

Case No. 230045
Address: 732 Main Street

Staff Report

The applicant has submitted an application for Certificate of Appropriateness for work at 732 Main Street, a contributing structure located in the Deadwood City Planning Unit in the City of Deadwood.

Applicant: Joel Livengood
Owner: Villagood Properties LLC
Constructed: c 1900

CRITERIA FOR THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS

The Historic District Commission shall use the following criteria in granting or denying the Certificate of Appropriateness:

General Factors:

- 1. Historic significance of the resource:** Lawrence County records indicate this structure dates from 1917. Additional research is needed to verify the history of this resource as it appears to be moved from a location down the street and is older than indicated in the county records. It is listed as a contributing resource to the local historic district, the State and National Register of Historic Places and the National Historic Landmark District.

- 2. Architectural design of the resource and proposed alterations:** The applicant is requesting permission to replace the chain-link fence with a wooden post and rail fence. Construct a boardwalk mimicking the original boardwalk at the east side of the building. It will provide access to door at the rear of the structure to meet code. A railing will be constructed to match the existing porch.

Attachments: Yes

Plans: No

Photos: Yes

Staff Opinion: The applicant began work on both the fence and the “boardwalk” without a building permit or Certificate of Appropriateness. Furthermore, the structure was entered into the façade program in September of 2020 and has violated the conservation easement for work done without permission of the Historic Preservation Commission.

Specific language in the easement is as follows:

- 5.2 Required Notice. Grantor agrees to give Grantee written notice before exercising any reserved right as delineated in this Conservation Easement as follows.
 - a. Restrictions on activities that would affect historically significant components of the Property. The Grantor agrees that no construction, alteration, or remodeling or any other activity shall be undertaken or permitted to be undertaken on the Property which would affect historically significant features identified in Exhibit C; exterior construction materials, architectural details, form, fenestration, height of the Property, or adversely affect its structural soundness without prior written permission of the Grantee affirming that such reconstruction, repair, repainting, refinishing, rehabilitation, preservation, or restoration will meet The Secretary of the Interior’s *Standards for the Treatment of Historic Properties* (hereinafter referred to as the “Standards”).
 - b. Restrictions on activities that would affect archeological resources. The Grantor agrees that no ground disturbing activity, defined as any activity extending deeper than twelve (12) inches, shall

be undertaken or permitted to be undertaken on the Property which would affect historically significant archeological resources identified in Exhibit C without prior written permission of the Grantee affirming that such work will meet The Secretary of the Interior's "*Standards for Archeology and Historic Preservation.*"

- c. Construction Notice. In order to facilitate the monitoring of this Conservation Easement, to ensure continuing communication, and to determine that new or modified permitted Structures conform to the terms of this Conservation Easement, Grantor shall submit to Grantee sufficient written information. Such information shall allow Grantee to confirm that the Structures proposed for construction: (1) conform to the use or uses permitted within that area, as marked on Exhibit B; (2) confirm the proposed undertaking does not encroach upon, damage or destroy a historic resource; and (3) do not violate any of the terms or conditions of this Easement. Said information shall include the proposed undertaking for the Property.
- d. Approval. Pursuant to actions or activities requiring approvals in this Conservation Easement, Grantor shall submit to Grantee sufficient written information to allow for a determination by Grantee that such action or activity is in compliance with the purposes, terms and intent of this Conservation Easement. Grantee shall have forty-five (45) days from the receipt of the information, and an additional ten (10) days as provided in the following paragraph (or such longer period as the parties may agree to in writing) within which to review such materials and grant or deny approval.

Notice shall be pursuant to Section 5.3 herein. Grantee may review the proposed site to confirm that the proposed action or activity is in compliance with this Conservation Easement, and shall notify Grantor as to whether or not the proposal is in compliance with the terms of this Conservation Easement, not more than forty-five (45) days from receipt of the notice. If Grantee fails to respond within forty-five (45) days, Grantor will further contact Grantee to confirm that Grantee received the first notice, and if after ten (10) days Grantee does not respond, the proposals shall be deemed approved. In approving such proposals, Grantee may attach such conditions as it reasonably deems necessary to comply with the purposes, terms and intent of this Conservation Easement.

With regards to the fence, while it is an improvement to the previous chain link fence which was removed, it is not compatible to the resource. A picket or iron fence would appear to be more appropriate to the building and lot.

The "boardwalk", while shown in a line drawing or etching of this section of early Deadwood, there is no evidence that once the resource was moved to the new location that such boardwalk was present. The original boardwalk on the resource shown in the drawing was related to the structure and the terrain associated with the site and setting associated with this particular location and not the current site and setting. Staff's research through the Sanborn Fire Insurance maps do not indicate a "boardwalk" associated with this building in this location. It is staff's opinion that this also does not meet the requirements associated with the Conservation Easement.

The proposed work and changes do encroach upon and damage the historic resource and has an adverse effect on the character of the building and the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District.

Motions available for commission action:

A: Based upon the guidance found in DCO 17.68.050, I find that the exterior alteration proposed is congruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to grant Certification of Appropriateness.

OR

B: Based upon the guidance found in DCO 17.68.050, I find that the exterior alteration proposed is incongruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to deny Certification of Appropriateness.