

**REPORT OF THE COMMITTEE ON FINANCIAL HARDSHIP
PHILADELPHIA HISTORICAL COMMISSION**

**Wayne Spilove, Chair
Commission Conference Room
One Parkway, 1515 Arch Street, 13th Floor**

1 October 1998

Present

Wayne Spilove, Chair
Barbara Kaplan, Executive Director, City Planning Commission
David Brownlee, Ph.D., Architectural Historian
Bennett Levin, Department of Licenses and Inspections
Scott Wilds, Assistant Director for Housing, Office of Housing and Community Development

Richard Tyler, Historic Preservation Officer
R. Scott Jacob, Executive Secretary
Randal Baron, Assistant Historic Preservation Officer

Also

Barbara McGinley
M. Patricia Carroll, Esq.
Frederick Slifer, The Salvation Army
Clare Yellin, Samuel Yellin Metalworkers
Chris Russo

Mr. Brownlee, acting as Vice Chair, called the meeting to order at 10:30 a.m. Mr. Spilove, Chair, arrived shortly after the meeting began.

5520-5524 Arch Street, Samuel Yellin Studio

Clare Yellin, Owner
Frederick W. Slifer/Salvation Army, Applicant
DATE: 1915
PROPOSAL: Demolition of building

This proposal calls for the demolition of the Yellin iron works building. Clare Yellin, owner of the building, finds that since relocating her shop to West Chester she has had trouble even giving the building away. Estimates for rehabilitation run in excess of one million dollars without including the cost of toxic waste removal, which would raise the cost by about \$500,000.00. Ms. Yellin intends to give the building and property to the Salvation Army for use as a children's playground.

Ms. Yellin stated that she can no longer continue the family business while paying for the maintenance of the Arch Street studio. The estimated cost of maintaining

the building per year amounts to more than \$12,000.00. Ms. Yellin stated that the estimated worth of the building in 1993 was between \$20,000.00 and \$25,000.00. Mr. Tyler informed the Committee that his examination of Ms. Yellin's and of Samuel Yellin Ironworks revealed that both have negative incomes. In view of this, the Committee agreed that the cost of maintaining the building in question constitutes a financial burden for Samuel Yellin Ironworks and Ms. Yellin.

Ms. Yellin stated that she will remove all of the ironwork her grandfather Samuel Yelling installed in the building, and that a few pieces will go to the Salvation Army so it can install them in an adjacent location with a marker indicating the former presence and history of the Samuel Yellin Ironworks. She also offered to make copies of architectural plans as well as company and family photographs depicting the history of the building and the studio for the Historical Commission files. The Committee asked for photographic recordation of the current state of the building for the files as well. Ms. Yellin and Mr. Slifer agreed to comply.

Mr. Brownlee made a motion to recommend approval of demolishing the building on the grounds of financial hardship, with photographic recordation of the current state of the building and copies of the architectural plans for the building, and copies of the historic photographs Ms. Yellin offered to reproduce for the Commission files. Ms. Kaplan seconded the motion which carried unanimously.

123 Christian Street

Chris Russo, Owner/Applicant

DATE: 1825

PROPOSAL: Legalize windows, security door

This proposal calls for legalizing several alterations to this house completed without a permit. Mr. Russo claims that a former owner closed the basement windows with glass block and changed the first and second floor windows to vinyl windows with snap-in muntins before he purchased the property in 1994. He added the security door for safety considerations, which he outlined in a letter to the Commission.

Mr. Russo claims that he does not have the money to remove the vinyl windows and he still needs the security door. Mr. Tyler explained to the Financial Hardship Committee members that the estimated cost of installing historically appropriate windows and frames would amount to roughly 18% of Mr. Russo's gross yearly income, as evidenced by financial data submitted by the applicant. Indeed, he qualifies for consideration for relief under the definition of low to moderate income set forth at section 10.2.a of the Commission's Rules and Regulations. Committee members shared the concern that Mr. Russo should not have to bear the cost of remedying the previous owner's errors. Some Committee members suggested that Mr. Russo's estimate may be up to 30% higher than necessary.

In an effort to mitigate Mr. Russo's expense, Committee members discussed alternatives to replacing all of the windows and door. Mr. Brownlee observed that the glass block basement window appear most inappropriate for this facade, and suggested the Committee consider them the top priority. Committee members agreed that the

security door, though inappropriate for the building, performs an important function in protecting the applicant's family. The Committee also considered allowing the retention of the vinyl windows until the applicant or a future owner wishes to replace them, at which time the Commission must review and approve appropriate replacement windows and frames.

