



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: October 15, 2007

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the September 11, 2007 decision of the Heritage Preservation Commission (HPC) to approve demolition of a potential historic resource, 2863 East Lake of the Isles Parkway by the Lowry Hill History Committee. The HPC approved the demolition, with conditions, by a vote of 5-2.

Recommendation: The HPC adopted the staff recommendation to conditionally approve the demolition of a potential historic resource application for the house and outbuilding at 2863 East Lake of the Isles Parkway. Staff recommends that the decision of the HPC be upheld and that the wrecking permit be granted, after conditions have been met.

Previous Directives: N/A

Prepared or Submitted by: Carol Ahlgren, Senior Planner, 612-673-2847

Approved by: Jack Byers, Planning Supervisor, 612-673-2634 *JB*

Presenters in Committee: Carol Ahlgren, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact (Explain):
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 10

Neighborhood Notification: The East Isles Neighborhood Association was notified of the appeal on October 10, 2007.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: Not applicable

Other: Not applicable.

Background/Supporting Information Attached: The appellant, the Lowry Hills East History Committee, has appealed the decision of the Heritage Preservation Commission (HPC) to conditionally approve the demolition of the house and outbuilding located at 2863 East Lake of the Isles Parkway. The owner of the property applied for a demolition permit and was informed by staff that the property was a potential historic resource. An application for the Demolition of a Historic Resource was received by staff on August 15, 2007. The one and one-half story house has been identified as a contributing building in a potential Historic District. As noted in the staff report, 2863 East Lake of the Isles was identified during documentation studies or surveys in 1983, 1999, and 2006 as a contributing resource to the potential Lake of the Isles Historic District. To date, the District has not been designated; 2863 East Lake of the Isles Parkway was not considered for individual designation as part of the previous surveys and designation study.

Staff evaluated the property for its individual integrity and found that exterior and interior deterioration and damage caused by the leaking roof is a result of deferred maintenance by the property owner. Furthermore, interior features are severely deteriorated or have been removed; much of the historic fabric of the property is missing, contributing to its lack of integrity for individual designation.

As stated in the August 15, 2007 application for demolition of an historic resource, the property owner also owns the adjacent house at 2867 East Lake of the Isles Parkway. This house was also identified as a contributing resource in the potential Lake of the Isles Historic District. If demolition proceeds with 2863, it is the owner's intention to extensively remodel the house at 2867 East Lake of the Isles and extend into the vacant lot. If the project proceeds, it is very likely that the property will not longer retain its historic integrity. The demolition of 2867 therefore, will likely result in the loss of two contributing resources in the potential Lake of the Isles Historic District.

The HPC approved the request for demolition of 2863 East Lake of the Isles Parkway with conditions, including the documentation of the property in accordance with the Minnesota State Historic Preservation Office manual, "Guidelines for History/Architecture Projects in Minnesota (July, 2005). The HPC further requested that all land use approvals be secured for the property and for the adjacent property at 2867 East Lake of the Isles Parkway. Land use proposals such as additions or alterations to the adjacent property at 2867 East Lake of the Isles Parkway will be presented to the HPC as an informational item.

Supporting Material

1. September 11, 2007 HPC Actions
2. Meeting minutes HPC, September 11, 2007
3. Staff Report, September 11, 2007 including attachments
4. Appellant Materials
5. Notice to neighborhood group, October 10, 2007
6. Items submitted at or after the public hearing, September 11, 2007

2007 [HPC](#) Actions

Minneapolis Heritage Preservation Commission

Regular Meeting

September 11, 2007

4:30 p.m. - Room 317, [City Hall](#), Minneapolis, Minnesota

Commissioners: Chair Koski, Anderson, Crippen, Dunn, Kelley, Larsen, Messenger, Ollendorf, and Selchow. Shan Lee (unexcused)

Committee Clerk: Diana Armstrong (612) 673-2615

Call to Order

Approval of the Agenda

Motion by Commissioner Larsen to approve agenda. **Second** by Commissioner Messenger. **Motion approved** with no abstentions.

Approval of Minutes

Motion by Commissioner Larsen to **approve** minutes. **Second** by Commissioner Crippen. **Motion approved** with one abstention.

Public Hearings

Introduction to the Public Hearing

Public Hearing

1. **708 Central Avenue NE, Ward 3 (Staff: Molly McCartney)**

Application for Demolition of an Historic Resource.

Action: Withdrawn by Applicant.

2. **2863 East Lake of the Isles Parkway, Ward 10 (Staff: Carol Ahlgren)**

Application for Demolition of an Historic Resource

Action

Motion by Chair Koski to **approve** Demolition of an Historic Resource. **Seconded** by Commissioner Anderson with the following modifications: Condition #2 to read: "Demolition of the existing structure(s) at 2863 East Lake of the Isles Parkway will not proceed until all land use approvals are secured" and the addition of Condition #5 to read: "Require mitigation plans to follow SHPO guidelines." **Motion approved** with no abstentions.

Commission Business

- Upcoming tour of Malcolm Willey House
- Upcoming conference: National Trust for Historic Preservation
- Chair Koski announcement of his intention to step down at the end of 2007

Adjournment

Next Regular Heritage Preservation Commission Meeting: 9-25-2007

The President reserves the right to limit discussion on Agenda items.

Heritage Preservation Commission decisions are final unless appealed.

The meeting site is wheelchair accessible; if you need other disability related accommodations, such as a sign language interpreter or materials in alternative format, please contact Diana Armstrong at 612.673.2615.

Attention: If you want help translating this information, call **-Hmong** - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500

Minneapolis Heritage Preservation Commission

September 11, 2007, Room 317

Staff: Carol Ahlgren

Planning Supervisor: Jack Byers

Date of Appeal: October 25, 2007

Chair Koski: Then let's move on to our second and final item on our agenda: 2863 East Lake of the Isles Parkway. Staff report is by Carol Ahlgren.

Staff Carol Ahlgren: Good evening, Chair Koski and Commissioners. Bear with me a moment while I get organized. The subject before you tonight is the demolition of a potential historic resource, the property at 2863 East Lake of the Isles Parkway and I'd like to go over the supplemental material that you would have received this evening. Number one is an e-mail I received from Jan Prescott who resides at 2308 Lake Place, she is opposed to the demolition. Number two is another e-mail, these were all received after your packets were mailed, quite recently, so they were not included in your packet. This is from another resident in the area, Anna Matthes, who is also opposed to the demolition, potential demolition. Number three is another e-mail message to me from the East Isles Resident Association. They had a meeting prior to the time that the staff report would have been available for their discussion. Nonetheless they had a meeting last week and you have before you a recommendation to the Heritage Preservation Commission from the East Isles Resident Association regarding the demolition of 2863 East Lake of the Isles Parkway. They recommend the permit for the demolition of the house and outbuilding at 2863 East Lake of the Isles be denied and they recommend that the house be renovated. Supplemental number four is an e-mail with an attachment from Linda Schutz of 1523 West 22nd Street. She is also opposed to this demolition. She has included a sixteen page memo to you regarding her concerns. And finally, this one is not numbered, well, not finally, there's another one. This is from the Lowry Hill History Committee and this was received today. The History Committee is petitioning you to deny the demolition for 2863 East Lake of the Isles Parkway. We did receive this afternoon another packet of information from Linda Schutz, a brief history of Minneapolis shoreland protections, so there's additional material in there.

Chair Koski: Do we have that, was that handed out to us?

Staff Carol Ahlgren: I believe, Chair Koski, it was.

Chair Koski: Oh, I have it right here.

Staff Carol Ahlgren: Can you hear me alright if I stand here?

Chair Koski: Please let the record show that Commissioner Ollendorf has joined us.

Staff Carol Ahlgren: Chair Koski, Commissioners, I'm going to proceed with the presentation. I'm starting out with an overview of the area. Some of these materials were provided in attachment A of your packets, but I'm not going to be reviewing all of those materials. The subject property, 2863 East Lake of the Isles, and the adjacent property which will also be of concern to us, as we'll get to later. Here it is, we can see East Lake of the Isles, and then here is one of the boundaries of that potential district. What we do have before us is something that has been determined a potential historic resource, this district has not been designated to date. 2863 East Lake of the Isles Parkway is a one and a half story frame house. I would call it vernacular style with elements of the Mission style. It's been stuccoed, it has a red roof. It's not tile, there are arched torch openings. There's a Juliette balcony. These are kind of Mission style elements. This house was originally located south at 2867 East Lake of the Isles Parkway, which we'll be discussing more. That property is also a contributing resource. But anyway, this house was built in 1900, it was moved to its current location in 1911. There have been several additions during the historic period, 1936, 1942, 1948, porches, dormers, and some of the stucco was also added. Here are some photographs of the side and rear elevations. You can see, again, there have been quite a few additions to this house during the historic period. I think it started out as a rather small cottage, we'll say in quotes. Here are some recent interior photographs of the house. You can see that the walls have been, well the lathe has been exposed. Basically there's no interior integrity left. I don't see any original furnishings that are not probably irreparably damaged. Some more interior photographs. You can see where plumbing is exposed, ceilings have been removed, walls have been deteriorated or removed and pine siding, knotty pine siding, any features such as cupboards, fireplaces and even floors are the same. I've got one more interior photo. This is a kitchen area, I believe. You can see the wood floors are pretty much gone. As you will note in Attachment B of your packets, the adjacent property owners, this material did not reach me in time to be included in your packets. There are several neighbors and concerned persons from the neighborhood association, that are concerned about the potential demolition due to the proximity of the houses in this area. As you can see from, this is showing I believe the driveway is approximately 8 ½ feet. This is 2859 East Lake of the Isles property, and here is the subject property. I believe that is about 8 ½ feet, that driveway. They have expressed their concern about what the demolition might do to their, the demolition and potential construction, could potentially do to their property. Here's a few more ... a step ladder. What are step ladders, 7 feet? Oh, sorry, 6 feet ... so that's showing again the relative proximity of houses in this area. This is a photograph of the other neighbor. This is 2863 with the exterior balcony and here is 2855. I'm showing you the map, again, of the affected area and a little part of the district that this street faces. Now we can review perhaps why you are here tonight. It has been determined that this is a potential historic resource, or a contributing resource in a potential historic district, it has not been determined to be individually eligible, rather it's significance is as a contributing building to that potential district. When the staff received the wrecking permit, this is what we indicated so this is why we're at the hearing tonight, before you. In section C of your staff report we've reiterated the charges before you. That if you determine this property is a historic resource, if you determine its not then you can approve the demolition permit. If you determine that it is an historic resource then you have two options. You can approve the demolition permit subject to mitigation measures that would be determined or you can deny the demolition permit and direct the planning director to commence a designation study of the property. The findings that we could make, the two things we're asked to examine, are is the demolition necessary to correct an unsafe or dangerous condition, that's the first one. As you saw from the interior and exterior photographs, this property is very deteriorated. It probably has experienced deterioration through time, perhaps due to the owner's lack of maintenance of the property. Staff believes that this property does not have interior integrity at this point. Number two would be are there reasonably alternatives to this demolition? The applicant has provided some estimates of the cost of rehabilitation as opposed to new construction and these are again estimates that have been provided. That was one alternative. The other alternative that the applicant presented to us was to build a new house. The third would be to proceed with the demolition and construct an addition, which I'll be showing you, to the house ... the applicant also owns 2867, and has proposed to demolish this house and construct an addition, basically that would connect them, making them essentially one house, one historic house with an addition, but I'll be discussing that further. To review the significance of the property and what we have determined previously, the Lake of the Isles potential historic district, this is attachment E in your packets, was first presented before you in 1983. This is a study that was done, a nomination was prepared, and it was determined to be eligible. The majority of property owners opposed the designation so it did not go forward at that time. A second study, more recently in 1999, was prepared for the Minneapolis Park Board, examining more focused on the lake itself and the parkway and the adjacent structures. The houses that bordered the Lake were determined to be a contributing resource to

that potential historic district. Most recently, this Certified Local Government study was prepared for the city in 2005/06 and once again this area was determined to be a potential historic district. You can see this is their boundary going around. This is attachment C in your packets. The two properties we're concerned with are right here and here, at the very edge. This is 2867 and this is 2863.

