

MINUTES OF A MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND AND ST. JOSEPH COUNTY

April 15th, 2019
13th Floor Conference Room
County – City Building
South Bend, IN 46601

I. CALL TO ORDER

President Gelfman called the meeting to order at 5:31 pm.

Members of the Public Present:

Terena Hoover, 1344 East Jackson Road, South Bend, IN
Victor Lopez, 1110 Lincoln Way West, South Bend, IN
Troy McKee, 719 E Lawrence Street, Mishawaka, IN 46545
Jonathan Mooney, 112 W Jefferson, Suite 500, South Bend, IN
Matthew Moyers, 126 S St. Louis, South Bend, IN
Diana Phipps, 821 Forest Avenue, South Bend, IN
John Sherry, 1314 E Wayne N, South Bend, IN
Eric Stalheim, 902 E Washington, South Bend, IN
Kyle Silveus, 67635 M-62, Edwardsburg, MI
Jason Yoder, 52245 Broken Arrow Drive, Granger, IN
Steve Depositar, 55581 Kern Road, Mishawaka, IN
Errol Grosseve, 50841 Old Dover Lane, Granger, IN
Frank Perri, 234 S Coquillard Drive, South Bend, IN

II. ROLL CALL

Members Present: Michele Gelfman, President; Elizabeth Hertel, Vice President; Greta Fisher, Architectural Historian / Secretary; Leslie Annis; Sarah Ponder

Members Not in Attendance: Joseph Molnar, Treasurer

Staff Present: Elicia Feasel, Historic Preservation Administrator; Adam Toering, Historic Preservation Specialist; Steve Szaday, Historic Preservation Inspector; Sandra Kennedy, Legal Counsel

III. PUBLIC HEARING

A. CERTIFICATE OF APPROPRIATENESS

1. 509-511 Harrison **COA# 2019-0227 continued** **#8021-1989** **Local Landmark**
Representation: Terena Hoover, 1344 East Jackson Road, South Bend, IN
Victor Lopez, 1110 Lincoln Way West, South Bend, IN

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Date: March 13, 2019

Application Number: 2019-0227

Property Location: 509 – 511 Harrison
Architectural Style/Date/Architect or Builder: 1921/Palmer Apartments
Property Owner: Victor Lopez
Landmark or District Designation: Local Landmark, ordinance #8021-1989
Rating: not listed in 2007 Sites and Structures Inventory

DESCRIPTION OF STRUCTURE/ SITE: This two-story structure with rectangular plan sits upon a cement foundation. The walls are brick, and the very low hip roof has wide overhanging eaves. A two-story porch with three brick support pillars and two balconies spans the front side. The second story balcony was covered by a roof shingle type of material.

This structure was included in the legal description for Landmark Ordinance #8021-1989. The structure to the rear on the lot – 513 Harrison – was the primary reason for this landmarking because of its unique concrete block construction.

ALTERATIONS: COA 2002-0618 approved removal and replacement of asphalt roof shingles. COA 2016-1031A approved replacement in-kind of asphalt roof shingles and installation of new gutters. Vinyl windows have been installed to enclose the second-floor front porch, and second story balcony shingles have been replaced with vinyl siding, both without a COA or building permit.

APPLICATION ITEMS: *“Install 10 Andersen Silverline double hung windows (vinyl). Install vinyl siding. See previous application (2017-0623).”*

COA 2017-0623, as applied: “Add new double hung vinyl windows in framed area of porch and replace dilapidated siding. Code enforcement was pressuring me to complete work.”

DESCRIPTION OF PROPOSED PROJECT: Owner is seeking retroactive approval of Andersen Silver Line Standard vinyl windows installed to enclose second floor front porch, *as well as vinyl Portsmouth Shake & Shingles “Smart Styles” by Royal in a dark color, as well as Quality Edge aluminum 5” stock trim*, as well as Market Square double 4” vinyl siding which has been installed to replace existing deteriorated balcony asphalt shingles, and triple 4” vented and unvented vinyl siding which has been installed to replace existing unvented soffit. Owner seeks to prevent further damage to second-floor decking by installation of windows to prevent exposure to weather. All work has been done without a COA or building permit.

Applicant retroactively applied for the above project in 2017. The Commission reviewed the project and denied the application. Demolition permits were issued by the Building Department to allow for the removal of the windows in both July and December of 2017, the latter of which was issued with the caveat that the permit was only for six months, and if no work was executed, fines were to be issued. No demolition occurred on the site.

With no response from the property owner, the Building Department submitted the property to the City of South Bend Legal Department. City of South Bend Legal filed a ‘NOTICE OF CLAIM SUMMONS’ (Case No. 71D07-1901-SC-000104) with the St. Joseph County Clerk on January 2, 2019 for a judgement of \$1,500. Upon receiving this judgement, the property owner re-initiated contact with the Historic Preservation Commission staff to seek to rectify the situation.

Staff met with the applicant on February 12, 2019 and again on February 27, 2019 to review this project and assist in the application process. Staff appraised the applicant of similar projects where windows that were installed without Commission approval were later removed (most notably at 620 West Washington, ‘Tippecanoe Place’).

On April 1st, 2019, Mr. Lopez met with staff to discuss new options for replacing the trim and siding on the front porch. He expressed his desire for the windows to remain in place but brought new vinyl siding options in an attempt to replicate the asphalt siding that was previously on the front porch. The vinyl siding comes in a variety of colors, and Mr. Lopez expressed interest in using a darker color for the siding. Administrator Feasel inquired as to whether the siding could be extended up and around the lone window in the southwestern porch bay. The soffit would remain.

PRESERVATION INSPECTOR REPORT: n/a

STANDARDS AND GUIDELINES: Group B

Definitions

Shall—Defined as an expression of something that is mandatory or must be done.

Should—Defined as an expression of obligation, something that ought to be done but that is open to compromise.

Required—Defined as work which shall be done in a restoration or rehabilitation project in order to restore or maintain the original or existing character of the structure or site.

Recommended—Defined as work which should be done to help restore or maintain the original or existing character of the structure or site.

Prohibited—Defined as work which shall not be permitted in a restoration or rehabilitation project because it may have a negative impact on the original or existing character of the structure or site.

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition). Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. **Structure**—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.

2. **Material**—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.

a. **wood**—all wood trim should conform with existing trim in shape and size.

b. **siding materials**—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Group B Standards, section A, state *“The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark.”* Prevention of second-floor porch deck deterioration could be accomplished in a manner that is sympathetic to the historic structure and in compliance with the Standards for Local Landmarks. Staff would prefer to see the windows removed and the porch returned to an opened state.

When the project was reviewed in 2017, Staff believed that the soffit and siding material should be replaced with more appropriate materials, as Section C, item 2 states, *“Additions and improvements involving any new material in the landmark should be of the same material as the original.”* The Group B Standards and Guidelines define *should* as *“an expression of*

obligation, something that ought to be done but that is open to compromise." Asphalt shingles were previously installed on the exterior of the porch. As such, staff would entertain allowing the siding to remain.

Staff recommends that the Commission pursue:

1. Removal of the windows,
2. Approval of the siding/soffit, with the caveats that the applicant:
 - A) confirm that the installed soffit is properly vented and
 - B) confirm that an appropriate material is extended across the ceiling of the to-be-opened porch.

Report compiled by
Adam Toering, Historic Preservation Specialist

Approved by
Elicia Feasel, Historic Preservation Administrator

Petitioner Comment:

Ms. Hoover: If we understood it correctly, the staff recommendation is for the approval of the new materials that we provided samples of, is that correct?

