

CITY OF ST. LOUIS
CULTURAL RESOURCES OFFICE
PRESERVATION BOARD MINUTES
April 26, 2021

Board Members Present

Richard Callow – Chairman
Mike Killeen
Alderman Jack Coatar
David Weber
Melanie Fathman
Anthony Robinson
David Richardson

Cultural Resources Office Staff Present

Daniel Krasnoff, Director
Jan Cameron, Preservation Administrator
Andrea Gagen, Preservation Planner
Bethany Moore, Preservation Planner
Deneen Funk, Secretary

Legal Counsel

Barbara Birkicht

Alderman Coatar made a motion to approve the March Preservation Board meeting minutes dated March 22, 2021, as amended by striking that the motion passed unanimously in the Appeal of Staff Denial for 2011 Russell Boulevard, and reflecting the correction: Alderman Coatar and Chairman Callow abstained from that Agenda item. The motion to approve the minutes as amended was seconded by Commissioner Killeen and passed with five votes in the affirmative (Killen, Coatar, Fathman, Robinson, and Richardson) and one abstention from Chairman Weber. The Chair did not cast a vote.

APPEALS OF STAFF DENIALS

- A. 2034 ANN AVENUE**
Removed from the Agenda

- B. 2929 INDIANA AVENUE / BENTON PARK HISTORIC DISTRICT**
Owners: Gregory J. and Kellie M. Wanko
Retaining Wall Constructed without Permit

PROCEEDINGS

On April 26, 2021, the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider an appeal of the Director’s Denial to retain a retaining wall built without a permit, at 2929 Indiana Avenue, in the Benton Park Local Historic District.

Board members Richard Callow (Chair), Mike Killeen, Anthony Robinson, Melanie Fathman, David Weber and Alderman Jack Coatar were present for the testimony for this agenda item.

Bethany Moore of the Cultural Resources Office was sworn in and entered into the record Ord. 64689, the enabling ordinance, ord. 67175, the Benton Park Local Historic District Ordinance, the agenda, the PowerPoint, her presentation, the appeal letter from the owner, and a letter from the Benton Park Neighborhood Association. She then made a presentation that described the retaining wall built without a permit and summarized the timeline of the violation. She explained that the Cultural Resources Office received a Citizen Service Bureau complaint about a retaining wall built without a permit at 2929 Indiana Avenue, sent a violation to the owner, and made contact with the owner to discuss the violation. The owner then applied for a permit for the retaining wall, the application was denied, and the owner appealed the denial to the Preservation Board.

Ms. Moore also included in her presentation images of the existing conditions of the 2000 block of Indiana Avenue. The Benton Park historic standards regulate alterations to the Slope/Grade of properties. The slope of the primary façade may not be altered unless it is being returned to its original configuration. She pointed out that the original slope of the yards were intact in front of several buildings on the same side of the street as 2929 Indiana Avenue. She also included images of allowed curbing and unpermitted retaining walls on the public façade on the opposite side of the street from 2929 Indiana Avenue. Ms. Moore then explained in detail the Standards set forth in section 401 Slope/Grade, and testified as to why the retaining wall before the Board was not compliant with this section. She then recommended that the Preservation Board uphold the Director's Denial as the retaining wall did not meet the Standards for Slope/Grade in the Benton Park Local Historic District. She also introduced into the record a letter of appeal from owner, Greg Wanko, and a letter of partial support from the Benton Park Neighborhood Association's Building Review Committee.

Commissioner Killeen asked Ms. Moore if the Alderman had commented on the matter. Ms. Moore responded that she had not heard from the Alderman personally but that he was in attendance at the immediate hearing if he wished to make a statement.

Alderman Dan Gunther was sworn in to testify on the appeal. He stated that the neighborhood association had spoken at length with the owners about the retaining wall. He reinforced the content of the letter from the Benton Park Neighborhood Association's Building Review Committee including that the neighborhood intended to revise their standards on allowable retaining walls.

