

City Council Introduction: **Monday**, February 23, 2004  
Public Hearing: **Monday**, March 1, 2004, at **1:30 p.m.**

Bill No. 04-30

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 80HP, requested by Michael and Carol James, to designate the R.O. Stake House at 145 S. 28<sup>th</sup> Street as a Landmark.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 02/04/04  
Administrative Action: 02/04/04

**RECOMMENDATION:** Approval (8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent).

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this landmark designation is based upon the "Analysis" as set forth on p.3, concluding that designation of the Stake House as a Landmark appears to be consistent with the Comprehensive Plan and with Chapter 27.57 of the Zoning Code (Historic Preservation District).
2. The preservation guidelines are found on p.10-14.
3. The Historic Preservation Commission reviewed this application, held public hearing and voted unanimously to recommend that the Alpha Xi Delta Sorority House be recognized as a Lincoln Landmark.
4. On February 4, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On February 4, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 17, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 17, 2004

**REFERENCE NUMBER:** FS\CC\2004\CZ.80HP



**AESTHETIC CONSIDERATIONS:**

The house establishes a well-designed, high-quality residential presence one block from the busy intersection of 27<sup>th</sup> & O Streets and has a spacious and well-landscaped yard.

**ALTERATIVE USES:**

Landmark designation does not change the permitted uses in the R-5 residential district.

**ANALYSIS:**

1. Lincoln Municipal Code, section 27.57.120 provides for designation of landmarks that are *“Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States”* or that *“Represent a distinctive architectural style or innovation...”*
2. The Historic Preservation Commission held a public hearing on this matter and voted unanimously to recommend that the Stake House be recognized as a Lincoln Landmark for its architectural character as a design by George Berlinghof and as one of the premier local examples of a bungalow.
3. Preservation guidelines for the proposed landmark are attached. They are based on the typical Lincoln landmark guidelines, with the uncommon (but not unique) inclusion of protection of major interior spaces, at the request of the owners.
4. The application is enclosed.
5. It is anticipated that Stake House will be nominated to the National Register of Historic Places in 2004.
6. The 2025 Comprehensive Plan includes a strategy to “Continue efforts to inventory, research, evaluate and celebrate the full range of historic resources throughout Lancaster County, collaborating with individuals, associations, and institutions, and designating landmarks and districts through the local preservation ordinance and the National Register of Historic Places.”

Prepared by:

