

**CITY OF ST. LOUIS
CULTURAL RESOURCES OFFICE
PRESERVATION BOARD MINUTES
JULY 29, 2020**

Commissioners Present

Richard Callow – Chairman
Randy Vines
Mike Killeen
Ald. Jack Coatar
Melanie Fathman
Tiffany Hamilton

Cultural Resources Office Staff Present

Dan Krasnoff, Director
Jan Cameron, Preservation Administrator
Andrea Gagen, Preservation Planner
Bethany Moore, Preservation Planner
Adona Buford, Adm. Assistant

Legal Counsel

Barbara Birkicht

PRELIMINARY REVIEWS

A. 2020.0867 10 N. TUCKER BLVD. PUBLIC STRUCTURES, MONUMENTS & FIXTURES

Owner: City of St. Louis (Land/Sculpture)

Applicant: 22nd Judicial Circuit

RESIDENTIAL PLAN

Preliminary review to install sculpture on East side of Civil Courts Building Plaza.

PROCEEDINGS:

On July 29, 2020, the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider Preliminary Review Application to install the Freedom Suit sculpture on the plaza located at the south side of the Civil Courts Building, along 11th Street.

Board members Richard Callow, Alderman Jack Coatar, Tiffany Hamilton, Mike Killeen, Anthony Robinson, Melanie Fathman and Randy Vines were present for the testimony for this agenda item.

Daniel Krasnoff of the Cultural Resources Office made a presentation that examined the sections of City Ordinance #64689, which sets forth the procedures for the review of public art installations on property owned by the City of St. Louis.

Mr. Krasnoff recommended support for the project. The applicant proposes to install a sculpture honoring slaves and their legal

counsel who sued for their freedom (Freedom Lawsuits) in the period prior to the American Civil War. The 22nd Judicial Circuit Judges requested proposals for a sculpture to honor the Freedom Suits. He also noted that Preston Jackson's proposal for the sculpture was chosen in a competition. Mr. Krasnoff stated that Mr. Jackson is an accomplished sculptor who has created other installations to commemorate the empowerment of people of color in the period of the American Civil War.

Judge David Mason spoke in favor of the proposal. Judge Mason's testimony illuminated the history of the Freedom lawsuits memorialized in the sculpture. He said that the Dred Scott lawsuit was the most renowned Freedom suit, but that it was one of approximately 300 such lawsuits in the fifty-seven years prior to the Civil War. He also said that approximately half of the suits resulted in a granting of freedom to the slaves who sued. Judge Mason also highlighted the courage it took to bring such a suit. If a slave lost in court, they remained in bondage after the suit and faced peril for bringing the lawsuit.

Judge Mason also noted the Dred Scott decision was a betrayal of justice. The decision denied Dred and Harriet Scott of their freedom and invalidated claims to equal citizenship for any African-Americans. This decision diminished the freedom for African-American in Free states as well as slave states.

Preston Jackson, creator of the sculpture, spoke in favor of the proposal. Mr. Jackson said he was creating a representational sculpture. He hoped the design would educate the viewer regarding the Freedom lawsuits.

Melanie Fathman said she thought the design was wonderful. She asked how tall it would be. Mr. Jackson said the total height would be nineteen to twenty (19-20) feet. The base would be approximately five (5) feet tall and the sculpture would be approximately fifteen (15) feet tall.

FINDINGS OF FACTS:

The Preservation Board found that:

- The proposed cast bronze sculpture will honor enslaved people and their legal representatives who argued their Freedom Law Suits.
- Preston Jackson is an accomplished sculptor who has experience creating works reflecting the history of the Civil War and emancipation of African-Americans
- The sculpture presents a dynamic visual narrative that will educate the public regarding Freedom Lawsuits.

BOARD DECISION: It was the decision of the Preservation Board to grant Support for the installation of the Freedom Suit Memorial sculpture. Board Member Tiffany Hamilton made the motion, which was seconded by Board Member Randy Vines. The motion passed unanimously, with a vote of 7-0.

APPEALS OF DENIALS

B. 2020.0670 1432A DOLMAN STREET LAFAYETTE SQUARE HISTORIC DISTRICT

Owner: Beverly J. & Thomas Murphey, Jr.