Commissioner Gelfman: That's what their recommendation is, and the Commission will discuss it and go from there.

Ms. Hoover: So, we did get the samples of the siding and the aluminum that we were questioning on the sides of the windows we have a darker brown. We have a sample of that, the real dark brown so it wouldn't stand out, it would be more in tone with the brick.

Specialist Toering: I defer to Victor as to which particular brown he would like to use.

Mr. Lopez: The dark brown.

Commissioner Fisher: 'Mocha'?

Commissioner Gelfman: Much better choice, very nice.

Commissioner Hertel: Pass 'Mocha' around.

Closed Commissioner Discussion:

Commissioner Hertel: So, these windows in this photo are here to stay, is that correct?

Specialist Toering: Correct.

Commissioner Hertel: I am not in favor of this, as I think it takes away from the historical aspects of the home. It just takes away from the whole house for me.

Commissioner Gelfman: What particular part are you talking about?

Commissioner Hertel: There's several things. Particularly the windows. As we look at the windows you see this, what could be a historic home, and it has these vinyl windows, or they look like they are vinyl windows from the photo, and it just detracts from the historic nature of this home.

Commissioner Fisher: I'm just trying to get a handle on this. The asphalt shingles actually have a lot of commonality with the brick that was there, so they aren't very noticeable when they were there. And we are talking about the siding covering that area now being actually a darker color than that brick. Right? With the darker brown? Which I prefer than the gold that's there. I agree with [Commissioner Hertel] that the white vinyl windows really – they really don't look like they belong there. I don't understand. So that all the parts of this – we've got four different parts. We've got the siding, the trim – where's the aluminum trim?

Administrator Feasel: Around the windows. Then you've got the soffit, and the overhang of –

Commissioner Fisher: The overhang of the house, or of the porch? The soffit?

Administrator Feasel: Both.

Commissioner Fisher: Its hard to tell. Does the soffit material run all the way around the – does it continue all the way around the house?

Administrator Feasel: Our understanding is that it does.

Commissioner Fisher: There isn't a change? So, it continues? I could live with that – I think my biggest sticking point is the windows.

Commissioner Ponder: Yeah, the windows are kind of hard for me. I can kind of live with the two windows over here, but the series of four is kind of the killer for me. There's no way that that could just be one big open window, or?

Commissioner Gelfman: When you say open window, could you please preface that?

Commissioner Ponder: Sure. A large storm window without any grids in them.

Administrator Feasel: I think she is describing how Tippecanoe Please retroactive window approval was custom designed to allow for large window expanses. So, it looks transparent, and it doesn't look like it has windows in it.

Commissioner Fisher: When you see the porch against the rest of the side of the house, you see the historic windows on the side, they look like they are painted a dark color, it does not have the mullion detail, I ... I just don't think it is in keeping with the rest of the house.

Commissioner Annis: I would agree. I'm afraid, were we to agree to it that we would be setting a precedent. I appreciate the effort that the applicant has put in, because we had a long discussion about it at the last meeting. I guess I was not very clear on what color – it just says in a darker color. There're some options here. I guess this isn't for questions right now...

Commissioner Gelfman: No, go ahead, talk about it.

Commissioner Annis: Were you hoping it would be one of the dark woods, in the bottom row?

Commissioner Gelfman: It's a Mocha color, the one that we passed around.

Commissioner Annis: That's the aluminum. Can you pass the board?

Commissioner Hertel: I recall this coming before us in 2017, and I remember the denial for the windows.

Commissioner Fisher: What has changed?

Administrator Feasel: For the [Commission members who were not in attendance], this was also on last month's meeting agenda, so there was some discussion that was hashed out, and [Legal Counsel Kennedy] suggested that I fill you in on some of what that is, just so you know how we got to this point with Mr. Lopez. At last month's meeting we discussed in detail the fact that the building behind this was actually the one that was proposed for designation way back when in 1989 and when the Commission got on site and they realized that this one was also eligible. The landmark designation we believe originated with the very unique block building behind this – not that this one is not eligible, but it is not rated in our '07 list of sites and structures. Sometimes they are non-contributing, contributing, notable, outstanding, or sometimes they just don't exist. This wasn't surveyed. So, we had some discussion about that last month, and it was an understanding on our part that we would be a little more flexible when reviewing this. Also, we looked at the hardship of the area, that was a consideration at that time. The Commission expressed an interest to work with what we have here; didn't indicate that we wanted the windows to stay or go, just let's see if there was another solution. Mr. Lopez came into the office with this proposed siding. Which does look like and resemble the siding that was there before the horizontal vinyl siding was put up. You can see in the staff report – which was not part of the portion that I read to the public today, but it's in here – we had a discussion in our office about possibly coming up with a custom solution around these windows to bring this siding up and around them to bring this more uniform and get away from that more uniform trim look. Unless we can fit it in to make it look like trim around windows. Trying to find a solution that will allow Mr. Lopez to maintain the windows there for the purpose of keeping water out of the porch, because he doesn't have a good solution for shedding water out of the porch, even with the wide overhanging eaves. Water still goes in, and there isn't drainage. That's where we have been in the last month: working with Mr. Lopez to find a solution, to meet 50/50 in the middle. And it's not a perfect solution on either end, and this is a retroactive, so that puts both parties in a predicament. So, this is what we have come up with. I don't want to say, "don't redesign it", but keep in mind he's applied for something, and we've made a recommendation for that. This isn't the time necessarily to redesign it.

Commissioner Gelfman: That's not our purpose.

Administrator Feasel: It's not that you can't – how would they go about expressing their own individual suggestions to us and the homeowner, to keep things moving?

Legal Counsel Kennedy: They are doing that. Now, it's just making suggestions in what is appropriate for the building.

Administrator Feasel: So, staff recommendation: While we would prefer the windows do not remain in place, we are recommending it, as it is reversible now, just like it will be in ten years when these windows fail.

Commissioner Gelfman: What I would suggest now, in this particular situation, is that Commissioners take each of those particular proposals that the staff has recommended, and vote on those separately, instead of putting them all together.

Commissioner Fisher: I have one more question: in terms of what is surrounding this, is there any other protected buildings in that vicinity?

Commissioner Gelfman: No.

Specialist Toering: Short answer is no.

Administrator Feasel: This is an isolated landmark that sits in front of the side of Colfax School, which is not designated, but it is a significant structure.

Commissioner Gelfman: But keep in mind, it was in actuality, the building behind it that was to be landmarked.

Commissioner Hertel: Just for clarification, we will have four motions?

Commissioner Gelfman: That is correct.

Public Discussion: N/A

Commissioner Hertel made a motion on COA #2019-0227 to approve the proposed siding with the stipulation that staff has the final say in color. Seconded by Commissioner Fisher.

Five in favor, none opposed.

Vote: 5-0. Motion to approve the siding with the stipulation that staff has the final say in color passes.

Commissioner Fisher made a motion on COA #2019-0227 regarding the approval of the proposed aluminum trim with the stipulation that staff approves the color. Hertel seconds. 5-0.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve the trim with the stipulation that staff approves the color passes.

Commissioner Hertel makes a motion to deny section three of COA #2019-0227, due to fact that these windows do not fit with the historic character of the building and it did not meet with the Group B Standards and Guidelines. Motion dies for lack of a second.

