

THE MINUTES OF THE 349TH STATED MEETING
OF THE

PHILADELPHIA HISTORICAL COMMISSION

13 February 1991

City Council Caucus Room

Edward A. Montgomery, Jr., Chairman

Present: Edward A. Montgomery, Jr., Chairman
William Brown
David Hollenberg
Jason Nathan
Reverend William D. Thompson
Peter Aborn, Deputy Commissioner,
Department of Public Property
James Cuorato, Department of Commerce
Barbara Kaplan, Executive Director,
City Planning Commission
Scott Wilds, Office of Housing and Community Development

Maria Petrillo, Esq., Deputy City Solicitor
Richard Tyler, Historic Preservation Officer
Randal Baron, Preservation Planner
Sara Jane Elk, Historical Research Technician
Frederick Richards, Preservation Consultant
Daniel W. Simcox, Executive Secretary

Also: Nick Pody, contractor, Green Street
Michael Sklaroff, 2223 Green Street
Howard Kittell, Executive Director
Preservation Coalition of Greater Philadelphia

The Minutes of the 348th Stated Meeting of the Philadelphia Historical Commission held on 9 January 1991, Edward A. Montgomery, Jr., Chairman. Mr. Nathan questioned the precedence of the minutes versus the transcripts in a court of law. Miss Petrillo indicated that both contributed significantly to the establishment of a complete record of the meeting. A MOTION to adopt the minutes, made by Mr. Nathan and seconded by Mr. Wilds, received unanimous Commission approval.

The Report of the Architectural Committee of the Philadelphia Historical Commission held on 31 January 1991, David Hollenberg, Chairman. Mr. Hollenberg conveyed the frustration of the Committee regarding the frequency with which work has been undertaken without a permit. The Committee reviewed five applications, two for work undertaken without a permit, and forwarded the following recommendations:

Approval

The Committee recommended approval of a proposal by the Monthly Meeting of Friends of Philadelphia to replace the roof of the Arch Street Meeting House, 330 Arch Street. Although originally roofed with wood shakes and later with a standing-seam metal roof, this c. 1805 meetinghouse presently is covered with asphalt shingles. The Committee recommended approval of either of the alternate proposals of a terne-coated, stainless-steel, standing-seam roof or one fabricated of weathered-wood color, 40-year, asphalt shingles. If the Friends choose the former option, the roof should have a seam-width of 17 inches; it may remain unpainted. Mr. Hollenberg emphasized that the latter condition was a suggestion and not a requirement.

The Committee recommended approval for plans to install two lanterns on the sides of the entry arch of 260 South 15th Street, a circa 1927 Art Deco/Renaissance Revival office building in the proposed Rittenhouse Fittler Historic District.

The Committee recommended an approval for work undertaken without a permit at Asta de Blue, 265 South 20th Street. The owners received a violation for installing security grates on the elaborate, mid-nineteenth century storefront of this Vernacular brick rowhouse in the proposed Rittenhouse Fittler Historic District. The owners also installed iron bars on a window on the Manning Street facade. Victims of five burglaries since June 1990, they installed grates because their insurers refused to pay for any further window repairs. After exploring numerous alternative security provisions, the owners dismissed each for legitimate reasons. The Committee stressed that the design of this particular security grate and its housing could have been improved if the proposal had been reviewed before installation. The members emphasized that this work should not have been undertaken without a building permit. However, the Committee expressed frustration that these unattractive, undesirable fixtures were symptoms of a larger social problem beyond its control. One redeeming factor of this particular grate was that its frame did not appear to damage the historic fabric. The Committee recommended approval of a building permit for this work, encouraged the pursuit of a grant for an expeditious design study of security grates, and directed the staff to inform all regional grate companies that permits are required prior to installation.

Mr. Tyler reaffirmed that the staff would notify the grate companies of this requirement. Mrs. Kaplan noted that her staff had undertaken considerable research on these fixtures. In addition to preparing general design guidelines for the installation of these fixtures, the City Planning Commission staff compiled a list of regional manufacturers. Mrs. Kaplan also suggested sponsoring forums with the Chamber of Commerce and interested civic associations to address this vexing issue.

