

226-232 West Maxwell Street  
South Hill Historic District

Boca Tide, LLC, Owner  
Harding Dowell, Applicant

Scope of Work

Demolish brick walls and iron fence; remove trees and asphalt paving.

Background

In 1983, the owner at that time was approved for a plan to build the masonry wall/ iron fence and parking area. In 2013, staff issued a COA to remove the asphalt.

At this time, the applicant is requesting a Certificate of Appropriateness to conduct the following work:

1. Remove masonry wall and wrought iron fence.
2. Remove three trees (two sweet bay magnolias and one Bradford pear) along Mill Street side of the parking lot.
3. Remove asphalt.

The area in question is three lots and has been used as a parking lot for Dudley Square.

The trees in question are along South Mill Street. There is a large sycamore, located at Lawrence and West Maxwell Street, is proposed to remain.

According to the applicant, the proposal is to prepare the lots for future proposal for a commercial building.

Guidelines

III. Guidelines for site and setting

In addition to buildings, elements of the surrounding site and setting contribute to the character of historic properties. These elements include both natural and manmade features such as trees, fields, gardens, fences, driveways, retaining walls and boundary definers. Historic site elements help to define a property’s historic character and appearance. Historic site and setting features should be preserved and maintained.

6. Landscape, land features, land formations, view sheds and archaeology.

DESIGN PRINCIPLE: Landscape, land features, land formations, view sheds and archaeology define many site elements in historic areas throughout Fayette County These elements include resources above and below the ground surface. As a result, landscape and land features are more difficult to define than built features and elements. Landscape and land features can be either man-made or natural. These features include, but are not limited to: trees and shrubs, decorative gardens, utilitarian (functional) gardens, fields, documented historic topography, archaeological and cultural resources and other land features and land formations.

Landscape, Land Features, Land Formations, Viewsheds and Archaeology:

- A. that are significant should be preserved and maintained.

Guidelines cont'd

- B. that are altered or introduced should be compatible to the site and with surrounding properties.
- C. should not be visually dominant, intrusive or suggest a false sense of history.
- D. should not be created by the demolition of existing structures.
- E. of open space should only be developed in scale and character with the neighborhood or designated historic landmark.
- F. of vistas and approaches should be preserved and maintained.
- G. trees with trunks greater than 10 inches in diameter should not be removed unless diseased or unsafe.
- H. new construction or rehabilitation activity should work around trees with trunks greater than 10 inches in diameter.
- I. the determination of archaeological/cultural resource significance is recommended before site work begins. If archaeological or cultural significance is determined, this should guide proposed alterations, new construction or demolition.

VI. GUIDELINES FOR DEMOLITION

*DESIGN PRINCIPLE: Demolition of historic buildings permanently alters the character of the individual site, streetscape, building or district grouping. Demolition of buildings and structures in historic districts and of landmark structures should only be an action of last resort. Demolition is not permitted within historic districts or on historic sites unless certain conditions are demonstrated. Procedures for demolition are stated in Article 13 of the Lexington-Fayette County Zoning Ordinance.*

Demolition:

- A. should only occur as a last resort after all other avenues to protect historic buildings and structures have been exhausted.
- B. of any original feature or part of a historic building should be avoided.
- C. of a building within a locally designated historic district is not permitted, unless one of the following conditions exists:
  - 1. The demolition request is for an inappropriate addition, a non-significant portion of a building or non-significant accessory structure provided that the demolition will not adversely affect those parts of a building or buildings that are significant as determined by the BOAR.
  - 2. The demolition request is for a non-contributing building and the demolition will not adversely affect the character of the district.
  - 3. The property owner proves that no reasonable economic return may be gained from the property through a process designated in Article 13, Section 7(c) (see Appendix E).
- D. Demolition of a structure or building should not be detrimental to the character, scale, rhythm, design and importance of a group of buildings, streetscape or district.

Guidelines cont'd

- E. If tied to future development of the property, future development should be compatible in scale, size and use with existing zoning and existing characteristics of historic properties were the development is located.

Findings

Staff finds the proposal to remove the existing masonry walls are within the Guidelines V.I. C.1 and D. The masonry wall/iron fence and asphalt are not original to the site and their removal is not detrimental to the character, scale, rhythm, design and importance of building, streetscape or district.

The proposal to remove the trees should have more discussion. The Bradford Pear tree and Sweet Bay Magnolias are healthy. On consultation with Tim Queary, the Urban Forester, he recommended that the trees be retained until the new proposal comes before the BOAR and a replacement tree species put forth on a plan. Guidelines III.6.G and H. state, "...trees with trunks greater than 10 inches in diameter should not be removed unless diseased or unsafe." And "...new construction or rehabilitation activity should work around trees with trunks greater than 10 inches in diameter."

Staff does suggest care be taken around the Sycamore tree not to damage root system when removal of the masonry wall around tree.

Recommendations

Staff recommends approval with the conditions

1. If any changes are made that alter the information submitted, resubmit the changes to staff for review and approval prior to the start of the work.
2. Once reviewed by other LFUCG Division, any changes shall be returned to staff or Board for review and approval prior to the start of work.

Staff recommends disapproval of the removal of the trees until new plans are submitted for review for construction.

Deadline for BOAR Action

August 1, 2017