



# Approved

## MINUTES HISTORIC PRESERVATION COMMISSION REGULAR SESSION

5:30 p.m.

Thursday, November 19, 2020  
Virtual Meeting

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

**Commissioners Present:** Chairperson Bill Doyle; Commissioners Melissa Daykin Cassill, David Klavitter, John McAndrews, Rick Stuter, and Joseph Rapp.

**Commissioners Excused:** Brandi Clark and Christina Monk

**Commissioners Unexcused:** None.

**Staff Members Present:** Wally Wernimont and Chris Happ Olson.

**CALL TO ORDER:** The meeting was called to order by Chairperson Doyle at 5:30 p.m.

**MINUTES:** Motion by Daykin Cassill, seconded by Rick Stuter, to approve the minutes of the October 15, 2020 meeting as submitted. Motion carried by the following vote: Aye – Daykin Cassill, Klavitter, McAndrews, Stuter, Rapp, Reber and Doyle; Nay – none.

### **ACTION ITEMS:**

#### **Demolition Request**

Application of the City of Dubuque Housing & Community Development Department for the demolition of 574 Loras Boulevard located in the West 11<sup>th</sup> Street Historic District.

Staff member Happ Olson presented the staff report. She noted that she forwarded additional information onto the Commission she received from Housing Inspector Shane Hoeper on Monday, November 16, via email to all commissioners. She noted that there are three staff from the Housing & Community Development Department present: Director Alexis Steger, Housing Inspection Supervisor Ben Pothoff and Housing Inspector Shane Hoeper.

Commissioner John McAndrews noted he would abstain from the discussion due to a current bid he had submitted to the Housing & Community Development Department.

Staff member Happ Olson noted the Housing & Community Development Department is requesting to demolish the building. She noted the property is contributing to the West

11<sup>th</sup> Street local Historic District. She referred to the history of the property with regards to historical surveys, indicating it is an unusual pre-Civil War structure. She described the physical make-up of the structure, additions and materials. She referred to photos of the property, Sanborn Fire Insurance Maps, lithographs of the building and oblique aerial images. She noted that the City acquired the property this fall after petitioning the courts.

Inspector Hoeper said that following the Housing & Community Development's ownership of the property, they assessed the structure for rehabilitation and found the rear additions have significant damage. He referenced a severe leak along the chimney and stated that the rear addition is concrete block and is caving in. He noted the rock wall foundation is bowing into the basement. He noted issues with housing and building code which include: the ceiling is less than the required ceiling height because they are 6'5 to 6'8 and the stairs are only 25 inches wide. He said they contacted a list of 10 potential developers, and that five groups of people opted to tour the property. He noted Mr. McAndrews submitted offered to buy the property but did not include a plan of action for rehabilitation, which was one of the requirements made aware to the developers.

Chairperson Doyle asked Inspector Hoeper about other feedback from other developers. He said developers noted that it is a small building and would need substantial rehabilitation, especially demolition of the rear.

Staff member Happ Olson explained the role of the Commission. She noted in the past the Commission reviewed demolition permits that came from the public, or private owners. She noted the City of Dubuque is a governmental entity and has a separate code section for demolition review. She noted that there are different financial questions that relate to demolition of the property. She summarized that the set of standards for a State or Political Subdivision of State, (i.e., the City) is more appropriate than an argument for economic non-viability, which is written for private owners. She noted that the first step is to determine whether the structure is architecturally or historically significant. If the Commission finds that it is, then it should deny the application. If it isn't, the Commission should approve the application. If denied, then the Subsection G of the code for State or Political Subdivisions of State is then utilized. She asked staff member Wernimont for any clarification. Staff Member Wernimont added that following any decision, the Commission would send a recommendation and the issue would be reviewed by City Council.

Hearing no further questions or discussion from the Commission, Chairperson Doyle invited John McAndrews to speak.

John McAndrews, 56 Bluff Street, noted the poor condition of the building after touring it multiple times. He said the building could be an asset to the neighborhood. He noted that he went to his lawyer, Brian Kane, to submit an offer to purchase to the Housing and Community Department. He noted unfortunately that it was not sent to the Housing

& Community Development Department until early this week. Chairperson Doyle asked Mr. McAndrews if he would be doing work on the building, to which he answered, yes, he would be the general contractor. Mr. McAndrews expressed enthusiasm for the potential of this structure. Chairperson Doyle noted that it could be a great asset for the neighborhood and demolition of the building should be a last resort. Mr. McAndrews expressed his desire to give back to the community this way.