Commissioner David Weber asked Alderman Gunther when the revisions to the Standards would be completed; Alderman Guenther responded that it was the neighborhood association's goal to have them done during the 2021 year.

Greg Wanko, owner of the property, spoke on his own behalf. He showed the Board a presentation he had put together documenting the renovation project to the house at 2929 Indiana. The presentation included the construction of the retaining wall, and images of other retaining walls in the area. He stated that they had previously applied for permits for exterior changes to the house but misunderstood retaining walls were part of that process that required a permit. He stated that there was a retaining wall at that location previously before he constructed his retaining wall. Mr. Wanko stated that the Cultural Resources Office's presentation was really unfair in their representation of the retaining walls on his street.

Commissioner Killeen asked the applicant to read the Mies van der Rohe quote he had included on his presentation slide. Mr. Wanko complied.

Alderman Coatar directed a question to Ms. Moore about the previous structure on the property.

Ms. Moore stated the previous structure would be considered a curbing, which would be allowed, and not a retaining wall. She also clarified that walls under 18 inches do indeed require a permit in the historic districts even when a permit is not required by the Building Division.

Commissioner Killeen made a motion to uphold the director's denial to retain the retaining wall built without a permit, as it does not meet the Benton Park Local Historic District Standards. The motion was seconded by Alderman Coatar.

FINDINGS OF FACTS

The Preservation Board finds that:

- The site of the work done without a permit, 2929 Indiana Avenue, is located in the Benton Park Local Historic District.
- The Benton Park standards for Slope/Grade require that the historic slope of a yard not be altered at the Primary Facade unless it is to be returned to its original configuration.
- There is no evidence that the original historic slope had previously been altered with the construction of an historic retaining wall.
- The retaining wall built without a permit did not meet the Benton Park Local Historic District Standards.

CONCLUSIONS OF LAW

After due consideration and after weighing each piece of evidence and making a determination of the credibility of the witnesses, the Board has made a determination as to the substance and credibility of the evidence and exhibits.

The Preservation Board moved to uphold the Director's Denial to retain the retaining wall. The motion was made by Commissioner Killeen and seconded by Commissioner Coatar. The motion passed with five votes in favor of the motion (Killeen, Coatar, Fathman, Robinson, Weber) and two abstentions from Chairman Callow and Commissioner Richardson, who arrived after the testimony, had concluded.

C. 5265 WESTMINSTER PLACE / CENTRAL WEST END HISTORIC DISTRICT

Owners: John M. and Katrina M. Hongs

Replace slate Roof with Asphalt Shingles

PROCEEDINGS

On April 26, 2021, the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider an appeal of the Director's Denial to replace an existing slate roof with asphalt shingles, at 5265 Westminster Place, in the Central West End Local Historic District.

Board members Richard Callow (Chair), Mike Killeen, Anthony Robinson, David Richardson, Melanie Fathman, David Weber and Alderman Jack Coatar were present for the testimony for this agenda item.

Bethany Moore of the Cultural Resources Office was sworn in and entered into the record Ord. 64689, the enabling ordinance, ord. 56768, the Central West End Local Historic District Ordinance, the agenda, the PowerPoint, her presentation, and a statement from the Central West End Planning and Development Committee. She then made a presentation that described the existing conditions of the slate roof at 5265 Westminster Place, showed the surrounding houses and explained the differences in roofing materials allowed as a replacement for existing slate. Ms. Moore explained to the Board that the owner, John Mark Hongs, presented a case for financial hardship to the Cultural Resources Office as the basis for his request to replace the existing slate shingles with Owens Corning Duration shingles in the color Storm Cloud instead of the required slate shingles. She explained that the owner had submitted bids for DaVinci synthetic slate, and true slate, as well as the Owens Corning Duration shingle, and could not afford either alternative.

Ms. Moore then explained the Historic District Standards set forth section 7 of the same, titled "Roofs" and stated that the proposed roofing replacement material was not compliant with this section. She then recommended that the Preservation Board uphold the Director's Denial as the Owens Corning Duration shingle was not an approved replacement material for slate roofs. She also read a statement from the Central West End Planning and Development Committee in favor of the director's denial of the application.

