

# Attachment B



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT  
HISTORIC PRESERVATION OFFICE

## Appeal of Hearing Officer's Decision

The HISTORIC PRESERVATION (HP) HEARING OFFICER agenda for 10/24/17 is attached. The decision made by the HEARING OFFICER will become final unless a request to appeal that decision is filed in person by the close of business on 10/30/17.

Any member of the public may, within five (5) days of the HEARING OFFICER'S action, request a hearing by the HISTORIC PRESERVATION COMMISSION on any application. If you wish to request such a hearing, fill out and sign the form below and return it to the Historic Preservation Office in person by the close of business on 10/30/17.

### APPEAL FORM

I hereby request that the HP Commission hold a public hearing regarding application number HPCA 1700399 or the property at 837 N. 5th Ave. which was designated  as a part of the Roosevelt Historic District /  individually as \_\_\_\_\_.

*I am aware that the entire application will be up for review and that the HP Commission may uphold, reverse, or modify the decision of the Hearing Officer.*

Opposition  Applicant

Name (please print) Jeff A. Swan  
Street Address: 833 N. 5th Ave  
City & State Phoenix AZ ZIP Code 85003  
Telephone 602-799-1126 E-mail: Swanarchitects@aol.com  
Signature [Signature] Date 10/30/17

CITY OF PHOENIX  
PLANNING & DEVELOPMENT DEPARTMENT  
HISTORIC PRESERVATION OFFICE

OCT 30 2017

Submitted for Administrative Review  
STAFF C. GOR

Reason for appeal:

*see attachments  
guideline on page 13 requires new construction  
of much greater size, scale, and mass to step back  
from historic buildings - this is contrary to the findings*

### FOR STAFF USE ONLY

This decision was appealed from the 10/24/17 hearing to the \_\_\_\_\_ Historic Preservation Commission meeting.

For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 Voice or TTY use 7-1-1.

**NOTICE OF PUBLIC MEETING  
HISTORIC PRESERVATION HEARING**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that the **HISTORIC PRESERVATION HEARING OFFICER** will hold a meeting open to the public on **October 24, 2017, at 10:00 A.M.** located in conference room **3B, on the 3<sup>rd</sup> Floor, Phoenix City Hall, 200 West Washington Street, Phoenix, Arizona.**

The agenda for the meeting is as follows:

**10:00 A.M.**

1. **Application #** HPCA 1700399  
**Property:** 837 North 5th Avenue  
**Historic District:** Roosevelt  
**Proposal:** Construct a four unit, two story, 6,185 s.f. multifamily building on vacant lot.  
**Ordinance Section:** 812  
**Owner:** Danny Bockting, Yosemite Partners LLC  
**Staff Representative:** Jodey Elsner, Historic Preservation Planner

For further information, please call Bridget Collins at 602-261-8699.

To request a reasonable accommodation, please contact Tamra Ingersoll at 602-534-6648, TTY: Use 7-1-1.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la Oficina de Preservación Histórica de la ciudad de Phoenix al 602-261-8699.

837 N. 5<sup>th</sup> Ave. Roosevelt Historic District

### **Appeal of Hearing Officer's Decision on Case No. HPCA 1700399**

We believe the City of Phoenix General Design Guidelines for Historic Properties are not being interpreted or applied properly to this project. The guideline on page 13 clearly states that "Within the residential areas, new construction should be similar in height, shape and materials to the historic structures in its vicinity. ***Where changes must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic buildings.***" The decision by the CHPO office to allow the proposed structure which is more than twice the size of both adjacent historic buildings to be placed in front of the smaller adjacent historic buildings is not appropriate and does not meet the intent of this guideline. ***The new construction which in the findings is described as dwarfing the adjacent historic buildings clearly steps forward rather than back from the historic buildings as shown on Attachment "A".***

***Along with the stated written guideline is an illustration that also clearly shows that new construction of similar size should not be placed in front of the average setback alignment of the historic properties.*** This line is delineated to the body wall or primary building wall which defines the buildings mass not the smaller projecting porches. The decision granted at the hearing is to allow the new structure's main body wall which is approximately 40 feet wide x 22 feet high at the eaves and 29 feet high at the ridge be aligned with the face of the 841 porch which is 9'-6" wide x 12'-6" high (not the main body wall) and 3 feet in front of the 833 porch which is 16'-0" wide x 13'-6" feet high. ***It is hard to discern how this decision/ siting minimizes the visual impact of the new construction relative to the much smaller adjacent historic buildings.*** The main body walls of the much smaller historic houses will be set back from the new structures two-story main body wall 8'-3" at the 841 house and 11'-3" at the 833 house. ***This siting contrary to the guideline visually interrupts the historic streetscape and highlights the new construction rather than minimizing it as shown on Attachment "B".***