Commissioner Annis makes motion that to accept the installed windows with the stipulation that the windows cannot be reviewed administratively in the event they were to fail ('not like in kind'). Motion dies for lack of a second.

Commissioner Gelfman asked for the Commission to move on to section four and return to section three after.

Commissioner Fisher made a motion on COA #2019-0227 to approve the soffit (section four). Seconded by Commissioner Hertel.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve the soffit is passed.

Commissioner Gelfman requested another motion on section 3 (the windows). Commissioner Gelfman asked Legal Counsel Kennedy what the appropriate legal course forward was regarding section 3 (windows). Legal Counsel Kennedy asked if any other Commissioners would like to make a motion. Legal Counsel Kennedy noted that there were no seconds for either motion and asked the Commission members if there was anything that could be added to Commissioner Annis' motion that could allow for its passage.

Commissioner Fisher: I'm sympathetic to the fact that there's nothing else around it.

Commissioner Annis: And this structure is not historic.

Administrator Feasel: It was ultimately made a landmark.

Commissioner Fisher: I understand that it is singular in its context, and I wish there was an easier solution to make those windows make more sense. I wish there was a simple fix for it. There isn't.

Commissioner Annis: The issue of the water getting into the porch is a real concern, and that can cause more damage long term, with the removal of the windows, as there is not a pathway out, and that is what we discussed last month. There was concern about degradation of the porch.

Commissioner Fisher: I guess I would ask, we have a lot of buildings with second floor porches – so that saying, because it's a second-floor open porch, enclosing it is really the only answer to that, concerns me. So, I know I was not here last month.

Commissioner Annis: I don't disagree with you, but because the windows have been solving the problem of the water, I think that was why the people that were here were sympathetic to where the applicant was.

Commissioner Fisher: I'm sympathetic, that's why I am on the fence about it. They are a really bad choice. Nothing about leaving them there is going to change that.

Commissioner Annis: Are the window grids in the glass, or are they removable?

Mr. Lopez: They can be removed, the bottom part.

Administrator Feasel: I didn't know that.

Commissioners, in unison: That would help.

Commissioner Gelfman: I thought they were in the windows.

Commissioner Annis: I don't love it, but if you could remove the grids, that would help.

Mr. Lopez: Oh, no. They couldn't be removed. I thought you were talking about, no they cannot be removed. It's inside, in the glass.

Administrator Feasel: We did recognize that the remainder of the house is 1-over-1 windows. Could it help to have an architect work up an elevation view, and play with the siding and the aluminum and make a trim around this that could disguise or deemphasize the windows?

Commissioner Fisher: I agree that part of what is difficult is the monolithic white side and top. If that were better – although part of that is the aluminum trim, so we are hoping that is going to go away with the previous motion – so they are going to be somewhat minimized, but then you will have brown trim with a white window.

Administrator Feasel: The white trim will be remaining, as well.

Commissioner Fisher: I know.

Commissioner Fisher made a motion on COA #2019-0227 to approve the installed windows (section 3). Seconded by Commissioner Annis.

Four in favor, one opposed.

Vote: 4 – 1. Motion to approve the installed windows is passed.

COA #2019-0227 is approved with conditions.

2. 821 Forest Avenue COA #2019-0312 Chapin Park LHD (Ordinance #9574-05)

Representation: Jason Yoder, 52245 Broken Arrow Drive, Granger, IN
Diana Phipps, 821 Forest Avenue, South Bend, IN

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: April 2, 2019
Application Number: 2019-0312
Property Location: 821 Forest Avenue
Architectural Style/Date/Architect or Builder: Gabled-Ell / 1893
Property Owner: Diana Phipps
Landmark or District Designation: Chapin Park Local (Ordinance #9574-05) and National Historic District
Rating: *Notable*

DESCRIPTION OF STRUCTURE/SITE: Two story Gabled-Ell with irregular plan on a brick foundation. The chimney is centrally located with rectangular brick. Siding is 4" painted clapboard, with corner boards and fish-scale shingles. The cross gabled roof is 12/12 with asphalt shingles, with plain eave and rake boards as well as a plain frieze. The front porch has a shed roof, a pedimented entry bay, turned spindles and turned wood columns. Windows are generally 1/1 double hung with some divided lite casements, the jams and sills are plain, and there is moulded wood entablature. The front door is a glazed single leaf wood panel door with a moulded wood jamb and entablature; a rectangular transom is above.

Insulation was sprayed into the structure behind the siding sometime before the establishment of the historic district. The exterior paint has deteriorated significantly.

ALTERATIONS: Certificate of Appropriateness #2016-0711 retroactively allowed for the tear-off and re-roofing of the flat and slopes areas of the roof.

APPLICATION ITEMS: "8 vinyl replacement windows."

DESCRIPTION OF PROPOSED PROJECT: Applicant seeks a *retroactive* Certificate of Appropriateness for changes on the structure:

1. The replacement of eight original windows primarily on the southern exposure with Sunrise Windows "Essential by Sunrise" vinyl windows, as follows:
 - a. Four (4) double-hung windows, 30" x 73.5"
 - b. One (1) double-hung window, 40" x 73.5"
 - c. One (1) double-hung window, 30" x 61.25"
 - d. Two (2) 2-lite sliders windows, 38" x 40"
 - i. These windows are unique – the property owner required the contractor retain the original windows. The replacement vinyl windows have been installed on the outside of the original windows.

Staff was alerted anonymously that work had been executed on 821 Forest in the Chapin Park Local Historic District on March 1, 2019. Staff contacted the contractor (Energy Efficient Replacements) and property owner (Diana Phipps) at the site and informed both that a Certificate of Appropriateness was required for work within the Local Historic District, and that the original windows should be retained until the project was compliant. One of the window sashes was destroyed during the removal process.

The Building Department was notified that windows were being replaced without Certificate of Appropriateness. A "Red Tag" (stop work order) was issued for the property on that date.

SITE VISIT REPORT: N/A

STANDARDS AND GUIDELINES: CHAPIN PARK

II. EXISTING STRUCTURES

A. BUILDING MATERIALS

Original exterior building materials in the district include brick, stucco, clapboard, wood shingles, and brick or stone masonry. In some instances, vinyl, composite and aluminum siding have been applied over the original material.

Required

Original exterior building materials shall be retained when possible. Deterioration of wood materials shall be prevented through repair, cleaning and painting. The existing architectural detail around windows, porches, doors and eaves shall be retained or replaced by replicas of the same design when deteriorated beyond repair.

[...]

C. WINDOWS AND DOORS

Window and door frames are in most cases wood and vary depending upon the style of the home. Many are double-hung windows with wood trim and sills. Brick structures have stone sills and brick lintels. In some cases where aluminum siding has been applied, the window and door trim has been covered. About half of the structures in the district have aluminum storm windows; the other half have wood storm windows.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.

Recommended

Wood storm windows and doors painted or finished to match the original should be used but should not damage existing frames. If new sashes or doors are installed, the existing or original materials, design and hardware should be used. When metal storm doors are used, they should be painted, anodized or coated to match the existing. When awnings are used, they should be of canvas material.

[...]

VI. ENFORCEMENT PROCEDURES

Enforcement of the preservation guidelines and standards for the historic district is made possible in the Zoning Ordinance of the City of South Bend, ordinance No. 5565-73, as amended and the Historic Preservation Commission's Preservation Plan.

The Historic Preservation Commission may petition the Building Commissioner to use the legal means available to him/her to force the maintenance and / or repair of any building or structure within the historic district in accordance with the intent of this ordinance.