Edward F. Zimmer, Ph. D.  
Historic Preservation Planner

**APPLICANT:** Michael and Carol James, owner  
145 S. 28<sup>th</sup> Street  
Lincoln, NE 68510  
(402)476-0899

**CONTACT:** Michael and Carol James, owner  
145 S. 28<sup>th</sup> Street  
Lincoln, NE 68510  
(402)476-0899

# CHANGE OF ZONE NO. 80HP

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

January 21, 2004

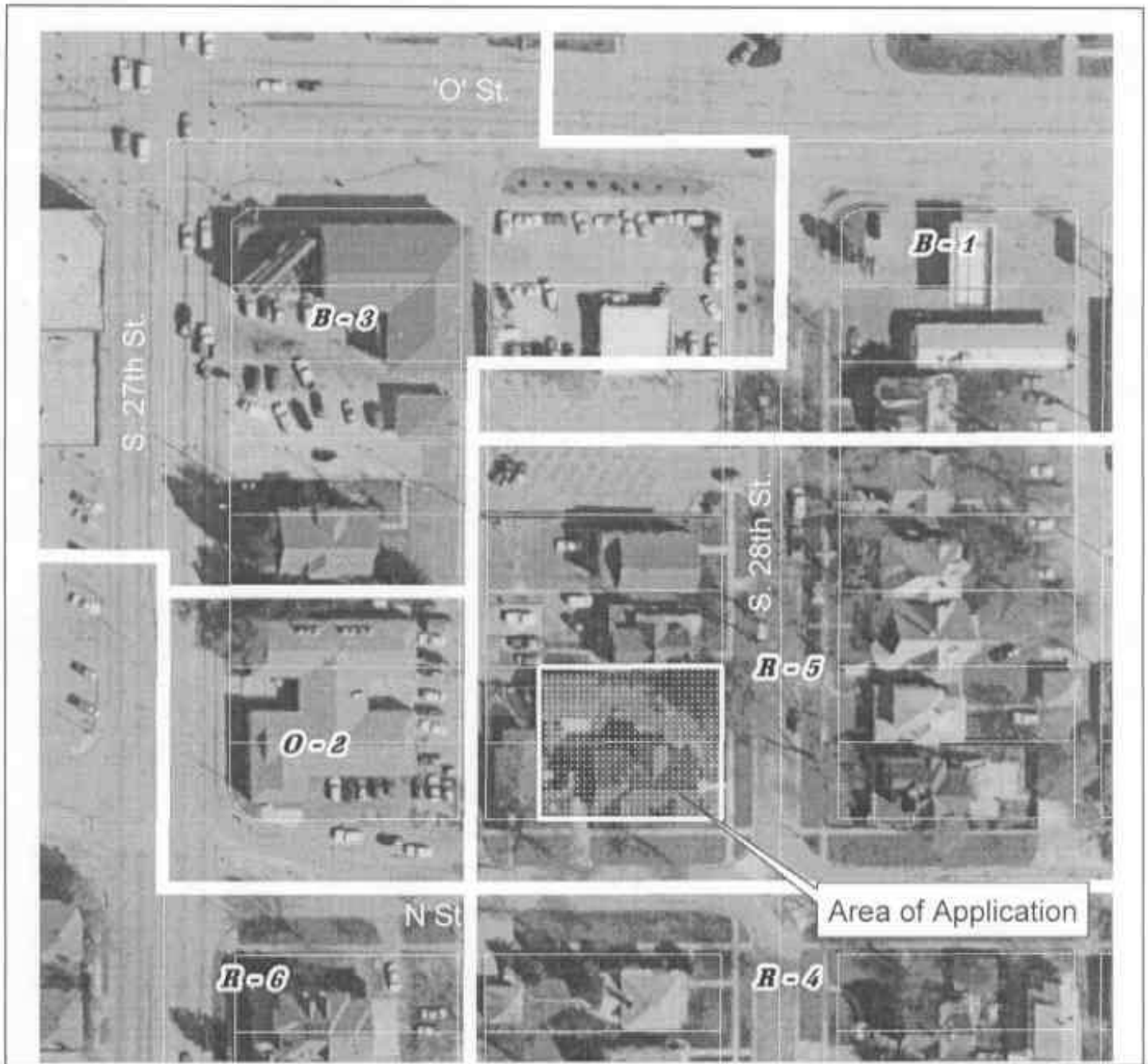
Members present: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 79HP; CHANGE OF ZONE NO. 80HP; SPECIAL PERMIT NO. 04002; COUNTY FINAL PLAT NO. 03075, WYNDAM PLACE 1<sup>ST</sup> ADDITION; STREET AND ALLEY VACATION NO. 03020; STREET AND ALLEY VACATION NO. 03021; STREET AND ALLEY VACATION NO. 04001; and WAIVER NO. 04001.**

**Item No. 1.3, Special Permit No. 04002, was withdrawn by the applicant. Item No. 1.7, Street and Alley Vacation No. 04001, was removed from the Consent Agenda at the request of Commissioner Pearson and scheduled for separate public hearing.**

Marvin moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.

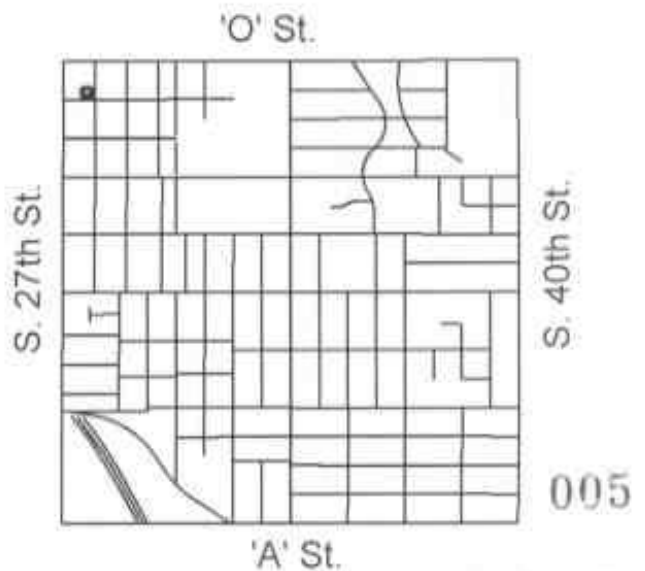
Note: This is final action on Waiver No. 04001, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Change of Zone #HP80**  
**145 S. 28th St.**  
**R-5 to R-5 Landmark**  
**Zoning:**

