

**THE MINUTES OF THE 487th
STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION
14 March 2003 at 9:00 a.m.**

**City Council Caucus Room, 4th Floor, City Hall
Michael Sklaroff, Esq., Chair**

Present

Michael Sklaroff, Esq., Chair
Duane Bumb, Deputy Director, Commerce Department
Warren Huff, City Planning Commission
Thomas Kilkenny
Kathleen Murray, Special Assistant, Office of City Council President
David Perri, Deputy Commissioner, Department of Licenses and Inspections
Vincent Rivera, AIA
Denise Smyler, Esq.
Thomas Sugrue, Ph.D.
Norman Tissian
Scott Wilds, Deputy Director, Office of Housing and Community Development

Randal Baron, Historic Preservation Specialist
Jonathan Farnham, Historic Preservation Planner
Diane M. Hughes, Executive Secretary
Laura M. Spina, Historic Preservation Planner
Richard Tyler, Historic Preservation Officer

Lawrence K. Copeland, Esq., Senior Attorney, Law Department

Also

Siraik Zakarian, 2201 Green Street
Allen Rubin, Esq., 1918-20 Brandywine Street
Fern Polaski, 2220 Brandywine Street
J. Poe Leggette, 144-46 North 3rd Street
Joel Spivak, 616 Carpenter Street
Martin Doyle, Elfreth's Alley Association
Marc D. Brookman, Esq., Duane Morris & Heckscher LLP
Emily Cooperman, George Thomas Associates
Thomas Barton, Barton and Associates
Charles Rue, Matrix Residential Properties
Michael Pini, PCPC
Cory Kegerise, Elfreth's Alley
Conrad Membrino, 107 Arch Street, Apt 1H
Richard A. Stevens, 136 North 2nd Street
Lewis C. Manges, Elwyn
James Campbell, Campbell Thomas and Company
Joseph Beller, Esq.
Richard Thomas, Old City Civic Association
Marc Kaman, David Marcus Construction
David Amburn, Amburn/Jarosinski Architects
K.T. Ferero, Castings Condominium Association

Mr. Sklaroff, Chair, called the meeting to order at 9:04 a.m. Mr. Sklaroff welcomed Kathleen Murray to the Commission.

Minutes of the 486th Stated Meeting of the Philadelphia Historical Commission. Upon a motion made by Mr. Wilds, the Commission unanimously approved, the minutes as corrected of the 486th Stated Meeting of the Philadelphia Historical Commission held 14 February 2003, Michael Sklaroff, Chair.

THE REPORT of the Architectural Committee, 25 February 2003
Vincent Rivera, Chair

100-04 Market Street, SW corner of Front Street

Michael Yaron, Owner

Richard Wesley, Architect/Applicant

DATE: 100-02: 1882 for George & Albert Ulrich; 104: c. 1790

PROPOSAL: Rooftop penthouse, deck, HVAC and kitchen vent

The Architectural Committee recommended approval of the proposal, pursuant to Standard 9 as submitted, with the staff to review details.

This development returns to the Committee and Commission for approval of several parts. The development includes the Queen Anne Revival style building at 100-02 Market Street and the Federal style building at 104 Market Street. The entire development requires a new elevator, stairs and HVAC.

The penthouse housing the stairs is situated at the rear of 102 Market and will have brick-colored stucco walls. The penthouse will have two doors, one leading to the rooftop for access to the HVAC and elevator tower and one leading to a small deck. The HVAC will include a single, large chiller unit in front of the penthouse. It may be slightly visible from across Market Street, but will be painted to match the penthouse.

The Committee and Commission previously approved the elevator tower at the cornice-line of 102 Market. The proposal now pushes it back away from the cornice. The final piece is the ventilation system for the restaurant on the first two floors. The kitchen will vent at the rear of the gable on 104 Market Street. This unit may be visible from across Market Street.

Mr. Spina presented the proposal. The Commission concurred with the Committee's recommendation.

Mr. Sugrue made a motion to accept the Committee's recommendation. Mr. Rivera seconded the motion which carried unanimously.

