

**THE MINUTES OF THE 546<sup>TH</sup> STATED MEETING OF THE  
PHILADELPHIA HISTORICAL COMMISSION**

**8 FEBRUARY 2008  
ROOM 18-029, 1515 ARCH STREET  
SAM SHERMAN, CHAIR**

**PRESENT**

Sam Sherman, Chair  
David Amburn  
Leslie Benoliel  
Della Clark  
Richardson Dilworth III, Ph.D.  
John Mattioni, Esq.  
Denise Smyler, Esq.  
Robert Thomas, AIA  
Eileen Evans, Department of Licenses & Inspections  
Rosalie Leonard, Office of Council President  
Sara Merriman, Department of Commerce  
David Schaaf, RA, City Planning Commission  
Joan Schlotterbeck, Department of Public Property  
Scott Wilds, Office of Housing & Community Development

Jonathan Farnham, Executive Director  
Randal Baron, Historic Preservation Planner III  
Jorge Danta, Historic Preservation Planner II  
Erin Cote, Historic Preservation Planner II  
Rebecca Sell, Historic Preservation Planner I  
Karen Gonski, Administrative Technician  
Leonard Reuter, Esq.

**ALSO PRESENT**

Liz Blazeovich, Preservation Alliance  
John Gallery, Preservation Alliance  
Joseph Pooler  
Will Robinson, Office of Councilman Frank Rizzo  
Alex Rice, Gardner/Fox  
Laurits Schless, Gardner/Fox  
Sherman Aronson, BLT Architects  
Carl Primavera, Esq.  
Ralph Pinkus, Esq.  
Michael Kershaw  
Richard Thom, Old City Civic Association  
Jessica Zeigler-Cihlar, John Milner Associates  
Daniel Promislo  
Gary Vernick  
Brad Ehnert  
David Peppard  
George Claflen, Claflen Associates  
Daniel Hartzog  
Daniel Mann

### **CALL TO ORDER**

In the absence of a Chair, Ms. Smyler called the meeting to order at 9:00 a.m. Commissioners Amburn, Benoliel, Clark, Dilworth, Mattioni, Sherman, Thomas, Evans, Leonard, Merriman, Schaaf, Schlotterbeck, and Wilds joined her.

### **ELECTION CHAIR, VICE CHAIR AND CHAIR OF THE COMMITTEE ON HISTORIC DESIGNATION**

**ACTION:** Ms. Smyler moved to nominate Mr. Sherman as the Chair. Mr. Wilds seconded the motion, which passed unanimously.

**ACTION:** Mr. Sherman moved to nominate Mr. Wilds as the Vice-Chair. Ms. Smyler seconded the motion, which passed unanimously.

**ACTION:** Mr. Sherman moved to nominate Mr. Dilworth as the Chair of the Committee on Historic Designation. Ms. Smyler seconded the motion, which passed unanimously.

### **MINUTES OF THE 545<sup>TH</sup> STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION**

**ACTION:** Upon a motion proffered by Ms. Merriman and seconded by Mr. Schaaf, the Commission unanimously approved the minutes of the 545<sup>th</sup> Stated Meeting of the Philadelphia Historical Commission, held 11 January 2008.

### **THE REPORT OF THE ARCHITECTURAL COMMITTEE, 22 JANUARY 2008**

Vincent Rivera, Chair

#### **215 VINE STREET**

Owner: Gary and Kim Vernick

Applicant: Elaine DelDuca

History: vacant lot subdivided from 217 Vine Street

215-217 Vine Street classified as contributing to the Old City Historic District

Project: Construct single family dwelling

**NO-QUORUM RECOMMENDATION:** The members of the Architectural Committee voted to recommend approval.

**OVERVIEW:** The property owner submitted an application in November 2007 proposing the construction of a four-story, single-family dwelling at the corner of N. American and Vine Streets. This application proposed a contemporary building with wide bay windows at the second, third, and fourth stories on the Vine and American Street facades, a recessed balcony at the fourth story on the east façade, and a garage with curb cut on the east side. In December 2007, the Commission approved in concept a four-story building with a bay window on the American Street façade that does not extend above the fourth-floor ceiling height, but no bay on the Vine Street façade.

The applicant now proposes a revised design for final approval. The redesign is contemporary, but includes some design elements suggested by the Architectural Committee and Historical Commission. On the Vine Street façade, the bay has been eliminated. The casements, stone lintels and sills, coursing, and fypon cornice have been proposed to correspond with the adjoining historic structure. A dormer is proposed at the fourth story. On the American Street

façade, the bay window terminates beneath the fourth-floor ceiling height. The windows in the bay are casements with muntins. The coursing on the south façade continues at the east façade. Stone steps are proposed for each entrance.

**DISCUSSION:** Ms. Sell presented the proposal to the Commission. Property owner Gary Vernick represented the application.

Mr. Vernick stated that he agreed with the recommendation of the Architectural Committee. He also stated that he was withdrawing his request to rescind the designation of his property. Mr. Sherman asked the applicant to comment on the type of metal proposed for the façade. Mr. Vernick stated that he had not yet made a final decision on the metal, but would base his choice on the metal used for bays at a building at 4<sup>th</sup> and Vine Streets. He added that the brick would be a colonial red brick seen throughout the neighborhood.

**ACTION:** Mr. Wilds moved to approve the application as revised. Ms. Smyler seconded the motion, which passed unanimously.

### **801-823 MARKET STREET**

Owner: PREIT Pennsylvania Real Estate Investment Trust

Applicant: Philip Yocum

History: 1929; designated 6/9/2006

Project: Replace glass, restore windows, add louvers, remove non-historic addition, clean masonry

**NO-QUORUM RECOMMENDATION:** The members of the Architectural Committee voted to recommend approval, provided the louvers proposed for the Market and 8<sup>th</sup> Street facades are painted black and set behind unglazed sash.

