, 223 East Concord Street is a non-contributing resource ...because it was built outside the period of historic significance for the neighborhood. According to guidelines established by the National Park Service a non-contributing resource is one that is not at least fifty years old, or one that has been so radically altered that it no longer exhibits the architectural characteristics of the period in which it was constructed. (Non-contributing Resource Sheet, 1983, Figure 4-1)

In the National Register of Historic Places Registration form for Lake Eola Heights Historic District (Figure E-13) this is defined, “The period of significant development associated with the district spans the years 1884 through 1940.” All the structures in a historic district are classified and recorded in this fashion. Unlike what Mr. Bryla is suggesting, the current system does not re-

evaluate non-contributing buildings located in a district each year when they reach the 50-year mark.

Each board member proceeded to voice the reason behind their vote. The consensus for denying the demolition was the significance of the structure, the fact that the structure was irreplaceable and an exceptional example of ranch style architecture. All members that voted against the demolition agreed that it was not due to the lack of information on the new construction. In their comments they explained that they wanted the structure to be saved, for example, “the plans for future utilization were not relevant as she feels the structure should be saved.” Mr. Brito’s comment was similar and he continued, “even though the structure did not meet the time requirements, the Board is allowed to make an exception to save a significant structure.” This statement would prove true in the end and is a good argument to the pertinence of professional boards. Mr. Gaines was the only Board member that voted for the demolition, “the structure does not fall within the guidelines of protected time periods.” He felt the board was being contradictory, in that they would not approve the demolition and would not approve new construction of the existing design. The latter idea originated from the November 2000 staff report in the criteria for demolition, item (e). “The Demolition Standards state the difficulty or impossibility of reproducing such a structure because of design, texture, material, detail, size, scale or uniqueness of location should be considered. Because the style is not valued in the Historic District, reproducing the structure would not be allowed.” This statement may have been too absolute; however, there are certain design elements that would not conform to the existing standards.

The owner maintained that he knew the neighbors were concerned about the density of the proposed construction and wished to inform the Board that multi-family development was

allowed in his zoning district. In response Mr. Brito stated the Board is tasked to interpret the Code and read between the lines of the same, which caused the applicant to read from the Code of Ethics later in the meeting. Mr. Brito further stated he would vote to deny the demolition regardless of what was proposed to replace it, and the reason for denial is not a density issue but the Board's finding that the structure is contributing, albeit outside of the window of the contributing definition (HPB Meeting Minutes, March 2001). His comments were intended to send a clear message to the applicant. Mr. Brito had a good understanding of how the structure is classified and why. Nevertheless he found this in error and was ruling against the structure's removal. The request for demolition was denied again, with one nay.

Personal critique of the HPB review of the new construction. The next portion of the meeting dealt with the proposed new construction, which understandably the board was reluctant to discuss having just denied the demolition of the building for the second time. In addition, staff still recommended denial based on the size and volume of the two buildings. Staff stated that this should not be a surprise to the applicant, he was warned at each Design Review Committee Meeting that the buildings were too large, and there had been no considerable change in this aspect. The applicant stated that at the second Design Review Committee Meeting he wished to reach an agreement with the Committee on design and style. While the committee and Historic Preservation Officer advise and critique design, they do not dictate square footage or style. The Design and Demolition Guidelines are just that, a guide to designing and reviewing proposals for new construction. While this is helpful, it is not a simple task to design appropriate new construction. Either because of the lack of the information or skill, the proposed designs were consistently unsympathetic to the adjacent properties and inappropriate for the area. The architect or designer was not present at the three Design Review Committee Meetings, which

would have been helpful. Design Review Committee Meetings are taped and attendees are announced, but minutes are not produced. After reviewing the tape and personal notes, staff issued observations and recommendations to the applicant. A regular system would be beneficial and should be implemented to take full advantage of everyone's time and effort. The applicant identified a penthouse at 600 Livingston, which was approved by the board last year. This is an interesting issue, which had been touched on before; the existence of an architectural element on one house may not be appropriate to the style of another. In this case, while appropriate, it did not help the size issue. Perhaps if the design were less massive, removing the penthouse would not be a Design Review Committee Meeting recommendation. If in fact it was not a successful aesthetic decision or proved to be a poor decision, a board should be able to make a different decision in the future without causing a controversy.

The applicant also felt the board should only be involved with what can be seen from the street or the right of way. Some ordinances are set up this way, however the Lake Eola Heights Historic District Ordinance (Figure E-3) does not limit review to just what is viewed from the street. He claimed the style of the proposed duplexes relate to the contributing buildings in the district better than the existing building did. While there are contributing houses in the district that are Mediterranean Revival style, the proposed design did not exhibit sympathetic qualities of scale and massing. Unless these design variables were appropriate, the new construction would be an eyesore.

Again the public comment was against the proposed duplexes. Raymond Cox was frustrated that the applicant never met with the neighborhood association as the board suggested at the last meeting. When described as appearing single family, he thought the duplexes would be different styles. Instead, they were the same style, the plans mirror each other, and there was a

shared driveway between the duplexes. Neighbors like Mr. Cox have a distinct idea about what is appropriate. To create a single-family appearance, the staff envisioned two Mediterranean Revival duplexes with individual façade design and one entry door to each. Mr. Cox felt the shared easement created a compound. Since the pattern of the driveways along the street dictated a shared driveway, staff found it appropriate with the benefit of less pavement and more green space. There are a few examples of original residential apartments in the district, so a model does exist for this type of development in the district. While the current designs did not meet staff expectations, it seemed like an achievable goal if the demolition was approved. While the board discussed the appropriate motion to make, Mr. Gaines interjected that no matter what the proposal he did not think the neighbors wanted the house demolished. This comment seemed out of place, since the neighbor or public reaction is important but not a deciding factor. Also, the neighbors could appeal any decision made by the board on the case. Ms. Werth felt that a proposal for new construction could not be approved at this meeting, which was insightful. It was obvious that the board felt discussing the new construction was illogical.

The final motion was exact and direct. It stated if the demolition was approved, this hearing would be continued. However, before the proposal was presented to the board again there would be one Design Review Committee Meeting dealing specifically with the size, scale and massing. In summary, the board made no comment and took no action on the proposed new construction.

Applicant's appeal and quasi-judicial ruling. The applicant filed a petition against the board's decision on March 30, 2001, which resulted in a quasi-judicial hearing held on June 8, 2001, and the recommended order received July 10, 2001 (Figure E-14). The burden of proof was on the applicant or the petitioner, Mr. Marsa, "to present substantial competent evidence on

the criteria in Section 62.707 (a)-(f).” The Hearing Officer’s decision was based on findings of fact, each corresponding to a criterion. During the course of the hearing, the applicant did not refute the facts listed in #1-6.

The applicant refuted the facts #7-11, however the Hearing Officer ruled the evidence he presented not credible.

7. Expert testimony was presented that the proposed development, as shown on the preliminary drawings and assuming the removal of the garage apartments, was incompatible with the Lake Eola Historic District due to its scale and massing. Although the Petitioner submitted evidence tending to show that there are other lots developed at the same or greater floor area ratio, that factor alone does not show compatibility with surrounding structures. (Recommended Order, July 2001, p. 5)

This dealt with the second portion of criteria, “(f)...and the effect those plans will have on the architectural, historical, archeological, social, aesthetic, or environmental character of the district” (City of Orlando Land Development Code, 1999, p. CD 62-120).

8. Expert testimony was presented that the subject house is architecturally significant in that it is an excellent example of the ranch-style homes built in the period immediately following World War II. It has many of the defining elements of ranch style housing: lack of a front porch; attached garage; sliding doors; use of masonry, iron and glass block rather than wood; picture and corner windows; wide overhanging eaves on low pitched roofs; and a general horizontal feel. No credible evidence was presented that this ranch-style house did not have architectural significance. (Recommended Order, July 2001, p. 5)

Again, these findings dealt with the criteria (a), “The historic, architectural, or environmental significance of the structure” (City of Orlando Land Development Code, 1999, CD 62-119).

9. Expert testimony was presented that the structure has architectural significance to the overall ensemble of structures within the Lake Eola Heights Historic District and that the structure is important to the integrity of the district. No credible evidence was presented to the contrary. (Recommended Order, July 2001, p. 5)

This dealt with criteria (b), “The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district” (City of Orlando Land Development Code, 1999, p. CD 62-120). “10. Expert testimony was presented that the house, which was

designed by an architect, adds substantial aesthetic interest to the district. No credible evidence was presented to the contrary” (Recommended Order, July 2001, 6). This dealt with criteria, “ (c) The aesthetic interest that the structure adds to the HP Overlay district...” (City of Orlando Land Development Code, 1999, p. CD 62-120).

11. Expert testimony was presented that there are only three excellent examples of ranch-style houses within the Lake Eola Heights District, with the subject house being one of them. There was also testimony that ranch houses of the quality of the subject house, on such a large lot are relatively rare in the downtown area. No credible evidence to the contrary was presented. (Recommended Order, July 2001, p. 6)

This dealt with criteria (d), “The number of remaining examples of similar significance in the HP Overlay district...”(City of Orlando Land Development Code, 1999, p. CD 62-120).

The hearing officer’s decision was based on three conclusions. The first conclusion was that the applicant failed to carry his burden of proof. Specifically, he failed to prove the house was not architecturally significant or architecturally significant to the ensemble of structures in the district, or of aesthetic interest to the district. He failed to prove that the demolition of the structure would not result in the loss of a rare ranch-style house in the district. In addition, he failed to present drawings that depicted what the applicant stated would be built on the site. The second conclusion was that the applicant did present evidence that the house could be reproduced on the site, if the design could be approved by the board. The third conclusion was that the applicant failed to prove five criteria, “a”-“d”, and “f”, out of six applicable criteria, therefore the Certificate of Appropriateness for demolition was denied. The aftermath of this case served as a concise summation.

Case Study Analysis: Consequences of not Including Non-contributing Properties in the Lake Eola Heights Historic District

When non-contributing buildings are unrecognized, the effects are a detriment to the districts in which they are located. This is evident in the case study of the local district, Lake Eola Heights Historic District, Orlando, Florida, which is a National Historic Register District.

Consequence of Perception

When a building is classified as non-contributing, the perception is that it has little value and approval for demolition would be easily granted. However, the classification of non-contributing is not equal to architectural insignificance. The term is misleading to homeowners, developers, policy administrators, planners or preservationists. In the Orlando Case Study, preservation staff was hesitant to recommend approval for the demolition of 223 Concord Street, but the planning department felt that the Historic Preservation Board would easily approve the request. The applicant and owner had met with the Historic Preservation Officer in the past, discussed the non-contributing status of the building, and considered possible development plans. The background information of the first staff report highlighted the character defining features of the building. Ultimately, the board consensus was that the building was architecturally significant and described it as contributing, “albeit outside the window of the contributing definition” (Historic Preservation Board Meeting Minutes, March 7, 2001, p. 6). The definition of a non-contributing structure is “structures in HP Overlay districts that, at the time of designation, are less than fifty (50) years old . . .” (City of Orlando Land Development Code, 2006, Sec. 66.200). This definition alone makes no judgment concerning architectural significance. When the criteria for demolition are closely examined, there is no reference to the term “non-contributing”. Obviously, the classification alone is not the deciding factor. Actually, the demolition criteria include architectural, historical, environmental significance of the

structure, and remaining examples of the structure. If one looks past the non-contributing classification, the demolition guidelines allow for the recognition of these values. In fact, 223 East Concord Street is recognized as one of the best examples of the ranch style in the city. The term, “non-contributing” is problematic and must be eliminated, because it implies that a building has no architectural significance.

Consequence of Historic Period of Significance

When historic districts are formed, the buildings within the proposed boundaries are categorized as contributing or non-contributing. The classification is based on the age of the building at the time of designation and the period of significance for the district. The survey documentation for the property states,

According to guidelines established by the National Park Service a non-contributing resource is one that is not at least fifty years old, or one that has been so radically altered that it no longer exhibits the architectural characteristics of the period in which it was constructed. (Non-contributing Resource Sheet, 1983, p. 1)

The residence at 223 East Concord Street built in 1950 was 39 years old when the Lake Eola Heights Historic District was designated in 1989. The historic survey was prepared in 1983 when the house was 33 years old. Therefore at the time of designation 223 East Concord Street was categorized as non-contributing, because it was less than 50 years old. Also, the survey information states, “Constructed circa 1950, 223 East Concord Street is a non-contributing resource . . . because it was built outside the period of historic significance for the neighborhood . . .” (Non-contributing Resource Sheet, 1983, p. 1). The historic period of significance for Lake Eola Heights Historic District is 1884 through 1940 (Johnston, 1990). In their explanation of a non-contributing building addition, the National Park Service states, “it was not present during the period of significance or does not relate to the documented significance of the property”

(National Register, 1997, p. 16). Therefore, a non-contributing structure is also built outside the period of significance for the district.

Currently, this classification remains and will only be re-evaluated if a district is resurveyed locally and the National Register Form is amended. Non-contributing buildings are not automatically re-evaluated when they reach the 50-year mark. The National Register Registration Form for the district may be amended to expand significance, to add an additional period of significance and to reclassify contributing and/or non-contributing resources (National Register, 1997). With two classifications, contributing or non-contributing, there is not a classification for an architecturally significant building in a historic district. Until a term is adopted as regular vocabulary for classifying buildings in historic districts, complex cases will continue. In any event, an architecturally significant building in a historic district is worthy of preservation without question. Therefore, a new classification of “architecturally significant” is required to recognize significant buildings regardless of age.

Consequence of Reproductions

After non-contributing buildings are removed from the district, they are often replaced with reproductions of a prevalent style in the district. Even to people outside the preservation profession this seems ridiculous. The public comment on 223 East Concord Street included, “He felt the idea, tearing down a home and building a new home that looks old for profit was ridiculous” (Historic Preservation Board Meeting Minutes, December 2000, p. 5). If this is the product we desire, we are not preserving but creating. We have left the realm of historic preservation and entered that of theme districts for economic development. One must question this act. However, it is not uncommon for a non-contributing house to be demolished, like 223 East Concord Street, and replaced with new construction inspired by a prevalent style in the

district. Most designs approved for new construction possess details reminiscent of a style in the district and the Standards for New Construction encourage this practice.

New construction may be influenced by, but not duplicate, historic styles. If an historic style influences new construction, that style must exist or have existed in Orlando. Contemporary design shall be permitted provided that it meets the requirements of this section. (City of Orlando Land Development Code, 1999, p. CD 62-119)

Contemporary design that meets the Standards for New Construction is hard to accomplish. Many designers are unable to do so, and instead they propose a design for new construction inspired by a historic model. However, the problem is, there is no standard against which to judge how this can be done appropriately, and often the results are misleading. It is questionable if the style standard serves the true purpose of the Secretary of Interior's Standard. "All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be avoided when possible" (City of Orlando Land Development Code, 1999, p. CD 62-6). This standard strives to delineate between old and new. Therefore, it is wise to examine how non-contributing buildings can enrich the district as products of their own time.

Non-contributing buildings are examples of later architectural movements. 223 E. Concord Street is a split-level ranch style structure built in 1950. The design displays an overall horizontal emphasis with wide eave overhangs and horizontal banding. Details, such as corner metal-casement windows and glass block, are influenced by the Art Moderne style. The house also possesses some traditional details, such as a tile roof and two brick chimneys with a decorative brick banding and a metal hood. Historic Preservation Board member Ms. White stated, "the house is a ranch-house style and is an architecturally significant style. In different parts of the country, examples go back to the turn of the century. She also stated that this is the best example of a ranch-house in the Lake Eola Heights Historic District and one of the better ones in the City.

. .” (Historic Preservation Board Meeting Minutes, March 2001, p. 5). In fact the Historic Preservation Board’s consensus for denying the demolition was the significance of the structure, the fact that the structure was irreplaceable and an exceptional example of ranch style architecture. All members of the Historic Preservation Board that voted against the demolition agreed they wanted the structure to be saved and indicated their decision did not emanate from the proposed new construction. For example, the plans for future utilization, “were not relevant as she feels the structure should be saved.” Mr. Brito’s sentiment was similar, “even though the structure did not meet the time requirements, the Board is allowed to make an exception to save a significant structure” (Historic Preservation Board Meeting Minutes, March 2001, p. 5).

If allowed to exist, the presence of a non-contributing structure can describe the development of a district. In the Orlando case study, 223 East Concord Street was designed by an architect and built in 1950. This building describes the continued development of the district, in spite of the fact that it was built ten years after 1940, which is noted as the end of the designated period of significance. This continued development might be due to Orlando’s economic base rooted in agriculture and tourism, which helped alleviate the effects of the depression. Also, the proliferation of the automobile increased tourist activity, which also helped the tourist economy. Although no subdivisions were constructed after the depression, individual buildings were constructed in the area, such as, Colonial Revivals on Hillcrest and Livingston Streets, and an Art Moderne style house on North Highland Avenue. The Historic Register Nomination describes this house as, “the only building in the district with modernistic styling” (Johnston, 1990, p. 13). However, the nomination continues to name a new style called Minimal Traditional.

It was a low-cost building style that was small in size with concrete block foundations and asbestos shingle for exterior siding, the style was developed during the Great Depression

as a less expensive alternative to brick and wood. In 1940, several small residential buildings that embody Minimal Traditional styling were erected along Harwood, Livingston, and Ridgewood streets and Hyer Avenue. (Johnston, 1990, p. 8)

The nomination describes development in the district as moderate until World War II. Three-twenty-three East Concord Street is classified as non-contributing and was built in 1947. It is a ranch style residence with design elements of the Art Moderne style. This building is similar to 223 Concord Street in size, style, and time frame. Both are evidence that some development continued after 1940.

Non-contributing buildings are usually compatible. The staff report states, “Considering the scale of the non-contributing structure related to the expansive size of the lot, reproducing the structure may be impossible” (Historic Preservation Board Staff Report, March 2001, p. 2). A better word would be improbable instead of impossible. Today new construction is of a much larger scale than the existing buildings in historic districts. New construction refers to the Code to determine what can be built, then builds to the maximum permitted.

When a non-contributing house is demolished, the new construction usually dwarfs the lot. The struggle between the Historic Preservation Board and developers is inevitable. For example, two two-story Mediterranean Revival duplexes are proposed to replace the ranch at 223 E. Concord Street. The proposed structures are excessive. Each proposed duplex is double the size of the adjacent house measuring about 6,021 square feet. The existing house at 223 East Concord Street is 3,399 square feet (Figure 4-1). The house to the left, 213 East Concord Street, is 3,868 square feet, and the house to the right, 229 East Concord Street, is 3,034 square feet (Historic Preservation Board Staff Report, March 2001, p. 5). These houses are compatible to each other, only differing by about 400 square feet. They allocate about a third of the total square footage in additive massing, a smaller mass added to a visually dominant mass. For example, one-story additive elements are attached to the residence at 213 East Concord Street, such as: the front

porch, porte-cochere, and the sunroom. These account for 1,289 square feet with 2,579 square feet remaining as the two-story mass. As stated in the report, the additive space, “helps cut down the massiveness and relate to the pedestrian scale on each façade” (Historic Preservation Board Staff Report, March 2001, p. 5). The proposed front porch and the proposed entry porch of the duplexes are the only additive space, which is insufficient for structures of this size. Significant “non-contributing” structures enrich the district as products of their own time, but when demolished and replaced with new construction reproducing a prevalent style in the district, a type of urban planning occurs that is more related to the creation of theme-districts than historic preservation.

Consequence of Plans for Future Utilization

When considering a demolition request for a non-contributing building, the requirement to examine the future utilization of the site is at odds with the analysis of the historic significance of the non-contributing building. The Criteria for Demolition include (f), “The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the HP Overlay district” (City of Orlando Land Development Code, 1999, p. CD 62-120). The reasoning behind this is understandable; the applicant’s proposal may be allowable by Code but inappropriate for the neighborhood. However, the interpretation of the word “plans” in criteria (f) creates a dilemma for the applicant. In the Orlando case study, the applicant provided floor plans and elevations for the proposed duplexes in his initial request for demolition. The board denied the demolition request. They commented on the “lack of a site plan” and that “a demolition could not be approved until a full set of plans was presented” (Historic Preservation Board Meeting Minutes, December 2000, p. 7). However, requesting a full set of plans from an applicant seems excessive when the architectural significance of the building is undetermined. In fact, the lack of plans

allowed the board to postpone judgment on the architectural significance of the building. In the months that followed, the applicant provided a site plan, perspective and incorporated many of the Design Review Committee's design recommendations to the proposed plans. However, the board still denied the demolition request at the March meeting citing the architectural significance of the non-contributing building.

When an applicant approaches staff concerning possible new construction, a rough analysis of the adjacent property's square footage should be provided to the applicant within a reasonable amount of time. This could serve as a guide to an appropriate proposal versus a proposal that will never work. The applicant should be cautioned that anything larger would need to be designed in such a way that the mass is additive. For example, if the applicant had been provided with the massing analysis in the March 2001 staff report, he may have avoided the project altogether or proposed something more sympathetic to the neighborhood. Only after determination is made on the architectural significance of the "non-contributing" structure can replacement proposals, the proposed new construction, be considered. If the "non-contributing" structure is determined as insignificant, the new construction will be reviewed in detail with complete drawings, analysis of building mass and other issues dealing with neighborhood compatibility.

Proposed Criteria for Including Non-contributing Properties in a Local District

The following recommendations would recognize the value of non-contributing buildings and benefit the management of most residential historic districts. In addition, specific changes to the governance and guidelines for the Lake Eola Heights Historic District are suggested for the same reason.

Applications for the Revised Building Classifications

Many local historic districts would benefit by adopting new classifications that accurately reflect the value of the district's buildings. Buildings in proposed historic districts would be

surveyed, and non-contributing buildings in existing districts would be re-surveyed, using the following terms: “potentially significant,” “architecturally significant,” “contributing,” and “ancillary.” The definitions of these terms would be identical to the revised building classifications for the landmark district; refer to Proposed Criteria of Chapter 3. These terms uphold the district’s designated period of significance and allow for additional architectural significance.

To prevent the revised classifications from befalling the same fate as the non-contributing category, where certain buildings are overlooked, the instances where the terms are applicable must be identified. Obviously the “architecturally significant” category will be composed of buildings that are now “non-contributing,” which highlights the false perception of this term and the need for change. Architecturally Significant buildings were not built during the district’s historic period of significance but enrich the district, in spite of this fact. Architecturally significant buildings may be associated with an additional period of significance for the district. “If a majority of non-contributing buildings are re-evaluated as architecturally significant, the designated historic period of significance should be reviewed for either an amendment to the original period of significance or to add another period of significance” (Revised Standards: Local Historic District, Appendix C). However, this is not required for a building to be considered “architecturally significant.” Aptly named, this category includes any building of a significant architectural style. In the Lake Eola Heights Historic District case study, 223 E. Concord Street would be re-classified as architecturally significant for the ranch style and influence of the Art Modern style. In addition, some buildings may provide an enhancing contrast to the surroundings. If a structure of this description is not significant enough to become a local historic landmark, the qualities of the building that enhance the district and adjacent

structures should be defined. These reasons would be noted for classifying the building as architecturally significant. Therefore, the judgment rests on the individual characteristics of the building.

The classification of ancillary will be composed of buildings now known as non-contributing. It is important to prevent this category from inheriting the related perceptions of non-contributing, and any instances where the term could be misinterpreted must be identified. One example is when non-contributing buildings naturally fit-in by utilizing similar design elements as contributing structures, and design variables, such as: height, scale and massing, orientation, materials, roof shapes, and rhythm of solids and voids. Consider the Standards for New Construction in the Design and Demolition Standards for the City of Orlando. At first, the standard for scale and massing would seem to develop new construction similar only to the prevalent styles in the Lake Eola Heights Historic District, such as, Colonial Revival, Bungalow or Mediterranean Revival. This would be a false perception of non-contributing buildings. If this were true, the scale and massing of new buildings would greatly differ from non-contributing buildings. However, because the Minimal Traditional style is considered contributing to the district, the parameter of what is appropriate is different from what one would imagine. The massing and scale of many non-contributing buildings is similar to the Minimal Traditional style. In any event, the term “ancillary” will consider buildings that fit-in, in spite of the fact that they are not architecturally significant. This category should not be perceived as the new non-contributing, even though it includes buildings that were built during the designated period of significance but have lost their architectural integrity, or buildings that were not built during the designated period of significance and are not architecturally significant. Simply stated, an

ancillary building supports or aids the district, at least by its existence, but does not possess architectural significance of its own.

Improvements to the Design Review Committee

Most local historic districts could benefit from better regulation of informal design review meetings. The recommendations for improvement are identical to that of the landmark district; refer to Proposed Criteria of Chapter 3. For the Lake Eola Heights Historic District, following these suggestions would result in better communication of design issues between all parties involved: the board, the staff, and the applicants.

Revise and Tier Standards for Demolition

Local historic district should have Standards for Demolition, which apply to all building in the historic district, regardless of classification. Since preservation is a priority in historic districts, the focus of the Board's evaluation should be the architectural, historical, or cultural value of the structure in question with clear criteria for review. If found significant, the building should exist in the original location. If the building is judged insignificant after analysis in a written staff report and discussion in the monthly board meeting, the plans for new construction may be considered.

The process for demolition in a local district will be the same as that of the landmark district; refer to Proposed Criteria of Chapter 3. The building official and the historic preservation officer would make the same exception for a building that is an imminent hazard. Details of this procedure would be identical to that described for the landmark district. If this is not the case, the two-step tiered demolition process described in the landmark district would apply.

There are some minor differences from the landmark district demolition criteria. Local residential districts, such as Lake Eola Heights Historic District, will consider the demolition

criteria of significance and remaining examples in the realm of the city, instead of the district as currently stated in the City of Orlando Land Development Code. Also, a key element of the landmark process, mitigation for the removal of a building, would not be required in a local district. Mitigation would be reserved for National Historic Landmark Districts due to their high level of importance. Local districts will be equipped with preservation zoning to control designs for new construction. The revisions to the Standards for Demolition will help insure the existing historic fabric is retained. The alterations to the Standards mentioned above will cater specifically to the needs of local historic districts.

Establish Standards for Relocation

In the event that there is a request for relocation in a local historic district, Standards for Relocation should be established. Contributing buildings should not be moved because they enrich the district. However, if the Board determines that a contributing building must be demolished in its existing location, it may be moved for preservation. Relocation Standards would compare the new location to the existing location in respect to the historic orientation, immediate setting, and general environment.

The National Register Staff should caution governing bodies that if the new location is not reviewed, or if the new location is not appropriate, the building will no longer be classified as contributing. In turn, the ratio of contributing buildings to the total number of buildings in the district will be altered. If relocations of contributing buildings are approved regularly, the governing body should re-survey the buildings in the district. If for some reason the classification of an individual building has changed from the initial survey, this must be amended on the National Register Registration Form.

Required Review for All Buildings in the District

When a Certificate of Appropriateness is requested in residential historic districts, the Standards for Alterations and Additions should be consulted regardless of the building's classification. Because all buildings in the district have an effect on the contributing buildings and each other, their appearance must be reviewed and evaluated. "Alterations and additions to potentially significant, architecturally significant and ancillary structures in districts shall be reviewed for their appropriateness in respect to the design, massing, and scale of the existing structure. Ancillary buildings may be modernized, but no structure shall be redesigned to create a false historical appearance" (Derived from City of Orlando Land Development Code, 1999, p. CD 62-114). The modernization of a potentially significant building would be prohibited, because it will be re-evaluated in the future and may be architecturally significant.

Objectives and Standards for Appropriate Alterations

In a local historic district, the Standards for Alterations to Existing Structures should focus on maintaining a building's authentic appearance by determining if the proposed change is appropriate to the existing structure. When considering materials and elements, if the existing is in good condition, it should be retained. If the existing is repairable, it should be repaired. If the existing is deteriorated, it should be replaced to match the existing in size, shape, and texture.

Elements such as roofs, windows and doors have a significant effect on the ability of buildings to retain their original style. The general premise defined separately under each element is to retain, repair or replace with new material that is similar to the original and appropriate to the building. This maintains the current appearance of the building, which is important to all buildings, but especially, potentially significant buildings, because they will be re-evaluated and may become architecturally significant in the future.

Architectural features that give the roof its character, such as dormers, cornices, towers, decorative brackets, eaves, chimneys, parapets, and exposed rafter ends shall be retained or replicated. (City of Orlando Land Development Code, 1999, p. CD 62-114, -115)

When replacing existing windows that are inappropriate to the style and period of the building, they shall be replaced with new windows that are appropriate to the style and period of the building. Windows shall be relocated, enlarged, reduced or introduced into a façade only when the alteration is appropriate to the style of the building. (City of Orlando Land Development Code, 1999, p. CD 62-115)

Only when the change is appropriate to the style and period of the building, shall doors be relocated, enlarged, reduced, or introduced. Doors with modern designs, flush or sliding doors, or any type of door which is inappropriate to the style or period of the structure shall be prohibited. (City of Orlando Land Development Code, 1999, p. CD 62-116)

However, due to the advances in man-made products, the criteria for windows would be revised to concentrate on the appearance of the material rather than the material itself. “If windows or window details are determined to be unrepairable, they shall be replaced with new windows similar to the original in material, and matching in size and muntin and mullion proportion and configuration” (City of Orlando Land Development Code, 1999, p. CD 62-115).

Objectives and Standards for Appropriate Additions

In local historic districts, proposed additions should be reviewed with the Standards for Additions to Existing Structures (City of Orlando Land Development Code, 1999, p. CD 62-117). These standards should focus on the appropriateness of the addition in respect to the existing structure. Simultaneously, the standards must allow for differentiation from the existing building. If not, an earlier appearance is created.

The Standards for Additions that apply to the Lake Eola Heights Historic District, many aspects should be altered to allow for additions to differ from the existing building. For example, the façade material standards are too specific. Unless the existing structure is clad with brick, the standards require the material of the addition match the existing material in size, shape, color, orientation and texture. However, the Secretary of Interior’s “Standards for Rehabilitation” state,

“All buildings, structures, or sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged” (City of Orlando Land Development Code, 1999, p. CD 62-6). When the facade material of an addition is closely matched to the existing, an earlier appearance may be created. A clear delineation between the existing building and addition would comply with the Secretary of Interior’s “Standards for Rehabilitation.” Small variations from the existing façade material would not be detrimental to the appearance of the building, but would be a truthful depiction of the building’s progression. The resulting revised standards will require the material of additions be appropriate in reference to the size, shape, color, orientation and texture. When considering existing brick structures, the standards require additions be clad with brick, wood, or composite siding (like Hardi-board). If siding is used for the addition to a brick structure the standards require horizontally oriented, 4”-10” wide and compatibility with the existing structure. When existing facades are clad with a combination of materials, the standards require the addition be clad with one or more of the existing cladding materials in a manner that is in character with the style and period of the structure (Derived from City of Orlando Land Development Code, 1999, p. CD 62-117). Therefore, these standards review the addition for appropriateness to the existing structure.

Next, the Standards for Additions examine the elements of buildings. Again, the requirements are quite specific. For example, windows on additions that exist in the same plane as the principal elevation are required to match the existing windows in orientation, size, materials and configuration. The requirements for other windows are more flexible, in that they are to have the same orientation and similar size as the windows on the principal façade. To prevent creating an earlier appearance, additions should not match the existing portion of the

building this closely. The revised standard would require that the windows on the addition have the same orientation and materials as the windows of the principal façade. In addition, they will be reviewed for appropriateness to the existing structure in respect to the size and configuration. This allows the windows on the addition to differ from the original windows of the principal façade (City of Orlando Land Development Code, 1999, p. CD 62-117).