This ordinance, however, does not prevent the ordinary maintenance and repair of any building or structure which does not involve a change in any exterior feature, nor does it prevent the reconstruction, alteration, demolition or moving of any building or structure which the Building Commissioner or other official has determined to be a hazard to public safety. Property owners wishing to do, or have done, any work affecting the exterior of their building or land must apply directly to the History Preservation Commission on the form prescribed by the Commission (see Appendix A). The Historic Preservation Commission shall issue a Certificate of Appropriateness before commencement of any construction, reconstruction, alteration, demolition, or moving of any house or structure within the historic district boundaries (see Appendix A). The Historic Preservation Commission will accept applications for Certificate of Appropriateness only from the property owner.

In making its determination, the Historic Preservation Commission shall consider three factors: first, the appropriateness of the proposed work to the preservation of the building and district; second, the detriment to the public welfare if the proposed work is permitted even though it is not deemed appropriate; third, the potential hardship that the denial of the Certificate of Appropriateness would cause the applicant.

[...]

STAFF RECOMMENDATION: Were this a proactive application for the replacement of existing windows, staff would like to see proof that the existing windows were deteriorated beyond repair. Seeing how the windows were on the southern exposure, coupled with the loss of one of the sashes during the removal process, some level of deterioration can be assumed. Staff accepts that regular maintenance has been deferred on this structure: the exterior paint has most visibly separated from much of the structure, including the windows.

If the motivation for replacing the windows was heat loss (or the belief that the existing windows were inefficient), the installation of exterior wood storms – which is in keeping with the historic nature of the neighborhood – would solve this problem.

Staff recommends denial of this project, would request that the vinyl replacements be removed and replaced with the original wooden windows, and advocates for the installation of wood storm windows.

Prepared by
Adam Toering, Historic Preservation Specialist

Petitioner Comments

Jason Yoder, 52245 Broken Arrow Drive – The windows were shot in that house, they were very deteriorated. Lots of air blowing through the windows, they were beyond repair. There was some cracked glass on the windows prior. They need to be replaced. The new windows going in are vinyl, they are made by Sunrise Windows – Sunrise is a high-end window manufacturer, which they are not your typical vinyl window, they are narrow frames, so they are not a big, bulky vinyl window. They are energy efficient. The way we would like to finish the project is with a 4” trim mold around it, we would wrap that in aluminum. I understand that you guys would like to keep with the original look of the house. Another way that we can do that is to finish them off as they sit, basically caulk them off to the outside stops on the windows and putting a sill trim to seal them off. It’ll look just like it does now. I understand the house needs paint, if it was painted, and it looked good, you would not be able to tell from the road that it was a vinyl window.

Commissioner Hertel: Yes, you would.

Mr. Yoder: That’s true, but I understand you have your opinion.

Commissioner Gelfman: Steve, was this not an inspection for you?

Inspector Szaday: No, it was not – we – Adam and I – caught them after it was already in place.

Actually, this...

Commissioner Gelfman: So, this is a retroactive installation?

Inspector Szaday: They were finishing the rear second-story when we arrived.

Commissioner Gelfman: May I ask what you did with the original windows?

Mr. Yoder: They are at the property.

Commissioner Hertel: You are the contractor?

Mr. Yoder: I am the owner. Of the business, I am sorry. I am the contractor. Correct.

Commissioner Fisher: How long have they owned the house?

Mr. Yoder: I do not know.

Diana Phipps, 821 Forest Avenue – It is my house. I bought the house 13 years ago. Those windows had a gap, there was an opening at the top, like he said, window blowing in. There was a gap where the windows were slipping out of their rotting frames. Like he said, they just probably needed to be replaced. There was mention of a broken sash, the window around the windows was all rotting.

Mr. Yoder: Correct.

Commissioner Gelfman: Is this a rental, or do you live there?

Ms. Phipps: I live there. We weren’t trying to get away with something, I don’t know what happened, but the permit wasn’t applied for, there was some confusion I had stated to the person who was the salesman ‘it’s a historic neighborhood,’ and I assumed that these things would be taken care of, and they weren’t.

Commissioner Gelfman: But you understand as the homeowner it is your responsibility to make sure that the proper permits and the CofA...

Ms. Phipps: Well, I do now. I thought these people were in business and that they were supposed to... but there was some drop in communication. And, apparently the person didn’t realize that this was historic. I don’t know. I don’t know. I just assumed, wrongly, that they knew that they were supposed to apply for it. The salesman and I talked about it being a historic home and that’s all I can tell you. I truly expected everything would be on the up and up, and that the proper things would be applied for. I didn’t know.”

Commissioner Hertel: What window series are these?

Mr. Yoder: Essential by Sunrise.

Ms. Phipps: And I would like to add, almost everyone in my neighborhood has vinyl windows.

Commissioner Hertel: Is that accurate?

Administrator Feasel: There are homes in Chapin Park that have vinyl windows installed prior to the designation of the district in 2005. So that wouldn't have required Commission approval, because it wasn't a district. And, every other house that has vinyl windows after '05 would have been reviewed by this Historic Preservation Commission. The contractor did not pull a building permit.

Commissioner Hertel: Oh.

Commission Discussion:

Commissioner Fisher: My concern is that you have not done much maintenance on the house in the last 13 years that you've owned it. The question I ask, myself, is were those windows in that kind of condition?

Ms. Phipps: When I bought the house, yes. The whole exterior of the house was in bad shape.

Commissioner Fisher: But it can't have gotten better with no maintenance.

Ms. Phipps: That's true.

Commissioner Fisher: I am not particularly sympathetic to the argument that windows were deteriorating if you haven't been making any effort to maintain them.

Ms. Phipps: Ok. I've been maintaining the inside; the inside of the house looks nice. I'm single, was a single mom, and it wasn't easy for me to make ends meet. So, I did what I could do. I had hopes of – before this point – having the work done, but... I'm a nurse, I had to stop working and I'm on disability. I still have hopes that I can get it done. I was going to ask while I was here if family and friends came together with the painting and replacing of the wood that needed to be replaced, would I be permitted to do that, or would I have to have a professional?

Commissioner Fisher: You can do the work on your own house.

Commissioner Hertel: You can paint it whatever color you'd like.

Ms. Phipps: That's my goal. Pulling together some friends and family to help with that. I don't know when it will come together. I need to work towards getting the money for the wood and the paint and I don't at this point have that.

Commissioner Gelfman: I would caution you – with this kind of deterioration – whether there is lead in that paint that is still on the house.

Commissioner Hertel: That is very likely. Back to these windows... I struggle because we do not have a clear view of them. They were not assessed to really know if they were replaceable or fixable or maintenance could be done on them. As we all know, when you restore wood windows, the energy efficiency of the home goes up. They are proven to be more efficient than the vinyl windows.

Commissioner Fisher: I have a hard time saying – essentially what has happened is that the windows were allowed to deteriorate to a point that they couldn't be saved. And now we are going to do vinyl that obviously we do not like to see. I feel like asking for a different replacement window – other than a vinyl window – is the more appropriate choice. I can see that they more deteriorated now, but the argument that I didn't take care of them so they got to the point that I had to do this is troublesome to me. So, if we are going to see replacement windows, I would rather not see vinyl replacement windows.