Applicant: Masonry & Glass Systems, Inc./Harrison Winter

RESIDENTIAL PLAN Install windows on a front façade.

PROCEEDINGS: On August 27, 2020 the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider an appeal of a denial of a building permit application to install windows at a Public Facade, at 1432A Dolman Street in the Lafayette Square Local Historic District. Board members Richard Callow (Chair), Randy Vines, Mike Killeen, Alderman Jack Coatar, Tiffany Hamilton, Melanie Fathman, were present for the testimony for this agenda item.

Andrea Gagen of the Cultural Resources Office made a presentation that examined the sections of City Ordinance #69112, which sets forth the standards for the Lafayette Square Local Historic District. Ms. Gagen entered into the record the following items:

- Certified copy of Ordinance 64689
- Certified copy of Ordinance 64925
- Certified copy of Ordinance 69112
- A letter of opposition by the Lafayette Square Restoration Committee
- The meeting agenda and the PowerPoint presentation

Ms. Gagen stated that the proposed windows did not meet the Lafayette Square Historic District standards as they would use a visible jamb liner.

Harrison Winter, of Masonry & Glass Systems, Inc., the applicant,

spoke in favor of the proposal. Stating that they were replacing existing sash replacements, and that all of the buildings in that row have the same windows.

FINDINGS OF FACTS:

The Preservation Board found that:

- 1432A Dolman Street is located in the Lafayette Square Local Historic District.
- The proposed sash replacements would replace existing sash replacement windows.
- The proposed sash replacements would use a jamb liner, which is prohibited under the Lafayette Square Historic District standards.
- Unlike the integral jamb liners, the jamb liner on sash replacements have a higher visibility.

BOARD DECISION:

It was the decision of the Preservation Board to uphold the Director's denial of the windows, as they do not comply with the Lafayette Square Historic District Standards. Board Member Mike Killeen made the motion, which was seconded by Board Member, Alderman Jack Coatar. The motion passed with upheld the Director's denial of the windows, as they do not comply with the Lafayette Square Historic District Standards. Board Member Mike Killeen made the motion, which was seconded by Board Member, Alderman Jack Coatar. The motion passed with Board Members Vines, Alderman Coatar, Hamilton and Killeen voting in favor and Board Member Fathman opposed. Board Members Vines, Alderman Coatar, Hamilton and Killeen voting in favor and Board Member Fathman opposed.

C. 2020.0753 1434A DOLMAN STREET LAFAYETTE SQUARE HISTORIC DISTRICT

Owner: Marie Lopez

Applicant: Masonry & Glass Systems, Inc./Harrison Winter

RESIDENTIAL PLAN

Appeal of a denial of an permit application install windows on a front facade.

PROCEEDINGS:

On August 27, 2020 the Preservation Board of the City of St. Louis met, pursuant to Ordinance #64689 of the City Code, to consider an appeal of a denial of a building permit application to install windows at a Public Facade, at 1434A Dolman Street in the Lafayette Square Local Historic District. Board members

Richard Callow (Chair), Mike Killeen, Alderman Jack Coatar, Tiffany Hamilton, Melanie Fathman, were present for the testimony for this agenda item.

Andrea Gagen of the Cultural Resources Office made a presentation that examined the sections of City Ordinance #69112, which sets forth the standards for the Lafayette Square Local Historic District. Ms. Gagen entered into the record the following items:

- Certified copy of Ordinance 64689
- Certified copy of Ordinance 64925
- Certified copy of Ordinance 69112
- A letter of opposition by the Lafayette Square Restoration Committee
- The meeting agenda and the PowerPoint presentation

Ms. Gagen stated that the proposed windows did not meet the Lafayette Square Historic District standards as they would use a visible jamb liner.

Harrison Winter, of Masonry & Glass Systems, Inc., the applicant, spoke in favor of the proposal. Stating that they were replacing existing sash replacements, and that all of the buildings in that row have the same windows.

Marie Lopez, the owner, also testified on her own behalf.

FINDINGS OF FACTS:

The Preservation Board found that:

- 1434A Dolman Street is located in the Lafayette Square Local Historic District.
- The proposed sash replacements would replace existing sash replacement windows.
- The proposed sash replacements would use a jamb liner, which is prohibited under the Lafayette Square Historic District standards.
- Unlike the integral jamb liners, the jamb liner on sash replacements have a higher visibility.

