



CITY OF ST. LOUIS
**PLANNING & URBAN
DESIGN AGENCY**
FRANCIS G. SLAY, Mayor

File No. PDA-049-16-PRS

To: City of St. Louis Planning Commission

From: Don Roe, Director

Subject: Request for Review of Preservation Board Demolition Decision
(Planning Commission Review of a Decision Made by the Preservation Board to Uphold the Denial of a Building Permit Application to Demolish a Brick Wall by the Director of the Cultural Resources Office)
54 Westmoreland Pl. (CB 4902)

Date: April 1, 2016

Summary

Decisions regarding demolitions by the Preservation Board are subject to review by the Planning Commission. The Planning Commission accepts or denies the undertaking of such a review with a two-step process. The first step is the Planning Commission decision on whether to conduct the review at all. If it decides to conduct the review, the Planning Commission proceeds to the second step and provides notice to the affected parties and sets a date and time of the actual review. If the Planning Commission chooses not to do the review, it is treated like all other Preservation Board decisions and the controversy can be heard directly by the Circuit Court.

You are at step one -- to decide whether to undertake the review of this decision.

If you agree to undertake the review, the review shall be limited to determining the correctness of the provisional decision of the Preservation Board by reviewing the record as adduced before the Preservation Board in light of the applicable standard. You may consider oral and written arguments, but no new or additional evidence may be considered.

Background

Subject: The Preservation Board upheld the denial of a building permit application to demolish a brick wall by the Director of the Cultural Resources Office. The brick wall was located at a single-family home, 54 Westmoreland Pl., in the Central West End Local Historic District. The owners of the property are Terry J. and Jane V. Flanagan. A building permit was issued to replace a fence. However, the building permit did not reference the demolition of a brick wall. After the brick wall was demolished, Just Wooden Fences, the contractor filed a building permit application to demolish the wall. The building permit application was denied by the Director of the Cultural Resources Office. The matter was called, heard and considered by the Preservation

Board at a hearing on January 25, 2016. In upholding the denial of the building permit application to demolish a brick wall by the Director of the Cultural Resources Office, the Preservation Board required that the brick wall be rebuilt because the demolition of a historic wall is prohibited under the Central West End Historic District standards and the original building permit application did not accurately convey the extent of the proposed work. Terry J. Flanagan, of Flanagan & Peel, P.C., filed the review request on behalf of the property owners in a letter dated February 23, 2016.

Procedure: Building permits to demolish a brick wall are applied for at the Building Division. They are then routed to relevant reviewers, including the Cultural Resources Office (CRO). Decisions of the CRO are appealed to the Preservation Board. This building permit application came before the Preservation Board as an appeal of CRO's provisional decision. The decision will become final and appealable to Circuit Court following (1) a decision not to review the CRO provision decision, or (2) a review of the CRO provisional decision record by the Planning Commission.

Ordinance: This review is allowed for under Ordinance 64925, which revised Ordinance 64689. Section Fifty, of which, states in part: "The decision of the Planning Commission to accept or deny such review shall be exercisable in its sole, unrestricted discretion by a vote of a majority of a quorum of the Planning Commission." Section Fifty-Three relates to the actual review and states: "In reviewing decisions of the Preservation Board under Sections Fifty and Sixty-Three hereof, the Planning Commission shall be limited to determining the correctness of the provisional decision by reviewing the record as adduced before the Preservation Board in light of the applicable and appropriate standard. The Planning Commission may consider both oral and written arguments but no new or additional evidence may be considered. ... The Planning Commission shall, in writing, affirm, reverse or modify the decision of the Preservation Board."

Requested Action

That the Planning Commission discuss among itself and with staff, and then vote whether to accept or deny the undertaking of reviewing the demolition decision by the Preservation Board regarding a brick wall at 54 Westmoreland Pl. at a future meeting.
