CITY OF DOVER
HISTORIC DISTRICT COMMISSION
SEPTEMBER 20, 2012

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, September 20, 2012 at 3:00 PM with Chairman Scrafford presiding. Members present were: Mr. McDaniel, Mr. Fisher, Mr. Scrafford, Mr. Jackson and Mr. Salkin.

Staff members present were Mrs. Melson-Williams and Ms. Cornwell.

APPROVAL OF AGENDA

Mr. Salkin moved for approval of the agenda as submitted, seconded by Mr. Fisher and the motion was unanimously carried 5-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF APRIL 19, 2012

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of July 19, 2012, seconded by Mr. Fisher and the motion was unanimously carried.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that included in the member packet was a series of information on workshops and training opportunities being held by Preservation Delaware.

NEW BUSINESS

HI-12-06 Demolition of Building at 509 South State Street - Public Hearing and Action on Architectural Review Certification for the demolition of the two-and-half story residential dwelling located at 509 South State Street. The property is zoned RGO (General Residence and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of South State Street just south of the intersection with Water Street. The owner of record is the Rector, Wardens and Vestryman of Christ Episcopal Church. The property address is 509 South State Street. Tax Parcel: ED-05-077.09-05-45.00-000.

Mr. McDaniel recused himself from the application as he is a member of the church that owns the subject property.

Mrs. Melson-Williams gave an overview of the Architectural Review Staff Report dated September 20, 2012 that was included in the packet. She stated that included in the Staff Report were comments and recommendations.

Mr. Scrafford asked if there were any questions regarding the overview of application HI-12-06.

Representatives: Alan George, Lee Ann Walling and Paul Brown of Christ Episcopal Church.

Mr. George stated that the church was built in 1734 and in order to make the church more accessible and fulfill the mission he proposed demolishing the structure and to backfill and seed the area afterward. The house is an eyesore and cannot be rebuilt economically.

Responding to Mr. George, Mr. Scrafford suggested that he address the staff recommendations and make the Historic District Commission aware of his reactions and what he would offer in that regard.

Mr. George stated that their vision was to have a thriving church and to create a buffer against future development. They currently own the adjacent property, but have been trying to purchase the building for years. He stated that it was an extension to the church yard and the pumpkin patch is used to help raise money for yearly mission trips. The property was inspected by Albert Lamberston in which he reported damage due to leaks, termites, down plaster, and the exposed lath. Repairs are also needed on the storm windows, aluminum siding, bathroom, and kitchen.

Mr. George stated that he also spoke with other contractors regarding the cost to demolish and renovate. He was quoted the cost per square footage was $200-$300. The price range estimate for the construction would range from $300,000 to $500,000 in addition to the $25,000 to demolish the building. The cost would also be based on the requirements of the historical code to rebuild verses if it was an office building that would need to meet ADA requirements. There would also be the issue of adequate parking if it was an office building.

Mr. George stated that tax and Archives research on showed the house was sold during 1825-1834 at the Orphans Court. It was very difficult to determine what was on the property as they could not find anything historically significant. He stated that an Architect was not hired to do any schematics to the construction. Depending on the level required he could do the drawing. When questioned about recordation of the building, he stated that he could have the recordation done with the measured drawings of the building's floor plans and photographs of the building exterior and interior to include keyed location maps of photographs if needed.

Mr. George stated that he had spoken with Matt Spong who gave the recommendation on how to seed the vacant lot. In his opinion, the house was not in keeping with the historic streetscape and if the house were removed anyone should be able to see the walls that were built in the 1920s that were part of the 1734 church structure. They also looked at the James Bellach House and the Academy Building and realized that they would not be able to financially renovate them.

Responding to Mr. Scrafford, Mr. George stated that they do own the property.

Mr. George stated that he is sympathetic to the history of the City as he has been a resident for thirty-two (32) years and purchased his first Victorian house on Bradford Street.

Mr. Scrafford had a concern regarding wall and fences. The existing property is walled around what use to be the properties that were demolished. Would you ever want to relocate a wall to the property line to further use the non-incumbent area that you would gain? There was also a recommendation on tree line along State Street; do you have any problems with it, because it may end up on your property, which would be to your advantage?