BOARD DECISION:

It was the decision of the Preservation Board to uphold the Director's denial of the windows, as they do not comply with the Lafayette Square Historic District Standards. Board Member Mike Killeen made the motion, which was seconded by Board Member,

Alderman Jack Coatar. The motion passed with Board Members Alderman Coatar, Hamilton and Killeen voting in favor and Board Member Fathman opposed.

D. 2020.0683 4701-03 MCPHERSON AVE. CENTRAL WEST END HISTORIC DISTRICT

Owner: 4701 McPherson LLC-STL LLC

Applicant: Robert Wilk

RESIDENTIAL PLAN

Appeal of a denial of a building permit application to replace a rear deck.

PROCEEDINGS:

On July 29, 2020, 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 a rear deck, at 4701-4703 McPherson Avenue, in the Central West End Local Historic District. The application was submitted by Robert Wilk on behalf of the owner.

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

Bethany Moore of the Cultural Resources Office made a presentation that examined the sections of City Ordinance #56768 which sets forth the standards for decks in the Central West End Local Historic District. She entered into the record Ordinance #64689, as revised by City Ordinance #64925, the enabling legislation; and Ordinance #56768, the Central West End Local Historic District Ordinance, the Preservation Board Agenda, the PowerPoint, her presentation and a letter from the Central West End Planning and Development Committee.

Ms. Moore stated that the existing rear deck was constructed in 2008 after it was approved by a Preservation Board decision under previous Standards. She also noted that the building to which the deck was attached was a corner property making the rear façade visible from Walton Avenue. She explained that the deck was an elevated deck that was for the residential use of the apartments on the second floor. Due to the height of the deck and the use of the rear of the lot as a parking lot it was impossible to screen the deck from street view as required by the Standards.

Ms. Moore recommended that the Preservation Board uphold the

Director's Denial to replace the rear deck as it did not comply with the Central West End Local Historic District Standards. Ms. Moore then read to the Board from the letter sent to the Cultural Resources Office from the Central West End Planning and Development Committee in favor of the deck replacement as it was not visible from the primary elevation of the building, would replicate the existing deck and had been previously approved by the Preservation Board.

Aleks Peric, the contractor the project, spoke on behalf of the owner. He explained that the replacement deck would be identical in size and scale to the existing deck except that the stairs would be completely perpendicular to the street as to make them less visible from the street. He also stated that the wood would be stained a dark brown.

FINDINGS OF FACTS:

The Preservation Board found that:

- The site of the proposed deck replacement, 4701-4703 McPherson Ave, is located in the Central West End Local Historic District.
- The location of the deck at the rear of the building made it invisible from the front façade of the building.
- The Central West End Planning and Development Committee was not opposed to the replacement of the deck.

BOARD DECISION:

It was the decision of the Preservation Board to overturn the Director's Denial to replace the rear deck. The motion was made by Alderman Coatar and seconded by Board Member Fathman. The motion passed unanimously.

E. 2020.0796 5291 LINDELL BLVD. CENTRAL WEST END HISTORIC DISTRICT

Owner/Applicant: Lindell 5291 LLC, Gurpreet Padda

RESIDENTIAL PLAN Appeal of a denial of a building permit application for a front yard fence/planter.

PROCEEDINGS: On July 29, 2020, 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 wall/fence/container garden constructed without a permit, at 5291 Lindell Boulevard, in the Central West End Local Historic District. Gurpreet Padda,

the representative for Lindell 5291, LLC, submitted the permit application.

Board members Richard Callow (Chair), Alderman Jack Coatar, Melanie Fathman, Tiffany Hamilton, Mike Killeen and Anthony Robinson were present for the testimony for this agenda item. Daniel Krasnoff of the Cultural Resources Office was sworn-in. He made a presentation that examined the sections of City Ordinance #69423, which sets forth the standards for streetscape, fences, enclosures and landscaping in the Central West End Local Historic District. He entered into the record

- Ordinance #64689
- City Ordinance #64925
- Ordinance #69423
- Central West End Local Historic District Standards
- Preservation Board Agenda/PowerPoint presentation
- Permit Application
- Denial letter to the permit application
- Message appealing the denial
- Submission of property owner ,Dr. Padda’s, attorney in support of the overturning the Director’s denial
- Letters from Alderwoman Heather Navarro and the Central West End Association Planning and Zoning Committee opposing the project.

