

**Minneapolis Planning Department**  
**Minneapolis Heritage Preservation Commission**  
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**MEMORANDUM**

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DATE: June 26, 2003

TO: The Honorable Gary Schiff, Chair  
Zoning and Planning Committee  
Members of the City Council

FROM: Greg Mathis

RE: Chuck Liddy, Miller Dunwiddie Architects, appeal of a decision of the Heritage Preservation Commission (HPC) regarding 729 4<sup>th</sup> Street S.E. / 401 8<sup>th</sup> Avenue S.E.

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The matter before you is an appeal by Chuck Liddy of Miller Dunwiddie Architects, on behalf of Andrews Riverside Church, of a decision made by the HPC at its public hearing on June 10, 2003. The appeal affects the property located at 729 4<sup>th</sup> Street S.E. / 401 8<sup>th</sup> Avenue S.E., in the Fifth Street S.E. Historic District.

**A. BACKGROUND**

The Minneapolis City Council created the Fifth Street S.E. Historic District in 1976. The district generally extends along Fifth Street S.E., between Fourth Avenue S.E. and I-35W, with arms that extend out to Fourth Street and Sixth Street. Andrews Riverside Church, located at 729 4<sup>th</sup> Street S.E. / 401 8<sup>th</sup> Avenue S.E., is a contributing property to the Fifth Street S.E. Historic District. The Gothic Revival style edifice, which was designed by architect Charles Sedwick in 1890, is modeled after St. Giles in Edinburgh, Scotland. The limestone-clad church features a crenellated tower, a turret, and stone finials. In 1899, an addition containing a Sunday school, a grand hall, and a bowling alley was added to the north wall of the sanctuary.

On August 11, 2002, a portion of the north wall of the 1899 addition collapsed. Due to the danger associated with this wall, the Inspections Department placarded the 1899 addition. The congregation subsequently vacated the entire building. In addition to the partially collapsed north wall, the east wall of the 1899 addition is being held in place by temporary shoring. While the original, church/sanctuary is in need of repair, it does not exhibit the same degree of deterioration as the 1899 addition.

**B. HPC DECISION**

On May 21, 2003, Mr. Liddy applied to the Heritage Preservation Commission (HPC) for a Certificate of Appropriateness (C of A) to demolish the entire building, no new construction was proposed for the site. The HPC reviewed the application at a public hearing on June 10, 2003.

After listening to the staff report and all public testimony, the HPC adopted the findings listed below and approved a C of A for the demolition 1899 addition, but not the original sanctuary.

1. Andrews Riverside Church located at 729 4<sup>th</sup> Street S.E. / 401 8<sup>th</sup> Avenue S.E is a contributing property to the Fifth Street Southeast Historic District. Additionally, the church is a focal point of both the historic district and southeast Minneapolis.
2. The property retains a high degree of historic integrity.
3. On August 11, 2002, a section of the north wall of the 1899 addition collapsed.
4. In addition to the partially collapsed condition of the north wall, the east wall of the 1899 addition is severely deteriorated. There is a large horizontal crack in this wall that was caused by the outward deflection of the wall. This wall is being held in place by temporary shoring.
5. The deterioration of the wall systems in the 1899 addition is the result of a combination of poor construction methodology, lack of maintenance, and calcification of the exterior stone.
6. The applicant has not provided any documentation that proves that the original, 1890 church/sanctuary structure was incorrectly constructed.
7. The original, 1890 section of the building does not exhibit the same degree of deterioration as the 1899 addition.
8. In August 2002, the Inspections Department placarded the 1899 addition as unsafe for habitation. The Inspections Department did not determine that the original 1890 church/sanctuary was unsafe for habitation.
9. The demolition of the 1899 addition is necessary to correct an unsafe and dangerous condition.
10. Although the original, 1890 church/sanctuary needs to be repaired, its demolition is not necessary to correct an unsafe or dangerous condition.
11. The applicant has not clearly demonstrated that there are no reasonable alternatives to the demolition of the original, 1890 church/sanctuary structure. The applicant has only provided cost estimates to make various repairs to the building and has stated that they do not have the funds to restore and care for the building.
12. The applicant has not shown that they have made a reasonable attempt to offer the property to parties interested in preserving the property.

