

HISTORIC LANDMARK COMMISSION
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
MAY 24, 2021
C14H-2009-0021
JACKSON-NOVY-KELLY-HOEY HOUSE
2406 HARRIS BLVD.

PROPOSAL

Construct a swimming pool and perimeter fence.

Note that the design of these elements has been revised, following denial of a certificate of appropriateness for a pool at the March 22, 2021 Historic Landmark Commission meeting.

PROJECT SPECIFICATIONS

- 1) Construct a pool in front yard, fully integrated into the slope of the site and without a raised edge. Surrounding the pool will be a limestone patio in an area where a limestone patio already exists. The pool will be to the south end of the lot, largely offset from the façade of the house. Pool equipment will be located near the south property line, recessed further than the rear of the one-story side porch of the house.
- 2) Construct a transparent fence at the perimeter of the property. The fence will be either iron pickets with iron posts, similar to the fence at the Governor's Mansion but of lesser height, or iron pickets between masonry piers, similar to the open fencing and limestone piers at the Fred and Margaret Sharp House (not the solid wall; see description and photo, below). The applicant welcomes the Commission's direction regarding the design.

ARCHITECTURE

Two-story, cross-gabled Tudor Revival house with brick cladding and half-timbering and stucco in the front-facing gable end. The house was designated for its architecture and historic associations.

The site was not mentioned in the landmark nomination; it is significant as the setting of the landmark house and not in its own right. The front yard is substantial, with a 96' setback from the curb to the front of the house. The house also sits at a noticeable rise from Harris Blvd., with the first-floor level 84" above the street. The primary character-defining features of the site are this subtly bermed topography and the central steps aligned with the front entrance.

STANDARDS FOR REVIEW

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are used to evaluate projects on historic landmarks. The following standards apply to the proposed project:

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.

The property will continue to be used as a private residence. The proposed location of the pool currently has an at-grade limestone patio, which is not visible from the street and was present at the time the landmark was designated. Both the patio and proposed pool allow for outdoor recreation associated with residential use. The project meets this standard.

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.

The substantial front yard allows the pool to be sited where it does not alter the spatial relationships that characterize the property. The pool is located at the south end of the lot, where it only slightly overlaps the façade and side porch of the house. It does not disrupt the axis between the central steps at the sidewalk and front door of the house. The front edge of the pool will also be more than 70' from the street at the closest point. This leaves a large area of lawn between the pool and the street. While the project will result in some grading, it will not appreciably alter the character of the lawn as viewed from the street. Neither the pool nor pool equipment will obstruct the view of the house from public vantage points.

No historic site features are present in the area of the proposed pool. The Commission previously approved removal of a 1992 circular drive that overlaps the proposed patio.

The project meets this standard.

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.

The project does not add conjectural features from other periods or create a false sense of historical development. A raised terrace proposed in an earlier design was eliminated in response to feedback from the Architectural Review Committee. As presently designed, the project meets this standard.

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.

These standards do not apply. The project does not directly impact the historic house. No historic-age site features are present in the area of the proposed pool. The Commission previously approved removal of a 1992 circular drive that overlaps the proposed patio.

8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No archeological resources are known to be present at the property.

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 will 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.

For further guidance, the National Park Service's *Interpreting the Secretary of the Interior's Standards for Rehabilitation Bulletin No. 39: Changes to Historic Site* starts with the statement: "The site of a historic building is usually an essential feature in defining its historic character. Accordingly, the Secretary of the Interior's Standards for Rehabilitation require that a rehabilitation involve minimal change to the defining characteristics of a building and its site and environment."

The pool will not be visible from the street and thus will not destroy the spatial relationships that characterize the property. The design will not be mistaken for a historic landscape element but is understated and compatible with the historic house and its setting.

Perimeter fences and walls are prevalent throughout this neighborhood, including at other landmark properties. The proposal to construct an iron fence with either iron posts or masonry piers is in keeping with these patterns and will be differentiated yet compatible as a new site element.

The project meets this standard.

10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If the pool and fence were removed in the future, the integrity of the historic property would not be diminished. The project meets this standard.

City of Austin Historic Design Standards

The City of Austin's Historic Design Standards (March 2021) are based on the Secretary of the Interior's Standards and provide further clarification for projects at historic landmarks. While the Historic Design Standards do not provide specific guidance on evaluating pools, the following standards from the Sites and Streetscapes chapter apply to the project:

1.1 Do not grade, fill, or excavate unless it is to solve a drainage or flooding problem.

Pool construction will require excavation and grading, but the project will return the site close to its existing topography.

1.3 (Additional standards for historic landmarks) If the property had a grassy, open front lawn when constructed, maintain that context. Do not replace the lawn with paving or gravel.

