



New Construction at 100 W. Brown Street (File No. 170945)

Robert Ater & Gregory Baer

We are appealing the HPC's requirements that we use wood siding, trim, windows, and porch decking on the exterior of a new construction project in the Brewers Hill historic district. We propose instead to use HardiePlank siding (5/16") and trim, Marvin double-hung aluminum-clad windows, and Trex porch decking. We have an accepted offer from the City of Milwaukee to purchase the lot where the house will be situated. The purchase agreement stipulates that the home will be owner-occupied for five years. (The lot is not being purchased from the Redevelopment Authority and RACM guidelines and rules do not apply.)

1 City Ordinances and policies currently published by the City of Milwaukee encourage the use of alternative materials on new construction in historic districts.

Laws and policies published and currently distributed by the City make a clear distinction between the preservation of historic structures in historic districts and *new construction* in those same districts. The proposed house is entirely new and will be built on an empty lot in the Brewers Hill historic district to be purchased from the City of Milwaukee. These passages are relevant:

a. Milwaukee Ordinance 320-21-11-g-2-c establishes that new construction in historic districts should "not [be] an attempt to re-create a historic structure." Other parts of the ordinances echo this sentiment. (See 320-21-11-g-2-b and 320-21-12-c.)

b. The *Historic Designation Study Report* for the Brewers Hill Historic District, which contains city planners' vision for the historic district, and which is posted on the HPC website, says the following of new construction (emphasis added):

"The building materials that are visible from the public right-of-way should be consistent with the colors, textures, proportions, and combinations of cladding materials traditionally used in Brewers Hill. **The physical composition of the materials may be different from that of the historic materials, but the same appearance should be maintained.**"¹

c. The City of Milwaukee's *Traditional House Design Standards* (revised 7/6/2015 and currently published on the website of the Department of City Development) say the following about exterior materials and details (emphasis added): "Exterior siding/cladding should be similar to surrounding houses, and is typically brick, natural stone, wood clapboards, wood shingles or **cementitious clapboards** that do not show lap marks or the wood grain."² (HardiePlank is a brand name of cementitious siding.)

The choices of materials on our new construction project adhere closely to City laws and policies. The HPC's ruling ignores these laws and policies and attempts to apply the standards for restoration/preservation to our new construction project.

¹ <http://www.city.milwaukee.gov/ImageLibrary/Groups/cityHPC/DesignatedReports/vticnf/HDBrewersHill.pdf>. Page 9.

² <http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/realestate/pdfs/TraditionalHouseDesignStandard.pdf>

2 National standards for historic preservation districts stress the need to ensure that new construction is differentiated from the surrounding historic structures.

The US Department of the Interior³, the National Park Service⁴, the Preservation Alliance⁵, and other leaders, scholars, and practitioners in the field of historic preservation⁶ confirm that new construction in historic districts should **complement** the existing historic structures but be **differentiated** from them to ensure that new construction is not mistaken for historic material. According to the HPC staff, our proposed home design is “refined, appropriate, and carefully thought through. It would blend well with the surrounding Brewers Hill neighborhood.” In other words, it is **complimentary**. It also uses many of the materials found in the neighborhood: real brick facing on the exposed basement, shingles found on many other homes, and decorative wood elements on the wrap-around porch. Our home echoes the homes around it in its siting, scale, and form. Indeed, 17 single-family houses fronting East Brown, N Buffam, and N Hubbard Streets built in 2004 (just outside the historic district) by Titan Building have HardiePlank siding that has maintained its color and its material integrity quite well for 13 years. Visitors and residents in Brewers Hill will find our newly constructed home well-suited to the neighborhood. The careful observer with a trained eye may notice some differences: an attached garage, and materials that maintain the appearance of traditional materials without copying them exactly. This is as it should be.

3 Brewers Hill neighbors, the Historic Brewers Hill Neighborhood Association, and the Alderwoman for the neighborhood support the use of the requested building materials on this new construction project.

The HPC has expressed concern that Brewers Hill neighbors will object to the use of materials other than wood, since the HPC has required many residents to use wood on their projects. Actually, the residents of Brewers Hill understand and recognize the important distinction between historic renovation and new construction and have requested in writing that the HPC also recognize that distinction. The Historic Brewers Hill Neighborhood Association, Alderwoman Milele Coggs, and a group of immediate neighbors to the lot at 100 W. Brown have asked the City to follow its own ordinances and guidelines, which permit the use of HardiePlank siding and trim, Trex porch decking, and aluminum clad windows on new construction projects in historic districts. The HPC’s ruling ignores the wishes of citizens and residents of the Brewers Hill neighborhood.