109-31 North 2nd Street aka 117-25 Arch Street

National Products, LP, Owner

Stephen Patron, Matrix Residential Properties, developer, Applicant

DATE: 109-11: c. 1880; 115-17: c. 1875; 119-21: 1957-58; 123: c. 1880; 1925: 1957-58; terra cotta façade: 1957-58

PROPOSAL: Demolition of buildings behind façade and new construction in concept

The Architectural Committee recommended approval in concept, with consideration to the treatment of new openings in the terra cotta façade, egress onto Elfreth's Alley and the height of the tower on Arch Street.

This application comes to the Committee and Commission for approval in concept and is for the

development of the National Products building site. The development includes construction at this property as well as across the street. The west and north facades of the historic building will be kept, but the rest of the building will be demolished. The new construction includes a 6-story building behind the façade along 2nd Street with 40 housing units and first floor commercial space, a 10-story tower at 117-25 Arch Street with 91 units, and 17 townhouses on the interior of the site. The development will include underground parking with the ingress and egress from Arch Street. The open space at the corner of 2nd Street and Elfreth's Alley will remain a park.

The façade along 2nd Street will remain, but the proposal calls for cutting the terra cotta in four places to install storefront windows. The developer mentions new openings on the north façade, but no elevations are included. The new construction behind the terra cotta façade will have massing that follows the current façade, but the rest of the 6-story building will have a five-foot setback. The new building will have stucco and brick on the façade and will have a symmetrical configuration.

The Arch Street façade shows the 10-story tower with setbacks at the tower's side at the 6th floor with pergolas and terraces and then again at the 14th and 16th floors.

Marc Brookman, Esq., Charles Rue, Esq., Emily Cooperman, and Thomas Barton, the architect attended the meeting.

Mr. Sklaroff referred to the representatives of this project, for the presentation to the Commission. Mr. Brookman commented that the concerns of the community have been considered at great length. Mr. Barton emphasized the following points of concern by the community: sensitivity along Elfreth's Alley and Flag Pole Park; an open site for access from Cherry Street to Elfreth's Alley; access to Arch Street; the scale of the proposed buildings, and keeping the character of the National Products Building's terra cotta façade. In addition, he said that the only way to accomplish everyone's goal is to locate the parking beneath the ground. He noted that the scale has been reduced significantly to be comparable to Elfreth's Alley scale. 128 Elfreth's Alley would be detached and offered to the Elfreth's Alley Association and Flag Pole Park would be retained as open space. More importantly, he emphasized that the developer would continue to work with the Elfreth's Alley Association and the Old City Civic Association in the construction of the proposed development.

Mr. Sklaroff inquired if the terra cotta façade would be preserved. Mr. Barton responded that the orange terra cotta would be preserved with, perhaps, modifications to the National Products Sign. He also said that the new construction above the tile would be setback five feet to be sympathetic to the existing structure. Mr. Barton said that the north façade facing Flag Pole Park does not have penetrations, which would be needed for commercial businesses. The needed penetrations would require the removal of at least 20 to 30 percent of the terra cotta. Ms. Cooperman remarked that the original portion of the property would not be altered, only the portion that was altered in the 60s. Mr. Brookman reiterated that the developer is still conferring with both the Old City Civic Association as well as the Preservation Alliance to address areas of concern.

Ms. Spina stated that when the Committee toured the building, it noted that the historic, 19th century brick was removed prior to the installation of the terra cotta façade. The Committee recognized that the terra cotta skin does not relate to the older buildings behind it and the 19th century buildings have very little integrity left. Mr. Wilds concurred. Mr. Huff thought that the signage on the National Products analogous to the PSFS sign and it should be preserved. Mr. Barton said that the style and scale of the lettering is being maintained. Commission members noted that any change in signage would have to return for approval.

Richard Thom, Old City Civic Association, remarked that the taller proposed buildings exceed

the code requirements, and it remains an area of concern.

Mr. Sugrue made a motion to accept the Committee's recommendation for approval in concept, with consideration to the treatment of new openings in the terra cotta façade, egress onto Elfreth's Alley and the height of the tower on Arch Street. Mr. Huff seconded the motion which carried unanimously.

