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TEMPE REDEVELOPMENT FILE ARCHIVES

The Arizona State Historic Preservation Office Guidelines Regarding Front Yard Walls/Fences

Adopted February 21, 2003

BACKGROUND

Properties listed on the National Register of Historic Places must retain their essential physical features and those features must be visible enough to convey their significance. A conscious effort on the part of a property owner to sheath his property from the public view effectually diminishes the ability of the property to convey its significance. This effort to sheath a property may take the form of modern siding, such as aluminum or vinyl siding, or it may take the form of a privacy wall that obscures the view of the property from the public right-of-way. These guidelines deal with the construction of front yard walls and fences and the intentional use of vegetation in lieu of a solid wall or fence. In general, approval of walls/fences should be handled at the local level. Individual exceptions based on the ability of a specific property to convey its significance may be appealed to the State Historic Preservation Office (SHPO).

CONTRIBUTING/NON-CONTRIBUTING STATUS

Properties that are part of National Register historic districts are considered either *contributing* or *non-contributing*. This status is based upon whether or not a property is significant and retains integrity; that is, it contributes visually and historically to the neighborhood. The SHPO has the responsibility to evaluate and help decide whether a property is considered a contributor and thus, whether the property qualifies for certain incentives that require listing on the National Register.

The U.S. Department of the Interior, National Park Service has defined integrity as "the ability of a property to convey its significance" (National Register Bulletin *How to Apply the National Register Criteria for Evaluation*, p. 44). In an historic district, to convey significance requires that the essential physical features are visible. According to the bulletin this means that "even if a property is physically intact, its integrity is questionable if its significant features are concealed..." (p. 46). The bulletin goes on to say that "if a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also

cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place" (p. 47).

Based on the concept of visually conveying significance, properties that have modern, solid front yard walls/fences or intentionally placed dense vegetation that obscure the view of the house from the street have been considered non-contributors. There are instances of solid front yard walls/fences that are historic and these, if so determined, do not render the house a non-contributor because the wall/fence configuration is conveying its significance. Such historic walls/fences are more prevalent in Tucson than elsewhere in the state.

CURRENT SITUATION

Recently there have been several requests for guidance in determining the eligibility of properties whose owners wish to construct solid front yard walls/fences. Two issues appear to be the catalysts for construction of such walls/fences. One issue concerns houses that front busy streets; these property owners cite traffic and noise concerns. The other issue is property owners who wish to create a more private space in the front yard and through construction of a front yard wall/fence.

GUIDELINES

As previously stated, eligibility is based upon whether a property can visually convey its significance and integrity to the public from the public right-of-way. Since houses are viewed from the street/sidewalk, visual obstruction by a solid wall/fence or intentional dense plantings renders the house to be sheathed and therefore a non-contributor. However, the construction of a front yard wall/fence does not *necessarily* have to render a property ineligible. Two main points should be addressed in the evaluation of constructing front yard walls/fences. One is the relationship of the house to the neighborhood. The other is the design quality of the wall/fence.

The main guidelines are those established in the **Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67)**. Specifically, Standards 9 and 10 apply:

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and

architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall 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.

Guidelines regarding the relationship of the house to the neighborhood:

1. Solid front yard walls/fences shall be no more than 48 inches tall at the property line. This allows for a private space and some containment of noise/traffic while still allowing a view of the house from the sidewalk/street.
2. The placement of a front yard wall/fence shall not be such that it breaks the relationship of the house to yard, i.e. placement at the property line is preferable to mid-yard placement.
3. Front yard walls/fences should include openings to allow for the property and its character defining features to be viewed of the property from the street.
4. Regarding the design qualities of front yard walls/fences, such construction shall meet the Secretary of the Interior's Standards for Rehabilitation (see above).

NOTE: Front yard walls/fences must also meet design guidelines and zoning requirements of the locally designated historic district and the local government that has jurisdiction over the property.