4 The building materials we propose are accepted for new construction in historic districts around the country.

a. A 2013 survey of 8 historic preservation commissions in cities similar to Milwaukee [Boston, El Paso, Nashville, Charlotte (NC), Memphis, Jacksonville (FL), Indianapolis, and Austin] found that all of these cities allow cement-fiber siding, such as HardiePlank, on new construction in historic districts.⁷ Likewise, a 2017 survey of 24 American cities by the historic preservation staff from Chicago’s Department of Planning and Development found that 96% allowed HardiePlank siding on new construction in historic districts.⁸

b. Aluminum clad windows are allowed in 6 of the 8 districts in the 2013 study mentioned above. In addition, Boston’s historic South End District allows aluminum clad windows in appropriate colors and finishes on new construction.⁹ The particular double-hung windows chosen for our home project, Marvin Ultimate

³ <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

⁴ <https://www.nps.gov/tps/standards/applying-rehabilitation/successful-rehab/new-construction.htm>

⁵ “Sense of Place: Design Guidelines for New Construction in Historic Districts.” 2007, www.preservationalliance.com/publications/SenseofPlace_final.pdf. Page 9.

⁶ <http://www.oldhouseauthority.com/archive/DifferentiatedandCompatibleDesign>

⁷ Thomason and Associates. “Alternate Materials and Their Use in Historic Districts.” City of Columbus Development, Historic Preservation Office City of Columbus, Ohio Planning Division, 2013, www.columbus.gov/Templates/Detail.aspx?id=60775.

⁸ https://www.cityofchicago.org/content/dam/city/depts/zlup/Historic_Preservation/Publications/08.18.17_FiberCementPolicy.pdf

⁹ https://www.cityofboston.gov/images_documents/South%20End%20Landmark%20District%20Standards%20and%20Criteria_tcm3-13557.pdf

double hung windows, have been approved for use in new construction, additions, and non-historic buildings in historic districts in Savannah, Georgia.¹⁰

c. According to the 2013 survey mentioned above, “use of composite porch floors [such as Trex] appears to be gaining favor as an appropriate alternative material.” Of the cities surveyed, half allow the use of composite porch floors on the primary elevations. In their November report, the Milwaukee HPC staff indicated that they were “tempted to grant the synthetic porch decking, if the porch is trimmed such that the edge of the synthetic boards is not visible.” Trim can indeed cover the edge of the Trex decking we propose.

Historic preservation commissions around the country recognize that these materials provide durability, beauty, and value on new construction projects without sacrificing the integrity of historic districts where they are used.

5 Wood siding, trim, windows, and decking are more expensive. The HPC’s insistence on wood, even though not required by ordinance on new construction projects, has economic consequences for the neighborhood.

The materials required by the HPC add significant costs to this new construction project and endanger this opportunity to fill a gap in the neighborhood and contribute to property tax revenues.

a. A direct cost comparison¹¹ based on actual contractor bids reveals that wood windows for our new construction project would cost approximately \$4,000 more than the Marvin windows to purchase and install; white pine siding and trim would cost \$7,000 more to purchase, paint, and install than HardiePlank products (this price does not include the cost of shipping white pine siding from Ward Clapboard in Vermont); and wood porch decking would cost approximately \$1,726 more to prepare, install, and paint than Trex decking. These additional costs of almost \$13,000 do not include the further expenses for upkeep and repair, which are certain to be higher with wood products.

b. Even using the materials we propose, the cost of this new construction project is already several thousand dollars higher than the bank’s appraised value of the house. Adding the additional expense of wood construction and upkeep would make this project economically unfeasible and is likely to lead us to abandon it, leaving this important corner lot and neighborhood anchor vacant.

c. The HPC’s insistence on all-wood exteriors is raising costs of new construction in the Brewers Hill Historic District. According to HPC staff research (as part of its November staff report), only one of the last three proposed new construction projects requiring wood exteriors (2004-2018) has been built (and that one was built at a loss). There has been no new construction in Brewers Hill in the last ten years (2008-2018).

