



# STAFF REPORT

## Historic Preservation Commission

October 2, 2024

HPCA-24-00099

**Case Number:** HPCA-24-00099

**Property Address:** 837 NW 39th Street

**District:** Crown Heights

**Applicant:** PMH Construction LLC  
Jonathan King  
4107 N Council Road  
Bethany, OK 73008

**Owner:** Ryan Ferguson  
837 NW 39th Street  
Oklahoma City, OK 73118

### A. CASE ITEMS FOR CONSIDERATION

1. Construct attached pergola (elective).

### B. BACKGROUND

#### 1. Location

Project site is located on the north side of NW 39<sup>th</sup> Street, mid-block between N Shartel Ave and N Western Ave.

#### 2. Site History

***Date of Construction:*** 1948

***Zoned Historic Preservation/Historical Landmark:*** 1977

***National Register Listing:*** 1995

***Description from National Register Nomination Intensive Level Survey:***

837 Northwest 39th, C. 1949. This one-and-a-half-story, brick Colonial Revival residence has a moderately pitched, side-gabled roof with composition shingles, three gabled wall dormers and weatherboard in the gable ends. The symmetrical façade features casement windows and a paneled wood door with glazing sheltered by a flared awning. A brick chimney is located on the east elevation and the garage is detached.

***Additional Information:***

The 1950 edition of the Sanborn Fire Insurance maps illustrates a 2-story brick-veneered frame dwelling, with 1-story enclosed structure extending the entire length of the rear (north) façade. No “autohouse” is indicated on the property. Both 1<sup>st</sup> and 2<sup>nd</sup> stories have composition shingle roofs. No changes are indicated on the 1955 edition.

#### 3. Previous Actions

Previous applications for Historic Preservation Certificate of Appropriateness (HPCA) filed for this property include:

Case Number	Date	Owner	Decision
HPCA-24-00073	06-10-2024	Ryan Ferguson	Approved
1) Replace fence (elective).			
HPCA-24-00055	05-09-2024	Ryan Ferguson	Approved
3) Install pool (elective).			
HPCA-23-00140	10-17-2023	Ryan Ferguson	Approved
1) Install automatic gate at driveway (elective).			

Other actions, such as variances, other approvals, citations could also be described here.

### C. ITEMS IN COMPLIANCE

*Unless noted below in Section D., Issues and Considerations, all other case items of this proposal comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020.\**

None.

### D. ISSUES AND CONSIDERATIONS

*This proposal may not comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020\* as referenced below:*

#### 1. Item 1, Construct attached pergola (elective).

- Description:** The applicant proposes the addition of an attached pergola to the rear of the primary structure. The proposed pergola measures 20' by 16' with a total height of 9' and a height of 8' from the floor to the bottom of the roof. The proposed pergola will be constructed of wood posts, beams, and joists with a solid shingled roof. The pergola will have two posts, and it will also be mounted to the roof of the primary structure.
- References:** *Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts*

#### 2.5 Landscape & Landscape Elements

- 2.5.19: Adding a pergola (see also 3.4, Pergola or Freestanding Trellis) to a back elevation can help shade an outdoor space and can offer some degree of shade to the interior, which means added energy efficiency. Do not add a pergola or trellis to a prominent elevation where none historically existed. Reconstruction of a missing pergola or trellis should be based on accurate evidence of the original design.
- 2.5.20: New pergolas, not visible from the public right of way, may be constructed in back yards, at rear elevations or at accessory structures.
- 2.5.21: New pergolas shall be compatible with the building to which they

relate in proportion, size, scale and material.