128 Elfreth's Alley

National Products, LP, Owner

Stephen Patron, Matrix Residential Properties, developer, Applicant

DATE: 1868

PROPOSAL: Sever from National Products building and demolish rear addition in concept
The Architectural Committee recommended approval in concept

Currently, the property at 128 Elfreth's Alley connects to the National Products building at 109-31 North 2nd Street. The proposal in concept is to sever this building from the main body of the property and to sell it as a separate property. The severing will include demolishing a rear addition.

The property, constructed in 1868, originally stood as a separate building. It was incorporated into the National Products development in the mid-twentieth century. Severing the building would restore it to a separate entity.

110-22, 128-34 North 2nd Street and 113-33 North Bread Street

National Products, LP, Owner

Stephen Patron, Matrix Residential Properties, developer, Applicant

DATE: 110-12 North 2nd Street: 1893 for Arthur Colburn; 128 North 2nd Street: c 1965; rest are empty lots

PROPOSAL: Demolition of 128 North 2nd Street, rehabilitation of 110-12 North 2nd Street, new construction in concept

The Architectural Committee recommended conceptual approval.

The proposed development on the west side of North 2nd Street includes: rehabilitation of 110-12 N. 2nd Street into 7 residential units, construction of a 6-story building housing 27 units at 114-22 N. 2nd Street, demolition of 128 N. 2nd Street and construction of 6-story building with 26 housing units at 128-34 N. 2nd Street. Along Bread Street the development includes a 13-story tower with 95 housing units and 28 townhouses.

114-22 N. 2nd Street are the only properties that currently appear on the Philadelphia Register; however, they suffered an arson fire in 1998 and are now vacant lots. Also, pursuant to the new ordinance pending before City Council, the demolition of 128 N. 2nd Street comes to the Historical Commission for review. The developer also wishes to have the Committee and Commission's comments on the development since it is part of an overall package including the east side of 2nd Street.

Mr. Rivera made a motion to approve in concept the three proposals which encompass the National Products property. Mr. Kilkenny seconded the motion which passes unanimously.

224 Market Street

Scott Stein, Owner

Adam Zangrilli, Architect/Applicant

DATE: c. 1820; storefront – c. 1865; upperstories removed and 2nd floor window installed- c. 1920; storefront window altered-c. 1975

PROPOSAL: Alter storefront

The applicant withdrew the proposal.

144-46 North 3rd Street

J. Poe Leggette, Owner/Applicant

DATE: c. 1830; storefront in 144- c. 1860

PROPOSAL: Alter storefront windows

The Architectural Committee voted to recommend approval of the project as proposed pursuant to Standard 3, with the staff to review details.

The proposal involves rehabilitating two c. 1830 commercial buildings for residential use. The owner plans to restore the building at 144 N. 3rd to the period of about 1860 when cast iron piers were installed in the storefront. He will replace the current aluminum windows with wood two-over-two sash.

The similar building at 146 N. 3rd Street will be restored to the same period except that at that time the original stone piers and six-over-six windows still remained. New small pane windows will fill the upper floor openings with staff to review details.

Mr. Leggette will have the paint removed from the façade of both the buildings. The storefronts will receive new transoms based on the design of a remaining mid 19th-century transom over one middle bay, but will receive new paneled doors of two-leaf design in the center bays. The owner does not wish to restore the windows in the flanking bays, but rather to recess new windows to the line of the old doors and install new panels below in order to retain an open show window for display purposes.

Mr. Baron presented the application. Commission members agreed with the Committee's recommendation.

Mr. Bumb made a motion to accept the Committee's recommendation. Mr. Rivera seconded the motion which carried unanimously.

158 North 3rd Street

Brad Meyers, Owner

Mark Kaman, Contractor/Applicant

DATE: c. 1910

PROPOSAL: Rooftop deck

The Architectural Committee voted to recommend approval of a deck with railing set back in line with the chimney at 156 N. 3rd Street.

The proposal involves constructing a roof deck on top of this converted industrial building. The deck will have high visibility since it will be placed close to the front cornice and because the buildings to either side are lower. Because of the proximity to the neighbor's chimney, the proposal also calls for extending that chimney with a metal B-vent.