**OVERVIEW:** This application proposes to replace existing opaque wire glass in the second through sixth-story windows with clear glass to match the existing glass in the seventh through thirteenth-story windows.

On the sixth-story balcony at the southeast corner, the applicant proposes to demolish a non-historic one-room addition, open and restore two infilled window openings, and install two metal windows to match the historic window design. The addition is concealed behind a parapet and not visible from the public right-of-way.

The applicant proposes to restore windows marked "A," "B," "C," "F," and "G" on the north, south, and east facades to match the existing historic window. The applicant also proposes to remove window sash and install louvers within existing window frames at locations marked "D" and extend existing half-louvers to full window louvers at all locations marked "E" on the north, south, and east facades. (See plans A911 and A912).

Masonry cleaning is also proposed.

**DISCUSSION:** Ms. Sell presented the proposal to the Commission. Architect Jessica Zeigler-Cihlar represented the application.

Mr. Wilds asked for a clarification of the meaning of "unglazed sash." Ms. Sell replied that the term referred to a louver set behind the sash without glazing. With the louver painted black, it would give the impression of an unaltered window. Mr. Schaaf noted that, if the louver was later

removed, the sash could be reglazed and returned to its original state. Mr. Baron explained that the applicant could not propose the more common solution of ducting to the roof because the upper floors are currently occupied and under separate ownership. Mr. Thomas suggested that the louvers be painted a flat black, with the staff to review details. Mr. Mattioni asked the applicant if that was her intention. Ms. Cilar replied that she would seek the staff's approval of the paint selection.

**ACTION:** Ms. Merriman moved to approve the application, provided the louvers proposed for the Market and 8<sup>th</sup> Street facades are painted black and set behind unglazed sash, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

### **1515 NORTH STREET**

Owner: David Peppard

Applicant: David Peppard

History: c. 1855; contributing to the Spring Garden Historic District, 10/11/2000

Project: Legalize demolition of rear one-story addition; replace doors and windows; stucco rear façade; clean front façade.

**NO-QUORUM RECOMMENDATION:** The members of the Architectural Committee voted to recommend approval, with the staff to review the details.

**OVERVIEW:** This application proposes restoration to the front façade with installation of a four-panel door and 2-over-2 windows at the first, second, and third stories. It also proposes masonry cleaning. The plans are not adequately annotated and no shop drawings or specifications have been submitted for review.

The applicant proposes to legalize the removal of a rear one-story shed, exposing an interior wall. The building was constructed about 1855 and Bromley's 1910 Atlas indicates the existence of a rear one-story shed. Photographs submitted by the applicant show the shed covered in clapboard siding prior to demolition.

In the rear, the applicant proposes to stucco the entire façade, and install doors, a six-light window at the first story, and 6-over-6 windows in all other window openings. No shop drawings have been submitted for review.

**DISCUSSION:** Ms. Sell presented the application to the Commission. Brad Ehnert and David Peppard represented the application.

Ms. Smyler asked why this application was deemed incomplete. Ms. Sell explained that the applicants had submitted additional material since the Architectural Committee meeting. The staff now considers the application complete.

Mr. Wilds asked the applicants if they removed the shed prior. Mr. Ehnert replied that they had removed the shed owing to unsafe conditions and water leaking into the house. The contractor made an impromptu decision to remove it.

Mr. Sherman asked if the façade would be repointed. The applicants replied that they would retain its current pointing and would stucco the rear with a smooth finish.

**ACTION:** Ms. Merriman moved to adopt the recommendation of the members of the Architectural Committee and approve the proposal, with the staff to review the details. Mr. Wilds seconded the motion, which passed unanimously.

### **713 WALNUT STREET**

Owner: Barbara Caine

Applicant: Daniel Promislo

History: 1799-1801 by Benjamin Latrobe; individually designated 4/30/1957; significant to the Society Hill Historic District, 3/10/1999

Project: Legalize signage

**NO-QUORUM RECOMMENDATION:** The members of the Architectural Committee voted to recommend approval of the planter, street numbers in mortar joints, and light fixture, pursuant to Standard 9; denial of the flat sign and awning, pursuant to Standards 5 and 9.

**OVERVIEW:** This application proposes to legalize the installation of an aluminum awning with signage on the front façade. The awning covers the original historic fanlight and door moldings. This application also proposes to legalize a temporary hanging sign on the first-story façade, a wooden box addition with five metal figurines on an existing brick planter, and a circular light fixture mounted adjacent to the doorway. This application proposes the installation of a flat aluminum sign to be mounted between the first-story windows and new metal street address numbers mounted to the masonry.

**DISCUSSION:** Ms. Sell presented the proposal to the Commission. Daniel Promislo, the father of the retail tenant, represented the application.

**MOTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee members and approve the planter, street numbers in mortar joints, and light fixture, pursuant to Standard 9; and deny the flat sign and awning, pursuant to Standards 5 and 9. Ms. Smyler seconded the motion.

