

**CAPITOL ZONING DISTRICT COMMISSION
STAFF REPORT
3/28/18
BIM / JBC**



Location: 1512 South Spring Street
Owner: Mizan Rahman & Elizabeth Barnett
Permit Type: Certificate of Appropriateness (*amended*)

Description: This request is for an amended Certificate of Appropriateness to approve completed work that was not contemplated in an application approved by the Commission in October 2016. The application that was approved in October 2016 called for:

- 1) A front door facing south;
- 2) Two windows on the front porch;
- 3) Two additional windows on the front façade, each in a six-over-six configuration;
- 4) A rectangular transom window over these windows; and
- 5) No changes to the existing attic vent.

The work that was completed, however, includes:

- 1) A front door facing east;
- 2) A single window on the front porch;
- 3) Two additional windows on the front façade, each in a one-over-one configuration;
- 4) A semi-circular window over these windows; and
- 5) A reconfigured attic vent with decorative trim.

Historic Significance: The Overstreet Cottage, a mirror image of Brady Cottage at 1516 S. Spring, was built in a Plain Traditional style sometime in the early 1880s. From c. 1899 until c. 1916 the house was occupied by William Overstreet, an employee of the U.S. Army Corps of Engineers. (According to available records, the six houses on the west side of the 1500 block of Spring Street were built between 1880 and 1890 while the four on the east side of the street were built between 1890 and 1902, making the 1500 block of Spring Street one of the most – if not *the* most – intact blocks of historic homes within the Mansion Area.)

A 1977 architectural survey by the Quapaw Quarter Association noted the presence of artificial siding on the house. When the Governor's Mansion Historic District was listed in the National Register the following year, the Overstreet Cottage was noted as a non-contributing resource. The current owners acquired the property in 2016.

Previous Action: In 1986 staff issued a permit for “residential rehab”, but it’s unclear what was contemplated by this permit or if any work ever occurred. The house had been abandoned by its owners for several years and was a known center of nuisance activity when the rear of the structure was damaged by fire in September 2012.

Following a complaint from the Little Rock Downtown Neighborhood Association, the Commission made a preliminary finding at its January 2014 meeting that the structure was suffering from Demolition by Neglect. In June 2014, the Commission made a formal finding of Demolition by Neglect and requested the Attorney General’s office seek injunctive relief to compel the owners to repair the structure. At this same meeting, the Commission denied an application from the City of Little Rock to demolish the house. **(See “before” photo on page 6.)** The property changed hands before the request for injunction was filed, and in May 2016 staff issued a permit to the current owners to remove the fire-damaged additions at the rear of the house.

One of the current owners painted an historic brick structure at 1510 S. Broadway in 2013 without a permit. The Commission denied the after-the-fact request for a Certificate of Appropriateness at its December 2013 meeting and included the phrase “and to take no further action” in the motion to deny. Usually, the Capitol Zoning Rule provides that staff “may not accept applications from individuals or legal entities that own property or properties within the District on which one or more unresolved outstanding violations of the Rules exist ...” (cf. Section 2-106. B.). But because the Commission’s 2013 motion included “take no further action”, the Commission allowed a 2016 application from the same owner to proceed.

At its October 2016 meeting, the Commission approved a permit to construct a new rear addition to the house, to relocate the front door, and to undertake various other rehabilitation work on the exterior. **(See approved front façade alterations on page 6.)** Around the spring of 2017, staff began to receive reports from neighbors that the work being conducted was noticeably different from the project that had been approved by the Commission – in particular, that a semi-circular window was being installed on the front façade. Staff took photos of this work in progress in April 2017 and of the completed project in October 2017 **(See photos on pages 7 and 8.)** Staff invited the owners to submit a revised permit application detailing the changes in the scope of work by telephone in June 2017, and by letter in October 2017. In November 2017, the owners responded, via their attorney, that they would not be submitting a revised application.