Commissioner Daykin Cassill said that if there is someone available who wants to take on the building for rehabilitation that they should be allowed.

Commissioner Reber said that he supports the City's recommendation, that it is not sound, and he is in favor of demolition of the building.

Commissioner Klavitter noted the property has been identified as historical and architectural by two surveys and is 160 years old. He said that it appears alterations to the building are reversible. He said that he would deny the application due to architectural or historical significance. He said once the building is gone, the decision is final.

Mr. McAndrews noted the previous work he has done to restore buildings in Dubuque.

Commissioner Stuter stated he walked around the house and noted the poor condition. He said the walls are not in good shape the walls are caving in. He warned Mr. McAndrews of the risk, but also lent a word of encouragement.

Klavitter reminded Mr. McAndrews of the Historic Tax Credits to make the rehabilitation feasible and noted that Mr. McAndrews is familiar using them. Chairperson Doyle noted that he and Duane Hagerty of Heritage Works could assist with tax credits. Both Commissioners reiterated that the structure has architectural significance.

Staff members Happ Olson and Wernimont reviewed the process for considering the application at hand. Commissioner Klavitter said he would be voting no, based on the significance of the structure as a contributing structure in the historic district and because there are reversible features that could be restored.

Motion by Klavitter, seconded by Daykin Cassill, to approve the application based on the property not having architectural or historical significance. Motion carried by the following vote: Aye – none; Nay – Daykin Cassill, Klavitter, Stuter, Rapp, Reber and Doyle.

Housing and Community Development Director Alexis Steger noted that she would like to verify that they received an offer from Mr. McAndrews through Brian Kane with regards to rehabilitating the property, received with earnest money. She said they need to do their due diligence. She said that they are looking at their timeframe for work. She said they have not received a plan with regards to rehabilitation, specifically with no

timeline. She expressed concern about the impact of winter on the structure, as well as Mr. McAndrew's history of taking on projects and not completing them in a satisfactory time period. She said that they are willing to work with Mr. McAndrews and still proceed with permission for demolition of the building. She stressed that the City would not move ahead without that timeline and plan in place.

Mr. McAndrews stressed that he would follow up with the Housing & Community Development Department next week to determine what the requirements would be for that plan and timeline.

Staff Member Happ Olson referred to the sections of the code for the Criteria for application by State and Political Subdivision of State and referred to the applicant's answers to that section of the code, included in the packet.

Commission Klavitter noted that they have interested buyer in the property, which makes the structure economically viable.

Commissioner Reber noted that the onset of winter could have a negative impact on the structure, expressing the need for someone to step forward with a plan and capital in order to take on the rehabilitation.

Staff Member Wernimont restated that the Housing & Community Development Department would like to both explore the possibility of working with Mr. McAndrews toward rehabilitation but continuing with a request for demolition, so that if rehabilitation is not a viable path, there are options for the structure as winter approaches. Housing & Community Development Director Steger confirmed the statement.

Commissioner Daykin Cassill expressed support of working with Mr. McAndrews.

Housing & Community Development Director Steger again stressed the desire for the item not to be tabled, and for the Commission to make a decision tonight.

Chairperson Doyle stated that having an option for rehabilitation does make the structure economically viable. David Klavitter noted he would be voting no on the application for the same reason.

Motion by Doyle, seconded by Klavitter, to approve the demolition permit application based on the criteria for political subdivision of state. Motion carried by the following vote: Aye – Reber; Nay – Daykin Cassill, Klavitter, Stuter, Rapp and Doyle.

**ITEMS FROM PUBLIC:** none.

**ITEMS FROM COMMISSION:** none.

**ITEMS FROM STAFF:** none.

**ADJOURNMENT:** Motion by Doyle, seconded by Rapp to adjourn the November 19, 2020 Commission meeting. Motion carried by the following vote: Aye – Daykin Cassill, Klavitter, McAndrews, Stuter, Rapp, Reber, and Doyle; Nay – none.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,



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Wally Wernimont, Planning Services Manager

12-17-2020

Adopted