Other design elements are specific as well. For example, roofs on additions are required to be similar in shape, material and pitch to the existing structure. Porch additions are required to have a similar roof type to the existing roof or that is appropriate to the style and period of the building. And the scale, massing, and height of the addition is required to be similar to the existing structure (Derived from City of Orlando Land Development Code, 1999, p. CD 62-117). However, these standards insure that additions are visually linked to the existing building. They would remain as written in the Land Development Code.

Objectives and Standards for New Construction

The design expectations for New Construction in historic districts range from new construction conforming to prevalent styles in the district to simply sharing design variables with contributing buildings in the district. In historic districts that are living museums, there is merit in creating a seamless district, frozen in the period of significance. For buildings in most residential historic districts, this does not meet the philosophy of the Secretary of Interior's Standard. "All buildings, structures, or sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged" (City of Orlando Land Development Code, 1999, p. CD 62-6). Alterations that seek to create an earlier appearance should be avoided in a National Register Historic District. The built surroundings should be authentic. Therefore, the goal of new construction in historic districts should strive for compatibility in size, scale, color, material, and character of the

neighborhood or immediate environment. In addition, the Secretary of the Interior also states that,

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such is compatible with the size, scale, color, material, and character of the property, neighborhood or immediate environment. (City of Orlando Land Development Code, 1999, p. CD 62-7)

At first this Standard may not seem to relate, but consider new construction in the historic district as an alteration or an addition to an existing historic property. While new buildings must exist harmoniously with the established buildings, they must differ from the existing buildings and appear as products of the current day.

The Standards for New Construction which apply to the Lake Eola Historic District are effective, but do not go far enough. Therefore three changes must be incorporated into the Standards: preservation zoning, a closer comparison to adjacent properties, and a stated stylistic preference for contemporary design.

Preservation zoning would be a scaled back form of the current residential zoning based on an average survey of the area. This zoning would provide direct criteria for an appropriately sized proposal by stated requirements: height, scale and massing (Floor Area Ratio), setback, and rhythms of solids and voids (Imperious Surface Ratio). Land use in the district during the historic period(s) of significance would also be considered. Wherever possible, the current land use should revert to the historic land use, imperative to preservation of the district's physical character. For example, if multi-family and/or professional use is now permitted where single family was the historic land use, every effort should be made to return the use to single family. Otherwise the character of the district will slowly be modified to fit the needs of the new zoning.

Height

Currently without the consideration of the other elements, the height standard allows the construction of a two-story residence on a block-face with all one-story residences. As written, what is allowed by code is in opposition to what currently exists in the district. Therefore, the revised standard would refer the applicant to the average height of a new building permitted in the preservation zoning district (PZD); in addition the proposed height would be reviewed for appropriateness to the adjacent existing buildings (Derived from City of Orlando Land Development Code, 1999, p. CD 62-118).

Scale and massing

The standard for scale and massing would be more effective if the adjacent properties were closely examined. After all, this is the juncture between the old and the new. Similarly the standard for scale and massing would be revised to reference the applicant to the maximum floor area ratio permitted for the preservation-zoning district. In addition, the scale and massing of the proposed building and its architectural elements would be reviewed for appropriateness to the adjacent structures (Derived from City of Orlando Land Development Code, 1999, p. CD 62-118).

Setback

Currently without the consideration of the other standards, a proposal can meet the setback required by Code while being closer to the street than other houses on the block face. Therefore this standard should be revised to require setbacks for new structures to fall within the maximum and minimum for the preservation-zoning district. In addition, the proposed setback will be reviewed for appropriateness to the adjacent properties (Derived from City of Orlando Land Development Code, 1999, p. CD 62-118).

Rhythm of solids & voids

Currently the standard for the rhythm of solids and voids is well written. “New structures shall be designed and positioned on their lots in such a way that they reflect the regular pattern of structures and open space along the block face” (City of Orlando Land Development Code, 1999, p. CD 62-119). In addition, this standard would specify that the Impervious Surface Ratio of the site should fall within the minimum and maximum allowed in the preservation zoning district.

Styles

Currently the standards allow historic styles to influence new construction, but to what extent the design should differ from the historic style is open to interpretation. To the untrained eye, new buildings sometimes appear old. This standard allows contemporary design if the proposed design meets the other new construction standards. However, many designers are unable to conceive a contemporary style building that meets these standards. Because of the difficulty involved, many proposals for new construction are heavily inspired by a historic model. Therefore, the revised standards should indicate a preference for contemporary design, but acknowledge that historic influences are also appropriate when they are not reproductions. “Ideally new construction shall be contemporary and also meet the other requirements in this section. If a historic style influences new construction, that style must exist in the district, but the new construction may not be a reproduction of this style (Derived from City of Orlando Land Development Code, 1999, p. CD 62-119).

Fenestration patterns, orientation, materials and textures, and roof shapes

These four standards are effective as written and need no revision. Fenestration patterns are required to be expressed vertically, although groupings of vertical windows are allowed.

“Although they may appear in groupings, individual windows shall have a vertical emphasis to the windows found on contributing buildings in the HP Overlay district” (City of Orlando Land

Development Code, 1999, p. CD 62-118). Contributing buildings in the district possess a vertical emphasis, which is not at odds with designing new construction that is a product of the current day. Concerning orientation the standard states,

At least one public entrance of each new building shall be oriented towards the front lot line. The front door to a new building shall be articulated on the principal façade with covered porches, porticos, stoops, pediments, door surrounds, or other architectural forms. (City of Orlando Land Development Code, 1999, p. CD 62-118)

This encourages development of architectural details associated with the design of the principal façade or entry. Next, “The materials and textures on new structures shall be similar to the materials and textures of contributing structures in the district” (City of Orlando Land Development Code, 1999, p. CD 62-118). Likewise, “Roof shapes, pitches and materials on new buildings shall be similar to the roof shapes, pitches and materials of contributing buildings in the district” (City of Orlando Land Development Code, 1999, p. CD 62-119). These standards insure that the basic form of new construction will be sympathetic to the existing buildings in the district, but does not inhibit the design of new construction.

Required Considerations for Appeals

In a local historic district, the board often makes alternate decisions on similar requests. Many times this decision is based on a past design decision that was unsuccessful. In the Lake Eola Heights Historic District case study of 223 E. Concord Street, Raymond Cox spoke in reference to the demolition criteria that considers remaining examples. He felt that demolishing a house in such good condition would cause other non-contributing properties to follow suit, having a negative economic impact on the neighborhood. Undeniably, this must be considered carefully. Any decision by the board seems to mandate equal treatment for future requests. In the same case, the house at 323 East Concord is identified as a similar example to 223 East Concord Street in size, style and time frame. The house remains true to its original 1947 character.

However, with the mandate of equal treatment in mind, the outcome of this demolition request could have repercussions on 323 East Concord in the future.

A micro-example of the same issue was apparent when the applicant felt the proposed penthouse in his design should be allowed due to the fact that the board approved the same element on another house in the district. However, the existence of an architectural element in one case does not make it appropriate everywhere. Furthermore, if the results of a certain architectural element are inappropriate and contrary to how the board thought the built product would appear, it should be noted as the reason for the board's denial in a current or future request.

Boards must be able to learn from their visual decisions. In the future, they can either alter problematic design elements or prohibit the requested design. If the applicant appeals the board's decision, the case is referred to a ruling body like a quasi-judicial hearing officer. In general the courts agree that a historic district meets the zoning criteria of protecting public health, welfare, and safety. To respect the board's efforts to fulfill this mission, the courts or the hearing officer must be required to consider the board's reason for making an alternate decision in comparison to a prior similar judgement. The hearing officer must consider the board's evaluation to avoid the repetition of a poor design precedent in the district.

Summary of Case Study and Related Issues

Lake Eola Heights Historic District, a National Register Historic District, utilizes an Overlay Ordinance that references the Design and Demolition Standards in the Land Development Code. Even though non-contributing buildings can be modernized, they are reviewed with the same standards as contributing buildings because of their impact on the district. When used for the analysis of proposals, these Standards are clear, concise and easily applicable. Therefore if allowed to exist, non-contributing buildings are sustained. This case

study focuses on a proposal to demolish a non-contributing building and the proposed construction of two two-story duplexes. This case brought many interesting issues to the forefront.

During the review process, there was a lack of understanding among the board members and the public concerning the Secretary of Interior's Standards, as well as, how and when buildings are classified in historic districts. For example, stating that a building is historic because it is 50 years old is incorrect. Structures are judged when the district is formed; if the structure is less than 50 years old, it will be classified as non-contributing to the district. These classifications remain and are only reconsidered if the district is resurveyed. Although not commonly done, when districts are re-surveyed, it is prompted by cases like this one. The result is either an extension of the existing period of significance or the recognition of another period of significance.

The essence of this case study was that a non-contributing building could enrich a district, in spite of its classification, and that the non-contributing classification does not relate to its architectural significance. From the beginning the residents were quite verbal on the prospect of demolition, for they felt the house was in excellent condition, possessed an uncommon quality and size, and was worthy of preservation. The board seemed to agree, but did not make an emphatic judgment on the significance of the structure except for the denial of the demolition request. Unfortunately after the motion, second, and the actual vote, the board chair made the comment that no site plan was included in this submittal and a full set of plans would be required before a demolition could be approved. Perhaps he was representing the board member who voted for the demolition. In any event, the comment clouded the reason for the board's denial

and gave hope to the applicant, who decided to continue the design process for the future utilization by meeting with the Design Review Committee.

Much later in the case, the applicant acknowledged his expectation was, “to come to an agreement on the design and style of the duplexes.” Apparently he misunderstood the purpose of the Design Review Committee. The Design Review Committee and the Historic Preservation Officer advice and critique proposals, but they do not dictate a formula for the square footage of new construction. In fact this is impossible, because what is appropriate with adjacent structures largely depends on the building’s design. The Standards for New Construction exist to provide direction for the design and the review of proposals. While the style of the duplexes was not a problem, the excessive mass was. Perhaps the applicant thought if he met with the committee and made minor changes to the proposed design, the board would eventually grant him approval for trying to conform to the Standards. Since the square footage of the buildings was never sizably reduced as recommended, they were not appropriate.

After several Design Review Committee meetings, the proposal was brought before the Historic Preservation Board again. Because the reason for denial was unclear, board members were asked to clarify his or her personal reason for their previous vote. Board consensus was the structure was significant, irreplaceable, and an exceptional example of ranch style architecture. One member added the following comment for clarification, “the plans for future utilization were not relevant as she feels the structure should be saved.”

The board decision and explanation proves the pertinence of professional boards. For example, a board member stated, “even though the structure did not meet time requirements, the Board is allowed to make an exception to save a significant structure.” This Board member continued with an excellent summation stating he would vote to deny the demolition regardless

of what is proposed to replace it, and the reason for denial is not a density issue but the board's finding that the structure is contributing, albeit outside of the window of the contributing definition. This statement demonstrates thorough understanding of the building's classification, the board's decision to disagree with it and the denial of the demolition because of it.

Undeniably the outcome of this case creates a precedent for what will be permitted for similar properties in the future. For example, if 223 East Concord Street is demolished, a remaining example like 323 East Concord Street may suffer the same fate. The demolition criteria dealing with remaining examples is valuable in that it makes connections between buildings of the same architectural era. Poor precedent created by this case could result in loss of physical evidence of a later architectural movement, erasing it from the district's history.

Reaction to the proposed new construction ranged. The public felt the future utilization would not be as compatible as the existing building. The applicant felt that his proposal related to the district better than the existing building. However, the design never progressed to the point that staff could recommend approval. The proposed duplexes were too large in relation to existing residential apartments and duplexes in the district. Either due to lack of information or skill, the proposed design was consistently unsympathetic to the adjacent properties. An appropriate design was achievable had the square footage been reduced.

After the Board restated the significance of the building, the final motion for denial was exact and direct. If the demolition was appealed and overturned, the Design Review Committee would meet with the applicant once to address the size, scale and massing before this hearing was continued. In summary, the Board made no comment and took no action on the proposed new construction.

When the Board's decision was tested by appeal, the hearing officer upheld their denial of the demolition. He based this decision on three conclusions. First, he ruled that the applicant failed to prove the house was not architecturally significant or architecturally significant to the ensemble of structures in the district, or of aesthetic interest to the district. Also, he failed to prove that the demolition of the structure would not result in the loss of a rare ranch-style house in the district. In addition, he failed to present drawings that depicted what the applicant stated would be built on the site. Secondly, he ruled the applicant did present evidence that the house could be reproduced on the site, if the design could be approved by the board. Thirdly, he ruled that the applicant failed to prove five out of six applicable criteria. Therefore the Certificate of Appropriateness for demolition was denied, and after lengthy debate, the ranch style house proved worthy of preservation.

Applications and Consequences of the Proposed Criteria

In the future, 223 Concord Street will be reclassified as architecturally significant and preserved without question. The current building classification, non-contributing, will be used for review purposes. The Standards for Demolition in Appendix C will be used to generate a Mock Report for 223 Concord Street, refer to Appendix E.

This staff report demonstrates the importance of thorough analysis. Unless a proposal is examined and analyzed, pertinent issues are overlooked especially when the issue is controversial. A systematic review identifies the attributes of the structure and defines the major issues in relation to the Standards for the proposed changes.

Two-twenty-three East Concord Street is labeled as a non-contributing building in the Lake Eola Historic District. For this reason, the concrete block exterior and the ranch style was most obvious. Although acknowledged, the significance of the ranch style and stylistic influence of the Art Modern house was initially overlooked. The importance of this information was

restricted by the designated period of significance until the Historic Preservation Board denied the demolition. When viewed as a structure that enriches the district, other attributes are revealed: the house form, which responds to the scale of the adjacent structures; the combination hip and side gable roof, which extends to form shed accents; and two brick chimneys which complete the broad and rambling composition. This is not to mention the simple fact that the use of the house is consistent with that of the historical single family dwelling. Upon closer examination, the historical context of the house is linked to the history of the district and the City of Orlando. To recognize this segment of history, the district and the City benefit from the preservation of this ranch style house.

NON-CONTRIBUTING RESOURCE

Statement of Significance: Constructed circa 1950, 223 E. Concord Street is a non-contributing resource in the Lake Eola Heights community because it was built outside the period of historic significance for the neighborhood. According to guidelines established by the National Park Service a non-contributing resource is one that is not at least fifty years old, or one that has been so radically altered that it no longer exhibits the architectural characteristics of the period in which it was constructed.



Figure 4-1. 223 E. Concord Street. Non-contributing resource sheet with statement of significance pages 1-2. Courtesy of Orlando Historic Preservation Office.

SQ. FT. 3494 (3,399)

| FRONTAGE | DEPTH | DEPTH FACTOR | STREET RATE | ZONE |
|----------|-------|--------------|-------------|------|
| 115 | 203.9 | 1.064 | 35 | R3 |
| | | | | |
| | | | | |
| | | | | |

BUILDING DETAILS

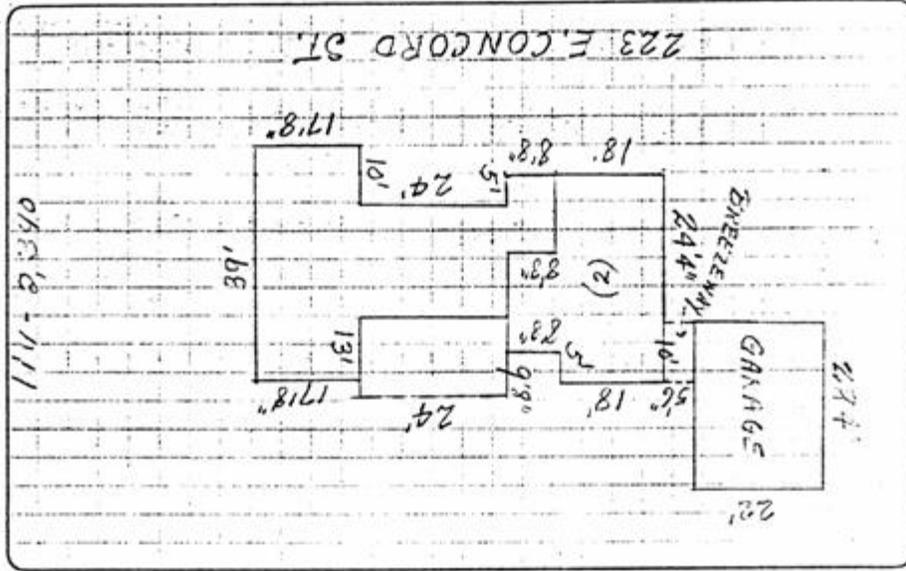
KIND: 2 Story Residence
 FOUNDATION: Concrete Blk
 WALLS: C/B
 FLOORS: Oak
 ROOF: Tile
 ROOMS: 9 & 2 Baths
 SPECIAL FEATURES: Breezeway, Loggia, Garage, fireplace, well, incl. porch

1950

CHANGES:

DATE OF APPRAISALS:

TRANSACTIONS:



CHAPTER 5 EXECUTIVE SUMMARY

This investigation has convinced me that the goal for individual buildings within a district's boundary should be authentic preservation instead of a quaint fabrication reflecting our perception of the past. To attain this goal, we must look at the significance of non-contributing buildings, in spite of their age or when they were constructed. In addition we must better control the designs for new construction in districts, create a "preservation management standard" for most residential historic districts and regulate the preservation framework to correlate with the importance of the district. The recommendations that are the result of this investigation are intended to apply to all local and landmark historic districts throughout the nation.

When historic districts are designated, some buildings are classified as non-contributing. Because these buildings are not re-evaluated, this classification is permanent and many non-contributing buildings are lost to demolition or relocation. However, some of these buildings have developed significance over the years due to the nature of history, which is on-going. Our perception of history continues to develop and change, which affects our evaluation of individual buildings in the historic district. Many times the non-contributing classification no longer accurately reflects a building's value over time. The non-contributing buildings that enrich the district should be recognized for how they contribute, which would provide historic districts with flexibility and authenticity.

The framework of most residential historic districts should be re-structured for flexibility in interpretation. This can be accomplished by making changes to the following factors. First, the historic period of significance should be limited to defining the boundaries of the district and the contributing buildings in the district. "A visitor with a view of history as change and continuum may initially be uncomfortable with such an obsession with one episode or epoch. So much else

has happened to a town, yet no one seems interested in describing it” (History in Urban Places, Hamer, p. 37). Second, the other buildings in the district would be classified using the following terms:

- “Potentially Significant” is a building less than fifty years old at the time the district is designated or re-surveyed, and is not considered “architecturally significant”. When the building turns fifty years old, it will be categorized as “architecturally significant” or “ancillary”. Potentially significant buildings can be re-categorized as “architecturally significant” before the age of fifty years. If approved for demolition, mitigation will be required. Abbreviated as PS.
- “Architecturally significant” is a building that was not built during the designated historic period of significance but enriches the district, in spite of this fact. The preservation of these buildings is of the utmost importance. Abbreviated as AS.
- “Ancillary” is a building that supports or aids the district, at least by its existence, but does not possess architectural significance of its own. Includes buildings that existed during the designated period of significance but have lost their architectural integrity. If approved for demolition, mitigation will be required. Abbreviated as A.

These classifications would help to prevent the creation of a false context in the district, where to the untrained eye the district looks like the past. The revised classifications would encourage forward thinking. Third, a standard process would be established for the re-survey of districts. If the new classifications are adopted, all non-contributing buildings would have to be re-classified. Fourth, revise the district’s purpose stated in the ordinance to focus on the preservation of buildings. In many districts preservation has become subordinate to other interests and must be brought back to the forefront. The purpose of historic districts must recognize preservation as primary and acknowledge that history is a continuum. Likewise, the physical evidence of history cannot be frozen in time.

Adapting a purpose that reflects these ideals would abandon the concept of non-contributing buildings and districts where, “the recent history . . . and other phases are ignored and it is taken back as far as possible to a pristine moment in time with all traces of intervening occupation removed. (Mickey Mouse History, Wallace, p. 92-93)

The treatment of buildings in most residential historic districts would be improved by effective management through a system of fixed components, which I refer to as the “preservation management standard.” While all components would apply to each district, some would vary in degree and detail to reflect the district’s importance. The following components would apply equally to all districts: qualified board members, manageable workload and ample staff, the Secretary of Interior Standards as a portion of the Standards for Review, major and minor review processes, set procedures for the Advisory Council, and conditions for appeals. These components contain important features. For example, the Major and Minor Review processes would require that all buildings be reviewed with clear and concise Design and Demolition Standards regardless of classification or the importance of the district. A systematic written report for any major review with a staff recommendation would be required as well.

Components that would vary in intensity to reflect the district’s importance are the Standards for Alterations, Additions, and New Construction, as well as, the Standards for Demolition and Relocation. However within these components there are still uniform requirements. To maintain authenticity, the underlying philosophy in the Secretary of Interior’s Standards for Rehabilitation must be upheld in composition and application of the Standards for Design and Demolition for each locale. Standards for Demolition and Relocation should be clearly written to prohibit demolition and relocation of contributing buildings. However, a request for either action would require careful review with these criteria regardless of the classification. Beyond this, the importance of the district can shape the specific Standards for each district.

In Landmark districts, the Standards for Alteration to existing buildings would require a strict material review, a Minor Review for a Certificate of Appropriateness. For example, if a

material is unrepairable and must be replaced, the qualities of the replacement material should match the original. The Standards for New Construction, specifically the style requirement, would allow less variation in design. When buildings are approved for removal, mitigation will be required, a process that determines whether or not aspects of the building indirectly add to the district. If some contributing aspects exist, these become additional requirements for new construction. Also the Standards for New Construction would require compatible designs that differ from the established historic fabric. Reproductions would be prohibited because they mislead the public as to the district's authenticity. For that same reason, the relocation of contributing buildings to provide a site for the reproduction of a prevalent style in the district would be prohibited. This is unacceptable for a Landmark district that is not dedicated as a living museum. The Standards for Demolition and Relocation would only allow these actions when there is no alternative to preservation. If this is the case, the new location should be reviewed and approved. These Standards tempered to the needs of a landmark district would help maintain authenticity.

In local districts the Standards for Alterations to existing buildings would require for material review, a Minor Review for a Certificate of Appropriateness. For example, if a material is unrepairable and must be replaced, the qualities of the replacement material should have a similar appearance to the original material. The Standards for New Construction, specifically the style requirement, would allow more variation in design. By introducing preservation zoning and retaining the current Standards, contemporary designs for new construction, or at least designs that appear as products of the current day, may be easier to achieve. Preservation zoning would be a modified version of the current residential zoning based on an average survey of the area and the re-designation of land more closely with the historic land use. The primary benefit would

be to control the general form of new construction finitely by providing define requirements for the height, scale and massing (Floor Area Ratio), setback, and rhythms of solids and voids (Impervious Surface Ratio). This single action would have the greatest positive impact on residential historic districts by helping to deter reproductions and produce appropriate new construction in the sense that it is different from the existing built environment. The Standards for Demolition and Relocation may permit these actions in more situations than that of a landmark district, but the request still requires a thorough review. If the building in question is contributing, the staff will not recommend approval to the board. Overall these standards would help maintain authenticity, which should be of importance in a local district.

Although the current framework functions to regulate historic districts, the level of regulation varies depending on the local attitudes toward preservation. This is insufficient. The level of regulation must correlate to the importance of the district. Because the field of preservation is more prevalent today than when the current framework was created, the existing preservation framework must be further developed.

Some preservationists argue that the federal government should . . . legislate some form of protection for all properties listed on the National Register. Although it was politically necessary to leave such control out of the original act, historic preservation has proved its worth, and many would argue that the ability of private developers to destroy national landmarks with impunity if they chose is no longer justifiable. (Tyler, 2000, p. 48)

While protection for all properties listed on the National Register of Historic Places would be ideal and is a goal to work toward, the first endeavor must be to protect the country's National Historic Landmarks. The case studies from the Old Historic District, a portion of the National Historic Landmark, Nantucket Island, Massachusetts are convincing evidence that more federal responsibility is necessary at the landmark level.

Therefore, the Secretary of Interior should mandate standard procedures for the management of National Historic Landmarks. When dealing with historic districts like the Old

Historic District, the existing framework, such as the local preservation office, staff and existing review boards, would be retained but their performance must be improved by introducing a preservation management standard in each landmark district. Depending upon the current procedures, this may have a drastic effect on some districts and a minimal effect on others.

Also to further develop the existing preservation framework, the Secretary of Interior should encourage and eventually require preservation zoning for historic districts in towns, cities and counties. Since currently all federal power is procedural, many will reject the idea of federal regulatory power over historic property owners. Regulatory power is delegated to the local governments, “only at the local level can historic properties be regulated and protected through legal ordinance” (Tyler, 2000, p. 55). The problem is that local governments sometimes choose not to accept this power, meaning there are districts on the National Register of Historic Places that have no local framework: no professional commission, review process, standards for alterations, additions, new construction or demolition. With preservation zoning in place a measure of protection would be provided for additions and new construction. The Secretary of Interior could let local governments decide between creating a preservation framework and local preservation zoning or federally imposed preservation zoning. If they were willing to recognize these districts, the local government would probably find allies in the property owners because they tend to take ownership of their district. As demonstrated in the case study of Lake Eola Heights Historic District, the property owners were quite vocal on a proposal to demolish a non-contributing building and build two duplexes. Opinions on the new construction included, “the house will be replaced with over-development” and “replacing it with four units would be a travesty.” These comments do not demonstrate faith in the Design and Demolition Standards to produce compatible new construction. Even though the standards are quite thorough and concise,

alone, they can only do so much. Preservation zoning would allow the Design and Demolition Standards to work more effectively and the board's decisions on requests would not rely completely on aesthetics, pleasing property owners in established districts and proposed districts.

Beyond the obvious topic of how standards can be written more effectively and how districts can be managed more effectively, the concept of non-contributing buildings and alternatives to the non-contributing term must continue to be researched. A related issue preserving the recent past may provide further information. Specifically it would be interesting to determine how buildings of newly recognized significance are classified, as well as the criteria for their treatment. This information would probably be beneficial in the formation of new classifications to replace the concept of non-contributing buildings. Also it would be helpful to look at historic districts that have been re-surveyed due to related issues with non-contributing buildings, including not only the process involved, but also how the classifications of individual buildings were altered in the district. It would be interesting to see if the new classifications suggested in this thesis would translate to individual buildings in the re-surveyed districts.

On the topic of preservation zoning, a study of residential historic districts with this type of zoning could be conducted, mainly to examine the impact it has on the built environment. In addition the study could determine if it is an effective way to help new construction appear as a product of the current day, to prevent reproductions and a fabricated environment, which misleads the public in regard to the district's authenticity. Also, the issue of land use as it relates to preservation zoning must be further investigated, specifically where the continued existence of the district has depended on an adaptive reuse. If reverting to the historic land use would cause the demise of the district, this would not be recommended.

On the topic of Landmark Districts, an investigation that delves into the National Historic Landmark Program would be helpful, specifically to determine if protection and management for National Historic Landmarks have been adequately researched. Perhaps there has been a lobby for such a requirement. If so this would uncover impediments that must be overcome to protect National Historic Landmark Districts.

In conclusion, it is hoped that the proposals in this thesis will lead to revisions of the definition of “non-contributing buildings” in historic districts. In addition, it is hoped that they also will lead to considerations for better control of designs for new construction in districts, the creation of a “preservation management standard,” and regulation of the preservation framework to correlate with the importance of districts. Finally, it is hoped that the proposals will be found applicable to local and landmark districts throughout the nation.

APPENDIX A
BASIC RECOMMENDATIONS

Recommendations for Ordinances

Describe the area. If applicable include a concise history of the area including its residential development. Do not restrict the discussion of the buildings to what was fifty years old at the time of designation; instead discuss the architectural significance of the buildings in the district. Identify the prevalent architectural styles built and the corresponding dates, but clearly state that the list is not limited to these styles.

State the purpose of the ordinance, which should focus on the protection and preservation of elements that enrich the architectural and historic significance of the area. Avoid using the term contributing. Integrate a preservation philosophy into the purpose statement that will provide direction for the district's future. A philosophy can be embodied in a simple statement such as, the historic and architectural significance has been achieved over time and the growth and development of this area is part of the history of city, which is worthy of protection. If using an Overlay Ordinance reference the chapter of the Code dedicated to the Historic District Regulations and Standards. A Certificate of Appropriateness must be acquired before a building permit is issued for exterior alteration, construction, or demolition, according to Chapter of the City Code. Exceptions specific to the concerns of the district should be listed because District Ordinances take precedence over requirements in the Code. An example of this was that walkways and patios not subject to view, landscaping, emergency repair without change to exterior design, and paint color are not reviewed in the case study district. Also, items specific to the district that are permitted should be listed. For example, chain link fences in the rear yard were permitted, as well as, permission for the Board to adopt legally valid criteria where needed. In this way the Ordinance can be updated or changed if approved by City Council. Instruct the

board to adhere to the U.S. Secretary of Interior’s “Standards for Rehabilitation” when considering requests for Certificates of Appropriateness. List pertinent demolition criteria that correspond to the Demolition Standards in the Code. Most importantly record the date of the district acceptance by the City Council, which is instrumental in the initial classification of buildings.

General Recommendations for All Historic Districts

The following are suggestions for the framework of a historic district, no matter what the size or significance.

- The members of the historic preservation commission or board should be composed of one or more of the following organizations: a preservation professional, a local historian and/or architectural or art historian, a business, commercial finance or investment counselor, an architect, a city planner, a landscape architect, a lawyer, an engineer or building contractor, a realtor or property appraiser, residents of the city’s historic districts.
- Use an overlay ordinance, which builds off the City Code.
- Include the Secretary of Interiors “Standards for Rehabilitation” in the Ordinance and the City Code as General Standards.
- Provide written standards and criteria for each area of work: Standards for Alterations to Existing Structures, Additions to Existing Structures, New Construction, Demolition, and Relocation. All buildings in the district, regardless of classification should be reviewed with the corresponding criteria for the proposed action requested.
- All National Landmark Districts should have a universal purpose with local concerns added as needed, which should center on the preservation.
- Develop two review processes for obtaining a Certificate of Appropriateness. The Major Review applies to construction, alterations, additions, restorations, relocations or demolitions of a building in a historic district. A staff report will be written and the case will be placed on the agenda and reviewed at the next board meeting. This staff report will review the applicant’s proposal with the applicable Standards and make a recommendation for approval or denial. The staff report along with a copy of the applicant’s submittal will be delivered to the commission members at least one day before the meeting. This will allow the board members to review the reports and visit the sites on the agenda. The historic preservation officer should be present at the commission or board meeting and available for questions when the case is discussed. The Minor Review is for construction and alteration to a building in a historic district that will have a minor impact on the significant historical, architectural, or cultural materials of the structure in question. For a minor review, a staff report is not

written and the request is not presented to the full Historic Preservation Board. However, the Historic Preservation Officer consults the Standards, makes a recommendation and conducts a review with the Minor Review Committee, usually two or three members of the commission or board. If the applicant appeals a Minor Review decision, the request will be forwarded to the commission or board for Major Review.

- The Design Review Committee or Design Advisory Council must be conducted more formally. Staff must chair the meetings and supply the pertinent Meeting Minutes to the attendees in order to direct discussion. If a member brought attention to the design issue, they should be present or provide a statement explaining their concern. Meeting minutes should be taken or transcribed from taped recordings immediately following the meeting. The meeting should conclude with stated recommendations for design changes based on the standards.
- If a previous design decision proves unsuccessful, a professional board or commission has the authority to make an alternate decision in the future.
- Building classifications must be standardized so they reflect the customary meaning in all districts. Verify the current building classifications with a re-survey of the district.
- If the committee wishes to change the status of a building, they must provide evidence to backup their decision.
- The committee or board must consider the advice of the historic preservation staff.
- The committee or board shall state their reasons for denial of a request in writing.

