



# United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, DC 20240

JUL 31 2012

Re: **Kummer-Kilbourne House, 121 Garfield Ave., Winter Park, Florida**  
Project Number: 26351

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you and for meeting with me in Washington on July 17, 2012, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the Kummer-Kilbourne House is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on March 14, 2012, by TPS is hereby affirmed.

The Kummer-Kilbourne House was built by Gotthilf O. Kummer in 1916 of rusticated concrete block manufactured by the family-owned building supply company housed on the property. Following his death, Amanda Kummer, his widow, enlarged the structure to two stories circa 1948. The house is described as a bungalow in the "craftsman style" in a staff report to the City of Winter Park Historic Preservation Commission dated January 14, 2004. A garage and carport sit behind the house; their dates are a matter of some uncertainty. The documentation on file states that they were built by Mrs. Kummer at the same time the house was enlarged with a second story. At our meeting you suggested that the garage was built around the time of the Cuban Missile Crisis (1962), since it features a bomb shelter built of the same material as the rest of the garage and integral to it. Nevertheless, even if it were built as late as the early 1960s, it would still fall within the established "period of significance" for the historic district (1912-1965). These structures were certified as contributing to the significance of the historic district on August 24, 2011. The rehabilitation of these "certified historic structures" was found not to meet the Standards owing to the changes made to the plan of the house, and to the addition of several new elements to the garage and carport.

In every building—historic or not—the floor plan is a significant character-defining feature. How spaces are configured, that is, how they progress from one to the other, define the functionality of a building and one's experience of it. When the Kummer-Kilbourne House was built in 1916, the front door opened directly into one large space (labeled "Living/Dining Room" on the "First Floor Plan 1916 – 1947" shown at our meeting) that comprised nearly a third of the floor area of the six-room plan and was the dominant feature of the interior of the house. To the left of this large space were two bedrooms and the

bathroom; at the rear were the kitchen and pantry. Four of the other five rooms opened directly off of this large space, with the bathroom accessible through the bedrooms, obviating the need for hallways. When Mrs. Kummer expanded the house, she retained this basic room arrangement, but added a new stair to the second floor along the wall separating the bedrooms from the large open room, and also added a cross wall with a very wide cased opening that created a suggestion of two spaces—living room and dining room—but that nevertheless retained a sense of the original large open space.

This basic plan survived until after the death of Christine Kummer-Kilbourne, the original builders' daughter, in 2010. The current rehabilitation extensively reconfigured the surviving historic floor plan. A new wall parallel to the stairway now separates the living room and dining room from the front door and creates a hallway leading from the entrance straight back to the rear of the building. This new configuration—known as a central hall plan, consisting of public rooms on one side of a central hallway and private rooms on the other—differs significantly from the historic configuration. In addition, the cased opening demarcating the living room from the dining room has been replaced with a solid wall. Collectively, these changes have altered the fundamental configuration of spaces that was a defining characteristic of this modest vernacular house. As a result, I have determined that the rehabilitation conflicts with the requirements of Standards 2 and 4 of the Standards. Standard 2 states: *“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”* Standard 4 states: *“Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.”*

In addition, I have determined that the new trim and doors added to the new spaces so closely resemble the same historic elements as to appear historic and that they are not suitably differentiated from the historic trim. Consequently I find that the new trim and doors conflict with Standard 3, and, in part, with Standard 9. Standard 3 states that, *“Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.”* Standard 9 states, in part, that, *“... new work shall be differentiated from the old... to protect the historic integrity of the property...”*

With regard to the effects of the modifications to the garage and carport at the rear of the site, I agree with TPS that the oversized brackets, overhanging pergola, and French doors have given these structures an embellished appearance they never had historically, an appearance at odds with their historic utilitarian character. Consequently, I find that these changes to their historic character do not comply with Standards 2 and 3, quoted above. While it would be relatively easy to undertake remedial work that would bring this aspect of the rehabilitation into conformance with the Standards, such work would not suffice to permit me to certify the overall rehabilitation project, given the extensive changes to the interior of the house discussed above.

This outcome is regrettable, especially given your evident affection for the Kummer-Kilbourne House in particular and the history of Winter Park in general. It is the experience of the NPS that such properties can almost always be modified to accommodate reuse as offices in a manner that achieves the desired result while preserving their historic character. And I find it doubly unfortunate that the work on this historic property had progressed so far before the National Park Service received the application. I note that the regulations state, *“Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.”* [36 CFR § 67.6(a)(1).]

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the March 14, 2012, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-FL  
IRS