Mr. Krasnoff stated that a permit was required for the work in question. He said this is required due to Ordinance 64689, Part Five, Section 39, which states that “no owner or person shall...cause or permit work to be performed on a property within the historic district unless an application has been filed with the Building Commissioner and a permit is obtained therefore from the Building Commissioner.” Mr. Krasnoff then identified and quoted from Site Work, Section A, Walls Fences, Gates and Enclosures on Page 13 of the Central West End Standards, “Walls, fences and enclosures form an important part of the streetscape.” He also noted that under the Central West End standards opaque fences and walls are only permitted on side and rear yards. He said that the construction in question, to which this section applies, is in the front yard. The Applicant provided a definition of “wall” which states that a wall acts as a “barrier.” Mr. Krasnoff said the construction is clearly a barrier, as did the Appellant’s attorney.

Mr. Krasnoff then quoted the Introduction to the Central West End Historic District standards, paragraph three that states,

“Some block faces within the historic district exhibit a continuity of design with uniform building heights, setbacks, materials, window sizes, spacing, and **landscape treatment** (Emphasis added.) He also noted that it says that when new construction is proposed consideration of the streetscape and its compatibility with the proposed construction must be considered, and are of utmost importance. Mr. Krasnoff then showed photos of houses along Lindell Boulevard between Kingshighway and Union Boulevard that showed no construction similar in any way to the wall/fence/enclosure constructed at 5291 Lindell Boulevard. The pictures showed conditions in which front lawns were contiguous with the sidewalks with no opaque fences or walls where they adjoin one another. He said the construction at 5291 Lindell disrupted the uniformity of the Lindell streetscape.

Mr. Krasnoff also discussed the Union Avenue streetscape. He said the Union Avenue wall/fence/enclosure at 5291 Lindell was in front of the house. This was a different condition from the house on the block to the north, at 54 Westmoreland Place. That house has an opaque wood privacy fence. Although it is along Union Boulevard that wood privacy fence is parallel to the side yard and not in the front yard of the building.

Mr. Krasnoff concluded his remarks stating that: the construction required an approved permit, which was not obtained; the proposal reflected in the subsequent permit application, which was denied, weakened the continuity of the streetscape, and that the construction formed a fence/wall, which is a barrier, per the definition in Merriam Webster’s Dictionary, and therefore in contravention of the historic district standards, as proposed in front of the house.

David Weiss, attorney from the law firm of Sandberg and Phoenix represented the owner of 5291 Lindell. He was sworn-in. Mr. Weiss testified that the construction was intended to assist a disabled resident of the house to garden and that the construction was necessary to create a barrier to block trash from the street. He argued that the construction is a garden and described how plantings would be grown on the two levels. Mr. Weiss showed photos of other houses along the 52xx block of Lindell and argued that there are plantings in front of the other houses and the structure in the permit application at 5291 Lindell is the same thing.

He stated that the Building Commissioner did not think a permit was required due to the structural integrity of the construction.

He also said the construction would be painted green and that it would essentially be a berm. He concluded saying he was entering his entire correspondence of July 27, 2020 into the record.

Board member Mike Killeen asked if another site on the lot was considered as a location for the construction. Dr. Gurpreet Padda, property owner, was sworn-in and answered that there are few spaces on the lot where there is direct sunlight. He further stated that he did not want to remove trees in order to create a space with more sunlight. Mr. Killeen asked if Dr. Padda would work with the neighborhood to see if a mutually satisfactory solution could be found. Dr. Padda answered that he would.

Board member Alderman Jack Coatar asked Mr. Weiss to explain why the construction was not a "wall". The Alderman noted that Mr. Weiss testified that the construction was meant to be a barrier for trash and his letter referred to a dictionary definition of a wall as characterized as a barrier. Mr. Weiss said a curb is a barrier and that there are railroad ties along Union Boulevard, but they are not walls or fences.