Responding to Mr. Scrafford, Mr. George stated that he did not have a plan to remove the wall to the property line to further use the non-incumbent area. He would not have a problem with the tree line along State Street because they do not want to block the view of the church. He stated that the old trees attracted him and his wife to the area before becoming a resident.

Mr. Scrafford asked if there were any questions for the applicant from the Historic District Commission.

Mr. Salkin stated that it was not clear to him from reading the history whether the property and the adjacent resident property since being demolished was ever a part of the historic church square that was set aside by William Penn. Is it part of the historic destination or does the wall represent that destination? Did the property ever have any association with the church? Have you had any historic restoration specialist look at the property beyond Mr. Lamberston assessment? Do you have any sense of cost or what the need would be to restore or stabilize the property? He saw in the presentation that the church did not have any plans to do any development to the property, is it just because you don't have any plans or do you have some long range plans to specifically keep it open if it were necessary? If the land was restricted for that use, in other words, you are asking to have the property demolished to maintain open space, or to leave open the possibility that you may change your mind later to put up a church building. Do you have any thoughts about that?

Responding to Mr. Salkin, Ms. Walling replied that the history of the residential property is more of a representation of the wall area. There were houses behind that house in the 1800's, as well as encroaching into the wall. However, the historic church square is even smaller than the church property. The property has never had any association with the church. There were no other restoration specialists other than the assessment by Albert Lamberston Contracting. Also responding, Mr. George replied that they did not see a need to restore or stabilize the property. He stated that there is always discussion within the church to have priorities, but this has not been progressed. He was not aware of what the future vestries are going to do with the property and did not want to restrict what they would like to do, but there are no immediate plans. He did not see them being able to build financially or for the size of the congregation to build any construction on the site at the current time. If there were to be some other structure, he was aware that they would need to come before the Historic District Commission.

Responding to Mr. George, Mr. Scrafford replied that since the presentation was completed from the applicant and Staff, and questions were asked, the next step would be to open the Public Hearing.

Mr. Scrafford declared the public hearing open.

Mr. William Boyles - Property owner of the John Banning House (the Old Academy Building) located at 527-529 South State Street.

Mr. Boyles stated that he was in support of the church demolishing the building and then backfilling and seeding the area located at 509 South State Street. Upon observing and wanting to purchase the building, he noticed that it is beyond repair. He stated that it is an eyesore, and there are rodents and skunks living in the house. Occasionally, we have observed homeless people in the area around the building. It would be an advantage to the church to have the non-interrupted frontage on State Street in order to have visibility to the historic facility of the church in the rear, but the Historic District Commission would have to make an exception to the *Design Standards and Guidelines*. If trees are added they should be open in order to have visibility.

Mr. Adam Perza - Resident of the Elm Terrace neighborhood and 2nd District Councilman for City of Dover.

Mr. Perza stated that he was speaking on behalf of himself and the people in the community around that area and what they would like to see happen in the neighborhood. He expressed his personal

endorsement for the application that the church has made. This would benefit the City independent of them and independent of the church as it is a doorway to Downtown Dover. Removing the property would actually be beneficial. The property is a core reflection of the City of Dover in the direction that the City is trying to take in making Downtown Dover very attractive and pleasing to the next generation of residents in the City. Sometimes there are public safety concerns with vacant properties Downtown and people gaining access to them. The neighborhood around us has a lot of children. Having that public safety issue is a risk that the community would like to see abated by removing the building. People have looked at the property and it is not likely that it will be rehabbed or refurbished anytime in the future. Even if the City was to flag the building for repair, it is not in the condition that it would happen in the near future. They would be stuck with it in its current condition moving forward. As indicated, it does benefit the church to consolidate the various parcels of land and removes the obstacle of having the tomb in the middle to allow productively use and plan for use of the land in the future. It does not harm the City to remove the building. It appears there is no evidence of significant historical events. No residences have been rebuilt. The City probably does not have the resources to invest and restore the property. The City is protected for future redevelopment. If the church wanted to build a cathedral in the corner it would have to be guided by the City on how it should happen. The City is protected by the improvements that will happen in the future to make sure it is historical, pleasing, and fits in with the surrounding community. His neighbors have no opposition to the church plan. It makes sense for the church to consolidate their holdings. The church is familiar with the historic responsibilities and he believes that they will take the appropriate steps necessary to protect the City's interest and make sure the City is proud of whatever is on the property in the future.

