

CITY OF LEAVENWORTH PRESERVATION COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

Wednesday, January 2, 2019 6:00 PM

The Leavenworth Preservation Commission met Wednesday, January 2, 2019. Chairman Ken Bower called the meeting to order. Other commissioners present were: Rik Jackson, Ed Otto, John Karrasch, Sherry Hines Whitson and Debi Denney. Also present for the meeting were City Planner Julie Hurley and Administrative Assistant Michelle Baragary.

Chairman Bower noted a quorum was present and called for a motion to accept the minutes from October 3, 2018 as presented. Mr. Otto moved to accept the minutes as presented, seconded by Mr. Jackson and approved by a vote of 4-0. Mr. Bower and Ms. Whitson abstained due to being absent at the October 3, 2018 meeting.

OLD BUSINESS

1. 2018-12 LPC – 202 POTTAWATOMIE

A State Law review for the proposed demolition of the property located at 202 Pottawatomie Street, a property listed on the Kansas State Register of Historic Places.

Chairman Bower called for the staff report.

City Planner Julie Hurley stated this is a State Law review for the proposed demolition of the property located at 202 Pottawatomie Street, a property listed on the Kansas State Register of Historic Places.

Ms. Hurley continued stating structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 22, Article X (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop inventory of unsafe and dangerous structures for review and potential removal through demolition.

Staff has compiled a list of dangerous structures, which have been evaluated by staff in accordance with KSA 17-4759, including the house located at 202 Pottawatomie. The property was constructed in 1860 and was listed in the Kansas State Register of Historic Places in February 2017. It is not listed in the National Register of Historic Places.

The City Commission reviewed the structures at their regular meeting on June 26, 2018, and passed a resolution granting the property owner of 202 Pottawatomie an extension until October 9, 2018 to commence repair of the structure. The Leavenworth Preservation Commission reviewed the property at their July 11, 2018 meeting and instructed the applicant to commence repairs prior to their October 3, 2018 meeting.

The Leavenworth Preservation Commission again reviewed the property at their October 3, 2018 meeting. The owner was not present at that meeting and necessary repairs were not complete, so the Commission members requested that staff send a letter to the owner requesting a written plan for completing the repairs. A copy of that letter is included in this packet. The owner provided staff with an email outlining his repair plans on October 22, 2018, a copy of which has been included. The City Commission reviewed the property on October 9, 2018 and granted a 90 day extension for the completion of repairs.

As of the writing of this report, the asbestos shingle siding has been removed from the house, leaving exposed tar paper revealing what appears to be original siding. No permit for replacement of siding has been requested.

REQUIRED REVIEWS:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The structure was constructed as a residential building, it is currently vacant.

2. 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.

The entire structure is proposed to be demolished. It has previously been damaged by fire, and has not been fully restored. The historic clapboard siding present when the house was constructed was previously covered with asbestos siding in the mid-20th Century and has not been exposed by the removal of the asbestos siding.

3. 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.

The building is proposed to be demolished, no changes or additions are proposed.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The building is proposed to be demolished, however, there are no known changes to the original structure with historic significance.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

The building is proposed to be demolished, no portions of it are proposed to be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

There are a number of deteriorated or missing historic features, including the original clapboard siding, which have not been repaired or restored.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The building is proposed to be demolished.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

No known significant archeological resources exist for preservation.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The building is proposed to be demolished, no new construction is proposed at this time.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The building is proposed to be demolished, no new construction is proposed at this time.

STAFF RECOMMENDATION:

The staff recommends **APPROVAL** of this request based on the analysis and findings included in this report.

ACTION/OPTIONS:

- Motion, to approve the property located at 202 Pottawatomie as being eligible for potential demolition.
- Motion, to deny the property located at 202 Pottawatomie as being eligible for demolition.
- Motion, to Table item until the next meeting for the purpose of further study.
- Motion, to forward to the SHPO for review.

Chairman Bower opened the public hearing.

