

# CITY OF LEAVENWORTH PRESERVATION COMMISSION

## COMMISSION CHAMBERS, CITY HALL

100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

Wednesday, August 5, 2020 6:00 PM

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The Leavenworth Preservation Commission met Wednesday, August 6, 2020. Chairman Rik Jackson called the meeting to order at 6:06 p.m. Commissioners present were Dick Gibson. Other commissioners present via GoToMeeting were: Ed Otto and Sherry Hines Whitson. Ken Bower and Debi Denney were absent. Also present in the commission chambers were Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

Chairman Jackson noted a quorum was present and called for a motion to accept the minutes from June 3, 2020 as presented. Mr. Otto moved to accept the minutes as presented, seconded by Ms. Whitson and approved by a vote of 4-0.

### OLD BUSINESS

None

### NEW BUSINESS

#### 1. 2020-25 LPC – 325 DELAWARE

A State Law review under the US Secretary of the Interior's Standards for Rehabilitation for the proposed exterior alterations of the property located at 325 Delaware Street, a property located in the Downtown Historic District, a historic district listed on the National Register of Historic Places. A Major Certificate of Appropriateness is required for the proposed alterations to the front of the building.

Chairman Jackson called for the staff report.

City Planner Jackie Porter stated a State Law review for the proposed exterior alterations of the property located at 325 Delaware Street, a property located in the Downtown Historic District.

The applicant and owner, Dave C. Richards, is renovating the second floor of the property located at 325 Delaware to add a living space to be occupied by his family. Previously, the second floor of the property had been used for storage. The first floor of the property is currently occupied by the Island Spice restaurant, which is also owned and operated by Mr. Richards.

To add access to the second floor living space, Mr. Richards added a staircase and exterior door on the north side of the property, facing Delaware Street. The addition of this door removed several existing windows and replaced them with sheetrock and a tan steel door, which is not consistent with the historical nature of the building. The applicant is proposing to replace the existing door with another door featuring iron scrollwork.

In February 2020, staff became aware Mr. Richards was performing the work on the second floor of the building without applicable building permits and approvals, and a stop work order was issued. After review of interior work that had been completed, a Minor Certificate of Appropriateness was issued to cover that work as well as the future installation of a fire escape on the rear of the building. It was determined that the only changes requiring review by the Leavenworth Preservation Commission and approval of a Major Certificate of Appropriateness are the modifications to the exterior of the building, consisting of the removal of existing windows and installation of the door and sheetrock. Mr. Richards understands any future alteration to the exterior of the property will require review by the Preservation Commission prior to work commencing.

## 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 existing structure has undergone a physical change by replacing an existing store front window to a doorway. The structure has undergone some cosmetic changes, the stone base and window have been removed and replaced with a door.*

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 proposed renovation has compromised the integrity of the historical significance of the property by removing an existing window and stone base.*

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 proposed future door is a matte black clear iron door. This type of door would create a false sense of historical architectural element, as it does not accurately represent the historic period of the building.*

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

*There have been prior changes to the building. It appears the store front was repainted and awnings were added between April 2017 and May 2018. There was no minor certificate on file for this work. It appears the portion that is currently green was painted tan prior to May 2018. A mural was painted on the back of the building and was approved by the Leavenworth Preservation Commission in August 2019.*

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

*It appears the existing historic features, finishes or construction techniques will be altered. The stone base of the window has been removed.*

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 change that has occurred has altered the exterior of the building by removing the stone base and window. These changes currently do not match the façade of the building. The purposed future door will not match the façade of the building.*

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.

*No chemicals or physical treatments are proposed.*

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 changes that have occurred have altered the historic material and detail that characterize the property.*

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 removal of the window and stone base, and addition of sheetrock and steel door have been undertaken in such a way the integrity of the façade has been compromised. Their future removal would require extensive work to restore the historical integrity of the façade.*

**STAFF RECOMMENDATION:**

Staff recommends the item be TABLED to allow the applicant time to propose a design for the altered area of the façade that would be more consistent with the historic design of the building.

**ACTION/OPTIONS:**

- Approval, based upon a point by point review of Preservation Commission findings as stated.
- Disapproval, based upon a point by point review of Preservation Commission findings as stated (applicant may appeal to the City Commission).
- Motion, to Table item until the next meeting for the purpose of further study.
- Motion, to forward to the SHPO for review.