The Committee reviewed another application for work undertaken without a permit. In 1970, the Commission approved the construction of a cinder-block addition behind the rear ell of 230 Pine Street, a.k.a. 227 Stamper Street, a c. 1840 Greek Revival townhouse. Recently, a mason stuccoed both the new cinder-block addition and the brick wall of the historic rear ell. The Committee also noted that the masonry openings of the rear ell were blocked-down and smaller windows were installed. The members were incensed that the property owner, who previously received violations for other work undertaken without a permit, appeared before them once more under similar circumstances. However, the Committee acknowledged that removing the stucco from the historic rear ell would damage the brick. Further, several neighbors signed a petition requesting approval of this work based on its relatively attractive appearance. Yet, a member of the Society Hill Civic Association, who stressed the disturbing frequency with which work was undertaken without a permit in this historic neighborhood, requested some disciplinary action. The Committee recommended approval of this application and urged the Commission to seek the imposition of a fine for work undertaken without a permit.

The Commission accepted the recommendation of its Committee and approved this application. It also encouraged the staff to explore the possibility of imposing fines for work undertaken without a permit and specifically urged imposing a fine for this work. In addition, Mrs. Kaplan suggested that the staff draft informational pamphlets explaining the responsibilities of ownership of properties in historic districts. This guide may help to clarify a common misunderstanding between contractors and owners regarding the responsibilities for obtaining permits.

Mr. Nathan seconded the preceding four recommendations of the Committee, which the Commission adopted unanimously.

Disapproval

Finally, the Committee reviewed plans to alter a circa 1950 stone wall on the Green Street embankment of a 1915 Gothic Revival chapel and convent located at 2200-2210 Green Street. Though a segment of the wall may have been built earlier, most of it dates from the mid-twentieth century. The entrance would provide direct access to a garage at the convent for the nuns of its cloistered order. The Department of Licenses and Inspections issued a permit for this work for an address other than that by which the property was listed on the Philadelphia Register of Historic Places. Subsequently, the Department revoked the permit with the provision that it will be reinstated if the work is approved by the Commission. The Committee recommended an approval in concept for the introduction of a garage opening in the wall, but recommended disapproval of the proposed design.

The new entrance should match the height of an adjacent service bay and relate to it through the use of similar materials and architectural elements.

Nick Pody, the contractor, submitted a revised drawing which incorporated these design modifications. Responding to a request to explore the possibility of establishing the entrance on Brandywine Street, he indicated that that elevation was prone to flooding. Mr. Pody noted that the Sisters want the garage for the safety of their car and themselves. The car, driven by a chauffeur, is used only for trips for medical purposes. Mr. Pody reaffirmed that he began this work with a legitimate permit.

Mr. Hollenberg recommended approval of the revised drawings contingent upon several minor design modifications. Mr. Cuorato seconded this recommendation. Mr. Hollenberg added that this application raised numerous questions regarding the jurisdiction of the Committee and the Commission. The subject property is listed individually on the Philadelphia Register of Historic Places and is a contributing building in the Spring Garden Historic District of the National Register. However, it is not part of a local historic district. Consequently, the Committee maintained that its jurisdiction ended at the property line and that the specific issue of a curb cut exceeded this jurisdiction.

Michael Sklaroff, owner of 2223 Green Street, opposed the proposal and encouraged the Commission to interpret their jurisdiction broadly. The block includes several other buildings on the Philadelphia Register and is part of the Spring Garden Historic District on the National Register. He contended that, as the street was paved over a right-of-way granted through easements allowed by adjacent property owners, the site extends to the middle of the street. A curb cut at this location will adversely effect neighboring properties. Mr. Sklaroff added that on-site parking was unnecessary: the Convent already retains two reserved spaces on the street in front of the property and further permit parking is available. If there were a demonstrated need for on-site parking, access should come from the less significant Brandywine Street elevation. Mr. Sklaroff emphasized that a zoning variance granted in 1963 for a building addition to the Convent was based in part on the claim that parking provisions were not relevant for this cloistered order. More recently, representatives of the Convent signed a petition to deny a zoning variance for a curb cut for a neighbor. Mr. Sklaroff reiterated his opposition and warned that an approval would set a harmful precedent for the proliferation of curb cuts on Green Street.

