



Approved

**MINUTES
HISTORIC PRESERVATION COMMISSION
REGULAR SESSION**

5:30 p.m.

Thursday, April 19, 2012

City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson David Klavitter; Commissioners Chris Olson, Chris Wand, Joseph Rapp, Bob McDonell and John Whalen.

Commissioners Excused: Commissioners Mary Loney Bichell and Mitzi Krey.

Staff Members Present: Laura Carstens and David Johnson.

CALL TO ORDER: The meeting was called to order by Chairperson Klavitter at 5:32 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: Motion by Wand, seconded by Olson to approve the minutes of the March 15, 2012 meeting as amended. Motion carried by the following vote: Aye – Olson, Klavitter, Whalen, Rapp, Wand and McDonell; Nay – None.

DEMOLITION PERMIT ON CONSERVATION DISTRICT: Application of Ted Stackis / Mike Mihalakis for a Demolition Permit for property located at 1760 Jackson Street in the Washington Neighborhood Conservation District.

Staff Member Johnson reviewed the staff report, noting the age of the building and differing evaluations as to its significance. He noted work had begun prior to issuance of the demolition permit. He noted Kriviskey's 1979 survey evaluated the building as non-supportive and Jacobsen's 2003 survey evaluated the building as contributing. He explained both the 1979 and 2003 surveys are considered standards for review, but the 2003 survey which identified the property as being historically significant to the district is the most recent evaluation accepted by the State Historic Preservation Office. He explained the applicant has provided the Economic Guidelines and Review Criteria for establishing whether a reasonable economic return can be earned from the property if the Commission finds the building is historically or architecturally significant to the community. He explained the demolition permit process and noted the applicant failed to receive all necessary signatures before starting work.

The Commission and Staff clarified that the Commission's task is to review the demolition permit request as if the demolition had not started. Staff Member Johnson noted the materials submitted to the Commission document the condition and value of

the building before demolition began. Staff summarized the building's roof was removed and demolition began on the porch and some exterior walls.

Mike Mihalakis, 1750 Jackson Street, property owner, was present. He explained his son had planned to remodel the house to live in, and had gutted much of the interior. He explained the house suffered water damage and has mold due to pipes that broke after a hard winter in 2007-2008. He estimated the building has been vacant for six or seven years, and has been used solely for storage.

Commissioners discussed the differing survey determinations by Kriviskey and Jacobsen, and noted the number of homes of this style in this block and neighborhood that are in better condition and with fewer alterations. The Commission stressed the importance of each house to the block and neighborhood. The Commission explained when a house is removed from the block, it changes the rhythm and character of the block and neighborhood. The consensus of the Commission was the building is not individually significant, but is architecturally and historically significant to the block and neighborhood; the building's removal would create a "missing tooth" effect. The Commission noted the Washington Neighborhood Master Plan promotes homeownership and preservation of the historic housing stock.

Commissioners discussed the economic viability of the structure, the vision for the Washington Neighborhood, and the relatively intact streetscapes of the neighborhood. Commissioners debated the significance of the structure and the possibility of a reasonable economic return given the building lacked HVAC, plumbing, and electrical systems and interior finishes. The Commission discussed the numerous incentives available for rehabilitation projects in the neighborhood.

Commissioners and staff discussed the adjacent vacant lot next to the Washington Street row houses. Staff noted the Commission unanimously approved the demolition of the structure on this lot, and the intent was to provide parking for the new row houses. Commissioners noted the requested demolition would create a "straight shot" of two vacant lots in these blocks. Staff Member Johnson clarified the demolition permit was approved for the row house parking because the building was determined to be not historically or architecturally significant.

Commissioners discussed whether or not they felt the building at 1760 Jackson Street was significant. Commissioners discussed its importance to the fabric of the neighborhood, the vision for the area, and the rehab and new porches added in the neighborhood.

Ted Stackis, 206 Saunders, was present. He explained he is the contractor and checked whether the building was in the Conservation District and Washington Neighborhood Revitalization Area with the Building Services Department. He stated he was told it was not in either. He explained the Mihalakis family lives next door and

looked into the Lead Grant, but the application was not approved. He explained he disconnected all the utilities: electric, sewer, water, and gas. He noted the Water Department would not sign-off on the permit until the waterline was disconnected. He noted the permit process should be changed. He explained the building has a dirt floor and had mold in it. He reviewed the property value according to realtor Dave Sandman. He noted the home had no value in its previous condition. He stated the only value to the property is the value of the land. He explained it was beyond repair economically when he began demolition approximately six months ago.

Chairperson Klavitter noted Mr. Stackis' issue with the permit process will be addressed by staff, and thanked Mr. Stackis for his thoughtful comments.

Motion by Klavitter, seconded by Wand, to approve the demolition permit as proposed due to the building not being architecturally or historically significant. Motion failed by the following vote: Aye – Wand, Rapp; Nay – Klavitter, Olson, McDonell.

NOTE: Commission Whalen arrived at 6:10 p.m.

Staff Member Johnson noted since the Commission determined the building is architecturally and historically significant to the community, the Commission should review the Economic Guidelines and Review Criteria for establishing whether a reasonable economic return can be earned from the property. He explained if the Commission finds a reasonable economic return can be earned, the Commission should deny the demolition permit. If a reasonable economic return cannot be earned, the Commission should approve the permit.