Chair Koski: Ms. Ahlgren, what are the other black marks?

Staff Carol Ahlgren: Chair Koski and Commissioners, this indicates according to the surveyors, additional properties to include within district boundaries. I believe, at this time, and this was a reconnaissance survey, Chair Koski and Commissioners, that I believe the surveyors at that time determined that those properties may have warranted individual designation. Are there any other questions about the map?

Chair Koski: I don't think so, thank you.

Staff Carol Ahlgren: Again, these are materials that were submitted by the applicant and their application for the demolition of a potential historic resource. This is Attachment A in your packets. This is an existing site plan the applicant prepared. Here we're looking at 2867 and here is 2863 Lake of the Isles. It shows the lot size and coverage to the existing shed, existing garage. Chair Koski, Commissioners, here is another elevation provided by the applicant and I should note also that we have not received plans for review through the Minneapolis Development Review, so these are preliminary ideas. This is the proposed, here is an existing house at 2867, which to reiterate is also considered to be a contributing resource in the potential district and here is the proposed addition. This shape indicated what would replace 2863. So here's the two buildings connected, or the new construction connecting to the existing house. Here is an elevation of that proposed new construction. This is the existing contributing resource to the potential district, 2867 which really has much more of a Mission style facade to it and then here, this represents the proposed new construction, which would require the demolition of 2863 and then the addition to that house. Here is a side elevation of that proposed new construction. Staff has made the following findings based on this material. That the house at 2863 East Lake of the Isles Parkway as well as the house at 2867 East Lake of the Isles Parkway have been identified as contributing resources in a potential Lake of the Isles district, which was evaluated in 1983, 1999, and most recently in 2005-06. During those surveys, each of the houses were determined to be contributing resources in the proposed district. Finding four, I see that demolition of 2863 would constitute loss of a contributing resource to a potential district, determined to be eligible in 1984, 1999, and 2006. The proposed alteration to the adjacent house at 2867 East Lake of the Isles Parkway if demolition were to proceed would likely result in its change in status to a non-contributing resource in the proposed historic district and that the house at 2863 East Lake of the Isles Parkway exhibits fair exterior integrity in a low condition. Original siding, stucco wood trim, and windows all appear to be intact but are deteriorated. The interior does not retain notable historic fabric such as light fixtures, woodwork, tile, or fireplaces. Many walls have been stripped to expose lathe. Number 7, the owner/applicant provided site plans and architectural drawings to indicate what would replace the resource if demolished. The plan, while not approved by Minneapolis Development Review, is for demolition with new construction to be attached to the adjacent house at 2867 East Lake of the Isle Parkway. Number 8, the adjacent house at 2867 East Lake of the Isles Parkway has also been identified as contributing resource to a potential historic district. The proposed demolition and new construction, therefore, could result in the loss of two contributing resources in a potential district. The staff recommendations are as follows: that we adopt staff findings, that you adopt staff findings and approve the request for demolition with the following conditions: 1) the proposed new construction must meet city code requirements for new construction in the R1A and Shoreline Overlay zoning districts regarding height, massing, setbacks and preserving neighborhood character; 2) demolition of the existing structure at 2863 East Lake of the Isles Parkway will not proceed until all land use approvals are secured; 3) demolition of the existing structure at 2863 will not proceed until all land use approvals are secured for adjacent properties. Land use proposals and alterations and additions to the neighboring property will be presented to the HPC for an informational presentation so that commissioners can provide advice related to changes proposed for the neighboring structure which is contributing to the potential district; and finally 4) demolition and land use approvals for

the adjacent property are not approved here and must be applied for under separate cover. Chair Koski, that concludes my staff report. If there are any questions, I'd be happy to entertain them at this point.

Chair Koski: Thank you Ms. Ahlgren. Are there any questions? Commissioner Anderson? Oh, Commissioner Crippen.

Commissioner Crippen: Could you explain, you talked about the interior condition, the interior integrity being pretty much gone. Were you referring just to historical integrity or also to structural?

Staff Carol Ahlgren: Chair Koski, Commissioner Crippen, I don't think I can evaluate the structural integrity of the property. I don't have enough information to do that, the applicant did provide that but the City has not looked at that so far as I know.

Chair Koski: Any other questions for staff? Commissioner Dunn, let's start with you.

Commissioner Dunn: Ms. Ahlgren, in your recommendation you suggest we approve the request for demolition for this historic resource, but I notice you didn't make any suggestions for the potential mitigation plan if the demolition is approved.

Staff Carol Ahlgren: Chair Koski, Commissioner Dunn, that's a very good point and I think that we do, having experienced this before, I think we do have a good standard that we've used for the Minnesota Historical Society for recordation of properties, so that is something we could require.

Chair Koski: Commissioner Kelley.

Commissioner Kelley: My question was whether the plans that we just saw for the new construction seem to meet the Shoreland Overlay district requirements for height massing setbacks, is that about what they should look like?

Staff Carol Ahlgren: Chair Koski, Commissioner Kelley, as I have informed the neighborhood and concerned parties with this, this project if it goes forward would be subject to an entire additional and fairly rigorous review for that area and I'm sorry I did not address those issues tonight in terms of setback and massing, but this is a pretty critical area and there's not only the character of the area but also height requirements and massing and setback, and so its very possible that there would be variances required. That said, we cannot consider these to be final drawings nor have they been submitted for review. But there will be review, once the drawings have been submitted.

Chair Koski: I had a question also, Ms. Ahlgren. You explain that the house was built earlier and then moved to this location in 1911, where did it come from ... do you know, or does the applicant know? Was it moved over one lot?

Staff Carol Ahlgren: Chair Koski, Commissioners, the applicant did the research on the property. It was originally located here at 2867 and then it was moved to its current location in 1911.

Chair Koski: I'm curious, do you know why?

Staff Carol Ahlgren: From what, Chair Koski, Commissioners, from what I've read in the materials submitted by the applicant and what we determined just from the building permits, these were brothers who owned these two properties and my guess is that in its original location it was a rather small structure maybe 20x20 and so it was moved in 1911 and then 10-20 years later additions happened. Meanwhile the brother moved here and builds that house next to it.

Chair Koski: Interesting, thank you, any other questions for staff? Commissioner Ollendorf?

Commissioner Ollendorf: Yes, I was wondering about the moving. Does that have, the present guidelines, does that cover houses and properties that have been moved, can it still be potentially eligible historic property?

Staff Carol Ahlgren: Chair Koski, Commissioner Ollendorf, that's a very good question; however, that move would be considered part of the history of the property since it happened a long time ago. In fact, also, Commissioner Ollendorf, even the additions to the house, no, it wouldn't resemble what it was when it was built but it would still be within the period of significance. So the move itself and the additions would be considered historic.

Chair Koski: Can you quickly remind us what the period of significance is according to the designation study?

Staff Carol Ahlgren: Chair Koski, Commissioners, that has not been updated since, those were recommendations. The original nomination, I'm not sure what the period was but I think it ended probably in the '20s or '30s because that initial nomination focused primarily on the architecture, which is interesting. That was a focal point with the houses. Then the second study which focused on the lake and the parkway and all those developments recommended that the district be extended to 1942, which would encompass some of the last significant work on the lake and the parkway by the Works Progress Administration and I'm not sure what a current recommendation would be for that but those would all be taken into consideration.

Chair Koski: Any other questions? Commissioner Larsen?

Commissioner Larsen: Question for you, was the early construction of these two properties and, as some have suggested in fact this Lowry Hill History Committee Report indicating that this was a part of the early bungalows built around the lake. Has that been looked at in terms of meeting possibly one of the designation criteria as an early contributing property versus one of the early properties around the lake, do we know anything about that?

Staff Carol Ahlgren: Chair Koski, Commissioner Larsen, that's an excellent question. Unfortunately the study that examined the architecture, which was in 1983, which I think is kind of indicative of how even preservation itself changes, seemed to focus primarily on the larger houses around the lake. I do think it's kind of interesting when you look at some of these areas, there were more, quote unquote, modest houses.

So that would be considered, I think, there is this earlier property or cottage, more modest, however, I would encourage you to keep in mind as well that nonetheless it is considered a contributing resource, the district is much larger and we did not consider this property to be eligible individually but instead as part of a district. Same with 2867, based on what we know at this point.

Chair Koski: I think that's it, thank you. I'm going to open the public hearing. Is there anyone who wishes to speak to this application? If you care to do so, please step forward and we also need you to sign in. There should be a sign in sheet either outside the chamber or somewhere in here. Is it outside?

Staff Dan Villareal: Chair Koski, yes it is outside.

Chair Koski: Ok, thank you. And make sure you state your name for the record and I'm going to try to limit all public comments to roughly about 5 minutes this evening.

