

## **Nature of the appeal**

*From the Historic Preservation: On August 7, 2024, the Historic Preservation Commission made motion to conditionally approve the construction of a pergola at the rear of the dwelling at 3233 N Harvey Parkway.*

*Approval is contingent upon submittal of revised drawings illustrating a traditional pergola form with no solid roof and no attachment to the dwelling.*

I would like to appeal the decision of the Historic Preservation to prevent the construction of an *attached and covered* pergola on my back patio.

- 1) The reasoning of the Historic Preservation for denying the usage of a solid, polycarbonate roof, is that it would create an adverse effect on the historic character of the property, and the district. However, considering that this construction would be entirely out of the view from the right of way (attachment 1), which is a phrase that is extremely common when referring to Historic Preservation standards, this construction would not, in any way shape or form negatively impact the nature of the home or district.

Further, the disallowance of solid roofs on freestanding pergolas on “historic standards” grounds is illogical considering that the same Historic Preservation guidelines allow solar panels to be built into or onto the property, as long as the panels are obscured from view within the right of way. In fact, the Historic Preservation Commission goes so far as to recommend solar power on page 22 of the Standards and Guidelines (“Tankless water heaters, geothermal heating and solar panels should all be considered.”). If solar panels are deemed to be “historically appropriate” then it stands to reason that a similar looking panel structure should be treated the same, and the Historic Preservation Commission does not seem to agree. It is a counterintuitive argument to say that one item is categorically different from another in terms of appropriateness. This decision seems to suggest that you could cover a pergola with solar panels, but any other solid material would be deemed unacceptable.

In addition, the commission administratively approved the construction of a fire pit, built in grill, pizza oven, and electric smoker. How can these items be deemed appropriate, but a roof (that would be used to protect this equipment, and prevent it from falling into neglect and disrepair) not be?

The guidelines allow for multi-story garages and accessory buildings to be constructed, in full view from the right of way, which to many, would be considered far more detrimental to the appearance and historic nature of the neighborhood. It is clear that the guidelines do not seem to be congruent from one section to another, as a roof on a pergola is a significantly smaller construction, yet it is not allowed, while a multi-story building is.

The guidelines also allow for the construction of new roof features such as skylights to be installed, as long as they are in the back of the house, and not visible. I categorically fail to see the difference between a skylight being constructed on a roof, and a similar style roof material

on a pergola. It is another example of the guidelines being incongruent from one section to the next.

The current decision from the commission essentially prevents homeowners who do not already have a covered patio, from *ever* being able to build one, without constructing a larger, significantly more elaborate addition to the home.

We have spoken at length about this project with neighbors and they have all been very clear that they believe the plan is appropriate, stylistically pleasing, and would be a fantastic addition to the property, and the neighborhood. Please see attachment 2 for a rendering of the plan. I want to be very clear that the Historic Preservation preventing us from moving forward with this project is creating a detriment to the neighborhood, as the current patio is in disrepair, due to years of neglect from previous owners. We moved to this neighborhood with every intention to improve the property from the disrepair it was/is in, and the commission is *actively preventing that*.

- 2) An additional facet of the application was to have the pergola attach to the house, instead of being freestanding. Upon review of the docket for the August Historic Preservation meeting, I noticed that my communication to the commission regarding the method of attachment was not included, and presumably *never* reviewed, despite being sent on June 4. There were also several clerical errors within the docket that the commission made, such as misrepresenting the square footage of the pergola, and repeatedly calling the pergola's roof "flat" when all documentation and applications had the correct square footage of the pergola, and stated there was a 6-inch drop from the east side to the west side of the roof to ensure proper drainage. It makes one wonder how often similar correspondence is either not included or misrepresented on the official docket and has gone unnoticed.

I also requested assistance from the commission in being provided standards for how any new construction should be attached to the home to prevent moisture buildup or damage. Not only did I not receive any such documentation, but the commission stated ***it does not even have any documentation to provide*** (Attachment 3). It is absurd that homeowners are held to standards of construction that the commission cannot, or is unwilling to define, and makes one question how they come to certain conclusions when there is no documentation.

It should also be noted that there are two pictures of pergolas in the standards and guidelines that are used as reference material that are clearly shown to be attached to the dwelling (page 54 and 91), which leads to confusion and general lack of clarity for homeowners.

Attachment 1:



Attachment 2(a)



Attachment 2(b)



## Attachment 3



**Brandon Wesbury** <brwesbury0@gmail.com>  
to Angela ▾

May 2, 2024, 3:03 PM ☆ 😊 ↶ ⋮

Thank you for the update, Angela.

I will get the information from our contractor regarding method of attachment the pergola will have to the house. Is there a method that has been used previously that was approved that you could provide? If there is a construction standard, we can use that and add it to our plans, to make this process easier.

When we spoke last, HP was going to split the project into two, with the patio between a separate ask from the pergola. Where does this project stand with regard to strictly the patio portion of the project?

Thanks,



**Yetter, Angela D** <angela.yetter@okc.gov>  
to me ▾

May 2, 2024, 5:44 PM ★ 😊 ↶ ⋮

The commission voted to approve items to demolish a portion of the existing patio and construct a new patio. The approval is pending the appeal period, and barring an appeal, you will receive a copy via email around the 16<sup>th</sup>.

No, I have no standard documentation to contribute that would assist with documentation of construction for this proposal.

All the best,