After consulting with counsel, staff notified the owners that the Commission would hold a show-cause hearing at its March 2018 meeting to determine whether a violation had occurred. Prior to the scheduled hearing, the owners decided to proceed with a request for an amended Certificate of Appropriateness and submitted a revised drawing of the completed work. **(See new drawing on page 8.)**

Review Standards for Certificates of Appropriateness:

Capitol Zoning District Commission Rule, Section 2-105, Permit Approval Procedure

C. 1. (a) A Certificate of Appropriateness must be obtained prior to effecting any major modification or addition to a structure, site or improvements within the District. *Major modifications* are those which substantially alter, from the public right-of-way, the appearance of a structure or site feature. Applications for major modifications requiring Commission review will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding proposed work’s appropriateness of the modification to the historical style of the structure and neighboring structures; compatibility with its architectural, historical or cultural significance and level of intactness; and its consistency with the goals of the Commission’s Master Plan and Standards.

Staff finds the proposal constitutes a request for a major modification and requires a Certificate of Appropriateness that must be reviewed by the Design Review Committee and approved by the Commission.

F.1. All changes in the Capitol Zoning District will be evaluated according to the General Standards and the applicable Area Master Plan. Also,

a. Changes to historic structures or site features shall be evaluated according to the Rehabilitation Standards for Historic Properties.

i. Structures and site features 40 years or older are assumed to be historic ...

ii. The Commission may waive the Rehabilitation Standards for cause (see Section 4-101 C.) ...

Staff finds, based on documentary and physical evidence, the house to be historic because it is over 40 years old and not significantly altered. Staff finds the proposal should be evaluated using the General Standards, the Mansion Area Master Plan, and the Rehabilitation Standards. (See page 4 for more information on waiving the Rehabilitation Standards.)

Capitol Zoning Rehabilitation Standards, Section 4-104, Preservation Principles

The following preservation principles should be applied to all historic properties in the Capitol Zoning District:

Principle 1: Respect the historic design character of the building.

Don't try to change its style or make it look older than it really is. Confusing the character by mixing elements of different styles also is an example of disrespect.

Staff believes the installed fanlight (semi-circular window) on the front façade and decorative trim around the attic vent are not consistent with this principle.

Capitol Zoning Rehabilitation Standards, Section 4-203, Windows

Policy: The character-defining features of historic windows and their distinctive arrangement on a wall should be preserved. In addition, a new window should be in character with the historic building. This is especially important on primary facades.

Staff believes the windows installed on the front façade are not consistent with this policy.

*** R3.2 Preserve the position, number and arrangement of historic windows in a building wall.**

• Enclosing a historic window opening in a key character defining facade is inappropriate, as is adding a new window opening. This is especially important on primary facades where the historic ratio of solid-to-void is a character-defining feature.

*** R3.3 Preserve the size and proportion of a historic window opening.**

• Reducing an original opening to accommodate a smaller window or increasing it to receive a larger one are inappropriate measures.

*** R3.4 Preserve the historic ratio of window openings to solid wall on a primary facade.**

• Significantly increasing the amount of glass on a character-defining facade will negatively affect the integrity of the structure.

Staff believes the installed fanlight (semi-circular window) on the front façade is NOT consistent with these standards. The applicant's request for an after-the-fact review of this window constitutes a request for a waiver of these standards.

*** R3.6 In a replacement window, use materials that appear similar to the original.**

• Using the same material as the original is preferred, especially on character-defining facades. However, a substitute material may be considered if the appearance of the window components will match those of the original in dimension, profile and finish.

• The finish must appear similar to that of painted wood.

• Match, as closely as possible, the profile of the sash and its components to that of the original window.

Staff finds the replacement windows that were installed are NOT consistent with this standard. Though the windows they replaced were not original, staff does not believe the replacement models resemble the appearance of traditional wood windows in their dimension, profile, or finish. The applicant's request for an after-the-fact review of these windows constitutes a request for a waiver of this standard.