Thomas C. VanHousen: My name is Thomas C. VanHousen, I'm a fellow of the American Institute of Architects, past president of AIA Minnesota with now some 2500 members. First I'd like to applaud the City and the Heritage Preservation Committee and Carol for the thoroughness of the staff's written report. It was fair and comprehensive. Second, this is an application for demolition of the existing residence at 2863 which is found to be in a very deliterious condition by two building officials, one of which was myself in years past and one salvage company which I will provide you with a letter on today. This is neither a request for building plan or elevation approval, nor involves any setbacks or variances. Mr. Horthy has assumed the existing front yard porch variance was a precondition or was grandfathered to his initial purchase approximately 5 years ago. With that said, I truthfully advise you that thirdly, that Mr. Horthy and I have not agreed on the plans for either a new residence at 2863 or the addition restoration to 2867. Frankly we have anticipated constructive comments and criticism from our good neighbors and the Heritage Preservation Committee which could be incorporated into one of the two new building options in our application for demolition. Now its not unusual that the architect and the owner don't agree on plans. I think you can recognize that, Mr. Koski. We too are very covetous of this lovely neighborhood. The two residential options in one application were after demolition. Option one was to build a totally new residence on 2863 meeting the building code but be very conscious of how that may visually and physically damage the site with a curb cut, extensive driveway, parking, and turnaround area with substantial reduces the green or open space to the lake. Option two, to add to and restore 2867 to accommodate one residential site and thus preserve the open or green space by using the existing driveway parking turnaround with minimal sitework. Briefly, I'd like to revisit the site which Carol presented to you so well. First this is the site, the area shown in red, these were items that were constructed after the fact and following World War II. They have not, do not have any foundation structure or support below that and they have broken away from the residence as it exists. Then you will note there were some retaining walls etc that have totally deteriorated falling apart and we removed those recently. I'd also like to point out the area shown in red down here with the good work that the Park Board does there's an area that needs filling badly in that area, the ponding water is there in the spring and after rainfalls. You will note that there is no driveway to this site at the present time. In that condition, we were looking at, this is the property I believe that belongs to Ms. Hantzes and this is the property that belongs to Mr. Horthy. He also owns the property at 3838 James Avenue South, which is of some historical significance. When we got into this, we were concerned that the grade elevation from here, back to the east end of that site was a approximately 21 feet or ranging from 6-10% grade. In the wonderful winters of Minnesota, the existing site that you see there is composed roughly of 7,185 sq.ft. and the building ground floor covers approximately 1700 sq.ft. The market value of the house is \$392,000 as of 2007. Now if I can take you to the next, it's the same thing but represents the areas that we have had conflicts with in our own thinking. We began working on this over a year and a half ago and we were perplexed by conditions that we got into. One of the things we immediately looked at with the City and park was they were not very eager to see us have another (loud noise obstructed recording), so that was of immediate concern. We looked at several possibilities. One of those possibilities was actually less a driveway and yard interference or terra was to come in the area you see here, come into the garage here, park underneath here. There are two residences in the neighborhood where that does occur. The other

was to run it straight out or bank it a little bit and create another access or straight out and combine with the other driveway in that area. Now there is a level elevation that first floors must be at, between this house and this house and I believe that elevation is 876.4 feet, so we tried to match that. The base and height of this residence at the present time allowed only about 6 foot 8 clearance, which is not adequate for a structure for things like that at all. We would need to sculpt out 2 feet of that earth in that area to create the driveway conditions that was needed. This is still one option for your consideration if you would like to do that. We are open to discussions.

Chair Koski: Mr. VanHousen, I do have one clarifying question I'd like to ask you, but the application before us tonight is for the demolition of the existing house, not necessarily to review proposals or even to elicit feedback from us, which I understand can happen at a later time. I'd rather focus on just the application that's in front of us. So the one question that I do have, and maybe this is a question for staff and we can follow up with them afterwards, is does the City of Minneapolis require location for off street parking for new residences if we allowed the demolition and a new residence was constructed, would they be required to have off-street parking?

Mr. VanHousen: My understanding of it was, Jack, you answer if you'd like ... two stalls per residence. That requires off-street parking usually, in most communities with two out in the old.

Chair Koski: Ms. Ahlgren, do you, are you able to answer that question?

Staff Carol Ahlgren: Chair Koski, Commissioners, no I'm not really quite sure about that and I was not going to review the zoning codes for what was required.

Chair Koski: Right, I'm just wondering what kind of impact allowing the demolition would have on the district if it means considerable site work to accommodate the new zoning requirements.

Staff Carol Ahlgren: Chair Koski, Commissioners, that is of concern with staff and we are aware that any new construction in this area would go through the same review with everything and probably if there were variances required those would have to go through a separate hearing through the Board of Adjustment.

Chair Koski: Ok. And there is no alley access to this house?

Mr. VanHousen: If you look at our booklet in there we had renovation/rehab additions and concerns for 2863 and this is very clearly pointed out. The existing site is only 45 feet wide, the residence is very deliterious with rotting walls, window frames, structure, etc. Neither a parkway curb cut nor a driveway are currently accessible. The driveway grade is roughly over 6-10%. A renovated new residence would require a 2 car garage and that's very excessive in Minnesota. In order to maintain the matching floor elevation, the elevations between the three residences must be at 876.4 feet and the stormwater and electricity have been currently cut off from the house. The structure is only 2 feet from the north property line against Ms. Hantzes' house at 2859 and we are concerned that the same is true of Mr. Horthy's house on his north property line. As a former building official, I find these things very detrimental to life safety and that sort of thing for emergency equipment. The existing residence has only 1,700 sq.ft. of livable area. We were afraid this would not meet the criteria that you would need for a house of this magnitude or one of the additions. Now, I'd like to take exception to the staff report, but first I want to just show a little bit more how the Walden brothers moved that house. Built in 1900 and moved in 1911, and it did not receive any care until roughly the late 1940s. We were trying to get all of the driveway coming up with a turnaround in the back of

this existing house and adding to the existing garage. Therefore leaving a much more open space for a beautiful view of the lake. But my exceptions to the staff report, which I think was a very good report: page 2 paragraph 2, 2858 resident Sophie Hantzes advised Horthy one week before our demolition submittals, she was in favor of the eyesore at 2863 being demolished. Mr. Horthy voluntarily presented Sophie with this copy for review and comment to the neighborhood.

Chair Koski: Would you explain where this was? You say page two?

Mr. VanHousen: Page two of Carol's report, I'm sorry. In the appendix I had written that she was in favor of this and we found out after we gave her the booklet that she was not in favor of it. We had sat down once with her and Mr. Horthy sat down with her prior to the submittal of the report for demolition.

Chair Koski: I'm sorry, I'm not familiar with this, the person you referred to? Ok, I'm not going to get into bearing a witness to an argument between two members of the public. If you could just focus on making comments on the application that's before us and the staff report. It sounds like you're referring to someone else's report. The staff report looks like this.

Staff Carol Ahlgren: Chair Koski, Commissioners, if I may say, I believe that he is referring to page 2 and the letters from the concerned neighbors are attachment B1 in your materials that you received and the first letter is from Sophia.

Chair Koski: Ok, so it's referenced as an attachment?

Staff Carol Ahlgren: That is correct.

Mr. VanHousen: I have not seen the letters, so I will not comment on the letters. Page two, the last two paragraphs note lack of proper foundations and the last sentence lack of deferred maintenance is partly due to unsafe working conditions encountered as Mr. Horthy began to work on interior renovations which does not require any particular review by the HPC. There was problems with the plaster, he encountered mold, inadequate insulation in the walls, and existing breaches and cracks in the Portland cast cement and rotting wood, joist, and structure studs. I began with Mr. Horthy in the spring of 2006 and we moved slowly and cautiously. On page 3, Minneapolis Park and Recreation Board deserves great credit for the outstanding job they and Hennepin County have done over the years to beautify and make our park systems accessible, useful to the public and environmentally excellent. We only request that there would be some minor repair at the bottom of this site as it affects 2859 as well. Page 4C, economic value, our construction costs did not include architectural engineering, contractor developer fees, demolition, building permits, or lack of costs, so you knew what we were submitting to you. Today we enclose a letter from Bower Brothers salvage specialists, which did not find any significant historical artifacts to or with this property. They also recommend demolition, I'll give you the two, Carol, in just a moment. Page 4 and 5, heritage planning for preservation regulations. We responded to all 7 regulations as an attachment to the demolition application. Page 7E, findings, please recall item 1 stated, this area has not been designated historical district and item 2 the neighborhood has already rejected it for the National Registry of Historic Places in 1999. Item 6, many walls had been stripped to expose lathe. I've made the comment on what we encountered when we started. Item 7, what could be replaced, not what would be replaced. This was one of the three options for consideration by the Heritage Planning Commission. Now as to the staff recommendations, we can accept your recommendations for demolition and we suggest that in item 1 we are required to adhere to the 30 foot height restriction. We are also concerned with the massing but I would like a plan definition that everyone assumes what massing is. We understand the setback requirements, but they may vary depending on which option Heritage selects for one of our development plans for

approval. We understand the Heritage Planning will require another review of site building and elevation plans prior to appeal and we will concur. So I early stated Mr. Horthy and I have yet to agree on plans. Number 2, item 2, demolition will not proceed until all land use approvals are secure. We respectfully request an immediate demolition approval for obvious safety, fire, storm, reasons, issues, plus the ability to clean up the site before snow falls where visual improvements are in order, as soon as possible. I'd just like a simple yes or no to that if that's possible. Having been a planning officer for some time, I know sometimes that very difficult, Jack. Item 3, tied to number 2 above, yes, we have we will submit our plans etc in accordance with the HPC regulations and the building code. Item 4, demolition permit is understood by our contractor, simple excavation, and Mr. Horthy, and they are to proceed as soon as possible with your approval. I thank you very much and I will leave you a copy of what I have just spoken to you about. Thank you.

Chair Koski: Thank you. This is a public hearing, is there anybody else who wishes to speak to this application? Yes ...

Jenika McGann: My name is Jenika McGann and I live directly behind the proposed demo site. A little background, my husband and I, we demolished an 800 sq.ft. house at that site in 2001 and build a 2800 sq.ft. home in its place with a 3-car tuck under garage. We required absolutely no variances, we had no neighborhood opposition and I think we built a very nice house. We welcome you to drive by our house and check it out, it's kind of cute. We're, our concern with the property is that my understanding and this is just what I've heard, is that Mr. Horthy came by the houses by there's an elderly woman there that he gave some kind of reverse mortgage to or something like that. When she died, he became the owner of the property in some way. This was right after we moved into our house and since then we've just been watching it just deteriorate. It was bad to start out with and now its gotten worse and worse. Finally in, I believe January or February of this year, after the snow fall, the windows popped out of the back and the roof sagged. That's when we started making phone calls to the City. It kind of coincided with when we got a big property tax increase and we said hey wait a minute. So, it's even currently there's still no window in the upstairs, we can see daylight through the house. There's piles of brush in the back that've still not been removed; however, the wood floors were removed recently. You know, I believe that he has pretty much scavenged, we watch him sawing away at the place. Our opinion of his care of the property is not very high. However, our main concern right now is that if there is a new property or addition built, that we are certainly made aware of any kind of height or massing variances that are required as you can imagine that would affect our property and we leave it up to you to decide whether it's historic or not. But we are concerned about just the handling of the situation and also the City because we've been told all these months, oh don't worry about it, something's going to happen there and still, I don't understand why he can't clean up the debris that's there right now, that is a concern, a health and safety concern. The outbuilding, the roof is completely collapsed in there and there are raccoons that live there. We have a three year old son, we've actually had a lot of damage to our landscape from the raccoons that come directly from behind the shed, and bunnies and all that sort of stuff so we're trying to keep them out. One way or another we'd just like to see that the situation there, whether it's rehabbed or something new or an addition. Anyway, my husband prepared a statement that we'd like to be included in, I don't know do I give this to you?

Chair Koski: You can give a copy to the clerk, Diana, and she'll make sure it gets into the public record. Thank you. Yes?

