

## PROCEEDINGS OF THE ST. CLOUD HERITAGE PRESERVATION COMMISSION

A meeting of the St. Cloud Heritage Preservation Commission was held on Tuesday, February 22, 2011, at 3:30 p.m. in the St. Cloud City Hall Council Chambers. Members present were Bartlow, Berg, Fischer, Lenaghan, Morgan, and SCSU representative Ludwig. Chirhart was absent.

**Approval of Minutes:** Berg moved to approve the minutes of the meeting of August 24, 2010. Morgan seconded the motion, and it carried unanimously.

**Open Forum:** No one was present to speak at the open public forum.

**HAP-2011-02/417 8<sup>th</sup> Ave. So.:** Carla Chapman, Senior Planner, stated that applicant is requesting to demolish the 216 sq. ft. detached garage in the rear yard at 417 8<sup>th</sup> Ave. So. In October 2010, an alteration permit was administratively approved to remove the existing door and windows and install new siding on the east elevation; however, the permit has lapsed with no work being completed. In November 2010, a fire significantly damaged the house; and last week, staff administratively approved an alteration permit to demolish the house. Chapman is recommending that applicant provide additional information on the intended plans for the rear of the property. Given the timing of the application submission, the Alteration Permit Subcommittee was unable to meet prior to this meeting. The application has been forwarded to the Commission for discussion, and the Commission has the option of tabling this issue until the March meeting given the 40 day time line. Morgan moved to discuss the issue. Anthony Mohr, applicant, stated he just discovered today that the damage to the garage may have been an accident on the part of Tony Wruck, the contractor who is demolishing the house. He believed Mr. Wruck was aware that a separate permit was required to demolish the garage. Mohr explained that he and his son intended to make the repairs as indicated in the application that was approved in October. Prior to the fire, it seemed

feasible to salvage the garage. They tried to keep the historic view of the house and garage consistent with each other. There wasn't great value in the garage itself, but the house and garage complemented each other. There are many structural issues involved in repairing the garage. He asked that costs would be considered. Applicant shared pictures of the existing garage. He stated that the garage is leaning on one side, is unattractive, and causes difficulty in putting in the new windows, garage door and service door. Mohr added that the slab is badly broken up. He showed a picture of the edge of the slab, noting that it isn't under the structure. It appears the slab was put in after the garage was built. There is some wood rot. They looked into the possibility of moving the garage, removing the existing slab and putting in a new slab. They were told they probably wouldn't want to put it back in the same location because it would be sitting right on two lot lines. The service door was kicked in last year. There is rotting around the base of the garage, and he believes the lower two sections would have to be replaced. The window on the alley side as well as another window have been vandalized. Due to the mistake by the contractor who is doing the demolition, the garage door is laying inside the garage. (Ludwig arrived.) Mohr stated that the cost to repair the garage far exceeds the value of the garage; that would not be the case if the house had not burned. He said he thinks the garage is no longer a contributing structure. He stated he has an offer on the property pending the outcome of this request and that the person making the offer is confident that he can meet all the code and LDC requirements with the new construction. The person making the offer was told he probably wouldn't get a permit to put in a new slab in the current location and put the garage back on that slab. Mohr stated that he received a quote for a new garage door on a square structure of \$550. The cost for three new windows and a service door (not including locks) is \$1,550. He estimates the cost for tearing out the old slab, laying a new slab, and moving the garage onto the new slab at a minimum of \$1,000. Mohr said he doesn't know if it is practical to try to straighten the garage as the two windows on the house side of the garage would have to be sacrificed in order to straighten it. It would also require diagonal supports which would block the windows. Therefore, he would like a permit to demolish

the garage. Fischer asked Mohr if he plans to sell the property. Mohr answered that there is a person still interested in purchasing the property if the garage can be demolished. That person has said that he intends on maintaining the integrity of the neighborhood. Chairperson Bartlow asked staff to share the e-mails that were received regarding this property. Chapman stated that an e-mail was received from Peter Fandel, 416 9<sup>th</sup> Ave. So., with copies of e-mails from other Southside residents, expressing concerns about the “historically significant structure.” Fandel’s point was that the garage has been used by the home’s tenants. He stated that the garage is in need of painting; however, that is not a criterion for demolition. Also, the persistent vandalism of the garage window is not justification for wholesale destruction. He makes additional arguments for saving the garage in his e-mail.