- R-1 to R-8 Residential District  
 AG Agricultural District  
 ADR Agricultural Residential District  
 R-C Residential Conservation District  
 O-1 Office District  
 O-2 Suburban Office District  
 O-3 Office Park District  
 R-T Residential Transition District  
 B-1 Local Business District  
 B-2 Planned Neighborhood Business District  
 B-3 Commercial District  
 B-4 Lincoln Center Business District  
 B-5 Planned Regional Business District  
 H-1 Interstate Commercial District  
 H-2 Highway Business District  
 H-3 Highway Commercial District  
 H-4 General Commercial District  
 I-1 Industrial District  
 I-2 Industrial Park District  
 I-3 Employment Center District  
 P Public Use District

One Square Mile  
 Sec. 30 T10N R7E



APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION  
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE  
LINCOLN, NEBRASKA

1. NAME

Historic  
NeHBS Site #

**R. O. Stake House**  
**LC13:E8-41**

2. LOCATION

Address

**145 South 28<sup>th</sup> Street**

3. CLASSIFICATION

Proposed Designation

Category

   Landmark District  
xx Landmark

   district  
xx building(s)

   site  
   object

Present Use

   government

xx private residence

4. OWNER OF PROPERTY

Name  
Address

**Michael D. and Carol J. James**  
**145 South 28<sup>th</sup> Street, Lincoln, NE 68510**

5. GEOGRAPHICAL DATA

Legal Description

**East Lincoln, Block 1, east 110 feet of Lots 9 & 10**

Number of Acres or Square Feet: **11,000 square feet**

6. REPRESENTATION IN EXISTING SURVEYS

Title *Historic and Architectural Survey of Lincoln, NE*

Date on-going \_\_\_\_\_    State    County    X Local

Depository for survey records **Lincoln, Nebraska Planning Dept.**

City **Lincoln**

State **Nebraska**

Is proposed Landmark or Landmark District listed in the National Register?

   yes, date listed \_\_\_\_\_

xx no

## 7. DESCRIPTION AND HISTORY

### Condition

excellent  
 good  
 fair

deteriorated  
 ruins  
 unexposed

unaltered  
 altered

original site  
 moved date \_\_\_\_

### **DESCRIPTION:**

This 1 1/2 story bungalow is one of the most substantially built examples of that prevalent house type ever constructed in Lincoln. Builder Reese O. Stake constructed the house for his own family, working with prominent architect George Berlinghof. Both men often worked on commercial or public buildings, sometimes together, and the cast-in-place concrete foundation and basement, tile and brick walls, and tile roof are more common in public or commercial construction than Lincoln bungalows.



The bungalow has textured brown bricks cladding the exterior, with restrained limestone trim on the south chimney and forming the front steps. The wide eaves have stuccoed soffits. The complex gable roofs are permanently finished in glossy green tiles. At the west (rear) side of the house an exterior wooden stair has been added that spans the driveway and provides separate access to an attic apartment. A frame garage, sided with old diamond-pattern asphalt shingles, occupies the northwest corner of the lot. An iron fence with brick posts has been added along the east and south property lines in recent years; it is a well-designed and entirely compatible site improvement. The house has a wide range of window sizes and shapes, including a tiny oriel in the front gable end.

The front porch appears to have been enclosed from an early time, perhaps as a modification in the original construction. The porch has a tile floor and is provided with a radiator. Double French doors connect the porch to the living room, which is richly finished in dark-stained wood. A glazed pocket door connects the living room to a small office at the northeast corner of the plan. West of the living room, through a large opening, is the dining room with beamed ceiling and built-in buffet in the west wall. The kitchen, pantry and service rooms are at the west side of the house, while two bedrooms and a bathroom occupy the north and northwest side. The bathroom is tiled in white on the floor and all four walls.

### **HISTORY:**

Reese O. Stake (1884-1956) was a Lincoln builder with a regional business in the first half of the 20<sup>th</sup> century. In addition to appearing on many Lincoln building permits for homes, commercial, and public buildings, Stake also worked regionally on such structures as the Milligan Auditorium of 1928-30. His

daughter recalls that he encountered significant financial reversals building the U. S. Veterans Hospital in Lincoln.

R. O. Stake's daughter, who grew up in the house, recalled in 1992 that the architect for the house was "Mr. George Berlinghof," hardly a household name but a collaborator with Stake on several projects, including 328 S. 10<sup>th</sup> St. (Green Gateau building) in 1919 (building permit 8271). German-born George Berlinghof (1858-1944) arrived in American in the early 1880s and practiced architecture for more than 50 years, designing many schools, major commercial buildings, libraries, and courthouses. His known projects include a few very substantially built houses (Doyle House at 1806 D, 1916; Koop House at 1401 S. 15<sup>th</sup>, 1915; Yost House at 25<sup>th</sup> & Franklin, 1919). The Stake House is similar in construction but more "modern" in style than those larger structures and is a very rare example of the German-born architect applying his hand to the American bungalow form.