Sophia Hantzes: I do have handouts, may I ...

Chair Koski: You can hand them over to the clerk and she'll distribute them.

Sophia Hantzes: I was just going to wait until you had them ...

Chair Koski: You can proceed.

Sophia Hantzes: Ok, well my name is Sophia Hantzes, and I live at 2859 East Lake of the Isles Parkway, which is the property adjacent to the proposed demolition property. For the record, at no time did Mr. Horthy sit down with me and at no time did I agree to anything. What he did do was to threaten me and say if I didn't go along with his plans then he would not build. He would leave the house the way it was. So, I want to be very clear about that. In spite of that, for the most part, my relationship with Mr. Horthy has been cordial. I try to work with him, with the home, and he'd tell me the plans were in the offing and so forth, and my biggest concern was two years ago I had a rodent infestation in my home. I've lived there since 1987 and I've tried to work with Mr. Horthy about trying to get rid of the rats and he said that they were generated from my home. So, after that point, as you can probably understand, things began to deteriorate between Mr. Horthy and myself. Part of my reason for not coming forward before with City inspectors is that I was scared to death that if the demolition happened in the winter time, then more rodents would escape to my home. I would come home and literally see them hop across my driveway, so, when I say infestation I'm not talking one or two, I'm talking 20, 30, 40 rats that were in my home. Nonetheless, here we are. First of all I'd like to thank the commission for hearing me and also Nancy Johnston for allowing me to express my views and I'll be brief. What I would like to draw your attention to is the first page, a copy of the letter that I sent to Carol. That's also included in her packet. And then, just so that you have a visual as to what the issue is for me, page 1 here on your left is my home, 2859.

Chair Koski: You'll have to flip it around 180 degrees. Yup, it's very user friendly. It should be on now. Is it on now?

Sophia Hantzes: Yes, it is. Ok, on your left, 2859 Hantzes, that is my home. 2963 is the proposed demolition. In the middle of the driveway, what I did is I put a 6 foot ladder there so that you can see what the distances are between our homes. I'm not here to talk about where the property lines are or aren't, what I'm here to tell you or express is that it's approximately 8 feet 8 inches, depending on where you measure from. It's no more than 10. So if you were to approve demolition, one of the concerns that I have is structural damage to my home. So far Mr. Horthy has not been a good steward in taking care of that home. I have no reason to believe that the demolition wouldn't be done in a way that would not damage my home. The next page, and I believe there are only 13 images, maybe 14, it's just a better view of the 6 foot ladder and the distances between our homes. The following page is from the back so that you can see the homes are close together throughout the length of my home, in other words it doesn't open up somewhere where then the distances become greater. Sorry I'm not doing this very well. The following is from the back, so that you can again that the distances, it doesn't open up very much. Go ahead, I want to be brief. The other concern, and I do have permission to speak on her behalf, on the right hand side is my home to the side and the next neighbor over is 2855, her name is Tina Frontera. The distances between her home are even less than the Horthy home. So the concern then is the demolition should it go on (tape break when switching sides). Could it damage my home as well as Tina's? So that is the frontal view of the distances between Tina's and mine, and I couldn't fit the ladder between our homes or I would have. This is a back view of our homes. It's close quarters and, again, it runs the length, so there's no way that it kind of flares out somewhere so the distances are greater. This next photo is 2863 which is the right side on the right side. The home that Mr. Horthy is currently living in is 2867. What I want to point out is the distances between Mr. Horthy's home at 2863 and 2867 is approximately 15 feet. So he has quite a bit of space should demolition happen to work with, where I don't. So the likelihood of damage to his property is, I would imagine, significantly decreased because of the distance that he has to work with there. This is, as of August 25th, this is the view of the front yard of Mr. Horthy's home. To the right is 2963, the proposed demolition, and 2867 is Mr. Horthy's home. The front yard is pretty much a mess and the silt is running down the front yard to create mud on the sidewalk where pedestrians and bicyclists have to avoid the sidewalk. The next view is the back of Mr. Horthy's house, the proposed home for demolition. What Jenika had to say about the brush and I don't know if that's an appliance there or what it is, but anyway that has been there for at least a month if not more. In Mr. Horthy's proposal for the driveway, it means going through park land to access it, taking down a willow tree and one of the things that's not emphasized is Mr. Horthy has his own

driveway and so if you wanted to utilize a driveway to gain access to the 2863, he certainly could without cutting into mine. I was with Mr. Horty in July and we went through his home and this is the interior at that time at 2863. I can support Jenika's comments that Mr. Horty has salvaged the property. He's taken out radiators and hardwood floors, so the notion that somehow it's not, has any historical significance because there's nothing there reminds me of the old joke of the orphan who kills his parents pleading to the court for leniency because now he's an orphan. I mean, he stripped the house and that's why there's no historical, potential historical significance to it. This is the living room. I believe this next photo is the upstairs bedroom. You can see that the radiators were intact at that time. They are no longer there. Interestingly enough, the rodent problem that Mr. Horty said he didn't have, when I walked through the property those two cartons on the table are high test De-Con. Do you have any questions about the lay of the land, where things sit? My concern is this, if you approve demolition, I don't know how to say this. I've lived in my home for 20 years and the care that Mr. Horty's taken to date doesn't give me a lot of confidence that whatever demolition company he uses that my home is going to be safe. More, and Tina Frontera has that concern as well. With any kind of rebuild, I have the same concerns. It just kind of goes on and on. I will vigorously oppose any variances, vigorously oppose any variances that he is proposing. In closing what I'd also like to share with you is I've always been the kind of neighbor that, you know, whatever you do on your property is your business, it's not my business. Part of my tolerance of the building the way it was, you know, is if people want to paint their houses turquoise or black, it's their business to do it. But I've made it clear to Mr. Horty over the years, don't tread on me. With the rodents, now it's my problem. You know, with variances, now you're impacting the way I live there in my home. So that's what I want to share. This is my first hearing. I'm not one to come forth with things and I would just implore you if you do approve of demolition that you keep in mind the structural integrity of my home and of Tina's home. I'm very appreciative of to be able to talk with all of you. So thank you so much.

Chair Koski: Thank you. Is there anybody else who wishes to speak?

Nancy Johnston: Chair Koski and Commissioners, is that on? My name is Nancy Johnston. I chair the zoning committee for the East Isles Resident's Association and you have in your packet I think the statement from the President of our Board. I just want to make a few additional comments. Our zoning committee did meet on September 4 and did have access to the staff report, which we appreciated very much. I think Sophie and others and Jenika, have, the immediate neighbors, have expressed concerns that definitely were expressed by the zoning committee members and others who came to our open meeting on September 4. It seemed on reading the excellent report that they did very well point out that this was a contributing building to the proposed historic district, but then did propose demolition. It was the feeling of people at the meeting that the owner bought the house if you will notice at a very low price for Lake of the Isles, \$220 some thousand dollars, a few years ago, and simply has allowed it to deteriorate. There was the feeling that he shouldn't be rewarded for that. I don't know how that leaves us in terms of demolition. We did also recommend that the house be renovated, making it secure, providing heat, and basic sanitation. Our recommendation did go on to express also the EIRA board does not have confidence that the demolition and new construction would be done responsibly nor with consideration for the historical integrity of the new structure, environmental issues, or the structural integrity of adjacent homes, at least some of which may also be of historical and architectural significance. I would add to that what Sophie mentioned is that just in the last, I don't know when it started but there was a picture of a retaining wall in front of the 2863, and it was not deteriorated, it was removed and a number of trees and shrubs so it is pretty much a mud slide in front of that house now, unlike in one of the photos that you saw and as Sophie has expressed it has caused concern on the sidewalk with the mud and so on and so forth. Again, the neighbors felt that Mr. Horty had not been a responsible neighbor. Usually when there's a demolition in the neighborhood people, not only are we notified, but people do come to the EIRA meetings and talk about it and that has not happened. There've been other, unfortunate teardowns along the lake, so I think that's one of the reasons for the many concerns. The site plan, I know we're not talking about that but again, it seems like it's very close to Ms. Hantze's house which, so we would very carefully look at variances and mitigation and we are concerned that there be, if you do approve demolition, that there be a mitigation plan that's very complete and the neighbors do feel that they would want to be very much involved in further discussions. If there's any questions ...

Chair Koski: Any questions, Commissioners? No? Thank you very much.

Diane Montgomery: Good afternoon, Commissioners, I'll try to be brief. I have three points. Diane Montgomery, Lowry Hill History Committee. You have a handout from me that has several attachments to it. I come from outside East Isles. Lowry Hill is an adjacent neighborhood which as you all know also has it's own issues with rising property values, at least historically until recently this year, and historic houses, potential historic districts, and people that we call in the neighborhood carpet baggers who are coming in and buying houses and then doing things to them and then disappearing. So I have a city wide point of view on coming in and talking about a property in an adjacent neighborhood. We're very concerned about this particular property as our letter and as the attachments indicate. First of all, Lake of the Isles is adjacent to our neighborhood and Lowry Hill is a continuation of the Mount Curve and Groveland Terrace tourist trips around the lakes, it's part of the chain of lakes. It's one of the gems of Minneapolis, as you all perfectly well know. Therefore we're interested in this but we also look not only at the crown jewels, the four or five properties that may have been consistently identified in the '99 study, in the 2004 study, in the '84 study, and in the 2006 study and part of the staff report today, but we're also interested in the small contributing properties. I'd like to refer to you to the map that was part of the staff report that we included as attachment A. It shows in pink, if the colors came out all right, two properties down right at the entrance of what would be the Lake of the Isles district in the area going from Lake Street and the Calhoun part of the lakes into Lake of the Isles. Or, on the tourist route coming from the Guthrie area, the absolute, every person driving along Lake of the Isles will pass these two little properties right on the other side of the greenway right at the entrance of Lake of the Isles. Now these are not the grandest properties, these are not the largest properties, usually not the newest properties. These are two of the oldest properties. 1900 was when the Walden brothers bought this house and put a little cabin there, a little bungalow. The houses that were similar, built there in that similar era, most of which have been moved off by now, demolished back in the 1920, 30s, 50s and are no longer there. So, the successor to what was originally around Lake of the Isles, you see in of all houses, the 1900 Walden house at 2863. 2863, the very one that Mr. Horthy has acquired and let sit there without utilities, without heating coming into the heating season, knocking down the trees and inadvertently apparently in removing the trees some gashes in the front porch has occurred sort of 3-feet long, so that this property in case no neighbor noticed it yet, might notice you know it really doesn't look so good. It really doesn't look so good. It's got to be the property's fault. We included in our packet as attachment B the sketch of the completion of the 2863 property as it appeared in Minneapolis publication. This is part of the Hennepin history collection of Lake of the Isles houses and important houses in Minneapolis. That would be attachment B. As you see, it's a modest little bungalow. It was originally shingle style. You can still see from the facade of the current house, the bones of this house. It's still there. And for someone who's worked in preservation as much as I know you all have, you know how many times people come to you and tell you a wind's going to blow over this house, this house is in such terrible shape, termites are eating it, the dogs have eaten it, who knows what's happened to it, it's never going to survive to the next month, how many times have you heard that about historic properties. They're rebuildable, they've been rebuild, they get rebuilt all the time. And around Lake of the Isles someone's going to tell me that putting a half million or a million dollars into a house, there are realtors here in the audience who can talk about that, is common place. Within six blocks of this house, someone bought a house for a million dollars and spent two point three million restoring the inside of it, making it updated. So if some of the numbers that we've been hearing from, actually Mr. Horthy isn't here today is he, but from the architect, indicate that they really underestimated what it might take to make this house livable again. This house was livable when Mr. Horthy acquired it. The granddaughter of one of the original owners was born in the house was living in it. He bought it from her. Now that's something you don't find much, certainly not around Lake of the Isles and certainly not much in our other historic districts. So, my comment is of the criteria needed for identifying historic property, I'd say this had three. I would think that the staff report also identified three of the characteristic criteria that would require this to be an historic property. One, this has a social history. This is one of the surviving lake cottage properties around Lake of the Isles. Number 3, it's also a distinctive building in the history of early Minneapolis. Lake of the Isles is one of, we've talked about it, the stars in the crown, and this particular property is a survivor and it's one that should be included on those tours when the tourists go driving around the lake, but as a restored early house on Lake of the Isles. The 3rd characteristic that would be a criteria that would make it eligible for identification as a historic resource would be a distinctive style. We've seen already that the style of this house would be identified as a bungalow. Surely the bungalow club of the Twin Cities would be interested in seeing this house around Lake of the Isles to show the other tourists and their relatives when they come to town. I've included in our