The Commission reviewed the Economic Guidelines and Review Criteria. Commissioners confirmed with Mr. Stackis that his bid was to make the structure habitable but not to restore it. Mr. Stackis explained his bid to rehabilitate the property was only to make it so it could be lived in again.

Commissioner Wand reviewed prior to demolition, the building was missing all interior mechanicals, plumbing, electrical and drywall. He noted the building had mold and was vacant for six years without notice from anybody. Commissioner Wand reviewed the estimated cost to repair the building and the value of the building in its current state or if it were repaired, noting he believes a reasonable economic return could not be earned from the property before demolition began.

Commissioners discussed the value of the property. The Commission noted realtor Dave Sandman submitted the market analysis for the property. The Commission discussed whether a realtor meets the review criteria. The Commission agreed a realtor or appraiser may submit an opinion of the market and appraised value. Commissioners noted the property is valued at \$5,000 and the estimated cost to demolish the property is \$6,000. The Commission noted selling the property was not considered as an

alternative to demolishing it. Some Commissioners believed a reasonable economic return could be achieved from selling the property for \$5,000 rather than finish demolishing the property at a \$6,000 expense.

Mr. Mihalakis, in response to a question about grants, noted that he had applied for a Lead Grant but could not afford it. He noted no other financing or incentives were pursued. He reiterated the property has been vacant and no income is earned from the property. He stated his maintenance expenses for the property has been property taxes, snow removal and lawn maintenance. He explained having a yard for his family was preferable to any profits from selling the property or being a landlord.

Motion by Wand, seconded by McDonell, to approve the demolition permit because a reasonable economic return cannot be earned from the property. Motion failed by the following vote: Aye – Wand, Rapp, and Whalen; Nay – Klavitter, Olson and McDonell.

Staff noted the next step for the applicant is to appeal to City Council.

Mr. Stackis restated his arguments. Chairperson Klavitter thanked Mr. Mihalakis and Mr. Stackis.

EDUCATION TASK FORCE:

Update on Public Outreach and Education Program: No meeting in April.

Minutes from Previous Meeting(s): Chairperson Klavitter referenced the Telegraph Herald articles and editorial on the Library signs and his editorial in the Telegraph Herald for Architecture Days. Commissioner Wand agreed the Historic Federal Building sign did not follow the procedure but it did comply with design guidelines as to materials and style, while the Library signs did not follow design guidelines.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION:

Ken Kringle Historic Preservation Awards: Commissioners noted the great attendance at the Ken Kringle Historic Preservation Awards celebrated in conjunction with the Dubuque County Historical Society awards at the Architecture Days event in the Historic Millwork District.

Commissioners discussed the Facebook page of the Human Rights Department, and discussed the possibility for the Historic Preservation Commission and Planning Services Department to have a Facebook page for events and other information without duplicating the City web pages. Consensus was for Planning Services staff to contact Human Rights staff about City policy and time commitment for their Facebook page, and then report back to the HPC Education Task Force.

Demolition Permit Process: Commissioners asked staff to work through the process and procedural issues raised by Mr. Stackis for the demolition permit process, and requested a copy of the permit checklist and application materials. Staff recommended that the Historic Preservation Commission and Planning Services Department review and signature be added as the first step on the checklist and process.

Chimneys: Commissioner Whalen reported his neighbors at 510 W. 11th Street have four chimneys, three of which are visible from the street. He noted they are in poor condition and an estimate exceeding \$20,000 was received for repairs. He noted the property owners have already made a significant investment in repairing the building. He said the neighbors asked if they could remove the fourth chimney that is not visible. He explained that would greatly reduce their costs. He noted all four chimneys are non-functional but character defining features. Staff noted if a chimney or any other building feature is not visible from the public right-of-way, it can be removed without approval by the Commission. The consensus was for the property owners to contact the Planning Services staff about the chimneys, as well as other repair work on the Yankee gutters.

Architecture Days: Commissioners discussed the Architecture Days activities and upcoming events.

ITEMS FROM STAFF:

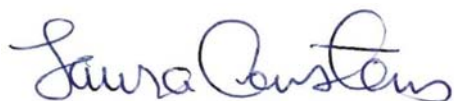
Historic Preservation Property Research Workshop: Staff Member Johnson referenced a brochure distributed to the Commission. He explained the HPC Education Task Force had suggested that the Commission sponsor a public workshop on historic property research to be held in recognition of Historic Preservation Month, which is the month of May. He explained the format of the workshop and noted it will be held on May 2nd at the Library. Commissioners and staff discussed publicity for the workshop.

2011 NPS Annual Report: Staff Member Johnson noted this is an annual informational item for the Commission. The Commission received and filed the report.

Building Services Historic Preservation Enforcement Report Update: Staff Member Johnson said there was no report available. Commissioner Rapp noted he had some items to add. Commissioners directed Commissioner Rapp to contact Jeff Zasada at Building Services Department or through WebQA on the City Website. Commissioners and staff discussed the Building Services Department's ongoing response to contacts about possible violations, and their enforcement process in response to this feedback.

ADJOURNMENT: The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Laura Carstens, Planning Services Manager

Adopted—May 17, 2012