Mr. Russo offered to fabricate a temporary frame to lend the appearance, at least, of the historic basement windows. Committee members rejected this proposal because the glass blocks sit flush with the facade, and a frame would stick out in an awkward manner. Committee members suggested to Mr. Russo that removing the glass block and installing appropriate frame windows and security bars would prove a considerably less expensive alternative to replacing all of the items in violation. Mr. Russo agreed, but asked the Committee to consider his current financial situation which prohibits him from rectifying even part of violation. Mr. Tyler remarked that a member of the Commission Staff could meet with Mr. Russo at his home to discuss options for the basement windows.

Mr. Brownlee made a motion to recommend legalizing on the grounds of financial hardship:

- 1. The security door*
- 2. First and second floor vinyl windows, but only until the applicant or a future owner wishes to replace them, at which time the Commission must review and approve appropriate replacement windows and frames.*

And to recommend denial of legalizing:

- 1. The glass block basement windows, with staff to work with the applicant to correct the basement windows.*

Mr. Wilds seconded the motion which carried unanimously.

2201 Delancey Street

Barbara McGinley, Owner/Applicant

DATE: c. 1865

PROPOSAL: Legalize replacement of slate roof with asphalt

This proposal involves the legalization of work that the applicant had completed without a permit. The work includes the removal of scalloped slate shingles from a three sided mansard and their replacement with square slate asphalt shingles. The new roofing material bears a resemblance to slate roofing material, though not the variety and style it replaced. Ms. McGinley had the cornice repaired to match the original, but the roofers removed the metal roof ridges at the corners and did not replace them.

Mr. Tyler related a brief history of the roofing project. He explained that the complex contractual arrangements of the project involves Mrs. McGinley, the owner, who claims that she did not know about the historical designation or its implications. She hired Mr. Pickford to work on the house. Mr. Pickford informed the applicant that, owing to his lacking a license to work in Philadelphia, he gave the job to contractor Jayne & Fisher who in turn subcontracted the job to Katona Roofing. In the midst of this confusion, no one pulled a permit for the work.

When this proposal came before the Historical Commission last year, the Commission opted to reject the recommendation of its architectural Committee to legalize the side and rear portions of the mansard, and ask the applicant to replace the front mansard with slate shingles that match the originals in color and design. Ms. McGinley was willing to comply with the Architectural Committee's recommendation. The Commission voted to send it to the Financial Hardship Committee.

Mr. Tyler stated that the owner has applied for relief under the financial hardship provision of the ordinance, section 14-2007((7)(k).7), and section 10 of the Rules and Regulations. Section 10 provides for application by persons other than those who meet low/moderate income levels as defined by HUD. Section 10.2.a states that the "Commission recognizes the existence of circumstances under which the rigid application of this standard [i.e. HUD] would result in unnecessary hardship. Examples of this include, but are not limited to, extraordinary medical expenses. . . ." Section 10.3.a provides for the confidentiality of personal financial information.

The applicant's tax return, which includes all her assets and income, indicates that she inherited what superficially appears to be a comfortable estate. By affidavit, Ms. McGinley stated that she currently supports four of her nine adult children who reside with her and are unemployed. A fifth lives in Florida on a farm purchased by her husband; this farm has not succeeded commercially, and Ms. McGinley provides the sole support of this son.

Most significantly, of the other three children one is mentally retarded, one has multiple sclerosis, and a third, now 31 years of age, suffers from schizophrenia and has resided in mental institutions or supervised housing for the past 15 years. The medical expenses of this third exceed the Adjusted Gross Income for 1997, as, obviously, do the total medical expenses incurred in 1997. Indeed, even after the 7.5% reduction of allowable medical expenses, the medical deduction for 1997 exceeds the AGI. Ms. McGinley spends capital to meet all other living expenses of herself and dependents. The long-term care of the three disabled children requires the preservation of considerable capital.

The cost estimate for the re-roofing of the three sides of the mansard in slate totals \$26,250 plus fees and permits, with an additional contingency of \$5,520 plus permit for any necessary sheathing replacement. This expenditure qualifies for consideration as a hardship within the meaning of the ordinance and the Rules and Regulations.

Mr. Brownlee made a motion to recommend legalizing the new shingles on the side and rear mansards on the grounds of financial hardship, and to deny legalization of the new shingles on the front mansard, and to ask the applicant to replace the front mansard with slate shingles that match the originals in color and design. Mr. Wilds seconded the motion which carried unanimously.

Respectfully submitted,

R. Scott Jacob
Executive Secretary