The HPC approved the C of A for the demolition of the 1899 addition subject to the following conditions:

1. The 1899 addition must be documented to HABS Level IV. Copies of this documentation must be give to the HPC, the Minneapolis Collection of the Minneapolis Public Library, the Northwest Architectural Archives and the Minnesota State Historic Preservation Office (if they want a copy of the documentation).
2. The original, 1890 church/sanctuary cannot be demolished.
3. The finials must be removed from the building before the 1899 north addition is demolished. Once the finials are removed from the building, but they must be stored in a safe, secure location until they are reinstalled.
4. The original, 1890 church structure must be protected from further damage while the north addition is being demolished.
5. After the 1899, north addition is demolished, the north wall of the original, 1890 church/sanctuary must be secured and weatherproofed. The HPC staff must sign off on this work.
6. The applicant must actively work with the HPC and the City to seek out parties interested in preserving the property.

The HPC decision is consistent with its adopted design guidelines for the district and with the Sixth Goal of the City, as stated in *The Minneapolis Plan*, which is to “preserve, enhance and create a sustainable natural and historic environment city-wide.”

#### **C. APPEAL:**

Mr. Liddy is appealing the HPC decision to not approve a C of A for the demolition of the original, 1890 church/sanctuary.

#### **D. STAFF RECOMMENDATION:**

Staff recommends that the Zoning and Planning Committee adopt the HPC findings and **deny** the appeal.

#### **E. ATTACHMENTS:**

1. Appeal of the Decision of the Heritage Preservation Commission Application
2. Draft minutes from the June 10, 2003 HPC meeting
3. Email from Ed Hanson, MCDA Construction Management Specialist, dated June 10, 2003
4. Letter from Marcy Holmes Neighborhood Association, dated May 22, 2003
5. HPC Staff Report, dated June 3, 2003
6. Application for Certificate of Appropriateness

**CITY OF MINNEAPOLIS  
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

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FILE NAME: 729 Fourth Street Southeast / 401 Eighth Avenue Southeast

DATE OF APPLICATION: May 21, 2003

APPLICANT: Chuck Liddy, Miller Dunwiddie Architects

DATE OF HEARING: June 10, 2003

HPC SITE/DISTRICT: Fifth Street Southeast Historic District

CATEGORY: Contributing

CLASSIFICATION: Certificate of Appropriateness

STAFF INVESTIGATION AND REPORT: Greg Mathis

DATE: June 3, 2003

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**A. SITE DESCRIPTION AND BACKGROUND:**

Andrews-Riverside Church, located at 729 4<sup>th</sup> Street S.E./401 8<sup>th</sup> Avenue S.E is a contributing property to the Fifth Street Southeast Historic District. The Gothic Revival style edifice was built for Andrew Presbyterian Church in 1890. The limestone-clad church features a crenellated tower, a turret, and stone finials. In 1899, an addition containing a Sunday school, a grand hall, and a bowling alley was added to the north wall of the church. The nomination for the historic district says the following about the church:

“Andrew Presbyterian Church was designed by architect Charles S. Sedwick as a replica of St. Giles in Edinburgh, Scotland. It is a well designed Medieval Gothic building, which is well sited, taking advantage of the corner lot, forming an open area in front of the entryway. The light shade of the blue limestone, the small size (as opposed to monumental), the fine building proportions and the sensitive design contribute to the charm of the edifice.

Early members of the Church included the Van Cleve, MacPhail, and Chute families.

Organized in 1857 as the first Presbyterian Church of St. Anthony in the Territory of Minnesota, it was renamed Andrew Presbyterian in 1861 in memory of Mrs. Catherine Andrew. The congregation merged with another congregation in 1966, renaming the church Andrew-Riverside Presbyterian.”