Mr. Promislo explained that the 700-block of Walnut includes about sixteen awnings at storefronts. He explained that his daughter, the store owner, needs the signage to attract customers to her business. Mr. Wilds asked whether the Commission should consider this application in light of the fact that the property owner apparently did not authorize it, as is required by law. He asked Mr. Reuter, the Commission's attorney, to comment on the validity of this application. Mr. Reuter explained that the local ordinance governing the submission of permit applications allows the property owner or his or her authorized agent to submit building permit applications. Therefore, this application may not be valid. He noted that there may be provisions in the lease agreement between the property owner and business owner giving the tenant authorization to alter the storefront. He recommended that the property owner state her position on the application in writing. Barbara Mary Caine, the property owner, addressed the Commission. She stated that she did authorize some alterations, but with the condition that the tenant obtain all of the necessary approvals and permits before undertaking the work. She stated that she had numerous documents demonstrating that she required all approval and permits before any work was done. The tenant did not meet these requirements, but undertook the work without approvals. She stated that the metal decorative figures at the sidewalk are sharp and rusted and therefore dangerous. She stated that she had specifically prohibited new signage. She recently discovered that signage had been installed without her approval. Ms. Caine was adamant that the metal figures be removed immediately because they are dangerous. She also noted that her signage had been removed without her consent.

Mr. Wilds suggested tabling the proposal to allow the parties to seek a compromise. Ms. Caine stated that the metal figures must be removed immediately. She also insisted that the railings removed without her permission are reinstalled.

**WITHDRAWAL OF MOTION:** Mr. Wilds and Ms. Smyler withdrew their motion to adopt the recommendation of the Architectural Committee members and approve the planter, street numbers in mortar joints, and light fixture, pursuant to Standard 9; and deny the flat sign and awning, pursuant to Standards 5 and 9.

**MOTION:** Mr. Wilds moved to table the application for a period not to exceed six months. Ms. Smyler seconded the motion.

Mr. Schaaf observed that awning lettering is not allowed in this C5 zone. Mr. Thomas suggested that a blade sign might be appropriate for this building. Mr. Schaaf replied that projecting signs are not allowed in this zoning designation. Mr. Thomas acknowledged that a blade sign would require a zoning variance.

Ms. Caine asked the Commission to deny the application because she did not authorize it. Mr. Reuter suggested tabling rather than denying. He stated that the Commission does not fully understand the lease agreement. An outright denial may result in an appeal. He opined that tabling the application would allow the parties to seek a solution.

Brian Caine, an attorney and the son of the property owner, stated that he is concerned about the dangerous, metal figures. Ms. Merriman asked Ms. Evans of the Department of Licenses & Inspections if her department could order the removal of the figures. Ms. Evans replied that her Department could not order their removal unilaterally, but the Commission could request that the Department enforce a violation that included altering the exterior of the building with the unapproved figures. Mr. Promislo stated a risk assessor from the store's insurance company advised that the metal figures are not dangerous. Mr. Wilds urged the parties to find a compromise before returning to the Commission.

Ms. Schlotterbeck suggested that the Department of Licenses & Inspections is responsible for determining the validity of the permit application and the extent of the illegal work. Mr. Sherman noted that the addition of the awning is undeniably illegal. Ms. Schlotterbeck asked Ms. Evans to have the Department review its file on the application. Ms. Evans replied that the work was done without a permit and therefore the Department would have record of it. She noted that the illegal work may also require a review by the Art Commission. Ms. Sell stated that she had contacted the Art Commission about the illegal work and would ascertain what, if any, decision the Art Commission had reached. Mr. Wilds noted that the Department would retain its right to enforce any violations during the six-month tabling period. Mr. Thomas noted that illegal work is always ultimately the responsibility of the property owner.

Mr. Promislo stated that he would accept a tabling of the application and would seek a settlement with the owner. Mr. Thomas suggested that the staff mediate a discussion by the parties. Mr. Caine asked that the Commission deny the application and require the store owner to submit a new compromise application. Ms. Schlotterbeck asked if the planter, which may extend into the footway, raises any issues. Ms. Evans stated this matter was within the purview of the Streets Department.

**ACTION:** The Commission voted to adopt Mr. Wilds and Ms. Smyler's motion to table the application for a period not to exceed six months by a vote of 8 to 6. Commissioners Thomas, Leonard, Merriman, Schlotterbeck, Sherman, and Wilds dissented.

**1801 VINE STREET (FAMILY COURT BUILDING)**

Owner: City of Philadelphia

Applicant: David Villela

History: 1938-1941 by architects John Windrim and W.R. Morton Keast; designated 6/29/1971

Project: Install handrails

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, pursuant to Standard 9.

**OVERVIEW:** This application proposes to install handrails in the middle three bays and at the sides of steps leading to the Family Court Building. The handrails would be attached to the granite steps of the court house. The public enters the building through a sequence of spaces, first an arcade, then a vestibule, and finally a reception lobby. These spaces are reached by a series of stairs. The applicant proposes to install simple rails made of painted steel posts and bronze handrails. The proposed design would be compatible with the Neo-classical grandeur of this building without being historicist.

**DISCUSSION:** Mr. Danta presented the application to the Commission. Architect George Claflen represented the application.

Ms. Schlotterbeck asked for information on the placement of the rails. She stated that she had not been apprised of the project in her role as Commissioner of the Department of Public Property. She asked if the Art Commission had approved the plan. Mr. Claflen responded that the Art Commission had been informed of the project and had indicated that the Historical Commission should rule on the proposal prior to any Art Commission review. The Family Court has approved of the project. He noted that the Architectural Committee recommended approval as well. Mr. Claflen showed the locations of the stairs where the hand railings would be installed. He noted that the bicycle racks would be moved to the curb area. The hand rails will be bronze on a steel base and will reference a decorative handrail in the lobby of the building.

Mr. Wilds stated this building is a companion to the Free Library building to the west. He asked if that building has similar hand rails. Mr. Claflen replied that the library has inferior railings with awkward proportions. He asserted that the proposed railings are superior but compatible with those at the library.

Mr. Thomas asked about the method of anchorage. Mr. Claflen replied that the railings would be mounted in an escutcheon with a cover.

**ACTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the proposal, pursuant to Standard 9. Ms. Merriman seconded the motion, which passed unanimously.

**2503 S. 21<sup>ST</sup> STREET**

Owner: Joseph & Terri Pooler

Applicant: Anthony Miskitz

History: c. 1910

Project: Install clad windows with simulated-divided-light windows

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Standards 2, 3, 6, and 9.

**OVERVIEW:** This application proposes to replace all the windows in this c. 1910 Colonial Revival house in Girard Estate. The staff conducted a site visit and concluded that the original windows for this property were wood one-over-one double hung units. The applicant proposes to install aluminum-clad, 6-over-6, simulated-divided-light windows. The applicant did not submit shop drawings for the proposed windows.

**DISCUSSION:** Mr. Danta presented the application to the Commission. Property owner Joseph Pooler represented the application.

Mr. Pooler stated that he would like the Commission to approve wood, true-divided-light, 6-over-6 windows for the front of his house and clad, simulated-divided-light, 6-over-6 windows for the side and the back. He claimed that the 6-over-6 windows were as historically accurate as the 1-over-1 windows suggested by the staff. Mr. Wilds noted that the side of the house is highly visible from the public right-of-way. He asked the applicant to elaborate on his window preference. Mr. Wilds observed that the appropriate windows are essential to the historic character of the house. He noted that the staff had investigated the windows and determined that the 1-over-1 window was appropriate. Mr. Pooler reported that his neighbors with similar houses had 1-over-1 and 6-over-6 windows. Mr. Danta stated that, although many Colonial Revival styles houses had multi-pane windows, this particular type in Girard Estate had 1-over-1 windows originally. He explained that he conducted a site visit and discovered that the only 6-over-6 windows in this house type were replacement windows. The original windows were 1-over-1. Mr. Pooler stated that, of his 30 windows, 25 are vinyl replacements. He stated that any window he installs would be an upgrade from the existing windows. He asked for "latitude." He estimated that 95% of the houses in Girard Estate do not comply with the Historical Commission's requirements. Mr. Sherman asked the applicant if he intends to use simulated-divided-light windows. The applicant stated that he is offering wood, true-divided-light, 6-over-6 windows for the front of his house and clad, simulated-divided-light, 6-over-6 windows for the side and the back. He added that he would install the wood, true-divided-light windows in the four visible side windows as well. Mr. Danta stated there are two issues with the application: the pane configuration and wood, true vs. clad, simulated windows. He again stated that there is clear evidence that the house originally had 1-over-1. Mr. Thomas asserted that changing the pane configuration to 6-over-6 without evidence would constitute false historicism. He contended that it would be false historicism regardless of the quality or cost of the replacement window. He also noted that many of the houses in the district that do not have the appropriate windows were altered before the Commission's jurisdiction took effect. He stated that those buildings would be restored to their historic appearances over time. He advised that the Commission should require compliance with the Secretary of Interior's Standards.

**ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standards 2, 3, 6, and 9. Ms. Evans seconded the motion, which passed unanimously.



### **1913 DELANCEY STREET**

Owner: Robert Kirkpatrick & John Wind

Applicant: David Pizzico

History: c. 1920

Project: Construct garden wall with parking gate

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, pursuant to Standard 9 and 10.

**OVERVIEW:** This application proposes to enclose an open front yard, used for parking, with a new garden wall with a parking gate. The property was originally constructed as the rear of a house facing Spruce Street, which was subdivided creating a separate property facing Delancey Street. The applicant would like to formalize the space, to give it the appearance of a front façade and to enhance the streetscape. The proposed design includes an arched brick garden wall with a central accordion garage gate. The gate would be flanked by two piers topped by urns and pedestrian doors. The parking space and entrance pathway would be paved. The designation photograph shows a second-floor metal balcony that has since been removed. The applicant would like to install a new balcony of similar design in the same location.

**DISCUSSION:** Mr. Danta presented the application to the Commission. Architect Laurits Schless represented the application.

Mr. Schaaf asked about the construction of the gate at the parking entrance. Mr. Schless stated that the opening would be spanned by a steel beam. He stated that an engineer had designed the structure.

**ACTION:** Ms. Merriman moved to adopt the recommendation of the Architectural Committee and approve the proposal, pursuant to Standard 9 and 10. Ms. Smyler seconded the motion, which passed unanimously.

### **111 S. 15<sup>TH</sup> STREET (PACKARD BUILDING)**

Owner: David Grasso; 111 S. 15<sup>th</sup> Street Associates

Applicant: Peter Lazor, AIA

History: 1922, Ritter & Shay, Architects

Project: Penthouse addition

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, with the staff to review details.

**OVERVIEW:** An earlier version of this application was presented at the December 2007 Architectural Committee meeting and withdrawn prior to the Commission meeting. The applicant now proposes a revised design that incorporates the comments of the Committee members about the cladding material. The application proposes to reconstruct the penthouse on the roof of the Packard Building. Currently the building has a one-story penthouse, which would be altered into a two-story residential space. The proposed design for the penthouse is contemporary in style and would be clad in brick and cast stone. The proposed brick color would differentiate the new portion of the penthouse from the old. Owing to the height of the building and the obstructions of the sight lines by neighboring high-rise buildings, the proposed alterations would be minimally visible. The west elevation facing Chestnut Street would be the most visible. The architect has made this elevation the focal point of his design. The addition would be compatible in rhythm and scale to the upper stories of the Packard building without copying its Renaissance design elements.

**DISCUSSION:** Mr. Sherman advised the Commission that the applicant's attorney, Carl Primavera, is also the attorney for his business. He offered to recuse. The Commission advised that there was no conflict and Mr. Sherman decided to participate in the review.

