

From Jean Foussard
PH
5/22/14

William and Catherine Davern Farmhouse

Built 1862

National Register of Historic Places 1983

St. Paul Heritage Preservation Site 1985

William Davern was elected to the first Minnesota State Legislature in 1857. The original wooden Italianate farmhouse, built in 1862, still stands on a 2.24-acre parcel of what is left of the 290 acres belonging to Davern in what is now Highland Park, formerly known as Reserve Township.

Arguments against the sidewalk pertinent to HPC:

- 1) **Degradation of Site Characteristics:** The owner takes the responsibility of maintaining the historic sense of this pioneer era property very seriously. We believe that installation of a city sidewalk on this extensive, unique and wooded property represents a significant alteration that lowers the historic integrity of the site and is completely inconsistent with the property's history. This is a unique property in perfect condition with significant and singular physical characteristics tied to its bucolic setting. The character of the property extends to the wooded environs of Davern Hill (unpaved until 1950), which is engulfed by surrounding mid-century modern homes, apartment buildings and city sidewalks.
- 2) **Tree Damage:** We have had the area of impact evaluated by an arborist, who has identified that excavation, grading of surfaces and construction of a sidewalk will negatively impact the critical root zone of all of the trees bordering the proposed sidewalk. These trees have a commercial value of \$27,479, and an infinite value to maintaining the character of not only the property but also the entirety of the approach up Davern Hill. The City does not engage the expertise of an arborist before getting the variance from HPC.
- 3) **Erosion and Excavation:** Over the steep 417 linear feet of the proposed sidewalk, there will be areas where the sidewalk will be well below grade, requiring extensive surface grading and damage, or retaining walls to prevent runoff. Where the sidewalk will be at or above grade there is the risk of runoff and erosion.
- 4) **Safety and Maintenance:** The 11% grade of Davern Hill makes the hill difficult for vehicles under typical winter conditions. As the street is a "no parking" night plow route, the curbside sidewalk will be regularly inundated with heavy plow curls from city plows, and impossible to keep free from snow and ice. At 417 linear feet, it is one of the longest sidewalks ever proposed to be maintained by one family.

Additional arguments against the sidewalk pertinent to St. Paul City Council:

- 1) **Direct economic impact to homeowner:**
 - 1) Initial assessment by the City of Saint Paul **\$13,463.86**
 - 2) Annual cost of snow maintenance for 417 running feet of sidewalk on a steep 11% grade, estimated at \$3,000 per year
or **\$ 3,000.00** or
Cumulative expense over 25 years of home ownership **\$75,000.**
 - 3) Damage to trees impacted by sidewalk construction, provided by registered consulting arborist Faith Appelquist **\$27,479.00**
 - 4) Homeowner's liability for slip and fall accidents on steep hill which will be difficult to keep navigable **Unlimited**
 - 5) Loss of resale value to entire property due to these burdens **Unknown**
- 2) **Special Assessment by the City:** This sidewalk has no benefit to the property owner, bears no relationship to the property entrance and thereby does not meet the city's own criteria for special assessment.
- 3) **Easement:** The original documentation of an easement in 1866 for Reserve Township Road has not been located; it is referenced in the deed, but is under investigation.

1173 Davern Street
Property owner response to HPC Staff Report dated May 15, 2014

Secretary of Interior:
Standards for Rehabilitation;
Guidelines for Rehabilitation;
Criteria for Evaluation: Integrity of the property

STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

1. **A property will be used as it was historically** or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. **The historic character of a property will be retained and preserved.** The removal of distinctive 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.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. **New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.** The new work shall 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.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

SOURCE:

http://www.nps.gov/hps/tps/standguide/rehab/rehab_standards.htm

Last accessed May 19, 2014

Identify, Retain and Preserve

RECOMMENDED

Identifying retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, ~~furnishings such as lights or benches~~, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.

Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.

NOT RECOMMENDED

Removing or radically changing those features of the setting which are important in defining the historic character.

Destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new streets or parking.

Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

SOURCE:

http://www.nps.gov/hps/tps/standguide/rehab/rehab_approach.htm

Last accessed May 19, 2014

NATIONAL REGISTER CRITERIA FOR EVALUATION

HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

Integrity is the ability of a property to convey its significance. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance. The retention of specific aspects of integrity is paramount for a property to convey its significance.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

Setting

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

Design

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

Feeling

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

SOURCE:

<http://www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm>

pdf of bulletin <http://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf>

SOURCE:

Last accessed May 19, 2014

• From Brian Alton PH
5/22/14

Property owners' proposed FINDINGS to support denial of the requested permit

D. FINDINGS:

1. The William & Catherine Davern Farmhouse was designated a Saint Paul Heritage Preservation Site by the City Council in 1985 and was listed on the National Register of Historic Places in 1983. A Period of Significance (POS) was not defined in the National Register nomination. For the purposes of this review, staff has determined the POS is from 1862 when construction commenced to 1929 when two bays were added onto the house which is still the configuration and size present today.

2. In order to determine whether the public sidewalk will have a negative impact to the architectural and historical significance of the site and building, an understanding of the changes that took place over the POS that have acquired significance in their own right is warranted, as well as any changes outside the POS that have or have not had a negative impact. The original farm site of 160 acres (Snelling, Montreal, Fairview, St. Paul Avenues) had grown to 290 acres by 1880. A late 19th Century image shows the farmhouse in the background and a large open field for farming. Early accounts say there were few trees, making the river valley visible from Davern Hill. There was a dirt road that extended south to West Seventh Street. In 1887, the road was extended north of the farmhouse and became a city street named Davern Street. The street wasn't paved until the early 1950's. The street was originally a town road laid out in 1866. It was not substantially improved during the POS. There is no evidence that there has been a sidewalk along the street at any time during or after the POS.

In 1917, the house was sold to Harvey B. Fuller, Jr. he had the front porch removed, dozens of apple trees to the south of the house removed, but the remains of the old barn were still extant. In 1928, Clifton C. Dailey of Drake Marble Company bought the house and they expanded the house with two bays in 1929. Other interior improvements were made and a clay tennis court was installed west of the house where the Davern's pig pen had been. After 1938, new owners, the Headley's, hooked up to city water, cleared the south of tangled raspberry patches and removed the clay tennis court.

There is not a lot of documentation about the site conditions at the front lawn along Davern Street, except that the location and alignment of the road had remained the same since the Davern's farmed the land. The improvement made as a city street provided paving, curbs, lights and storm water management. A new city sidewalk in the manner proposed would not necessarily allow for a safe pedestrian route separated from the street.

3. Ordinance No. 17283, § 2 (Preservation Program) states "*Any additions or alterations that would obscure or detract from the architectural integrity or historic character of the building or its site should be avoided.*" ~~With minimal tree removal and grade changes, the proposal to construct a 5" wide sidewalk will not detract from the architectural integrity or historic character of the building or its site. The distance of the sidewalk from the main facade of the house still allows for several feet of green space and tree growth and preserves the wide area of green space and most of landscaping that surrounds' much of the house. The alteration of the site to add a sidewalk along the original town road right of way where~~

none has existed before would obscure or detract from the architectural integrity or historic character of the site. Changing the features of the setting which are important in defining the historic character of the site is not recommended and should be avoided (Secretary of Interior Guidelines for Rehabilitation).

4. A significant and character-defining feature of the properties' site is its typography (sited on the hill) and the fact that a large and open piece of land was preserved around the house that also included the foundation of the barn and early retaining walls. While much of the farm land was sold and developed, mainly beginning in the 1940's, it is fortunate that this large lot was not further divided for redevelopment. That would have likely negatively impacted the site's integrity of *setting* as defined by the National Park Service. The site retains the historic feeling of rural agricultural life in the 19th century. A new city sidewalk, ~~while~~ replacing ~~some~~ green space, and removing trees and vegetation ~~is at grade and~~ will ~~negatively not minimally~~ impact the site's integrity of setting, design and feeling contrary to the Secretary of the Interior's Criteria for Evaluation. The proposed sidewalk would have a negative impact on the ability of the property to convey its significance.

5. The proposal to construct a public sidewalk within the boundaries of the William and Catherine Davern Farmhouse Site is contrary to the Secretary of Interior Standards for Rehabilitation numbers 1, 2, 3, and 9 listed above.

6. The proposal to construct a public sidewalk ~~at the eastern perimeter but~~ within the boundaries of the William and Catherine Davern Farmhouse Site will ~~not~~ adversely affect the Program for the Preservation and architectural control (Leg. Code §73.06 (e)) ~~as long as the proposed conditions are met.~~