The property owner, John Mark Hongs, spoke on his own behalf. He stated that he had explored many material options for roof replacement and was unable to afford any of the alternatives. He also stated that he had looked into financing for the roof replacement but was unable to secure it. He explained that the roof replacement was a matter of urgency as the existing roof was badly deteriorated and causing problems inside the house. Mr. Hongs gave a presentation that showed the materials of the other roofs on his block. He again stated that other roofing materials, as suggested, were cost prohibitive to his financial situation and he was afraid that the deteriorated condition of the roof would lead to structural damage to the house if he were unable to replace the roof. Mr. Hongs stated to the Board that he had submitted his financial documents to the Cultural Resources Office to support his financial hardship case.

Commissioner Weber asked for the total cost of the bid for the Owens Corning Duration roofing replacement.

Mr. Hongs stated that it was \$19,000.

Commissioner Killeen asked if Mr. Hongs had looked into the historic tax credit program to help with the cost of the roof.

Mr. Hongs stated he had not but he was worried that the time frame required to explore the possibility of the award of a tax credit would be detrimental to the condition of the building as the roof was leaking.

Alderman Coatar asked how long Mr. Hongs and his wife had owned the house.

Mr. Hongs stated they had owned the house since late 2004. He stated that the slate was the original roof that as had been present since the construction of the house in 1904, and previous owners had attempted patching to fix the issues. He explained that his roofer and his insurance company both stated that spot repair would not fix the issues with the roof and that it must be entirely replaced.

Commissioner Richardson asked Mr. Hongs if the financial information he submitted to the Cultural Resources Office was an accurate representation of his financial ability.

Mr. Hongs stated that the financial information he provided was the most recent and accurate information he had on his financial ability.

Commissioner Richardson asked Mr. Hongs if he had a mortgage on the property.

Mr. Hongs stated he did have a mortgage on the property and the roof replacement affected his mortgage and his insurance. He stated that if he could afford the slate roof he would prefer to replace the roof with it but he could not financially do so.

Ms. Moore clarified for the record that the Cultural Resources Office only had permits for the roof replacements at two of the addresses mentioned in Mr. Hongs' presentation and neither roof had its original slate when the roof was replaced.

Commissioner Richardson made a motion to overturn the director's denial to replace the existing slate roof with asphalt shingles on the basis of a financial hardship on the part of the owner. The motion was seconded by Alderman Coatar.

Commissioner Fathman directed a question to Ms. Moore regarding the color of the proposed roof.

Ms. Moore stated that the Cultural Resources Office approved roofs in a medium gray color to replicate slate.

Mr. Hongs said he was not opposed to the uniform, medium grey color.

Commissioner Richardson made a motion to overturn the director's denial to replace the existing slate roof with asphalt shingles on the basis of a financial hardship on the part of the owner. The motion was seconded by Alderman Coatar.

Commissioner Richardson amended his motion to include that color be approved by the Cultural Resources Office staff.

The amendment was approved by the second, Alderman Coatar; and the amended motion was seconded by Alderman Coatar.

FINDINGS OF FACTS

The Preservation Board finds that:

- 5265 Westminster Place is located in the Central West End Local Historic District.
- The roof has existing slate shingles.
- The owner presented evidence of financial hardship.

CONCLUSIONS OF LAW

After due consideration and after weighing each piece of evidence and making a determination of the credibility of the witnesses, the Board has made a determination as to the substance and credibility of the evidence and exhibits.

The Preservation Board moved to overturn the Director's Denial to replace an existing slate roof with asphalt shingles on the basis of financial hardship by the owner, with the stipulation that the color of the replacement material is to be approved by the Cultural Resources Office staff. The motion was made by Commissioner Richardson and seconded by Alderman Coatar. The motion passed with six votes in favor of the motion (Richardson, Killeen, Fathman, Weber, Robinson, Coatar) and one abstention from Chairman Callow.