Mr. Baron presented the application to the Commission. Carl Primavera represented the application.

The Commission members reviewed the application and agreed that the revised plan complied with the suggestions offered by the Architectural Committee during its initial review.

**ACTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details. Ms. Smyler seconded the motion, which passed unanimously.

### **6918-6926 RIDGE AVENUE**

Owner/Applicant: Michael S. Kershaw

History: Christopher Ozias House, c. 1805

Project: Legalize complete demolition

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to adopt the staff recommendation and recommend that the record clearly indicates that the current owner failed to keep this building in good repair as required by Section 14-2007(8)(c) of the Philadelphia Code:

The exterior of every historic building, structure and object and of every building, structure and object located within an historic district shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of which may cause or tend to cause the exterior to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

The Committee therefore recommended that the Commission require the owner to reconstruct the historic building, pursuant to Section 14-2007(9)(d):

Any person who alters or demolishes a building, structure, site or object in violation of the provisions of Section 14-2007 or in violation of any conditions or requirements specified in a permit shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to and not in lieu of any penalty or remedy available under the Code or any other applicable law.

**OVERVIEW:** This application proposes the legalization of the demolition of the early nineteenth-century, rubblestone Christopher Ozias House, which stood at 6918-6926 Ridge Avenue. After the house partially collapsed, an inspector from the Department of Licenses & Inspections declared the building Imminently Dangerous on 20 November 2007. The violation notice ordered the property owner to demolish or repair it (Case #135543). The inspector ordered him to demolish it immediately. The property owner retained Geppert Bros. Inc. (Contractor License #21794) to demolish the house and clear the lot of debris. The work was undertaken without the approval of the Commission or a demolition permit. The owner now seeks the Commission's approval of the demolition as a prerequisite for a demolition permit. The owner has simultaneously applied to the Commission for the rescission of the designation; that application will be forwarded to the Committee on Historic Designation and the Commission.

The Commission designated the property on 30 October 1962. The current owner purchased the property on 1 December 2000. In his cover letter with the application, the owner states that the "property was in deplorable shape" when he purchased it. He explains that "During this time the whole back end of the property has been continually falling down." From the purchase in December 2000 to the collapse in November 2007, the property owner did not submit any applications for repair or other work to the Commission.

The property has been the subject of many complaint calls to the Department of Licenses & Inspections including several since the Department began using its Hansen computer system in 2004, which are listed here. On 31 August 2004, Councilman Michael Nutter's office informed the Department that the yard was overgrown with weeds. Violations were issued under the Department's old LIMS computer system. On 31 March 2006, the Police Department reported to the Department that the house was vacant, the side had partially collapsed, and squatters were occupying the building. The Department declared the building Unsafe on 3 April 2006 (Case #58155). On 12 and 17 April 2006, two citizens filed separate complaints alleging that the front porch was rotting and falling toward Ridge Avenue. On 26 July 2006, the Ridge Park Civic Association complained that the house was vacant, open, and strewn with trash and debris. On 22 October 2007, the Historical Commission requested an inspection and violations after a porch was demolished without the Commission's approval. On 20 November and 11 December 2007, the Fire Department informed the Department that the building was collapsing.

The owner is in the process of selling the now-vacant lot for redevelopment as a branch bank. On 27 September 2007, an application was submitted to the Department of Licenses & Inspections for a zoning permit that included the demolition of all existing structures and the construction of a one-story building with parking (App. #101266). On 25 October 2007, a building permit application was submitted to the Department for the construction of a bank building (App. #111629). In October 2007, a Commission staff member met with Thomas Chapman, an attorney representing Wachovia Bank, and explained to him that the site was designated as historic and the staff did not have the authority to approve a demolition application.

**DISCUSSION:** Mr. Farnham presented the application to the Commission. Attorney Ralph Pinkus, property owner Michael Kershaw, and attorney Carl Primavera, who represents the equitable owner of the property, represented the application.

Mr. Farnham distributed an email from a member of the Roxborough community that claimed that the applicant had deliberately destabilized the building, causing to collapse. Mr. Farnham noted that the accuser provided no evidence to support his claim. Mr. Farnham also explained that the staff and Committee recommendations are flawed. He explained to the Commission that it must approve, deny, or table all applications; the recommendation does not propose any such action. He suggested that the Commission approve with or without conditions such as the reconstruction of the building, deny, or table the application.

Mr. Wilds noted that the application to rescind the designation of this property would not appear before the Commission until the March meeting. Mr. Farnham stated that the Commission could table the current application and consider both the legalization and rescission simultaneously at the next meeting; both applications will raise the same issues. Mr. Pinkus asked the Commission to act on the legalization application today. Ms. Smyler asked Mr. Reuter to comment on the legal issues raised by this case. Mr. Reuter explained that, if the Commission elects to require the owner to rebuild the lost historic building, it must be done in one of two ways, either as a condition of the approval of the legalization or through the courts. A denial of

the legalization of the demolition would not limit the Commission's discretion in the designation matter. Mr. Wilds suggested that a rescission would not necessarily render a requirement to rebuild moot. If the Commission approved the legalization of the demolition today with the condition that the owner must rebuild the lost historic building, then that requirement would persist as part of the legalization even after the designation was rescinded. Ms. Smyler suggested that it might be prudent to consider the legalization and rescission together.

