

St. Paul Development Corporation's
Statement of Reason for Appeal from the
Minneapolis Heritage Preservations Commission's
Denial of Certificate of Appropriateness

Project Name: Colfax Place
Project Address; 1906 Colfax Avenue South
BZH Number: 29041

Background:

St. Paul Development Corporation (the "Applicant") appeals the decision of the Minneapolis Preservations Commission's (the "Commission") denial of its request for a Certificate of Appropriateness to construct a new four-story, five unit residential building on Lot 2, Block 33, Groveland Addition to Minneapolis (the "Property" or "Lot 2"). The Property is bare land adjacent to the historically designated F. E. Day House which is located on Lot 1, Block 33. In 2010 when the F. E. Day House was given landmark designation by the Commission, the Property was included in the designation. As a result of the designation covering both lots permission is required for the construction of the proposed improvement on the Property.

The Department of Community Planning and Economic Development's Staff Report to the Commission (the "2016 Staff Report") supports approval of the Applicant's request.

The Adjacent Lot has no Historical Significance.

The F. E. Day House Historical Designation Study dated December 12, 2009 (the "Study"), was prepared by the Department of Community Planning and Economic Development ("CPED") at the time the landmark designation was granted and was made a part of the CPED's staff report to the Commission supporting the designation. The Study lists three local designation criteria outlined in Section 599.210 of the City of Minneapolis Ordinances as the basis for granting the designation: Local Criterion 1 – *The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history*; Local Criterion 4 – *The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction*; and Local Criterion 6 – *The property exemplifies works of master builders, engineers, designers, artists, craftsmen, or architects.*

The focus of the study is the Colonial Revival architectural style embodied by the house (Criterion 1 and 4), and Ernest C. Haley, the prolific architect who designed the house (Criterion 6). There is no significance attached to the fact that the current owner of the land the Day House is situated upon is also the owner of the adjacent lot and that the two lots are given one property identification number. Aside from a brief mention describing the location of the Day House ("The property consists of two lots stretching 100 feet in width and 135 feet in depth" Study, page 3) no historical significance is given to Lot 2. As noted in the Number 2 of the Analysis section of the 2016 Staff Report, "Although when the property was designated the

southern lot [Lot 2] was empty other than the garage, this was not noted as integral to the significance of the landmark.”

Because of the commonality of ownership the city and county gave the two lots one property identification number. Despite this joining for tax purposes the platting of the two separate lots was never changed and the two parcels each continue to have separate legal descriptions and distinct boundaries. At the time of the historical designation, the single property identification number was used to describe the property covered by the landmark designation. No significance was given to the bare land adjoining the property.

Historically, Lot 2, the bare land, contained a separate home constructed prior to the construction of the F. E. Day House. The 2016 Staff Report notes that “a house once stood on the property originally addressed as 1906 Colfax Avenue South.” (2016 Staff Report, Analysis number 3, page 3) The house at 1906 Colfax was constructed in 1895, and demolished in 1916. (Study, page 4). In 1908 when Ernest Haley designed the F. E. Day House he did so knowing that another home stood at 1906 Colfax. Neither the home at 1906 Colfax (the Day House is located at 1900 Colfax) nor the land under it was ever owned by F. E. Day. It was after Day sold his home in 1914 that the home at 1906 Colfax was razed and some time later the ownership of the two Lots were joined. A historic fire insurance map dating from 1912 presented to the Commission during its deliberations, and the 2016 Staff Report to the Commission document the existence of the home at 1906 Colfax. There is no historical significance attributed the 1906 Colfax home nor to Lot 2.

The Construction of the Improvement Does Not Physically Alter the Landmark.

The Applicant does not seek to make any changes to the exterior of the F. E. Day House. As repeatedly noted in the CPED’s 2016 Staff Report to the Commission the proposed new construction will not physically alter the landmark building. There will be no sense of historical confusion between the two improvements. There will be 15 feet of open space between the landmark and the proposed new building. As noted, the landmark is designed in the Colonial Revival style, and the new construction will have no resemblance to the Colonial Revival style.

As noted in the 2016 Staff Report, there are no applicable design guidelines for this site. The City as a course follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties. The Staff’s conclusion is that the proposed development will be consistent with those Standards.

At the Heritage Preservation Commission a concern was raised that the setting and feeling of the landmark would be impaired by the proposed development. Setting is the physical environment of a property. The setting of the F. E. Day House was discussed in the Designation Study. “The setting of the surroundings of the property is partially intact... The property is adjacent to an area of transition from higher – density apartment buildings to detached single-family dwellings. The buildings to the north of the subject property [these buildings are separated from the landmark by Lincoln Avenue] are original structures, but the properties to

the south [these buildings are on the same block as the landmark and adjacent to the proposed new construction] are mid-rise family structures dating to the mid-twentieth century.” (Study at page 19).

In discussing the “Feeling” associated with the landmark [Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time] the Designation study noted that “... the transitioning neighborhood that surrounds the property diminishes the feeling of cohesiveness.” (Study at page 19).

The construction of Colfax Place will have no material impact on the Setting or Feeling of the landmark. The proposed construction is to be located to the south of the landmark, between it and a mid-century three story apartment building. As such, Colfax Place will be consistent with the properties to the South of the landmark.

The Side Yard Setback for the Landmark’s Interior Property Line is Historically Consistent.

When it was constructed in 1908 the F. E. Day House was, and currently is located 4 feet from the interior property line (the south lot line of 1900 Colfax that separates Lots 1 and 2). Both of these lots are 50.3 feet wide. The location of the F. E. Day House is not a condition which was created by the Applicant.