APPENDIX B
STANDARDS: LANDMARK DISTRICT, THE OLD HISTORIC DISTRICT, NANTUCKET,
MASSACHUSETTS

Building Classifications

The Historic District Commission should revise the building classifications by using the following terms:

- “Potentially Significant” is a building less than fifty years old at the time the district is designated or re-surveyed, and is not considered “architecturally significant.” When the building turns fifty years old, it will be categorized as “architecturally significant” or “ancillary.” Potentially significant buildings can be re-categorized as “architecturally significant” before the age of fifty years. If approved for demolition, mitigation will be required. Abbreviated as PS.
- “Architecturally significant” is a building that was not built during the designated historic period of significance but enriches the district, in spite of this fact. The preservation of these buildings is of the utmost importance. Abbreviated as AS.
- “Contributing” is a building that was at least fifty years old when the district was designated was built during the historical period of significance and enriches the district. Unless a building has been altered to the extent that it has lost its architectural integrity, these buildings would be preserved without question. Abbreviated as C.
- “Ancillary” is a building that supports or aids the district, at least by its existence, but does not possess architectural significance of its own. Includes buildings that existed during the designated period of significance but have lost their architectural integrity. If approved for demolition, mitigation will be required. Abbreviated as A.

To discontinue the use of the term “non-contributing,” buildings within the district will be re-surveyed. After the classifications are assigned, if the Historic District Commission alters a building’s status, they must provide evidence for this judgment. If a majority of buildings are judged to be “architecturally significant” when they turn fifty years old, the designated historic period of significance should be reviewed. Either the original period of significance should be amended or an additional period of significance should be added. All classifications are subject to review by the applicable standards for the work requested.

Standards for Alterations to Existing Structures in the Old Historic District

The integrity of a historic building's façade should be maintained (Lang and Stout, 1995). Therefore when considering materials, if the existing material is in good condition, it shall be retained. If the existing material is repairable, it shall be repaired. If the existing material is deteriorated it shall be replaced to match the existing material in size, shape, and texture. No building shall be redesigned to create a false historical appearance.

Façade materials and treatment. The wall surface shall be clad with a small-scale textured material traditional to Nantucket with one material per single wall plane. Traditional exterior cladding material is white cedar shingles with a 5" exposure or wooden clapboard with a 3-1/2" exposure. It is inappropriate to shingle a pre-Civil War building that was originally clapboard (Lang and Stout, 1995, p. 84). Wood shingles, clapboard, trim, and details in good condition or repairable shall be retained. Deteriorated wood shall be replaced with wood to match the existing wood in size, shape and texture. No aluminum, vinyl or other man-made cladding shall be used to replace or cover wood shingles, clapboard, trim or details. Sandblasting wood shingles, clapboard, trim or details or use of any abrasive, corrosive or damaging technique is prohibited (Derived from the City of Orlando Land Development Code, 1999, p. CD 62-114). On historic structures gutters and leaders shall be made of wood in a circular or rectangular cross-section, as they were historically (Derived from Lang and Stout, 1995, p. 86). In addition, louvers and vents shall be constructed of wood and painted to match the wall surface. Metal and anodized aluminum louvers and vents are inappropriate. Ridge-mounted roof ventilators and small roof cupolas are inappropriate (Derived from Lang and Stout, 1995, p. 86).

Existing masonry, typically select common brick of uniform red tone, in good condition or repairable shall be retained. Repair or replacement shall be made with materials matching the existing masonry in color, composition, and texture. No aluminum, vinyl or other man-made

type siding materials shall be used to replace or cover masonry, trim or details. Sandblasting masonry, trim or detailing or use of any abrasive, corrosive or damaging technique such as blasting with pulverized materials, glass beads or other solids, with or without water, is prohibited (City of Orlando Land Development Code, 1999, p. CD 62-114). Mortar joints shall be repointed only where there are obvious signs of deterioration such as disintegrating mortar, cracks in the mortar joints, loose bricks, damp walls or damaged plaster work. Repointing shall match the existing mortar joints in size, composition, texture, color and structural strength (City of Orlando Land Development Code, 1999, p. CD 62-114).

Roofs and roof material. Roof material traditional to Nantucket, such as, rectangular shaped fire-resistant shingles or slate shingles are appropriate. Buildings located within a radius of 1-1/4 miles of the Pacific National Bank must be clad with certified fire-retardant quality Class-C, three-hour rated wood shingles. Shingles must be uniform in tones of black, dark green, dark gray. However, the roof shingles can be no lighter than the color of weathered wall shingles (Derived from Lang and Stout, 1995, p. 85). Original roofing material that is in good condition or repairable shall be retained. Deteriorated roofing material shall be replaced with new material that matches the original roof in composition, size, shape, color and texture. The original roof shape of the principal and secondary dwellings shall be retained. Architectural features that give the roof its character, such as dormers, overhangs, rakeboards, cornices, towers, decorative brackets, eaves, chimneys, parapets and exposed rafter ends shall be retained or replicated.

Roof features, such as, skylights must have a flat profile and are not appropriate on the front roof plane. Skylights are appropriate on side or rear elevations in the upper one-third of the roof plane. Skylights must be construction of wood, have true divided lights with muntins, and be a maximum of 2 feet by 3 feet (Lang and Stout, 1995, p. 73). Solar panels are inappropriate

(Lang and Stout, 1995, p. 78). Roof walks are appropriate for houses of two or more stories and shall exhibit traditional design. A buildings roof slope should not be obscured with skirts or aprons under the roof walk platform. Access to the roof walk should be a roof hatch or scuttle (Derived from Lang and Stout, 1995, p. 84).

Windows, window treatment and accessories. Historic windows should be preserved (Lang and Stout, 1995, p. 78). Window frames, glass, muntins, mullions, sills, lintels, and pediments in good condition or repairable and in character with the style and period of the building shall be retained. If windows or window details are determined to be unrepairable, they shall be replaced with new windows matching the original material, size and muntin and mullion configuration. Windows of irregular shape and large sheet glass are inappropriate. Metal, aluminum or vinyl sashes are inappropriate. Fenestration of the street façade should be preserved or restored to the original form (Lang and Stout, 1995, p. 77). When replacing existing windows that are inappropriate to the style and period of the building, they shall be replaced with new windows that are appropriate to the style and period of the building. Windows shall be relocated, enlarged, reduced or introduced into a façade only when the alteration is appropriate to the style of the building. Interior storm windows are appropriate. When proposing exterior storm windows, the character and significance of the building must be considered. If permitted, they must be reviewed for appropriateness. Storm sashes and screens shall be the same color as the house sashes or frame. The color of storm or screen doors shall match the actual door and trim. Aluminum items may be left natural, but must be painted to blend with dark trim. Metal awnings, as well as, ornamental screens and storm doors are inappropriate (Lang and Stout, 1995, p. 78-79).

Shutters in good condition or repairable and in character with the style and period of the building shall be retained. Missing shutters shall be replaced with wood shutters to match existing. All replacement shutters shall match the original in size, configuration and style, shall fit the window openings, shall not overlap the surface of the wall, (City of Orlando Land Development Code, 1999, p. CD-62-115) shall be functional and operable and shall not have the appearance of a flat mounted shutter (Lang and Stout, 1995, p. 79).

Doors and door details. Doors and door details, frames, lintels, fan lights, sidelights, pediments and transoms, in good condition or repairable that are in character with the style and period of the building shall be retained. If door or door details are found to be unrepairable, they shall be replaced with new doors and door details in character with the building in material, size and configuration. Only when the change is appropriate to the style and period of the building shall doors be relocated, enlarged, reduced or introduced. Doors with modern designs, such as sliding glass doors, French doors, metal doors, storm doors or any type of door that is inappropriate to the style and period of the building shall be prohibited (City of Orlando Land Development Code, 1999, p. CD-62-116). Solid or paneled wood doors shall be retained (Lang and Stout, 1995, p. 78).

Garage doors that are in good condition or repairable and are in character with the style and period of the building shall be retained. Garage doors shall be repaired so they match the existing materials, size and configuration. New garage door must be constructed of wood. A new garage door must be the same size as the one being replaced (City of Orlando Land Development Code, 1999, p. CD-62-116).

Porch and porch features. Porch and porch features that are in good condition or repairable and are in character with the style and period of the building shall be retained. Porch

and porch features shall be repaired so they match the existing in materials, size and configuration (City of Orlando Land Development Code, 1999, p. CD 62-116). New porch elements, such as balusters and columns, shall be appropriate to the style and period of the building. Porches on principal facades shall not be enclosed with solid materials such as glass, wood or masonry. Porches on non-principal facades may be enclosed with screen. The framing members for screening shall have a design and scale that is character with the style and period of the building (City of Orlando, Land Development Code, 1999, p. CD-62-116).

Site improvements. Replacement of drives, walks, patios, decks, stairs, fences and walls with no change in the size and configuration and using the same materials are evaluated in the Minor Review process. Changes in the size, configuration, and materials of drives, walks, patios, decks, stairs, fences and walls, must undergo a Minor Review. Where a unified street edge exists, it must be maintained in the same manner, either with hedges and fences or both (Lang and Stout, 1995, p. 62). Fences shall be appropriate to the style and period of the building. Picket, wood baluster, combination baluster fences are appropriate. Horizontal board and vertical board fences shall not be located in the front yard setback (Lang and Stout, 1995, p. 63-65).

Entrances. The original entrance of an existing building, the steps and platform, in good condition or repairable and are in character with the style and period of the building shall be retained. If repairs are required, they shall match existing materials, size and configuration. For pre-Civil War buildings, platforms and railings shall be constructed of wood supported with 1-1/4 inch balusters. Balusters shall be either turned newel tapered from the bottom or 1-inch square balusters with a four-inch square newel post. For a post-Civil War building, the design of the stairs shall relate to the style and period of the building, constructed of wood, brick or stone. Iron railings with balusters located 6 inches on center shall complement masonry platforms and

stone stairs. They are appropriate for more expensive houses of ship owners, built after 1820.

Brick stairs are appropriate for buildings built after 1900 (Lang and Stout, 1995, p. 82). Exterior Stairs are only permitted when they are not visible from a public way (Lang and Stout, 1995, p. 84).

Exterior lighting, utilities, and color. Exterior lights must be appropriate to the style and period of the building and emit a warm color like that of incandescent light. Wall- and post-mounted metal lanterns are appropriate. Public Utilities must be placed underground. Meters and similar devices shall not be visible from any public way (Derived from Lang and Stout, 1995, p. 86).

All exterior colors must be approved. The proposed color must blend with the adjacent buildings and setting. Colors shall possess a subdued hue and intensity with a light to medium value. Foundations and trim may subtly vary or contrast with the color of the house. Elements and trim on Greek Revival buildings shall be painted white or another light neutral color like gray or sand. The trim of a Greek Revival building shall not be darker than the body. Refer to color chart page 88 of Building with Nantucket in Mind for appropriate options. Light gray must consist of black and white with no other dominant hues (Derived from Lang and Stout, 1995, p. 88).

Interiors and other impacts. When making application for structural alterations to the interior of a structure in the Old Historic District, a professional photographic documentation is required.

Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an exterior structure in the HP Overlay district shall be reviewed by the Historic District Commission using the most closely analogous standards.

Standards for Additions to Existing Structures in the Old Historic District

Scale, massing and height, and proportions. Adding bays or other massing interruptions to the principal façade of a contributing building is not permitted. Additions shall adjoin the existing building at the rear or side wall and shall not overwhelm the original building size (Lang and Stout, 1995, 68). Additions to existing buildings shall have similar scale, massing and height to the existing building (City of Orlando Land Development Code, 1999, p. CD 62-117). The façade proportions of new construction shall be appropriate to the existing building (Lang and Stout, 1995, p. 66).

Roof shapes and dormers, skylights, and chimneys. The roof on an addition shall have similar shape, detailing, pitch and materials as the existing building (City of Orlando Land Development Code, 1999, p. CD-62-117). Dormers on additions shall be proportional to the size of the addition with a minimum pitch of 4 to 12-inch. Only small dormers are appropriate on the rear roof plane. The height of the dormer's sidewall shall be minimal and the face of the dormer shall be predominantly window. Dormers shall be at least one foot from the face of the addition and three feet from each gable end (Lang and Stout, 1995, p. 72).

Skylights on additions shall be constructed of wood with a flat profile, parallel and close to the roof plane. Skylights are inappropriate on the front roof plane. Skylights are appropriate on side and rear elevations within the upper one-third of the roof plane. Skylights must be made of wood, have true divided lights and a maximum size of 2 feet by 3 feet (Lang and Stout, 1995, p. 73).

Chimneys located on additions must be appropriate to the style and period of the existing building in design, placement and size. Chimneys shall be constructed of select common brick or bricks with a parged surface. Chimneys may be painted gray without a black top border. Exterior chimneys or chimneys with a narrow width are inappropriate. Metal pipe chimneys shall be

concealed with a brick encasement representative a masonry chimney. Metal pipe caps are inappropriate. A flat horizontal metal plate supported on piers over the chimney is appropriate (Lang and Stout, 1995, p. 73-74).

Windows. Requirements for windows on additions vary depending on the elevation under construction. The street elevation windows of the addition shall match the original windows in materials, frame type, orientation and configuration. These windows shall be of a similar size to the original windows and possess a ratio of glass to wall surface similar to that of to the existing building. The windows on other elevations shall match the existing in material and frame type, may be similar to the existing windows in orientation and configuration, but may differ in size. Metal or vinyl sashes are inappropriate. The arrangement of the windows within each façade shall be ordered and balanced in keeping with the style and period of the building. Sliding glass doors, picture windows, bay windows, flex-vents, horizontal tilt out windows are inappropriate (Lang and Stout, 1995, p. 77).

Screens, storm doors, metal awnings, and shutters. Interior storm windows are appropriate. If it is determined that exterior storm windows will not detract from the character and significance of the existing building, they will be reviewed for appropriateness to the existing building. Storm sashes and screens shall be the same color as the window sashes or frame. The color of storm or screen doors shall match the actual door and trim. Aluminum items may be left natural, but must be painted to blend with dark trim. Solid or paneled wood doors are appropriate for additions. Solar panels, metal doors, metal awnings, as well as, ornamental screens and storm doors are inappropriate (Lang and Stout, 1995, p. 78-79). Shutters may be used on additions when they exist on the original building and are appropriate to the style and

period of the existing building. Shutters must be functional and operable. The appearance of a flat mounted shutter is inappropriate (Lang and Stout, 1995, p. 79).

Porches and decks. A porch may not be added to the prominent primary façade of an existing building. A porch may be added to a secondary façade, behind the primary façade plane, if it is part of an addition and is appropriate to the style and period of the building and a common architectural feature of the existing building's style. In other situations, porches may be added to the rear of the building, and designed with a size and placement that will not detract from the historic integrity of the building (Lang and Stout, 1995, p. 82). Porch additions shall have a roof type similar to the existing roof or in character with the style and period of the building (City of Orlando Land Development Code, 1999, p. CD-62-117).

A deck is appropriate to the first floor rear elevation of an addition or an existing building. The detailing should be appropriate to the style and period of the existing building (Derived from Lang and Stout, 1995, p. 83). Exterior Stairs only permitted when they are not visible from a public way (Derived Lang and Stout, 1995, p. 84).

Materials. The wall surface material shall be appropriate to the style and period of the existing building. While the wall surface must match the material and color of the existing building, the size, orientation, and texture of the material can be similar to the existing building. There shall be one material per single wall plane. Foundations of additions shall be similar to the existing building (Derived from Lang and Stout, 1995, p. 84 and City of Orlando Land Development Code, 1999, p. CD 62-117).

Trim, gutters and leaders, and louvers and vents. On additions to historic structures, the trim and ornament shall be appropriate to the style and period of the existing building (Derived from Lang and Stout, 1995, p. 86). On additions to historic structures, gutters and leaders shall be

made of wood in a circular or rectangular cross-section as they were historically. Also, metal gutters painted to match the cornice and trim are appropriate (Derived from Lang and Stout, 1995, p. 86). On additions, louvers and vents shall be constructed of wood and painted to match the wall surface. Metal and anodized aluminum louvers and vents will corrode and are inappropriate. Ridge mounted roof ventilators and small roof cupolas are inappropriate (Derived from Lang and Stout, 1995, p. 86).

Exterior lighting, utilities, and color. Exterior lights on additions must be appropriate to the style and period of the building and emit a warm color like that of incandescent light. Wall- and post-mounted metal lanterns are appropriate. Additions must place public utilities underground. Meters and similar devices shall not be visible from any public way (Derived from Lang and Stout, 1995, p. 86).

All exterior colors must be approved. The proposed color must blend with the adjacent buildings and setting. Colors shall possess a subdued hue and intensity with a light to medium value. Foundations and trim may subtly vary or contrast with the color of the house. Refer to color chart page 88 of Building with Nantucket in Mind for elements and the appropriate options. Light gray consists of black and white with no other dominant hues (Derived from Lang and Stout, 1995, p. 88).

Other Impacts. Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an exterior structure in the HP Overlay district shall be reviewed by the Historic District Commission using the most closely analogous standards.

Standards for New Construction in the Old Historic District

Design expectation, contributing factors, and style. Designs for new construction shall strive for delineation from existing established structures, but also be compatible in size, scale, color, material, and character of the immediate environment. Due to relocation or demolition

mitigation, additional elements may be required in the new construction's design. Of specific importance are the general design, the relation to the street and other buildings, the sense of place, and any qualities the presence the building provided to the historical or geographic development of the district before it was relocated or demolished. New Construction may be influenced by, but not duplicate historic styles. If an historic style influences new construction, that style must already exist or have existed in the Old Historic District (City of Orlando Land Development Code, 1999, p. CD 62-119). The design of new construction may not distract from contributing buildings.

Setback and rhythm of solids and voids. The proposed front yard setback of new construction must follow a pattern of site utilization similar to adjacent buildings. The front façade of the new building shall be aligned within the general façade line of the adjacent buildings (Lang and Stout, 1995, p. 61). New construction must be designed and positioned on the site in such a way that it reflects the regular pattern of buildings and open space along the block face (City of Orlando, Land Development Code, 1999, p. CD-62-119).

Delineation of street space, fences, hedges, and landscape. Where there is an adjacent unified street edge it must be created in the same manner, either with hedges and fences or both (Lang and Stout, 1995, p. 62). Hedges shall be coordinated with adjacent lots (Lang and Stout, 1995, p. 63). Fences shall be appropriate to the inspiration for the style of the building, but also match the height and alignment of adjacent fences if any are present. Horizontal board and vertical board fences shall not be located in the front yard setback. New landscaping shall follow simple restrained designs (Lang and Stout, 1995, p. 63-65).

Site, garages, and secondary dwellings. Walkways shall be constructed of select common brick, rectangular bluestone, granite flagstone, pea gravel or crushed shell. Driveways

must be brick, stone or crushed shell or black top with a covering of pea gravel or shell. Where retaining walls are required, they must be concealed with select common or water struck brick or stone. The appearance of the retaining wall must be minimized by a rear lot location. Exposed cement block, concrete walls and pressure treated timber are inappropriate (Lang and Stout, 1995, p. 65).

Place new garages in the rear of the lot to minimize the visual impact. New garages shall be plain in appearance or coordinated with the style of the existing house (Lang and Stout, 1995, p. 61). Gates are required at new driveways to maintain the unified street edge.

Secondary Dwellings must be 1- or 1-1/2 stories with a maximum ridge elevation of 22 feet. The design of secondary dwellings must be inferior in form and scale, as well as, sympathetic in detail to the existing building. The location of a secondary dwelling must maintain clear views of the existing building from the street or public way (Lang and Stout, 1995, p. 66).

Scale, massing and height, and proportions. The scale of new construction and architectural elements shall be appropriate with that of adjacent buildings (Lang and Stout, 1995, p. 67). Massing of new construction must utilize simple volumes and be appropriate to the adjacent buildings and buildings along the block face. Additive massing, the addition of smaller masses to a visually dominant mass, must be utilized for new construction to be compatible with existing buildings. Special consideration will be given for a constrained lot shape (Lang and Stout, 1995, p. 67-68). The height of new construction must generally conform to the predominant facade heights of the adjacent buildings and buildings along the block face (Lang and Stout, 1995, 66). The façade proportions of new construction shall be appropriate with that of the adjacent buildings (Lang and Stout, 1995, p. 66).

Roof shapes and dormers, skylights, and chimneys. Roof shapes, pitches and materials of new construction shall be similar to roof shapes, pitches and materials of adjacent buildings and buildings along the block face. Roof designs shall be compatible with the existing rhythm of the roofs along the block face. The roof shall conform to the appropriate type per the inspiration for the style of the new construction. Roof pitches less than 4 to 12 inches and flat roofs are inappropriate. The roof overhang and cornice detailing should be appropriate to the style of the new construction (Lang and Stout, 1995, p. 70-71).

Roof dormers on new construction shall be modest in proportion to the existing house with a minimum 4 to 12-inch pitch. The height of the dormer's sidewall shall be minimal. The location of the dormer shall be at least one foot from the building face and three feet from each gable end. The face of the dormer shall be predominantly window. Several small shed dormers are appropriate in lieu of one large dormer that covers the main roof plane. Flush gable dormers are inappropriate; however, the Commission may allow them to encourage appropriate massing (Lang and Stout, 1995, p. 72-73).

Skylights on new construction shall have a flat profile, parallel and close to the roof plane to emulate a roof hatch or scuttle. Skylights are inappropriate on the front roof plane, but are appropriate on side and rear roof planes located in the upper one-third of the roof plane. Skylights must be constructed of wood with true divided lights and a maximum size of 2 feet by 3 feet. Skylights that bubble or protrude are inappropriate (Lang and Stout, 1995, p. 73). Roof walks are inappropriate for new construction (Derived from Lang and Stout, 1995, p. 84).

Chimneys on new construction must be appropriate to the style of the building in design, placement and size. They shall be constructed of select common brick or bricks with a parged surface. They may be painted gray without a black top border. Exterior chimneys or chimneys

with a narrow width are inappropriate. Metal pipe chimneys must be concealed with a brick encasement to emulate a masonry chimney. Metal pipe caps are not appropriate, instead use a flat horizontal metal plate supported on piers over the chimney (Lang and Stout, 1995, p. 73-74).

Windows. The fenestration of new construction shall utilize historic window types and arrangements, and be appropriate to the scale, proportion and rhythm of adjacent buildings, and possess a ratio of glass area to wall surface similar to adjacent buildings. Interior storm windows are appropriate. Exterior storm windows must be reviewed for appropriateness. Solid or paneled wood doors are appropriate. Irregular shaped windows, sheet glass windows, metal sashes, vinyl sashes, metal doors and solar panels are inappropriate. See the preservation office for materials on energy conservation (Lang and Stout, 1995, p. 77-78).

Screens, storm doors, metal awnings, and shutters. Storm doors shall be appropriate to the design and style of the new construction. Storm sashes and screens shall be the same color as the building sashes or frame. The color of storm or screen doors shall match the actual door and trim. Aluminum items may be left natural, but must be painted to blend with dark trim. Metal awnings, as well as, ornamental screens and storm doors are inappropriate (Lang and Stout, 1995, p. 78-79). Shutters may be used on new construction when they are appropriate to the style of the new construction. Shutters must be functional and operable. The appearance of a flat mounted shutter is inappropriate (Lang and Stout, 1995, p. 79).

Orientation. The front entrance includes the door, frontispiece, steps, platform, related fences and walks that connect to public sidewalk. The front entrance of new construction shall be located on the building plane closest to the street. The location of the entrance shall be compatible to the positioning, scale and rhythm of the adjacent buildings and buildings along the block face (Lang and Stout, 1995, p. 80). French Doors are only appropriate were they cannot be

seen from a public way (Lang and Stout, 1995, p. 80-81). On new construction door platforms and steps shall reflect the characteristics of historic examples, as well as, relate to the style of the new construction. They shall be constructed of wood, brick or stone, and attached to the exterior wall plane, not constructed as an integral part of the building's main mass (Lang and Stout, 1995, p. 82).

Porches. Porches on new construction must utilize additive massing, specifically at the juncture of the porch roof and the main building. The porch detailing shall be appropriate to the style of the new construction and adjacent buildings (Derived from Lang and Stout, 1995, p. 82). Decks are appropriate at the first floor of the rear elevation only. Deck detailing shall be appropriate to the style of the new construction (Derived from Lang and Stout, 1995, p. 83). Exterior Stairs are appropriate when they are not visible from a public way (Derived from Lang and Stout, 1995, p. 84).

Façade, foundation, roof material. Wall surfaces of new construction shall be clad with small-scale textured material traditional to Nantucket. Appropriate materials are white cedar shingles with a 5" exposure, wooden clapboard with a 3-1/2" exposure, or select common brick of uniform red tone with only one material per single wall plane (Derived from Lang and Stout, 1995, p. 84).

Foundations of new construction shall be constructed of the following materials: select common brick with 1/4 inch mortar joints, stone, concrete or concrete block if the cement is parged or grouted. New construction raised on pilings is inappropriate except where required by site conditions. This condition will be reviewed for the appropriateness to the adjacent buildings (Derived from Lang and Stout, 1995, p. 85).

Appropriate roof material for new construction is rectangular shaped fire-resistant shingles or slate. If using shingles, they shall be uniform tones of black, dark green, dark gray. If using dark gray, the color shall be no lighter than weathered shingles. Within 1-1/4 miles of the Pacific National Bank, wood shingles must be certified fire-retardant quality Class-C, three hour rating (Derived from Lang and Stout, 1995, p. 85).

Trim, gutters and leaders, and louvers and vents. The trim and details of new construction shall be drawn from the existing buildings in the town. They shall reflect the Nantucket tradition of simple refinement (Derived from Lang and Stout, 1995, p. 86). Gutters and Leaders on new construction shall be made of wood in a circular or rectangular cross-section as they were historically. However, metal gutters painted to match the cornice and trim are appropriate (Derived from Lang and Stout, 1995, p. 86). Louvers and vents on new construction shall be constructed of wood and painted to match the wall surface. Metal and anodized aluminum louvers and vents will corrode and are not appropriate. Ridge mounted roof ventilators and small roof cupolas are inappropriate (Derived from Lang and Stout, 1995, p. 86).

Exterior lighting, utilities, and color. Exterior lights must be appropriate to the style of the building. The light cast should be warm in color like that of incandescent lights. Wall- and post-mounted metal lanterns are appropriate. Public Utilities must be placed underground. Meters and similar devices shall not be visible from any public way (Derived from Lang and Stout, 1995, p. 86).

All exterior colors must be approved. The proposed color must blend with the adjacent buildings and setting. Colors shall possess a subdued hue and intensity with a light to medium value. Foundations and trim may subtly vary or contrast with the color of the house. Refer to color chart page 88 of Building with Nantucket in Mind for appropriate options. Light gray

consists black and white with no other dominant hues (Derived from Lang and Stout, 1995, p. 88).

Other impacts. Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an exterior structure in the Old Historic District shall be reviewed by the Historic District Commission using the most closely analogous standards (Derived from the City of Orlando Land Development Code, 1999, p. CD 62-119).

Standards for Demolition

The intent of the Standards for Demolition is to provide criteria to evaluate the architectural, historical, or cultural value of a structure. Therefore the Demolition Criteria, clearly listed and tiered in the following manner, should be used to review the structure. These Standards are based on the City of Orlando, Florida Land Development Code, Section 62.707.

If Building Official and the Historic District Commission determine that the building in question is an imminent hazard and repairs would be impractical, the Historic District Commission will consider a request for a Certificate of Appropriateness for Demolition. If any measures have been taken to prevent the structure from deteriorating, such as normal maintenance and repairs and provision of normal tenant improvements, the Historic Preservation Officer will recommend approval to the Board. However, if the structure was willfully or negligently allowed to deteriorate the recommendation to the Historic District Commission will be further investigation of any measures taken to save the structure from further deterioration, collapse arson, vandalism or neglect. If the structure is beyond saving or if certain measures are recommended and action is not taken, violations will be issued.

In all other instances, the process of attaining a Certificate of Appropriateness for Demolition is a two-step process.

Step 1: Determination of Historic Viability

A. The following criteria will be used for the staff report analysis and for the Historic District

Commission discussion:

- The historic, architectural or environmental significance of the structure.
- The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the district and the importance of the structure to the integrity of the historic district or the City.
- The aesthetic interest that the structure adds to the district or the town.
- The number of remaining examples of similar significance in the district or the town.
- The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- The possibility that the presence of the building provides information about later architectural movements within the district.
- Basic information for the future utilization of the site: the type of structure, the inspiration stylistically if any, and an estimated size of the building.

B. The Historic Preservation Officer will provide the following information to the applicant:

- The square footage of the existing building and the adjacent buildings.
- The existing Impervious Surface Ratio for the site and the adjacent sites.

Analysis of the proposed new construction will examine the relative mass, size, and location in contrast to the existing building.

C. If it is determined that the subject property is not historically viable, mitigation for the removal of the existing building will be considered. To determine if the existing building has elements that indirectly add to the district, it will be reviewed with the Standards for New

Construction and the following criteria below:

- Building qualities that enrich the district, including the general design of the building in question, as well as, the relation to the street and to other buildings (Lang and Stout, 1995, p.157).

- The sense of place, historical or geographic development of the district the presence of the building provides as part of the district (Lang and Stout, 1995, p.157).

If any are identified, these elements must be incorporated into the future utilization.

Step 2: Future Utilization

The floor plans, elevations, and a perspective will be submitted for the future utilization. The Standards for New Construction will be used to review these drawings for the staff report analysis and for discussion in the Historic District Commission Meeting. Also, the staff report will review the proposed future utilization of the site and the effect those plans will have on the architectural, historical, archeological, social, aesthetic or environmental character of the historic district.

If the demolition of a building and the new construction for the site are approved, the Certificate of Appropriateness for Demolition and the New Construction will be issued at the same time, prior to receiving a building permit for either.

If it is determined that the building does enrich the district and the applicant claims that this will impose an economic hardship, this will be reviewed by the Historic District Commission. If the Historic District Commission determines that an economic hardship may exist, they will follow the criteria in the Code, and make findings on the factors listed.

Standards for Relocation

Moving contributing historic buildings within or out of the Old Historic District of a National Historic Landmark is prohibited unless it is a last resort, such as erosion or other natural disaster. The relocation of a building to make way for a new structure of a style more prevalent within the district is prohibited. These Standards are based on the National Register of Historic Places: Program Regulations.

- The appropriateness of the proposed location in respect to the historic orientation.
- The appropriateness of the proposed location in respect to the immediate setting.

- The appropriateness of the proposed location in respect to the general environment.

If the proposed location is not reviewed or approved and the building is moved anyway, the classification of the building will be changed to ancillary. In turn, the ratio for contributing to the total in the district will be adjusted. If too many contributing buildings are moved, the district may be endangered of losing its National Register and/or National Landmark status.

If contributing buildings are relocated on a regular basis, the buildings in the district must be re-surveyed. If classifications of individual buildings have changed, the National Register Registration Form should be amended to reflect this change.

If the relocation of an existing building and new construction for the site are approved, the Certificate of Appropriateness for Relocation and New Construction will be issued at the same time prior to receiving a building permit for either.