The project will maintain the grassy, open front lawn that is the setting of this historic landmark. The pool will be built in the location of an existing limestone patio, at the south end of the lot and recessed from the street.

2.4 If constructing a new street-side fence or site wall, design it so that the materials, style, and scale are compatible with and differentiated from the architectural style and period of the building and are in keeping with historic fence styles and heights in the historic district. a. New front fences must be no more than 4' high and have a high degree of transparency. Recommendations: If a street-side fence or site wall was not historically present and is not part of the historic development pattern of the district, do not construct one.

The proposed fence will have a high degree of transparency. Either proposed design will be compatible with the historic character of the site. The fence will be over 4', but taller enclosures have been approved on a case-by-case basis at other historic landmarks. Perimeter fences and walls are prevalent within the Old West Austin National Register district, particularly within the Pemberton Heights and Enfield neighborhoods. See further analysis of similar projects below.

3.1 Locate mechanical and energy conservation equipment and rainwater collection systems where they will not obscure or intrude upon the primary view of the building.

The pool equipment will be in an unobtrusive, recessed location along the south property line.

The project meets these standards.

City of Austin Code of Ordinances, Title 25: Land Development

The following sections of the Land Development Code are relevant to the Commission's decision in this case:

[§ 25-11-212: Certificate Required](#) establishes that a pool may be administratively approved if it “does not visually affect the historic character of the structure from an adjacent public street” but leaves the decision of whether to refer a case to the Commission to the Historic Preservation Officer.

[§ 25-11-243: Action on a Certificate of Appropriateness](#) establishes that the Commission will consider the Secretary of the Interior's Standards for Rehabilitation in its decision making. Further, it indicates that the Commission must determine that “proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark” to merit denial of a Certificate of Appropriateness.

The pool as currently proposed will not be visible and thus will not visually affect the historic character of the house as viewed from Harris Blvd. However, given the front-yard location and prior Commission denial of the pool, staff exercised discretion to refer the revised design to the Commission.

While lack of visual effect from a public street is the threshold for administrative approval, the Commission has broader authority to consider changes to the exterior and site of a landmark in its totality; for example, it may be in the public interest to preserve a historically significant landscape feature even if it is not visible from the right-of-way. In this case, there are no historic features within the area directly affected by the project. In considering visual effects on the house and site, the view from the right-of-way is a logical benchmark, and the topography and overall feeling of the site will remain intact from that perspective.



Photo by Historic Preservation Office staff, 2021



*Photo by applicant, 2021
Rendering of similar view with pool; existing plantings and proposed perimeter fence not shown for clarity*

SIMILAR PROJECTS

The following section provides background information on similar pools and perimeter fences at historic landmarks. Some are historic site features, while others were constructed outside of the historic period but prior to landmark designation. Most important for the Commission's consideration are those projects that received either administrative or Commission approval. Properties with modifications, including non-original site features, may receive landmark designation so long as those newer elements do not compromise the historic integrity of the property. This does not necessarily mean the work met the Secretary of the Interior's Standards for Rehabilitation. Projects approved after landmark designation, by contrast, were evaluated by staff or a majority of the Commission as meeting the Standards.

Pools

As noted above, construction of a pool may receive administrative approval for a Certificate of Appropriateness. Generally, staff will approve pools that are in back yards, do not alter significant historic landscape features, and are not visible from the street. The following analysis focuses on those pools at landmarks that are in the front yard or otherwise visible from the street.

The reflecting pool in the front yard of the **Robertson-Trice House** (110 W. 33rd St., C14H-2003-0006) is specifically mentioned in the nomination: "The landscaping is particularly noteworthy for its embodiment of Italian Renaissance Revival style features. The house has a large wall at the sidewalk, with a round-arched entry, and the front yard contains a reflecting pool." Though not documented, the reflecting pool is believed to be a historic element (see image, right).



Robertson-Trice House, photo by applicant, 2021

The **Davis-Sibley House** (2210 Windsor Rd., C14H-2008-0016, also a Recorded Texas Historic Landmark) features a pool with an elaborately tiled wall and stairs in the front yard, built in 1963 (see image, right). While these features post-date the 1932 house and were slightly less than 50 years of age at the time of designation, they were designed by noted Austin landscape architect C. Coatsworth Pinkney and are arguably significant in their own right. The landmark narrative treats the pool and landscape features as important historic elements, indicating a correlation with the original plan for the site, describing their design in detail, and touting an award and publicity in *Austin Homes* magazine.