Capitol Zoning Rehabilitation Standards, Section 4-204, *Doors*

Policy: The character-defining features of a historic door and its distinct materials and placement should be preserved. In addition, a new door should be in character with the historic building. This is especially important on primary facades.

***R4.1 Preserve the decorative and functional features of a primary entrance.**

* These include the door, door frame, screen door, threshold, glass panes, paneling, hardware, detailing, transoms and flanking sidelights.

- Avoid changing the position and function of original front doors and primary entrances.

- Also maintain the size and shape of original door openings.

*** R4.3 When replacing a door, use a design that appears similar to the original or to one associated with the style of the house.**

- Use materials that appear similar to that of the original. Wood is preferred.

- A simple paneled door is appropriate for many building styles.

- A flush face door is generally inappropriate for a front door.

Staff finds the replacement door is consistent with this policy and standards. (NOTE: This change can be approved at the staff-level, but is included here for informational purposes.)

Capitol Zoning Rehabilitation Standards, Section 4-206, *Architectural Details*

*** R6.2 Avoid adding elements or details which were not part of the historic design.**

- For example, details such as decorative millwork or shingles should not be added to buildings if they were not original features of the structure.

Staff finds the decorative trim around the attic vent is NOT consistent with this standard. The applicant's request for an after-the-fact review of these windows constitutes a request for a waiver of this standard.

Capitol Zoning Rehabilitation Standards, Section 4-302, *Secretary of the Interior's Standards for the Rehabilitation of Historic Properties*

These standards are widely recognized throughout the US as the foundation for state and local preservation standards and guidelines. The Capitol Zoning District Commission adopts these standards by reference.

2. The historic character of a property should be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

9. ... exterior alterations ... will not destroy ... spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Staff finds the windows and decorative trim installed on the front façade are not consistent with these standards.

Capitol Zoning Rehabilitation Standards, Section 4-301, *Interpretation of Terms Related to Compliance*

Historic - In general, a historic property is one that is at least 40 years old or older and largely unchanged; some properties less than 40 years old may also be considered historic if they are of exceptional significance. The CZDC is especially concerned with those properties that are associated with significant people or events or convey a character of building and design found during the District's period of significance, roughly 1880-1940. Note that in some cases, a CZDC-designated property may also be listed in the National Register of Historic Places.

Staff finds the property to be historic, and constructed during the District's period of significance, because of the documentary and physical evidence indicating the structure was built circa 1880.

Capitol Zoning Rehabilitation Standards, Section 4-101, *Purpose & Applicability*

C. An asterisk (*) adjacent to a statement in the text in this article indicates that it is a standard that will not be waived by the Capitol Zoning District Commission for historic structures or site features built during the District's period of significance and/or listed in the National Register of Historic Places, except as an Economic Hardship ...

*Since the house does date to the period of significance, and no economic hardship has been alleged nor demonstrated, staff finds the **Commission may not waive Standards R3.2, R3.3, R3.4, R3.6 and R6.2** (above).*

Neighborhood Reaction: As of noon on April 13, staff had received on citizen communication in support of the application.

Staff Analysis and Recommendation: Staff strongly believes that the rehabilitation of this property is, on the whole, a very good thing. As such, the owners should be commended for their hard work and investment. At issue in this case, though, is whether the work that was completed is substantially consistent with the Standards. Staff identifies five items where the work completed on the front façade differs from the work approved:

- 1) A front door facing east;
- 2) A single window on the front porch;
- 3) Two additional windows on the front façade in a one-over-one configuration;
- 4) A semi-circular window over these windows; and
- 5) A reconfigured attic vent with decorative trim.

Staff has always held that an owner or applicant should, generally, have the option to complete a smaller scope of work than what was approved. Staff believes that items 1 and 2 above represent the owner's choice to make fewer changes to the house. The "before" photographs show the front door was already facing east prior to commencing work, and there was already a single window on the front porch. The owner chose to re-use these existing configurations, and staff doesn't believe approval of the larger project was contingent on these items.