Jim Dwyer was sworn-in. He testified on behalf of the Central West End Association. He said the construction was not aesthetically pleasing, that the needs of a disabled persons were not the purview of the historic district ordinance and that the creation of a non-conforming structure is not an appropriate solution to the existence of trash on the front lawn of the property.

FINDINGS OF FACTS:

The Preservation Board found that:

- 5291 Lindell Boulevard is located in the Central West End Local Historic District.
- The wooden structure was constructed without a permit.
- The Building Inspector issued a Stop Work Order.
- The construction is incongruous with the historic streetscape.
- The opaque wooden structure is equivalent to a low wooden fence/wall and is prohibited within the historic district.

BOARD DECISION:

It was the decision of the Preservation Board to uphold the Director's Denial as the construction is incongruous with the streetscape criteria of the Central West End Historic District Standards The motion was made by Board Member, Alderman Jack Coatar and seconded by Board Member Anthony Robinson.

The motion was approved with Board members Alderman Jack Coatar, Melanie Fathman, Tiffany Hamilton, Mike Killeen and Anthony Robinson voting in favor. Chairman Richard Callow abstained.

F. 2020.0804 2309 MENARD ST. SOULARD NEIGHBORHOOD HISTORIC DISTRICT

Owner/Applicant: Brandon and Noa Hefer

RESIDENTIAL PLAN Appeal of a denial of a building permit application to construct a retaining wall.

PROCEEDINGS: On July 29, 2020, 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 construct a retaining wall, at 2309 Menard Street, in the Soulard Local Historic District. The application was submitted by the owner, Brandon Hefer. Board members Richard Callow (Chair), Mike Killeen, Melanie Fathman, Anthony Robinson, Tiffany Hamilton and Alderman Jack Coatar were present for the testimony for this agenda item. Bethany Moore of the Cultural Resources Office made a presentation that examined the sections of City Ordinance #57078, which sets forth the standards for retaining walls in the Soulard Local Historic District. She entered into the record Ordinance #64689, as revised by City Ordinance #64925, the enabling legislation; and Ordinance #57078, the Soulard Local Historic District Ordinance, the Preservation Board Agenda, the PowerPoint, her presentation and documents submitted by the applicant for the Board's review. Ms. Moore stated that the location of the proposed retaining wall was visible from two streets, Menard Street and Shenandoah Avenue, as the property had a large side yard on a corner. She also noted that the material for the proposed retaining wall, concrete masonry units, was not an allowable material. She explained that per the Standards, retaining walls were to be based on a Model Example and made from or faced with brick or stone and the proposed retaining was not. In response to a question from Chairman Callow, Ms. Moore stated that the Soulard Restoration Group did not send a letter for the Board but had informed the Cultural Resources Office that their organization did not object to the wall.

Brandon Hefer, owner of the property, spoke on his own behalf. He showed the Board a slideshow he had put together of other retaining walls in Soulard with similar materials. Mr. Hefer explained that his side yard was very large and his retaining wall would be set back to the rear of his lot. He also explained that when the retaining wall was covered in greenery, as he proposed, then it would be very limited from view. Mr. Hefer told the Board that the retaining wall did not serve a superficial purpose and was proposed to replace a previous retaining wall that failed to hold his neighbor's property back from his property.

In response to a question from Board Member Killeen, Mr. Hefer explained that the wall was not completed but he had put down the foundation of the wall before a building inspector stopped him. He also explained the location of the wall on his property in more detail.

In response to a question from Board Member Killeen, Ms. Moore explained that she had heard from several members of the SRG that they were not in opposition to the project. Alderman Coatar confirmed this and explained that he was on the emails as well.

FINDINGS OF FACTS:

The Preservation Board found that:

- The site of the proposed retaining wall, 2309 Menard Street, is located in the Soulard Local Historic District.
- The proposed retaining wall is far enough back on the lot to not be highly visible.
- Approval of the proposed retaining wall does not significantly impact the Soulard Historic District.

BOARD DECISION:

It was the decision of the Preservation Board to overturn the Director's Denial and allow it to be built as constructed. The motion was made by Board Member Killeen and seconded by Alderman Coatar. The motion passed unanimously.