Mr. Baron explained the application and distributed revised drawings. Mr. Sklaroff inquired if the property has a rear ell and if the proposed deck would require an extension of the neighboring

chimney, as well as the chimney at 158 N. 3rd Street. Ms. Smyler thought it important that the applicant acquire permission from the owner of the neighboring house for such chimney alterations. Mr. Bumb said that since the setback of the deck may eliminate visibility, he thought that the applicant should receive a conditional approval, which would not allow the neighboring chimney to be modified. Mr. Sugrue said that since there is no evidence of the historic fabric of the chimney, that he could be persuaded to approve the proposal, but he thought that a site line study should be done to determine visibility. Mr. Perri pointed out a possible code issue in regards to the close proximity to the chimney. Mr. Huff said that he would be uncomfortable approving a proposal, which would require alterations to the neighbor's chimney, especially if the neighbor is unaware of the required change.

Mr. Kaman, the contractor, said that the revised plan proposes to relocate the deck to the rear edge of the chimney with two steps up, so as not to intrude on the chimney; however, the railing would be close to the chimney.

The Commission thought that the proposal should be tabled to investigate the necessity of extending the neighbor's chimney to meet code and, if necessary, determine if the neighbor is willing to perform the work.

Mr. Tissian made a motion to table the proposal for a period not to exceed thirty (30) days. Ms. Smyler seconded the motion which carried unanimously.

113 Chestnut Street, NE corner of Letitia Street

Michael Samschick, Owner

Joel Spivak, Applicant

DATE: c. 1870

PROPOSAL: New windows, doors and awnings

The Architectural Committee recommended approval, subject to the two front doors redesigned to match the double leaf design featured on the Letitia Street façade, the awnings narrowed to fit between the columns and the bulkhead under the front windows painted out, with the staff to review details, pursuant to Standard 6.

This proposal involves restoration and alteration to the first floor storefront on both the Chestnut and Letitia Street frontages. The building will now accommodate a restaurant use on the first floor and residential above. Most of the first floor openings had been blocked up prior to designation and will now be reopened. On the Chestnut Street façade the two wider openings will receive windows based on existing transoms and documentation from the Baxter survey. Two doors will be installed in the narrower openings, one a four panel door and the other door featuring one large glass light. On the Letitia Street façade, the applicant proposes to reopen two doorways to be used as windows, matching the design of the former doors. A former window will be reopened as a doorway into a new elevator lobby serving the upper floors.

Mr. Baron presented the revised proposal, which reflects the Committee's recommendation.

Mr. Tissian made a motion to approve the revised proposal. Mr. Rivera seconded the motion which carried unanimously.

2201 Green Street, NW corner of 22nd Street

Siraik Zakarian, Owner/Applicant

DATE: Bergdoll Mansion, built 1890, architect attribution James Windrim

PROPOSAL: Side demolition, addition and fencing

The Architectural Committee recommended denial as submitted, pursuant to Standards 9 and 10. It offered the applicant recommendations for a revised design, which would minimize the removal of historic fabric.

The proposal involves demolition and additions to the visible west side of the house. The mansion, probably the grandest within the Spring Garden Historic District, features a number of ornamental features on the west façade that would be impacted by this work. The owner plans to demolish the curved copper clad conservatory as well as the carved brownstone spandrel panels of the curved bay. The area would be covered with several one and two story rectangular additions that would hide much of the original side façade.

The owner proposes a security fence that will have twelve and eight foot high sections and will cut across the side and front lawn for security. The design will follow other sections of fence on the property.

Joseph Beller, counsel for the owner, and Siraik Zakarian, the owner, attended the meeting. Mr. Beller said that the proposed addition is not visible from the street, owing to the existence of a side wall. He also said that the proposed renovations are consistent with the alterations already performed, which does not destroy the character of the property. Ms. Zakarian contended that the curved bay would not be demolished, but that the exterior brownstone would be covered and it would be then an interior wall. Also she said that the addition would cover only one floor with the curved portion still visible above.

Mr. Sklaroff asked for clarification of the historic features that would be concealed as a result of the proposed construction. Mr. Rivera pointed out that two levels of the bay would be covered and that the plans show the demolition of the conservatory, with the only the floor remaining.

Allen Rubin, Spring Garden Civic Association, said that he has witnessed the deterioration of the building including portions which were destroyed by a fire. He said that the owner has spent over a million dollars in the restoration of this property. He believes that the proposed addition will only encompass 10% of the property. He argued that yearly maintenance cost for this property has risen to about \$35,000, and strongly urged the Commission to approve the proposed alterations.