Commissioner Ponder: Obviously it is troublesome because you can tell the difference between vinyl and the original wood. I struggle with asking for replacement windows if the house has been allowed to deteriorate to this level. If we ask for new windows, the likelihood of that actually coming to fruition [is low]. I am most concerned with the replacement windows that are the side-by-side. I think with the other windows, like you said, if they can be encased with wood, that would make it a little easier to stomach, but...

Mr. Yoder: The wood wouldn't change the way it is now. The wood is there. It would just be finishing it off to what is there.

Commissioner Ponder: Yes, but those are clearly not historic.

Specialist Toering: Inspector Szaday wanted me to point out that the original windows are still there behind these sliders. Just in these two – Ms. Phipps, you wanted those retained, is that correct?

Ms. Phipps: Well, the doors inside are there, there never was a window on that one. It was just a screen. And all the frame was warped and rotting when I moved in. So, yeah, I didn't have a window for that.

Specialist Toering: They are casement windows, they open inside. They are very unique. I was just pointing out, that they are still there.

Ms. Phipps: They are still intact.”

Commissioner Gelfman: Question, Elicia – we have talked about this – about the formula for hardship? Can we give her the paperwork, have it filled out, and see if it qualifies for that?

Administrator Feasel: This is not something that we have yet. This is something we are working on.

Legal Counsel Kennedy: But it is something that you can consider in making your determination.

Commissioner Annis: I'm in agreement with what everyone else has shared. Because it has a *notable* rating with the National Historic District and the Chapin Park Local, I feel that it is really critical to maintain what we can, and if the original windows are still on site and could be rehabbed, that would be the ultimate solution, in my opinion.

Administrator Feasel: Can I ask, Adam, Steve, the windows on the first story, same interior – those are storm windows that were already existing on the house?

Ms. Phipps: Those are the replacements.

Administrator Feasel: On the lower level?

Ms. Phipps: I didn't do anything to the lower level.

Administrator Feasel: So the windows on the second story are new, and on the first story – but they are two different styles of windows?

Ms. Phipps: The windows on the ground floor – that you are looking at now – are not involved with this. Those were there when I moved in.

Inspector Szaday: Those are aluminum storms.

Administrator Feasel: Those are aluminum storms, so I would at least want to see a typical storm window on the second story to give it that layer of weather protection.

Specialist Toering: There are original wood storms on the front of the house on the porch.

Ms. Phipps: I don't understand. Are we still talking about the back of the house?

Specialist Toering: We are talking about the storm windows at this point.

Mr. Yoder: Well, at this point there are already two layers, because the inside still has the shutters. So, there is two layers already there.

Administrator Feasel: My point is to the Commissioners that if you wanted to make a recommendation to add a traditional style storm window, it would look like the lower portion here. Where they've put a vertical slider in, if this were not a retroactive [application], we would or may have recommended the style on the bottom.

Mr. Yoder: Where that vertical slider is, that is the style that is there. It mimics the style and same look, being two panes...

Administrator Feasel: The lower level interior is interior swung casement window.

Mr. Yoder: The ones we did downstairs are double-hungs.

Commissioner Hertel: They were double-hungs before, or you put double-hungs in?

Mr. Yoder: Correct. We took double-hungs out and put double-hungs in.

Commissioner Fisher: But the staff recommendation is for denial?

Administrator Feasel: Oh yeah. I think part of the reason that we are all a little confused is that there was no site plan submitted by the contractor or owner, which usually helps us what you've done, and what we're looking at.

Mr. Yoder: I submitted stuff to Adam and his guy here.

Administrator Feasel: He made this [site plan].

Mr. Yoder: There was specs of the windows.

Commissioner Gelfman: We've got those. We want the original windows back in the house.

Mr. Yoder: They are deteriorated. They are beyond repair. The cost to repair them windows would be astronomical.

Ms. Phipps: That house sat empty for years before I bought it and was deteriorating during that process. And my neighbors told me, that who owned it before it sat empty for years, had lived there for years and had not done anything. Now, if I have to replace and restore all those windows with wood windows, I will have to walk away from my house. I don't have the money to do that – like he said, that is very expensive.

Commissioner Fisher: Although what we don't have in front of us is any sort of numbers that would show us the cost of the vinyl window versus the cost of a wood window, or any other replacement window.

Commissioner Hertel: Or even, maybe, a more historically appropriate style window. I know we have approved – what is it, the Andersen? Quaker?

Mr. Yoder: If you put in an Andersen Wood window it's still going to be a vinyl or aluminum clad window on the outside. If you go to an A-series, -- why would you want to?

Commissioner Gelfman: It would not be a vinyl-clad window.

Commissioner Hertel: It's not, no...

Commissioner Gelfman: That particular window is not.

Commissioner Hertel: Oh, dear.

Public Discussion

Speaking in support of the application:

Troy McKee, 719 E Lawrence St, Mishawaka. I'm a contractor on another case today. He's right about those windows. I've been a contractor for about 35 years. To rebuild those windows you are looking at \$1200 to \$1600 per window. So you are looking at \$30,000 or better to get those windows back in that house. In my opinion, that house isn't worth more than \$130,000.

Ms. Phipps: It isn't.

Mr. McKee: So you are asking her to invest 25%-30% of the house's value. I just think that is a bit stretchy. I'm sorry, I'm going to be fighting the same battle here in a minute, that's my thing. The cost of the house is not worth re-constructing those windows. There has to be some kind of meeting ground between making everything appear like it should be, but allowing people to do the things to keep people in their house. Because if you allow them to keep deteriorating, water will get in the walls and you are going to have mold, you are going to start warping floors, it's a 1000 problems you are creating by not allowing windows to be put in. I get it, I get the Historical Society, but we are doing the same battle, and the neighborhood I am, there's aluminum windows all over the place. The things we are getting hit for are everywhere – and they may have been before they were designated before they were historical, but it's hard to put \$30,000 in windows in a \$120,000 house. I mean, it just doesn't make any sense... to us. I understand historic... I love that kind of work, I wish everybody had money to do that, because that's all I would do – re-do old homes. I love it, I've done four of them, everything, all the molding – and the Trades are disappearing, we would love to be able to that kind of work, we would. The effectiveness? The cost today? Half-way in contractors who don't get approvals and the licensing, they give us all a bad name. I understand. Some of us are on the

up and up and are bonded and fully insured and try do our best for you guys.

Commission Discussion:

Commissioner Hertel: I would feel better about these windows if there was a screen over them.

Something to maybe draw your eye from the vinyl.

Commissioner Fisher: I'm not ok with deferring maintenance for over a decade, the gentleman was not wrong in that, it gets very expensive to solve that. The answer to that is to take care of your house. I have trouble enabling this to be the solution, because it's not the right thing to do.

Commissioner Ponder: As much as it pains us, I would feel more comfortable going forward with the windows as they are, knowing that at least she would stay, potentially fixing the exterior of her home as opposed to having to walk away from it, and letting it be vacant for another ten years.

Commissioner Fisher: I would say that in the past when we've asked to review some sort of hardship that we had some sort of quantifying, I think it's not enough to say that that is going to be the result without any sort of justification for that. If the same amount of money went into the vinyl windows had gone into a better choice, we'd be in a different place.

Commissioner Hertel: We don't have any options or cost analysis of any other options.

Commissioner Annis: I agree.

Commissioner Gelfman: Could we look into the option of possibly putting in a wood storm, possibly a storm would rectify the problem?

Commissioner Fisher: You can, but, I'm not going to be the one to support it.

Commissioner Hertel: That's where I am. Short of having her come back next month with quotes of other window styles that may be more historically appropriate for this home. I'm in absolute agreement with you: allowing your home to fall into disrepair should not allow...