Mr. Rickey Giles Jr., property owner, approached the board. Mr. Giles stated he wants to register his house on the National Historic Register. He stated the State told him the asbestos siding must be removed so he had a contractor remove the asbestos siding. The tar paper was left to help insulate the house.

While fixing the soffits, Mr. Giles stated he ran into a problem with the front-center window on the second level leaking. He believes originally, there was a walkout from the center window. In order to fix the leak, he stated he will need to raise the porch roof or install another walkout.

Mr. Giles does not believe the house is a dangerous structure. The roof has been like that for sixty-three years. Several people had to get on the roof to fix the veranda in the rear. Mr. Giles does not believe the house meets the criteria to be on the demolition list. States the house has good bones.

Mr. Giles stated his next project is replacing the wooden doors. Has already replaced the soffits, gutters, replaced shingles, trimmed trees, and removed the asbestos siding. Mr. Giles has submitted a grant application. The hearing review is February 8, 2019. If the grant is denied, Mr. Giles stated he still has the finances to fix the house but not in a historic way. He further stated he replaced the glass in the veranda.

Mr. Bower asked if the house has plumbing, water, electricity and a working furnace.

Mr. Giles stated the house has everything but a working furnace.

Mr. Bower stated the appearance of the house is an eyesore. Just removing the tar paper and leaving the clapboard siding would make a huge difference in the appearance of the house. From the City's perspective, it is all about the view from the street. Mr. Bower further explained that vinyl siding does not qualify for a historic property.

Mr. Giles clarified the house does not have vinyl siding on it. Furthermore, he has estimates for repairing or replacing the siding, to include the cost of vinyl siding if he chooses to remove the house from the historic register. If the grant funds are denied, Mr. Giles stated he will most likely remove the property from the State Historic Register and then repair the house his own way.

Mr. Giles reiterated the problem he is having now is with the top center window is slightly below the porch roof. Stated he wants to put a deck coming from the top center window because he believes that is how the house originally was.

Ms. Whitson stated there was probably a widow's walk there.

Ms. Hurley stated installing a widow's walk would require a major certificate of appropriateness, which would come back to the Preservation Commission for review.

Ms. Whitson stated she is hoping Mr. Giles does get the grant money in order to preserve the house in its original state. She further asked if the reason Mr. Giles is leaving the tar paper on the house is because the walls are not insulated.

Mr. Giles responded the walls are insulated excluding the dining room area, which also does not have drywall.

Ms. Whitson asked why insulation could not be installed in the dining room since there is no drywall. Then the tar paper could be removed.

Mr. Giles stated he has put insulation in the dining room. His concern are the pipes going downstairs. But he just turns the water off from inside the house.

Ms. Whitson stated since the Commission's concern is the eyesore, especially with the tar paper, she suggests the pipes be insulated, install insulation in the dining area and remove the tar paper. This would greatly improve the look of the house.

Mr. Giles stated he could do that and that he would like to keep the property listed as historic. He further stated the city keeps pushing him to fix the house and makes him keep coming to the Preservation Commission that he feels like he is on parole.

Ms. Whitson stated that is her point. The black tar paper is an awful eyesore and needs to be removed quickly. This will help Mr. Giles with the city.

Mr. Giles stated he could remove the tar paper but there are several holes he would need to patch up. He would like to know the criteria for demolition.

Ms. Hurley stated the demolition criteria is based on state statute specifically regarding demolition of properties. Mr. Giles has been sent the checklist that is included in the packet.

Mr. Giles stated according to the checklist, the soffits and gutters need replacement. The soffits have been replaced so the only thing left are the gutters.

Ms. Hurley responded that one of the items listed on the checklist that needed to be addressed was the siding and that includes repair/replace all exterior walls and siding. This is the main item the city is currently waiting on. Removing the asbestos siding is one-step in repairing the siding but there are a few more steps to get through. Just leaving tar paper is not considered complete.

Mr. Giles does not think that siding should be the reason the house is on the demolition list. There are no holes, mice or roaches and the house is solid.