Mr. Sklaroff thought the elevation is visible and believed that the design should be sensitive to this historic treasure. He pointed out that without the architect present, it puts an additional burden on the applicant for the determination of the best design. Commission members believe this is a significant building, and absolute clarity is needed as to the extent of the proposed alterations. Ms. Smyler suggested the tabling of the proposal until such time as the architect can be present, since a significant portion the building is to be demolished. Mr. Huff thought that new annotated drawings, including one showing the existing elevation and one showing the sight line from Green Street should be submitted. Then the Commission could review the proposal on its merits. Mr. Rivera informed the Commission members that the owner has invited the Committee and Commission members to visit the property.

Mr. Sugrue made a motion to table the proposal for a period not to exceed six (6) months. Ms. Smyler seconded the motion which carried unanimously.

757 South Front Street, SE corner of Fitzwater Street

Jean Vidi, Owner

R. J. Pisani, Applicant

DATE: c. 1800

Four-story side addition

The Architectural Committee recommended denial as submitted pursuant to Standards 9 and 10.

This proposal involves very large side and rear additions to this Federal Style house. The house, which sits on a former corner of Front and Fitzwater Streets has received a single story addition in the past on ground vacated by the City and sold to Mr. Vidi. The side façade, historically exposed, features bands of glazed header brickwork in a design almost unique in the City. The new addition will cover that façade and remove it from public view, although it will be visible from within the restaurant. The new addition, featuring an elevator modeled on the Campanile from the Piazza San Marco in Venice, is out of scale and incompatible with the architecture of the building to which it attaches. The rear addition also is out of scale and incompatible with the historic building. The applicant also proposes to demolish and alter the roofline and dormer of the existing building to add a raised roof and deck.

Mr. Baron noted that the applicant submitted new drawings for the next Committee meeting. Commission members concurred with the Committee's recommendation.

Mr. Tissian made a motion to deny the proposal pursuant to Standards 9 and 10. Ms. Smyler seconded the motion which carried unanimously.

109 Queen Street

Tim Montague, Owner

David Amburn, Architect/Applicant

DATE: c. 1830

PROPOSAL: Demolish rear roof and dormer, raise roof, new rear door and windows, rear deck
The Architectural Committee recommended approval of the proposal, with the staff to review details.

This application proposes demolishing the historic rear dormer, raising the rear half of the gable roof on the main segment of the building, and erecting a deck on the 2-story rear ell at the row house at 109 Queen Street. Additionally, a paired window and double-leaf glazed deck access door would be installed at the 3rd-story rear.

Mr. Farnham explained the application. Mr. Sklaroff inquired about visibility and the disruption to the contours of this 1830s roof. He stressed the importance of consistency in approvals. Mr. Huff thought that the proposed alterations would bring the building closer to the square footage standards.

David Amburn, the architect, said that the roof is behind the ridgeline, which is the dormer room and that raising roof would expand the dormer room. He pointed out that the proposed alterations back up on a parking lot. He noted that he would continue to work with the staff for guidance with the project.

Mr. Tissian made a motion to accept the Committee's recommendation. Mr. Bumb seconded the motion which carried unanimously.

319-21 South 3rd Street

Lisa Colton, Owner/Applicant

DATE: 1788-1795; addition by Wallace McHarg Roberts and Todd, c. 1968

PROPOSAL: Demolition and new construction in concept

The Architectural Committee recommended denial of the proposal pursuant to Standards 2 and 9.

This application in concept proposes the demolition of a redevelopment-era addition and construction of a new addition to the late eighteenth-century row house at 323 S. 3rd Street. The property is classified as "significant" in the inventory of the Society Hill Historic District. The addition was erected as part of the redevelopment of Society Hill. In late 2000, the owner submitted an application to the Commission to demolish the 1968 addition and erect a new addition that appeared to be two eighteenth-century row houses. The Commission denied that application but approved in concept the construction of a 3-story brick building on the site of the 1968 addition. In early 2002, the owner submitted a second application for a new addition. Like the first, the Commission denied this proposal because the new construction would have mimicked the neighboring historic structures. In the spring of 2002, the Commission approved a proposal to build a 2-story addition at the rear of the 1968 addition. This proposal would not have altered the S. 3rd Street façade. The owner apparently decided not to construct the approved addition. The current application proposes the demolition of the 1968 addition and the construction of a large, brick, 3-story, 3-bay addition with an automobile entrance.