Commissioner Fisher: ...force us to make a decision.

Commissioner Hertel: ... yes, a quick decision on our part for something that in ten years, you will have to replace.

Commissioner Gelfman: Is there a motion on the floor, please?

Administrator Feasel: If you are not ready for that, [Legal Counsel Kennedy] and I were talking through some possible continuance options.

Commissioner Gelfman: I hate to do a continuance on this given that the situation that she is in the middle of the process and is already Red Tagged.

Administrator Feasel: They are under a Red Tag, that does not get lifted until this is resolved.

Commissioner Gelfman: I understand that, that's why I would rather not hold off on this.

Administrator Feasel: This goes back to our conversation on hardship, were we to continue this to give the applicant to consider another option. I know that if we were proactively working with the applicant maybe we could have recommended a window that is in the proper orientation – like the storm windows on the lower level – and possibly suggesting a compromise on an aluminum storm windows. Which is more common than a vinyl window serving as a storm window.

Specialist Toering: Or working with neighbors in the area who are experts in rehabilitation of historic windows that would gladly volunteer their time.

Commissioner Hertel: Yes.

Administrator Feasel: The nice thing about historic districts – and particularly Chapin Park – is that because of the preservation of the properties, the property values are generally higher than those outside of historic districts. There are a lot of neighbors, particularly in Chapin Park, who are experts in things like window rehabilitation and paint. We could give her some names of some neighbors who could help her get on the right track. I think you guys have alluded to the fact that there was probably a solution that could have made the owner happy and could have cost less than what she was sold here.

Commissioner Gelfman: I understand that, and at this point – though – the windows are in, I believe there is some hardship that we are dealing with, as well, and if there is another way to rectify this, in some way, and we can eliminate some of the view of the vinyl windows, I'm sure would be acceptable. I don't see a solution, personally, of removing all of these right now, and having her go to the cost of putting in a different window.

Administrator Feasel: The continuance was only a suggestion.

Commissioner Gelfman: I understand that, I understand that, I just don't want her to have to continue with this until we come up with the same solution. That's my own opinion.

Commissioner Hertel: Would you be comfortable working with the owner to approve storm windows?

Administrator Feasel: Working with the owner to approve storm windows? Either that or continue and we can work with her and then a revised application item can come before you next month.

And maybe it is that we need to deny these windows so she can move forward with the solution. Retroactive [applications] are difficult – it puts everyone in a tenuous position.

Which is why I simply point out that the contractor did not pull a building permit.

Commissioner Hertel: So we could offer you a continuance, and have you go and find, get some quotes on some storm windows, work with staff over the next month to find something that would appeal more to the historic nature of the home. We could make a motion to deny this application, or we could make a motion to approve. There's three options laid out on the table right now. We want to do what is best for you, what is best for the historic nature of this home, and what is best for this district. I would lean more towards a continuance until next month, with some research to find a better, a storm window that would be appropriate. That's where I am leaning. I'm going to lay that out there so everyone knows what I am thinking. I agree with you, but I want to make something work. I understand all aspects of this, the hardship, the home, so, that's where I stand.

Commissioner Hertel made a motion on COA #2019-0312 to continue this project to the next meeting so the homeowner can work with staff to find an appropriate storm that would be more historically appropriate for this home. Commissioner Annis seconded.

Four in favor, one opposed.

Vote: 4 – 1. Motion to continue COA #2019-0312 to the May 20th meeting is passed.

3. 1314 E Wayne N #2019-0329 #7796-87 East Wayne Street LHD
Representation: John Sherry, 1314 E Wayne N, South Bend, IN

STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS

Application Number: 2019-0329
Property Location: 1314 East Wayne Street
Architectural Style/Date/Architect or Builder: Neoclassical/1926/Whitcomb & Keller, H.R. Stapp
Property Owner: Valerie Schey and John Sherry
Landmark or District Designation: East Wayne Street, Ordinance #7796-87
Rating: *Contributing*

DESCRIPTION OF STRUCTURE/ SITE: Two and a half story Neoclassical house with a rectangular plan with one story addition on rear. House is elevated from street. Roof is slate shingles with gable returns, two small gable dormers in front with slate on sidewalls. A one-story wing has a low-pitched roof. Windows are primarily original wood 8/1 double hung with a paired 6/1 double hung in front center second story. There is a central pedimented entry with simple entablature, paired doric columns and pilasters at door. Façade is brick. There is a two car, two door brick gable roof garage in rear.

ALTERATIONS: COA 2016-0523 replaced 4' wood picket fence with 6' dog-eared wood privacy fence, in same fence line; RME 2012-0426 removed dead crabapple tree in rear yard; COA 1996-0917 replaced flat roof over kitchen with roof similar to roof over sunroom and replaced picket fence in kind; COA 1996-0618 constructed a low pitched hip roof over existing flat roof at sunroom at west end of house with membrane roofing and fiberglass shingle; COA 1996-0116 installed aluminum storm/screen combination windows to replace existing of sunroom; COA 1995-0616 removed storm damaged maple tree on tree lawn at the recommendation of Custom & Moore and the City of South Bend; COA 1994-0419 changed front door (saving and storing the original), installation of a screen door, installation of decorative shutters; COA 1994-0223 replaced five attic windows with the conditions that true divided light or applied exterior muntins be supplied by manufacturer and installed, all five original windows to be stored, applicant supply HPC with photo documentation of completed project.

APPLICATION ITEMS: "New windows"

DESCRIPTION OF PROPOSED PROJECT: Owner has applied for seventeen (17) original wood windows to be replaced with Renewal by Anderson Fibrex vinyl/wood composite windows. The windows proposed to be replaced are on the first and second stories of the main house; no new windows on the one-story wing; no new windows on the third story; no new windows in the rear addition.

Owner has supplied the following description of the problems they are having: some of the windows are warped and won't close, some of the windows have interior rot, there is water damage on the interior of some of the windows, some of them no longer open, and because of the misalignment caused by the above issues, the windows are very drafty. See email for additional information provided by owner.

From photographs provided by the owner and Renewal by Anderson, staff acknowledges visible peeling paint on the wood storm windows on the first story, some broken sash cords, intermittent glazing failure, and layers of paint build up. No determination has been made as to if the windows are deteriorated beyond repair. Staff recommends that the owner engage a window restoration professional to determine the condition of the windows and the feasibility for repair.

The proposed windows will be inserts, utilizing the existing jamb which commonly results in a slight reduction to the amount of glazing overall. Exterior trim will not be affected other than a "mini coil over the stops on the exterior". The window pane pattern will be replicated for each window using "interior wood grilles". Regarding the "grilles", in a 1994 COA, a conditional approval was made for the attic windows to be replaced with true divided light. To remain consistent with the precedent that approval set, if approved for replacement, Staff recommends the "full divided light" in lieu of the "interior grilles" so they replicate the depth of the original true divided light. With a replicated pane pattern and full divided light, the vinyl/wood composite windows resemble the original aesthetic look.

PRESERVATION INSPECTOR REPORT: On March 19, 2019, I visited the property located at 1314 E Wayne N. The property owner has begun the COA application process to replace windows on the structure. I had not received a detail of which windows were part of the application, so I created an inventory of the entire structure. I was instructed to inspect from the outside only as the owner has many dogs and she would provide interior photos. Every window has a storm window in place. As a result, I am unable to make a determination on the condition of the windows in their current state. Several of the wood storms on the first floor appeared to be ajar or not closed tightly as the photographs will indicate.

