



Historic Landmarks and Preservation Districts Commission

MEMORANDUM

To:	Historic Landmarks and Preservation Districts Commission
From:	Savannah Darr, Historic Preservation Officer
Date:	April 14, 2022

Case No: 21-COA-0266

Property Address: 2130 New Main Street

Case History

19COA1164: The owner submitted an application to demolish the house and garage at 2130 New Main Street on May 29, 2019. The Clifton ARC met on July 10, 2019 at 5:30 pm at 444 S. 5th Street, Room 101. Members present were Jay Stottman, Jessica Murphy, Pam Vetter, and Dave Marchal. The ARC told Mr. Green he needed to provide more documentation on the level of deterioration of the house, like a structural engineer's report, for demolition to be fully considered. Mr. Green removed demolition of the house from the application. Ms. Murphy made a motion to approve demolition of the garage. The motion was seconded by Mr. Marchal. The motion passed unanimously (4 yes and 0 no). Please see the Report of the Committee for further details on the hearing.

19-COA-0113: The owner submitted an application to demolish the house at 2130 New Main Street on October 15, 2019. The Clifton ARC met on November 20, 2019 at 5:30 pm at 444 S. 5th Street, Room 101. Members present were Jay Stottman, Edie Nixon, Pam Vetter, and Dave Marchal. Mr. Green provided a structural engineer's report and termite report. He explained the drainage issues on the site as well as the proximity to the neighboring building, which contribute to the deterioration. Two members of the public spoke against the demolition. The ARC members heavily debated demolition over rehabilitation. They discussed if enough historic fabric would remain after rehabilitation. Mr. Stottman noted that this situation was not demolition by neglect on the owner's part as this had been happening for many years prior. Mr. Marchal noted that the building would remain difficult to maintain due to site conditions and proximity to neighboring building. The ARC discussed other District examples of rehabilitation of deteriorated buildings. The ARC also recommended removing the rear additions as they caused issues to the building. Ms. Nixon made a motion to deny demolition of the house. The motion was seconded by Ms. Vetter. Committee members Vetter, Nixon, and Stottman voted yes while Committee member Marchal voted no. The motion to deny the demolition passed (3 yes and 1 no). Thus, the application for a COA was denied.

19-COA-0173: The owner submitted an application to demolish the rear porch additions and keep the main portion of the house at 2130 New Main Street on December 31, 2019. On January 13, 2020, Staff approved the demolition of the additions with the conditions that the newly exposed façade and openings would be protected and covered.

21-COA-0266: The owner's architect, Dan Spitler with Concepts Architects, submitted an application to demolish the house at 2130 New Main Street and replace it with a park on November 29, 2021. The Clifton ARC met on January 12, 2022 at 5:30 pm via WebEx. Members present were Edie Nixon, Pam Vetter, Phil Samuel, Jessica Murphy, Lori Stahlgren, and Dave Marchal. Ms. Vetter made a motion to deny demolition of the house. The motion was seconded by Mr. Samuel. Committee members Vetter, Nixon, Samuel, Murphy, and Stahlgren voted yes while Committee member Marchal voted no. The motion to deny the demolition passed (5 yes and 1 no). Thus, the application for a COA was denied. Please see the Report of the Committee for further details on the hearing.

January 19, 2022: The owner's written request for an Economic Hardship Exemption from the Clifton ARC's decision was received. Per 32.257(L), this written request is required within 10 days of the ARC decision.

March 11, 2022: The owner's documentation and evidence for the Economic Hardship Exemption was received.

April 5, 2022: The owner's additional documentation and evidence for the Economic Hardship Exemption was received.

Summary

Per the Economic Hardship Exemption guidelines, "The test for economic hardship is not whether demolition or proposed new construction provides a better use or return, but whether denial of the owner's request to demolish or build deprives the owner of any reasonable beneficial use in the case of a non-income producing property, or any reasonable return in the case of an income-producing property."

Mr. Green has stated that the building has never brought him income as it was never in the physical condition to do so. He has provided documentation to try to demonstrate that the building cannot be of any reasonable beneficial use or have any reasonable return. In his documentation he provided:

A. Financial Information

1. Purchase Price, Date, and seller, including relationship, if any.
2. Copy of current Deed.
3. Current assessed value of land and improvements.
4. Real Estate Taxes, if applicable.
5. All listings for sale or rent in the past 2 years.

B. Determination of Reasonable Return/Feasibility of Beneficial Uses

1. Report from licensed architect or engineer regarding condition of structure.
2. Cost estimates associated with rehabilitation for reasonable uses, including the scope of work upon which the cost estimate is based.

On Demolition by Neglect, the guidelines say, "The deteriorated condition of a historic building attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a mitigating circumstance in evaluations of economic hardship. Hardship that is attributable to a building's being allowed to deteriorate will be considered self-imposed; restoration costs incurred to remediate such neglect will not be considered."

Per 32.257(L-M), "The Commission may require the applicant to submit findings from one or more persons determined by the Commission to have expertise in real estate and development who are knowledgeable in real estate economics in general and, more specifically in the economics of renovation, redevelopment and rehabilitation, to review the documentation submitted in accordance with § 32.257(B)(2) and this section.

Within 60 days of the first regular Commission meeting after the applicant's request is filed, the Commission shall render a decision either granting or denying the applicant's request for an economic hardship exemption from compliance with one or more of the guidelines.

The Commission shall grant an economic hardship exemption only if it finds that the applicant has demonstrated through a preponderance of the evidence that:

1. With respect to an application involving a non-income producing structure or site, the site or structure cannot be put to any reasonable beneficial use according to the guidelines adopted by the Commission for economic hardship without the approval of the application.
2. With respect to an application involving an income-producing structure or site, the applicant cannot obtain any reasonable return from the site or structure without the approval of the application.

If the Commission denies the request for the economic hardship exemption, the denial of the application shall be final. If the Commission grants the request for the economic hardship exemption, the Commission, within 30 days of the decision, shall approve the application or approve the application with conditions and issue a certificate of appropriateness for the proposed exterior alteration."