



LEAVENWORTH PRESERVATION COMMISSION MINUTES
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
WEDNESDAY, JANUARY 4, 2023, 6:00 PM

CALL TO ORDER:

Board Members Present

Rik Jackson
Ed Otto
Sherry Hines Whitson
Dick Gibson
Ken Bateman

Board Member(s) Absent

City Staff Present

Julie Hurley
Bethany Falvey

Chairman Jackson called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: October 5, 2022

Chairman Jackson asked for comments, changes or a motion on the October 5, 2022 minutes presented for approval. Commissioner Gibson moved to approve the minutes as corrected, seconded by Commissioner Bateman and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2023-01 LPC – 211 PINE STREET

A State Law review (K.S.A. 75-2724) for the proposed modification to the property located at 211 Pine Street, a property located in the Arch Street Historic District, determine if the project meets the Standards for Rehabilitation as set forth by the Secretary of the Interior.

Chairman Jackson called for the staff report.

City Planner Bethany Falvey stated the subject property is located in the Arch Street Historic District, which was listed in the Register of Historic Kansas Places and National Register of Historic Places in 2002. The house is a

two-story Queen Anne-style house with asbestos siding and a hip roof with a front gable. Both the house and garage are non-contributing structures to the historic district due to the secondary (asbestos-shingle) siding. Despite the house being non-contributing to the district, the National Register nomination identifies the “front entry with transom, 6/1 windows, a 16/1 first-story front window, a two-story ell with an inset porch at the end of the first story, and a one-story rear addition and porch,” as notable features.

The property had a fire in the rear part of the house and caused damage to a portion of the building. The applicant is proposing to do a whole house remodel, including cleaning and repainting the siding, installing a new asphalt roof and gutters, and replacing the windows with American Craftsman one-over-one vinyl windows. The work listed above is also proposed for the garage. The proposed work for the interior includes, a new 200 amp service box, new HVAC system, new sheetrock installation where damaged or missing due to fire, repaint the whole house, installation of new cabinets, countertops and LVT plank flooring in the kitchen, new fixtures and LVT plank flooring in the bathrooms, and new carpet in all bedrooms.

REQUIRED REVIEWS:

The proposed project shall be reviewed utilizing the Standards for Rehabilitation as set forth by the Secretary of the Interior:

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.

No such change is proposed.

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 historic wood windows are proposed to be removed and replaced with American Craftsman one-over-one vinyl windows.

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.

No such change is proposed.

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

No such work is proposed.

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

The existing wood 6/1 windows and 16/1 first story front window are distinctive to the property.

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 severity of deterioration has not been documented and the proposed replacement windows do not match the existing.

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.

Sandblasting is not a recommended treatment for cleaning of the siding and could also cause environmental concerns.

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 ground disturbing work is proposed.

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 historic wood windows are proposed to be removed and replaced with American Craftsman one-over-one vinyl windows. The proposed replacement windows do not match the existing.

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.

No such work is proposed.

ACTION /OPTIONS:

- Motion, to determine that the proposed changes to 221 Pine Street do not damage or destroy the Arch Street Historic District.
- Motion, to determine that the proposed changes to 211 Pine Street does damage or destroy Arch Street Historic District.
- Motion, to Table item until the next meeting for the purpose of gathering additional information.
- Motion, to forward to the SHPO for review.

Chairman Jackson called for questions about the staff report.

Commissioner Whitson asked if the exterior will be painted, and if so, what color.

Property owner Jeff Rumas (resides at 516 Spruce St.) responded the exterior will have a green base with white trim. Mr. Rumas stated he has purchased numerous properties in Leavenworth County over the past 18 years. Several properties have been kept as long-term rental properties, which is what his intent is with the subject property, while other properties were sold.

Chairman Jackson asked staff if the subject property is registered as a historic property or if it is just located in a historic district.

Ms. Falvey responded the property is located in an historic district. Properties within historic districts are contributing or non-contributing but every property is reviewed within a district whether it is contributing or non-contributing. The subject property is non-contributing. Ms. Falvey further stated the national register nomination stated the character defining features of the house but it is non-contributing so the changes proposed are not going to change it so significantly that it would impact the district as a whole.

Commissioner Whitson asked the applicant the timeline for the proposed renovations.

Ms. Rumas responded he would like to start work immediately and is hoping to have it complete by late spring.

Mr. Rumas further stated the houses located at 216 Pine, 217 Pine, 218 Pine and 219 Pine, which are all located in the same historic district, all have the same windows he is proposing to install in the subject property, which are all one-over-one vinyl windows.

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

Scott Cunningham, 211 Arch Street, supports the proposed renovations at 211 Pine Street stating the interior renovations should be left up to the owner's discretion, and the choice of the one-over-one vinyl windows are the same as several other homes in the historic district. Mr. Cunningham further stated, as property owners of homes in a historic neighborhood, they still want to have things that are attractive and appropriate but they do not live in time capsules or museums and they do not gain any tax advantages from living in historic neighborhoods. They live in historic neighborhoods because they love the houses and they want to live there in that neighborhood. Property owners in historic districts should not be constricted to living in a time capsule. Renovations in historic neighborhoods should have the mindset that it needs to be done with thought, deliberation and possibly with approval but it is not something that can be banned outright; rather it should just be moderated or considered. If the modification, enhancement or renovation makes the home better, then there is no reason it should not be allowed so long as it maintains the character or the period appropriateness of the neighborhood.

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

With no further discussion or questions, Chairman Jackson called for a motion. Commissioner Whitson moved to determine that the proposed changes to 211 Pine Street do not damage or destroy the Arch Street Historic District, seconded by Commissioner Bateman and passed by roll call vote of 5-0.

Chairman Jackson addressed Mr. Cunningham's concerns stating this board does not strive to not make progress in what they are doing but rather to make sure there is consistency across the board in the quality that is being brought to that specific historic neighborhood.

OTHER BUSINESS/CORRESPONDENCE

1. MINOR STATE LAW REVIEW AND/OR MINOR CERTIFICATE OF APPROPRIATENESS

Chairman Jackson noted there are a few minor state law reviews included in the agenda packet, which do not require action from the commission.

2. TRAINING

Ms. Falvey stated this is an overview of the Secretary of Interior Standards for the treatment of historic properties (see Appendix A).

Ms. Hurley stated Commissioners Otto and Gibson's terms are expiring in April 2023, and asked them to let staff know if they would like to be reappointed.

Ms. Falvey stated there are no items on the agenda for February.

With no further discussion, Chairman Jackson called for a motion to adjourn. Commissioner Bateman moved to adjourn, seconded by Commissioner Gibson and approved by a vote of 5-0.

Meeting adjourned at 6:55 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.