North (front)

Third floor-

Two casement windows in dormers, look to be replacements with flat gridwork

Second floor-

Four double hung windows with aluminum storms. Look to be original with divided (2)6/1 and (2)8/1 light pattern

First floor-

Four double hung windows with wood storms. Look to be original with divided 8/1 light pattern

Basement-

Two vinyl

East (left side from street)

Third floor-

Half-moon with flat gridwork, not original

Second floor-

Two double hung windows with aluminum storms. Look to be original with 8/1 light pattern

First floor-

Two double hung windows with wood storms. Look to be original with 6/1 light pattern

One replacement window, ill-fitting with spacer to fill void

Basement-

One vinyl

West (right side from street)

Third floor-

Two quarter round windows, ill-fitted replacements with flat divisions

Second floor-

Two double hung windows with aluminum storms. Look to be original with 6/1 light pattern

First floor-

Addition has Eight total replacement double hung windows with flat grid 8/1 pattern. These also have aluminum storm windows

South (rear of house from street)

Third floor- no windows

Second floor-

Three double hung windows with aluminum storms. Look to be original (2) 6/1 and (1) 8/1 pattern

First floor-

One double hung window with wood storm. Looks to be original with 8/1 pattern

Rear addition-

Triple window bay non-original window

STANDARDS AND GUIDELINES: EAST WAYNE STREET

II. EXISTING STRUCTURES

A. WINDOWS AND DOORS

Window and door frames are of wood or steel (some casements) or in the case of brick structures, stone sills and brick lintels. Where metal or vinyl siding has been applied, window trim has been covered. Storm windows are of wood and aluminum.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original

Recommended

Wood frame storm windows and doors painted to match the original should not be used but should not damage existing frames. If new sashes or doors are installed, the existing or original materials, design, and hardware should be used. When metal storm doors are used they should be painted, anodized or coated to match the existing. When awnings are used they should be of canvas material.

Prohibited

Original doors, windows, and hardware shall not be discarded when they can be restored and used in place. New window and door openings which would alter the scale and proportion of the building shall not be introduced. Inappropriate new windows and door features such as aluminum insulating glass combinations that require removal of the original windows and doors shall not be installed.

Not Recommended

Awnings, hoods, and fake shutters made of metal, vinyl, or fiberglass should not be used if they would detract from the existing character or appearance of the building

STAFF RECOMMENDATION: Although the proposed windows resemble the original, without a determination that the original windows are deteriorated beyond repair or that a repair is not economically feasible, per the Standards for East Wayne Street Local Historic District, Staff does not offer a recommendation to the Commission.

Report compiled by
Elicia Feasel, Historic Preservation Administrator

Petitioner Comments:

Mr. Sherry: It's hard to know what to say after listening to the previous discussion. We've lived there for fourteen years coming up in July. We've spent a fortune rehabbing the inside, restoring and repairing the slate roof, the windows are due on our list of things to improve. I've got exterior windows that are warped and won't close, they cause not just energy problems, but security problems, as I can't latch them properly. I've got rot in some places where the window has rotted away from the home itself. Some of the windows no longer open, and the ones that don't open are not visibly painted closed, we are just not able to open them. We found an Andersen Window that is able to come with energy efficient windows that match the historic character of the street, it's got the muttins and all that. We love living there, we like to keep the house as up-to-date historically as we possibly can, but we'd also like to not have drafts blowing through in the winter time and lose cooling in the summer time. This seemed to be the best option.

Commission Gelfman: [Inspector Szaday], is this one that you have not seen?

Inspector Szaday: Just from the outside, so I was not able to see the condition of the interior of the windows. All I could see is the storms from the outside, as far as I could touch. On the north east and the west sides.

Mr. Sherry: My wife was concerned, she is an animal welfare activist, so we have a house full of dogs – a lot of dogs at any given time. That’s what she was concerned about. I sent pictures, cell phone pictures of places that I thought would illustrate some of the problems that I indicated.

Commissioner Hertel: So having heard all of that, with this previous discussion on windows tonight, have you – would you consider having a window assessment for restoration of the windows that you have?

Mr. Sherry: I don’t understand what that involves, is that different than what I have requested?

Commissioner Hertel: So you are requesting that we just – that the windows are removed and replaced with the Renewal by Andersen. I think that if there would be someone that would be – do we have anyone in the area for window restoration?

Administrator Feasel: I have a list with me of window repair resources. We keep it in the meeting binder.

Commissioner Hertel: My first go to is always going to be to try to repair and restore what is in place. That is always going to be my first avenue that we go to. Or that I try to explore. I’m curious, I see the photos that you sent. I understand exactly what you are saying about safety and all that. Are they restorable is the question.

Commissioner Gelfman: That’s what we need to find out.

Commissioner Hertel: That’s what we want to know.

Commissioner Fisher: Some of the things you detail here: broken sash cords, intermittent glazing failure, layers of paint build up – are really typical problems that are all very solvable. So that in itself doesn’t require the window to be replaced. The other thing that I would say, is when you are looking at replacement windows, we’ve been a lot more friendly to wood interior, aluminum clad replacement windows in the past. The vinyl – if you haven’t noticed – is sort of a sticking point usually. So there might be other replacement windows that we would also be more favorable to than the ones that you are looking at.

Commissioner Gelfman: If it was the case if the windows could not be restored. And we wouldn’t know that until you had someone come in – a specialist – and look at those and tell you of the cost of that and if they can be restored.

Mr. Sherry: It is my understanding that the Renewal by Andersen has worked with you guys in the past. The replacement windows are not vinyl, it’s a composite material that is indistinguishable from wood.

Commissioner Fisher: They are listed as a vinyl product on the paperwork.

Commissioner Gelfman: They are a vinyl fiber, and a fiber content...of that particular window.

Commissioner Fisher: We don’t have a cut sheet or anything, so...

Mr. Sherry: The pictures that I received of the windows looked like a pretty aluminum-clad white windows, these are low impact.

Commissioner Fisher: We often have a cut-sheet, we just don’t have one.

Specialist Toering: The full packet was one hundred and some-odd pages, so I did an abridged version for you.

Commissioner Gelfman: It’s a vinyl wood composite.

Commissioner Annis: It says that “combines the strength and stability of wood and the low-maintenance features of vinyl.”

Administrator Feasel: That is true. [Inspector Szaday], you may be able to speak more to the Renewal by Anderson has only recently changed to this particular composite. I believe they used to be a vinyl-clad, but they’ve refined their material and now they’ve made this composite. So it is a relatively new material, even for Renewal by Anderson.

Inspector Szaday: There was a Certificate of Appropriateness application for the house on Jefferson that was Renewal by Anderson, the issued with that particular one was that it was a wood-composite only, it had an anodized paint, it wasn’t vinyl in that particular one, but because it was just the

outside shell of that was the vinyl-clad wood, either option on that was turned down. It was turned down, part of that, if I remember correctly the Commission decision was that it hadn't been tested enough in this area, that was the big thing – all of the studies that were done at that time (which was five or six years ago), nothing was done in this area. That was part of the reason why the Commission had denied it, plus they had the option to have the vinyl-clad added to the outside, that was supposed to be the added benefit to the terms.

Commissioner Fisher: Does staff have a position on this window?

Inspector Szaday: I know that that one was turned down and a different window was selected for that project.

Administrator Feasel: Our recommendation was –

Commissioner Gelfman: Without determination.