On August 11, 2002, a section of the north wall of the 1899 addition collapsed. Due to the danger associated with this wall, the Inspections Department ordered the 1899 addition vacated. The church subsequently vacated the entire building. The church has stood empty for nearly ten months. The north wall of the 1899 addition is not the only part of the building that has deteriorated. The east wall of the 1899 addition is deflecting outward and is being stabilized by temporary shoring. The finials on the building are leaning due to stone expansion, and the entire building is in need of extensive repairs.

The church has explored different alternatives ranging from complete and partial demolition to making various repairs to the structure. The estimated costs for complete demolition range from \$222,000 to \$264,000. The costs do not take into consideration the funds that the congregation will recover from selling materials salvaged from the church. The cost estimates to make repairs to the building range from \$623,000 to nearly \$8,000,000.

The church is owned by a small congregation, which has stated that they do not have the funds to repair the partially collapsed wall and make other necessary repairs to the building. For this reason, they want to demolish the building. However, the congregation probably cannot build a new facility on this site because there is not sufficient space on the site to build both a new church and a parking lot that would accommodate the number of parking spaces required by the zoning code.

## **B. PROPOSED CHANGES:**

The applicant is applying for a Certificate of Appropriateness to demolish the entire church. The applicant is not proposing any new construction or reuse for the property. If the demolition were approved, the site would become a vacant lot. Additionally, if the demolition were approved, the applicant is proposing to perform Historic American Building Survey (HABS) Level IV recordation of the property. This work would entail inventorying the building and documenting it with black and white photographs. The applicant is also proposing to salvage the stained glass, light fixtures, pews, and wood trim.

## **C. GUIDELINE CITATIONS:**

### ***FIFTH STREET S.E. / WASHBURN-FAIR OAKS HISTORIC DISTRICT GUIDELINES (1995)***

The Fifth Street S.E. and Washburn-Fair Oaks Preservation Districts contain a concentration of structures, lands, and space which is distinguished by past historical and cultural events, by architecture quality and by aesthetic appeal. The areas were designated for heritage preservation by City Council on July 30, 1976.

In an area designated for heritage preservation, the Heritage Preservation Commission reviews requests for city permits that would change or significantly alter the nature of a preservation district. Before approving permit requests the Heritage Preservation Commission must consider certain aspects for each type of permit requested.

#### Demolition of a building

Before the demolition of a building, findings must be made regarding: (1) the architectural and historic merit of the building; (2) the effect of the building's demolition on surrounding buildings (3) the effect of any new construction to the rest of building (in partial demolition) and to surrounding building; (4) the possible economic value or usefulness of building (as it now exists or if altered or modified) compared to the value or usefulness of proposed structure.

**A. ARTICLE VI. CERTIFICATE OF APPROPRIATENESS**

**599.350. Required findings for certificate of appropriateness.** (a) *In general.* Before approving a certificate of appropriateness, the commission shall make findings that the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection and is consistent with the applicable design guidelines adopted by the commission, or if design guidelines have not been adopted, is consistent with the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, except as otherwise provided in this section.

(b) *Destruction of any property.* Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. 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 property a reasonable opportunity to act to protect it.

**599.360. Certificate of appropriateness conditions and guarantees.** (a) *In general.* Following commission approval of an application, the applicant shall receive a signed certificate of appropriateness and approved plans stamped by the planning director. The applicant shall produce such certificate of appropriateness and plans to the inspections department before a building permit or demolition permit may be issued. The signed certificate of appropriateness and stamped plans shall be available for inspection on the construction site together with any inspections department permit.

(b) *Mitigation plan.* The commission may require a mitigation plan as a condition of any approval for demolition or relocation of a landmark, property in an historic district or nominated property under interim protection. 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.

(c) *Additional conditions and guarantees.* The commission may impose such conditions on any certificate of appropriateness and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this chapter.

**E. FINDINGS**

13. Andrews Riverside Church located at 729 4<sup>th</sup> Street S.E. / 401 8<sup>th</sup> Avenue S.E is a contributing property to the Fifth Street Southeast Historic District. Additionally, the church is a focal point of both the historic district and southeast Minneapolis.