The Commission discussed the jurisdictional issues at length. Mrs. Kaplan asked if the applicant had obtained a zoning permit for this work. Miss Petrillo indicated that the Commission could interpret its jurisdiction in several different ways. If limited

its review to the building, this proposal seems to possess no adverse effect. If the jurisdiction extends to the entire site, as perceived by the Committee, then the review is limited by the wall. If the property were part of a local historic district, then a curb cut would clearly fall under Commission purview. Mr. Hollenberg indicated that even though the cut may affect the streetscape, far more egregious work has been undertaken on sidewalks and streets adjoining historic properties. Mr. Aborn suggested review as though the property already were part of a district inasmuch as designation may be forthcoming. He then asked the applicant if the Sisters were aware of the apparent community opposition. Mr. Pody indicated that they received all relevant correspondence.

Mr. Nathan suggested avoiding a decision predicated upon jurisdictional grounds if those issues were ambiguous. However, the street is not part of a local historic district on the Philadelphia Register. The proposal, as determined by the Committee, did not adversely affect the property. The applicant appears to have proceeded in good faith and the alternative site for an entrance may be physically impractical. Mr. Nathan suggested that the balance of equities favored an approval of the proposal. Mr. Tyler reinforced this interpretation and added that the Ordinance enabled the Commission to review permits from the Department of Licenses and Inspections, not from the Streets Department. Attaining such authority will entail the adoption of requisite provisions by the Streets Department.

The Commission voted 7-1, with Mrs. Kaplan opposed, to approve this application. The Commission directed the staff to examine the jurisdictional issues with the Streets Department.

The Report on Staff Activities, January 1991. The Commission voted to incorporate this report into the record. Mr. Wilds requested the preparation of a tentative timetable for the proposed local historic districts. He asked that this schedule include dates of notification as well as hearing dates. Mr. Tyler indicated that the staff would prepare timetables.

Mr. Cuorato inquired into staff involvement with the **Reading Terminal Market**. Mr. Tyler noted that he met a representative of the Merchants' Association upon its request. He stressed the importance of retaining the remaining interior historic fabric of the market.

Mrs. Kaplan inquired into staff discussion with representatives of **Historic Fort Mifflin, Inc.** Mr. Tyler expressed displeasure with evidence of work undertaken to several buildings which had neither been reviewed nor accepted.

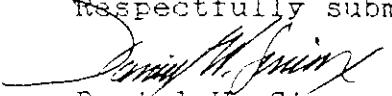
Mr. Wilds asked of business deferred from prior meetings, including the proposed designation of the Mellor and Meigs Atelier. Mr. Tyler noted that the owner of that building was on vacation, and that discussion would proceed upon his return. Regarding a proposal by Michael Young to demolish properties on the 5300 block of Germantown Avenue, Mr. Tyler noted that the owner intended to present further information.

Finally, Mr. Tyler requested an expenditure of \$500 from the Harry A. Batten Memorial Fund. This money will be advanced to Frederick Richards, preservation consultant to the Commission, to provide sustenance until the City commences payment for services rendered.

A MOTION, made by Mr. Wilds and seconded by Mr. Hollenberg, to advance \$500 from the Harry A. Batten Memorial Fund to Frederick Richards, was approved unanimously.

The Commission adjourned at 11:00 a.m. The next Stated Meeting of the Commission is scheduled for 13 March 1991.

Respectfully submitted,



Daniel W. Simcox,
Executive Secretary