- 2.5.22: New pergolas constructed as an attachment to a primary or accessory structure shall be reviewed as a building addition and shall not damage or obscure historic character defining features.
- 2.5.23: New pergolas shall not be constructed in such a manner that abutment or attachment to an existing structure will allow for the pooling of moisture against or the infiltration of moisture into an existing structure.
- 2.5.24: The bottom of the canopy of a new pergola shall not exceed eight (8) feet above the finished floor height of the structure to which it relates, and the overall height of a pergola should not exceed nine (9) feet and shall be compatible with the building to which it relates in proportion, size, scale and material.
- 2.5.25: Freestanding pergolas may have concrete floors; however, permeable flooring materials are recommended. Posts may be set in concrete.
- 2.5.26: Pergolas shall be constructed of wood or sustainable alternative materials that closely resemble wood and may have decorative functional metal elements such as wrought iron where appropriate. Synthetic materials that do not closely replicate historic fabric, such as plastic and vinyl, are prohibited.
- 2.5.27: Pergolas with columns or walls constructed of permanent building materials such as brick, stucco, or stone shall be reviewed as new construction.

### Definitions

- **Pergola** means an open grid, supported by rows of columns, for growing vines; most often a series of wood beams supporting narrow boards supported by wood columns; may be attached to a building or covering a garden or walkway.

### 4.3 Building Additions

**Policy:** Additions should complement and not detract from the overall historic character of the historic district.

**Design Justification:** The way in which a historic building and an addition to it relate is important in protecting the integrity of the historic property and district. An addition directly affects the integrity of the building as a whole. Building additions should not detract from the historic character of the historic building or district.

**Sustainability Justification:** New construction should adhere to principles of sustainability in their materials, design and energy efficiency. If construction of additions results in the removal of original fabric, consideration should be given to maximizing the retention or re-use of existing historic features, details and materials.

- 4.3.1: Additions must be compatible in design, proportion, size, texture, color,

and detail to adjacent buildings and streetscapes, and should be appropriate to the architectural style of the existing building. The incorporation of existing architectural features with new design elements can contribute added interest and compatibility.

- 4.3.2: New additions must be planned so that they are constructed to the back of the property or on a non-character-defining elevation preferably not visible from the public right-of-way. Character-defining features of buildings should not be radically changed, obscured, damaged or destroyed by an addition. The existing historic building fabric should not be damaged by the installation of a new addition.
- 4.3.3: It is not appropriate to alter the overall character of historic districts by substantially reducing the ratio of open space to built space on any site through new construction, additions or introduction of surface paving or other hardscape feature.
- 4.3.4: New additions shall not exceed 50% of the square footage of the footprint of the existing historic structure (enclosed space only), or 750 square feet, whichever is larger, and shall be no taller, no wider, and no deeper than the existing historic structure.
- 4.3.5: Additions to historic or non-historic buildings should relate to and complement the style of the main building, and may relate to the general style of the streetscape.
- 4.3.6: An addition to a historic building must be designed to be visibly distinguishable from the original historic building.
- 4.3.7: Additions to historic buildings should be designed so that connections between new construction and historic structures are clearly discernible. A clear definition of the transition between the new addition and the historic structure should be established and maintained.
- 4.3.8: An addition may be differentiated from the historic building by connecting the two with a modest connector, designed to be as transparent and unobtrusive as possible.
- 4.3.9: Historic details in the coping, eaves and parapet of the historic building may be continued at the point where the historic structure connects to the addition.
- 4.3.10: Additions should be clearly secondary to and distinct from the original building. This can be accomplished by providing a clear visual break between the historic building and the addition, by setting the façade of the addition back from that of the historic building, or by constructing a recessed area at the point at which the addition and the historic building join together.
- 4.3.11: Use of different but compatible materials or different (simplified) detailing is also appropriate to differentiate a new addition from the historic building.

- 4.3.12: The design of a new addition must consider and respect the massing, roof shape, bay spacing, cornice lines and materials of the building to which it is being added.
  - 4.3.15: Facades of additions facing an alley or rear property line may be simplified and secondary in design to that of facades that are more visible from adjacent properties or the streetscape public right-of-way. The same materials should be used for alley-facing facades as that of the other facades unless this varies from the typical historic condition within the district.
- c. Considerations: The Guidelines provide ways to add pergolas to rear elevations that are not visible from the public right-of-way even when a pergola did not exist historically. However, the Guidelines do offer some restrictions for new pergolas. The proposed pergola meets most of the criteria in the Guidelines. It meets relevant Guidelines on materials, size, proportion, and visibility. However, the proposed pergola does not meet applicable Guidelines for the proposed roof, as well as how it will be attached to the primary structure.