14. The property retains a high degree of historic integrity.
15. On August 11, 2002, a section of the north wall of the 1899 addition collapsed.
16. In addition to the partially collapsed condition of the north wall, the east wall of the 1899 addition is severely deteriorated. There is a large horizontal crack in this wall that was caused by the outward deflection of the wall. This wall is being held in place by temporary shoring.
17. The deterioration of the wall systems in the 1899 addition is the result of a combination of poor construction methodology, lack of maintenance, and calcification of the exterior stone.
18. The applicant has not provided any documentation that proves that the original, 1890 church/sanctuary structure was incorrectly constructed.
19. The original, 1890 section of the building does not exhibit the same degree of deterioration as the 1899 addition.
20. In August 2002, the Inspections Department placarded the 1899 addition as unsafe for habitation. The Inspections Department did not determine that the original 1890 church/sanctuary was unsafe for habitation.
21. The demolition of the 1899 addition is necessary to correct an unsafe and dangerous condition.
22. Although the original, 1890 church/sanctuary needs to be repaired, its demolition is not necessary to correct an unsafe or dangerous condition.
23. The applicant has not clearly demonstrated that there are no reasonable alternatives to the demolition of the original, 1890 church/sanctuary structure. The applicant has only provided cost estimates to make various repairs to the building and has stated that they do not have the funds to restore and care for the building.
24. The applicant has not shown that they have made a reasonable attempt to offer the property to parties interested in preserving the property.

#### **F. STAFF RECOMMENDATION:**

Staff recommends that the HPC adopt staff findings and approve a Certificate of Appropriateness for the demolition of the 1899, north addition and to allow the applicant to remove all of the finials from the entire building subject to the following conditions:

7. The 1899 addition must be documented to HABS Level IV. Copies of this documentation must be give to the HPC, the Minneapolis Collection of the Minneapolis Public Library, the Northwest Architectural Archives and the Minnesota State Historic Preservation Office (if they want a copy of the documentation).

8. The original, 1890 church/sanctuary cannot be demolished.
9. The finials must be removed from the building before the 1899 north addition is demolished. Once the finials are removed from the building, but they must be stored in a safe, secure location until they are reinstalled.
10. The original, 1890 church structure must be protected from further damage while the north addition is being demolished.
11. After the 1899, north addition is demolished, the north wall of the original, 1890 church/sanctuary must be secured and weatherproofed. The HPC staff must sign off on this work.
12. The applicant must actively work with the HPC and the City to seek out parties interested in preserving the property.

## **ATTACHMENT 2**

Draft excerpts from the Minneapolis Heritage Preservation Commission's June 10, 2003 Permit Review / Public Hearing Meeting Minutes:

### **PERMIT REVIEW/PUBLIC HEARING**

**1. 729 Fourth Street S.E. / 401 8<sup>th</sup> Ave S.E., Fifth Street S.E. Historic District, by Chuck Liddy, Miller Dunwiddie Architects, for a Certificate of Appropriateness to demolish the church. (Staff, Greg Mathis)**

Mr. Mathis presented the staff report recommending the HPC adopt staff findings and approve a Certificate of Appropriateness for the demolition of the 1899, north addition and to allow the applicant to remove all of the finials from the entire building subject to the following conditions:

13. The 1899 addition must be documented to HABS Level IV. Copies of this documentation must be given to the HPC, the Minneapolis Collection of the Minneapolis Public Library, the Northwest Architectural Archives and the Minnesota State Historic Preservation Office (if they want a copy of the documentation).
14. The original, 1890 church/sanctuary cannot be demolished.
15. The finials must be removed from the building before the 1899 north addition is demolished. Once the finials are removed from the building, but they must be stored in a safe, secure location until they are reinstalled.
16. The original, 1890 church structure must be protected from further damage while the north addition is being demolished.
17. After the 1899, north addition is demolished; the north wall of the original, 1890 church/sanctuary must be secured and weatherproofed. The HPC staff must sign off on this work.
18. The applicant must actively work with the HPC and the City to seek out parties interested in preserving the property.

The public hearing was then opened.