packet the building permits on this house to indicate that indeed the early house of the two Horthy properties, the twins, the early house is the subject that we're talking about today, 2863. It was moved from 2867 as the building permits indicate, shifted next door by the brothers and then a new house built. And the new house was also a bungalow and the Lindstrom brothers, they were not brothers, the Lindstrom firm of architects built many bungalows in Minneapolis and actually paid six of our attachments but also included in Mr. Horthy's attachments was one of Lindstrom's artistic renderings of the bungalow that was later put at the 67 property. So, these are historic resources and that's what we should be talking about today. Comments on the condition of the house are the following: this house was livable until Mr. Horthy acquired it. We also put a note in our cover letter that the house was considered habitable, it was identified as late as 2006 in the Mead & Hunt study as attachments 9 and 10 being in a residential neighborhood, being in a good having an integrity of setting that was good. It means that the house was probably fixable. So, I think here that it would be helpful for all of us interested in our historic neighborhoods if you all would send a message to this owner. Something that is historic, is historic, regardless of how you beat it and starve it and take all the heat and water out of it, it is still historic and I think that it is sellable and fixable and I'll be there are realtors in the room who could find someone who'd like to do it. So, I would appreciate your decision to identify it as historic and not reward an irresponsible owner for trying to create a bad property.

Chair Koski: Thank you. Any particular questions for this particular applicant? I don't think so, thank you.

Linda Schutz: Good evening, my name is Linda Schutz and I was advised by my husband not to be here tonight, so I probably will not be coming home to a happy house. But, we are very concerned about what does happen to the houses in our neighborhood of East Isles and in the entire Lakes area. I spent most of my weekend in an extraordinary mission to try to obtain potential building plans for this property. It was astounding to me that I had to go to almost heroic efforts. I think that history, when we heard about this this August, but now to learn that efforts on this property that have been ongoing for a year and a half I really want to know how it could possibly be that somebody working on this this long couldn't or hasn't contacted any residents of East Isles, any leadership of East Isles Association, couldn't find out when its monthly meetings are, they are published in the Southwest Journal and other publications, couldn't show up and yet he claims, or his representative claims, to have such an appreciation for the excellence of our neighborhood, the excellent parks, the lakes, the amenities. How is it he could, his representative, could assert such sensitivity, when what we've seen is such incredible insensitivity. It boggles my mind. So, I think others have conveyed that. A couple questions I have, I noticed a Mr. Randall Cardell, a sixteen year building official from the city of Willmar submitted some information to you. I guess I'm just wondering, that's fine and dandy, but it seems rather distant to be working on projects in properties in Minneapolis. Unfortunately, Mr. Horthy is not here tonight. I wanted to meet the guy, I wanted to see what he looked like. Maybe he's been walking down the streets of Uptown and I won't recognize him because I've never met him. I do know that he owns a lot of property in our zip code though, 55408. A lot of it. He's acquiring it. If he improves it, that's fine. I guess one of the things that surprised me was not to see any reflection in the staff report about the Midtown Greenway land use plan, because as I said in my correspondence to you we have been led to believe that this very low density neighborhood oriented area encompassing these 78 parcels will be retained and protected. Here is Lake of the Isles and here are those 78 parcels. Many of you may not be familiar with that plan, because it was just passed in 2007, but along with the Shoreline Overlay district, we assume that this Midtown Greenway land use plan would specifically protect the single family and low density homes there. So we're very concerned about potential opening up of a can of worms that this no longer would be a single family residence. Looking at the building plans, you know, you probably would have a large family that might live there. Or, we're concerned, could it be there is some other bait and switch idea here, condominiumize it, making it a care facility. I don't know. So anyway, we know we have land use guidance in the Midtown Greeway land use plan, we know that we are supposed to be a neighborhood oriented area for those 78 places, parcels. We're very afraid of things that might change with the Shoreline Overlay district, perhaps on September 20th of this month there may be some changes made to the Shoreline Overlay. One might be that a variance to prove that, to get a variance you might not have to demonstrate hardship. Well I went back and looked at what might constitute a variance and under today's rules and regulations the owner shouldn't have contributed anything to the situation or the site. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any person presently having an interest in the property, an economic consideration alone shall not constitute undue hardship if reasonable use for the property exists under the terms of the ordinance. So,

again, to emphasize the neighbors, I really think are legitimately concerned about the possible number of variances that may come forward in the future. I guess I don't want to belabor the point. You've seen my correspondence. I'm going to insert into the record a letter against demolition from a person in the Uptown area, in the Calhoun area, I didn't see that referenced. It's from an Ellen Mayer and a Tom Parsons. I will ask that some of those maps be included in the record on this proceeding and I will submit those other documents to the clerk. So, and I'm also, the concern about the older people, you know, older people do need to be cared for as they age. But I am also, when I went to the East Isles zoning committee I had never heard of Mr. Horty, obviously have not met him yet, but somebody referenced an earlier City Pages article about him and I am going to ask that that be included in the record as well because I did go online and I read it myself and others might be interested in it too. Thank you very much.

Chair Koski: Thank you. This is a public hearing, is there anybody else who wishes to speak to this application? Seeing none, I'm closing the public hearing and they've already turned out the lights in the hallway. I feel like it's only 6 o'clock. Anyway, Commissioner Messenger?

Commissioner Messenger: Thank you. There've been some really interesting comments from the audience and the staff report and for me sitting here this was a very frustrating experience on many many different levels. I think if this had been my neighbor's house, I'm not certain how many 311 calls were made to the property, do you know, Carol?

Staff Carol Ahlgren: Chair Koski, Commissioners, one of the concerned neighbors, and I'm sorry if I don't remember who it was, we had quite a few heart to heart talks over this, asked me to look up all of the violations on that property, which I unfortunately did not have time to do but I directed her to that information which is on the public web. In addition there were other violations associated with other properties that he owned, but I informed the neighbors that it is certainly their right and maybe their responsibility as neighbors to call the city and inform us of that. I think the zoning, I mean the inspectors, are good but they don't necessarily find this stuff out unless someone's told them.

Commissioner Messenger: Ok, so we don't have a record yet of how many calls were made on the property? Because I think a vacant property is supposed to be boarded up? Is that not ... um, the hearing is closed ... um ...

Staff Carol Ahlgren: Chair Koski, Commissioner Messenger, yes I did know that and I did not do as much research on that as perhaps I could have.

Commissioner Messenger: Well, that isn't necessarily something you were supposed to do but I can't believe that a property sitting in my neighborhood would go unattended without a number of calls. As a community we are responsible for those houses that are next door to us, behind us, whatever. And clearly this was an irresponsible person who owned the property, but I'm frustrated with everything, everyone in this situation and I think, understand that if we don't call for a designation, or a demolition, this property would then have to be individually designated and truly it is not worthy of that. But I also don't want to honor someone who has been so irresponsible in taking, in the lack of maintenance of this property. So I'm not certain exactly what I'm going to do, but I'm, there isn't a single person here that I'm not frustrated with. The neighborhood organizations, the city inspections department, I think everyone has been pretty irresponsible. Thank you.

Chair Koski: Commissioner Larsen?

Commissioner Larsen: Ms. Ahlgren, is there any requirement that you know of or maybe that Jack knows that requires an applicant for demolition to utilize a licensed and bonded contractor as their, I don't know about general work. I mean I know general work can be done by union and non-union, but I don't know whether there is requirements for demolition for, like licensed and bonded, such as the concern for neighboring properties.

Chair Koski: You mean to get a wrecking permit?

Commissioner Larsen: That is correct. When you apply for a wrecking permit does it need to be by a licensed and bonded contractor?

Staff Carol Ahlgren: Yes, that is a requirement on the wrecking demolition permit. And just as an aside, I kind of regret saying that I've seen as many of them as I have but they are required to have a licensed contractor do that work and the Heritage Preservation Commission signatory is one of those required reviews. There's environmental, there's soil, there's ... and they come to us first. We're the first stop to see if the property's historic, but yes they are supposed to be licensed and, but they did not get their wrecking permit and that's why we're here tonight.

Commissioner Larsen: Yes, I'm just responding to the concern about the demolition, if we approve demolition that we make sure there's at least some protection for neighboring properties through that licensing and bonding process.

Staff Carol Ahlgren: Yes, Chair Koski and Commissioners, I hate to introduce something at the last minute but I'm going to because this may be germane to this particular property that I had a phone discussion so I have nothing to enter into the record as a written record, but there is some concern on the part of Minneapolis Park and Recreation Board because the parkway as you know is public property that is cared for like any meridian or whatever you call it in a city, so they are aware of the situation with this property and I'm going to be working with them or we are going to be working with them if this, whatever permits, come forward. That's the first I'd heard from someone from the Park Board. Of course this is only one of the second, but they're another kind of regulatory. They'll be watching what happens here to the site and if, well it sounds like there's already a problem, so anyway, that's just something else that we'll be aware of as this proceeds. Are there any other questions for me?

Chair Koski: No, thank you. Commissioner Ollendorf?

Commissioner Ollendorf: Sorry, Carol, I do have a quick question. The small outbuilding in the rear, is that also considered a contributing structure?

Staff Carol Ahlgren: Chair Koski, Commissioner Ollendorf, yes that would be considered a contributing building for that particular site.