Davis-Sibley House, photo from landmark nomination, 2008

The landmark designation for the **Perry Estate** (710 E. 41st St., C14H-2013-0040) covers a 1.2-acre portion of the nearly 10-acre site listed in the National Register of Historic Places as a historic district. The landmark focuses on the Perry family, whereas the National Register district's period of significance incorporates later use and development as St. Mary's Academy. In 2019, the Commission considered construction of a pool at the southwest corner of the larger tract, outside the landmark boundaries but within the National Register district. Due to the more limited jurisdiction, the Commission could issue advisory comments only and did not have authority to issue or deny a Certificate of Appropriateness. The Commission accepted the staff recommendation, which advised that the pool location did not meet the Secretary of the Interior's Standards and advocated exploring other options. The pool was built as proposed (see image, right; see also the meeting [minutes](#), [staff report](#), and [photos and renderings](#) from this case).



Perry Estate, photo by applicant, 2021

Tina Contros, the architect on the current project, was the owner/architect who restored the **Bull House** (2213 E. Windsor Rd., C14H-2009-0056) and landmarked it in 2009. The house is on a through lot and has a swimming pool that is visible from Parkway, in front of most significant elevation of the house. The landmark nomination refers to the house as “facing Pease Park,” across Parkway, and places particular emphasis on the Italian Renaissance Revival-styled architecture and round-arched arcaded wall on this elevation. The one-story façade on E. Windsor Rd. is less architecturally distinctive, and the windows were lengthened and replaced prior to historic designation, compromising its integrity.

The pool was administratively approved in 2019. Upon further examination, staff finds that the project should have been referred to the Commission. While the pool is located behind a historic limestone retaining wall, the coping of the pool is visible above the top of the wall and is directly in front of the façade (see images, next page).

Note that steel retaining walls and other landscape interventions were not indicated in the pool plans staff reviewed



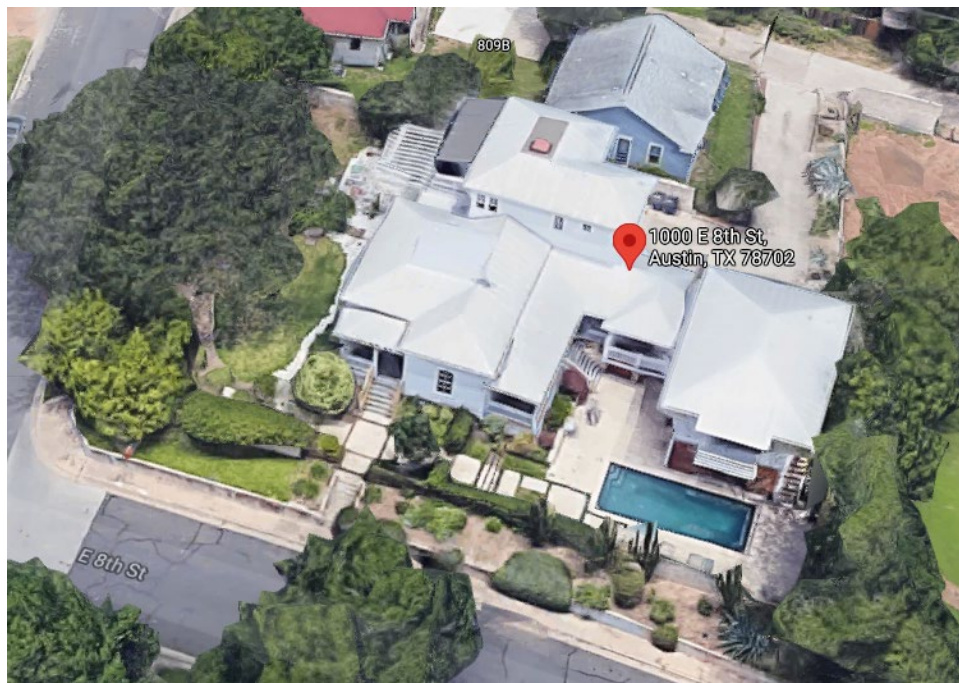
Bull House, photos by Historic Preservation Office staff, 2021

At the **Hernandez-Johnson House** (1000 E. 8th St., C14H-1997-0005), the Commission approved construction of a guest house next to the historic house in 2004. Staff subsequently approved construction of a pool in front yard in conjunction with other landscape improvements. The pool is in front of the guest house rather than the historic house, and due to the topography of the site, is above eye level from the street (see image, below).

This pool is the clearest precedent for the current case, given the similar topography of the sites and pool locations to the side of the historic houses.