Robin Krawitz - Preservation Delaware Board Member, resident at 106 South Governors Avenue.

Ms. Krawitz asked if before the Historic District Commission made the decision of demolishing a historic building downtown that there would be consideration in getting someone who knows about historic buildings, evaluations, costs, tax credit and other programs before considering the possibility of demolishing the building. She understands that the property is currently an eyesore, but it is not definite that it will always remain the same. The State has a tax credit that the church could take advantage of. Selling credits to people who actually pay taxes is another option. She recommended that more information be obtained before demolishing the building.

Alan George – Representative of Christ Church.

Mr. George stated that the church is currently reviewing the tax credit options and looking into selling some back, but looking at a financial standpoint for the church it is not an even sell back. (one for one dollar) and there would still be necessary investments.

Ms. Krawitz stated that she was not debating, but only to give comments that there are very few historic buildings and they are being lost. Actual details and cost need to be reviewed before the final decision is made.

There being no one else wishing to speak, Mr. Scrafford declared the public hearing closed.

Mr. Scrafford questioned if there were any questions, comments, or motion.

Mr. Salkin stated that he appreciates the dilemma of the church and is aware of the commitment to the Historic District preservation within the churchyard property. There needs to be more due

diligence and archaeological investigation before a decision is made to demolish a building in any condition and historical location. The Green area is where the degree of application would have the highest standards. He recommended that the church consider more about their future building need if they decided to expand. He would prefer to think that everyone consider to repurpose and stabilize the building, and deal with the exterior for future use of the interior. He sees the building as a temporary eyesore and there is a big difference between a churchyard and a series of vacant lots. The Historic District Commission does not want to support a demolition today based on the current information. The due diligence may suggest that you are on the right track and move forward with your proposal.

Mr. Fisher questioned if the church did nothing with the property then the City would be back because of demolition by neglect. He stated that the cost of refurbishing is more than what it would be worth in our lifetime.

Mr. Scrafford suggested that there be an investment in an architectural or preservation related person to evaluate the building that may need to be explored in order to solidify or change the position.

Responding to Mr. Scrafford suggestion, Ms. Krawitz stated that she would be willing to help the church locate someone to evaluate the building at a reasonable cost.

Mr. Jackson stated that further investigation would be helpful.

Mr. Scrafford asked if the Historic District Commission would move to table the application until additional investigation has been completed? Responding to Mr. Scarfford, Mr. Jackson replied yes.

Mr. Jackson moved to table the building demolition for application HI-12-06, located at 509 South State Street until there is further architectural expert investigation and analysis, other information and further justification to demolish the facility has been completed at their expense, seconded by Mr. Salkin and carried with three (3) yes, one (1) abstention (Fisher). Mr. McDaniel recused himself; however, he remained in the meeting.

Mr. Scrafford stated that the basic issue is further analysis on the building. He recommended that action be tabled based on the church acquiring additional information that would include preservation of the structure to support or deny their position.

Mr. George questioned the cost of a restoration report if the church decided to come back to the Historic District Commission with revision since the church is already experiencing financial difficulties. Responding to Mr. George, Mr. Scarfford replied that the decision would be up to the church as to whether or not they wanted to come back to the Historic District Commission, but the building would currently remain.

Responding to Mr. George, Ms. Krawitz replied that in the past a restoration letter report under $2000 was completed by an architect and engineer for the Cannon Hall building in Sussex County.

Mr. Scarfford stated that considering the location of the building and the substance involved in the *Design Standards and Guidelines* it is necessary for the Historic District Commission to ask for further justification the demolition of the building.