Commissioner Ollendorf: For discussion purposes among us, it seems to me that the house itself was considered a contributing property based on the exterior condition and so far nothing that I've seen has dramatically changed that. We're all torn up about what's happened on the inside and I was just asking the architect sitting next to me if what has happened on the inside could be seen in some ways as a silver lining? That's that's also possibly made it easier for rehabilitation of an inside. The numbers that we've

seen presented by the applicant are not what I would consider out of this world for rehabbing and making that property habitable as it is. So that's just my two cents.

Chair Koski: Would the architect sitting next to you like to weigh in that?

Commissioner Selchow: One of the interesting things, and I'll weigh in on that, but I also have a comment. I know always before us is the question basically to designate or to demolish, and as we know from the 80s it was found that the district would be eligible; however, it was determined at that time not to go forward with that. In this case, looking at just this bungalow, and I think perhaps there could be arguments to look at more bungalows or another aspect, I would think they'd be very hard pressed to designate that individual bungalow. Are we in a position when we look at that to go back in history or to actually request that the neighborhood be reviewed again and brought forward? I guess maybe that's a question for you, Jack?

Chair Koski: Mr. Byers?

Staff Jack Byers: I would need, Mr. Chair and Commissioner Selchow, I would need, I don't quite understand, go back to the neighborhood ...

Commissioner Selchow: I'm sorry, go back in history where it was found that the neighborhood was eligible or even just to basically redetermine if the neighborhood is eligible? I mean, one way to look at this, I know we always kind of get in the question of do we designate that individual building or demolish it, does that make sense?

Chair Koski: Can I maybe try to rephrase your question? Are you asking whether or not it's within our purview to consider a designation of the entire district?

Commissioner Selchow: Correct. Since it has already found to be eligible.

Staff Jack Byers: Mr. Chair and Commissioner Selchow. Do you want to discuss this? We've talked about this.

Staff Carol Ahlgren: Chair Koski and Commissioners, this is a very good question and I'm glad that you raise it. Currently our work plan, and Jack can address this as well, does not call for staff to designate or reevaluate that area as a district. That said, professionally, I believe that we would consider as a staff that yes, the 1983 study as I think I may have mentioned previous demolition for this area, did have a focus more on the, let's say, high style. It had a bias toward high style, so properties like this were included but they weren't necessarily singled out as being important. There was an architectural bias toward the high style. That said, the second study which was prepared for the Park Board really focused on the lake and its relationship to the Grand Rounds and the residential houses were seen as the visual and physical boundary. I think they are inseparable whether you, inseparable and in balance. The other thing is that those periods of significance, and then the final study which was a reconnaissance went around the lake and I have reviewed that map, I did not have time to go and review each resource, I noticed there were some areas that just looking at the map, why did they leave that out? Or then also the other question becomes what is the appropriate period of significance for this district, in other words how far past the 50 year mark can we go. Can we include things that were built in the 1960s. All those things would have to be considered, and also I think since that initial study in 1983, there again are probably houses that are eligible

or that are now ineligible. As I informed some of the concerned neighbors that called me, it's like number one you can appeal this decision, whatever the decision is and number two, if the neighborhood is interested in pursuing a district, then that is something that they have the right to do and I would certainly encourage them to do so.

Commissioner Selchow: But in both, probably actually all three reports, if I understand correctly, this particular bungalow and others like it were considered contributing. Not just the high end?

Staff Carol Ahlgren: Chair Koski, Commissioner, well actually I didn't look at every, that's part of the problem I didn't look at everything. This house did retain its contributing status as did the adjacent house. They were both contributing each time they were examined.

Commissioner Selchow: Ok, thank you Carol.

Staff Jack Byers: If I could add to that, the survey work on this particular potential district has been done three times, and so we could revisit it, that's certainly a possibility. We could redo it a fourth time, as Carol mentioned we have not seen a significant indication from the neighborhood surrounding the lake that there is an interest in nominating any property or district. In fact, we have seen quite the opposite on previous applications on the lake in the past year. We certainly have the possibility to put that on the team's work plan. One of the considerations we have is that about 60% of the city has been surveyed in the last 7 years. Of that, and about 40% has not, of that 60% we have in the double digits of potential historic districts. One of the considerations that we talk about at the level of the team and I also talk about with management is is it really practical to pursue again the survey of an area that's been surveyed several times before that's been voted down by the city council before when we have other places in the city where there is higher potential of success. And I might note that in addition to potential historic districts we also have several National Register Districts that do not have local designation. So in some ways those are a little bit more practical because at least we have that advance work for us.

Chair Koski: Ms. Ahlgren?

Staff Carol Ahlgren: Chair Koski, Commissioners, there's one other aspect of this that I forgot to maybe point out more clearly and that is that the Lake of the Isles itself has been determined to be eligible many times now as part of the larger Grand Rounds, Horace Cleveland design for Minneapolis, so that would be a component that could probably be designated within that context. Not just talking about the lake itself but its context with the whole system. I have heard through time, and more recently perhaps, that there is interest from the Minnesota State Historic Preservation Office that perhaps that study could be underdone, but that is also a recommendation that we have made repeatedly, or consistently through time, because it is, the whole system that is, being eligible. That would require, I believe, the consent of the Minneapolis Park and Recreation Board. So that's another layer to consider.

Staff Jack Byers: And if I could tag team on that, just in the last month or so MHS and SHPO have received a Preserve America grant to undertake a survey of the Grand Rounds so presumably that would be covered in that study again.

Chair Koski: Does that answer your question?

Commissioner Selchow: It does answer my question, I apologize, and I can answer your first question which I piggybacked on. One of the interesting things that I did not see in the packet and maybe if someone else on the Commission did, we have seen a new building put on that site, we have seen numbers for an addition on the other bungalow, but we did not see if those two bungalows were made into one property. So, if there was a way, if they could put an addition on that site as by one address, so that said, as far as answering your question, they haven't done anything to deter them from doing a rehab on this direction.

Chair Koski: Commissioner Kelley?

Commissioner Kelley: I have a question for my fellow Commissioners. You know, I'm also like all of us, appalled by the recent history of this property but one of the things that was brought up in the testimony was that the estimate of about a half a million dollars to restore it to its, to a liveable condition as a bungalow, and the comment was made that this was fairly routine or that its not out of the ordinary. I wondered to myself if I, would that be out of the ordinary for a bungalow of under 1,000 sq.ft. It appears that this bungalow is something like 600-700 sq.ft. and I wonder if making some kind of requirement about restoration of this would be a very difficult condition to be laying on the property owner.

Chair Koski: Anybody? Maybe a realtor? I think that's something that we constantly grapple with, especially when we're already dealing with designated properties and properties within historic districts. How much do we require of the owners in conforming with certain guidelines that are laid out for individual properties and districts and in many cases there is a cost premium for that work. We view it as a requirement for being in the district, for being a designated landmark, that there are certain public benefits that come from that whether you need to replace a clay roof in kind or whether you can use a cheaper asphalt shingle roof. Certainly there's a cost impact to the owner. I think that the situation we have in front of us this evening is to consider whether or not this property is even worthy of designation. That's the first question. If you go through the decision tree, that's the first one. If we decide ok, maybe it's worthy of designation, then we have to determine whether or not it really meets the standard or whether it represents an unsafe condition or whether it would be onerous or a burden on the owner to restore it, how much would that cost, and then we'd be looking at cost estimates to determine if it's prohibitive, if it's asking too much of the owner to restore this building. But I think the first hurdle that we have to get past is does it meet that first test, is it worthy of designation, and I guess I would say individually, not within a district because as we've heard again this evening politically charged there are grassroots movements on both sides for creating a district and people who are opposed to any form of historic regulation of properties around Lake of the Isles. And it's not something that we're going to necessarily act on this evening. I certainly wouldn't recommend that we do. For me, I've heard a lot of testimony that would be appropriate and will be appropriate in front of the Planning Commission, Zoning and Planning Committee of City Council. A lot of information that would be appropriate if one was to call the inspections department, 311. It's in a watershed overlay district and the fact that there's bare soil and there's silt draining into our waterways is a violation of laws. If that was proven, the Preservation Commissioner is not the organization to come to for this kind of policing. I appreciate that there are certain problems, it's good to get that kind of background on it, but its not necessarily germane to the decision that we need to make this evening. I'm comfortable with the staff recommendation in allowing the demolition because it ties the issuance of the permit to the applicant receiving approval for a new plan. And by requiring that, the applicant needs to get approval by all the other agencies that we've just discussed and if they are politically savvy they'll have neighborhood and neighbor support. So this is not the last hurdle that this project is going to have to go through and by requiring those approvals I'm comfortable that this testimony will move forward and others will hear it and I think that will be to the benefit of the neighborhood. So I will move that we adopt staff finding and approve the demolition permit with the staff recommendations.

Commissioner Anderson: I'm going to second that, Mr. Chair, but don't you want some mitigation language in there?

Chair Koski: Let's first, well, if you'd just like to second it and then we'll entertain a friendly amendment. Commissioner Messenger, you wanted to comment?

Commissioner Messenger: I just wanted to make a little comment. In its current condition, a couple of things. If there are rodents on the property and the place is not boarded up, those certainly create some safety issues. While that's not something that we regulate, I think it's an immediate concern to everyone and I don't know how we remind ...

Chair Koski: Does the city have a rat catcher?

Commissioner Larsen: Is it something we can forward as a concern of the commission to the inspections division? Directly from the commission?

Staff Jack Byers: Mr. Chair, Commissioners Larsen and Messenger, once the commission takes an action, then we of course publish that action but we also follow up with the applicant and with our colleagues in regulatory services and we do that through an internal process and through our internal database known as KIVA and we can make note and make special note on this one, though they would find it anyway that there are special inspection concerns that no doubt they're already working on and most likely have been dealing with. So they can't go forward with any permit changes to this until the commission makes a decision.

Commissioner Larsen: I'd like to make a friendly amendment.

Chair Koski: Yes, Commissioner Larsen.

Commissioner Larsen: That the, to modify staff recommendation number 2 that the demolition of the existing structures, since there is an outbuilding as pointed out, so just adding an "s" to the word structure. That's 2863 East Lake of the Isles Parkway will not proceed until all land use approvals are secured, permits for construction are applied for and received. I think my intent there is just that it's one thing to get the approval to do something, in which case the way it reads now is they could then tear the house down, but what I think I'm seeking to do is such that they've actually pulled permits and received approvals of the regulatory bodies and paid their permit fees and have really then therefore more committed to the act of construction rather than, it looks like Jack here wants to say something about that though.

Staff Jack Byers: Chair and Commissioners, you can make amendments as you choose and take an action accordingly, but so that you are aware our regulatory services department cannot issue building permits for construction on a property where there is still a structure standing. So the demolition permit does need to come first. All of the others would need to be reviewed and approved but they can't issue a new construction permit before the demolition permit is issued.

Commissioner Larsen: It was a nice idea, but I guess I'll modify my friendly amendment before it even gets a second just to add the "s" to existing structures, but also adding a fifth item just that a mitigation plan for the property meets SHPO guidelines.