APPENDIX C
REVISED STANDARDS: LOCAL DISTRICT, LAKE EOLA HEIGHTS HISTORIC
DISTRICT, ORLANDO, FLORIDA

Building Classifications

When surveying buildings for a proposed historic district or re-surveying an existing district, use the following terms:

- “Potentially significant” is a building that is less than fifty years old at the time the district is designated or re-surveyed, and is not considered architecturally significant. When the building turns fifty years old, it will be categorized as “architecturally significant” or “ancillary.” A “potentially significant” building can be categorized as “architecturally significant” before the age of fifty years. If approved for demolition, mitigation will be required. Abbreviated as PS.
- “Architecturally significant” is a building that was not built during the designated historic period of significance but enriches the district, in spite of this fact. The preservation of these buildings is of the utmost importance. Abbreviated as AS.
- “Contributing” is a building that was at least fifty years old when the district was designated, built during the historical period of significance and enriches the district. Unless a building has been altered to the extent that it has lost its architectural integrity, these buildings would be preserved without question. Abbreviated as C.
- “Ancillary” is a building that supports or aids the district, at least by its existence, but does not possess architectural significance of its own. Includes buildings that existed during the designated period of significance but have lost their architectural integrity. Requests that concern these buildings would be subject to review. If approved for demolition, mitigation will be required. Abbreviated as A.

To discontinue the use of the term non-contributing, buildings within the district will be re-surveyed. After the classifications are assigned, if the Historic Preservation Board alters a building’s status, they must provide evidence for this judgement. If a majority of buildings are judged to be architecturally significant when they turn fifty years old, the designated historic period of significance should be reviewed. Either the original period of significance should be amended or an additional period of significance should be added. All classifications are subject to review by the applicable standards for the work requested.

Standards for Alterations to Existing Structures

Alterations to “potentially significant,” “architecturally significant,” and “ancillary” structures in historic districts shall be reviewed for their appropriateness in respect to the design, massing, and scale of the existing structure. Ancillary buildings may be modernized but no structure shall be redesigned to create a false historical appearance.

These Standards are based on Section 62.704 of the City of Orlando, Florida Land Development Code. When considering materials, if the existing material is in good condition, it should be retained. If the existing material is repairable, it should be repaired. If the existing material is deteriorated it should be replaced to match the existing material in size, shape, and texture. This refers to the following:

- Wood siding, trim, and details
- Masonry
- Roof shape
- Dormers, cornices, towers, decorative brackets, eaves, chimneys, parapets, exposed rafter ends, and other character defining roof features
- Windows, frames, glass, muntins, mullions, sills, lintels, and pediments
- Shutters
- Awnings
- Marquees
- Doors, door details, frames, lintels, fan lights, sidelights, pediments and transoms
- Porches
- Signs
- Site Improvements
- Other

In this way materials of buildings are maintained. Aluminum or vinyl siding replacing or covering wood or masonry is prohibited. Since elements such as roofs, windows and doors have a significant effect on the ability of buildings to retain their character defining features. The general premise under each element is to retain, repair or replace with new material that is similar to the original. This only allows changes that are appropriate to the building, and insures that they remain authentic in appearance.

The only revision to the Standards for Alterations as written in the Land Development Code is the subject of windows. Specifically, if windows or window details are determined to be unrepairable, they shall be replaced with new windows similar to the original in material, and matching in size and muntin and mullion proportion and configuration.

Standards for Additions to Existing Structures

These Standards are based on Section 62.705 of the City of Orlando, Florida Land Development Code. Additions to non-contributing, architecturally significant, and ancillary structures in historic districts shall be reviewed for their appropriateness in respect to the design, massing, and scale of the existing structure. Ancillary buildings may be modernized but shall not be redesigned to create a false historical appearance. Structures shall not be redesigned to create a false historical appearance.

The Standards for Additions to Existing Structures are used to review requests for additions for all buildings within the historic district. The primary focus of these standards is the appropriateness of the addition in respect to the existing structure, while exhibiting a true depiction of the building's progression.

Materials. The material of the addition must be appropriate to the existing structure, and be reviewed in respect to the size, shape, color, orientation and texture.

When considering the material of an addition to a brick structure, appropriate options are brick, wood siding or composite siding. If siding is used, it should be horizontally oriented, 4"-10" wide and compatible with the existing structure.

When an existing facade is clad with a combination of materials, the addition should be clad with one or more of the existing cladding materials in a manner that is appropriate to the style and period of the structure.

If the addition is clad with concrete block, the mortar joints shall match the existing.

Windows. The windows on an addition must have the same orientation and materials as the windows of the principal façade. The windows on the addition will be reviewed for appropriateness to the existing structure in respect to the size and configuration, which allows the windows to differ from the original windows on the principal façade.

Unaltered elements. The following elements insure that additions are visually linked to the existing building. They are effective as written and not revised.

- Roofs on additions are required to be similar in shape, material and pitch to the existing structure.
- Porch additions are required to have a similar roof type to the existing roof to be appropriate to the style and period of the building.
- Scale, massing, and height of the addition is required to be similar to the existing structure.

Standards for New Construction

These Standards are based on Section 62.706 of the City of Orlando, Florida Land Development Code.

Design expectation, other factors, and style. The goal of new construction should be defined as the construction of new buildings that exist harmoniously with the existing buildings, while at the same time differing from the existing buildings and appearing as a product of the current day.

Consult preservation zoning, a scaled back form of the current residential zoning and based on an average survey of the area. This PZD would have requirements for height, Floor Area Ratio, setback and Impervious Surface Ratio found in the zoning table. PZD will also consider the land use in the district during the historic period(s) of significance. Wherever possible the current land use should be returned to the historic land use.

Ideally new construction shall be contemporary and also meet the other requirements in this section. If a historic style influences new construction, that style must exist in the district, but may not be a reproduction.

Height, scale and massing. Refer to the allowed height permitted in the preservation-zoning district. Also, consider the proposed height must be appropriate to the adjacent buildings. Refer to the maximum allowed floor area ratio permitted for the preservation-zoning district. Also, consider the proposed scale and massing and their architectural elements must be appropriate to the adjacent buildings.

Setback and rhythm of solids & voids. Refer to the minimum and maximum allowed setback for the preservation-zoning district. Also, consider the proposed setback must be appropriate to the adjacent buildings. Refer to the maximum ISR for the preservation-zoning district. Also, consider that new structures must be designed and positioned on their lots in such a way that they reflect the regular pattern of structures and open space along the block face.

Unaltered elements. The following elements insure the basic form of new construction will be sympathetic to the existing buildings in the district, while not inhibiting the design of new construction. They are effective as written and not revised.

- Fenestration patterns: Although they may appear in groupings, individual windows shall have a vertical emphasis like the windows found on contributing buildings in the historic district.

- Orientation: At least one public entrance shall be oriented towards the front lot line. The front door to a new building shall be articulated on the principal façade with covered porches, porticos, stoops, pediments, door surrounds, or other architectural forms.
- Materials & Textures: The materials and textures on new structures shall be similar to the materials and textures of contributing structures in the HP Overlay district.
- Roof Shapes: Roof shapes, pitches and materials on new buildings shall be similar to the roof shapes, pitches and materials of contributing buildings in the HP Overlay district.

Standards for Demolition

These Standards are based on Section 62.707 of the City of Orlando, Florida Land Development Code. The intent of the Standards for Demolition is to provide criteria to evaluate the architectural, historical, or cultural value of a structure. Therefore the Demolition Criteria, clearly listed and tiered in the following manner, should be used to review the structure.

If Building Official and the Historic Preservation Officer determine that the building in question is an imminent hazard and repairs would be impractical, a request for a Certificate of Appropriateness for Demolition will be considered by the Historic Preservation Board. If any measures have been taken to prevent the structure from deteriorating, such as normal maintenance and repairs and provision of normal tenant improvements, the Historic Preservation Officer will recommend approval to the Board. However, if the structure was willfully or negligently allowed to deteriorate the recommendation to the Historic Preservation Board will be for further investigation of any measures taken to save the structure from further deterioration, collapse, arson, vandalism or neglect. If the structure is beyond saving or if certain measures are recommended and action is not taken, violations will be issued.

In all other instances, the process of attaining a Certificate of Appropriateness for Demolition is a two-step process.

Step 1: Determination of Historic Viability

A. The following criteria will be used for the staff report analysis and for the Historic

Preservation Board discussion:

- The historic, architectural or environmental significance of the structure.
- The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the district and the importance of the structure to the integrity of the historic district or the City.
- The aesthetic interest that the structure adds to the district or the City.
- The number of remaining examples of similar significance in the district or the City.
- The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- The possibility that the presence of the building provides information about later architectural movements within the district.
- Basic information for the future utilization of the site: the type of structure, the inspiration stylistically if any, and an estimated size of the building.

B. The Historic Preservation Officer will provide the following information to the applicant:

- The square footage of the existing building and the adjacent buildings.
- The existing Impervious Surface Ratio for the site and the adjacent sites.

Analysis of the proposed new construction will examine the relative mass, size, and location in contrast to the existing building.

C. If it is determined that the subject property is not historically viable, mitigation for the removal of the existing building will be considered. To determine if the existing building has elements that indirectly add to the district, it will be reviewed with the Standards for New

Construction and the following criteria below:

- The qualities the building which enrich the district, including the general design of the building in question, as well as, the relation to the street and to other buildings.
- The sense of place, historical or geographic development of the district the presence of the building provides as part of the district (Lang and Stout, 1995, p. 157).

If any are identified, these elements must be incorporated into the future utilization.

Step 2: Future Utilization

The floor plans, elevations, and a perspective will be submitted for the future utilization. The Standards for New Construction will be used to review these drawings for the staff report analysis and for discussion in the Historic Preservation Board Meeting. Also, the staff report will review the proposed future utilization of the site and the effect those plans will have on the architectural, historical, archeological, social, aesthetic or environmental character of the historic district.

If the demolition of a building and the new construction for the site are approved, the Certificate of Appropriateness for Demolition and the New Construction will be issued at the same time, prior to receiving a building permit for either.

If it is determined that the building does enrich the district and the applicant claims that this will impose an economic hardship, this will be reviewed by the Historic Preservation Board. If the Historic Preservation Board determines that an economic hardship may exist, they will follow the criteria in the Code, and make findings on the factors listed.

Standards for Relocation

These Standards are based on the National Register of Historic Places: Program Regulations. The following should be considered:

- The appropriateness of the proposed location in respect to the historic orientation.
- The appropriateness of the proposed location in respect to the immediate setting.
- The appropriateness of the proposed location in respect to the general environment.

If the proposed location is not reviewed or approved and the building is moved anyway, the classification of the building will be changed to ancillary. In turn, the ratio for contributing to the total in the district will be adjusted. If too many contributing buildings are moved, the district may be endanger of losing its National Register and/or National Landmark status.

If contributing buildings are relocated on a regular basis, the buildings in the district must be re-surveyed. If classifications of individual buildings have changed, the National Register Registration Form should be amended to reflect this.

If the relocation of an existing building and new construction for the site are approved, the Certificate of Appropriateness for Relocation and New Construction will be issued at the same time prior to receiving a building permit for either.

APPENDIX D
LANDMARK DISTRICT: FIGURES AND MOCK REPORTS

@byline:By Charles Fiegl

@byline2:I&M Staff Writer

@Normal:The Board of Selectmen last night overturned the Historic District Commission's denial of a request to move the former home of long-time Nantucket selectman Arthur Desrocher to Norquarta Drive for use as affordable housing.

The application, by Ben and Adlunia Gannett of 20 Milk St., was first heard by the commission on May 28. The Gannetts wanted to move the structure to Norquarta Drive and make the home available as affordable housing. They told the HDC the structure would be replaced with a building that would improve the streetscape.

The Gannetts, who live next door, bought the Milk Street house from Desrocher and his wife Mary in May for \$1.3 million, telling the former selectman and state legislator they wanted to increase the size of their yard and perhaps build a garage.

"I put a lot of trust as do all the voters into the HDC," said selectman Tim Soverino. "But in this case, I believe you got it wrong. A block away you allowed a similar style house move."

Attorneys Richard Glidden and Ed Wall, representing the Gannetts, said the property is located near a similar bungalow-style building that was moved to 1 Norquarta Drive in 1999 from 18 Mill St., a block away from 20 Milk St. The HDC approved the 18 Mill St. move.

Neighbors in the area supported the house move because they said the bungalow-style home did not fit into the character of the neighborhood.

"There have been jokes of the building going back to Bangladesh," said Barbara Melendy, of 25 Milk St.

Dirk Roggeveen, an HDC member, defended the commission's 3-2 vote, saying that the 20 Milk St. home represented an architecture style popular in the first half of the century. Roggeveen added that because a building did not fit into the character of other buildings on the street, it did not mean the building did not have historical significance.

"It's the ethnic cleansing of a neighborhood," he said, which drew a gasp from the neighbors.

He also backed up the commission by stating it was the Historic District Commission and not the Recreate a New England Village Commission, like other historical towns in the United States like Williamsburg, Va.

Selectman Matt Fee agreed with Roggeveen and said that he did not want to see a "Disney-ification" of Nantucket. The board voted 3-1, with Fee dissenting, to disapprove the commissions ruling.

Chairman Frank Spriggs said he found the public comments used to describe housing as moving back to Bangladesh and ethnic cleansing disturbing. Spriggs did like that the housing proposed to replace the bungalow style house would go along with a similar footprint for a building built in the 1840s.

Mark Voigt, commission administrator, said the commission was not against creating affordable housing, but said the bungalow style home represented one of the 14 different styles of architecture found on Nantucket.

Figure D-1. Article from Inquirer and Mirror with details concerning 20 Milk Street case.

Staff Report for 10 Vestal Street

TO: Historic District Commission
FROM: Historic Preservation Staff
RE: 10 Vestal Street
APPLICANT: Val Oliver, Agent
REQUEST: To demolish a single-family residence for the construction of a new two-story dwelling.

BACKGROUND INFORMATION: This dwelling was surveyed in August of 1989 by AGS. Per the Inventory Form, the one-story weathered shingle dwelling has a concrete foundation and was built circa 1930. The side gable roof is sheathed with composition shingles and there is a center brick chimney. Other architectural features include a central flush frame entry, plain corner boards and six-over-six windows. The structure is noted as being located in a densely built residential area of the Old Historic District. The significance of the house to the National Register Historic District is non-contributing.

ANALYSIS (demolition): When reviewing an application for demolition, the Historic District Commission must consider the tiered criteria listed in the Standards for Demolition, Appendix B. Because the structure is not an imminent hazard, the first step is to determine the historic viability. Therefore, the Historic District Commission will consider the following:

Significance:

(1) The historic, architectural or environmental significance of the structure.

10 Vestal Street is a small cottage built circa 1930. There are no outstanding characteristics that indicate a particular architectural style. However the use of exterior materials common to adjacent buildings, such as, composition shingles and wall shingles, as well as, exterior details, such as, a central flush frame entry, brick chimney, plain corner boards and six-over-six windows help the cottage to blend into the setting.

(2) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the district and the importance of the structure to the integrity of the historic district or the City.

10 Vestal Street is wedged between a gable one-story dwelling and a two-story Federal style house. The structure adds to the sense of place by providing a stop in the rhythm of the street. The presence of the cottage allows an accurate description of the area; you are not in the midst of town but on the edge of the Old Historic District about to enter the outlying area (Figure D-2).

(3) The aesthetic interest that the structure adds to the district or the City.

The inventory form records the significance of the structure to the National Register Historic District as non-contributing. This means the structure was not built during the historic period of significance for the district. The label non-contributing means when evaluated in 1989, the

structure was defined as, “a building which is not an intrusion but does not add to a historic districts sense of time, place and historic development” (Lang and Stout, 1995, p. 21).

Remaining Examples:

(4) The number of remaining examples of similar significance in the district or the City.

(5) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.

The number of remaining examples of 1930s housing in the district must be considered. Although the construction date for 8 Vestal Street, the house to the left of 10 Vestal Street, is unknown, it appears that they may be of the same era. These houses are minimal in design, detail, and size. These factors promote an effortless reproduction. However, no matter how simple the reproduction, when a house is demolished, texture and material are lost. Unless the unique characteristics of location are identified, they will be lost as well. As mentioned previously, the sense of place must be protected. The house is not in the midst of town but is on the edge of the Old Historic District about to enter the outlying area.

Later Architectural Movements:

(6) The possibility that the presence of the building provides information about later architectural movements within the district.

This small 1930s cottage describes a different set of economic conditions in the Old Historic District than the Victorian styles built from 1865-1910, the Colonial Revival style built from 1876-1920, and the Bungalow style built from 1900-1940. Constructed ten years after the island became a summer resort, this cottage reflects the economic depression of the 1930s. Although Bungalow style houses were being constructed during the same time frame, the house's details are minimal in character. It may be representative of the Minimal Traditional style. These houses reflect traditional form but lack decorative detailing. In general roof pitches are low, eaves and rakes are close (McAlester, 1984). In any case, this house represents a different building type in the Old Historic District.

Future Utilization:

(7) Basic information for the future utilization of the site: the type of structure, the inspiration stylistically if any, and an estimated size of the building.

The proposed future utilization is a 2-1/2-story house with three bays. The building is proposed to be 48' in length, 46' in width with a total square footage is 3031 SF and a roof ridge height of 26'. The applicants propose a front door with sidelights located off-center, a chimney located at the side of the main mass, exterior clapboard sheathing and 6/6 windows, these are subtle characteristics of the early Federal style. This style is commonly seen in town and is inappropriate in this location. A Federally inspired reproduction would impact the rhythm of the

street and the perception of the town's historic density. The small cottage at 10 Vestal Street provides a distinct sense of place.

The Standards state that the scale of new construction and architectural elements shall be appropriate with that of adjacent buildings. 10 Vestal Street is 648 SF, smaller than the adjacent buildings. The proposed 3,030 SF new construction is excessive almost 4.5 times the square footage of the existing building. The building on the right 14 Vestal Street is a rather large two-story new construction and on the left 8 Vestal Street is a one-story building similar in size to 10 Vestal Street. This is shown in the aerial photo (Figure D-3) and the building footprints (Figure D-4) and Vestal Street photographs (Figure 3-1 and 3-2). Therefore based on the proposed excessive square footage compared the size of 10 Vestal Street and 8 Vestal Street, the new construction at 14 Vestal Street is inappropriate and will detract from Old Historic District's actual sense of time, place and historic development.

Information for Applicant:

(1) The square footage of the existing building is 648 SF. Although the exact dimensions for the adjacent properties are not available, the following are estimates from the building footprints.

8 Vestal Street: 829 SF (Figure D-5).

14 Vestal Street: 3,007 SF (Figure D-6).

Ideally 10 Vestal Street should be compatible in size to 8 Vestal Street, but not as large as 14 Vestal Street.

(2) The following is an estimate of the Impervious Surface Ratio for the sites.

8 Vestal Street: 27% (Figure D-5).

10 Vestal Street: 13.5% (Figure D-7).

14 Vestal Street: 36% (Figure D-6).

The proposed new construction at 10 Vestal Street would have an ISR is 51%.

Mitigation: The Standards for Demolition require the Historic District Commission to define any elements of 10 Vestal Street that may contribute to the historic district by applying the Standards for New Construction.

As expected with a non-contributing building, a definite delineation exists between this structure and the contributing structures in the district. Also, the structure is compatible due to the use of similar materials and details to that of contributing structures, even though this is in a minimal fashion. 10 Vestal Street meets the design expectation for new construction.

This building is not reproduction and does not possess a definable stylistic influence. It is possible that it is an example of the Minimal Traditional style. Further research would determine if this style exists or once existed in the Old Historic District. 10 Vestal Street does not distract from contributing buildings and meets the stylistic requirement for new construction.

While 10 Vestal Street and 8 Vestal Street are sited similarly about 12' from the sidewalk, 14 Vestal Street is about 7' from the sidewalk. The Standards state the proposed front yard setback

of new construction must follow a pattern of site utilization similar to adjacent buildings. 10 Vestal Street meets the setback requirement.

A plan of 10 Vestal Street depicts the dwelling about 12'-0" from the sidewalk, 17'-0" from the left side property line, and 12'-0" from the right side property line. This residence provides a stop in the rhythm of the street evident from the 1998 aerial view. The presence of the cottage allows an accurate description of the area. 10 Vestal Street's placement has been part of the regular pattern along the block face since 1930.

14 Vestal Street is closer to the sidewalk than 8 and 10 Vestal Street, as well as, overly large in scale. Both aspects accentuate the small scale of 10 Vestal Street. This is further pronounced by the compatible scale of 8 Vestal Street and 10 Vestal Street. The Standards state that the scale of new construction and architectural elements shall be appropriate with that of adjacent buildings. (Lang and Stout, 1995, p. 67) While 8 and 10 Vestal Street meet this requirement, 14 Vestal does not seem to meet this requirement.

Massing of new construction must utilize simple volumes and be appropriate to the adjacent buildings and buildings along the block face. 10 Vestal Street is 26' in length by 29' in width with a total square footage of 648 SF. The house possesses a simple rectangular volume, and meets the requirement for massing. This standard continues to describe how the building could be added onto with additive massing, "Additive massing, the addition of smaller masses to a visually dominant mass, must be utilized for new construction to be compatible with existing buildings" (Lang and Stout, 1995, p. 67-68).

The Standards state that where there is an adjacent unified street edge it must be recreated in the same manner, either with hedges or fences or both. The inventory form photograph taken in 1989 shows where a fence once existed along the front lot line. For some reason the fence was removed, this is inappropriate. The fence must be recreated to define the street edge.

STAFF RECOMMENDATION: Recommend denial of the demolition based on the inappropriate plans for future utilization. (If research revealed evidence of the Minimal Traditional style in the Old Historic District, Significance, Remaining Examples and Later Architectural Movement would be included in the denial). However if demolition was approved, future proposals for new construction must meet the Standards for New Construction, as well as, the following mitigation requirements.

1- Due to the fact that the current building setback about 12'-0" from the sidewalk, 17'-0" from the left side property line, and 12'-0" from the right side property line provide a stop in the rhythm of the street, this quality must be maintained by adhering to the current setbacks.

2-Considering 10 Vestal Street is appropriate in scale to 8 Vestal Street, the new construction must be compatible with 8 Vestal Street. This may be accomplished by designing the building so that it is additive in form.

3-The fence must be recreated to define the street edge.

Staff Report for 125 Main Street: Demolition

TO: Historic District Commission
FROM: Historic Preservation Staff
RE: 125 Main Street
APPLICANT: David Wiley, Agent
REQUEST: To demolish a single-family residence for the construction of a rear garage apartment and a large yard.

BACKGROUND INFORMATION: This dwelling was surveyed in August of 1989 by AGS. Per the Inventory Form, the one-and-three-quarter tall wood frame dwelling is clad with horizontal weathered siding and has a brick foundation. The gable roof is characterized by extended eaves and exposed rafter tails. The roof is sheathed with composition shingles. There are two unpainted, corbeled chimneys located off-center. The dwelling has a one-story front porch oriented to the side yard. Other architectural features include an off-center front door, plain corner boards and two-over-two windows. At some point in time, an addition was constructed to the rear of the house. As per the document entitled, "Nantucket Island Architectural and Cultural Resources Survey, District Data Sheet," this building is listed as contributing to the National Register Historic District and existed by 1887.

ANALYSIS (demolition): When reviewing an application for demolition, the Historic District Commission must consider the tiered criteria listed in the Standards for Demolition, Appendix B. Because the structure is not an imminent hazard, the first step is to determine the historic viability. Therefore, the Historic District Commission will consider the following:

Significance:

- (1) *The historic, architectural or environmental significance of the structure.*
- (2) *The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the district and the importance of the structure to the integrity of the historic district or the City.*
- (3) *The aesthetic interest that the structure adds to the district or the City.*

The Standards state that the significance and importance of the structure as it relates to the other structures within the historic district should be examined. The last page of the inventory form records the significance of the structure to the National Register Historic District. Unfortunately this page is missing from the Historic District Commission files. However the document entitled, "Nantucket Island Architectural and Cultural Resources Survey, District Data Sheet" records the building as contributing to the National Register Historic District.

This building is an example of the Folk Victorian style, characterized by Victorian details applied to a simple house form. The structure has a gable front and wing form, a principal sub-type of the Folk Victorian style. Also typical of the style is the one-story front porch located within the L. The porch is the primary location for application of Victorian detailing. In character

with the minimal use of ornament on Nantucket, the only detailing is the “x” motif on the porch rail. Other characteristics of the style are the extended eaves, exposed rafter tails, simple pediments above the window and door surrounds and two-over-two double hung windows.

Remaining Examples:

(4) The number of remaining examples of similar significance in the district or the City.

(5) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.

In general Victorian houses were popular from 1860 until about 1900. Due to advances in technology, these designs exhibited complex plans and ornate detailing once only available to expensive landmark houses. There are several styles grouped as Victorian: Second Empire, Stick, Queen Anne, Shingle, and Folk Victorian (McAlester, 1984).

“Although few new buildings were built in Victorian styles, a few examples of Victorian vernacular, or farmhouse architecture were constructed. Victorian decorative details were adapted to simple house forms, often front-gable, two-story houses with symmetrical facades” (Lang and Stout, 1995, p. 45).

This parallels the description of the Folk Victorian style. Within the Old Historic District, the design guidelines locate a Folk Victorian at the corner of Lyon and Fair Streets. Grander examples of Victorian style architecture are a Second Empire style house at 73 Main Street and a Queen Anne style house at 74 Main Street. Therefore the dwelling at 125 Main Street is not an anomaly in the Old Historic District. Also 125 Main Street conveys that the island of Nantucket was not completely isolated from the mainland’s architectural influence and technology in the late 1800s.

The design, size and scale of the Folk Victorian at 125 Main Street could be reproduced. However, the loss of this particular building is the loss of texture and material authentic to the Victorian area. Also this style house in this location is definitely prominent and unique.

Later Architectural Movements:

(6) The possibility that the presence of the building provides information about later architectural movements within the district.

The Victorian style has an exact context in Nantucket’s history. “In the end, the economic collapse of the isolated island in the 1850s, when whaling succumbed to the discoveries of oil and gold, was responsible for the unique preservation and integrity of the town today. Only in the late 1800s, when well-to-do people sought out unspoiled Nantucket as a summer resort, were numbers of new houses built again” (Lang and Stout, 1995, p. 35-36) and “As the community turned to the summer resort trade, a few of these Victorian houses were built in town” (Lang and Stout, 1995, p. 44). One-twenty-five Main Street is physical evidence of this historical context.

Future Utilization:

(7) Basic information for the future utilization of the site: the type of structure, the inspiration stylistically if any, and an estimated size of the building.

The proposed future utilization is a two-story dwelling 32' in length and 28' in width. The proposed square footage is 1676 SF with a roof ridge height of 24'. The proposed dwelling is 60' off the front property line and 8' off the rear property line. This is inappropriate because the Standards for New Construction clearly state that the proposed front yard setback of new construction must follow a pattern of site utilization similar to adjacent buildings and that new construction must generally align with the façade line of adjacent buildings. The original house was 8' off the front property line, typical of houses on either side of 125 Main Street. The front façade of proposed garage apartment would be located at the rear of the property, 60' from the front property line.

STAFF RECOMMENDATION: Recommend denial of the demolition based on the classification of the building as contributing to the Old Historic District, an important portion of the National Historic Landmark, and

- (1)-(3) the significance of the building,
- (4) the importance of the building to other Victorian period buildings,
- (5) the authentic material and texture that is impossible to reproduce, as well as, the uniqueness of the location,
- (6) the information the building provides about later architectural movements, the impact of the Victorian era,
- (7) and the fact that the future utilization is inappropriate.

Staff Report for 125 Main Street: Relocation

TO: Historic District Commission
FROM: Historic Preservation Staff
RE: 125 Main Street
APPLICANT: David Wiley, Agent
REQUEST: To relocate a single-family residence for the construction of a garage apartment at the rear of the site and a large yard in the front.

BACKGROUND INFORMATION: This dwelling was surveyed in August of 1989 by AGS. Per the Inventory Form, the one-and-three-quarter tall wood frame dwelling is clad with horizontal weathered siding and has a brick foundation. The gable roof is characterized by extended eaves and exposed rafter tails. The roof is sheathed with composition shingles. There are two unpainted, corbeled chimneys located off-center. The dwelling has a one-story front porch oriented to the side yard. Other architectural features include an off-center front door, plain corner boards and two-over-two windows. At some point in time, an addition was constructed to the rear of the house. As per the document entitled, "Nantucket Island Architectural and Cultural Resources Survey, District Data Sheet," this building is listed as contributing to the National Register Historic District and existed by 1887.

The Historic District Commission denied a request for the demolition of 125 Main Street because the building is contributing and historically viable to the Old Historic District.

ANALYSIS: When reviewing an application for relocation, the Historic District Commission must consider the Standards for Relocation in Appendix B.

First these standards clearly state that moving a contributing historic building is prohibited unless it is a last resort, such as coastal erosion or other natural disaster. The applicants are requesting the relocation to create a large yard and a rear garage apartment, obviously this does not qualify as a last resort and should not be permitted. Furthermore, the Historic District Commission must consider the following:

Historic Orientation: The appropriateness of the proposed location 7 Okorwaw Way in respect to the historic orientation of the current location 125 Main Street. After the economic collapse of whaling, Victorian style houses were constructed in the late 1800s, "when well-to-do people sought out unspoiled Nantucket as a summer resort" (Lang and Stout, 1995, p. 35-36). "As the community turned to the summer resort trade, a few of these Victorian houses were built in town" (Lang and Stout, 1995, p. 44). As part of the architectural fabric of the town, 125 Main Street is physical evidence of this historical context. Other examples within the Old Historic District are a Folk Victorian style building at the corner of Lyon and Fair Streets, a Second Empire style building at 73 Main Street and a Queen Anne style building at 74 Main Street. The proposed site 7 Okorwaw Way is near the Nantucket Memorial Airport. Because this location is not near the town of Nantucket, another town on the island, the coast or the beach, it is unlikely a Victorian would have been built in the outlying area. Also, this style building probably does not meet the criteria for the outlying area. The proposed location is inappropriate in respect to the historic orientation of the existing location.

Immediate Setting: The appropriateness of the proposed location 7 Okorwaw Way in respect to the immediate setting 125 Main Street. The building currently addresses the street, sited 8' from the sidewalk with a regular pattern of solids and voids along the street, as well as, a general consistency in façade alignment. The proposed location the building will not be visible from the street. Also because only a few other dwellings exist off Okorwaw Way, there is no rhythm created or streetscape represented. The proposed location is inappropriate in respect to the immediate setting of the existing location.

General Environment: The appropriateness of the proposed location 7 Okorwaw Way in respect to the general environment 125 Main Street. The building is currently located at 73 Main Street, a primary thoroughfare for the town and the Old Historic District. The current location is a residential environment close to the actual town of Nantucket. The new location is near the Nantucket Memorial Airport at 7 Okorwaw Way, a dirt road in a rural area, sparsely populated. The proposed location is inappropriate in respect to the general environment of the existing location.

STAFF RECOMMENDATION: Recommend denial of the relocation based on the classification of the building as contributing to the Old Historic District. The denial is also based on the finding that the proposed location is inappropriate to the existing location.



Figure D-2. 10 Vestal Street. Property location in relation to outlying area. (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).



Figure D-3. 10 Vestal Street. Aerial photograph that depicts the massing along Vestal Street (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).