Still remaining though, are items 3, 4, and 5. Staff believes the proposal to replace the former metal windows with new windows resembling divided-light double-hung windows, like those seen traditionally in the neighborhood was an integral component of the approved work. Staff also believes the semi-circular windows installed above these is altogether different from the rectangular transom window that was approved for installation. Finally, staff believes that the reconfigured attic vent with decorative trim represents a substantial departure from the approved work, not consistent with the Standards.

Because the property was built during the period of significance, and the Standards in question are marked with asterisks, the Commission can only waive them as a matter of economic hardship. The Commission may issue a Certificate of Economic Hardship only when the applicant has demonstrated that compliance with the Rehabilitation Standards represents a substantial cost difference versus non-compliance, as a function of the property's fair market value. It would be difficult for this applicant to make such a case since, for example, simply not adding the trim piece or the fan light would have cost less than installing them.

Since a case of economic hardship is unlikely to be established here, and since the asterisked standards cannot otherwise be waived, staff must recommend **denial** of the request for one-over-one vinyl windows on the front façade, the semi-circular fanlight, and the repositioned attic vent with decorative trim.

Design Review Committee Recommendation: The applicants were not present. The Committee voted unanimously (9-0) to concur with staff's recommendation of **denial**. Several members also expressed that installing the 30x60" windows shown in the original application should be required.

Mansion Area Committee Recommendation: The applicants were not present. On a voice vote, the MAAC unanimously recommended **deferral**.

***** UPDATE (5/14/18) ******

The applicants were not present at the Commission's April 2018 meeting. Commission voted to defer the application to next month via voice vote (6-1), and asked staff to send a notification to the applicants noting the consequences if they did not attend the May meeting. The MAAC voted unanimously (17-0) at its May meeting to concur with staff's recommendation of **denial**.