Mr. Farnham presented the proposal. Mr. Tissian inquired if 323 North 3rd Street would be impacted as a result of the new construction. He said that he believed that the addition was not compatible with the streetscape, but neither was the new proposed construction. Mr. Sklaroff asked about the architectural merits of the 1968 addition and pointed out that the applicant has not commented on its architectural merits. In the previous approval, the new construction would occur in the rear of the property, with the retention of the 1968 addition, which had the support of the Society Hill Civic Association.

Kirk Clark, said that the proposed new construction would include the three properties. When asked about the previously approved design, he said that the former was an interim design until the current design could be submitted. Richard Kline, the architect, believes that the addition has no architectural merits, therefore opposition to demolition should not be based on its merits.

Mr. Sugrue made a motion to deny the proposal, pursuant to Standards 2 and 9. Mr. Tissian seconded the motion which carried unanimously.

5208 Germantown Avenue

Elwyn, Incorporated, Owner

Richard Stange, Architect/Applicant

DATE: Baynton House, late eighteenth century

PROPOSAL: Modify existing railing and install new railings

The Architectural Committee recommended approval of the revised design of a traditional handrail.

This application proposes modifying the existing railings and adding new railings at the front steps at 5208 Germantown Avenue. Two alternatives are presented. Both stipulate raising the existing pipe railing six inches. The first calls for diamond mesh to be installed on the raised railing. The second calls for pickets to be installed on the raised railing. Both alternatives also stipulate new hand rails and lower pipe railings, some of which are very curvilinear.

Mr. Farnham explained the application and noted that the Preservation Alliance, which holds a façade easement on the property, approves of the revised design.

Mr. Sugrue made a motion to approve the revised proposal. Mr. Bumb seconded the motion which carried unanimously.

5218 Germantown Avenue

Elwyn, Incorporated, Owner

Richard Stange, Architect/Applicant

DATE: Howell House, late eighteenth century

PROPOSAL: Modify existing railing and install new railings

The Architectural Committee recommended approval of a revised design of a traditional handrail.

This application proposes adding new railings at the front steps at 5218 Germantown Avenue. Two alternatives are presented. The first calls for pipe railings with diamond mesh. The second calls for pipe railings with pickets. Both are very curvilinear.

Mr. Farnham explained the application and noted that the Preservation Alliance, which holds a façade easement on the property, approves of the revised design.

Mr. Sugrue made a motion to approve the revised proposal. Mr. Bumb seconded the motion which carried unanimously.

1522 Pine Street

Lisa Love and Reginald Long, Owners

DATE 1849, Thomas U. Walter, architect

D. Lucas Landis, Applicant

PROPOSAL: Rear stairtower and HVAC

The applicant withdrew the submission.

311 South Chadwick Street

Mark Gallini, Owner/Applicant

DATE: c. 1845; addition by Frank Weise, 1991

PROPOSAL: Extension of existing third-story addition in concept

The applicant withdrew the submission.

224 South 20th Street

Ronald G. Wilk, Owner/Applicant

DATE: c. 1860

PROPOSAL: Legalize rear HVAC platform

The applicant withdrew the proposal.

OLD BUSINESS

2220 Brandywine Street

Fern Polaski, Owner/Applicant

DATE: c. 1859

PROPOSAL: Legalize roof decks

The Architectural Committee recommended denial pursuant to Standard 9 and the Rehabilitation Building Exterior Roofs guideline.

This application proposes legalizing a series of decks on the row house at 2220 Brandywine Street. L&I issued a violation for the decks on 4 September 2002. The decks and railings are tan in color and are constructed of PVC manufactured by Brock Deck Systems. The railings are 37" tall and consist of sections of pickets separated by posts with arrowheads. The upper deck sits on the three-story front section of the row house. It is 16' wide and 20'-2" deep and is set back 9' from the front façade. The lower and middle decks sit on the two-story rear ell. The lower deck is 4'-8" wide; the middle deck is 7'-8" wide. Both are 8'-2" deep. The middle deck is positioned 2'-5" above the lower deck. The three decks are linked by two flights of metal spiral stairs. The decks are accessed through a third-story, rear door that opens onto the lower deck. The application does not specify whether the door was extant or was added with the decks. The decks are not visible from Brandywine Street but are highly visible from 22nd and Spring Garden Streets.