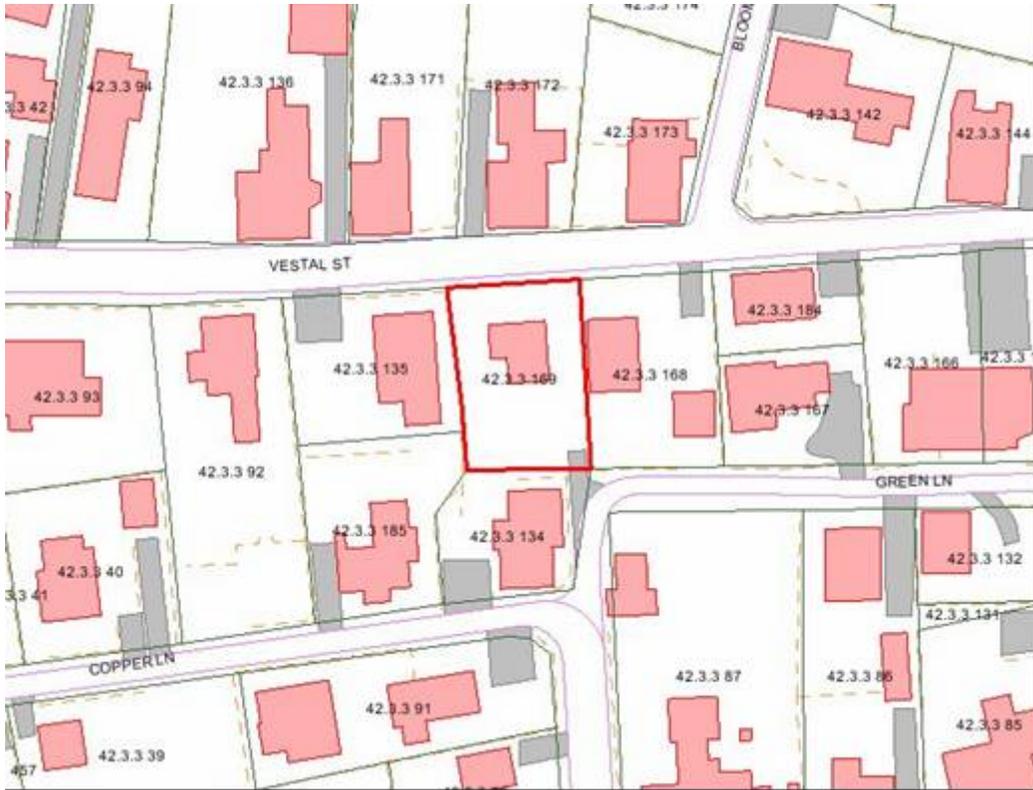


Figure D-4. 10 Vestal Street. Building footprints displaying massing (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).



Figure D-5. 8 Vestal Street. Estimate of square footage (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).



Figure D-6. 14 Vestal Street. Estimate of square footage (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).



Figure D-7. 10 Vestal Street. Estimate for impervious surface ratio (Town of Nantucket. (2006) Web-Based GIS: Maps and Parcel Data. Retrieved August 2006 from <http://host.appgeo.com/nantucketma/Map.aspx>).

APPENDIX E
LOCAL DISTRICT: FIGURES AND MOCK REPORT



CITY OF ORLANDO

November 27, 2000

TO: Historic Preservation Board Members
FROM: Amy J. Stansberry, Interim Historic Preservation Officer *ASJ*
RE: 223 East Concord Street
APPLICANT: Mark Kinchla
DISTRICT: Lake Eola Heights Historic District
REQUEST: To demolish a single-family residence for the construction of two Mediterranean Revival duplexes.

BACKGROUND INFORMATION: This split-level Ranch style residence is constructed of concrete masonry and was built in 1950. Ranches originated in California in the 1930's, gained popularity in the 1940's and became a dominant style throughout the country in the '50's and '60's. The Ranch style is loosely based on the Spanish Colonial precedents but strongly influenced by the modernist movement of the early 20th century. The residence displays an overall horizontal emphasis with wide eave overhangs and horizontal banding. Details, such as corner metal-casement windows and glass block, are influenced by the Art Modern style. However, the house also possesses some traditional details, such as a tile roof and two brick chimneys with a decorative brick banding and metal hood. A center side gable connects two hip portions of the tile roof. This residence is non-contributing to the district, because it was constructed after the designated historical period of significance (1884-1940) for the Lake Eola Heights Historic District.

ANALYSIS: When considering an application for demolition, the request is reviewed with the criteria for Design and Demolition Standards.

In reviewing an application for the demolition of an historic landmark or a structure in a Historic Preservation Overlay District, the Historic Preservation Board shall consider the following criteria:

- (a) The historic, architectural or environmental significance of the structure. (Refer to "Significance" below.)
- (b) The historic, architectural or environmental significance of the structure to the overall ensemble of the structure within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district. (Refer to "Significance" below.)
- (c) The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an historic landmark, to the City. (Refer to "Significance" below.)

Figure E-1. Historic Preservation Board staff report, pages 1-3. Courtesy of the Orlando, Historic Preservation Board Office (HPB).

- (d) The number of remaining examples of similar significance in the HP Overlay district or, in the case of an historic landmark, in the City. (No remaining examples of this size, however, there are several ranch style residences in the Lake Eola Heights Historic District. Refer to "Remaining Examples" below.)
- (e) The difficulty or impossibility of reproducing such a structure because of design, texture, material, detail, size, scale or uniqueness of location. (If this structure was contributing to the district, it could be reproduced in the Lake Eola Historic District.)
- (f) The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archeological, social, aesthetic, or environmental character of the HP Overlay district. (Refer to "Future Utilization" below.)
- (g) The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism, or neglect. (The house is in good condition. Refer to "Existing Conditions/Maintenance" below.)
- (h) Any measures that have been taken to prevent the structure from deteriorating, such as the performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate. (Not applicable. Refer to "Existing Conditions/Maintenance" below.)
- (i) The determination by the building official that the structure is an imminent hazard to public safety and that repairs would be impractical. (Not applicable)
- (j) The economic hardship imposed on the owner if the application for the Certificate of Appropriateness for demolition is denied. (Not applicable. Refer to "Economic" below.)

Remaining Examples (items d & e): The Demolition Standards state that the number of remaining examples of similar significance in the Historic District should be considered. There are many examples of post-WWII vernacular architecture in the Lake Eola Heights Historic District, but not of this size. However, since they are also considered non-contributing, they could be demolished in the future. The Demolition Standards state that the difficulty or impossibility of reproducing such a structure because of design, texture, material, detail, size, scale or uniqueness of location should be considered. **Because this style is not valued in the Historic District, reproducing the structure would not be allowed.** Because of the scale of the structure related to the expansive size of the lot, reproducing the structure may be impossible.

Future Utilization (item f): The Demolition Standards state that future plans for site utilization and the effect of those plans on the architectural, historical, social, or aesthetic character of the Historic

District should be considered. The applicant and owner desire to construct a two-story Mediterranean Revival style duplex on each lot (there are two lots). Mediterranean Revival is a contributing style to the architecture of the Lake Eola Heights Historic District and duplexes are common throughout this district.

Significance (items a-c): The Demolition Standards state the significance and importance of the structure as it relates to the other structures within the historic district should be examined. When Lake Eola Heights Historic District was designated in 1989, this residence was judged to be outside the period of significance. Although it is representative of the post-WWII building period in Orlando, it is only included in the Lake Eola Heights Historic District because of the surrounding significant contributing properties.

Existing Condition/Maintenance (item g - h): The Standards state that the structure's condition and any action that has been taken to prevent deterioration should be considered. In this case, the structure is in good condition and has been maintained. Unfortunately, because of the size of the structure, it would be impossible to be moved.

Economic (item j): This criterion is not required and applies to only income producing properties.

STAFF RECOMMENDATION: Recommend approval to City Council and waive the 180 day waiting period.

Orlando: Code Document -- 1 Hits

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TITLE II. CITY CODE*

Chapter 62. HISTORIC PRESERVATION AND ARCHITECTURAL DESIGN*

PART 7. DESIGN AND DEMOLITION STANDARDS FOR HISTORIC LANDMARKS AND PROPERTIES*

Sec. 62.707. Criteria for Demolition.

(Use Reference links above move to Document Titles. Use scroll bar to read bottom of page.)

Sec. 62.707. Criteria for Demolition.

In reviewing an application for the demolition of an historic landmark or a structure in an HP Overlay district, the Historic Preservation Board shall consider the following criteria:

- (a) The historic, architectural or environmental significance of the structure.
- (b) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district.
- (c) The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an historic landmark, to the City.
- (d) The number of remaining examples of similar significance in the HP Overlay district or, in the case of an historic landmark, in the City.
- (e) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- (f) The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the HP Overlay district.
- (g) The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
- (h) Any measures that have been taken to prevent the structure from deteriorating, such as performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate.
- (i) The determination by the Building Official that the structure is an imminent hazard to public safety and that repairs would be impractical.
- (j) The economic hardship imposed on the owner if the application for Certificate of Appropriateness for demolition is denied.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

Sec. 62.708. Economic Hardship.

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Figure E-2. Criteria for Demolition from the City of Orlando Land Development Code.

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AN ORDINANCE OF THE CITY OF ORLANDO ESTABLISHING THE LAKE EOLA HEIGHTS HISTORIC DISTRICT, AND SETTING THE CRITERIA FOR CONSIDERING A CERTIFICATE OF APPROPRIATENESS FOR SUCH DISTRICT AND SPECIFYING THE LEGAL DESCRIPTION OF SAID DISTRICT.

WHEREAS, the neighborhood of Lake Eola Heights is one of Orlando's oldest and most architecturally diverse neighborhoods having been subdivided for residential development from a citrus grove after the big citrus freeze of 1894-95 and ranging in significant architectural styles including but not limited to clapboard farmhouses built between 1890-1911, Arts and Crafts style architecture from 1910-1940, cluster housing developments from the 1920s Land Boom, Revival styles popular in Orlando from 1915-1940 and Bungalow building types with stylistic variations of the 1920s-1940s; and

WHEREAS, this ordinance seeks to protect and preserve the elements which contribute to the architectural and historic significance of the neighborhood including but not limited to distinguishing historic material, distinctive stylistic architectural features, examples of skilled craftsmanship, and significant historical, architectural or cultural material; and

Rec Fee \$ 49.00
Add Fee \$ 6.50
Total Fee \$ 55.50
MARTHA O. HAYNIE
Orange County
Comptroller
Deputy Clerk

3260723 ORANGE CO. FL
10:03:20AM 05/25/89

CR4083861922

COUNCIL DATE 5-22-89
ME 69 Pg 70 ITEM 8
BOOK NUMBER 23035

Figure E-3. Lake Eola Heights Historic District Ordinance pages 1-9. Courtesy of Orlando HPB.

1 WHEREAS, the historic and architectural significance of
2 the Lake Eola Heights neighborhood has been achieved over
3 time and the growth and development of this neighborhood is
4 part of the history of the City of Orlando which is worthy
5 of protection, this ordinance seeks to maintain and preserve
6 what is unique to the neighborhood by preventing future
7 growth and development that is incompatible with the
8 surrounding structures and neighborhood and assure that
9 changes within the neighborhood will be compatible with the
10 historic character of the structures and environment of the
11 Lake Eola Heights neighborhood; and

12 WHEREAS, pursuant to Chapter 58 Section 58.2333 of the
13 Orlando City Code, the City Council, upon recommendation of
14 the Historic Preservation Board and Municipal Planning
15 Board, determines that the following described property
16 should be established as an historic district; and

17 WHEREAS, all prerequisites to the establishment of the
18 Lake Eola Heights Historic District have been met.

19 NOW, THEREFORE, be it ordained by the City Council of
20 the City of Orlando, Florida and the same is adopted to read
21 as follows:

22 SECTION ONE: After due public notice and public
23 hearing, the following described property is hereby
24 designated an historic district pursuant to Section 58.2333,
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080831026

1 Orlando City Code, to be call Lake Eola Heights Historic
2 District:

3
4 SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"
5

6 SECTION TWO: A Certificate of Appropriateness shall be
7 required when a building permit is required for the exterior
8 alteration, construction, or demolition of a structure in an
9 historic district according to Chapter 58 of the Orlando
10 City Code, with the following exceptions:

11 1. Walkways and patios within the Lake Eola
12 Heights Historic District which are not subject to view from
13 one or more designated public streets or public ways, or
14 public parks.

15 2. Landscaping.

16 3. The emergency repair with no changes in
17 exterior design, of a building, structure or exterior
18 architectural feature damaged or destroyed by fire, storm or
19 other disaster.

20 4. Paint color.

21 The authority of the Historic Preservation Board shall not
22 extend to the review of the above exceptions nor to the
23 interior arrangement of any structure.

24 SECTION THREE: No neighborhood review board shall be
25 established to review the Lake Eola Heights Historic
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1 District as outlined in applications for Certificates of
2 Appropriateness in this ordinance. A Certificate of
3 Appropriateness shall be reviewed and acted upon pursuant to
4 Section 58.6812, Orlando City Code.

5 SECTION FOUR: In considering an application for a
6 Certificate of Appropriateness pursuant to Section 58.6812
7 of the Orlando City Code in the Lake Eola Heights Historic
8 District, the Historic Preservation Board shall adhere to
9 and seek compatibility of structures in the district in
10 terms of size, texture, scale and site plan, and in so
11 doing, the following U. S. Secretary of the Interior's
12 "Standards for Rehabilitation," which are incorporated
13 herein by this reference, shall be considered by the Board
14 in review of applications:

15 A. Basic Standards

16
17 1. Every reasonable effort shall be made to
18 provide a compatible use for a property which requires
19 minimal alteration of the distinctive historically
20 significant features of the building, structure, or site and
21 its environment, or to use a property for its originally
22 intended purpose.

23 2. The distinguishing original qualities or
24 character of a building, structure, or site and its
25 environment should not be destroyed. The removal or
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1 alteration of any historic material or distinctive
2 architectural features should be avoided when possible.

3 3. All buildings, structures, and sites shall be
4 recognized as products of their own time. Alterations to
5 individual buildings, structures and sites that have no
6 historical basis for that individual building, structure or
7 site and which seek to create an earlier appearance shall be
8 discouraged.

9 4. Changes which may have taken place in the
10 course of time are evidence of the history and development
11 of a building, structure, or site and its environment.
12 These changes may have acquired significance in their own
13 right, and this significance shall be recognized and
14 respected.

15 5. Distinctive stylistic features or examples of
16 skilled craftsmanship which characterize a building,
17 structure, or site shall be treated with sensitivity.

18 6. Deteriorated architectural features shall be
19 repaired rather than replaced, wherever possible. In the
20 event replacement is necessary, the new material should
21 match the material being replaced in composition, design,
22 color, texture, and other visual qualities. Repair or
23 replacement of missing architectural features, should be
24 substantiated by historic, physical, or pictorial evidence
25 rather than on conjectural designs or the availability of
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1 different architectural elements from other buildings or
2 structures.

3 7. The surface cleaning of structures shall be
4 undertaken with the gentlest means possible. Sandblasting
5 and other cleaning methods that will damage the historic
6 building materials shall not be undertaken.

7 8. Every reasonable effort shall be made to
8 protect and preserve archeological resources affected by, or
9 adjacent to any project.

10 9. Contemporary design for alterations and
11 additions to existing properties shall not be discouraged
12 when such alterations and additions do not destroy
13 significant historical, architectural or cultural material,
14 and such design is compatible with the size, scale, color,
15 material, and character of the property, neighborhood or
16 environment.

17 10. Wherever possible, new additions or
18 alterations to structures shall be done in such a manner
19 that if such additions or alterations were to be removed in
20 the future, the essential form and integrity of the
21 structure would be unimpaired.

22 B. Demolition

23 In considering an application for demolition of a
24 landmark or a building in an historic district, the
25 following shall be considered:

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1. The storic or architectural significance of the building.

2. The importance of the building to the overall ensemble of buildings within the district.

3. The special character and aesthetic interest that the building adds to the district.

4. The difficulty of impossibility of reproducing such a building because of its design, texture, material, or detail.

5. The future utilization of the site.

C. Signs/Wall Graphics

1. The scale and design of any sign or wall graphic should be compatible with the buildings and environment with which it is related.

2. The materials, style, and patterns used in any sign or wall graphic should be compatible with the buildings and environment with which it is related.

D. Additional Guidelines

1. Chain link fences shall not be permitted in the front yard or within the side yard setback.

2. The Historic Preservation Board may adopt additional legally valid guidelines and criteria as it deems appropriate with approval of City Council by Resolution.

SECTION FIVE: Procedure for Issuance of Certificate of Appropriateness.

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A. Review

There are established for the Lake Eola Heights Historic District two Certificate of Appropriateness review procedures for construction, alterations, restorations, relocations, or demolitions of a landmark or a building.

One procedure shall be a Major Review procedure pursuant to Section 58.6812, Orlando City Code.

One procedure shall be a Minor Review procedure and shall apply to the following:

1. Fences and gates not subject to view from one or more designated public streets or public ways, or public parking.

2. Awnings.

3. Signage painted on or attached to window surface, including wall graphics painted on facade(s) and name plaques one square foot or smaller.

4. Replacement of same or like materials for gates, fences, driveways, walkways, steps, siding, roofs, doors or windows. Changes in existing door and window openings shall require Major Review.

5. Mechanical systems including heat and cooling equipment and irrigation systems.

It shall be the responsibility of the Historic Preservation Officer to institute the Minor Review process where applicable and appropriate.

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B. Appeals: Any substantially affected person may appeal a decision Minor Review to the Historic Preservation Board for Major Review.

SECTION SIX: Any changes to this ordinance and the standards included herein shall be reviewed by the Historic Preservation Board, and approved by ordinance by the City Council.

SECTION SEVEN: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION EIGHT: This ordinance shall take effect upon its passage and as provided by law.

ADVERTISED April 21, 1989.
READ FIRST TIME April 24, 1989.
READ SECOND TIME AND ADOPTED May 22, 1989.

Maple
Mayor pro Tem

ATTEST:
Grace A. Chewning
Grace A. Chewning, City Clerk

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.
May 22, 1989.
Robert L. Hamilton
City Attorney
Orlando, Florida

0403B

**CITY OF ORLANDO
HISTORIC PRESERVATION BOARD
DECEMBER 6, 2000
MINUTES**

On Wednesday, December 6, 2000, the Historic Preservation Board met in City Council Chambers, City Hall, Orlando, Florida. Greg Bryla called the meeting to order at 4:04 P.M. and announced the presence of a quorum.

Members Present:

Gregory Bryla Chair [3/0]
David Bass Vice-Chair [3/0]
Max Brito [3/0]
Sheila Hill [3/1]
Crystal Jenkins [3/0]
Ted Maines [1/0]
Jean Werth [1/0]

CONSIDERATION OF MINUTES

1. **Ms. Hill MOVED to approve the minutes of the November 1, 2000, Board meeting. Mr. Brito SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.**

CONSENT AGENDA

Mr. Bryla introduced new Board members, Ted Maines and Jean Werth.

Mr. Bryla discussed the Consent Agenda and the procedure for removing an item from the Consent Agenda. He stated that any item(s) removed from the Consent Agenda would be heard first on the Regular Agenda.

Ms. Painter provided a summary of each of the Consent Agenda items.

- 2a. **49 North Orange Avenue, #HPB2000-00209, Downtown Historic District (District 1)**
Applicant: Richard Rodrigo

The applicant proposes to replace two 6'-0" wide storefront windows and a stucco knee wall with two 6'-0" wide wood French doors on this two-story Mediterranean Revival commercial building constructed in 1924, to access an outdoor seating area.

Staff Recommendation: Recommend approval to City Council.

- 2e. **101 South Lawsona Boulevard, HPB#2000-00210, Lake Lawsona Historic District (District 4)**
Applicant: Ila Napier

Figure E-4. Historic Preservation Board meeting minutes dated December 2000 pages 1-12.
Courtesy of Orlando HPB.

The applicant proposes to construct a 7'-5" deep x 14'-1" long front porch in the center of this 1945 vernacular residence. The applicant also proposes to replace all the windows on the front façade and one on the side façade with six over one, aluminum frame windows with raised vinyl mullions. The applicant further proposes to re-roof two rear shed additions with an extension of the primary roof.

Staff Recommendation: Recommend approval to City Council.

Item 2c was removed from the Consent Agenda at the request of Paul Chiaro. Item 2d was removed from the Consent Agenda at the request of Jean Werth. Item 2b was removed from the Consent Agenda at the request of Jill Strout.

Items 2a and 2e on the Consent Agenda were APPROVED by unanimous voice vote.

REGULAR AGENDA

2b. 545 Delaney Avenue, #HPB2000-00163, Lake Cherokee Historic District (District 1)

Applicant: Hovey Group Ltd.

The applicant proposes to obtain a retroactive Certificate of Appropriateness to remove a balcony, including the railing and deck and change the roofline of this side gable two-story Craftsman style bungalow constructed circa 1919. The applicant proposes to replace the French doors and multi-paned sidelights with a wood three-window dormer. The applicant also proposes to enclose the roof balcony and change the profile of the roof due to a leak in the balcony deck. Ms. Stansberry stated that even though the applicant had maintenance problems with the roof balcony, it is regrettable that unique character-defining features to this Craftsman style building were removed as opposed to seeking other solutions. The applicant is proposing to infill the balcony area with roof shingles to match existing.

Staff Recommendation: Recommend approval to City Council.

Jill Strout, 636 Bourne Place, stated that the bungalow is located at one of the main entrances to the Lake Cherokee Historic District. She stated that changes were made by the applicant without a Certificate of Appropriateness even though the applicant was aware that one was needed. She further stated that the character and style of the building has been dramatically changed. She also stated that the applicant perhaps felt it was easier to ask for forgiveness rather than permission and she was fearful of a bad precedent being set for other landowners who may try the same approach. She asked the Board to consider the actions of the applicant in their review of the matter.

Board discussion followed regarding the ability of the Board to have the railing returned to the roof, the uniqueness of the balcony/terrace area of the building and the lack of a building permit.

Sean Heany, applicant, stated that he purchased the property in 1996. He further stated that the roof of the bungalow had negative drainage and he tried various remedies for four years to rectify the problem. He stated that he did not have a building permit for the re-roofing. Mr. Heany stated that he knew of no other way to fix the negative drainage problem than the one he took.

When asked by Mr. Bryla if there was reflective glass in the porch area, Mr. Heany stated that it appears to be so, but that it is clear glass. Mr. Bryla stated that reflective glass is not allowed in the district and asked Ms. Stansberry to investigate whether it was used on this building.

Board discussion ensued regarding the impact of a railing without French doors, the ability to shorten French doors to fix negative drainage problems, three-window dormers in Craftsman style bungalows, paint changes and dormer brackets.

Mr. Bryla stated that the character of the house has changed dramatically and the most defining feature of the house has been removed. He further stated that if the house had come before the Board for a review in a timely manner, time and energy would have been spent to save the integrity and character of the house. He also stated he doubts the Board would have passed the applicant's proposal as presented. Mr. Bryla stated he would like to see the house restored to its previous look because allowing it to remain as it now appears sets a dangerous precedent. He further stated that the solution sought by the applicant is totally inappropriate and cheats the neighborhood and the historic district of an extremely valuable asset.

Mr. Bryla asked if there was a penalty levied in cases such as this. Ms. Painter said the applicant must pay double the amount of a permit fee.

Ms. Werth MOVED to deny applicant's application for a retroactive Certificate of Appropriateness. Ms. Hill SECONDED the motion. Ms. Werth stated she feels the house should be restored rather than accepting a less than perfect solution after the fact. Ms. Hill stated she feels that if appropriate research had been done, it could have been handled differently and maintained. **The motion was voted upon and PASSED by unanimous voice vote.**

Mr. Bryla informed the applicant of his rights of appeal.

The applicant stated that he tried for four years to rectify the negative drainage problem and nothing worked. Mr. Bryla stated that there are other remedies, which would preserve the original character of the house and provide positive drainage at the same time. Mr. Bryla further stated that all discussed work that applicant stated occurred was done without application to the Historic Preservation Board.

Ms. Painter directed the applicant to the appeal process statement on the bottom of page two of the agenda.

Mr. Bryla informed the applicant of the function of the Design Review Committee.

2c. 1207 Delaney Avenue, HPB#2000-00214, Lake Copeland Historic District (District 1)
Applicant: Michael Halpin, Historic Holdings, Inc.

The applicant proposes to construct a two-story frame house on an 18" raised block building foundation. The overall height of the proposed residence is 27'-0". The proposed one-story, two-car detached garage is 11'-3".

The applicant proposes a full width front porch on the first floor and a small partial porch at the second floor. Ms. Stansberry stated there is a large amount of space above the header height of the doors and windows at both porches. The applicant agrees to lower the porch element 1'-0", which would help to create proportions more consistent to the historic Bungalows in the district.

Ms. Stansberry stated that the applicant proposes to replace an existing chain-link fence with a 6'-0" high board on board wood fence along the north and east property line.

Ms. Stansberry stated that there will be a shared 14'-0" driveway, which will service this house and the house next door at 1213 Delaney Avenue. The large existing oak tree in the front yard will be retained and protected.

Staff Recommendation: Recommend approval to City Council.

Paul Chiaro, Delaney Avenue, stated that he met with the applicant on this date and Mr. Halpin answered many of Mr. Chiaro's concerns. One of Mr. Chiaro's concerns is that construction be done in a timely manner. He stated that the corner property at Briercliff and Delaney has been vacant for months with no progress in evidence. He is also concerned about the side yard set back variance for the applicant's property.

Michael Halpin, applicant, stated that construction would be done in a timely manner. Ms. Painter stated that building permits are issued for 180 days with a possibility of renewal for another 180 days. She further stated that the property on the corner of Briercliff and Delaney is in the process of being developed as a residential property.

Mr. Bass MOVED to approve Staff Recommendation. Ms. Jenkins SECONDED the motion. Board discussion followed regarding driveway width and window mullions. Mr. Bryla stated the window trim should be at least 4" and the gable end vent should be square or triangular instead of round. Ms. Painter stated that the neighboring driveway will be removed. Mr. Halpin stated that the driveway will be 14' wide. **Ms. Jenkins AMENDED the original motion to revise the gable end vents to be either square or triangular on all exposed gables and add 4" wide window trim between the windows. Mr. Brito SECONDED the amended motion. The amended motion was voted upon and PASSED by unanimous voice vote. The original amended motion was voted upon and PASSED by unanimous voice vote.**

2d. 223 East Concord Street, HPB#2000-00216, Lake Eola Heights Historic District (District 4)
Applicant: Mark Kinchla

The applicant proposes to demolish this split-level Ranch style residence built in 1950, to construct two two-story Mediterranean Revival style duplexes on the site.

Ms. Stansberry stated that the residence displays an overall horizontal emphasis with wide eave overhangs and horizontal banding. Details, such as corner metal-casement windows and glass block, are influenced by the Art Modern style. However, the house also possesses some traditional details, such as a tile roof and two brick chimneys with a decorative brick banding and metal hood. A center side gable connects

two hip portions of the tile roof. This residence is non-contributing to the district, because it was constructed after the designated historical period of significance (1884-1940) for the Lake Eola Historic District.

Ms. Stansberry reviewed the criteria for Design and Demolition Standards. She then showed preliminary drawings of two Mediterranean Revival style duplexes the applicant proposes to build on the site.

Staff Recommendation: Recommend approval to City Council and waive the 180-day waiting period.

Board discussion followed concerning other examples of this style and size house within the district. Ms. Stansberry stated that although she found other examples of the style, she found no example of the size and style within the district. Mr. Bryla noted the lack of a site plan in the packet. Ms. Stansberry stated that no site plan was submitted because today's application concerns only the demolition and the future use of the property is still in a preliminary stage.

Mr. Bass stated his disapproval of having a demolition placed on a consent agenda. Mr. Bryla suggested that the Board discuss and act on this matter at the end of the meeting.

Ms. Stansberry presented a letter from a neighbor and offered to read the letter to the Board. Ms. Painter stated that the Board had received copies of the letter and the applicant could choose to read the letter as part of his presentation.

Mark Kinchla, applicant, stated that the owner of 223 East Concord Street had contacted him in hopes of selling his house and developing the property. He also stated he had spoken with Jodi Rubin who informed him that the house is non-contributing. After the owner failed in his attempt to sell the house at what he considered a fair market value, the applicant again contacted Ms. Rubin and discussed splitting the property and constructing two duplexes.

John Marsa, owner, read a letter from Martha (Marty) Bradfield, 213 East Concord Street, wherein she stated she supports Mr. Marsa's development project and use of the property.

Dena Wild, Urban Design, stated that the Standards state future land use plans for the property must be addressed when reviewing a demolition in a historic district. If a demolition is supported then the next step is to submit full-scale elevations and site plans for a Certificate of Appropriateness.

Mr. Maines requested that all comments be directed towards the demolition and not future land use.

Rick Adams, 212 East Concord Street, spoke in opposition to the demolition. He stated he is concerned with the number of properties within the district, which have been demolished to make way for multi-family structures. He feels it is ridiculous to tear down a home and build homes that look like old homes, purely for profit. He further stated that the house is in excellent condition and worth saving.

Mente Connery, 632 East Amelia Street, stated that the size of the house was to accommodate a large family and she supports families moving into the downtown area. She also supports single-family homes and stated there are enough multi-family homes downtown and few houses of this quality and size.

Kerry Kelly, 229 East Concord Street, stated he is concerned regarding the preservation of his neighborhood. He showed a map from the 1920's and noted the absence of homes in the district at that time. He further stated that traffic caused by the Court House and downtown clubs has increased and made it difficult to raise a family in the neighborhood. Construction of more multi-family units will add to the traffic problems in the neighborhood. He stated that Maury Hurtz, renowned artist with paintings in City Hall and the Orange County Court House, grew up at 223 East Concord Street.

→ Ed Miesak, 222 East Concord Street, stated he purchased his home in September, after having researched the district and neighborhood and noticed the subject house and feels it is a contributing structure of the district. Replacing it with a "synthetic" structure is not in keeping with the district. He further stated he would not have purchased his house if 223 East Concord Street had been a multi-family structure.

Raymond Cox, 600 East Amelia Street, President, Lake Eola Heights Neighborhood Association, stated that although there may be other houses of this style in the district, none are of this size. He stated that the Lake Eola Heights Historic District is listed on the National Register of Historic Places and their definition of a contributing structure is a structure 50 years old. He stated that the house meets that criteria. Mr. Cox stated that by demolishing the house and building two other new structures you are diluting the percentage of contributing structures in the district and adding two non-compatible structures. He also stated that the quality of life in the neighborhood would be compromised and downgraded if construction of two duplexes is allowed on the block because of the added density.

Board discussion ensued regarding the non-contributing status of houses in historic districts and the Land Development Code concerning same and the process of amending an ordinance of a district to change aspects of the ordinance that the neighborhood feels are out of date and/or invalid.

→ Further discussion followed regarding the style, size and importance of the house and its unique contribution to the district even though it does not meet the contributing standards of the Lake Eola Heights Historic District ordinance.

Mr. Brito stated that the economics of the situation are not within the purview of the Board and will not be considered. He further stated that the Board's task is to look at the structure's uniqueness of style and the Board is obligated to take that into consideration regardless of the age of the house.

Ms. Hill stated that there is historic significance because the Hurtz family built the house and were renowned in Orlando as being managers of one of Orlando's first hotels. She also said that Maury's brother is also an artist and she feels that at some point in time the house will have even more significance if allowed to exist.

Mr. Bryla stated he feels there is no pressing reason to act on the matter hastily and time should be given for the neighborhood to work with the owner and applicant for some workable solution. He further stated that although the house was built in 1950, in twenty years that style of house in Orlando may be lacking because they have all been torn down. Mr. Bryla stated that the national code (Secretary of the Interior Standards) states that a structure 50 years or older meets their criteria, but the City code, which was written differently, shows that the City's Code was short sighted.