D. CONGRESS, SALENA, SENATE AND SIDNEY STREETS / BENTON PARK HISTORIC DISTRICT

Owner: Herbert Baumann, Baumann Properties

Windows Replaced without Permits

PROCEEDINGS

On April 26, 2021, the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider an appeal of the Director's Denial to retain 604 non-compliant vinyl, multi-light windows installed without a permit on 25 residential buildings with various addresses along Congress, Salena, Sidney and Senate Streets, in the Benton Park Local Historic District.

Board members Richard Callow (Chair), Mike Killeen, Anthony Robinson, Melanie Fathman, David Weber, David Richardson and Alderman Jack Coatar were present for the testimony for this agenda item.

Bethany Moore of the Cultural Resources Office was sworn in and entered into the record Ord. 64689, the enabling ordinance, ord. 67175, the Benton Park Local Historic District Ordinance, the agenda, the PowerPoint, her presentation, the appeal letter from the owner, and a letter from the Benton Park Neighborhood Association's Building Review Committee.

Ms. Moore then made a presentation that summarized the background and history of the violation, described the type of windows that were installed without permit, their locations on the buildings and the Standards for windows in Benton Park. She explained that the Cultural Resources Office received a complaint for windows being installed without a permit at various addresses operated by the Senate Square Apartments. Ms. Moore stated that a Stop Work Order had been placed on the buildings on July 1, 2019 for the window violations. The July 1, 2019 Stop

Work Order was followed by two additional Stop Work Orders on May 8th and May 20th of 2020 for additional work being done to dormers without a permit. She also explained that after the July 1, 2019 Stop Work Order was placed, the Cultural Resources Office made contact with the owner to discuss the violation. The window violations were charged and sent to municipal court for subsequent prosecution on November 8th, 2019, after the owner failed to appear before the Preservation Board for a preliminary review of the project and stopped being responsive to the Cultural Resources Office.

Ms. Moore explained that the matter was now before the Preservation Board because the owner had applied for permits for the windows, on February 19, 2021, and the Cultural Resources Office had denied the permits for non-compliance with the Benton Park Standards, and the owner appealed the denial.

Ms. Moore also included in her presentation images of the buildings showing the windows in question, and testified regarding the incorrect windows that were installed. Further, she pointed out the various ways that the windows were non-compliant with the Benton Park Historic District standards, including material, configuration, method of opening, and wrapping of brickmold.

Ms. Moore also included in her presentation a chart with information reflecting a Cultural Resources' survey of the 25 buildings. The chart highlighted that 604 windows were found to have been replaced without a permit and 197 of those windows did not meet the Standards.

Ms. Moore then reviewed the Historic District Standards at section 203 Windows and why the windows were not compliant with this section. She then recommend that the Preservation Board uphold the Director's Denial as the window replacements did not comply with Benton Park Local Historic District Standards, and that the applicant be instructed to replace applications to replace non-compliant Public and Semi-Public windows with compliant windows, but that the Board could approve non-street visible windows. Any additional work should be permitted separately. She also read a letter into the record of appeal from Malachi Ives, the general manager for Baumann Property Company, and a letter from the Benton Park Neighborhood Association's Building Review Committee.

Commissioner Richardson asked Ms. Moore if the applicant had submitted any information to support a claim of financial hardship.

Ms. Moore responded that the only information they had submitted was the letter she read into the record.

Randall Reinker, counsel for Baumann Property Company, spoke on behalf of his client. He explained that Mr. Baumann manages properties throughout Missouri and Illinois, specializing in affordable housing. He stated that if his client was required to replace the windows with a more expensive window, it would outprice many of the tenants and make it difficult for the rental property business in question to survive. On behalf of his client, he asked that the windows be allowed to remain as installed.

Commissioner Richardson asked Mr. Reinker if he could elaborate on the events of 2019 and help him understand why the windows were still installed after Baumann Property Company was told they needed a permit for the work by the Benton Park Neighborhood Association.