The Applicant has requested a historic variance to permit the F. E. Day House to remain 4 feet from the interior side yard lot line (the common boundary with Lot 2). The current code requires a setback of 7 feet. The new construction on Lot 2 will be located 11 feet from the common boundary line, resulting in a separation of the two buildings of 15 feet. The new construction and its location on Lot 2 are all in conformance with the City of Minneapolis’ zoning requirements and require no variance.

As noted above, Lot 2 was historically burdened by a home and the ownership of the two lots was separate. The Applicant would be merely re-establishing the historic 1908 lot lines which existed when the F. E. Day House was constructed. The 2016 Staff Report found that granting the variance would be compatible with the preservation of the property and other properties in the area “as it will reestablish the original platting of the two lots.” (2016 Staff Report, at page 6)

Conclusion

The inclusion of Lot 2 in the landmark designation was not material to the designation of the F. E. Day House as a landmark, but rather was the result of combining of the two separately platted parcels for purposes of issuing one property tax identification number. The construction of the proposed Colfax Place is consistent with the requirements of preserving the historical qualities of the landmark property. The new construction will not physically alter the landmark property, and will create no confusion between the two properties as they will be of

different styles and separated by 15 feet. Permitting the historical variance to allow the Day House to remain 4 feet from the interior lot line allows the reestablishment of the original platting of the two lots and is compatible with the preservation of the landmark property and other properties in the area. There is no logical or objective basis for denying the application. To not grant the application would be a distortion of the historical preservation ordinances and an abuse of the City's power. The Applicant respectfully requests that Committee and the Council overrule the Heritage Preservation Commission and that it authorize the issuance of the Certificate of Appropriateness and the requested historical variance.

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MINNEAPOLIS HERITAGE PRESERVATION COMMISSION

REGULAR MEETING ACTIONS: TUESDAY, APRIL 19, 2016

4:30 p.m. | City Hall, Room 317 | 350 South 5th Street | Minneapolis, MN 55415

Committee Clerk

Fatimat Porter – 612.673.3153

Commissioners

Laura Faucher, Chair | Paul Bengtson | Chris Hartnett | Susan Hunter Weir
Ginny Lackovic | Linda Mack | Dan Olson | Ian Stade | Constance Vork

CALL TO ORDER

APPROVAL OF ACTIONS FROM THE APRIL 05, 2016 MEETING

The Heritage Preservation Commission approved the actions from the April 05, 2016 meeting.

APPROVAL OF AGENDA

PUBLIC HEARING

1. 1721 University Avenue Southeast, Ward 2

Staff report by Shanna Sether, BZH 29075

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt staff findings for the application by Madeline Reed, on behalf of the Students Co-Op, for the property located at 1721 University Avenue SE in the University of Minnesota Greek Letter Chapter House Historic District:

A. Certificate of Appropriateness.

Action: The Heritage Preservation Commission **continued** the certificate of appropriateness to apply new stucco over the existing stucco building, remove permastone on the front and sides of the building and reapply stucco, repair window sills, repair the existing front porch and add a new metal railing on the existing building, two cycles, to the May 17, 2016 meeting of the Heritage Preservation Commission.

Aye: Bengtson, Faucher, Hartnett, Hunter Weir, Lackovic, Mack, Olson, Vork

Nay: Stade

Motion passed to continue

2. 1900 Colfax Avenue South, Ward 7

Staff report by Hilary Dvorak, BZH 29041

This item was continued from the March 22, 2016 HPC meeting.

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt staff findings for the applications by St. Paul Development Corporation for the F. E. Day House located at 1900 Colfax Avenue South:

A. Certificate of Appropriateness.

Action: Notwithstanding staff recommendations, the Heritage Preservation Commission **denied** the certificate of appropriateness to allow the construction of a new four-story, five-unit residential building on the southern half of the property next to the landmark building, based on the following findings:

- The proposed development would be Incompatible with the preservation of the property and other properties in the area.
- The proposed development would impact the setting of the landmark building.

Aye: Bengtson, Faucher, Hartnett, Hunter Weir, Lackovic, Mack, Olson, Stade

Nay: Vork

Motion passed

B. Historic Variance for setbacks.

Action: Notwithstanding staff recommendations, the Heritage Preservation Commission **denied** the historic variance to maintain the existing setbacks for the landmark from the interior property line, based on the following findings:

- The variance isn't necessary to alleviate a practical difficulty due to special conditions or circumstances unique to the property.
- The proposed development would impact the setting of the landmark building.

Aye: Bengtson, Faucher, Hartnett, Hunter Weir, Lackovic, Mack, Olson, Stade

Nay: Vork

Motion passed

COMMISSION BUSINESS

NEW BUSINESSs

The 26th annual Minneapolis Heritage Preservation Awards will be held May 12th at International Market Square.

State Rep Karen Clark introduced a bill to raise \$1.02 million dollars to finish the cemetery fence. May 28th Buster Keaton silent film "The Camera Man" featuring a live soundtrack by Dreamland Faces.

In celebration of National Historic Preservation Month; the City of Minneapolis will be hosting a Preservation Photo Contest. More information to follow.

ADJOURNMENT

The meeting adjourned at 6:35 P.M.

NEXT REGULAR HERITAGE PRESERVATION COMMISSION MEETING: MAY 03, 2016

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- The Chair reserves the right to limit discussion on agenda items.
 - Please contact staff after the hearing if you have any questions regarding your project.
 - Heritage Preservation Commission decisions are final unless appealed.
 - The meeting site is wheelchair accessible. For other reasonable accommodations, such as a sign language interpreter or materials in an alternative format, please contact 612-673-2162 (673-2157 TTY/VOICE) at least five days prior to the meeting.
 - Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500

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