

~~explained the owner, on repeated occasions, did work in direct contradiction of what had been discussed in a prior meeting, to such an extent that it would not appear a conversation had taken place. He noted the homeowner had stated on a number of occasions that they already had more money invested in the property than they could hope to get back out of it, and still had work to complete. He stated the Building Department had been working with the HDC Staff Liaison to try to make sure in the end there is compliance with both the HDC requirements and the Building Department requirements. He stated the Building Code issues were being dealt with through the Court.~~

~~Chairperson Hill suggested the Commission wait to see what happens with the Court date and requested an update for the December HDC meeting. She commented that on the positive side, the structure looked to be in better shape than it had for many years. Mr. Cope stated that appearance wise, if you walked inside the building, it looked pretty nice. Unfortunately, they did not know what was underneath.~~

9C. 1841 Crooks Road

Chairperson Hill stated that a letter was sent listing the Commission's concerns about the structure, and asked Mr. Cope if he had an update on the property.

Mr. Cope stated he had provided the Commissioners with a chronology of the activities on the property. He noted a Building Permit application was submitted in July 2006, and there had been a number of meetings relating to the review of the building project, with the most recent one held in June 2007. He explained at that time, Building Department representatives met with the homeowner, his legal counsel and the designer to specifically discuss what was needed to get a Building Permit. At that time, the Department thought there would be some response and things would move forward; however, nothing had been received from the homeowner.

Mr. Cope stated a Building Inspector visited the site yesterday, and provided a report that identified the areas of concern with the building. He was concerned about three items as they related to safety and which the Building Department would follow through on. He indicated those items were: 1) repair and seal openings of all broken and missing windows because they were concerned about access of the building and safety of people being able to enter the building; 2) secure all openings to prevent access to the basement and crawl basement, which was another safety issue as far as securing the building itself; and 3) properly covering all exposed electrical wiring because there was a safety concern there might be live wires that are potentially dangerous. He stated the Building Department would follow through on those items; however, there were other items related to the Commission's concerns.

Mr. Cope stated he had a number of photographs of the building, which he would circulate among the Commissioners for review and comment. Copies of those photographs have been placed on file and become a part of the record hereof.

Mr. Delacourt stated the Planning and Building Departments had been in contact with the property owner several times since the Certificate of Appropriateness was issued. He reminded the Commissioners the house was approved for demolition of some non-appropriate additions,

and also approved for additions to the house. He noted that since that time, the property owner, Mr. Dunn, has had an incredibly difficult time producing a set of building plans that showed that the work that was approved by the HDC could actually be constructed according to Code, and submitting a set of plans that reflected that.

Mr. Delacourt explained that one of the Commission's concerns when Mr. Dunn was before the HDC, was having the Building Department review the plans prior to the Commission's approval. Mr. Dunn was insistent he did not want to do that without an approval, and the Commission decided to approve the plans.

Mr. Delacourt stated through that process it was identified that one of the revisions made to Mr. Dunn's plans showed the need for a variance to the property, because he had increased the footprint to one of the previously existing additions. He explained Mr. Dunn removed an addition on the south side of the building because it was not an appropriate addition, and the plans provided to the HDC showed the addition being reconstructed in the same footprint, which would not have increased the non-conformance. However, through the Building Department review, because of structural issues and Mr. Dunn's desire to move a staircase, the addition increased by two feet to the south. Because the property is existing non-conforming with respect to the front yard setback, that addition would increase the non-conformance, and would require a variance from the Zoning Board of Appeals (ZBA).

Mr. Delacourt stated Mr. Dunn had been requested to produce a set of plans reviewed by the Building Department to ensure that was the only variance required so that the matter would not have to be taken to the ZBA multiple times. He stated that he, Mr. Cope, and the Plan Reviewer from the Building Department were extremely generous with Mr. Dunn, and explained the Plan Reviewer sat down with Mr. Dunn and his designer, and went through the plans page by page and showed them where it was non-compliant Code-wise for a structure, and gave some very helpful suggestions on how to resolve those situations. He stated Mr. Dunn had not submitted any revised plans since that meeting which was held in June 2007.

Mr. Delacourt stated those were some of the issues that had occurred, and the matter had been brought back before the Commission to see how the Commission wanted to proceed. He noted that the condition of the building was growing steadily worse. He knew Mr. Dunn had good intentions, but had not submitted plans that resolved the issues.

