

CITY OF LEAVENWORTH PRESERVATION COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
Wednesday, June 3, 2020 6:00 PM

The Leavenworth Preservation Commission met Wednesday, June 3, 2020. Chairman Rik Jackson called the meeting to order. Other commissioners present via GoToMeeting were: Ed Otto, Sherry Hines Whitson, Ken Bower and Dick Gibson. Debi Denney was absent. Also present in the commission chambers were Planning Director Julie Hurley and Administrative Assistant Michelle Baragary.

Chairman Jackson noted a quorum was present and called for a motion to accept the minutes from March 4, 2020 as presented. Mr. Otto moved to accept the minutes as presented, seconded by Mr. Bower and approved by a vote of 4-0. Mr. Bower abstained as he was not present at the March 4, 2020 meeting.

OLD BUSINESS

None

NEW BUSINESS

1. 2020-20 LPC – 519 MARSHALL STREET

A State Law review under the US Secretary of the Interior’s Standards for Rehabilitation for the proposed demolition of the property located at 519 Marshall Street, a property located in the Third Avenue Historic District, a historic district listed on the National Register of Historic Places.

Chairman Jackson called for the staff report.

Planning Director Julie Hurley stated a State Law review for the proposed demolition of the property located at 519 Marshall Street, a property located in the Third Avenue Historic District.

Structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 10, Article XI (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

Staff compiled a list of dangerous structures, which have been evaluated by staff in accordance with State Statute. The City Commission reviewed the structures at their regular meeting on April 14, 2020, and voted to proceed with placing 22 structures, including 519 Marshall Street, on a list for demolition. On May 26, 2020, the City Commission approved a resolution setting a public hearing for the list of structures to be held on July 14, 2020.

The home was constructed in 1865, and the Third Avenue Historic District was listed in the National Register of Historic Places in July 2002. The owners have indicated to staff that the property is being purchased by an individual who intends to rehabilitate the home. The sale of the property is in process and should close by the end of this week, with work beginning shortly thereafter. The individual purchasing the home is aware the outside cosmetics of the home needs to be taken care of first to get the home into code compliance. The buyer has previously rehabilitated dilapidated houses in the City of Leavenworth. Staff is comfortable the home will be rehabilitated and brought back into code compliance.

REQUIRED REVIEWS:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The structure was constructed as a residential building, it is currently vacant.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The entire structure is proposed to be demolished.

3. Each property shall 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 architectural elements from other buildings, shall not be undertaken.

The building is proposed to be demolished, no other changes or additions are proposed.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The building is proposed to be demolished, however, there are no known changes to the original structure with historic significance.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

The building is proposed to be demolished, no portions of it are proposed to be preserved.

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

The building is proposed to be demolished, no repair is proposed to take place.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The building is proposed to be demolished.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

No known significant archeological resources exist for preservation.

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

The building is proposed to be demolished, no new construction is proposed at this time.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The building is proposed to be demolished, no new construction is proposed at this time.

STAFF RECOMMENDATION:

It is always the City's intent to encourage preservation and rehabilitation of structures in lieu of demolition, with the understanding that this may not always be possible for individual properties. Individual structures in a registered historic district play an integral part of the overall health and validity of the district as a whole, so long as those structures are not allowed to deteriorate past a point which they cannot reasonably be rehabilitated. Given that this property is in the process of being sold to an individual with a proven track record of rehabilitating homes, staff recommends that this property is denied as being eligible for demolition.

Any changes to the exterior of the structure proposed as part of the rehabilitation will require review and approval by the Leavenworth Preservation Commission.

ACTION/OPTIONS:

- Motion, to approve the property located at 519 Marshall Street as being eligible for potential demolition.
- Motion, to deny the property located at 519 Marshall Street as being eligible for demolition.
- Motion, to Table item until the next meeting for the purpose of further study.
- Motion, to forward to the SHPO for review.

Chairman Jackson opened the public hearing.

Jim Stallings, 517 Marshall Street, stated he has an interest in the subject property as he owns the property next door. Restoring the home will be an enormous undertaking as he has had the opportunity to go inside the home; however, if the home can be restored he is in favor of it.

Mark Gerges, 503 Marshall Street, stated 519 Marshall Street has been in poor repair for the past 17-years he has lived in his home. Mr. Gerges stated he has not been inside the subject property but he does have concerns with portions of the subject property pulling away from the brick structure, which looks like foundation issues. He would like the repairs done in a timely manner.

Katherine Gerges, 503 Marshall Street, stated she admires the house 519 Marshall Street and hopes the new buyer can restore the structure. Mrs. Gerges would like to know what happens if the renovations become too much of a financial burden for the buyer.

With no one else wishing to speak, Chairman Jackson closed the public hearing and called for discussion among the commissioners.

Mr. Bower stated he lives in the area and fully supports staff recommendation for the subject property to be removed from the demolition list.

Mr. Otto stated he understands it is a huge undertaking and he also agrees with staff recommendation to remove the property from the demolition list.

Ms. Hurley stated the buyer has been inside the house and is fully aware of the interior condition of the house and the scope of what needs to be done.

With no further discussion, Chairman Jackson called for a motion. Mr. Gibson moved to accept the staff recommendation to deny the property at 519 Marshall Street as being eligible for demolition, seconded by Ms. Whitson and approved by a vote of 5-0.

Ms. Hurley stated since the subject property has been part of the published demolition list, it will need to go to the City Commission for final determination. On July 14, 2020, the City Commission will be given the Preservation Commission's action that the house not be demolished and the Preservation Commission's finding was that the demolition would damage or destroy the historic property.

2. Other Business/Correspondence

Chairman Jackson noted there is one Minor Certificate of Appropriateness for the board's information.

With no further discussion, Chairman Jackson called for a motion to adjourn. Mr. Bower moved to adjourn, seconded by Ms. Whitson and approved by a vote of 5-0.

Meeting was adjourned at 6:23 p.m.

JH:mb