Chuck Liddy, the architect from Miller Dunwiddie Architects spoke. He does not dispute Findings 1 through 5. The church is seeking demolition of the building and not the church, there is a semantic difference that is very important to the congregation. Finding 6 says the applicant has not provided documentation that proves the original, 1890 church sanctuary structure was incorrectly constructed. This is partially true. Primary concentration has been on the deterioration on the north wing. The east wall was shored in October of 2001. The structural engineer and Mr. Liddy walked around the entire building and what they saw did not elicit the same sense of concern that they saw at the east wall. Ten months later the north wall was the portion that collapsed. Within the existing building, the narthex walls are pulling away from the balcony stairways. There is a separation of the west wall from the west balcony ceiling and they have started to notice other problems within the sanctuary that were not noticed before. They do not know if these problems arose because heating was not on over the winter. The base of the southwest column has pulled away 3-4 inches from the pew and we do not know exactly what is causing it. The vestibule area has a crack that carries completely through the wall and then transgresses out to the exterior wall. The crack occurs parallel to the exterior of the west wall. Where the wall collapsed, the floor is tight to the structure. This was not noticed in 2001. We have not done destructive testing to determine whether the 1890 building is built the same way as the 1899 addition. They did not see anything that would elicit the concern as much in the 1890 building as in the 1899 building. The church does not have the funds for that type of

study. What is seen on the interior of the building does not necessarily relate to what is experienced on the outside of the building.

On Finding 8, the Inspections Department did placard the whole building. He is not sure if the intent was only the 1899 addition, but there was a placard on the front door. They did a study to see if exiting could be facilitated from the sanctuary and if the north and east walls of the 1899 building could be stabilized, so the city would allow the sanctuary to be reoccupied. Only after we could show that the exiting was safe would they allow occupancy of the sanctuary.

Mr. Liddy said he agrees with Finding 9, but he does not know to what degree the severity of the deterioration is in the 1890 building. The organ screen has pulled away 2-3 inches from the column in the altar area. The trim that meets the cap on this column has also started to pull away. Both sets of columns in the sanctuary are leaning to east and west. The column at the northwest corner looks like it is 1-2 inches out of plum.

The applicant does not have any money to do anything with the building. They have \$60,000 in assets and are tapping every last dollar the presbytery has in their emergency fund, which is about \$200,000, to facilitate the demolition of the church. Using those funds, they would have the money to temporarily shore the east and the north portions that had collapsed and were in danger of collapsing, but there would be no money to do anything else. On the issue of not making a reasonable attempt to offer the property to parties interested in preserving it, they spoke with a developer who said "great property, get rid of building and I would be thrilled to do something with it." This company has done a lot restoration work, but would not take on a building that exhibits this deterioration.

There is no problem with Recommendation 1 or 3, they are planning to salvage major portions of the structure to the extent possible. They spoke with two of the premier masonry restoration contractors within the Twin Cities. Neither will remove the stone piece by piece because it is unknown if it can be done without further collapse. They would demolish the building and masons would pick through the pile. The thought is that 50% of the stone would be salvaged.

Regarding Recommendation 4, requiring the 1890 church structure to be protected from further damage while north addition is being demolished, it would be difficult with no money. He was surprised that this could be accomplished with the MCDA numbers. The demolition bid from Veit Construction was \$130,000 for the entire structure. The salvage of the stained glass windows, the abatement of all of the hazardous materials within the building would have to occur whether the north addition or south addition goes down. If the north addition is torn down, there are no utilities to the building. All utilities are in this addition. If the church were to be used, there are no restrooms and if the church moved back into the sanctuary, there would have to be provisions to build restrooms in the main church. The church is not accessible and currently access is only through the north wing.

The reference that after the 1899 north addition is demolished the north wall of the original 1890 sanctuary must be secured and weatherproofed, could probably be done without a lot of trouble. The requirement that the applicant must actively work with HPC and the city to seek out parties interested in preserving the property, he believes that the church would be most interested if somebody would come forward with money, resources and ideas. There is no insurance on the building, if something were to occur, there would be no insurance. The insurance company reinsured the building 3 months after the collapse and rescinded it 3 months later. The church is at issue with the insurance company but is not expecting a resolution for up to 2 years.