8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance-Check and justify</u>	
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> landscape architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> politics/government
	<input type="checkbox"/> community planning	<input type="checkbox"/> religion
	<input type="checkbox"/> conservation	<input type="checkbox"/> science
	<input type="checkbox"/> economics	<input type="checkbox"/> sculpture
	<input type="checkbox"/> education	<input type="checkbox"/> social/humanitarian
	<input type="checkbox"/> engineering	<input type="checkbox"/> theater
	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> transportation
	<input type="checkbox"/> industry	<input type="checkbox"/> other (specify)
	<input type="checkbox"/> invention	

Specific dates: 1919

Builder/Architect: R. O. Stake/George Berlinghof

Statement of Significance (in one paragraph):

The Stake House is an outstanding example of a bungalow, designed by a leading Lincoln architect, George Berlinghof, and constructed and finished with exceptional durability and finish by a local builder, Reese O. Stake, for his own family.

9. STANDARDS FOR DESIGNATION

(Check one(s) that apply)

- Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States.



10. MAJOR BIBLIOGRAPHICAL REFERENCES

Building permits, interview (EFZ with Dorothy Welty, 1992), Planning Dept. files on R. O. Stake and George Berlinghof, *The Woods Park Walking Tours*, n.d., p. 4.

11. FORM PREPARED BY:

Name/Title: Ed Zimmer on behalf of the owners, Michael and Carol James

Organization: for the Lincoln./Lancaster Cty. Planning Dept.      Date Submitted 12/31/03

Street & Number      555 S. 10th St.      Telephone 441-6360

City or Town      Lincoln      State      NE 68508

Signature Michael James      12-31-03  
(Date)

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FOR HISTORIC PRESERVATION COMMISSION USE ONLY:

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED

LANDMARK/LANDMARK DISTRICT NUMBER

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**PRESERVATION GUIDELINES FOR  
R. O. Stake House  
145 S. 28<sup>th</sup> Street**

**1. Architectural Review of Landmark:**

- a. Photographs: On file in Planning Department.
- b. Important architectural features: One-and-half-story, horizontally oriented mass with complex gable roofs clad in glazed green tile; wooden brackets under stuccoed eaves; varied fenestration; stone front steps.
- c. Important landscape features: Generous corner lot now enclosed in modern, appropriate iron fence with stone posts.
- d. Architectural style and date: Bungalow, 1919.
- e. Additions and modifications: East porch enclosure appears to be original or very early in date. The majority of the home's exterior materials remain intact from the time of construction.

**2. Notice of Work Needing Certificate:**

- A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:
  1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
  2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
  3. Work involving:
    - a. Removal of healthy trees over 12" caliper;
    - b. Addition of paving materials north of building;
    - c. Addition of fencing and walls visible from S. 28<sup>th</sup> Street or N Street;
    - d. Replacement of exterior material and trim or visible roofing materials;
    - e. Cleaning and maintenance of exterior masonry;
    - f. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from the street;
    - g. Addition of awnings;
    - h. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc. on facades visible from S. 28<sup>th</sup> or N Street.
    - i. The addition or replacement of signs;
    - j. Moving structures on or off the site;
    - k. Installation of electrical, utility, and communications services on principal (south and east) facades;
    - l. Placement of high intensity overhead lighting, antennae, and utility poles within the

**PRESERVATION GUIDELINES FOR**

**R. O. Stake House, 145 S. 28<sup>th</sup> Street**

**P. 2**

areas of the south or east facades;

- m. Modification of the main parlor, dining room, north office, and breakfast room, especially removal or painting of unpainted woodwork.

B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:

1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
2. Changes involving color and landscaping, except as previously noted;
3. Interior changes involving no exterior alteration, except as noted in 2.A.3.m above.

C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed \$100.00. Each and every day that such violation continues after notification may constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

**3. Standards for Owner and Preservation Commission:**

The following standards serve as a guide to the Landmark property owner in the preservation of their building. It is also intended that these Standards will aid the Commission in making decisions regarding issuance or denial of a Certificate.