Commissioner Anderson: That's acceptable, but I need a little understanding of your previous amendment on condition one?

Commissioner Larsen: Just that there is not just one structure, there is the outbuilding and so approving the demolition of all, basically all structures on the property.

Commissioner Anderson: And then number 5 calls for mitigation?

Chair Koski: Yes, that mitigation plans shall meet SHPO guidelines

Commissioner Larsen: Yes, and then should also be added to number three that the demolition of the existing structures, so again another "s."

Chair Koski: Ok, I find that acceptable. Is that clear to the clerk?

Clerk Armstrong: Yes.

Chair Koski: Ok, thank you. I did want to make a couple of more comments. One was regarding the concern about the demolition permit and I think we had addressed that a little bit earlier by your question, Commissioner Larsen. That a licensed and bonded contractor is required and I would also add that it's again not our job to police whether or not people may or may not be qualified or trusted. I guess the way that our government works is that we do trust that people will work within the bounds of the law and that the law is enforced appropriately. There is a host of regulatory and civil case law that governs this and it's not necessarily a preservation issue, so if you're concerned about that I would say keep a close eye on any demolition activities and make sure it doesn't impact your own property. Commissioner Messenger?

Commissioner Messenger: Oh, I was playing with this rubber band. Are you finished with your comments?

Chair Koski: I think so, I've forgotten what the other one is.

Commissioner Messenger: I did want to say that I know that the Commission, that the proposal before us is the right decision, but I'm going to vote no and I just want to clarify that the reason that I'm voting no is out of pure frustration for the owner of that property.

Commissioner Anderson: I'm going to vote yes, but I have the same feelings.

Chair Koski: Alright. Any other comments, Commissioner Crippen?

Commissioner Crippen: Well I'm not sure what this is going to add. I'm glad that we added the mitigation, I'd like that to be as strong as possible. I've been wracking my brain for the last half hour on what mitigation

might be so I guess we'll trust the staff and/or SHPO to come up with some interesting things. One reason I'm going to vote yes I'm supporting this proposal is I think it's good for us to send a message. We've struggled with this potential district before recently. We've struggled with the politics of it and I think many of us are uncomfortable with enforcing historic designation when it hasn't been politically allowed and what have you. So, I don't know, it's frustrating for everyone but I hope that this decision if we approve it sends a message to the neighborhood that we need, we've done enough studies on this, we know it's a historically eligible district, we need to make it designated and I think it is in their hands to do that. Until they do that I think our hands will continue to be tied on these properties.

Chair Koski: Commissioner Larsen?

Commissioner Larsen: I guess I'd just like to also address we've talked about the demolition and the contractors and what's frustrating and since we're kind of the first line of defense, especially on new proposals and people see plans and can't get access to plans because there are no real plans but just something that someone's talked about. So we have you all come before us and plead your case for please don't allow this or that or the condition of the property, and as Chair Koski indicated, we're not that line of defense, but we are sort of the first line, so thank you for bringing it to our attention but unfortunately we're not quite the right people. What I think is important is your continued involvement, so when it comes time to as Chair Koski said the Board of Adjustment and calling 311 and seeking to the greatest extent that you can talking to your council members, the police department and the mayor, you know, whoever it needs to be. Unfortunately we can't do much but there are those appropriate ways to deal with it so we encourage you to do that, and I think that's one of the biggest problems here is that it's not a matter of what the current status of the property is, and that certainly is unfortunate, but it is about whether or not it is a designation, a property that can be designated as an individual landmark and I agree that its not.

Chair Koski: Any other comments before I call the question? Commissioner Ollendorf?

Commissioner Ollendorf: Well I'm going to vote no, but for a different reason than Commissioner Messenger. Although I share her frustration, I think that we have a responsibility to a potential district which to me is like a forest and pretty soon, if you keep chopping away at all the trees in the forest you no longer have a forest. This structure is in better exterior condition than some of those that we've seen in designated districts. That's my rationale.

Chair Koski: Alright, I'm going to call the question. All in favor of the motion say Aye.

(multiple Ayes)

Chair Koski: Opposed?

Commissioner Messenger: Nay

Commissioner Ollendorf: Nay

Chair Koski: Abstentions? The motion carries and the demolition permit is approved. Any decision of the HPC can be appealed to the city council and if you have any questions about that process you can discuss that with staff following the meeting. That concludes our public hearing this evening.

CITY OF MINNEAPOLIS
HERITAGE PRESERVATION COMMISSION STAFF REPORT

FILE NAME: 2863 East Lake of the Isles Parkway

DATE OF APPLICATION: August 15, 2007

APPLICANT: Brad Ensrude, Semple Excavating

DATE OF HEARING: September 11, 2007

EXPIRATION OF APPEAL PERIOD: September 21, 2007

HPC SITE/DISTRICT: Potential historic resource: Lake of the Isles Historic District

CATEGORY: Contributing Building

CLASSIFICATION: Demolition of an Historic Resource

STAFF INVESTIGATION AND REPORT: Carol Ahlgren

DATE: September 4, 2007

A. DESCRIPTION:

Located at 2863 East Lake of the Isles Parkway, the subject property is a one and one-half story frame, single family house. The vernacular style house has features suggestive of the Mission architectural style with its exterior stucco, "Juliet" balcony, red roof, and arched front porch openings. The date of construction and its style are in keeping with adjacent residential development that borders this area of Lake of the Isles Parkway.

Originally located at 2867 East Lake of the Isles Parkway, the house was built for Henry Waldron in 1900, and was moved to its current location in 1911. Waldron was the owner of Waldron and Company, Grocers and Meats. When constructed in 1900 the frame house measured 24 x 25 feet; it has had several additions within the historic period. Additions and alterations occurred in 1936, 1942, and 1948 including front and rear porches, second story dormers, and exterior stucco.

The house was determined to be a contributing building in the potential Lake of the Isles Historic District (see Section B). The focal point of the proposed District is the lake itself which contains three islands and is bordered by parkland and a system of parkway, pedestrian paths, and bridges which are in turn bordered by the ring of private residences, the majority of which were constructed between 1905 and 1930. The lake, its islands, adjacent parkway, associated structures, and paths comprise 242 acres of publicly owned land. The more than 100 private residences, with associated secondary structures and landscapes, lend architectural significance to the proposed district. The residences also provide the district's visual and physical boundary.

Although the residences are privately owned, they are an essential component to the significance of the proposed Lake of the Isles Historic District. 2863 East Lake of the Isles Parkway, and the neighboring house at 2867 East Lake of the Isles are both owned by the applicant. Both of the houses have been

determined to be contributing resources to the proposed district, but have not been determined to be individually eligible for designation.

B. PROPOSED CHANGES TO THE PROPERTY:

The applicant is proposing to demolish the house and a small out building at 2863 East Lake of the Isles Parkway and construct a new house which will constitute a large addition to the applicant's adjacent house at 2867 East Lake of the Isles Parkway. The applicant applied for a wrecking permit in July, 2007 and was informed by CPED-Planning Preservation staff that proceeding with the permit would constitute Demolition of a Historic Resource as cited in Minneapolis Code of Ordinances, Chapter 599, Heritage Preservation Regulations section 599.480 b (see section D below). The owners then submitted an application for Demolition of a Historic Resource enclosed herein (see Attachment A).

Adjacent property owners, a representative from the neighborhood association, and a concerned citizen have expressed written and verbal concern regarding the scale, massing, and setback of the proposed new construction. The property owners at 2855 and 2859 East Lake of the Isles Parkway are also concerned about the demolition and its potential impact to their homes, given the proximity of houses in this area (Attachment B).

C. DESTRUCTION OF AN HISTORIC RESOURCE

Section 599.480 of the Heritage Preservation ordinance provides the requirements for approving a demolition permit of a historic resource. If the commission determines that the property is *not* an historic resource, the commission shall approve the demolition permit. Alternatively, if the commission determines that the property *is* an historic resource, there are two options: The commission can approve the demolition permit subject to mitigation measures deemed appropriate, or the Commission can deny the demolition permit and direct the planning director to commence a designation study of the property. Responsibility for undertaking and completing the designation study is generally the responsibility of the property applicant.

The commission may require a mitigation plan as a condition of any approval for demolition of an historic resource. Such plan may include the documentation of the property by measured drawings, photographic recording, historical research or other means appropriate to the significance of the property. Such plan also may include the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items for use in restoration elsewhere.

In addition, the commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

Before approving the demolition of a property determined to be an historic resource, the commission shall make findings about the proposed demolition relative to the ordinance.

1. Demolition is necessary to correct an unsafe or dangerous condition on the property:
2. There are no reasonable alternatives to the demolition:

1. Demolition is necessary to correct an unsafe or dangerous condition on the property?

The application included recent exterior and interior photographs of the one and one-half story frame house. On the exterior, the house retains its exterior stucco, windows, and configuration from the time it was initially considered to be a contributing resource in the proposed historic district (1983). The exterior, however, has experienced continued deterioration, evident in window frames, steps, and rotted porch floorboards. The frame additions that were added to the house during the historic period (1936, 1942, and 1948) did not include concrete foundations; these additions have deteriorated through time.

According to a visual analysis provided by a Minnesota Certified Building Official on behalf of the applicant, several portions of the varied roofline are leaking and have caused interior and exterior deterioration (Attachment A). The exterior and interior deterioration and damage caused by the leaking roof is a result of deferred maintenance by the applicant/property owner. Interior features are severely deteriorated or have been removed. Original lath is exposed on several walls. Historic fabric such as wood flooring, light fixtures, and cabinetry are severely deteriorated or have been removed by the applicant.

2. There are no reasonable alternatives to the demolition?

In section 2 c, below, the applicant provided estimated costs of rehabilitation of the existing structure. Also included was a discussion of three alternatives to demolition. The applicant's favored alternative is to proceed with demolition and construct an addition to the neighboring house at 2867 East Lake of the Isles Parkway. As noted in section a below, this demolition and remodeling would likely result in the loss of two contributing resources to the potential district.

a. Potential significance of the property:

Staff analyzed the structure's potential significance based on the local designation criteria provided in section 599.210 of the Heritage Preservation chapter (see section D).

The property at 2863 East Lake of the Isles Parkway was included in evaluations of the area's potential as an Historic District in 1983, 1999, and 2006. Those studies are described below:

1983-1994 Heritage Preservation Commission Survey/Designation Study

In 1983-1984, under the auspices of the Heritage Preservation Commission (HPC) the area was surveyed, researched, and evaluated for its potential as a city of Minneapolis and/or National Register of Historic Places historic district. The district was deemed significant for its association with architecture and landscape architecture (city landmark criteria 1, 3, and 4; National Register Criteria 3). The nomination noted that the district was a "good example of an early 20th century urban open space surrounded by housing designed for the upper classes of this period." The survey and research identified 116 houses and one church. 2863 East Lake of the Isles Parkway was included as a contributing building. Although the proposed District was determined to be eligible and a nomination prepared, a majority of property owners opposed the designation and it did not proceed.

