

THE REPORT OF THE ARCHITECTURAL COMMITTEE OF THE
PHILADELPHIA HISTORICAL COMMISSION

David Hollenberg, Chairman

Commission Conference Room

30 May 1991

Present

David Hollenberg, Chairman

Tony Atkin, Architect

Penelope H. Batcheler, Historical Architect,
Independence National Historical Park

William Cornell, J.S. Cornell & Sons, Inc.

Herbert W. Levy, Fellow of the American Institute of Architects

Donald Stevenson, Architect

Maria Petrillo, Deputy City Solicitor, Law Department

Richard Tyler, Historic Preservation Officer

Randal Baron, Preservation Planner

Daniel W. Simcox, Executive Secretary

Also

Louis Hockman, counsel to Joseph Decker, owner 4501 Fisher's Lane

Warren Huff, City Planning Commission

Howard Kittell, Preservation Coalition of Greater Philadelphia

Joyce N. Halley, Jim Robson and Barbara Auwarter,

Frankford United Neighbors Community Development Corporation

Jorge Lovera, Agoos/Lovera Architects

Mr. Hollenberg announced the presence of a quorum and requested background information from Randal Baron regarding work undertaken without a permit to 4501 Fisher's Lane.

Disapproval

Harvey Rowland House, 4501 Fisher's Lane: The Philadelphia Historical Commission designated this property on 14 March 1990. On 13 February 1990, the owner of this building, Joseph Decker, submitted a letter supporting designation. Through late April/early May of 1991, Mr. Decker undertook numerous alterations without a permit, including: the installation of pale-blue aluminum siding over stucco walls and chimneys, replacement of wooden shutters with red vinyl shutters; removal of two decorative, wooden bargeboards; covering the decorative woodwork on the dormers with aluminum, changing their curved head openings to square ones, and; replacing the standing-seam, tin roof with asphalt shingles. In addition, the owner has purchased and wants to install new, bronze, aluminum, square windows to replace the existing wooden, multi-pane, partly-curved-head windows. Upon request of the Commission staff, the Department of Licenses and Inspections issued a violation for the work already completed. The Commission examined 1974 black-and white prints of the building and color slides from February 1990, both of

which were presented at the designation hearings, as well as circa April 1991 color photographs provided by the applicant.

Louis Hockman, counsel to Joseph Decker, raised several issues in attempt either to remedy this violation or to remove the building from the Philadelphia Register. First, he noted that the initial notice, dated 2 February, was sent to the Fleischers, the preceding owners who are related to Mr. Decker. As previously noted, however, Mr. Decker was informed of the designation hearing; a point confirmed by his letter of support. [Note: All designation correspondence were also sent to the property itself addressed generically to "Owner."]

Next, Mr. Hockman asserted that the correspondence selectively explained the ramifications of designation, with the effect that his client was not fully aware of its ramifications. The initial hearing notification informs the owner that:

[d]esignation entails some modest restrictions....the Commission reviews all proposed alterations to historic resources....You will find, however, that the Commission and its staff approach such matters in a reasonable and practical way, and understand changes in building uses and contemporary requirements.

He underscored the tone of this letter and suggested that it does not explain, in sufficient detail, the extent of Commission jurisdiction. In contrast, he cited the second letter, which informs the owner that his property has been designated:

Designation entails some restrictions....the Commission reviews all proposed alterations to historic resources. When you apply...for a building permit, the Department [of Licenses and Inspections] will refer you to the Historical Commission for its review. This review extends to all work that routinely requires a building permit and includes exterior cleaning, pointing, alterations of windows, doors and roofs, and other activity that changes the appearance of an historic property....

Mr. Hockman further suggested that the owner, a contractor, believed that the alterations he made simply constituted "ordinary maintenance," as defined by BOCA, and therefore did not require a permit. The Committee stressed two facts: that the work undertaken clearly altered the appearance and that the owner did not obtain a building permit. The work undertaken clearly fell within the scope of Commission design review as indicated in both letters.

Mr. Hockman pursued another point: the letter notifying the owner of designation indicates that the property was entered on the Philadelphia Register for the reasons listed in the "enclosed

minute." For the Harvey Rowland House, the significance is based on the Rowland ownership, its place in an eighteenth-century settlement and as an eighteenth-century house. The owner contends that the alterations have not detracted from any area of significance. The Committee strongly disagreed with the assumption that architectural design review of historic sites could be restricted because of the nature of significance; neither the Ordinance nor the Rules and Regulations even suggest such regulatory constraints. Further, the Harvey Rowland House clearly possesses architectural significance, a point made in its nomination. Finally, this argument disregards the fundamental problem that the owner did not obtain a building permit. If application was made before the work was completed, the Committee may have been approved some alterations, modified other treatments and simply denied several.

Mr. Cornell suggested that, if nothing else, the aluminum siding protected the structure. Mr. Baron, however, stressed that The Secretary of the Interior's Standards for Rehabilitation, which serve as the standards for the Committee as well, regard coating instead of masonry repair unacceptable. The Committee agreed with this point. Mr. Levy inquired into the present zoning of the property and whether the owner obtained building permits for the requisite work to convert a single-family dwelling into a group care home for the elderly. [Note: On 17 September 1990, the owner received a violation notice enumerating multiple violations of the Code, including a failure to obtain proper zoning for the present use and a failure to secure the required license for this use.]