Chairman Jackson asked for input from the applicant.

The applicant, Dave Richards, stated he is an active duty service member and originally from Jamaica. He further stated the building was built in the 1800s and originally had two levels, with the second level not accessible when he purchased the building. It was his understanding he would be permitted to operate his business on the first level and use the second level as living quarters for his family. He understand the importance of maintaining the integrity of the building, however, he must have access to the second level. Mr. Richards stated his intention is to have a similar entrance as the neighboring property located at 321 Delaware.

Chairman Jackson asked for questions from the commissioners.

Ms. Whitson asked when the door will be replaced.

Mr. Richards anticipates 30 days from the installation of the new door. If the commission feels the proposed door is not acceptable, Mr. Richards is fine with changing the type/style of door. Mr. Richards further stated it is his understanding the building originally had one entrance to the second floor and two storefront entrances. Over the years, this has been modified.

Mr. Otto asked staff if they have any concerns with having an exterior door.

Ms. Hurley responded staff does not have any concerns about having an exterior door. The main concern is with the appearance of the door. The style of door needs to fit the nature of the building.

With no further questions, Chairman Jackson opened the public hearing.

Tom Mohan approached the board stating he supports the living quarters upstairs. Mr. Mohan asked if staff did the appropriate research to find out about the doors originally on the front of the building.

Ms. Porter stated the Kansas Historical Society's website was down when she was researching the building.

Mr. Mohan stated he did the inspection when Mr. Richards purchased the building and it was apparent the second floor had entrances off Delaware Street. Mr. Mohan believes an entrance off Delaware should be allowed; however, it should not be the door proposed.

Mr. Hart, 319-321 Delaware, stated he has owned 319 Delaware since 1972. Around that time, the property owner of 325 Delaware took out the center staircase, which went from the second floor down to the street. On both sides of this there were storefront doors. Mr. Hart further stated the proposed door is not appropriate for the historic building, however, the façade is no longer historic due to all the changes throughout the years.

Mr. Hart stated Mr. Richards has not been good about obtaining permits prior to commencing work. The demolition work to the second floor was not safe or done by code. Mr. Richards needs to follow procedures and acquire permits prior to work/renovations/installations. A sprinkler system is required by code and Mr. Hart wants to make sure everything is done according to code to protect his properties to the east.

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

Mr. Gibson moved to table the issue for further review.

Ms. Hurley stated it may be helpful to the applicant if the commission had some suggestions or input for a type of door or design that would be more acceptable for this location.

Mr. Gibson stated part of the motion would be to table the issue for further review and have staff do more research on the property.

Ms. Hurley believes the Downtown Historic District was put in place in the 1980s. It sounds like the façade had already been altered by that point. Staff can certainly check with the historic society for older pictures of this block on Delaware. Ms. Hurley further stated that again it would be beneficial to the applicant if any of the board members had some input on the type of door that might be acceptable since the commission will be the one voting on this item.

Since staff is not condoning the proposed door, Mr. Gibson stated his motion is to table the item until the next meeting so staff can provide the applicant with what an appropriate door would look like, seconded by Ms. Whitson.

Prior to voting, Ms. Hurley stated that given the façade has been altered over the past decades, staff may suggest something similar to the existing door in the middle with the steel frame and the glass.

Chairman Jackson asked Mr. Gibson if he would like to amend his motion.

Mr. Gibson stated he wants his motion to stand. Staff needs to meet with the applicant and provide him with the information Ms. Hurley just presented.

Ms. Hurley stated staff will work with the applicant so long as the applicant knows what the commission is looking for; therefore, staff can make sure they are providing him with appropriate guidance.

Chairman Jackson called for a roll call vote for Mr. Gibson's motion. The motion was approved 4-0.

## **2. Other Business/Correspondence**

Chairman Jackson noted there are four Minor Certificate of Appropriateness for the board's information.

With no further discussion, Chairman Jackson called for a motion to adjourn. Mr. Gibson moved to adjourn, seconded by Ms. Whitson and approved by a vote of 4-0.

Meeting was adjourned at 6:41 p.m.

JH:mb