Mr. Sherman noted that Mr. Kershaw purchased the property in 2000; he asked about the use of the building at the time of purchase. Mr. Kershaw replied that the building had been vacant since 1993. Since the time of purchase, he had intended to demolish the building and expand his neighboring real estate business onto the site. Mr. Pinkus stated that the building was in a deteriorated state. Mr. Kershaw stated that he had no knowledge of the historic designation until the building collapsed. The Department of Licenses & Inspections apprised him of the designation when he applied for the demolition. He stated this was the first time he had applied for a building permit of any kind for the building. Mr. Pinkus explained that the City had continued to send violations for the property to the former owner, Henry Janzano, long after Mr. Kershaw purchased the property.

Mr. Sherman questioned the applicant's decision not to maintain the building. He suggested that this was a clear case of demolition by neglect. Ms. Schlotterbeck was skeptical of the applicant's claims and opined that this was a case of deliberate neglect. Mr. Pinkus objected to the Mr. Sherman's comment. He asserted that his client enjoys a good reputation in the community. He contended the house was a deteriorating termite-ridden building. Mr. Sherman asked Mr. Kershaw why he had not sought to demolish the building sooner. Mr. Kershaw stated that his business plans changed and he did not have an opportunity to demolish the building sooner.

Mr. Primavera stated that Roxborough Community Development Corporation approves of the new development. He stated that the new development has its zoning approvals and it will replace a dilapidated building with a new business, which will improve the quality of life on Ridge Avenue and in Roxborough. Mr. Wilds asked about the relevance of the Community Development Corporation's approval of the new development. Mr. Primavera stated that the bank has been working since October to develop this site and cannot accept a delay or a forced reconstruction. He also stated that Mr. Kershaw was ordered by former Commissioner Sovibile of the Department of Licenses & Inspections (L&I) to demolish the building immediately. Mr. Wilds asked Mr. Pinkus if his client was advised by L&I to demolish the building without a permit. Mr. Pinkus explained that an inspector in L&I's Contractual Services posted an Imminently Dangerous notice on the property. When Mr. Kershaw saw the notice, he called the inspector, who directed him to demolish the building immediately. Mr. Pinkus claimed that his client asked if a permit was necessary for demolition, but was told to demolish it immediately. Mr. Pinkus stated that Mr. Kershaw was informed that L&I would demolish the building and place a lien on the property if he did not demolish it immediately. Ms. Schlotterbeck objected to the testimony and asked Ms. Evans of L&I to comment. Ms. Evans stated that a building permit for demolition must be obtained before any demolition is undertaken. She stated that she found it difficult to believe that Mr. Kershaw, who is in the real estate business, was unaware of the designation even though he had owned the property for years. Mr. Kershaw again asserted that the L&I inspector ordered him to demolish the building immediately. He explained that his contractor was reluctant to demolish the building without a permit and only undertook the demolition after receiving verbal permission from the inspector. Mr. Pinkus stated that his client was ordered to demolish the building immediately. Mr. Mattioni asked if the requirement to demolish the building to abate the safety hazard absolved him of the requirement to rebuild it.

He noted that Mr. Kershaw had had seven years to address the neglect. Mr. Pinkus again stated that all violation notices were sent to the previous owner. Mr. Wilds countered that Mr. Kershaw operated a business adjacent to the neglected building and was aware of its condition regardless of the receipt of any notices. Mr. Primavera stated that the City should conduct an investigation and determine which City agencies are at fault. He stated that the community would suffer if the Commission held the parcel "hostage." Mr. Sherman responded that the Commission is charged with protecting historic fabric. Mr. Pinkus reiterated that his client purchased the property to demolish the building. The designation was not noted on the title report.

John Gallery of the Preservation Alliance strongly objected to the rescission of the designation owing to the illegal demolition.

Mr. Reuter stated that he works on a daily basis with the L&I inspector who the applicants claim ordered the demolition. He stated that he is familiar with the situation. He stated that the demolition occurred without an approved permit. However, he believes that the demolition was ordered by L&I because there had been a collapse and there was a imminent threat to the safety and well-being of the public. In extraordinary circumstances, L&I can order a demolition without a permit in advance. Mr. Reuter stated that the L&I inspector has great integrity. Mr. Reuter remarked that, even if L&I ordered the demolition, the Commission is not obligated to approve the legalization request. It is within the Commission's discretion to approve with or without conditions, deny, or table. This may be a case of demolition by neglect. The fact that it was demolished after it became a danger may, in fact, not be relevant. The circumstances leading up to the demolition may be more relevant. He concluded, stating that neither the Commissioner nor the inspector did anything "untoward." They were acting in the best interest of the public.

Mr. Primavera requested that the bank not be required to rebuild the lost building.

**ACTION:** Mr. Mattioni moved to deny the application to legalize the demolition of the historic building. Ms. Evans seconded the motion, which passed unanimously.

### **5339 KNOX STREET**

Owner: Daniel Hartzog & Lorin Thomas

Applicant: Cory Ritter

History: c. 1876; designated 3/29/1966

Project: Reroof mansard with asphalt shingles

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Standard 6.

**OVERVIEW:** This application proposes to reroof the mansard and porch roofs of this Second Empire house with Hatteras simulated slate squared asphalt shingles and to cap the mansard ridges with shingles. Originally, the mansard would have hexagonal shaped slate shingles with copper ridge rolls. Currently the mansard is clad in asphalt shingles with shingles on the ridges. The staff would approve Carriage House simulated slate octagonal asphalt shingles, as the hexagonal shape is not available in asphalt shingles, and copper or aluminum ridge rolls.

**DISCUSSION:** Ms. Cote presented the application to the Commission. Property owner Daniel Hartzog represented the application.