Mr. Reinker deferred to Malachi Ives. Mr. Ives stated that the work started in 2019 and that he was not sure that they received anything telling them to stop installing the windows at that time. He said he knew the project had been going on for a while but he did not have the specifics in front of him.

Commissioner Richardson asked Mr. Ives if he did not understand in 2019 that they needed a permit to put in the windows.

Mr. Ives stated that they had started putting them in without permits.

Commissioner Richardson asked Mr. Ives if he continued the process and when he stopped.

Mr. Ives stated that he believed they stopped when they received a Stop Work Order.

Commissioner Richardson asked Mr. Ives when that was.

Mr. Ives stated he did not recall the specific day.

Commissioner Richardson asked Mr. Ives what the average size of a unit was.

Mr. Ives stated that the floor plans varied but the smallest unit was probably 600 to 650 square feet.

Commissioner Richardson asked Mr. Ives for the average size of a unit's floorplan.

Mr. Ives stated that it was hard to determine considering that the floor plans varied.

Commissioner Weber asked Mr. Ives why he thought he could replace the windows without a permit.

Mr. Ives stated that he did not have a good answer for it. He stated that he was doing as the owner instructed and that he found out later that he needed a permit.

Commissioner Weber asked Mr. Ives why he did not apply for a permit when he found out later he needed one.

Chairman Callow stated he considered that a rhetorical question.

Alderman Dan Guenther then testified. He stated that the Cultural Resources Office placed a Stop-Work-Order on the property on July 1, 2019, and notified Baumann Property Company that they had to apply for a permit for the work and that they had to abide by the Benton Park Standards. Alderman Guenther stated that as a member of the Benton Park Neighborhood Building Review Committee ("BRC") he knew that there were attempts made to contact Baumann Property Company about the need for a permit. He pointed out that there were 604 windows installed without a permit and 197 of those windows were outside of the Standards. He stated that after being told by the BRC that they were going about it the wrong way and to stop installing non-compliant windows that Baumann Properties continued to replace windows without a permit. Alderman Guenther reinforced the language of the letter from the BRC. He stated that the actions of Baumann Property Company was a slap to the other residents in Benton Park who have to abide by the rules. He stated that Baumann Property Company was not the only company in the district and that if all companies did not have to follow the Standards then the Standards should be thrown out because all companies in the neighborhood should be following the rules of the neighborhood. Alderman Guenther restated that July 1, 2019, the neighborhood association

was alerted to the work without a permit, and it is now 2021 and there were 197 windows replaced without a permit and without following the Standards.

Ms. Moore stated that she had placed Stop Work Orders on multiple addresses in the district and that Baumann Properties was scheduled to come before the Preservation Board in 2019 and failed to appear. She stated that Baumann Property Company had been well informed of the violations since 2019.

FINDINGS OF FACTS

The Preservation Board finds that:

- The sites of the work done without a permit, at various addresses on Congress, Salena, Sidney and Senate streets, are located in the Benton Park Local Historic District.
- The windows were installed without permit approval.
- The Benton Park Local Historic District standards for windows do not allow for the installation of vinyl, multi light windows on Public and Semi-Public Facades.
- There is no evidence to support a financial hardship.

CONCLUSIONS OF LAW

After due consideration and after weighing each piece of evidence and making a determination of the credibility of the witnesses, the Board has made a determination as to the substance and credibility of the evidence and exhibits.

The Preservation Board moved to uphold the director's denial, as the windows do not comply with the Benton Park Local Historic District Standards, and directed the applicant to replace the non-complaint front and side windows with approved historic replacements. The Board found that no evidence sufficient to show economic hardship was presented.

The motion was made by Commissioner Richardson and seconded by Commissioner Weber. The motion passed with six votes in favor of the motion (Richardson, Robinson, Fathman, Killeen, Weber, and Chair Callow) and one abstention from Commissioner Coatar.

DIRECTOR'S REPORT

Director Dan Krasnoff gave a short summary of future projects and items of interest within the City's Historic Districts.

ADJOURNMENT

There being no further business, the meeting was adjourned by general consent.