Pergola style structures, even small ones, when attached to historic dwellings have been shown to be detrimental to the health of the historic structure to which they are attached. The Guidelines state that new pergolas shall not be constructed in such a manner that abutment or attachment to an existing structure will allow for the pooling of moisture or the infiltration of moisture into an existing structure. All points of attachment and abutment, regardless of the type of hanger, provide for moisture infiltration. Points of abutment are points of friction and moisture infiltration and provide barriers to maintenance. Whether it be the method of attachment, lack of sufficient structural support, or difficulty in accessing the historic wall, maintenance is a potential issue and a variety of features at the wall may be vulnerable to water infiltration.

It is typically not necessary to attach to or intrude into the historic wall to acquire the added benefits of a pergola at the rear of a dwelling. Added posts and detachment from the wall of the historic structure would eliminate new points of entry for moisture, and free the wall from additional weight. A detached structure would have limited adverse effects on the primary structure, though proximity could continue to limit the ability to maintain the historic wall.

The Guidelines stipulate that new pergolas should be free-standing, and not attached to the primary/historic structure. Attaching a pergola to an historic structure can lead to increased water inundation into the historic structure, which may cause damage to historic components of the dwelling. The applicant is proposing to attach the pergola to the roof of the primary dwelling. The method of attachment is via composite blocks, that will be attached to the existing rafters of the primary dwelling. This proposed method does not align with the Guidelines, and the applicant should submit documentation showing a pergola that is detached from the historic dwelling.

Pergolas, as defined in the Guidelines, are open air structures that provide for vines and shade via the beams and joists. These are typically composed of wood, a fairly transient and biodegradable resource. Overall, the proposal is a pergola. However, the

introduction of shingled roofing material transitions the proposal to either an accessory structure (detached) or an addition, if attached to the dwelling.

d. Recommended Specific Findings:

1. That the rear is the most appropriate location for additions and pergolas;
2. That new pergolas shall not be constructed in such a manner that abutment or attachment to an existing structure will allow for moisture to accumulate against or infiltrate the existing structure; and
3. That attaching the proposed large pergola to the dwelling has potential to damage the structure to which it is attached, and limit ability to maintain the historic structure.

**E. HPCA-24-00099 STAFF RECOMMENDATION:**

1. **Continue Item 1, Construct attached pergola** with the specific finding that additional information is required from the applicant in order to determine whether the action requested is consistent with all relevant Standards and Guidelines and are in compliance with the relevant sections of the Municipal Code, 2020\*, as referenced in the Staff Report.

**Specific Findings:**

1. That the rear is the most appropriate location for additions and pergolas;
2. That new pergolas shall not be constructed in such a manner that abutment or attachment to an existing structure will allow for moisture to accumulate against or infiltrate the existing structure; and
3. That attaching the proposed large pergola to the dwelling has potential to damage the structure to which it is attached and limit ability to maintain the historic structure.

**Additional information:** Revised proposal for a freestanding, detached pergola or other accessory structure.

*Note: Staff recommendation does not constitute Commission action.*

*\*Relevant Sections of Chapter 59 the Oklahoma City Municipal Code governing HP/HL Districts are: §59.3300.1-5; §59.4150.4; §59.4250; §59.7250.1-4; §59.7300.1-7; §59.12200.1-4; §59.13300.1-6.*

*Copies of the Standards/Guidelines and Relevant Sections of the Oklahoma City Municipal Code, 2020, are available online at [www.okc.gov/planning/hp/index.html](http://www.okc.gov/planning/hp/index.html) ; at Planning Department offices located at 420 W. Main, 9<sup>th</sup> floor, and each HP Commission Meeting.*

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