Mr. Brito MOVED to deny applicant's application for a Certificate of Appropriateness. Ms. Jenkins SECONDED the motion. Mr. Maines recommended that the Lake Eola Heights Neighborhood Association amend their charter. Mr. Bryla stated that the Historic Preservation Officer should suggest that each district review their inventory and their ordinance to see if the ordinance needs to be amended. Mr. Bryla further stated that there was no pressing time frame or evidence of an economic hardship to indicate that anything must be done immediately. He noted that a demolition could not be done in any event until full sets of plans are presented. **The motion was voted upon and PASSED by voice vote. Mr. Maines voted nay.**

3f. 545 Delaney Avenue, #HPB2000-00165, Lake Cherokee Historic District (District 1)

Applicant: Hovey Group Ltd.

Hovey's Court is comprised of nine houses built between 1913-1919. All the buildings are Craftsman style with similar materials but each varies in design.

The applicant proposes to obtain a retroactive Major Certificate of Appropriateness to place a pre-manufactured, 16'-0" x 24'-0" shed at the northeast corner of the property, which backs up to Margaret Court. Staff feels this is inappropriate, because several houses that front Margaret Court are forced to view the back of the shed. Staff feels the architectural appearance should be more compatible to the other buildings on the property.

In a recent letter to the Historic Preservation Board, the applicant states that the shed is aesthetically pleasing and movable. He also stated the shed is needed for storage of tools and equipment. The shed was reviewed for a retroactive Minor Certificate of Appropriateness, which was denied, as the Minor Review Committee felt that the shed is incompatible architecturally with the property and should be either less visible from the right-of-way or designed with architectural elements that are similar to the Craftsman style buildings on the property.

Ms. Stansberry stated that the applicant proposes the shed have Hardie-board siding, which is inappropriate. She stated that the vertical surfaces of the main buildings in Hovey's Court are either stucco or wood shingle, so the sides of the shed should be shingled with a pattern to match the shingles that exist on the main buildings. She also stated that the front elevation has metal doors, which are inappropriate for a shed. She stated it would be preferable if the proposed metal doors, which are similar to what you would see on an industrial office building, were replaced with wood doors that emulate a detached garage door typical of the period and character of the other buildings on the property.

The applicant proposes the shed have a wood skirt that covers the wood base, which sits directly on the existing asphalt parking lot. It would be preferred that the shed have an actual foundation.

Staff Recommendation: Recommend approval to City Council with the following conditions:

1. Remove the doors and install others more in keeping with the utilitarian nature of the shed.
2. Construct a foundation for the shed.
3. Shingle the shed with a pattern to match the shingles that exist on the main buildings.

Board discussion followed regarding whether the shed meets Code criteria, whether a variance had been obtained, whether a permit had been obtained, the overhang and exposed rafter beams, exterior surface of the shed, metal doors of a utilitarian nature, and the number of sheds within the Lake Cherokee Historic District.

Mr. Bryla stated that the shed is located to the rear of the Craftsman bungalow that the Board had previously reviewed and he feels they need to return with another design. Mr. Bryla encouraged the applicant to work with the Design Review Committee to work out a more appropriate design than the one submitted. He also commented that the shed would need to be 5' from the property line to meet Code. Ms. Stansberry stated that when the applicant applies for a building permit, the proposal will go through all of the departments including transportation.

Tim Leffler, applicant, stated previously there was a "pod" type of structure behind Building 8 for the storage of lawn equipment. He also stated a building permit was not obtained. He said he could have used a temporary storage container instead but feels the present structure is more compatible. Ms. Painter stated that such a unit would still have to meet accessory structure requirements. Mr. Leffler also considered moving the shed to a different location on the property.

Ms. Jenkins MOVED to deny applicant's request for a Certificate of Appropriateness pending further design considerations and compliance with applicable City Codes. Ms. Werth SECONDED the motion. Mr. Bryla stated that the applicant must work with Staff to come up with an appropriate design for the shed and a site plan that responds to whatever building setbacks are required. The applicant can, at that time, bring the proposal before the Board again. Ms. Wild encouraged the applicant to return to the January meeting. Ms. Painter stated that Code Enforcement considers the building illegal because a permit was not obtained, but is reasonable in handling the matter if they see that measures are taken to rectify the situation. Ms. Wild stated that the application would automatically be placed on the January agenda. Ms. Painter suggested a motion to defer would automatically ensure that the matter would be heard at the January meeting. **The motion to deny applicant's request for a Certificate of Appropriateness pending further design considerations and compliance with applicable City Codes was voted upon and PASSED by voice vote. Ms. Werth voted nay.** Ms. Painter stated that a motion to defer could replace the motion to deny pending further design considerations. **Ms. Jenkins withdrew her original motion and MOVED to defer applicant's request for a Certificate of Appropriateness until the January meeting. Ms. Werth SECONDED the motion to defer. The motion to defer was voted upon and PASSED by unanimous voice vote.**

3g. 328 Ponce de Leon Place, #HPB2000-00200, Lake Cherokee Historic District (District 1)
Applicant: Neil Koni

The applicant proposes to construct a two-story Mediterranean Revival inspired residence and a three-bay garage apartment on a vacant lot. The applicant proposes that both structures be clad with stucco, have ceramic tile roofs and wide eaves supported by concrete brackets. Between the brackets, the applicant proposes wood coffered panels, which run the perimeter of both buildings.

Ms. Stansberry stated the applicant proposes the front of the residence have three parts and step back to the right with a consistent arched element on each portion. On the first part, an arched ribbon window is

flanked between engaged columns. On the center portion of the façade, the front door is placed under an arch and recessed 6'-0" from the face of the building. The third portion is the arched porte-cochere. The applicant proposes four windows of varying sizes at the second floor; each is two over two aluminum.

The applicant proposes a double arch porte-cochere flanked with columns and centered on the west side elevation.

Staff Recommendation: Recommend approval with the following conditions:

Main House:

1. Alter the windows on the east elevation, so that the window header steps like the sill and the window size is no larger than the windows on the front elevation.
2. Revise the left side of the front elevation to look like the preliminary sketch, which depicted a stucco-banded arch with the same proportions as the two arches on the right.

Garage Apartment:

1. Install at least two windows on the first and second floor on the west side façade of the garage. This elevation should be submitted for a Minor Certificate of Appropriateness.

Neil Koni, applicant, stated he accepts staff recommendations regarding the two garage windows to be added to the first and second floor west façade.

Mr. Bass left the meeting at 6:30 PM.

Mr. Bass returned to the meeting at 6:40 PM.

Mr. Koni stated the shallow arched soffit flanked between engaged columns was added due to a second floor joist header.

Ms. Stansberry stated that the applicant was referring to Staff's recommendation to revise the left side of the front elevation to look like the preliminary sketch, which depicted a stucco-banded arch with the same proportions as the two arches on the right.

Mr. Koni stated this is not possible due to the problem with the second floor joist header.

Mr. Koni stated that the windows on the left elevations allow more light into the house.

Mr. Bryla read comments from applicant's architect regarding the preliminary sketch, the stucco-banded arch and lentil elements.

Mr. Brito stated he believes the depiction on the preliminary sketch is achievable although the second floor ceilings may be 8'-6" instead of 9'-0".

Ms. Painter read a letter from Tom Price, 554 Lake Avenue, in support of Staff recommendations. Mr. Price took exception only with the use of aluminum windows being appropriate. Mr. Price stated that wood windows are the norm in the surrounding homes. Mr. Price suggested that the applicant consider reversing the plan to take advantage of the north view of Lake Cherokee and in so doing would also align

the footprint's front staggered masses with those of other homes progressing along the diagonal of Ponce de Leon Place.

Board discussion followed regarding reversing the elevation, staff recommendations regarding the step windows, use of band windows, tree canopy and whether the windows on the west façade would be viewable from the right-of-way.

Mr. Brito and Mr. Bryla spoke in support of Mr. Price's recommendation to reverse the plan.

Ms. Painter stated that the property was recently approved for a lot split. A condition of allowing this lot to be developed on its own was that the house on the west be allowed a 5' setback. Mr. Koni stated that there was a variance in 1992 and he had spoken with Richard Unger regarding same. The variance and a supporting letter permits the new structure to be built without the 5' setback. He further stated that Mr. Unger concurred.

Board discussion followed concerning the three windows on the west façade and the front bay window.

Mr. Brito MOVED to approve Staff Recommendation. Ms. Jenkins SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

Ms. Werth left the meeting at 6:55 PM.

Ms. Werth returned to the meeting at 7:02 PM.

3h. 511 Woodlawn Boulevard, HPB#2000-00208, Lake Cherokee Historic District (District 1)

Applicant: Timothy R. Baker

The applicant proposes to construct a 14'-6" wide by 15'-10" deep one-story, two bay, stucco porte-cochere with a decorative parapet in front of this two-story, eclectic Mediterranean Revival house, constructed in 1923. The applicant proposes to create a roof balcony at the second floor. There is an attached one-car garage, which was converted to an office before the present owner purchased the house.

Ms. Stansberry stated that to build the porte-cochere in the proposed location the applicant is subject to a variance. The Land Development Code allows a minimum side yard setback of 5'-0". The applicant is proposing a side yard setback of 6".

Ms. Stansberry defined a porte-cochere as being a covered entrance or porch, projecting far enough across a driveway so that automobiles may easily pass through. Since the applicant is proposing a porte-cochere that sits directly in front of a two-story portion of the house, this would be inappropriate because it is impossible to drive or pass through.

Ms. Stansberry stated that a Major Certificate of Appropriateness for a renovation of the converted garage into a family room and laundry room and an addition to the rear of the house was issued in April 1999. She noted that, at this point in time, the applicant made a decision to not have covered parking. If the applicant had desired covered parking, he could have reintroduced the garage in the original location, and the porte-cochere and a 6" side yard setback variance would not be needed.

Ms. Stansberry stated that, although the applicant's proposal is appropriate in terms of materials and ornament consistent with a Mediterranean Revival style residence, the two-bay porte-cochere is inappropriate because of the size of the structure and proximity to the street. After visiting the site, she stated it is apparent that the porte-cochere would overpower the front left corner of the house, as this corner is closer to the street than the right side of the house.

Ms. Stansberry further stated that the size and position of the proposed porte-cochere would compromise the integrity of the residence. She recommended a nonpermanent structure, such as a trellis or awning, would be more appropriate, provide covered parking, and could be reviewed as a Minor Certificate of Appropriateness.

Staff Recommendation: Recommend denial to City Council.

Board discussion followed regarding the number, size and location of carports in the district and the location of the proposed porte-cochere.

Tim Baker, applicant, stated that his request for a variance was denied by the Board of Zoning Adjustment. Mr. Baker further stated that he is negotiating with his neighbor to purchase 7' of his neighbor's property.

Mr. Baker stated that the appearance of the house is off balance due to the relationship and proportion of the garage as it relates to the rest of the house and the blankness of the west façade. Mr. Baker feels the new design addresses this problem and creates a more balanced building by engaging a structure in front.

Mr. Baker stated that the porte-cochere would have a 30' setback from the street.

Mr. Baker produced pictures of arbors and discussed the need for parking space and also stated he would like to have a minimum width of 16'.

The Board commended Mr. Baker on his proposal package and presentation.

Board discussion ensued regarding covered parking in the district, arbors, additions to historic buildings and their compatibility with the original structure.

Mr. Maines inquired whether Staff would have changed their recommendation if there were not a setback issue.

Ms. Stansberry stated that the setback was not Staff's main objection and the staff recommendation would remain the same without a setback issue.

Mr. Bass MOVED to approve applicant's proposal as submitted. Mr. Brito SECONDED the motion. The motion was voted upon and PASSED by voice vote. Ms. Hill voted nay.

3i. 1601 Delaney Avenue, HPB#2000-00217, Lake Copeland Historic District (District 1)
Applicant: Mark Kinchla

The applicant proposes to separate two lots, which are presently combined as one parcel, and remove the sunroom of this Minimal Traditional residence built in 1939, to gain access to the rear of the house for a driveway and parking.

Staff Recommendation: Resubmit with a site plan that shows a shared driveway and chosen treatment for existing apartment. Proposed future additions to property will need to be in the rear to retain the Minimal Traditional character of the house.

Ms. Stansberry stated that the applicant has agreed with staff recommendation to defer.

Mr. Bass MOVED to approve Staff Recommendation. Mr. Brito SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

OTHER BUSINESS

4a. Ms. Stansberry stated the Historic Preservation Board 2001 Calendar should be ready for distribution either December 15 or December 18.

4b. Ms. Stansberry informed the Board that she approved the demolition of a rear one-story addition located at 29 North Brown Street because the one-story addition has been deemed to be a public safety hazard by a Building Official from Permitting Services.

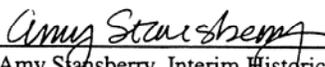
4c. A hand vote regarding future demolition requests being placed on the consent agenda was taken. **The Board voted upon and PASSED by unanimous hand vote to place future demolition requests on the regular agenda.**

ADJOURNMENT

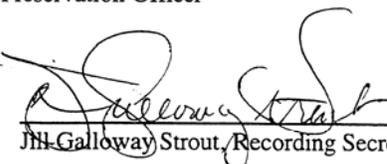
5. The Chair declared the meeting adjourned at 7:34 PM.

Staff Present:

Dena Wild, Urban Design
Linda Painter, Land Development
Amy Stansberry, Interim Historic Preservation Officer
Michele Andujar, Land Development



Amy Stansberry, Interim Historic Preservation Officer



J.H. Galloway Strout, Recording Secretary

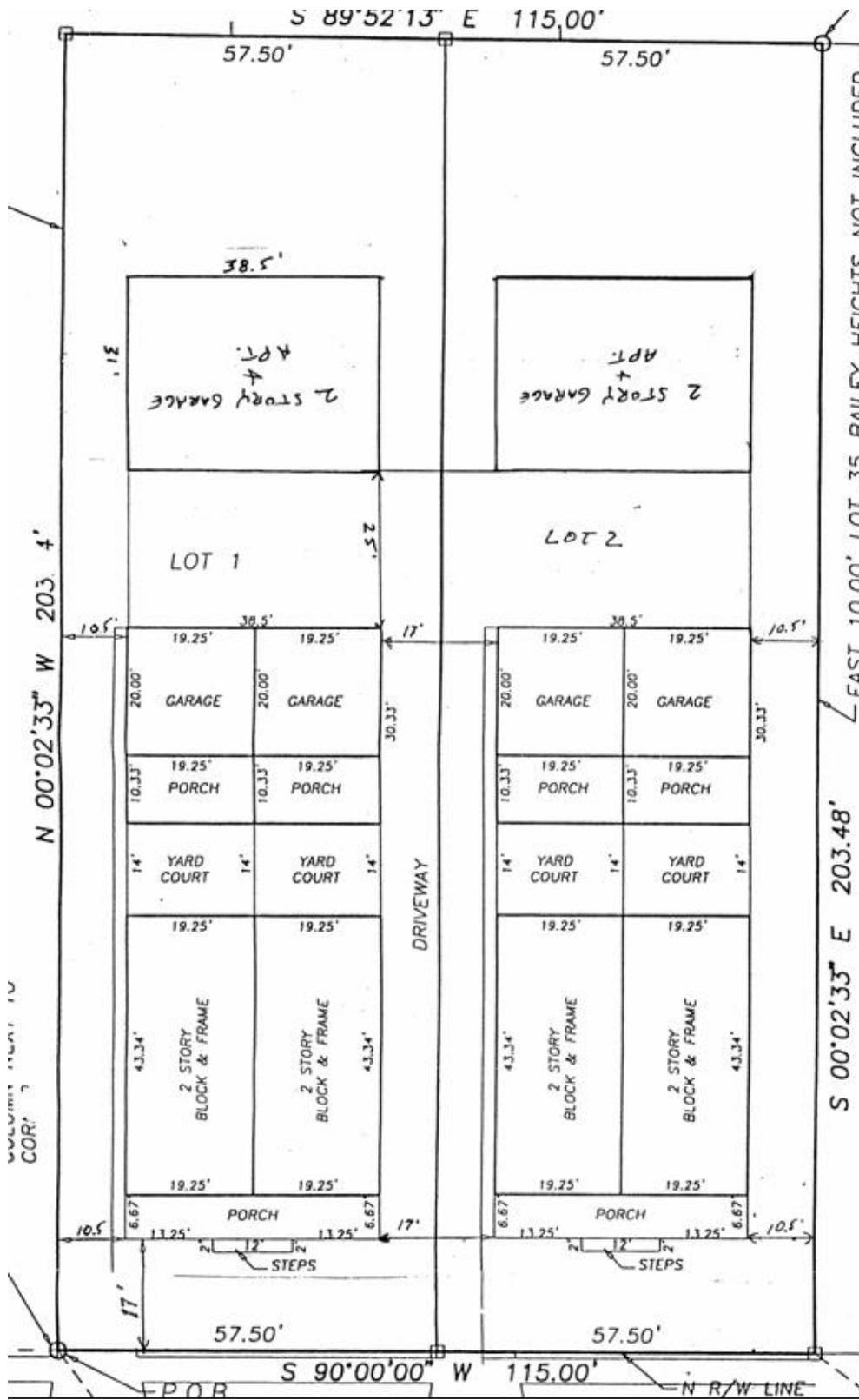


Figure E-5. Proposed site plan for two duplexes with garage apartments at 223 E. Concord Street. Courtesy of Orlando HPB.



CITY OF ORLANDO

ADDENDUM

March 7, 2001

TO: Historic Preservation Board Members
FROM: Amy J. Stansberry, Historic Preservation Officer *AJS*
RE: 223 East Concord Street
APPLICANT: Mark Kinchla/Jon Marsa
DISTRICT: Lake Eola Heights Historic District
REQUEST: To demolish a single-family residence for the construction of two, two-story Mediterranean Revival duplexes and two, two-story garage apartments.

Although staff has recommended deferral, the applicants wish to proceed forward with the review of this application. At the December 2000 Historic Preservation Board Meeting, the demolition was denied by the Board.

However, it was unclear as to the reason for the denial. According to the minutes of the meeting, the reason could have been due to the Board finding that this building is of architectural and/or historic significance; the reason could also have been due to lack of sufficient information as to the proposed new construction.

In considering this case today, it would be appropriate for the Board to first clarify the reason for the original demolition denial. If the Board's intent was to deny because of lack of information, a motion and second to "Recommend to City Council approval of the demolition subject to Board and City Council approval of a Certificate of Appropriateness of any new structure(s)." should be entertained. This motion must be made by a member on the prevailing side of the initial motion of denial.

If such motion and second cannot be obtained, or is not approved, the Board's previous recommendation of denial will stand. If the Board approves the demolition subject to approval of the new construction, review of the applicants' new construction proposal is appropriate.

Staff recommendations concerning the new construction are included in the original staff report. These conditions could be revised to reflect the Board's evaluation of the design. The Minor Review Committee could then be directed to review and approve all Board required changes prior to permit issuance.

PLANNING AND DEVELOPMENT DEPARTMENT • CITY PLANNING BUREAU
LAND DEVELOPMENT DIVISION
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Figure E-6. Addendum: Historic Preservation Board staff report March 2001. Courtesy of Orlando HPB.



CITY OF ORLANDO

March 7, 2001

TO: Historic Preservation Board Members
FROM: Amy J. Stansberry, Historic Preservation Officer
RE: 223 East Concord Street
APPLICANT: Mark Kinchla
DISTRICT: Lake Eola Heights Historic District
REQUEST: To demolish a single-family residence for the construction of two two-story Mediterranean Revival duplexes and two two-story garage apartments.

BACKGROUND INFORMATION: The split-level Ranch style residence was built in 1950. The Ranch style is loosely based on Spanish Colonial precedents but strongly influenced by the modernist movement of the early 20th century. The residence displays an overall horizontal emphasis with wide eave overhangs and horizontal banding. Details, such as corner metal-casement windows and glass block, are influenced by the Art Moderne style. The house also possesses traditional details, such as a tile roof and two brick chimneys with a decorative brick banding and metal hood. A center side gable connects two hip portions of the tile roof. This residence is non-contributing to the district, because it was constructed after the period of significance (1884-1940) for the Lake Eola Heights Historic District.

At the November 8, 2000 Historic Preservation Board Meeting, the Board denied a demolition request because they felt that the residence had historical and architectural significance and that there was not enough information regarding the future utilization of the site. Since then, three Design Review Committee Meetings have been held to discuss the design for the future utilization of the site.

ANALYSIS (demolition): Section 62.707 of the Land Development Code (LDC) requires that in reviewing an application for the demolition of an historic landmark or a structure in a Historic Preservation Overlay District, the Historic Preservation Board consider the following criteria:

Significance:

- (a) *The historic, architectural or environmental significance of the structure.*
- (b) *The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district.*

Figure E-7. Historic Preservation Board staff report dated March 7, 2001 pages 1-7. Courtesy of Orlando HPB

(c) *The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an historic landmark, to the City.*

The Standards state the significance and importance of the structure as it relates to the other structures within the historic district should be examined. When Lake Eola Heights Historic District was designated in 1989, this residence was surveyed and judged to be non-contributing, outside the period of significance, because it was not 50 years old.

At the November 8, 2000 Historic Preservation Board Meeting, the Historic Preservation Board determined that the building was significant in spite of these classifications, because the design was outstanding and included elements such as an overall horizontal emphasis, wide eave overhangs and horizontal banding. The Board felt it had character defining details of the Art Modern style, such as corner metal-casement windows and glass block.

Remaining Examples:

(d) *The number of remaining examples of similar significance in the HP Overlay district or, in the case of an historic landmark, in the City.*

(e) *The difficulty or impossibility of reproducing such a structure because of design, texture, material, detail, size, scale or uniqueness of location.*

The Design & Demolition Standards state that the number of remaining examples of similar significance in the Historic District should be considered. There are many examples of post-1940 vernacular architecture in the Lake Eola Heights Historic District, but only one of this size at 323 E. Concord Street. The property at 323 E. Concord Street is in good condition and has kept its original character. Therefore, it has been treated like a contributing property, even though the house is non-contributing, because the date of construction is 1947. It is another example of a split-level ranch with wide eave overhangs, horizontal banding, and clay tile shingle roof. The house has modern details combined with traditional elements, and is similar to 223 E. Concord in many ways. It is also an example of what 223 E. Concord could be if retained. However, the majority of post-WWII vernacular buildings are considered non-contributing, and could be demolished in the future.

The Design & Demolition Standards state that the difficulty or impossibility of reproducing such a structure because of design, texture, material, detail, size, scale or uniqueness of location should be considered. Even though the structure is made of concrete block and is fairly easy to reproduce, this style is not considered contributing in the Historic District and reproducing the structure would not be allowed. Considering the scale of the structure related to the expansive size of the lot, reproducing the structure may be impossible.

Future Utilization:

(f) *The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archeological, social, aesthetic, or environmental character of the HP Overlay district. (Refer to "ANALYSIS" for proposed new construction below)*

Existing Condition/Maintenance:

(g) *The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism, or neglect*

(h) *Any measures that have been taken to prevent the structure from deteriorating, such as the performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate.*

(i) *The determination by the building official that the structure is an imminent hazard to public safety and that repairs would be impractical.*

The Standards state that the structure's condition and any action that has been taken to prevent deterioration should be considered. In this case, the structure is in good condition and has been maintained. Unfortunately, because of the size of the structure, it would be impossible to be moved.

Economic:

(j) *The economic hardship imposed on the owner if the application for the Certificate of Appropriateness for demolition is denied.*

This criterion is not required and applies only to income producing properties.

ANALYSIS (proposed new construction): The Standards state that future plans for site utilization and the effect of those plans on the architectural, historical, social, or aesthetic character of the Historic District should be considered. The applicant proposes to construct two two-story Mediterranean Revival inspired duplexes and two two-story garage apartments on this lot. The applicant proposes that each duplex appear to be a single-family residence with a porch and a single entry. The applicant proposes a shared driveway between the duplexes. All four structures would be clad with stucco, and have flat roofs with decorative parapets.

As noted above, the applicant has met with the Design Review Committee (DRC) three times regarding the proposed construction. At the most recent meeting, February 9, 2001, the Design Review Committee recommended the applicant make the following changes to the design:

- ① Reduce the parapet height of the rear portion of the primary structure on Building #1 and #2. H 10
- 2. Redesign Building #2 or return to previous design. R
- 3. Omit the pitched roof on Building #2. R
- ④ Offset the rear portion of the primary structure 2'-0" from the front portion of the primary structure on each side of the driveway on Building #1 and Building #2. R 2V
- 5. Change the orientation of the rear portion of the primary structure, so that it is more linear on the site. *Scale & Massing*
- ⑥ Delete the pent house on the rear portion of the primary structure. SAM
- ⑦ Make sure the proposal meets the Land Development Code requirements for the impervious surface ratio and for accessory structures in the rear yard.
- 8. Use the smaller garage apartment size. *Scale & Massing*

Section 62.706 of the LDC, Design and Demolition Standards, contains criteria concerning the construction of new structures. Each element of the proposal is evaluated below using the appropriate criteria.

Height & Setbacks: The Standards require that the height and setbacks comply with the Land Development Code. The proposed average height of the tallest element on the front façade of both buildings is about 28'-6," and meets the 30'-0" height requirement. From the perspective drawing supplied by the applicant, these heights seem to correlate with the adjacent structures. The tallest point of the proposed garage apartment is 24'-6" tall. At that height, the proposed garage apartment is required to be 15 feet from the rear lot line, and the applicant will need to obtain a variance for the proposed location. While the proposed setback for the garage apartments is not uncommon in the district, it should be noted that the garage apartments on both of the adjacent properties greatly exceed the 15 foot required setback.

Beyond design review, the following elements of the design do not comply with the Land Development Code and should be examined.

1. The lots are not wide enough for three units.
2. With three units on one lot, the site becomes multi-family and treated as a commercial property. Multi-family development has different development standards including handicap parking, compliance with ADA, and buffer yard requirements.
3. The proposed development appears to be close to, or exceed, the maximum Impervious Surface Ratio.

Scale and Massing: The scale and massing of structures and their architectural elements are required to be similar to the contributing structures in the district. The DRC recommended the applicant reduce the parapet height of the rear portion of the primary structure on Building #1 and #2. The

applicant has created a 3'-2" difference in the parapet height only on Building #1 and not by lowering the rear parapet, but by raising the front parapet. This change is inappropriate as the Design Review Committee has been working with the applicant to achieve massing and scale similar to the existing contributing structures in the district. In the previous submittal, the height of Building #1 and #2 was 24'-0" in the front portion and 23'-6" in the rear portion. The front portion should be returned to a 24'-0" height with a new average height of 20'-0" for the rear portion on both buildings.

The surrounding contributing buildings are smaller in mass. Based on the proposed site plan, the Building #1 & Building #2 are each about 39'-0" wide and 43'-0" deep in the two-story front portion with a connector to the rear portion of 9'-0" wide and 20'-0" deep and a two-story rear portion 36'-0" wide and 32'-0" deep. These square dimensions do not include unheated space. The total square footage for each building is 6,021 SF including the garage space (4,349 SF without garage space). When compared to the adjacent contributing properties, the proposed buildings are double the size. According to the Orange County Property Appraisers the property to the left, 213 E. Concord Street is 3,868 SF, including unheated spaces, but not including accessory structures (the one-story garage & two-story garage apartment). A third of the total square footage is obtained by one-story additive spaces, like the front porch, porte-cochere, and sunroom, centered on a two-story volume. This helps cut down the massiveness and relate to pedestrian scale on each façade. According to the Orange County Property Appraisers, the property to the right, 229 E. Concord Street is 3,034 SF, including unheated spaces, but not including accessory structures (the one-story garage & two-story guesthouse). Again, a third of this square footage is composed of one-story additive spaces, which is only accomplished on the front elevations of the proposed structure.

Although the connector provides a break in the building mass with a courtyard between the front portion and the rear portion of each building, the volumes themselves are too large for the surrounding area. The perceived goal was to reduce the mass of the rear portion to reflect the size of a garage apartment. However, the rear portion is too large to compare with those garage apartments. There are two garage apartments at 213 E. Concord, the one that is two-story has an approximate square footage of 1,344 SF. The rear portion of the mainhouse is 2,304 SF, which does not compare with what currently exists in the surrounding area. If the rear portion of each building was reduced to half the square footage and had an appearance secondary to the main residence, this would start to correlate with the pattern of the neighborhood.

The DRC recommended that the applicant use the smaller garage apartment size, 30 X 26, instead of a larger size previously proposed. The smaller size is appropriate, because it is more in keeping with other two-story garage apartments in the district.

The applicant has reduced the size of the penthouse in the rear portion of the primary structure on both buildings. Even though it has been reduced, the DRC recommended that the applicant remove

the structure. If the applicant complies with all the recommended changes, the proposed house may be similar in size to most of the nearby contributing structures. It would be helpful if this could be shown in 3-D, or at least by a perspective drawing, so that there is an understanding of how the volumes relate to the existing.

Fenestration: The Standards require that windows have a vertical orientation similar to contributing buildings in the district. The proposed structures meet this requirement.

Orientation: The front door of the structure is required to face the street and should be articulated with a porch, stoop, surround or other architectural elements. In addition, the front shall contain at least 15% transparent materials on each story. The proposed structures meet these requirements.

Materials: The materials and textures on new structures shall be similar to the materials and textures of contributing structures in the district. On Building #1, the applicant is proposing to use rough stucco walls, while on Building #2, the applicant is proposing a smooth stucco finish. Other proposed materials common to both buildings are the clay tile roof, wood brackets, ceramic tile accents, wood garage doors and aluminum windows with exterior raised mullions. These materials and textures are similar to the materials and textures on contributing structures in the district and are appropriate.

Roof shapes: Roof shapes, pitches and materials shall be similar to the roofs on contributing structures in the district. The DRC recommended that the applicant remove the hip roof on Building #2 and return to the previous design. This is appropriate, the applicant has complied and both buildings have flat roofs with decorative parapets.

Rhythm of Solids and Voids: New structures shall be designed and positioned on their lots in such a way that they reflect the regular pattern of structures and open space along the block face. The DRC suggested the applicant offset the rear portion of the primary structure 2'-0" from the front portion of the primary structure on each side of the driveway at Building #1 and Building #2. From the site plan submitted by the applicant, it appears the right side of Building #1, and the left side of Building #2 have been narrowed creating approximately 4'-0" of space between the driveway and the exterior of the rear portion of the primary structure. This is appropriate, because it opens up the space between the buildings to prevent a "canyon effect." Even though the proposed site plan does not display the rear portion of the structure more linear on the site, the objective of diminishing a "canyon effect" has been met.

The placement of the buildings differ, this is helpful in reading the buildings as separate dwellings. The main façade of Building #1 is 33'-0" from the street, and a full-width porch is 24'-0" from the street. This set back is similar to the adjacent house to the left. The main façade of Building #2 is

39'-0" from the street with a partial entry porch which is 32'-0" from the street. These front yard setbacks are appropriate to the contributing structures in the district.

The applicant has proposed a shared driveway, which is a common historical precedent in the district. If the overall pattern of the driveways along the street is examined, there are driveways on the immediate left and right of the two duplexes. This dictates a shared driveway, and is appropriate.

Style: New construction may be influenced by, but not duplicate historic styles. The design possesses details of Mediterranean Revival style such as the arches, clay barrel tile roof, brackets, pent roofs, and decorative parapets. Although certain details, such as the aluminum windows with modern transoms above, differentiates it from true historic designs.