**MOTION:** Mr. Wilds moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Ms. Merriman seconded the motion.

Mr. Hartzog stated that his roofer installed a single Carriage House shingle in the color recommended by the staff on the mansard to allow he and his wife to evaluate it. He stated that the false shadow line gave the shingle a very artificial appearance. It did not mimic the original slate. His roofer then installed a single Carriage House shingle in the black pearl color. The main color of the shingle and the color of the shadow line are almost identical; there is very little contrast between the two. Mr. Hartzog and his wife deemed this shingle acceptable as a compromise and now request an approval of the Carriage House shingle in black pearl color, which has the historic octagonal shape. He also stated that he will reproduce the original copper ridge rolls. Mr. Wilds shared his concern about the colors of some of the Carriage House shingles. He recalled a building on 36<sup>th</sup> Street, which has the offending shingle.

**WITHDRAWAL OF MOTION:** Mr. Wilds and Ms. Merriman withdrew their motion to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6.

**ACTION:** Mr. Wilds moved to approve the re-roofing of the mansard with Carriage House asphalt shingles in the black pearl color with copper ridge rolls, with the staff to review details. Ms. Merriman seconded the motion, which passed unanimously.

### **110 N. WOODSTOCK STREET**

Owner: Daniel Mann

Applicant: Daniel Mann

History: c. 1850; individually designated 03/25/1969; 04/28/1970

Project: Legalize windows in front façade

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend denial, pursuant to Standard 6.

**OVERVIEW:** This application proposes to legalize the installation of nine, 9-over-9, vinyl windows at the front façade of this row house. The historic windows were wood, 2-over-2 windows.

**DISCUSSION:** Ms. Cote presented the application to the Commission. Property owner Daniel Mann represented the application.

Mr. Sherman asked the applicant when he had become aware of the historic designation of his property. Mr. Mann replied that he learned of the designation only after receiving a violation for installing the inappropriate windows. He claimed that he was not notified of the designation. Mr. Mann reported that he had discussed installing glass block in basement window openings with one of his neighbors. The neighbor informed him that glass block was not allowed, but did not know why, and suggested that he investigate the restriction. He also stated that he questioned other neighbors about potential designations and restrictions, but never received a satisfactory answer. Several Commission members asked him why he had not contacted the Historical Commission if he was worried about its potential jurisdiction.

The Commissioners asked Mr. Farnham to comment on the Commission's notice to owners. He stated that the Commission complies with its notice requirements, but is seeking ways to augment its notice. He stated that the Commission may receive additional funding soon to allow it update its computer capabilities and notify property owners of designations and jurisdiction on

an annual basis. Ms. Smyler suggested educating realtors on the Commission's designations and jurisdiction, allowing them to inform potential buyers and sellers. Mr. Sherman asked if designations could be noted in the MLS system. Mr. Sherman asked the applicant how many properties are designated on his block. He stated that they all are.

John Gallery of the Preservation Alliance reported that the Alliance had mailed post cards in 2005 and again in 2007 to all owners of designated properties informing them that their properties are designated. Mr. Mann stated he was the only one on his block that did not receive the post card from the Alliance. Mr. Gallery acknowledged that their notification was not an official notification; however, he noted that the Alliance did use the addresses the Commission's official Register and official ownership information from the Board of Revision of Taxes.

Mr. Mann stated that he considered replacing his basement windows with glass block. A neighbor told him that glass block was not allowed, but did not tell him why. Mr. Mann stated that he investigated, looking for the source of this alleged restriction, but did not discover the Commission's jurisdiction. Mr. Wilds asked if he had contacted the Logan Square Association as one of his neighbors had suggested in an email. Mr. Mann replied that he had not. He claimed that he had been diligent, but had not discovered the Commission's jurisdiction. Mr. Mann stated that he is confused by the process. He stated that he had appeared in Municipal Court as a result of the violations. Mr. Wilds remarked that the emails Mr. Mann, who is an attorney, had submitted show that he was clearly aware of the need for approvals for the work.

Mr. Wilds asked the applicant if he was proposing a compromise solution to the impasse. Mr. Mann replied that he would attempt to resolve the window issue with the staff. He stated that he had appeared before the Commission to voice his concern about notification process. Mr. Mattioni suggested he try to resolve the window issue at this meeting. Mr. Mann responded that he spent approximately \$6,000 for the six vinyl windows in dispute. Mr. Wilds responded that the six vinyl windows in the photographs should not have cost that much money; he contended that they must have been much less expensive. Mr. Sherman stated that he installed custom, wood, true-divided-light windows in his historic house for approximately \$600 per opening. He expressed skepticism about Mr. Mann's price claim. Mr. Wilds advised the applicant of his right to appeal to any Commission decision to the Board of License & Inspection Review. He also noted that the applicant could submit a financial hardship application to the Commission.

Mr. Mann again stated that the Commission was failing to notify owners properly of designations. He claimed that property owners often find themselves in his situation. Mr. Gallery objected and stated that he has attended the Commission's meetings for the past six years and has witnessed very few applicants make claims similar to the applicant's. Mr. Mann responded that another applicant had made similar claims earlier in the meeting.

**ACTION:** Mr. Schaaf moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 6. Ms. Smyler seconded the motion, which passed unanimously.

### **906 SPRUCE STREET**

Owner: William Manfredi

Applicant: Alexander Rice

History: 1820, William Strickland, architect; part of Portico Row; individually designated

Project: Construct two-story rear addition

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval, provided the bays are beveled at the corners and the heights of the bays are reduced, making the roofs of the bays independent of and below the rear ell roof.