1999 Minneapolis Park and Recreation Board Assessment

In 1999, the Minneapolis Park Board undertook an extensive renovation of the Lake of the Isles which required a permit from the Army Corps of Engineers; this in turn resulted in Section 106 mitigation and evaluation of the potential effects of the project. The resulting Lake of the Isles Master Plan identified the proposed district as eligible for the National Register, significant in the areas of archeology, city and regional history, association with significant persons; landscape architecture, and architecture (city landmark criteria 1, 2, 4, 5 and 7; National Register Criteria A, B, C, and D). The proposed period of significance for the District was cited as 1886-1941, to encompass the initial Minneapolis Park Board land acquisition under the recommendation of

nationally known landscape architect, H.W. S. Cleveland, through the final Works Progress Administration (WPA) improvements.

The focus of the proposed District was Lake of the Isles, with its cultural landscape features such as parkland, and the system of parkway and pedestrian pathways, bridges, markers, lighting, and benches. The study noted that while not owned by the Park Board, the private residences fronting the lake and parkway, "significantly contribute to the character of the parks."

2005-2006 Certified Local Government Historic Resource Survey

In 2005-2006, the city of Minneapolis/Heritage Preservation Commission received a federal Certified Local Government (CLG) grant to conduct a reconnaissance survey of areas of south and southwest Minneapolis. The contractors resurveyed the area of the proposed Lake of the Isles Historic District. It was noted that approximately 17 historic houses had been demolished or had lost integrity, but that the lake, parkland, parkway system, and remaining private residences still qualified as a city landmark and/or National Register Historic District (city landmark criteria 4, 5, and 6; National Register Criteria A and C). The survey included 2863 East Lake of the Isles Parkway which retained its status as a contributing resource to the proposed District.

b. Integrity of the property:

The house at 2863 East Lake of the Isles Parkway exhibits fair exterior integrity in a low condition. Original siding, stucco, wood trim, and windows, all appear to be intact, but are deteriorated. Porch floor boards are rotted and exterior steps are deteriorated. The interior does not retain notable historic fabric such as light fixtures, woodwork, tile or fireplaces. Many walls have been stripped to exposed lath.

The new addition, it was noted would be of "historic significance" and the modification of 2867 would be "without significant exterior change to its existing historic appearance and valuation." It should be noted, however, that the new construction would not be eligible for city or National Register designation for at least 30 years. Further, the proposed addition would likely change the status of 2867 East Lake of the Isles Parkway to non-contributing within the proposed historic district.

c. Economic value of usefulness of the property:

The 2006 assessed value of the property was \$458,200. A pre-bid demolition cost was estimated by the applicant to be \$50,000. The applicants provided a cost analysis of the following: 1) renovation of the existing house; 2) construction of a new house on the same lot; and 3) combining the lot with the adjacent house and constructing an addition to 2867 East Lake of the Isles Parkway.

The applicants provided an estimate of \$585,227 to rehabilitate and renovate the existing structure for a total living area of 1,777 square feet. The cost of constructing a new residence at the existing site was estimated at \$1,044,540 for a living area of 5,112 square feet. The applicants favor the third option cited above and provided sketch plans and elevations for the new construction (Attachment A). The 4,056 square foot addition would cost approximately \$940,000. The applicant noted that the combined lot area would be 17,415 square feet and that the new addition would be 4,056 square feet.

D. APPLICABLE ORDINANCES:

1. Chapter 599. Heritage Preservation Regulations

ARTICLE V. Designation

599.210. Designation criteria. The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural, architectural, archaeological or engineering significance:

- (1) The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.
- (2) The property is associated with the lives of significant persons or groups.
- (3) The property contains or is associated with distinctive elements of city identity.
- (4) The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.
- (5) The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.
- (6) The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.
- (7) The property has yielded, or may be likely to yield, information important in prehistory or history.

599.230. Commission decision on nomination. The commission shall review all complete nomination applications. If the commission determines that a nominated property appears to meet at least one of the criteria for designation contained in section 599.210, the commission may direct the planning director to commence a designation study of the property. (2001-Or-029, § 1, 3-2-01)

599.240. Interim protection. (a) Purpose. Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

(b) *Effective date.* Interim protection shall be in effect from the date of the commission's decision to commence a designation study of a nominated property until the city council makes a decision regarding the designation of the property, or for twelve (12) months, whichever comes first. Interim protection may be extended for such additional periods as the commission may deem appropriate and necessary to protect the designation process, not exceeding a total additional period of eighteen (18) months. The commission shall hold a public hearing on a proposed extension of interim protection as provided in section 599.170.

(c) *Scope of restrictions.* During the interim protection period, no alteration or minor alteration of a nominated property shall be allowed except where authorized by a certificate of appropriateness or a certificate of no change, as provided in this chapter. (2001-Or-029, § 1, 3-2-01)

ARTICLE VIII. HISTORIC RESOURCES

599.440. Purpose. This article is established to protect historic resources from destruction by providing the planning director with authority to identify historic resources and to review and approve or deny all proposed demolitions of property.

599.450. Identification of historic resources The planning director shall identify properties that are believed to meet at least one of the criteria for designation contained in section 599.210, but that have not been designated. In determining whether a property is an historic resource, the planning director may refer to building permits and other property information regularly maintained by the director of inspections, property inventories prepared by or directed to be prepared by the planning director, observations of the property by the planning director or any other source of information reasonably believed to be relevant to such determination.

599.460. Review of demolition permits. The planning director shall review all applications for a demolition permit to determine whether the affected property is an historic resource. If the planning director determines that the property is not an historic resource, the demolition permit shall be approved. If the planning director determines that the property is an historic resource, the demolition permit shall not be issued without review and approval by the commission following a public hearing as provided in section 599.170.

599.470. Application for demolition of historic resource. An application for demolition of an historic resource shall be filed on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160.

599.480. Commission decision. (a) *In general.* If the commission determines that the property is not an historic resource, the commission shall approve the demolition permit. If the commission determines that the property is an historic resource, the commission shall deny the demolition permit and direct the planning director to commence a designation study of the property, as provided in section 599.230, or shall approve the demolition permit as provided in this section.

(b) *Destruction of historic resource.* Before approving the demolition of a property determined to be an historic resource, the commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the demolition. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

(c) *Mitigation plan.* The commission may require a mitigation plan as a condition of any approval for demolition of an historic resource. Such plan may include the documentation of the property by measured drawings, photographic recording, historical research or other means appropriate to the significance of the property. Such plan also may include the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items for use in restoration elsewhere.

District/Neighborhood:

Recommended:

-Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.

-Retaining the historic relationship between buildings, and streetscape and landscape features such as a town square comprised of row houses and stores surrounding a communal park or open space.

-Protecting buildings, paving, iron fencing, etc. against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.

-Evaluating the overall condition of building, streetscape and landscape materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

E. FINDINGS:

1. The house at 2863 East Lake of the Isles Parkway as well as the house at 2867 East Lake of the Isles Parkway, were identified as contributing resources in the potential Lake of the Isles Historic District, which was evaluated in 1983 under the auspices of the Heritage Preservation Commission to determine its eligibility for city and/or National Register designation. In 1984, the proposed District was determined to be eligible for city landmark and National Register designation; to date, the area has not been designated.
2. Over 100 private residences with associated outbuildings and landscapes, form the visual and physical boundary of the proposed District. These buildings and landscapes front the publicly owned Lake of the Isles, parkland, and system of associated cultural landscape features such as parkway, pedestrian paths, bridges, lighting, and benches. The privately owned residences have been identified as an essential component of the Lake of the Isles Regional Park, which was determined eligible for the National Register of Historic Places in 1999.
3. A reconnaissance level survey and re-survey of portions of the Calhoun-Isles area was undertaken in 2005-2006 through a Certified Local Government (CLG) grant administered by CPED Preservation staff. The proposed District was resurveyed with the recommended change to non-contributing status for 17 properties. During the re-survey, 2863 East Lake of the Isles as well as 2867 East Lake of the Isles, retained their contributing status; the District as a whole was again recommended for designation.
4. Demolition of the house at 2863 East Lake of the Isles Parkway would constitute loss of a *contributing* resource to a potential Historic District determined to be eligible for local and national designation in 1984, 1999, and 2006.
5. The proposed alteration to the neighboring house at 2867 East Lake of the Isles Parkway, if

demolition proceeds, would likely result in its change in status to *non-contributing* in the potential Historic District.

6. The house at 2863 East Lake of the Isles Parkway exhibits fair exterior integrity in a low condition. Original siding, stucco, wood trim, and windows, all appear to be intact, but are deteriorated. Porch floor boards are rotted and exterior steps are deteriorated. The interior does not retain notable historic fabric such as light fixtures, woodwork, tile or fireplaces. Many walls have been stripped to exposed lath.
7. The owner/applicant provided site plans and architectural drawings to indicate what would replace the historic resource, if demolished. The proposed plan, while not approved by Minneapolis Development Review, is for demolition with new construction to be attached to the adjacent house at 2867 East Lake of the Isles Parkway.
8. The adjacent house at 2867 East Lake of the Isles Parkway has also been identified as a contributing resource in the proposed Lake of the Isles Historic District. The proposed demolition and new construction/addition could result in the loss of 2 (two) contributing resources in the potential historic district.

F. STAFF RECOMMENDATION:

Staff recommends that the HPC adopt staff findings and **approve** the request for demolition of an historic resource with the following conditions.

1. The proposed new construction must meet City Code requirements for new construction in the R1A and Shoreland Overlay Zoning Districts regarding height, massing, set backs, and preservation of neighborhood character.
2. Demolition of the existing structure at 2863 East Lake of the Isles Parkway will not proceed until all land use approvals are secured.
3. Demolition of the existing structure at 2863 East Lake of the Isles Parkway will not proceed until all land use approvals are secured for adjacent property/properties. Land use proposals for additions and alterations to the neighboring property will be presented to the HPC for an informational presentation so that commissioners can provide advice relating to changes proposed for the neighboring structure which is contributing to the potential district.
4. Demolition and land use approvals for adjacent property in not approved herein and must be applied for under separate cover.

Attachments:

- A. Application for Demolition of Historic Resource, August 15, 2007.
- B. Correspondence from neighborhood and concerned citizen:
 - 1. Sophia Hantzes to Carol Ahlgren: letter; email correspondence with three photos, August 20, 2007;
 - 2. Tina Frontera to Carol Ahlgren: email correspondence, August 20, 2007;
 - 3. Nancy Johnston to Carol Ahlgren: email correspondence, August 21, 2007;
 - 4. Lin Schultz to Carol Ahlgren: email correspondence, August 22, 2007
- C. Map, "Lake of the Isles Potential Historic District," CLG survey, 2006.
- D. Lake of the Isles Master Plan: Document for Consultation, prepared for the Minneapolis Park and Recreation Board, December 1999; cover, pages 1-3
- E. Lake of the Isles Historic District, HPC District Manual No. 6, Spring 1984, cover, pages 1-3.