Mr. Hollenberg stressed that this building remains a fine example of a rural house within the city limits. Its preservation will ensure that future generations understand this distinctive aspect of the history of Philadelphia's landscape. Further, the removal of the bargeboards, highly decorative elements probably crafted by Rowland's saw mill, erased a signature feature from this dwelling.

Joyce Halley of Frankford conveyed the vehement opposition of Frankford United Neighbors to this application. She stressed the significance of this house to understanding Frankford's early industrial development. It is on their house tour of Frankford and, together with houses along the nearby creek, stands as a reminder of the country villages which once comprised Northeast Philadelphia. The significance of the Rowland House is augmented by the fact that few buildings in this area are on the Philadelphia Register. Mrs. Halley added that she had carefully inspected the house and that its ornate, architectural features were sound. Howard Kittell, Executive Director of the Preservation Coalition of Greater Philadelphia, supported the Frankford community association and opposed this application. Mr. Hockman objected to the preceding, idyllic characterization

of Fisher's Lane, stressing that its authenticity was severely marred by contemporary dumping and vandalism.

Richard Tyler returned to the fundamental point that the work was an informed and egregious breach of the Philadelphia Code. Most of the alterations undertaken would not have been permitted if pursued legally. The staff then suggested a compromise: to approve the new roof materials even though the former standing-seam roof was typical of a period of historic significance; to retain the existing windows; to require the removal of the aluminum siding, the cladding of the chimney and dormer cheeks and the vinyl shutters, and; to re-mill and install two bargeboards. Mrs. Batcheler added that restoration of the ground-floor shutters, at a minimum, should be appended. The Committee then unanimously voted to adopt the preceding recommendation, as amended by Mrs. Batcheler.

Carriage-House, 127 Kenilworth Street: Mr. Baron provided background information relevant to this proposal to demolish the remaining elements of a mid-nineteenth-century carriage-house. He explained that the current owner, Stanford Pincus, received three violations for work undertaken without permits. He has removed the roof, the second floor of the front facade and the rear. The elements remaining from this partial demolition are the first floor brick facade, a wooden cornice, the roof and the floor of the second story. The applicant, Jorge Lovera, has considered acquiring this property, which is for sale, in order to build a personal residence. Although his initial plans proposed demolition of the remaining features, his current drawings incorporate them into the proposed new construction. Mr. Baron concluded his introduction with a reminder that in 1988 the Commission required the reconstruction of a frame house two blocks away at 123 Queen Street, after the owner demolished an historic building without a permit. The requirement to rebuild remained in force even after the sale to a new owner. The staff recommendation for 127 Kenilworth, therefore, was to request the enforcement of the existing violations so that the current owner does not profit from his illegal demolition.

Mr. Lovera introduced his proposal and drawings for a new three-story building. Predominantly comprised of modern materials, this design incorporated the historic brick wall and wooden cornice. Mr. Lovera stated that this incorporation enriched the remaining elements and surrounding historic environment with the vitality of a late twentieth-century design.

Several Committee members suggested that the proposed materials and design were incompatible with the existing historic fabric and suggested restoring the carriage-house facade and building behind it. Mr. Baron expressed his opinion that there would be interest in restoring this carriage-house, as its original design

allows a facile adaptation for the modern convenience of a garage -- this feature makes it more attractive for restoration than others nearby that lack a large ground-floor opening.

Mr. Lovera indicated that he would not reconstruct this property to affect an historic appearance. He conveyed his belief that such reconstructions were not honest and stressed that his design more accurately expressed the character of Queen Village in the 1990s. Mr. Atkin supported this point, stressing the importance of permitting new development and contemporary design in historic districts. Mr. Hollenberg concurred in theory, but stressed that time, site and circumstances dictated when contemporary development was appropriate. He noted the ordinance provisions for new construction on a vacant lot in historic districts, which limit Commission to a forty-five day comment period. Facts relevant to this case, however, inclined him toward reconstruction.

The Committee stressed that its interest in restoration was strengthened by its concern regarding the partial, illegal demolition of this building. To allow the current owner to profit through its sale would fail to hold him accountable for his illegal actions. Prosecuting the extant violations is the only venue for holding him accountable for his actions. Successful prosecution could lead to an order to rebuild the carriage-house. The Committee also acknowledged the importance of equitable treatment, especially in light of the order to rebuild at 123 Queen Street.

Mr. Tyler suggested that this application posed a vexing dilemma: to deny this request and to urge reconstruction through legal venues will not result in an historic building. However, to approve this request would allow an owner to profit despite documented violations. If the property were sold to Mr. Lovera, the violations would transfer to him as well. Mr. Baron noted that while reconstruction may not result in an historic building, it will retain the historic appearance and character. He noted that the Society Hill Historic District includes many designated buildings with facades reconstructed in whole or in part.

Although this recommendation is not favorable toward the proposal, Mr. Tyler expressed his belief that hearing this proposal -- a "conceptual demolition" -- was both useful and desirable for the applicant and the Committee. It informed the interested parties of the restrictions before significant funds were invested. However, Ms. Petrillo questioned the applicant's standing in this matter, as no building permit application was submitted and the owner/violator was not present. Acknowledging the value of the preceding remarks, the Committee regarded this application as a conceptual plan for demolition and new construction. The Committee informed the applicant that it would recommend disapproval of a formal application for demolition.

Further, the Committee urged the staff to pursue legal remedy for the extant violations in an expeditious manner with the intent to request an order for reconstruction.

There being no other business, the Committee adjourned.

Respectfully Submitted,

Daniel W. Simcox
Executive Secretary