Harry Maghakian spoke. On August 11<sup>th</sup>, he was notified that the wall had collapsed. It is a question of what does the church do. Our hands have been tied while waiting for the insurance company. They formed a committee titled The New Church Future Committee that has met six times. We are not sitting on our hands. We met with Krause Anderson and have done exploratory work to ask where do we go. To knock only the back part down, where will you have restrooms, heat, gas, electricity or water, these were cut off for safety. There is no insurance. Our back is against the wall. It is a single purpose building. Walls are moving, the place is not safe. Underneath it is full of asbestos. The stones would be part of future development. He wants permission to move ahead. If we were to be locked, we would walk away and say the building is yours, do what you want with it.

**No one else wished to speak for or against the application. The public hearing was then closed and Commissioner were comments taken.**

Commissioner Housom requested an explanation of the bid that was e-mailed on April 11, 2003 about emergency repairs from Building Restoration. It suggests that there could be some emergency repairs done for \$87,890, which is cheaper than the demolition bid. Mr. Liddy replied that this was a previous bid. The numbers include selective repairs on the east side of the north wing and searching for other repairs around the building. No one had priced the cost to rebuild the collapsed north wall. He had inquiries from the insurance company and HPC staff as to what it would cost to do this, that, and the other things. The number to put it back to the condition it was the day before it collapsed is \$87,890. All other costs to stabilize it would have to be added on. Gunderson's number includes the reconstruction of the plaster, studs, ceilings, windows, doors, etc. These numbers need to be added together.

Commissioner Housom stated Mr. Mathis handed out a letter from the Marcy-Holmes Neighborhood Association and she wants to know if church is agreeable to their conditions. Mr. Liddy said he had not seen the letter. He attended the neighborhood meeting. They agreed with the congregation about demolition, but there were a number of other conditions. The Episcopal Church on 17<sup>th</sup> Street is building a 4 or 5 story building with a church on the main floor and student housing on the upper floors that would provide cash flow. They might actually survive as a congregation, but the staff person with Marcy-Holmes stated they would fight against a similar proposal. Mr. Maghakin stated that no letter was received, but he spoke with the neighborhood association. If the land were vacant, it would not be left to grow weeds. We would go to development and ask what should be done to retain stones for some restoration. He is afraid any building would then not be allowed.

Commissioner Housom questioned the restoration and the feasibility of stained glass windows being stored. Mr. Liddy said GayTee, the local expert in stained glass, proposed to remove the windows and frames from the building intact. The church would be responsible for storing them. It will cost \$25,000 to remove the windows and \$100,000, to take them out, restore them and put them back in. If the congregation can rebuild in the future, they may use some of the stained glass. To recoup costs they may be sold. There are a number of salvage items that are of high interest. The organ would take \$40,000 to repair if someone wanted it to purchase it.

Andy Whitman spoke. He works with insurance on the church. He does not know if the insurance is going to pay anything and he will not know for six months, and he will not know what they will pay for at least a year or two. Insurance would only pay for the damage, not the repair. If the church is not demolished, it will bankrupt the church. It exposes the church and presbytery to increasing costs and a liability risk that is increasing. The adjacent property has a loss of income and the property manager or insurance company will sue the church.

**MOTION** by Commissioner Lindquist to adopt staff findings and approve a Certificate of Appropriateness to demolish the 1899, north addition and to allow the applicant to remove all the finials from the entire building subject to the staff recommended conditions. **SECOND** by Commissioner Neiswander.  
**MOTION APPROVED** with no abstentions.

Commissioner Lindquist said the presbytery and Mr. Liddy are doing what they should do and they represent themselves really well. There are issues for the HPC and City Council to address. From an HPC point of view, the staff recommendations are appropriate. Some larger issues should be addressed at City Council, to see if they arrive at the HPC decision or not. Mr. Liddy said he understands the position Commissioner Lindquist had to take. He is not here because he wants to do this.