

CITY COUNCIL APPEAL SUMMARY

1. **FILE NAME:** 526 Portland Avenue HPC Appeal
 2. **APPELLANT:** Ray & Sheila Meyer **HEARING DATE:** 3/18/20
 3. **TYPE OF APPLICATION:** Appeal of a Heritage Preservation Commission Decision
 4. **LOCATION:** 526 Portland Avenue
 5. **LEGISLATIVE CODE REFERENCE:** § 74.64(b), § 74.65(a), (d), (g)
 6. **STAFF REPORT DATE:** 2/7/20 **STAFF:** Peter Warner
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A. PURPOSE:

Appeal of a Heritage Preservation Commission decision to deny repaving of the driveway, portion of the sidewalk and curb-cut apron with a red tinted, brick stamped patterned concrete.

B. LEGISLATIVE CODE CITATION:

§ 73.06(h) specifies standards and procedures for appeal of Heritage Preservation Commission decisions. § 74.64 specifies standards for restoration, rehabilitation and new construction in the Heritage Hill Preservation District.

C. BACKGROUND:

The J.R. Hudson house is a two-and-one-half, Neo-Classical style residence with Queen Anne details. According to tax records, it was constructed in 1900. There is not an alley behind the property, so the driveway and garage are accessed by a curb cut at Portland Avenue. The property is categorized as contributing to the Historic Hill Heritage Preservation District.

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| October 23, 2017 | Staff reviewed and conditionally approved the replacement of the driveway at the back of the property (setback 90 feet from the sidewalk) where the driveway flares to access the four-stall garage at the rear of the property. Previous precedent for this type of approval had been set allowing for rear yard stamped concrete on patios and walkways in the districts. |
| November 16, 2017 | Heritage Preservation Commission (HPC) heard an application for repaving the driveway, portion of the sidewalk and curb-cut apron with red concrete stamped with herringbone pattern and stamped solid course border. The HPC voted 11-0 to deny the application based on eight findings that the proposal would adversely affect the district by creating an earlier/different appearance than what originally existed and could damage distinctive characteristics of the historic district. |
| November 24, 2017 | Andrea Jepsen, attorney representing the owner, submitted an appeal of the HPC decision to Planning Director, Donna Drummond. Ms. Drummond had concerns with the " <i>statement setting forth the grounds for the appeal</i> " (§ 73.06(h)). The appeal has been held as the City Attorney Office (CAO) has continued to discuss the appeal with the owner's representative. |

D. FINDINGS:

Legislative Code § 73.06(h) provides that the City Council shall have the power to hear and decide appeals of the Heritage Preservation Commission decisions where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the commission.

In their appeal, the owner's representative states that the proposed material for the Meyer's driveway and walkway is concrete. Concrete is used through the Historic Hill District as a driveway material, and so concrete is a material that more than meets the obligations of §74.65(d)(2) *The materials and details of new construction should relate to the materials and details of existing nearby buildings.*

E. CONCLUSION:

Based on the original findings, the HPC believed that the stamped and tinted concrete material would create a situation which would change the historic precedent to the grounds at the J.R. Hudson House, a contributing historic resource to the City of Saint Paul. The HPC also believed that the proposal would create a false interpretation of history and could destroy the distinctive materials that characterize the city's largest historic district.

The stamped and tinted material installed in the rear portion of the driveway and if installed, front portion of the driveway, could never be assumed to be historic or of an authentic character. In addition, if installed in the front portion of the driveway it would not have a lasting effect on the area character, because the durability and lifespan of the stamped material would cause this driveway to have to be reinstalled relatively quickly.