When a decision on issuing or denying a Certificate is requested, the more definitive the presentation by the applicant, the easier it will be to convey and comprehend the effect of the proposed change. The owner or representative should plan to attend the public hearing to discuss the proposed work. When an application is being reviewed, it will be the responsibility of the applicant to demonstrate that the new work is compatible with these Standards.

A strict interpretation of these guidelines may be waived by the Preservation Commission if the applicant develops a design solution which meets the spirit and intent of the Historic Preservation Ordinance. In addition, although the owner of the landmark must receive Certificates for work identified above, a broader interpretation of the Guidelines for this property may be allowed by the Preservation Commission.

**A. New Construction:**

1. **Accessory Buildings:**  
Accessory buildings shall be compatible with the design of the existing building and shall be as unobtrusive as possible. Exterior wall material shall be the same as the exterior

materials of the existing buildings.

**B. Alterations:**

1. **Additions:** Additions shall complement the style of the structure. Additions shall not imitate architectural styles which pre-date that of the historic structure. The appearance of the east and south facades of the building shall not be altered unless the design is sensitive to the historic and architectural character of the building. Alterations on the north and west sides should be compatible with the existing building in scale, color, texture, and the proportion of solids to voids. Materials and architectural details used in such alterations and additions shall complement those on the existing building.
2. **Roofs:** The form of the roof shall not be changed.
3. **Trim:** Changes in the existing exterior trim of the building, other than painting or repair, shall be based on physical evidence of missing features, documentation, or careful consideration of closely relevant examples, preferably drawn from Lincoln. Any replaced or repaired portions of the trim that are visible and above grade, including, but not limited to moldings, cornices, doors, and windows, shall match the original members in scale, design, and appearance. Replication of original materials is preferred; alternate materials of similar appearance will be considered on a case-by-case basis.
4. **Openings:** Original windows, doors, or hardware shall not be removed when they can be restored, repaired, and reused. If the original glass, sash, hardware, and doors cannot be repaired and retained, then they shall be replaced with new units that duplicate the original in size, material, and appearance. If necessary, replacement of these items with non-original materials may be allowed on a case-by-case basis, if their appearance is very similar to the original, and the owner presents compelling evidence comparing various alternatives.

Additional openings, or changes in the size of the existing openings, shall not be made unless the change is compatible with the style and period of the building.

Metal, vinyl, or fiberglass awnings, hoods, or shutters that would detract from the existing character or appearance of the building shall not be used.

**C. Repair:**

1. **Repairs in General:** Repairs in materials that duplicate the original in composition, texture, and appearance are encouraged. Repairs with new materials that duplicate the original in texture and appearance also may be permitted. Repairs in materials that do not duplicate the original appearance may be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building and if repairs that duplicate the original in appearance are not available.

2. **Masonry:** The cleaning of exterior masonry shall not be done in a manner to harm or alter the original surface of the materials. Sandblasting and painting of unpainted masonry are prohibited.

**D. Demolition:**

The Landmark or significant portions thereof shall not be demolished except pursuant to Lincoln Municipal Code Section 27.57.150(b), Section 27.57.160, or Section 27.57.170. The moving of the Landmark is discouraged; however, moving is preferred to demolition.

**E. Other:**

1. **Mechanical Systems:**

Necessary mechanical services shall be installed in areas and spaces that require the least possible alteration to the exterior structural condition and physical appearance of the building.

Holes to accommodate air conditioners or other mechanical equipment shall not be cut through west, north, or east walls.

Exterior electrical, television and telephone cables should be installed in places where they will be visually unobtrusive. Television antennae and mechanical equipment such as air conditioners and solar panels should be placed in as inconspicuous a location as possible. The installation of such equipment shall not adversely affect the principal elevations.

2. **Signs:**

Any exterior signs shall be compatible with the historic and architectural character of the building. Freestanding signs, detached from the building but not blocking vistas of principal facades, are preferred. Any street address designation shall also be compatible with the historic and architectural character of the building.

3. **Fencing and Walls:**

Chain link or similar security-type wire fences are prohibited in the street yards (east and south). All fencing and walls shall be compatible with the historic and architectural character of the building.

4. **Paving:**

New paving to create space for parking may be added, but shall be reviewed for its impact on the architectural character of the landmark. New sidewalks and drives shall be

sensitive to the historic and architectural character of the building. Original walks shall be maintained.

**5. Landscaping:**

Original environmental features shall be maintained. Original and new plantings shall be trimmed so as to frame the architecture, rather than concealing it. New plantings and outdoor appurtenances shall be compatible with the historic and architectural character of the property.

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