Fischer moved to approve the demolition of the garage based on the fact that the new owner would have to apply for an alteration permit to build a new garage on the property that would probably be more functional than the existing garage and the Commission could require the same features of the existing garage be duplicated on the new garage. Berg seconded the motion. Lenaghan concurred with the functional obsolescence of the property and the present safety concerns of the garage. Chairperson Bartlow hesitated to demolish the garage without knowing what the future owner is planning to do with the property. She said she would rather board up the garage at this time and that the purchase agreement with the new owner include a monetary amount equal to the cost of demolition. Fischer said this garage could eventually just fall over as the rotting will only get worse. Berg thinks it is a safety issue at this point. Morgan noted that last year a SCSU student did a study of garages as a part of the cultural landscape. Although it is not in good condition, this garage represents an era when there were carriage houses on the alleys. Therefore, the garage actually does have historic worth. The roof on that garage is very unusual. Lenaghan commented that the owner has demonstrated a hardship, and the structure is not safe. Chapman pointed out that if demolition of the garage is approved, there is an option to require a landscaping plan to be used for parking until a new structure is built. Fischer offered a friendly

amendment to his motion to include that the rear yard be planted in landscaping within six months from the date of demolition of the detached accessory structure. The motion as amended carried by a vote of 3-2 (Bartlow and Morgan opposed).

**2011 Certified Local Government Grant Pre-Application:** Carla Chapman, Senior Planner, stated that the pre-application for the 2011 Certified Local Government (CLG) Grant is intended to provide the funding for the 2011 “Going Downtown” History Hunt. This event would be held in August as part of a month long history celebration. Chapman explained that approval is needed of the pre-application. Berg moved to approve the grant application. The motion was seconded by Fischer and carried unanimously.

**Pantown Tour and Riverwalk Tour Update:** Carla Chapman, Senior Planner, explained that eight properties are included in the Pantown Audio Tour which is available on the City’s website as well as on I-Tunes and YouTube. The River Walk Tour is also completed but has not yet been published because the Mississippi River Plan has not yet been formally adopted. The River Plan will probably be completed in April or May. Bartlow requested that staff fully review the content of the tours to make sure it meets the intent of what was approved.

**Administrative HAP Approvals:** Carla Chapman, Senior Planner, stated that there have been 11 administrative approvals since the August 2010 meeting, the majority of which were minor. There has been only one administrative approval in 2011.

Ludwig referred to HAP-2011-02, the alteration permit request from Mr. Mohr for the garage demolition at 417 8<sup>th</sup> Ave. So. He asked staff if there was confusion about whether the garage was included in the demolition permit for the house. Chapman answered that the contractor thought it included the garage. Ludwig asked if the contractor or the owner had the permit on site. Chapman responded that the contractor did not pick up the permit prior to going to the site; however, the permit was in the process of being approved. Ludwig asked if the contractor is subject to a fine or an administrative action. Chapman answered that the paperwork for the permit just needed to be completed. Ludwig said it was his understanding that a permit has to be posted prior to

construction in the City but wasn't certain if the same applied to demolition. Ludwig suggested that the Commission might want to request from staff how this mistake occurred and how the contractor took this action without having the permit in hand. Chairperson Bartlow said she would like an explanation of the process to get a demolition permit and what is required of a contractor relative to having it in hand and displaying it at the work site. Matt Glaesman, Community Development Director, stated that, in this case, because the Commission voted to allow demolition, it is a moot point. However, if the Commission had required the structure to remain in place, repair and renovation of the structure could have been at the contractor's expense. Glaesman stated that according to the Building Code, taking action that is not in accordance with a building permit that was issued or taking action without a permit makes a person subject to a double permit fee. Ludwig said it is his opinion that in this case the contractor made a mistake, it was relatively minor, and was subsequently mitigated by the HPC's approval of the demolition of the garage. However, in the future, the outcome may be different, and replacement and repair of a structure may not be possible. Therefore, he believes whatever sanctions are appropriate in the building permit process should be taken against contractors who start work without the appropriate paperwork. Glaesman stated that another potential solution would be to issue an administrative citation which would be a \$50 or \$100 fine. He noted that doubling the permit fee would be more substantive.

Berg moved to recommend to staff to take recourse against contractors who do not follow proper permit procedure. The motion was seconded by Morgan and carried by a vote of 3-2 (Berg, Morgan, and Bartlow in favor; Fischer and Lenaghan opposed).

**Election of Officers:** Berg nominated Bartlow for Chair for another term. Berg nominated Lenaghan for Vice-Chair and Morgan for Secretary. The slate of officers was approved by unanimous consent.

Chapman stated that Tammy Campion sent the members the 2009-2010 annual report via e-mail in December. As a CLG, the report needs to be forwarded to SHPO in February or March.

Morgan moved to approve the October 2009-September 2010 annual report, and it was seconded by Fischer. The motion carried unanimously.

Bartlow asked if the HPC is to continue to have a City Council representative and an HRA representative. Chapman answered that the City Council decided to no longer send a representative to the HPC in an effort to decrease the number of meetings that the City Council members were required to attend. Chapman said she will check on the status of the HRA representative.

**Adjournment:** There being no further business, the meeting was adjourned at 4:26 p.m.

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Tom Fischer, Secretary