Mr. Miller noticed from the photographs taken on November 7, 2007, that there were areas of the roof that were either lightly covered with a tarp, or some areas where the roof sheathing was completely exposed at the end of the wall. He was concerned that this house would have the same problems as the structure located on Rochester Road. He thought that at a minimum the Commission should ask the property owner to seal the structure against the weather. He did not think the structure had to be mothballed as it appeared the property owner had intentions to repair the building, but the structure should be weatherized and protected from the elements.

Mr. Dunphy asked what flexibility the Commission had under the Ordinance to address this situation. He stated that finding demolition by neglect might be further than the Commission wanted to go at this point, but he was not sure if the Commission had any other options. He

asked if the Commission wanted to ramp up the need to secure the building better, whether there was any tool available to the Commission other than a finding of demolition by neglect.

Mr. Delacourt stated the duty to repair letter had been sent, and the Building Department would address some of the issues through Code Compliance and violations; however, short of that, the next step the Commission could take by Ordinance was demolition by neglect. He explained that required the owner to repair and mothball, similar to the motion made by the Commission earlier this evening for the Rochester Road property. He stated that was not an incredibly high standard, but did add some additional weight to what the Building Department was already doing.

Mr. Cope mentioned that the three items he identified earlier are the ones that the Building Department can address by Code. He explained the Building Department did not have the ability to address any of the other issues because they are exterior maintenance issues that are very similar to the ones brought forward to City Council relating to the Property Maintenance Ordinance. The Building Department would not be allowed to address those other issues without some similar type of Ordinance, which the City did not have on the books at the present time.

Chairperson Hill stated she would be inclined to issue the same demolition by neglect and ask that the owner secure and mothball the building until further actions are taken regarding the approval of his building plan. She did not think there was anything else that could be done because what the Commission really wanted to see was the building secured from the weather and from a safety standpoint, and not see it demolished, particularly with the additions that had been removed and no action to do anything further. She commented she had not looked at the Certificate of Appropriateness, but she had hoped no demolition work would be done until the building plans had been approved. She noted that not removing the inappropriate additions would not have changed the current condition of the building as many portions of the building were in the same shape. She suggested that any motion specify the end of the year or January 15, 2008 to see something take place, and if no action has begun by that time, the Commission would proceed with the next step. She commented this situation has gone on for about four years.

Mr. Miller agreed with the Chair, noting that mothballed meant to preserve the structure until such time as it will be used further, particularly if the property owner had not contacted the City for several months. Mr. Delacourt stated that no revised documentation had been submitted in connection with the ZBA Variance Request Application.

Chairperson Hill stated that the Certificate of Appropriateness was in two parts: one for the demolition of certain additions, which had already taken place, and the other part was the rehabilitation of the structure, which had not taken place.

Mr. Delacourt stated that the property owner had submitted multiple sets of plans for review by the Building Department, which would normally be enough to consider the process to be moving forward in good faith.

Chairperson Hill noted it had been almost six months since any action toward the Certificate of Appropriateness had taken place regarding the rehabilitation. She thought that could be one of the conditions.

Mr. Dunphy provided the following motion for consideration by the Commission:

MOTION by Dunphy, that the Historic Districts Commission makes a determination of *Demolition by Neglect* for the property located at 1841 Crooks Road, Sitwell Number 15-20-428-003, and that the Historic Districts Commission supports and encourages the property owner to move forward with all appropriate action to mothball and secure the structure against damage from the elements, with the following Findings and Conditions:

Findings:

1. That the property is in clear violation of the *Demolition by Neglect* portion of the City's Code of Ordinances and it is the Historic Districts Commission's belief that the structure at 1841 Crooks Road needs to be protected before any irreparable damage occurs.
2. That the property is part of a renovation and construction project approved over a year ago by the Historic Districts Commission.
3. That the photographs provided to the Historic Districts Commission show clear deterioration in the structure of the building.
4. That the inspection by the Building Department dated November 7, 2007 details specific deterioration of the building.

Conditions:

1. That the defects identified by the Building Department's Field Inspection Report be remediated by December 31, 2007.
2. That the mothballing be done in accordance with U.S. Department of Interior, National Park Service, Preservation Brief 31 (Mothballing Historic Buildings).