Mr. Jackson moved to table the building demolition for application HI-12-06, located at 509 South State Street until additional updated information regarding preservation of the structure has been shared with staff and the staff report and application is revised seconded by Mr. Salkin and carried with three (3) yes, one (1) abstention (Fisher). Mr. McDaniel recused himself; however, he remained in the meeting.

Mr. George requested a copy of the minutes, recommendations, and design guidelines to be mailed to his physical address at 616 North State Street, Dover Delaware, 19901.

Mrs. Melson-Williams stated that staff along with Ms. Krawitz from Presevation Delaware would be in contact with Mr. George to assist him with suggestions for an expert to investigate the building. She also stated that a Notice of Action will be sent to the applicant. She stated that she was not sure if the application would come back at the October meeting or afterwards. Since it is a vacant building the City of Dover Code Enforcement Officers will make sure the building is secured.

Mr. Scrafford questioned if there was any levy on the church that was not levied on the Bill Vaughn when they did a recordation of that building. There was a list of items in the recordation and he did not want the Historic District Commission requiring more for this building versus the previous buildings. Responding to Mr. Scrafford, Mr. Fisher replied assuming the regulations are the same there would be no difference. Mr. Scrafford stated that he was not aware of any regulation change.

Mrs. Melson-Williams stated that with measured drawings the most recent documentation would be the Bayard Hotel and they would have completed measured floor plans and elevation drawings, but it was completed by a preservation architect. There were a lot of photos taken.

Presentation on Tax Credits for Historic Properties

Ms. Robin Krawitz provided a presentation: Tax Credits for Historic Properties **(Attachment #1)** She focused on the Historic Preservation Tax Credit Programs and the activities of Preservation Delaware.

Responding to Mr. Fisher, Ms. Krawitz replied that the 40% tax credit is of the project cost which is 20% federal tax and 20% state tax.

Ms. Krawitz stated that the State government signed the reauthorization in 2010. If you have a property listed in the National Register and it needs repair anyone can take advantage of the tax credit.

Responding to Mr. Scrafford, Ms. Krawitz replied that the tax credit applies to rehabilitation and not restoration and demolition. She also referred to the Secretary of Interior Standards and Rehabilitation.

Responding to Mr. Jackson and Mr. Scrafford, Ms. Krawitz replied that the $5 million per year tax credit for the State of Delaware is annual, not a carry over.

Mr. Salkin stated that the $5 million per year tax credit is not budgeted, but is included in the Delaware Economic and Financial Advisory Council (DEFAC) revenue projection.

Ms. Krawitz stated that the tax credit was reauthorized in 2010 by the current governor for ten (10) years.

Responding to Mr. Scrafford, Ms. Krawitz replied that the approval is issued once the work is completed and paid in full.

Responding to Mr. Fisher, Ms. Krawitz replied that a person can sell the credits and she would suggest that the church or Historic District Commission contact Joan Larivee for more information.

Responding to Mr. Salkin, Ms. Krawitz replied that if standards were followed, it was done after 2000 when the Act was authorized, and you have all of your documentation you can go back and get the credits. If you have a long term project you can go back every two (2) years.

Mr. Salkin stated that he was in the process of doing the Tax Credit Program with his house and it is relatively easy. He stated that his house is within the Victorian Dover Historic District. The program is about stabilizing and enhancing historic structures.

Mr. Salkin stated that within the Historic District most people are generally doing the right thing to take care of their property. He expressed concerns about the properties that are just outside of the Historic District in neighborhoods that are 50-100 years old, but have not yet been nominated to become part of the District. He expressed his opinion that the City was losing historic fabric in the community and that the boundaries of the districts need to be expanded. He stated that Mr. George's house was one example of a home that is not protected or eligible for the credit.

Mrs. Melson-Williams stated that the northern boundary of that segment (of the Historic District) is Delaware Avenue and it does not include the Middle School or anything moving up towards Pennsylvania Avenue.

Mr. Fisher moved to adjourn the meeting, seconded by Mr. Salkin and unanimously carried.

Meeting adjourned at 4:19 PM

Sincerely,

Maretta Savage- Purnell
Maretta Savage- Purnell
Secretary

Attachment to Original Minutes

- **Attachment #1 – Presentation On Tax Credits for Historic Properties**