d. Each unrealized new construction project represents a missed opportunity for significant additions to the fabric of the neighborhood and to the property tax income of the City.

e. Not building this home will also involve a cost to the neighborhood. The lot on the corner of West Brown and First Streets is one of the anchors of this historic district. The site of a former neighborhood grocery, the lot is smaller than most corner home lots, and—because of its smaller size—has proven difficult for the City to sell. Leaving it empty and open – as it has been since the corner grocery was demolished about ten years ago – could be interpreted as a lack of concern for and investment in the health of the community. A newly constructed home built in a way that sustains the architectural language of the historic district without imitating it in inappropriate ways, a home which HPC staff have called “refined, appropriate, and carefully thought through”¹² will, on the other hand, honor the architectural history of Milwaukee, “blend well with the surrounding Brewers Hill neighborhood,”¹³ and add integrity and strength to the historic character of the district.

¹⁰ <http://www.thempc.org/docs/lit/hist/faq/windows.pdf>

¹¹ See attached Appendix 1.

¹² Historic Preservation Commission of Milwaukee. Staff Report PTS #114399. Milwaukee, November 6, 2017.

¹³ Historic Preservation Commission of Milwaukee. Staff Report PTS #114399. Milwaukee, November 6, 2017.

HPC calls the use of wood on new construction an established practice. We call it a very weak precedent that is economically unsustainable for the neighborhood and is at odds with City ordinances and policies.

6 The HPC has exaggerated differences between products to bolster their argument for using wood on this new construction project.

The HPC has argued that 5/16” HardiePlank is not thick enough to mimic the appearance of wood siding. But the differences in product thickness they claim are exaggerated, and their exaggerations are based on a misunderstanding of the actual thicknesses of the products.

a. The attached drawing, Appendix 2, indicates the *actual* relative thicknesses of Ward Clapboard’s white pine siding (recommended by the HPC) and two HardiePlank products, regular (which we propose to use) and Artisan HardiePlank. Note that the *nominal* thickness of Ward clapboard is 1/2”, but the *actual* thickness of the product is 7/16”. Other clapboard used in the historic district has been measured at 6/16” (actual).

b. “Shadow lines” produced by white pine siding and HardiePlank 5/16” siding are minimally different, since the wood is in actuality only 1/16” to 1/8” thicker than the HardiePlank — a difference noticeable to few without a trained eye.

HPC’s exaggerated argument about relative thicknesses of siding is misleading and ignores City of Milwaukee ordinances and policies that *encourage* distinctions between historic structures and new construction in historic districts.

7 We are committed to the process and to the Brewers Hill neighborhood.

Since learning about the possibility of purchasing a city lot in the Brewers Hill historic district, we have been committed to the neighborhood and to understanding the ordinances and policies that guide its preservation.

a. We have sought out and studied all public documents relating to new construction in historic districts. We have read books provided to us by the HPC about appropriate home styles in Brewers Hill and other historic neighborhoods of Milwaukee. We have followed the advice of the City staff involved in the purchase of the City lot. And we have demonstrated our good will and desire to follow city ordinances, historic precedents and best practices in historic preservation in all of our interactions with the HPC and their staff.

b. The agreement with the City to purchase the lot for our project requires that we begin construction within 15 days of closing on the lot (though construction cannot begin until all permits and a certificate of appropriateness are issued by the City). We are also required by this agreement to live in the home we build for at least five years. (We plan to stay much longer.) In addition, the contract stipulates that we accept the lot “as is” and pay any excavation costs that might arise from the demolition of the former structure on this lot.

c. We have spent many hours in Brewers Hill, studying the architecture, meeting neighbors, and learning about the issues facing the neighborhood. We took part in a neighborhood walk-about with the Alderwoman, and we have made donations to the neighborhood association. We want to be active participants in the improvement of the Brewers Hill neighborhood.

d. Our new construction project will honor and celebrate the architecture of the 19th century in Milwaukee. It will protect the integrity of the Brewers Hill historic district by blending in with the homes around it. And it will enhance the community by filling in a hole in the fabric of the neighborhood. The materials we propose to use and the style of our home are all currently found in Brewers Hill and carefully follow the ordinances and guidelines established by the City of Milwaukee to protect our city’s history and architectural heritage.

We urge the City to approve this project as we have proposed it and to issue a Certificate of Appropriateness so that construction can begin early this spring.