Images of front façade



September 2016 – before work



APPROVED
CAPITOL ZONING DISTRICT COMMISSION
BY TRM
DATE 10/20/16

Mizan Rahman
Spring St. Residence

October 2016 – approved work



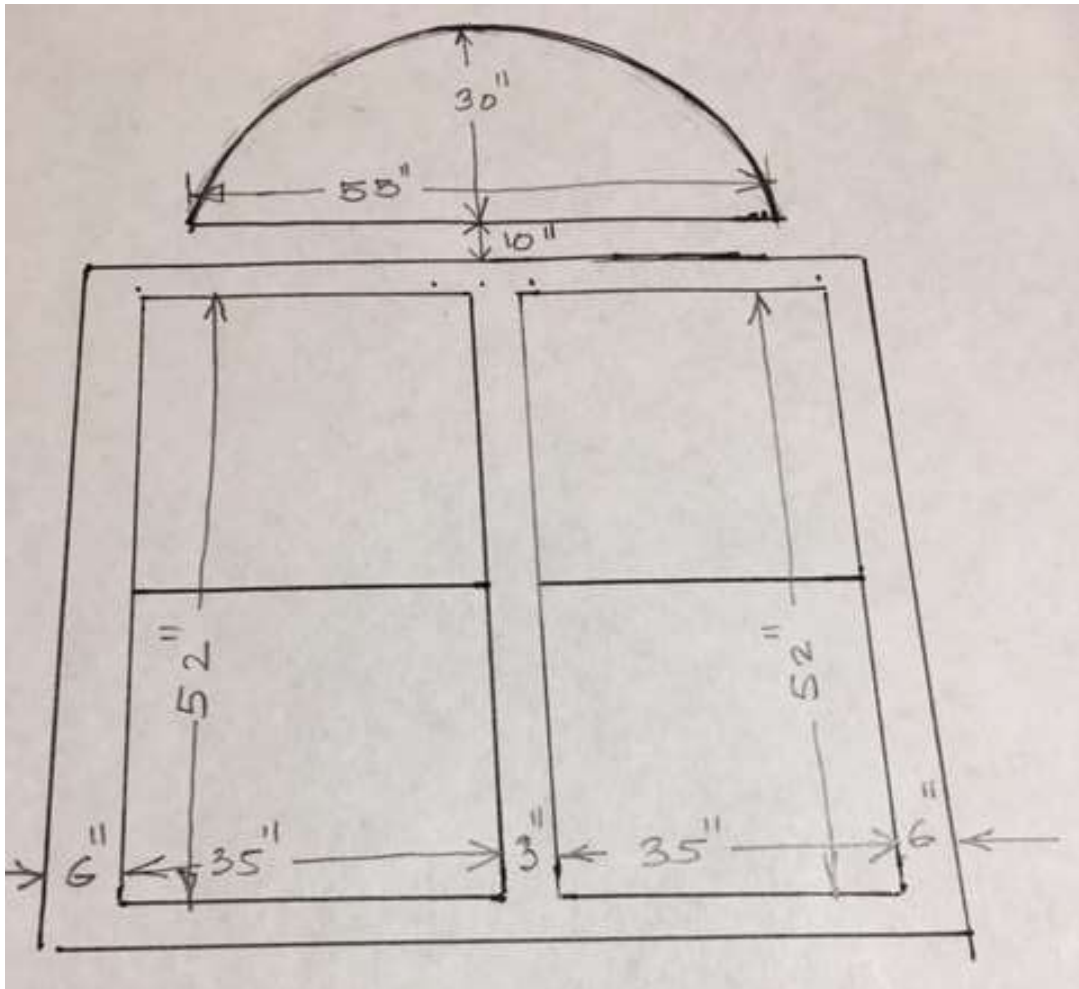
April 2017 – work in progress



October 2017 – work complete



March 2018 – work complete



March 2018 - Supplemental drawing submitted by applicant



CAPITOL ZONING DISTRICT COMMISSION

APPLICATION FORM

PROPERTY ADDRESS 1512 SPRING ST.

PROPERTY OWNER ELIZABETH BARNETT & MIZAN RAHMAN

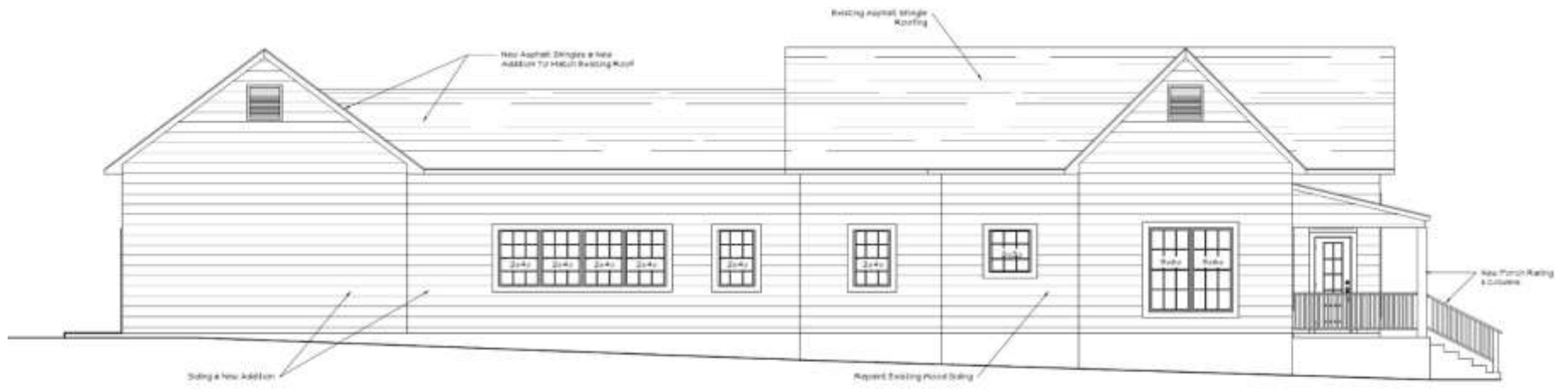
PERSON FILING APPLICATION ELIZABETH BARNETT if other than owner