**OVERVIEW:** This application proposes constructing a two-story addition on a one-story section of the rear ell of this important building at Portico Row. The building has been divided into condominiums. It suffered a fire in the 1980s and was reconstructed with modern windows at the rear ell. The owner would like to enlarge his unit, which is located in the rear ell, with the addition of two rooms. The applicant appeared before the Committee last month proposing an addition that would project out over the first floor of the rear ell by 30 inches on two sides; the projection would be supported by brackets. The revised application proposes bays on the south and west elevations of the addition, instead of the projections. The rear of this building is visible from 9<sup>th</sup> Street as well as Cypress Street, the service alley at the rear.

**DISCUSSION:** Mr. Baron presented the application to the Commission. Architect Alexander Rice represented the application.

**MOTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the application, provided the bays are beveled at the corners and the heights of the bays are reduced, making the roofs of the bays independent of and below the rear ell roof. Ms. Evans seconded the motion.

Mr. Thomas asked the staff to comment on the revised designs proposed after the Architecture Committee meeting. Mr. Baron replied that he considered both alternatives to comply with the Committee's recommendations.

Mr. Wilds asked if this application would encourage additional applications for bays on neighboring properties. Mr. Baron stated that this property is unique; the addition is proposed is proposed for an area of the building damaged by fire and rebuilt many years ago in a non-historic manner.

John Gallery of the Preservation Alliance emphasized the importance of Portico Row. He praised the revised design as a great improvement over the first design and urged its approval. However, Mr. Gallery suggested multi-pane instead of single-light casements to reduce their scale. The single-light casements have an inappropriate scale for Portico Row. He opined that the divided-light windows would reduce the scale. He encouraged the staff to approve the divided-light option when the final plans are submitted. Mr. Rice stated that he and his client prefer the double-hung, multi-pane windows, but would like to install simulated-divided-light windows for cost reasons. He would be agreeable to the double-hung windows if his client is not required to incur the cost of the true-divided-light windows. Mr. Baron stated that he deemed simulated-divided-light windows appropriate for this new construction.

**WITHDRAWAL OF MOTION:** Mses. Smyler and Evans withdrew their motion to adopt the recommendation of the Architectural Committee and approve the application, provided



the bays are beveled at the corners and the heights of the bays are reduced, making the roofs of the bays independent of and below the rear ell roof.

**ACTION:** Ms. Smyler moved to approve both revised submissions presented to the Commission, with the staff to review details. Ms. Evans seconded the motion, which passed unanimously.

**111 S. 15<sup>TH</sup> STREET (PACKARD BUILDING)**

Owner: David Grasso; 111 S. 15<sup>th</sup> Street Associates

Applicant: Dru Coulson

History: 1922, Ritter & Shay, Architects

Project: Install main entrance door, signage and awnings.

**ARCHITECTURAL COMMITTEE RECOMMENDATION:** The Architectural Committee voted to recommend approval of the awnings and bronze plaques, pursuant to Standard 9; approval of restoration of the lanterns and bronze spandrel, and the installation of the door system, with the staff to review details, pursuant to Standard 6; denial of the del Frisco sign on the Yellin iron gate, pursuant to Standards 5 and 9.

**OVERVIEW:** This application proposes to install a new entrance door system, signage, and awnings. The former bank space in the ground floor of this significant Renaissance Revival high-rise is being renovated for a restaurant. The Historical Commission reviewed a very similar application in June 2005. The previous applicant, the House of Blues, proposed signage and awnings in the same locations as the current application. The Commission approved that application as submitted; however, it reviewed that application in the context of related restoration to the building. The current application is presented as a stand-alone proposal.

The applicant proposes to install two bronze plaques at either side of the main entrance. These plaques would bear the name of the restaurant. Awnings are proposed for the windows along 15<sup>th</sup> Street. These awnings would take the place of existing ones. Along Chestnut Street, the applicant proposes to install a sign in front of the ornate iron gate. This gate was executed by Samuel Yellin and it is one of his most important works in the city. The proposal does not include any details as to the attachments, or materials of the sign; furthermore, the sign is proposed to occupy the location of an original flag pole that would be removed. The applicant also proposes to refurbish the iron lanterns at either side of the door, also by Yellin, and the decorative bronze spandrel above the entry doors; no details have been provided. Finally, the application proposes to install a new door system for the main entrance of the restaurant space. The design of the original doors is not known. The applicant proposes to install a central revolving door flanked by two single-light doors.

**DISCUSSION:** Mr. Danta presented the application to the Commission. Attorney Carl Primavera represented the application.

Mr. Danta presented a letter to the Commission from the Fairmount Park Art Association in opposition to the sign on the Yellin gate. He also notified the Commission that the applicant would present three new schemes. Mr. Primavera acknowledged that the proposed sign on the gate was not acceptable to many. He described the new proposals for the sign, which would not be attached to the gate. He displayed the three revised schemes and asked for guidance. Mr. Wilds noted that the Architectural Committee did not review the three new designs. He suggested that Mr. Primavera submit the revised proposals for review by the Architectural

Committee and then the Commission. Mr. Primavera agreed with the suggestion offered by Mr. Wilds and verbally withdrew the sign portion of the application.

**ACTION:** Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the awnings and bronze plaques, pursuant to Standard 9; approve restoration of the lanterns and bronze spandrel, and the installation of the door system, with the staff to review details, pursuant to Standard 6; and deny the del Frisco sign on the Yellin iron gate, pursuant to Standards 5 and 9. Mr. Wilds seconded the motion, which passed unanimously.

#### **ADJOURNMENT**

**ACTION:** At 12:30 p.m., Ms. Smyler moved to adjourn the meeting. Mr. Wilds seconded the motion, which passed unanimously.

#### **STANDARDS AND GUIDELINES CITED IN THE MINUTES**

Standard 2: The historic character of a property will be retained and preserved. The removal of distinct materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 3: Each property will 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 elements from other historic properties, will not be undertaken.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

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

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