Hernandez-Johnson House, photo by Historic Preservation Office staff, 2021



Google 3D aerial image showing pool to the side of the Hernandez-Johnson House, in front of guest house, 2021

Fences and Walls

Across the street from the Jackson-Novy-Kelly-Hoey House, the **Reed Estate** (2407 Harris Blvd., C14H-2005-0024, also a Recorded Texas Historic Landmark) is minimally visible from the street due to a limestone wall around the four-acre site. This wall presumably predates the designation (see image, right).

Reed Estate, Google Street View, 2021



Immediately south of the Jackson-Novy-Kelly-Hoey House, the **Baker-Allen House** (2402 Harris Blvd., C14H-2009-0012) has a limestone wall surmounted by a decorative iron fence. This fence was present at the time of designation (see image, right).

Baker-Allen House, photo from landmark nomination, 2009



Further south, the **McCrummen-Wroe House** (2300 Windsor Rd., C14H-2010-0025) has a limestone perimeter wall that partially obscures the view of the house from the street. The wall was present at the time of designation (see image, right). A brick wall along Pease Road largely conceals a back-yard pool at this property.

McCrummen-Wroe House, photo from landmark nomination, 2010



In terms of perimeter enclosures approved under a Certificate of Appropriateness, the **Fred and Margaret Sharp House** (1706 Niles Rd./12 Niles Rd., C14H-2009-0048) had an open front lawn at the time of designation (see image, top right). In December 2012, the Commission approved a perimeter masonry fence with a decorative iron openings to allow views to the house (see image showing this wall as constructed, bottom right; see also the meeting [minutes](#), [staff report](#), and [drawings](#) from this case).



*Fred and Margaret Sharp House,
photo from landmark nomination, 2009;
photo from applicant, 2021*

More recently, though not in the Old West Austin National Register district, the Architectural Review Committee provided feedback on proposed metal picket fencing at the **Steck House** (305 E. 34th St., C14H-2004-0007). While committee members had recommendations on aspects of the design, generally they agreed that open fencing would have limited impact on the view of the historic property from the street. Staff administratively approved the project following the meeting. (Refer to the [recording](#) beginning at 1 hour and 19 minutes and [backup](#) from this case).

COMMITTEE FEEDBACK AND PRIOR COMMISSION REVIEW

The Architectural Review Committee provided feedback on the proposed project in October 2020 and January 2021. Committee members raised concerns regarding the appropriateness of a swimming pool in the front yard of this historic landmark. Committee members also expressed concerns that a raised terrace reminiscent of other Tudor Revival homes, but not historically present at this property, could impart a false sense of historical development contrary to Standard 3.

The applicant responded to Committee feedback by modifying the placement and design of the pool to reduce its visual impact. In the proposal reviewed by the Commission on March 22, 2021, the pool was pulled forward from the front of the house and to the south, which reduced the pool's elevation and prominence, removed the raised terrace, and allowed the patio surrounding the pool to be integrated into the slope of the site. A raised pool edge remained visible from the street in this design. Renderings showed a metal picket fence around the pool and patio only. The Historic Landmark Commission approved certain portions of the broader project, including other landscape modifications, but denied a Certificate of Appropriateness for the pool.

The current proposal for the pool eliminates the raised edge, fully integrating the pool into the slope of the site where it will not be visible from the street. The fence is now proposed for the perimeter of the yard, rather than solely around the pool, which serves to further deemphasize the pool's presence.

STAFF RECOMMENDATION




Approve the application.

Staff wishes to note multiple factors specific to this recommendation. First, as a general rule, it is preferable to locate pools within back yards where they are not visible from surrounding streets. However, due to site constraints particular to this property, a back-yard location is not viable. Secondly, the substantial front yard allows the pool to be sited in a way that does not affect the spatial relationships that characterize the property. The pool is located at the south end of the lot and does not interrupt the axis between the central steps at the sidewalk and front door of the house. The front edge of the pool is more than 70' from the street, leaving a large area of lawn at the front of the property. Third, the pool will not be visible from the street. The patio surrounding the pool will be approximately 6" below the first-floor line of the house. The topography of the site, with a 78" rise from the sidewalk to the pool level, will place the pool above an average eye level. The current design also eliminates visual cues of the pool's presence: the pool is fully recessed, equipment is at a distance from the pool in an unobtrusive location, and the required enclosure takes the form of a perimeter fence common to houses in this neighborhood. Finally, there are no historic site features that would be modified or removed for the pool's construction. As such, staff can find no justification for a finding that the pool would adversely affect or destroy a significant architectural or historical feature of the landmark.

Commissioners who support denial of the present pool design should clearly articulate how the project would adversely affect the landmark during deliberation.

LOCATION MAP



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

NOTIFICATIONS

CASE#: HR 20-144747

LOCATION: 2406 HARRIS BLVD

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