Ms. Hurley stated that once a property is on the demolition list, it is the City Commission's goal to bring properties up to a certain standard for the neighborhood so they are not becoming a blighting influence on the rest of the neighborhood. Once a property has met the criteria to be on the demolition list, the City Commission expects all the items on the list be checked off and have the property be brought up to code compliance standards.

Mr. Giles stated he feels like he is being picked on stating the house across the street has chipped paint on its siding.

Mr. Bower stated other houses are not going to be discussed during this meeting and he does not feel the city is picking on Mr. Giles. Mr. Bower further stated the problem with the property at 202 Pottawatomie is that it is a blighting influence on the neighborhood and unfortunately got to a point that it was listed on the demolition list. Mr. Bower further stated that Mr. Giles must go through the city to get permits when doing work on the house.

Mr. Giles stated he has a permit.

Ms. Hurley stated the permit is for interior work only.

Mr. Bower stated not to worry about the interior of the home. The pressing issue is to get the house so it looks better and is not a blighting influence on the neighborhood. This can be done by removing the tar paper. There must be continuous progress.

Ms. Denney asked if Mr. Giles is doing the work himself.

Mr. Giles stated he is but he also has a worker help him with major improvements.

Ms. Denney asked if he plans to hire a professional if he receives the grant money.

Mr. Giles stated he will do the simple tasks like drywall, painting, etc. However, will have someone else do major renovations. Mr. Giles further stated he wants to get a new front door because the front door is what brings the whole house together.

Mr. Bower stated although the front door may not be what Mr. Giles wants, if it is functional then he should leave it for now and replace it at a future time. Currently the house stands-out because of the tar paper and it just looks bad. The city's main concern is the blighting influence, the exterior of the house. It would look more favorably to the City Commission without the tar paper.

Mr. Giles responded that he agrees with the board. He is here today because he has made progress by working on the house 8 hours per day.

Mr. Bower stated that no one is saying progress hasn't been made; but the progress has been slow.

Mr. Jackson asked when the City Commission's 90 day extension for the property expires.

Ms. Hurley stated January 22, 2019.

Mr. Bower stated it would be his recommendation for Mr. Giles to remove the tar paper and fix the holes in the siding so the house looks presentable from the street. The board could then recommend to the City Commission an extension through February, which would allow Mr. Giles to find out if he will receive any grant money.

Mr. Giles stated he receives all kinds of compliments from people in the neighborhood for working on the house.

Mr. Karrasch reiterated how removing the tar paper will go a long way in Mr. Giles favor with the City Commission.

Chairman Bower called for a motion. Mr. Karrasch moves to recommend the tar paper be removed by January 22, 2019 and that Mr. Giles be given an extension to get through the hearing process in Topeka for the grant funds, seconded by Ms. Whitson and passed by a vote 6-0.

Mr. Bower strongly recommends Mr. Giles attend the City Commission meeting on January 22, 2019. Mr. Bower asked if removing the tar paper requires a permit.

Ms. Hurley stated a permit is not need for removal of the tar paper.

Chairman Bower called for the next item on the agenda, Election of Officers and revision to the bylaws. Chairman Bower asked staff to review the bylaws revision.

Ms. Hurley stated staff discovered the terms are for three-years and this was not noted in the bylaws. Chairman called for a motion to accept the revision to the bylaws. Mr. Jackson moved to accept, seconded by Ms. Denney and passed by a vote of 6-0.

Chairman Bower then opened it up to the commission to nominate a Chairperson. Mr. Otto volunteers to stay as Vice Chairman and nominates Mr. Jackson as Chairman, seconded by Mr. Karrasch and passed by a vote of 6-0.

Chairman Bower called for the next item on the agenda, Minor Certificates of Appropriateness.

With no questions or comments, Chairman Bower called for a motion to adjourn. Mr. Otto moved to adjourn, seconded by Mr. Jackson and approved by a vote of 6-0.

Meeting was adjourned at 6:43 p.m.

JH:mb