STAFF RECOMMENDATION: Recommend deferral of proposal because the buildings are too large for the district, and should be evaluated with a model or a perspective drawing incorporating the following changes for Buildings #1 & #2:

1. The front portion should be returned to a 24'-0" height with a new average height of 20'-0" for the rear portion.
2. Delete penthouse on rear portion of primary structure.
3. Reduce mass of the main residence, so it is similar to the existing structures in the neighborhood.
4. Comply with the Land Development Code requirements, including minimum lot width, maximum impervious surface ratio, setback and parking requirements.

Also, the deferral for demolition is based upon the architectural significance of the residence, in spite of how it is classified.

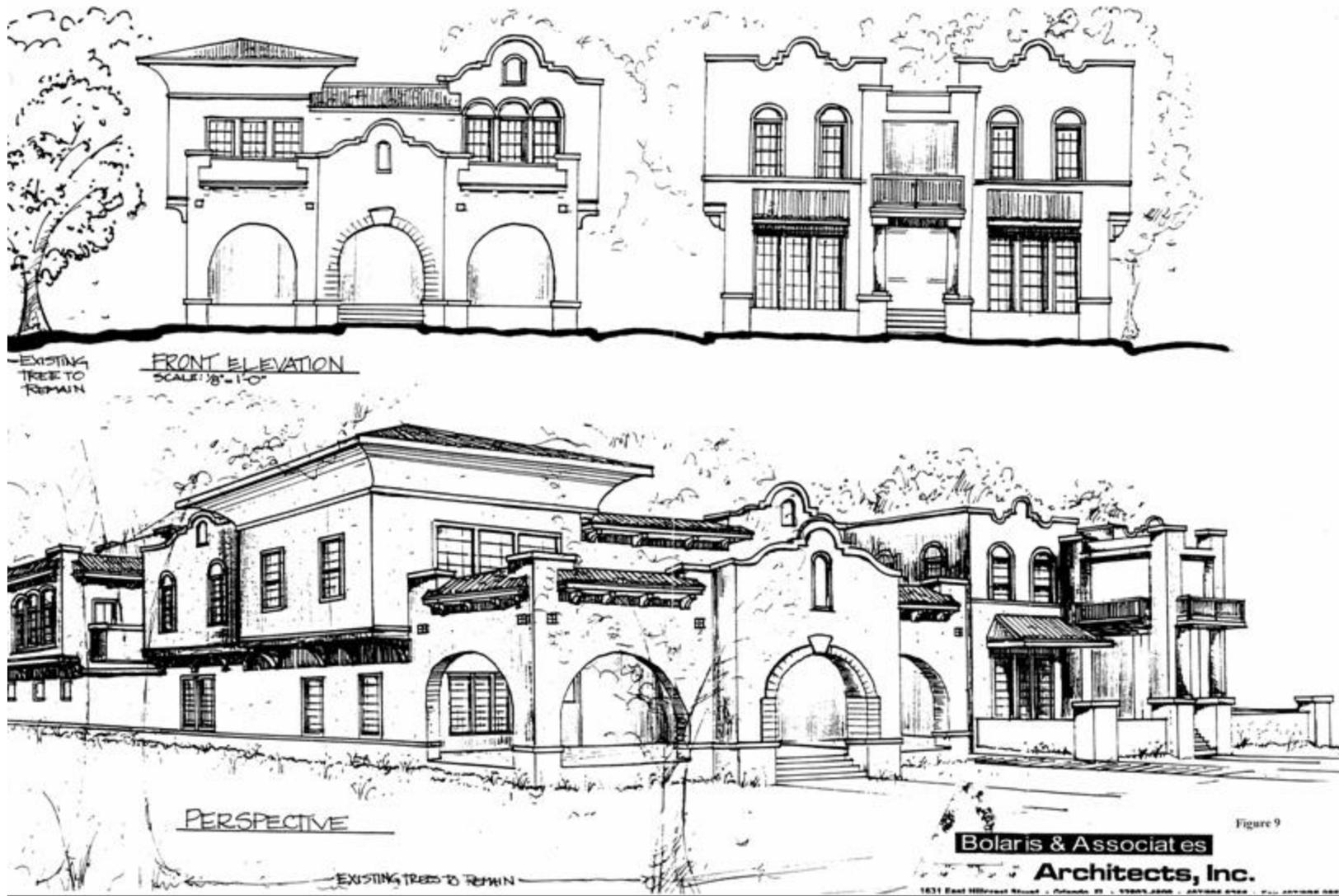


Figure E-8. Proposed elevations and perspectives for two duplexes at 223 E. Concord Street. Courtesy of Orlando HPB.

**CITY OF ORLANDO
HISTORIC PRESERVATION BOARD
MARCH 7, 2001
MINUTES**

On Wednesday, March 7, 2001, the Historic Preservation Board met in City Council Chambers, City Hall, Orlando, Florida. Greg Bryla called the meeting to order at 4:09 P.M. and announced the presence of a quorum.

Members Present:

Gregory Bryla Chair [6/0]
David Bass Vice-Chair [6/1]
Max Brito [6/0]
Sheila Hill [6/1]
Crystal Jenkins [6/0]
Ted Maines [4/0]
Cindi Parker [1/0]
Jean Werth [4/0]
Cindy White [6/2]

CONSIDERATION OF MINUTES

1. Ms. Jenkins MOVED to approve the minutes of the February 7, 2001, Board meeting. Mr. Bass SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

Mr. Bryla introduced new Board member, Cindi Parker.

CONSENT AGENDA

Mr. Bryla discussed the Consent Agenda and the procedure for removing an item from the Consent Agenda. He stated that any item(s) removed from the Consent Agenda would be heard first on the Regular Agenda.

Linda Painter, AICP, Chief Planner, provided a summary of each of the Consent Agenda items.

- 2a. **410 East Livingston Street; #HPB2001-00032, Lake Eola Heights Historic District (District 4)**
Applicant: Jeffrey Herman

The applicant proposes to retroactively permit the demolition of a carport and is requesting permission to construct a new carport, which will be attached to an existing two-story garage apartment. The applicant also proposes to install a fence.

Staff Recommendation: Recommend approval to City Council

Figure E-9. Historic Preservation Board meeting minutes dated March 2001 pages 1-11.
Courtesy of Orlando HPB.

Mr. Brito MOVED to approve the Consent Agenda. Mr. Gaines SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

REGULAR AGENDA

3a. 332 Agnes Street; #HPB2001-00021, Lake Cherokee Historic District (District 1)

Applicant: Mary Donahue

The applicant proposes to demolish a one-story, one-car garage, which was constructed in 1924 and requests a waiver to the 180-day waiting period.

Jodi Rubin, AICP, Historic Preservation Officer, stated that although the garage is contributing due to its age there are several factors which reduce its significance and indicate waiver of the 180-day waiting period.

- The garage has been altered with the garage door replaced with an entry door and siding.
- The structure is in a deteriorated state and it is impractical to repair.
- The garage is not as significant as the main house because it is secondary to the principal structure.
- The garage is located in the rear of the property.
- The owner has no plans to replace the structure.

Staff Recommendation: Recommend approval of the demolition to City Council with a waiver to the 180-day waiting period.

Board discussion followed regarding the significance of the garage in relationship to the house and other garages in the district. Ms. Rubin stated that, while the garage is a contributing structure, it is not as significant as the house and is, in any event, secondary to the principal structure.

Ms. Parker MOVED to approve Staff Recommendation. Ms. Werth SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

3b. 223 East Concord Street; #HPB2000-00216, Lake Eola Heights Historic District (District 4)

Applicant: Mark Kinchla

The applicant proposes to demolish a split-level Ranch style residence built in 1950 and construct two, two-story Mediterranean Revival duplexes and two, two-story garage apartments.

Amy Stansberry, Historic Preservation Officer, presented a brief history of the structure. Ms. Stansberry stated that the application for demolition was denied at the December 2000 HPB meeting. Since that time, the applicant has met three times with the Design Review Committee to discuss future utilization of the site.

Ms. Stansberry further stated that after a review of the December 2000 HPB minutes, the exact grounds for the application being denied is unclear. Ms. Stansberry stated that two positions for denial were evident after reviewing the December minutes.

- The architectural and historical significance of the house.

- Lack of information regarding new construction.

Ms. Stansberry requested that the Board clarify their reasons for denial at the HPB December meeting and stated that if the denial was due to lack of information regarding new construction that they recommend approval of the demolition subject to HPB and City Council approval of a Certificate of Appropriateness for new construction. Ms. Stansberry said that, otherwise, the Board's previous recommendation for denial will stand based on the structure's architectural and historical significance.

Mr. Bryla stated that the Board would review the application for demolition first and the application for new construction of two duplexes and two garage apartments second.

Jon Marsa, owner, read staff recommendations from the December HPB meeting and made the following comment:

- It was the finding of staff that "this residence is non-contributing to the district, because it was constructed after the designated historic period of significance (1884-1940) for the Lake Eola Heights Historic District."

Mr. Marsa read criteria for landmark designation from the Land Development Code.

Mr. Marsa presented photographs of properties within and just outside of the Lake Eola Heights Historic District (LEHHD).

Mr. Marsa resumed reading of criteria for landmark designation from the Land Development Code and stated that he believes the house does not meet any landmark designation criteria.

Mr. Marsa cited criteria for demolition from the LDC regarding historic landmarks.

Jim Hunt, 1231 East Amelia Street, who also owns non-contributing property at 601-603 East Amelia Street and 517-519 Cathcart Avenue, stated that although the property is non-contributing, he feels it contributes to the fabric of the LEHHD. He further stated he hopes HPB and the applicant can preserve the structure.

Ed Miesak, 222 East Concord Street, stated the house contributes to the district. Mr. Miesak stated he feels the house will be replaced by a driveway and over-development.

Raymond Cox, 600 East Amelia Street, stated he is concerned that demolition of a house in such good condition will have a negative economic impact on the neighborhood inasmuch as it may influence other non-contributing homeowners to develop their properties in a likewise fashion. He further stated that losing this house could have a devastating impact on the overall historic significance of the LEHHD. Mr. Cox stated that even though it is only one house, it is one of many which make up the fabric of the entire district.

Jim Benson, 538 Broadway Avenue, stated he lives in a 75 year old house, but feels the applicant's house is also contributing to the district. He stated he feels demolishing the house and replacing it with four units would be a travesty to the City Beautiful. He feels we need to protect our historic areas and districts.

Rick Adams, 212 East Concord Street, is against the demolition and against the proposed new structures. He stated that the photographs Mr. Marsa presented of surrounding houses were not comparable to the size and style of Mr. Marsa's house and therefore, not relevant.

Mr. Marsa stated he was told to keep his comments during this portion of the meeting to the demolition of the house and was further told not to speak about future development of the property during this portion of the meeting.

Mr. Bryla stated he and the other Board members would consider only those comments by the public regarding the demolition of the house at this point of the meeting. Mr. Bryla reiterated his instructions to the public regarding comments being kept to the application for demolition of the house.

Mr. Marsa stated he feels he is at a disadvantage in not having had the opportunity to present his proposed utilization of the property.

Mr. Bryla stated a memo from Kerry Kelly, 229 East Concord Street, was received via fax in opposition to the project. Mr. Kelly also wrote that he feels the project is not in the best interest of the neighborhood. Copies of the memo were distributed to Board members and Mr. Marsa.

Mr. Adams presented a letter from Sandra K. Fredrick, 425 North Highland Avenue, in opposition to the proposals and it was distributed to the Board members and Mr. Marsa.

Ms. Painter read a letter from Diane Martens, 229 East Amelia Street, in opposition to the application for demolition and redevelopment of the property.

T. J. Walchessen, 235 East Amelia Street, stated he is in opposition to the demolition and redevelopment of the property.

Mr. Bryla stated that his recollection of the December HPB meeting was that the motion for denial was based on the fact that the LDC originally established a historic district code in 1980. At that time, it stated that any structure which was 50 years of age or older would be considered contributing. When district ordinances were drawn, time frames were set based on 50 years for periods of significance. These time frames were set at the time the ordinance was drawn. The time frame for LEHHD is from 1884 - 1940. He further stated that the house is over 50 years old and he voted for denial of the demolition in the spirit of what the LDC states in looking at structures 50 years or older, not structures which fall within certain time frames. Mr. Bryla also stated he knows discussions in other districts have revealed that only due to a Code technicality have houses of significance not been included as contributing to a district. Mr. Bryla further stated that there was insufficient information at the time of the December HPB meeting to approve the application for demolition and there was also no pressing time frame. Mr. Bryla also stated that it is his understanding that the demolition could not occur in any event, without a building permit for a structure to replace it. At the time of the December HPB meeting, there was not a site plan.

Mr. Bryla requested that each Board member clarify their position at the time of the December HPB meeting for voting to deny or not to deny the demolition.

Mr. Bass stated that he voted for denial due to the age of the house and its architectural and historical significance. He further stated he voted as he did regardless of what future plans for development are.

Ms. White stated that the house is a Ranch-house style and is an architecturally significant style. In different parts of the country, examples go back to the turn of the century. She also stated that this is the best example of a Ranch-house in the LEHHD and one of the better ones in the City. She said what would go up after the demolition was not relevant as she feels the structure should be saved.

Mr. Brito stated that his reason for denial of the demolition was due to the significance of the structure, even though it did not meet the time requirements as stated in the ordinance. He said that due to its size, condition and style it could not be replaced and his vote for denial had nothing to do with what would occur after the demolition, even though that is an important issue. He further stated that his vote was based more on the significance of the structure and at times the Board does make exception to the rule, although a structure may not meet the contributing criteria. He said if there is something significant about a structure, the Board is allowed to make an exception to save the structure.

Mr. Gaines voted against denial and continues to have the same opinion. He stated it is his concern that it is not a contributing structure to the district and does not fall within the guidelines of the time periods that are protected. He also stated that if the lot was vacant and an application for construction of the same structure was submitted to the Board it would be denied and he feels it is very contradictory of the Board to say approval of the demolition is not allowed but construction of the same house would also not be approved.

Ms. Jenkins stated she feels the house adds character to the community and creates a collage of houses within the district. She stated for this reason she voted against demolition and did not even consider what would be built on the property.

Ms. Werth stated it is difficult for her to decide whether a house in this condition should be demolished. She stated she is withholding her opinion at this time.

Mr. Brito agreed with Ms. Werth concerning the difficulty of the issue, but stated even though the structure is non-contributing, it is very significant whether there is one of that style and size or two and would like the structure to stay.

Board discussion ensued regarding Board approval of a house of this style and size.

Ms. Hill stated she is a neighbor, but does not believe she has a conflict of interest as she will experience no financial gain or loss as a result of the decision. She further stated that she voted for denial because she feels that demolition of the structure will significantly change the fabric of the neighborhood and she also feels the house is significant.

Mr. Bryla summarized the consensus of the Board as:

- The validity of the house being a contributing structure;

- Although, as stated by the applicant, the house would not meet criteria for a landmark, as perhaps no house within the district would, the question is not whether the house is a historic landmark, but whether it meets the criteria of historical significance versus being a 50-year old structure.

Ms. White MOVED to deny the application for demolition. Mr. Bass SECONDED the motion. Ms. White stated she is making the motion based on the concerns of the Board that this structure is significant to the neighborhood. Mr. Gaines stated that the majority of public comments concerned what would replace the structure as opposed to the value of the house to the neighborhood. Ms. Werth stated that the Hurt family were and still are an old established Orlando family and in the 1950's when Orlando was much smaller the family was well known and respected. Ms. Werth stated her opinion is that the house is significant, in good condition and carries the Hurt family history.

Ms. Painter outlined the appeal process.

Mr. Bryla stated that the December HPB minutes noted:

- No other example of the style and size within the district;
- Amending ordinance of a district to change the aspects of the ordinance that the neighborhood feels are out of date and/or invalid;
- Style, size and importance of house and its unique contribution to the district;
- Historic significance of the Hurt family.

Mr. Marsa stated he is aware of neighbors concerns regarding the density of the proposed development of the property. He also reminded the Board that Code does allow for multi-family dwellings to be built on the property.

Mr. Brito stated the Board is tasked to interpret the Code and read between the lines of same. He further stated he would vote to deny the demolition regardless of what is proposed to replace it.

Mr. Brito stated the issue for denial is not due to the density of the proposal but due to the Board's finding that the structure is contributing and significant albeit outside of the window of the contributing definition.

The motion was voted upon and PASSED by voice vote. Mr. Gaines voted NAY.

Ms. Painter stated that the applicant had also applied to construct two new structures and the next part of the meeting would deal with the proposed construction of the two new structures.

Ms. Stansberry stated that the applicant proposes to construct two, two-story Mediterranean Revival inspired duplexes. She stated the applicant had withdrawn their request for the two, two-story garage apartments.

Ms. Stansberry stated that each duplex:

- Will appear as a single-family residence with a porch and a single entry;
- There will be a shared driveway between the two duplexes;
- Both buildings will be stuccoed and have flat roofs with decorative parapets.

Ms. Stansberry stated that at the February 9, 2001 DRC meeting the following recommendations were given to the applicant:

- Reduce the parapet height of the rear portion of the primary structure of Building #1 and #2;
- Delete the penthouse on the rear portion of the primary structure.

Ms. Stansberry stated that scale and massing are still a concern and noted that each structure of the proposal has double the square footage of adjacent properties. She stated that the applicant has agreed to return the front portion of the structure to 24' in height and the average height of the rear portion to 20'.

Ms. Stansberry stated the DRC made three comments:

1. Reduce the parapet height of the rear portion of the primary structure on Building #1 and #2;
2. Offset the rear portion of the primary structure 2'-0" from the front portion of the primary structure on each side of the driveway on Building #1 and Building #2;
3. Change the orientation of the rear portion of the primary structure, so that it is more linear on the site.

Ms. Stansberry stated that the applicant has met conditions 1 and 2.

Ms. Stansberry stated that based on the proposed site plan the following is evident:

- Building #1 and #2 are each approximately 39' wide and 43' deep, with a connector portion of 9' x 20' and a rear portion of 36' x 32';
- The buildings are each 6,021 sq. feet;
- When compared to adjacent properties they are almost double the square footage;
- Adjacent properties are surrounded by one-story spaces, which reduces two-story massing;
- Although the connector creates a break, the volumes themselves are too large for the surrounding area.

Staff Recommendation: Recommend denial of proposal because the buildings are too large for the district and should be evaluated with a model or a perspective drawing incorporating the following changes for Buildings #1 and #2:

1. The front portion should be returned to a 24' -0" height with a new average height of 20' -0" for the rear portion.
2. Delete the penthouse on rear portion of the primary structure.
3. Reduce mass of the main residence, so it is similar to the existing structures in the neighborhood.
4. Comply with the Land Development Code requirements, including minimum lot width, maximum impervious surface ratio, setback and parking requirements.

Ms. Stansberry stated that the applicant was cautioned at every DRC meeting that the structures are too large.

Meeting recessed at 5:40 P.M.

Ms. White left at 5:40 P.M.

The meeting resumed in Conference Room "U" at 6:00 P.M.

Mr. Marsa stated he was disappointed and concerned that by limiting his presentation to demolition, while neighbors spoke of concerns regarding proposed development, neighbors unduly influenced Board members, especially those who did not have past knowledge of the case. He stated he was also disappointed and confused by Mr. Bryla's statement regarding "the spirit" of the Code and Mr. Brito's statement regarding "reading between the lines" of the Code. Mr. Marsa then read from page 35 of the City of Orlando Ethic's Manual.

Mr. Marsa proceeded to give a history of the property:

- He purchased the house from Peter Hurt in 1994 with the desire to develop the property and plans to live in one of the duplexes.
- He spoke with Ms. Rubin in September 2000 regarding development options and he was informed at that time that the house was non-contributing and could be demolished.
- He also spoke with Patty Kishbaugh, Plans Examiner, and was informed the zoning for the property allowed the construction of eight units.
- One week ago, he was informed by Ms. Painter that the property is zoned for only five units on the combined lots.
- City Council enacted a moratorium on tandem houses and a 40% FAR.
- He met with Ms. Stansberry in October 2000, and discussed development of the property.
- He contacted Bolaris & Associates Architects and began design work on a Mediterranean Revival duplexes.
- Between October 6, 2000 and November 2000, he met with Ms. Stansberry several times and worked on modifying the original designs.
- On December 6, 2000, his request for demolition was denied by HPB.
- DRC meetings were held on December 20, 2000, January 18, 2001 and February 12, 2001 and each lasted several hours.
- Items discussed at the meetings included the following:
 - Using Bungalow design instead of Mediterranean Revival design;
 - Location of the entrance;
 - Desire of Mr. Marsa to have duplexes appear as single-family homes;
 - Landscaping;
 - Scale and Massing;
 - Deleting the penthouses;
 - Visibility of the penthouses from the right-of-way.

Mr. Marsa stated that at the second meeting he expressed his desire to reach an agreement with DRC on design and size so that the proposal could be presented to the HPB.

Mr. Marsa stated there is precedent for penthouses and one is located at 600 East Livingston Street, which was approved by HPB last year. He also stated that there is a structure on the block that is 3' wider and 7' taller than his proposed duplexes.

Ms. Stansberry interjected that the building Mr. Marsa cited is half the square footage of his proposed building.

Mr. Marsa and Ms. Painter discussed LDC, Section 62.302, General Standards, and the relevance of same to his proposal.

Mr. Marsa read Section 62.706 from the LDC and stated his interpretation of the Code is that the focus should be placed on the frontage as seen from the right-of-way, not what is in the rear property or the depth of the building.

Mr. Marsa showed photographs of neighborhood apartment houses, large single-family homes and offices, which are not included on Sanborn maps. Ms. Rubin stated that Sanborn maps are used during review of proposals by staff because contributing structures at the time of the LEHHD ordinance are shown on the Sanborn maps. She stated that some non-contributing structures are not shown on the Sanborn maps.

Mr. Marsa closed his presentation by stating that the style of the proposed duplexes more closely relate to contributing buildings in the LEHHD than the existing house.

Mr. Bryla instructed the public to limit their remarks to the proposal to construct two duplexes.

Raymond Cox, 600 East Amelia Street, stated that the HPB Chair recommended at the December 2000 meeting that the applicant meet with the LEHHD Neighborhood Association. He stated that this never occurred. Mr. Cox stated that he and other neighbors are concerned about scale and massing. He further stated that the buildings' depths are visible from the right-of-way. He also stated that the voids in the buildings' designs create the impression of additional buildings on the property and this is not compatible with other properties in the neighborhood. His understanding was that the intent was to build two distinct structures with the appearance of single-family homes, however, the structures mirror each other in details, materials and style and create the impression of a unit. Additionally, he stated the shared easement is a concern as it is visually adhesive and turns the buildings into a compound rather than two distinct residential structures. Mr. Cox stated that the apartments on the same block noted by the applicant give the appearance of single-family homes with single entry doors and interior apartment entry doors. Mr. Cox stated there are no similar buildings in the LEHHD with similar scale and massing.

Mark Hampton, 1100 Ayrshire Street, stated he is concerned with the style of the duplexes, window treatment and window recesses.

Jim Hunt, 1231 East Amelia Street, stated he is opposed to attempts to downsize the neighborhood. He also stated he has concerns concerning scale and massing of the proposal and hopes a compromise between the applicant and HPB can be worked out.

Board discussion ensued and the following issues were discussed:

- Section 62.201 of the LDC, Standards for Historic Landmarks and Structures in Historic Preservation Overlay Districts;
- Reasons for DRC requests for 3D and perspective models of the proposal;
- Scale and massing and depth;
- Parking regulations;
- Shared driveway;
- Deleting the connector and courtyards;

- Reducing the parapet height;
- Deleting penthouses;
- Deleting the courtyards and building detached one-story garages;
- Reducing the height of the rear portion of the duplex to one-story.

Ms. Werth MOVED to approve Staff Recommendation to defer.

Ms. Painter made a point of clarification stating that the original staff report recommended deferral of the demolition and request for construction of two, two-story duplexes. She further stated that an Addendum to the staff report was submitted to the Board before the meeting recommending denial of the demolition because the applicant wished to move forward with the proposal. She said that the Board can defer or make another motion.

Ms. Werth MOVED to defer until a new plan is presented that meets Code.

Mr. Gaines asked if the appeal of the demolition should occur before a decision on the proposal is made.

Seth King, Assistant City Attorney, reviewed the appeal history of this matter. Mr. King recommended the Board decide on both issues. He stated further that the demolition would have to be approved in order to approve the proposal for the duplexes. Mr. King said if the Board does not wish to take action on the proposal at this time, it would be appropriate for the Board to move to continue the matter.

Mr. Gaines stated he is opposed to hearing a proposal for construction on a property after the Board has denied the demolition of the structure, which is on the property. He stated neighbors have stated that no matter what the proposal is, they are opposed to demolition of the house.

Ms. Werth stated she does not feel the proposal for construction of anything could be approved at this meeting.

Board discussion ensued regarding the appeal process and timeframe.

Mr. King informed the Board that they could also deny the proposal and if the applicant's appeal is successful, he could reapply with a new proposal.

Mr. Bass stated he feels the applicant should not have to wait until after the appeal process to know if he has an acceptable proposal.

Board discussion followed regarding the DRC process and what action the Board should take.

Mr. Bass left the meeting at 7:20 P.M.

Ms. Werth MOVED to continue the hearing on new construction in the event the demolition is approved, in which case, there will be one DRC meeting before the request is brought back to the Board and at that meeting the issues of size, scale and massing will be addressed. Mr. Brito SECONDED the motion. The motion was voted upon and PASSED by unanimous voice vote.

OTHER BUSINESS

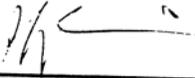
4a. Ms. Rubin announced a DRC meeting scheduled for Friday, March 9th at 3:30 P.M.

ADJOURNMENT

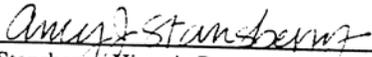
5. The Chair declared the meeting adjourned at 7:35 P.M.

Staff Present:

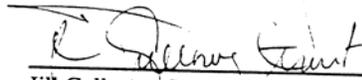
Linda Painter, AICP, Executive Secretary
Jodi Rubin, AICP, Historic Preservation Officer
Amy Stansberry, Historic Preservation Officer
Richard Unger, AICP, Planning Bureau Chief
Seth King, Assistant City Attorney
Jill Galloway Strout, Recording Secretary



Jodi Rubin, AICP, Historic Preservation Officer



Amy Stansberry, Historic Preservation Officer



Jill Galloway Strout, Recording Secretary

TITLE II CITY CODE*

Chapter 66 DEFINITIONS

PART 2. DEFINITIONS

Sec. 66.200. Definitions.

Structure--Contributing: Historic landmarks or structures in HP Overlay districts that, at the time of designation, are at least fifty (50) years old and maintain their architectural integrity.

Structure--Non-contributing: Historic landmarks or structures in HP Overlay districts that, at the time of designation, are less than fifty (50) years old or are structures that are at least fifty (50) years old, but that have been altered to the extent that they have lost their architectural integrity.

Studio Apartment: See Dwelling, Multifamily.

Subdivider: Any person, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity commencing proceedings under Chapter 65 to undertake a subdivision of land hereunder for himself/herself or for another.

Subdivision (of Land): For the purposes of Chapters 58 through 66, a subdivision of land is the process (and the result) of any of the following:

- (a) The division of land into lots, building sites, blocks, open space, public areas, or any other division of land;
- (b) Establishment or dedication of a road, highway, street or alley through a tract of land, by the owner thereof, regardless of area;
- (c) The re-subdivision of land heretofore subdivided (however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots and does not result in a nonconforming lot, building, structure or landscape area, shall not be considered as a subdivision of land); and
- (d) The platting of the boundaries of a previously unplatted parcel or parcels.

Subdivision, Long-Form: A subdivision which qualifies as a Long-Form Subdivision in accordance with the standards of Chapter 65.

Subdivision Plat: See Plat.

Subdivision, Short-Form: A subdivision which qualifies as a Short-Form Subdivision in accordance with the standards of Chapter 65.

Substantial Enlargement:

- (a) The following shall be deemed to be a substantial enlargement: an increase in the size of a building, structure or building site by more than twenty-five (25%) of its existing area prior to such enlargement.
- (b) The following shall be presumed to be a substantial enlargement and this presumption shall prevail unless overruled by the Director of Planning and Development pursuant to Section 65.378: an increase in the size of a building, structure or building site by at least ten (10) percent but not more than twenty-five (25) percent of its existing area prior to such enlargement.
- (c) The following shall not be deemed to be a substantial enlargement: an increase in the size of a building, structure or building site by ten (10) percent or less of the existing area prior to such enlargement.

Notwithstanding the foregoing, any proposed enlargement which is more than ten (10) percent of the building, structure or building site, but which is less than 1,000 square feet, shall be presumed to be a substantial enlargement and this presumption shall prevail unless overruled by the Director of Planning and Development pursuant to Section 65.378.

http://fws.../om_isapi.dll?infobase=13349.nfo&record={5D8E}&softpe

Figure E-10. Definition of “Structure—Non-contributing” from City of Orlando Land Development Code.

Congratulations, the Lake Eola Heights Historic District was placed on the National Register of Historic Places on January 16, 1992. This is the first National Register historic district for the City of Orlando, although the locally designated Downtown and Lake Cherokee Historic Districts are specially certified by the Federal government as "historic" for tax purposes.

The National Register designation is important for those of you who own rental property in the neighborhood. Landlords might be eligible for a 20% Investment Tax Credit (ITC) for the substantial rehabilitation of qualified historic structures. "Substantial rehabilitation" means spending at least the adjusted basis on the rehab. The "adjusted basis" is the amount paid for the property, less the land value, less any depreciation. A "qualified historic structure" is one in the district that is at least 50 years old that maintains its architectural integrity.

The ITC is only available to those who apply for it through the Florida Division of Historical Resources (DHR) in Tallahassee. Before any work begins, the applicant must certify that the building qualifies, that it is a contributing structure in the district. The details of the rehabilitation, both interior and exterior, must be approved by the DHR before the first hammer blow. The rehabilitation should leave the building as intact as possible and any additions or alterations should have a minimal impact. At the end of the project, the owner will be eligible to take a 20% tax credit on the cost of the work, including the consultants' and architects' fees.

If you have any questions about the Investment Tax Credit or the National Register designation, please call Jodi Rubin, Orlando's Historic Preservation Officer, at 246-3350. Or you can contact the Architectural Preservation Services Section, Division of Historical Resources, 500 South Bronough Street, Tallahassee, FL 32399 or (904) 487-2333.

Figure E-11. Documentation of National Register of Historic Places listing. Courtesy of Orlando HPB.