Chairperson Hill called for a second to the proposed motion. Dr. Stamps said he would second the proposed motion. Chairperson Hill then called for discussion on the proposed motion on the floor.

Chairperson Hill suggested that Condition #1 include the following language: "... and that no further action toward rehabilitation of the structure has taken place since June of 2007". She thought that showed there had been a long time period that nothing had been done to move forward. Mr. Dunphy and Dr. Stamps concurred with the addition of that language.

Mr. Miller expressed concern that the property owner was making plans to move forward with the renovation and rehabilitation, but agreed that portions had been removed with a few things

covered up, and noted the pictures from November 7, 2007 did not show that any work had been done. He was comfortable with the motion, if language could be included that lacking any approved plans from the Building Department, the Commission requires the property owner to mothball. He explained if the property owner received approval of his plans and moved forward, he was not sure the Commission wanted to require the structure be mothballed. He saw a clear need to preserve the structure against increased deterioration from the weather, and if mothballing was designed to do that, he would withdraw his statement.

Mr. Dunphy agreed that the Commission did not want to interfere with the property owner's ability to go forward with his project, because that is ultimately what the Commission wanted to see. However, the key was to be sure that the structure was maintained in the meantime, and that was where the Commission's focus needed to be.

Chairperson Hill called for any further discussion, and asked the Commissioners if they felt the time frame was sufficient. The Commissioners agreed.

Chairperson Hill concurred, and noted that with the weather changing, the holes in the building from the standpoint of safety for the Community needed to be addressed. She pointed out that even if the property owner wanted to build, it would not happen quickly, and these items should be addressed.

Chairperson Hill called for any further discussion on the proposed motion on the floor. Upon hearing none, she called for a voice vote on the proposed motion on the floor.

Complete Motion (as voted):

MOTION by Dunphy, seconded by Stamps, that the Historic Districts Commission makes a determination of *demolition by neglect* for the property located at 1841 Crooks Road, Sidwell Number 15-20-428-003, and that the Historic Districts Commission supports and encourages the property owner to move forward with all appropriate action to mothball and secure the structure against damage from the elements, with the following Findings and Conditions:

Findings:

1. That the property is a designated Historic District, and is in clear violation of the *demolition by neglect* portion of the City's Code of Ordinances and it is the Historic Districts Commission's belief that the structure at 1841 Crooks Road needs to be protected before any irreparable damage occurs.
2. That the property is part of a renovation and construction project approved over a year ago by the Historic Districts Commission.
3. That the photographs provided to the Historic Districts Commission show clear deterioration in the structure of the building.

4. That the inspection by the Building Department dated November 7, 2007 details specific deterioration of the building.

Conditions:

1. That the defects identified by the Building Department's Field Inspection Report be remediated by December 31, 2007, and that no further action toward rehabilitation of the structure has taken place since June of 2007.
2. That the mothballing be done in accordance with U.S. Department of Interior, National Park Service, Preservation Brief 31 (Mothballing Historic Buildings).

Ayes: All

Nays: None

Absent: Dziurman, Kilpatrick, Sinclair, Thompson

MOTION CARRIED

Chairperson Hill noted for the record that the motion had carried. She thanked Mr. Cope and Mr. Staran for attending the meeting and providing updated information.

Chairperson Hill stated the Commission would now return to Agenda Item #8B (Review of Draft of "What every historic property owner needs to know" Guide).

~~8. **UNFINISHED BUSINESS**~~

~~8B. Review~~

- ~~- Draft of "What every historic property owner needs to know" Guide~~

~~Chairperson Hill suggested that due to the lateness of the hour the Commission postpone the review of this draft Guide until the December meeting. She noted she had quickly reviewed the Guide and made some notes, but felt the Commission should spend time reviewing the document at some length.~~

~~9. **ANY OTHER BUSINESS**~~

~~Chairperson Hill noted Agenda Items 9A, 9B and 9C had been moved forward on the Agenda and discussed. She noted the next matter was Agenda Item 9D.~~

~~9D. Preservation Millage Discussion~~

~~Mr. Delacourt stated he and City Attorney Staran had a discussion based on the conversation held by the Commission at the September meeting. He explained the Commission had two options: 1) the Commission could request that City Council consider language for a ballot and put the matter in City Council's hands and leave it there, or 2) much like the open space group had done, do it at a grass roots level. He suggested that no quorum of HDC Commissioners should be present at any grass roots meeting~~