APPLICANT PHONE AND EMAIL [REDACTED]

APPLICANT SIGNATURE AND DATE EBarnett 8/15/16
Signature certifies that applicant is authorized to represent this property, and that all information presented in this application, as well as in any supporting materials, is true and correct to the best of the signatory's knowledge.

DESCRIPTION OF PROPOSED WORK AND / OR USE Reconstruct & remodel existing portion of the old house. Add new footage per attached drawing.

Attach as many photos or supporting materials as necessary. The Commission and its staff cannot make a determination on your application without



1 SIDE ELEVATION

Scale: 1/4" = 1'-0"



2 SIDE ELEVATION

Scale: 1/4" = 1'-0"



2 FRONT ELEVATION

Scale:

Rahman Residence

1512 Spring Street, Little Rock, AR

List of Proposed Exterior Materials:

Existing Roof: Existing asphalt shingle roof to be removed and replaced with new fiberglass asphalt shingles.

Fascia board/soffit material: Painted wood fascia boards and soffits.

Roof New Addition: New fiberglass asphalt shingles to match new fiberglass asphalt shingles at existing.

Existing Wall Material: Existing wall material is not in good condition and cannot be salvaged. Therefore, the existing wall material will be removed and wood lap siding will be installed. The wood lap siding material will be painted.

New Addition Wall Material: Metal or vinyl lap siding with corner trim. Color to be determined.

Windows: Metal clad wood windows with simulated divided lites. Windows are double-hung, fixed and casement types.

Window trim: Painted wood at existing house. Addition: Metal or vinyl trim.

Exterior Door at existing house: New metal clad glass panel door with simulated divided lites

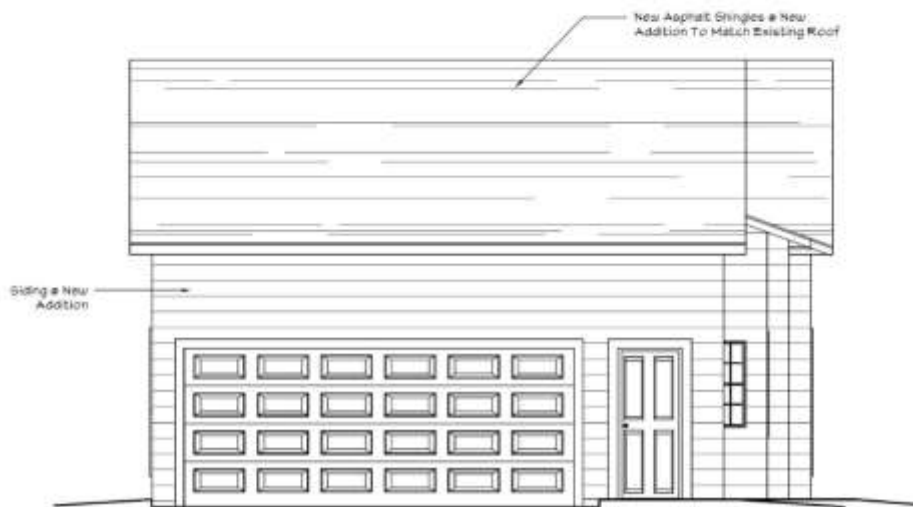
Exterior Door at addition: painted metal with raised panels

New Porch Railing: painted wood porch railing

New Columns: Painted fiberglass square columns.

Porch ceiling: Painted bead board ceiling.

Existing Foundation and new foundation: painted rubbed concrete finish



1 REAR ELEVATION

Scale: 1/4"