In the Findings the author states that there are three two-story historic multifamily buildings located across the street as justification to allow the much larger new construction on the east side of 5<sup>th</sup> Avenue. However, what is not mentioned is that these historic two-story structures exist at the corner of the street and are sited and designed in a manner that reinforces the historic streetscape rather than detracting from it. The historic two-story multifamily building's body wall is aligned with the adjacent historic single-story house's body wall. The two-story multifamily building also has a single-story porch/balcony which is proportional to and aligns with the adjacent single-story house's porch. The transition from the larger multifamily building to the smaller home is seamless and hardly noticeable. Contrarily, the proposed new construction (which is located between two historic single-story houses) has a two-story high body wall that is placed more than 10 feet in front of the adjacent single-story houses' body walls. There is no attempt to reduce the building scale with a single-story porch or similar feature compatible in height and/or size of the smaller adjacent historic houses. The proposed siting and building design disrupts the common historic alignment patterns and visual relationships between buildings of differing size and character. ***The sympathetic siting and/or alignment of the historic multifamily building across the street from the subject lot highlights the problems with the recommendation in the findings. Placing a two-story building of much greater size and scale in front of the smaller adjacent historic homes does not lessen the impact it increases it.***

The applicant continues to refer to the reduced setback and increase height allowed at the recently constructed three story apartment complex project which sits on a 250-foot wide lot at the end of the street. However, buildings located at street corners are typically placed closer to the street and exceed the height of adjacent buildings especially when there is a prevailing pattern within the historic district. ***The impact this specific apartment complex has on the adjacent smaller historic house is minimized by a 30-foot wide-open side yard which is three times the distance proposed between the much larger new construction and the 833 house.*** The historic streetscape pattern on 5<sup>th</sup> Ave is not formed by the large apartment complex located at the end of the street but by the continuous row of historic single-story houses which are closely aligned on both sides of the street.

The historic preservation design guidelines were adopted to protect the visual characteristics and alignment patterns within the historic overlay districts. These guidelines should not become subjective recommendations that can be easily manipulated for financial gain. The usual insistence that is common among developers is that if these guidelines are adhered to the project will no longer be financially viable. This argument typically is not verifiable and should not be justification for changing the intent of the guidelines. It is incumbent on the buyer to perform due diligence before purchasing the property. As a buyer of the properties adjacent to the subject vacant lot I did research the guidelines and believed they would protect my historic properties from exactly this situation. ***It is undeniable that the intent of the subject guideline is to minimize the visual effect of new construction that is of much greater size and scale than the adjacent historic houses by stepping it back not forward. The decision to approve a certificate of appropriateness on this case has created the opposite effect intended by the guidelines and a hardship to the owner of the adjacent historic properties who relied on them.***

Sincerely,



Jeffrey A. Swan, AIA  
Swan Architects, Inc.



**NEW CONSTRUCTION**

New construction, located on vacant land within historic districts or adjacent to historic buildings, is encouraged when appropriately sited and designed. New construction should be clearly discernible as "new" and reflect the technology, building materials and design ideas of the present era. However, like additions to existing buildings, the design of new construction should be compatible with and respectful of its historic setting. It is recognized that new construction can occur that is similar in scale to the pattern of historic building or, in selected circumstances, new construction may involve development that is of substantially greater scale. Consequently, two types of guidelines have been prepared to assist in the planning of new construction relative to historic buildings and areas.

**Similar Scale New Construction**

- Within the historic residential areas, new construction should be similar in height, shape and materials to the historic structures in its vicinity. Where changes in size must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic buildings.
- Building features, such as roof lines, window and door openings, porches, entrances, pergolas, porte-cocheres or carports should resemble those related forms found on adjacent or surrounding historic structures.

**Proposed New Construction is NOT***SIMILAR SCALE, FORM & MASSING*