

REPORT OF THE COMMITTEE ON FINANCIAL HARDSHIP PHILADELPHIA HISTORICAL COMMISSION

Michael Sklaroff, Chair
Commission Conference Room
Room 576, City Hall

4 November 2002

Present

Michael Sklaroff, Esq., Chair
Gary Hack, Chair, City Planning Commission
Vincent Rivera, AIA
Scott Wilds, Assistant Director, Office of Housing and Community Development

Diane M. Hughes, Executive Secretary
Laura M. Spina, Historic Preservation Planner
Richard Tyler, Historic Preservation Officer

Also

John Andrew Gallery, Preservation Alliance for Greater Philadelphia

Mr. Sklaroff recognized the presence of a quorum and called the meeting to order at 2:10 p.m.

300-18 North 63rd Street, aka 6301 Vine Street

Owner: Church of Christ
Applicant: William G. Schwartz, Esq.
Architect: T.P. Chandler
DATE: 1884, parish house and bell tower; 1897, sanctuary
PROPOSAL: Complete demolition based on financial hardship

Mr. Sklaroff noted that the owners of the property and their counsel, William Schwartz, were not present. Mr. Tyler summarized the application. He noted that the west wall and some roof trusses of the parish house, as well as the top story of the bell tower are distressed. Mr. Tyler said that the Historical Commission received a \$16,000 grant from Preservation Pennsylvania to commission a structural engineering study to explore other stabilization options. \$8,000 would pay for the structural engineer and \$8,000 for the support services provided by a contractor.

Mr. Sklaroff inquired about the sequence of events regarding this application. At the previous meeting of the Financial Hardship Committee, Mr. Schwartz asked the City to draft a right of entry waiver for the structural engineer, to which Mr. Copeland, counsel for the City, agreed. Mr. Tyler noted that on 14 October 2002, Ms. Pentz gained access to the property with the permission of church employees. On the following day, the church then denied Ms. Pentz access. On 17 October 2002, the city drafted a right-of-

entry agreement, which included a liability waiver. In a letter addressed to Jean Durbin of the City's Law Department and dated 22 October, Mr. Schwartz rejected the right-of-entry agreement. The letter explicitly stated that the church would not provide access to the structural engineer, and neither Mr. Schwartz nor his clients would attend this Financial Hardship Committee meeting.

Mr. Sklaroff noted that the purpose for today's meeting was to review the report of the structural engineer, which would clarify the Imminently Dangerous status of the property and discuss the costs of various avenues of repair. Since Ms. Pentz has been denied access to the property, the basis of the report will rest solely on her limited observation of the exterior from the sidewalk and on a brief walk-through of the premises on a previous occasion. Ms. Pentz expects to have the report completed by 22 November 2002. Mr. Sklaroff noted that the delay in the submission of the report can be attributed to Mr. Schwartz's refusal to sign the right-of-entry agreement.

Mr. Sklaroff asked for a clarification of the application's timeline. Ms. Spina explained that the Department of Licenses & Inspections declared the church Unsafe in 2001 and the congregation subsequently applied for a demolition permit. The Architectural Committee and Historical Commission denied the permit on preservation grounds but referred the application to the Financial Hardship Committee. In 2002, Mr. Schwartz became counsel for the church. The Financial Hardship Committee had scheduled a hearing in March 2002, but Mr. Schwartz asked for a continuance to gather additional information. Mr. Schwartz then submitted the additional information with a new building permit application on 1 August 2002. The Department of Licenses and Inspections reinspected the property in September and issued an Imminently Dangerous violation for the parish house and tower, but did not mention the sanctuary. On 13 September 2002, after a meeting with the Financial Hardship Committee, the Historical Commission voted to defer any action for a period not to exceed six months. Mr. Schwartz appealed the deferment to the Board of License and Inspection Review (LIRB). At the LIRB hearing on 15 October 2002, the City requested a continuance, which was denied. Mr. Tyler and counsel then stepped into the hall to confer. During that brief time the LIRB sustained the appeal. The Commission requested a stay of the Board's decision, which it denied, but a re-hearing is scheduled for 12 November 2002.

John Gallery, of the Preservation Alliance, stated that he believes the position taken by the Commission to hire an independent consultant is appropriate. However, he opined that the church, as required in the Commission's Rules and Regulations, has not met its burden of proof for financial hardship. He noted that the conditions of the parish house and the tower are repairable, as suggested in the church's own report. In addition, it is his opinion that the cost estimates for the parish house should be questioned. He said that the Commission should consider acting upon the information at hand, because it appears that the church does not have an interest in finding an alternate use nor allowing the Commission to conduct its own investigation. He emphasized that the applicants have not met the guidelines for a hardship application. Moreover, the applicant's own documentation notes that the sanctuary is in good condition, and that the congregation is ignoring the Imminently Dangerous status by its continued use of the building. Mr.

Gallery inquired if the church has entertained the idea of selling the church to someone who would undertake the repairs as part of the sale.

Mr. Copeland concurred that it is the responsibility of the applicant to prove hardship. Committee members agreed that only the parish house and upper portion of the tower require repairs to cure the imminently dangerous conditions. They believed that the amount of \$342, 475 quoted in the church's report for just the stabilization of the parish house may be extreme. Mr. Sklaroff reiterated the applicant's lack of cooperation and reluctance to provide necessary information.

Mr. Wilds noted that the church is not a wealthy congregation, and acknowledged his reluctance to make a decision without the assessment of the structural engineer. He also believes that the appraisal for the property in the financial hardship application is based on church buildings which lack the deteriorated conditions that exist at this property. Mr. Hack observed that the church has not explored other options for reuse. Mr. Copeland cited the Rules and Regulations, which state that an applicant has an affirmative obligation in good faith to explore potential reuses for the property.

Mr. Hack made a motion to deny the demolition application based on financial hardship, on the grounds that the applicants did not fulfill the necessary requirements of a hardship application by failing to demonstrate the exploration of viable reuses for the property and denying the Historical Commission access to the property to conduct its own investigation. Mr. Rivera seconded the motion, which carried unanimously.

The Committee adjourned at 2:45 p.m.

An executive session with the staff, Committee and legal counsel convened at the end of the meeting.

Respectfully submitted,

Diane M. Hughes
Executive Secretary