EOLA HEIGHT SURVEY AREA LIST

| ADDRESS | ARCH. STYLE | DATE OF CONSTR. | ARCH. EVAL. | HISTORIC SITE NAME (Original Owner) |
|-----------------------|-------------|-----------------|-------------|---|
| <u>Concord Street</u> | | | | |
| * 100-116 | | | green | |
| * 112 | FV | c+1924 | green | |
| * 114 | FV | c+1924 | yellow | |
| 120 | FV | c+1919 | green | |
| 126 | MESS | 1917 | red | (orig)Wm. MacClinchey House (now) Concord Apartments |
| 137 | BG | 1916 | green | F. A. Anley House |
| 205 | BG | 1915 | green | M. S. Liddell House |
| 209 | | | green | |
| 213 | PS | 1926 | gr/red | J. H. Mooney House |
| 216 | CR | 1924 | green | |
| 217 | | | red | |
| 220 | | | red | |
| 222 | CRw/FE | 1924 | gr/red | William A. Whitcomb House |
| 304 | | | blue | |
| 315-317 | FV | 1926 | green | George Albertson House |
| 318 | PS | 1925 | green | A. A. Cormack Apartments |
| 409 | FV | 1926 | gr/yel | Emma V. Allen House |
| 421 | BG | 1925 | yellow | Joseph Garretson & wife Aline |
| 500 | BG | 1923 | yellow | J. J. Williams House |
| 501 | FV | 1922 | green | Edith Watts House |
| 504-06 | FV | 1926 | green | |
| 510 | FV | 1923 | green | Clifton H. Cord House |
| 514 | BG | 1923 | green | |
| 518 | FV | 1922 | green | Edith Watts House |
| 523 | FV | 1923 | gr/yel | A. W. Miller House |
| 526 | | | blue | |
| 602 | BG | 1911 | yellow | A. W. Miller House |
| 627 | FV | 1927 | green | George F. Albertson Apts. |
| 631-635 | FV | 1927 | green | George F. Albertson Apts. |
| 701 | FV | 1925 | green | R. R. McCain |
| 707 | BG | 1924 | green | Edward & Alice Young House |

Figure 13 (cont.)

Figure E-12. Excerpt from Lake Eola Heights Survey dated 1983. Courtesy of Orlando HPB.

**National Register of Historic Places
Continuation Sheet**

Section Number 7

Lake Eola Heights Historic District

SUMMARY

The proposed Lake Eola Heights Historic District is located in Orlando, Florida. Primarily a residential neighborhood located east of the commercial center of town, the historic district measures approximately 120 acres and, in addition to residential buildings, contains a small number of religion-, education-, and commercial-related buildings. The district's contributing resources have significance through their architectural and historical associations. Although some residences rise two-and-one-half stories in height, most are small in size. Architectural examples include Art Moderne, Bungalow, Colonial Revival, Italian Renaissance, Late Gothic Revival, Mediterranean Revival, and Neoclassical styles. Also present are numerous examples of wood Frame and Masonry Vernacular construction. The period of significant development associated with the district spans the years 1884 through 1940. The historic district is comprised of 664 contributing and non-contributing buildings. Of that number, 481 buildings, most of which serve a private residential function, are contributing. Seven contributing buildings serve a commercial function, six serve a religious function, and one an education function. Buildings categorized as non-contributing total 183. That number includes buildings that have been significantly altered, or were erected outside the historic period. The district possesses a significant concentration, linkage, and continuity of buildings united historically by plan and physical development.

PRESENT AND ORIGINAL PHYSICAL APPEARANCE

Lake Eola is located in Orlando, Florida, the seat of government for Orange County, Florida. Incorporated in 1875, Orlando is now a community of 154,413 (1988) and is located fifty-four miles southwest of Daytona Beach and eighty-five miles northeast of Tampa. Orlando's early development was related to the expansion of the citrus industry in Florida during the Reconstruction Era. Later, during the 1880s, the railroad opened the area to further development. Light industry and commerce have also played significant roles in the local economy.

Lying immediately north of Lake Eola, the proposed historic district measures some 120 acres. A natural body of water that measures approximately twenty-three acres, Lake Eola is located immediately northeast of Orlando's downtown commercial district. Because of its proximity to the downtown commercial center, land near Lake Eola was developed beginning in the late-nineteenth century by Orlando's early settlers and community leaders. The district contains a significant number of historic buildings in one of Orlando's oldest and largest historic residential neighborhoods. Development around Lake Eola has been closely tied to that of the community of Orlando and to the broader patterns of U.S. history.

Figure E-13. Excerpt from National Register of Historic Places Nomination Form dated 1980. Courtesy of Orlando HPB.



CITY OF ORLANDO

July 10, 2001

Mr. Jon Marsa
223 E. Concord Street
Orlando, Florida 32801

RE: Quasi-Judicial Hearing
Petitioner: Jon Marsa
Property Address: 223 E. Concord Street
Case No. 2001-002 (HPB 2000-00216)

Dear Mr. Marsa:

Enclosed please find a copy of the Recommended Order in connection with the above referenced matter. As per Orlando City Code Section 2.208, "all parties shall have not less than 10 working days to file exceptions to the recommended order with the Hearing Administrator before the Hearing Administrator schedules consideration of the recommended order by City Council." You must file any exceptions to the Recommended Order by **July 24, 2001**.

If you have any questions or concerns, please call me at (407)246-3489.

Sincerely,

Cynthia E. Sanford
Hearing Administrator

Enclosures

cc: Scott A. Glass, Esquire
Shutts & Bowen
300 South Orange Avenue
Suite 1000
Orlando, FL 32801

bcc: Rich Unger
Jodi Rubin
Amy Stansberry
Linda Painter
Seth King



CITY ATTORNEY • OFFICE OF LEGAL AFFAIRS

CITY OF ORLANDO • 400 SOUTH ORANGE AVENUE • PO BOX 4990 • ORLANDO, FLORIDA 32802-4990
PHONE 246-2295 • FAX 246-2854 • <http://www.ci.orlando.fl.us>

Figure E-14. Recommended Order for the Applicant's Appeal pages 1-9. Courtesy of Orlando HPB.

IN RE: Quasi-Judicial Hearing
Petitioner: Jon Marsa
Property Address: 223 E. Concord Street
Case No. 2001-002 (HPB2000-00216)

RECOMMENDED ORDER

Background

Petitioner, Jon Marsa, filed an application for a Certificate of Appropriateness, pursuant to the City of Orlando Land Development Code (LDC), to demolish a house at 223 East Concord Street within the City of Orlando. The subject property is located within the Lake Eola Heights Historic District and thus the need for a COA prior to demolition.

Mr. Marsa's application for a COA was first heard by the City of Orlando Historic Preservation Board (HPB) on November 8, 2000. Although the historic preservation staff for the City of Orlando recommended that the HPB approve the COA, the application was denied.

Subsequent to the November 8, 2000, meeting, Mr. Marsa and city staff worked on the proposal, including the development that Mr. Marsa was proposing on the site after demolition. The matter was scheduled to go back before the HPB at its March 7, 2001, meeting. This time, however, city staff recommended denial of the application, and once again the HPB refused to issue the requested COA.

After this denial, Mr. Marsa timely requested a hearing before the hearing officer and filed a "Petition in Opposition to Board Recommendation." The City timely responded, and several residents of the Lake Eola Heights Historic District filed responses in opposition to the granting of the COA.

A hearing before the undersigned was held on June 8, 2001, at City Hall in the City of Orlando. Appearing on behalf of Mr. Marsa was Scott Glass, Esq., who called Jon Marsa and Amy Stansberry, a historic preservation planner for the City of Orlando, as witnesses, and submitted the following exhibits:

- Petitioner's Exhibit "A": Report by Amy Stansberry dated November 27, 2000.
- Petitioner's Exhibit "B": Statement of Significance.
- Petitioner's Composite Exhibit "C": Comparable Properties
- Petitioner's Exhibit "D": Report by Amy Stansberry dated March 7, 2000.
- Petitioner's Exhibit "E": Photos of subject property.

The City of Orlando was represented by Seth King, Esq., who called Amy Stansberry and Jodi Rubin, a historic preservation planner for the City of Orlando, as witnesses.

The following Interveners appeared on their own behalf: Kerry Kelly, Ed Miesak, and Theodore and Barbara Walchessen. Mr. Kelly submitted a single composite Exhibit "A" comprised of photos of various houses in the Lake Eola Heights Historic District.

Applicable Law

Chapter 62 of the City of Orlando Land Development Code (LDC) contains the historic preservation regulations applicable within the City of Orlando. Part 7 of Chapter 62 contains the "Design and Demolition Standards for Historic Landmarks and Properties in HP Overlay Districts." The Lake Eola Heights Historic District is an HP Overlay District in which these standards apply.

An application to demolish any structure within a Historic District is to be reviewed by the Historic Preservation Board. Section 62.707 sets forth the criteria that the HPB is to apply in deciding to grant or deny such applications as follows:

In reviewing an application for the demolition of an historic landmark or a structure in an HP Overlay district, the Historic Preservation Board shall consider the following criteria:

- (a) The historic, architectural or environmental significance of the structure.
- (b) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district.
- (c) The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an historic landmark, to the City.
- (d) The number of remaining examples of similar significance in the HP Overlay district or, in the case of an historic landmark, in the City.
- (e) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- (f) The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the HP Overlay district.
- (g) The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
- (h) Any measures that have been taken to prevent the structure from deteriorating, such as performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate.
- (i) The determination by the Building Official that the structure is an imminent hazard to public safety and that repairs would be impractical.
- (j) The economic hardship imposed on the owner if the application for Certificate of Appropriateness for demolition is denied.

All parties at the hearing agreed that only the criteria in (a) through (f) were relevant to the COA application at issue.

Section 2.207 of the LDC sets for the procedures to be followed at a hearing before a Hearing Officer. Paragraph (5) provides:

Burden of Proof. The party filing the hearing request shall have the burden of coming forward with the evidence and the burden of proof. The decision of the Hearing Officer shall be based on competent substantial evidence after applying the criteria set forth in the Orlando City Code and any applicable administrative, federal and state case law in effect at the time the hearing request was filed.

Thus, the burden was on the applicant, Jon Marsa, to present substantial competent evidence on the criteria in Section 62.707 (a) - (f). The City and intervenors may then also submit evidence relevant to one or more of the criteria.

Findings of Fact

1. The structure on the subject property is a ranch-style single family home built in 1950.
2. Because the house on the subject property was not fifty years old at the time that the Lake Eola Heights Historic District was created, it is not listed as a contributing structure within the District.
3. There are several other houses within the Lake Eola Heights Historic District that display characteristics of "ranch style" residential architecture, all of which were built after World War II and none of which are listed as contributing to the District.
4. The Hurt family built the subject house in 1950, and lived in it for most, if not all, of the period up to the time at which the house was purchased by Mr. Marsa. Two of the Hurt sons, Maury and Pete, have become painters of some renown within the City of Orlando.
5. A ranch-style house, similar to the subject house, could be built within the Lake Eola Heights Historic District subject to review by the HPB.
6. The new construction proposed for the property will consist of two duplexes, Mediterranean revival in style, and each approximately 6,000 square feet in size. Although there are some preliminary drawings of the proposal in the record, all the drawings show each duplex as

having an adjoining garage with an upstairs garage apartment. The testimony at the hearing established, however, that the proposal would not have garage apartments as originally shown. No revised drawings showing the proposal without the garage apartments were submitted.

7. Expert testimony was presented showing that the proposed development, as shown on the preliminary drawings and assuming the removal of the garage apartments, was incompatible with the Lake Eola Heights Historic District due to its scale and massing. Although the Petitioner submitted evidence tending to show that there are other lots developed at the same or greater floor area ratio, that factor alone does not show compatibility with surrounding structures.
8. Expert testimony was presented that the subject house is architecturally significant in that it is an excellent example of the ranch-style homes built in the period immediately following World War II. It has many of the defining elements of ranch style housing, including a large lot that is wider than it is deep; lack of a front porch; attached garage; rear patio with sliding doors; use of masonry, iron and glass block rather than wood; picture and corner windows; wide overhanging eaves on low pitched roofs; and a generally horizontal feel. No credible evidence was presented that this ranch-style house did not have architectural significance.
9. Expert testimony was presented that the structure has architectural significance to the overall ensemble of structures within the Lake Eola Heights Historic District and that the structure is important to the integrity of the District. No credible evidence was presented to the contrary.

10. Expert testimony was presented that the house, which was designed by an architect, adds substantial aesthetic interest to the Lake Eola Heights Historic District. No credible evidence was presented to the contrary.
11. Expert testimony was presented that there are only three excellent examples of ranch-style houses within the Lake Eola Heights Historic District, with the subject house being one of them. There was also testimony that ranch-houses of the quality of the subject house, on such a large lot, are relatively rare in the downtown area. No credible evidence to the contrary was presented.

Conclusions

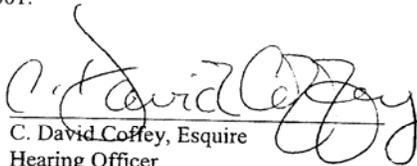
1. As stated above, the party requesting a hearing before a hearing officer has the burden of coming forward with evidence and the burden of proof. The Petitioner in this case failed to submit evidence and carry his burden of proof on several of the criteria to be applied in determining whether to issue a Certificate of Appropriateness for demolition of a structure within the historic district. Specifically:
 - (a) No credible evidence was presented that the subject house was not an architecturally significant example of post World War II ranch-style housing. Substantial competent evidence was presented that the subject house is architecturally significant.
 - (b) No credible evidence was presented that the subject house was not architecturally significant to the overall ensemble of structures within the Lake Eola Heights Historic District. Substantial competent evidence was presented that the subject

house is architecturally significant to the overall ensemble of structures within the Lake Eola Heights Historic District.

- (c) No credible evidence was presented that the subject house did not add substantial esthetic interest to the Lake Eola Heights Historic District. Substantial competent evidence was presented that the subject house does add substantial esthetic interest to the Lake Eola Heights Historic District.
 - (d) No credible evidence was presented showing that the demolition of the subject structure would not result in the loss of one of a very few significant ranch-style houses within the Lake Eola Heights Historic District.
 - (e) No credible evidence was presented as to the future utilization of the site. The only evidence on the record shows a proposal that is substantially different than what the Petitioner stated was going to be constructed on the site. Without plans showing how the site is to be utilized, it is impossible to weigh the plans for future utilization of the site against factors such as the architectural merit of the existing structure.
2. The Petitioner did present evidence showing that the subject house could be reproduced within the Lake Eola Heights Historic District.
 3. Because the Petitioner failed to present credible evidence on five out of the six applicable criteria in Section 62.707 of the LDC, it must be concluded that the application for a Certificate of Appropriateness should be denied.

It is therefore RECOMMENDED THAT: The application for the COA be denied.

Dated this 10th day of ~~June~~, 2001.
July


C. David Coffey, Esquire
Hearing Officer

PURSUANT TO §2.208, THE PARTIES SHALL HAVE TEN (10) WORKING DAYS FROM THE DATE OF RECEIPT OF THIS RECOMMENDED ORDER IN WHICH TO SUBMIT TO THE CITY CLERK, WRITTEN EXCEPTIONS FOR PRESENTATION TO THE CITY COUNCIL IN ITS CONSIDERATION OF THIS RECOMMENDED ORDER.

Staff Report for 223 E. Concord Street

TO: Historic Preservation Board
FROM: Historic Preservation Officer
RE: 223 E. Concord Street
APPLICANT: Mark Kinchla
DISTRICT: Lake Eola Heights Historic District
REQUEST: To demolish a single-family residence for the construction of two Mediterranean Revival duplexes.

BACKGROUND INFORMATION: This split-level ranch style house was built in 1950. Character defining features of the ranch style are the low-pitched roof and the broad façade. The tile roof is a combination of hip and side gable forms that extend to create shed accents. Along with two brick chimneys, these shed elements add to the façade's rambling nature. The undeniable feature of the split-level is the half story wing. Unique to this example, the garage is recessed from the front façade line. The garage appears to be attached to the main house, a character-defining feature of the ranch style. However, it is actually detached and accessible through a breezeway. The house possesses an overall horizontal emphasis with wide eave overhangs and banding. Other character defining features are the metal corner-casement windows and glass block accents. This residence is non-contributing to the district, because it was constructed after the period of significance (1884-1940) for the Lake Eola Heights Historic District.

ANALYSIS (demolition): When reviewing an application for demolition, the Historic Preservation Board must consider the tiered criteria listed in the Standards for Demolition, Appendix C. Because the structure is not an imminent hazard, the first step is to determine the historic viability of the structure. Therefore, the Historic Preservation Board will consider the following:

Significance:

- (1) *The historic, architectural or environmental significance of the structure.*
- (2) *The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the district and the importance of the structure to the integrity of the historic district or the City.*
- (3) *The aesthetic interest that the structure adds to the district or the City.*

As stated in the background, 223 Concord Street is a split-level ranch style house built in 1950. In addition to the architectural significance of the ranch and split-level styles, Art Moderne is another stylistic influence of the house. This post-1930 style mimicked avant-garde industrial designs with a streamlined appearance. The residence at 223 East Concord Street possesses smooth surfaces, horizontal banding, corner casement windows and the glass block accents, which are all characteristic of the Art Modern style.

The Standards state that the significance and importance of the structure as it relates to the other structures within the historic district should be examined. The house contributes to the district simply by maintaining its historic use as a single-family residence. In spite of the non-contributing label the house is compatible with the adjacent structures through the design variables of height, scale and massing, fenestration, setback, orientation and rhythms of solids and voids. 223 East Concord Street is physical evidence of the survival of the Lake Eola Heights Historic District after 1940, the end of the designated historic period of significance. Nevertheless when the Lake Eola Heights Historic District was designated in 1989, this residence was surveyed and judged non-contributing because it was less than 50 years old and built after the period of significance.

Remaining Examples:

(4) The number of remaining examples of similar significance in the district or the City.

(5) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.

The number of remaining examples in the district must be considered. Another split-level ranch style building is located at 323 E. Concord Street. Built in 1947, this house is classified as non-contributing and is similar to 223 Concord Street in quality, size, scale, character and condition. The house is a mix of traditional and modern elements, such as, a tile roof, wide eave overhangs, and horizontal banding. Both houses share the stylistic influence of the Art Moderne. An example of the Art Moderne style is located at 537 North Highland Avenue. Built in 1936, this house is classified as contributing to the district. The Concord houses are later translations of the Art Modern influence and are a continuance of the “modernistic styling” described in The National Historic Register Nomination. These houses convey the survival of the district as a distinguished area in the 1950s.

While reproducing this structure is possible, it is unlikely. Even though the Standards for New Construction require that the stylistic inspiration come from a style that exists or has existed in Orlando, approved designs usually use a prevalent style in the district as inspiration. It is improbable that a house of this scale in relation to the expansive size of the lot would ever be recreated at this point in time.

Later Architectural Movements:

(6) The possibility that the presence of the building provides information about later architectural movements within the district.

Orlando’s varied economic base, dependent upon both agriculture and tourism, lessened the effects of the depression. Simultaneously, the popularity of the automobile boosted the tourist-related industry. While these factors were not significant enough to fund large-scale development, they did allow Colonial Revival style, Ranch style and a new style, Minimal Traditional to be constructed in the area. 223 East Concord Street is physical evidence of post-1940 moderate development in Lake Eola Heights Historic District and in Orlando (Johnston,

1990, p. 7). Due to the quality of the design and details, the residence was probably designed an architect. Since the house was built in 1950, 10 years after the end of the district's period of significance, it is evidence that the district continued to thrive in spite of an economic slowdown.

Future Utilization:

(7) Basic information for the future utilization of the site: the type of structure, the inspiration stylistically if any, and an estimated size of the building.

The proposed future utilization is two 2-story duplexes designed in the Mediterranean Revival style. Each building's layout would consist of the following: a principal two-story mass, an enclosed courtyard, and a two-story mass with a first floor garage and a second floor apartment. The proposed square footage of each building is 6,021. This figure includes the garage square footage to grasp the perceived volume from the street. The average height of both duplexes at 28'-6".

The proposed style for the duplexes is Mediterranean Revival. This style was popular in Florida during the 1920s land boom and the collapse throughout the 1930s (Johnston, 1990). The character-defining features of the style are flat roofs with parapets, low-pitched roofs covered with red barrel tile, stucco facades, arched openings with square columns, arches above doors and windows, as well as casement and double-hung windows (McAlester, 1997). The style was used on "a small cluster of buildings in the district, several of which include large apartment houses" (Johnston, 1990, p. 8). The standards state that if a historic style influences new construction, that style must exist in the district, but may not be a reproduction. Therefore the Mediterranean Revival style is appropriate for the inspiration of new construction.

The proposal must be considered with the Standards for New Construction. While the proposed height is under the 30'-0" maximum allowed in the Land Development Code, also the proposed height must comply with the Preservation Zoning District. Also, the standards state that the proposed height must be appropriate to adjacent buildings, therefore the proposed height is inappropriate and should be lowered.

Refer to the maximum Impervious Surface Ratio for the Preservation Zoning District. The proposed placement of the buildings does not provide ample open space between the structures; this is inappropriate. The standards state new construction must be designed and positioned on the lot so they reflect the regular pattern of structures and open space along the block face.

The proposed floor area ratio is more than the maximum allowed for the Preservation Zoning District, which is inappropriate. Also the proposed square footage is double that of the adjacent houses. The standards state that the proposed scale and massing must be appropriate to the adjacent buildings. For the proposed structures to be compatible the square footage must be reduced to relate to the adjacent buildings and additive massing must be employed. Additive massing is where a smaller mass is added to a visually dominant mass. Typically additive massing visually breaks the mass down, therefore allowing more square footage without creating a massive building. Currently the proposed front entry porch is the only additive space, which is insufficient. Also, the courtyard is created by the extension of the sidewalls from the principal

mass at a one-story height. Since it appears closed, the entire courtyard element actually increases the perception of massing from the street. Therefore, eliminating or lowering the courtyard walls would help reduce massing. Another option would be to use a less permanent wall material to differentiate the space and create walls. For example, freestanding columns and panels set in between would help the courtyard as a separate element.

Based on the design variables above, the new construction is inappropriate and will detract from Lake Eola Heights Historic District.

Information for Applicant:

(1) The square footage of 223 East Concord Street is 3,494 SF (Figure E-15).

213 East Concord Street: 3,868 square feet (Figure E-16).

229 East Concord Street: 3,034 square feet (Figure E-17).

Both houses allocate about a third of the total square footage as additive massing. At 213 East Concord Street, these elements are the front porch, porte-cochere, and a sunroom, which account for 1,289 square feet. Therefore the main two-story mass is 2,579 square feet. The residence at 229 East Concord Street is composed of additive elements that account for 1,011 square feet. Therefore the main mass is 2,023 square feet.

(Orange County, Florida. (2006). Orange County Property Appraisers: Property Line Inquiry, Retrieved on August 2006 from <http://www.ocpafl.org/pls/webapp1>).

(2) The following is an estimate of the Impervious Surface Ratio for the sites (Figure E-18).

223 East Concord Street: 12%

213 East Concord Street: 30%

229 East Concord Street: 17%

The proposed new construction at 223 East Concord Street would have an ISR of 27%.

Mitigation: The Standards for Demolition require the Historic District Commission to define any elements of 223 East Concord Street that may contribute to the historic district by applying the Standards for New Construction.

As expected with a non-contributing building, a definite delineation exists between this structure and the contributing structures in the district and at the same time is compatible. Two-twenty-three East Concord Street meets the design expectation requirement for new construction. This building is not reproduction but is representative of the Ranch style, a style that exists in Lake Eola Heights Historic District. Two-twenty-three East Concord Street does not distract from contributing structures in the district.

The Standards state the proposed front yard setback of new construction must follow a pattern of site utilization similar to adjacent buildings. Therefore 223 Concord Street meets the setback requirement.

The Standards state that the scale of new construction and architectural elements shall be appropriate with that of adjacent buildings. This split-level ranch style house possesses a two-story tower element on the left, which relates to the two-story building at 213 East Concord Street, and the right side of the house is one story, which relates to the one-story house at 229

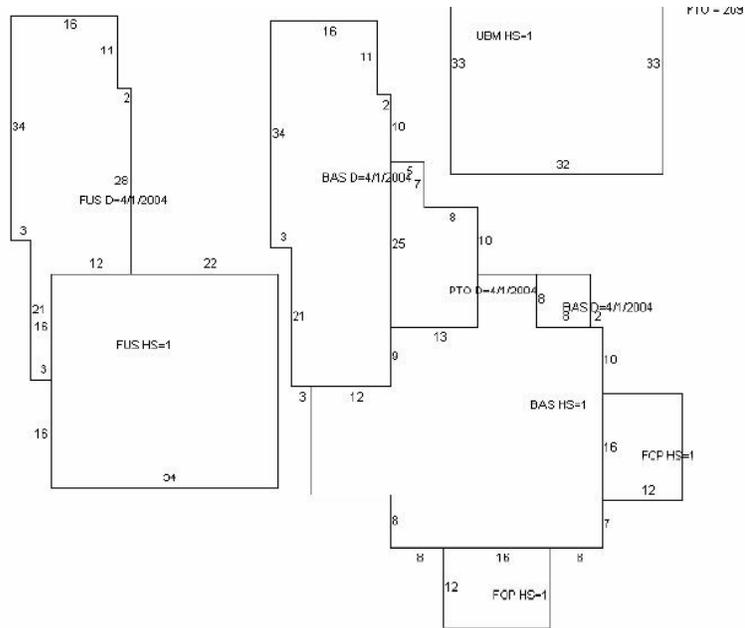
East Concord Street. The house takes cue from the adjacent buildings; therefore 223 East Concord Street meets the requirement for scale.

The Standards state that the massing of new construction must be appropriate to the adjacent buildings and buildings along the block face. 223 East Concord Street has a total square footage of 3,494 SF, 213 East Concord Street is 3,868 SF and 229 East Concord Street is 3,034 SF. All three structures have similar massing; therefore 223 East Concord Street meets the requirement for massing.

STAFF RECOMMENDATION: Recommend denial of the demolition based on the significance of the existing house, remaining examples of the style and the information the house provides of later architectural movements. Also, the denial is due to the inappropriate plans for future utilization due to the excessive square footage in relation to the existing house and the adjacent houses.

| Building Subarea Information | | | | |
|------------------------------|----------------------|------------|---------------|-----------|
| Bldg Num | Sub Area | Year Built | Gross Sq. Ft. | Value |
| 1 | Base | 4/01 | 969 | \$105,524 |
| 1 | Base | | 1320 | \$143,748 |
| 1 | Finished Carport | | 192 | \$6,316 |
| 1 | Finished Open Porch | | 192 | \$5,227 |
| 1 | Finished Upper Story | 4/01 | 713 | \$65,993 |
| 1 | Finished Upper Story | | 1088 | \$100,733 |
| 1 | Patio | 4/01 | 269 | \$1,416 |
| 1 | Unfinished Basement | | 1136 | \$24,720 |
| 2 | Apartment | | 864 | \$60,134 |
| 2 | Finished Garage | 4/01 | 1032 | \$35,914 |
| 2 | Finished Garage | | 672 | \$23,386 |
| 2 | Patio | | 48 | \$139 |

A



B

Figure E-16. 213 E. Concord Street. A) Subarea calculations. B) Detailed footprint (Orange County, Florida. (2006). Orange County Property Appraisers: Property Line Inquiry, Retrieved on August 2006 from <http://www.ocpafl.org/pls/webapp1>).

Building Subarea Information

| Bldg Num | Sub Area | Year Built | Gross Sq. Ft. | Value |
|----------|----------------------------|------------|---------------|----------|
| 1 | Base | 3/01 | 113 | \$7,881 |
| 1 | Base | | 1191 | \$83,060 |
| 1 | Finished Carport | | 143 | \$2,999 |
| 1 | Finished Enclosed Porch | | 140 | \$6,835 |
| 1 | Finished Open Porch | | 24 | \$418 |
| 1 | Finished Upper Story | 3/01 | 344 | \$20,364 |
| 1 | Finished Upper Story | | 904 | \$53,560 |
| 1 | Unfinished Detached Garage | | 441 | \$12,274 |
| 1 | Unfinished Open Porch | 3/01 | 68 | \$697 |

A

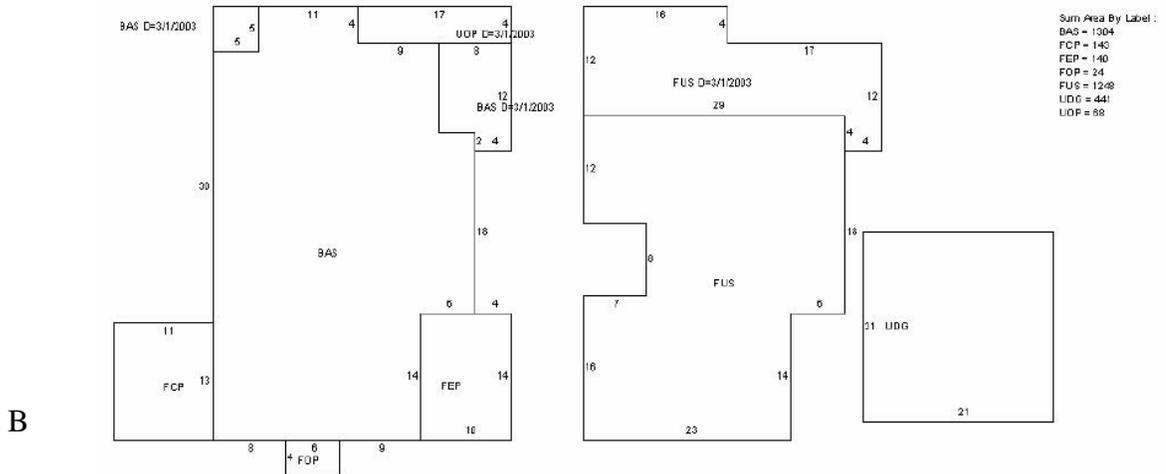


Figure E-17. 229 E. Concord Street. A) Subarea calculations. B) Detailed footprint (Orange County, Florida. (2006). Orange County Property Appraisers: Property Line Inquiry, Retrieved on August 2006 from <http://www.ocpafl.org/pls/webappl>).



Figure E-18. Aerial view of 213, 223, 229 E. Concord Street used for Impervious Surface Ratio (Orange County, Florida. (2006). Orange County Property Appraisers: Property Line Inquiry, Retrieved on August 2006 from <http://www.ocpafl.org/pls/webappI>).

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BIOGRAPHICAL SKETCH

Amy Johnson Stansberry was born on October 11, 1970 in Atlanta, Georgia. She grew up in Chattanooga, Tennessee, graduating from Girls' Preparatory School in 1988. She earned her Bachelor of Science in design from the College of Architecture, Clemson University in 1993.

She began her career as an intern architect for Hiscutt and Bell Architects, a retail-based firm located in Atlanta, Georgia. This was a small architecture and engineering office that provided a well-rounded experience and knowledge of building construction drawings. After being employed for two years, she married Mills Stansberry in 1995 and moved to Orlando, Florida. She was employed by Hunton, Brady, Pryor, Maso Architects, whose work consisted of public projects. However, due to the larger size of the firm, the position of intern architect was limited. Next, she worked for Schenkel Schultz, where the position was less limited and more open to her capability. Here, she concentrated on educational work, which was enjoyable and quite interesting. However, the work became frustrating due to the fact that most projects underwent severe value engineering, a process where many design features were removed from the project. This prompted her to question her profession. Although, this led to her realization that she had chosen architecture because of her love and interest for old buildings.

In 1998, she applied to graduate schools and selected the University of Florida to pursue a Master of Architectural Studies specializing in preservation. She attended the University of Florida's Preservation Institute: Nantucket in the summer of 1999. After completion of the required courses for her degree, she moved back to Orlando. In the fall of 2000, she became the Interim Historic Preservation Officer for the City of Orlando, while Jodi Rubin was on maternity leave. When Ms. Rubin returned, they decided to share the job. The experience she gained in this position provided insight of issues surrounding the framework and management of historic districts, which was essential to this investigation of non-contributing buildings. In the fall of

2001, Amy's husband accepted a job in Greenville, South Carolina, where they have lived for 5 years. Amy is a full-time mother of two boys, Griffin, age 5, and Wade, age 2. In the future, she will specialize in alterations and additions to historic homes, as well as, new construction in historic districts.