Fern Polaski, the owner, and Joseph Beller, Esq., attended the meeting. Mr. Beller stated that the decks had been constructed without a permit and presented enlarged photographs to show visibility. Commission members inquired about a very visible roof deck on a neighboring house in the photographs; however, this deck was constructed illegally and the Commission voted to have the deck removed. Mr. Beller remarked that he believes that the deck has minimal impact on the community. Ms. Polaski acknowledged ignorance of the permit requirement for historical properties and said that the deck is well constructed. Mr. Beller said that if the Department of Licenses and Inspections approves the deck based on the merits of its construction, then the Commission should legalize its construction. The Commission members disagreed, saying that the Historical Commission reviews applications for different reasons than L&I.

Mr. Bumb thought that this is an extenuating circumstance, in that the contractor did not acquire a permit. However, he asked the Commission to review the proposal as if the applicant had followed procedures. He noted his inclination to approve the legalization of the deck on the rear ell. Mr. Sklaroff said that previous decisions have been based on policy, and stressed the importance of being consistent. He thought that the roof deck should be dismantled, then the applicant should return to Committee and Commission with a new design. Mr. Sugrue, in looking at the merits of the construction, believed that the main roof deck does not merit approval. Mr. Tissian agreed in principle; however, he believes that there should be empathy where the deck makes good sense in Philadelphia. Ms. Smyler pointed out that the Department of Licenses and Inspections has not reviewed the structural design of the decks. Mr. Perri thought that the applicant should submit a design, which is less intrusive.

Mr. Sugrue made a motion to approve the deck on the rear ell, but deny the deck on the roof of the main building. Mr. Bumb seconded the motion which failed with a 5 to 5 vote.

Ms. Smyler made a motion to accept the Committee's recommendation for denial of the legalization. Mr. Perri seconded the motion which carried with 6 votes. Mr. Sugrue, Ms. Murray and Mr. Bumb opposed the motion. Mr. Sklaroff abstained.

HARSHIP EXEMPTION

627 Lombard Street

Mr. Tyler cited a special condition in the ordinance concerning financial hardship, and explained that John Thompson purchased the property in 1997. It then had inappropriate windows that the previous owner installed without a permit or Commission approval. An inspection in December

2002 resulted in the issuance of a violation on 17 January 2003. Mr. Thompson now seeks to sell the house with settlement scheduled for 31 March. Owing to his work-related injury, he cannot afford to correct the violation and, indeed, must sell the property.

Owing to his disability and his having had no responsibility for the installation of the incorrect windows, Mr. Thompson requests a (k)(.7) exemption. Mr. Tyler recommended the granting of the request.

Ms. Smyler inquired if the new buyer would be held accountable, it was determined that the new buyer would not be held responsible. Mr. Perri questioned the length of time between the issuance of the violation and the installation of the incorrect windows.

Mr. Thompson asked that the record reflect his dismay at the injustice of the issuance of the violation. However, he commended the Commission staff and the Department of Licenses and Inspections in its handling of the matter.

Mr. Kilkenny made a motion to approve the exemption and negate the violation. Mr. Bumb seconded the motion which carried unanimously.

THE REPORT of the Activities of the Historical Commission staff, February 2003.

Mr. Tyler asked if members of the Commission had any questions about the report. There were none.

HARRY A. BATTEN MEMORIAL FUND

Mr. Tyler asked the Commission to approve the expenditure of 26.95 for the Architectural Committee lunches.

Mr. Bumb made a motion to approve the expenditure. Mr. Kilkenny seconded the motion which carried unanimously.

Mr. Kilkenny made a motion to adjourn. Mr. Rivera seconded the motion which carried unanimously.

The meeting adjourned at 11:45 a.m.

Respectfully submitted,

Diane M. Hughes
Executive Secretary