Administrator Feasel: --due to the fact that our Inspector had not been able to determine the windows were deteriorated beyond repair and that no window repair professional has investigated repair, either. So, on preliminary investigation, these windows may be appropriate if the windows that are there are determined to be deteriorated beyond repair. But that was our sticking point for not making the recommendation – we don't know the condition of the existing windows... outside of the information that we have been given. But we also, I would say, know the kind of wonders and miracles that can be done on original windows because they are designed to be perpetually repaired. And with a proper storm window we know they are as energy efficient, if not more, than a replacement window. And we know that they can outlast a replacement window of any material.

Commissioner Gelfman: And we know that this is a contributing home.

Administrator Feasel: And we know that this is a contributing home to the historic district. And so we would just like to know a little more information on the feasibility of repair. But I am not disputing that this window can be made appropriate as a replacement.

Commissioner Hertel: I don't think anything is mentioned –

Mr. Sherry: Before you go on, may I just ask a question? We were told that, actually, they gave us a demonstration that showed us the new windows would be vastly energy superior to the ones that were in there.

Administrator Feasel: Did you get that same demonstration from a repair professional as well?

Mr. Sherry: Just from the Renewal...

Administrator Feasel: Salesman are very good.

Commissioner Hertel: Oh yeah.

Administrator Feasel: They will tell you everything you want to hear, and I've read some reviews about –

Mr. Sherry: I'm a marketing professor.

Administrator Feasel: You must have had so much fun.

Mr. Sherry: Not that much.

Commissioner Gelfman: One of the things that I believe we are looking at for you to do for us is to get a recommendation from a window specialist who restores those windows. A) Whether they are restorable, and for the second thing, "what is the cost of the restoration? Compared to the cost of putting in new windows if they are not restorable." I think that might be something we need a continuance on.

Commissioner Fisher: We certainly appreciate you've taken great care of the house.

Commissioner Hertel: We love that.

Commissioner Fisher: We want to facilitate what you need to do to make these windows work for you. Let me just say that.

Commissioner Hertel: I love this house.

Commissioner Fisher: I know, he's taken great care of it. I just think we want to know from somebody who does work on windows like this, what would it take to get those windows operable, secure, and in good shape. And how does that compare to you replacing all these windows. And that would help us make a decision to move forward. Does that make sense?

Mr. Sherry: It makes sense, it just sounds like the definition of repairable is pretty elastic.

Commissioner Fisher: That's probably why we talk a lot, but... like I said, the kinds of things you mention are pretty repairable. I just wanted to say that – I like seeing that you are taking great care of the house, and we don't want to stand in your way of making these windows be functional and making you enjoy your home. I'm just not convinced the right thing to do is to take all these existing windows out. That's where I am at.

Commissioner Hertel: In the packet – in the entire packet – is there mention – because these windows are so unique, they are eight-over-one, is there a discussion in there of keeping with the patterns?

Administrator Feasel: Yes. Some are eight-over-one, some are six-over-one. I had asked several times of the contractor to provide a site plan to explain which of the windows would be six-over-one or eight-over-one and how they would be replaced. And he did provide a written description, and I went through each one and looked and they would be matched. There was one detail that hadn't been worked out at the time of our last e-mail correspondence, and that was the proposal that we were given shows that it is a grid sandwiched in between glass, it's a flat grid that is being proposed. There was precedent set by this commission with a previous owner with windows installed in the attic that the commission actually approved windows for the attic if the grids would be true divided light or give that dimension, unfortunately the attic windows were installed with the grid in the center. But in keeping with the precedent that the Commission set, I recommended that the grid be a divided light, so you have that dimension and that depth that draws your attention away from the grid – which is a dead-giveaway for replacement windows. And there was also the question of whether or not you would be wrapping the window trim with aluminum, which we would very much not recommend. It was showing up in the paperwork that they were to be wrapped. If you were to move forward with an approval, I would just ask that you clarify with the windows and the trim would not be wrapped. But I don't think we are to that point.

Commissioner Hertel: I think I also read that, none of the third floor windows – so this it not going to be replaced? This is staying?

Administrator Feasel: Correct.

Public Comments: N/A

Commissioner Hertel: Would you be willing, to – in this next month, before our next meeting – do some research and have the windows looked at, to see if they are repairable, and just look at that other option?

Mr. Sherry: I would prefer not to, but I would most certainly do, if that the choice that we are given.

Commissioner Gelfman: I think it would give us a better understanding of the condition of your windows at this point. Because we have no basis for it, since Inspector Szaday could not get in there to see it, so we would ask before the motion goes on the table that that would be acceptable.

Commissioner Hertel: And I ask because, we have the three options: We can approve you, we can deny you, or we can ask for the continuance. If you don't want to explore the continuance, then that just helps us make a decision on the other two options.

Mr. Sherry: I understand the options. If I don't go with the continuance, it sounded like 'deny' is going to be the option. Which again, is hard for me to understand, but I can accept that. Is this something that we can get done in a timely manner?

Commissioner Hertel: Administrator Feasel has a list of contractors you can try and get into touch with. And we have great staff who can help guide you through that if you need any additional help.

Mr. Sherry: We'd be looking to have someone, staff, come out and take a look at it?

Commissioner Hertel: Inspector Szaday is very good. He knows windows.

Commissioner Annis made a motion to continue COA #2019-0329 until the May Commission meeting. Commissioner Ponder seconded.

Five in favor, none opposed.

Vote: 5 – 0. Motion to continue COA #2019-0329 is passed.

4. 504 E LaSalle Avenue #2019-0329A #7591-1986 Local Landmark

Representation: Steve Depositar, 55581 Kern Road, Mishawaka, IN
Errol Grosseve, 50841 Old Dover Lane, Granger, IN
Frank Perri, 234 S Coquillard Drive, South Bend, IN

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 3 April 2019

Application Number: 2019-0329A

Property Location: 504 East LaSalle Avenue

Architectural Style/Date/Architect or Builder: Italianate/Neoclassical/1900/1924/J.C. Lauber Company

Property Owner: Greater Lowell Holdings, LLC

Landmark or District Designation: Local Landmark, Ordinance #7591-1986; National Register East Bank Multiple Property Listing

Rating: Contributing

DESCRIPTION OF STRUCTURE/SITE: The J.C. Lauber Company building is described in the National Register listing as a unique example of the Commercial-Functional style of architecture that combines utility with ornament. The structure is comprised of several additions with the primary LaSalle Street facing constructed as a one-story, rectangular-plan, commercial building with a foundation of concrete and rubble, walls are brick and block. A metal cornice stretches seventy feet across the façade. Roof is flat. LaSalle Street façade features modillions on ends of dentilled cornice with scroll end brackets. The front elevation has a strong horizontal emphasis. Windows are divided into nine bays and are wood framed, fixed plate glass with solid transoms above. Front entrance is a wood double door with glass. The 1924 addition, directly behind the 1900 building, is a one-story, rectangular-plan, constructed of concrete block, with a flat roof. Windows are metal with multi-panels. The rear of the building is organized by multiple additions and incorporate various garage doors. Signage exists on all sides, both attached to and painted directly on the structure, reflecting different eras of the former J.C. Lauber business.

ALTERATIONS: COA 2005-1031 approved demolition of portion of building constructed in 1882 at northwest corner of LaSalle and Niles. COA 2006-0413 approved reinstallation of J.C. Lauber Sheet Metal sign, formerly on west side of 1882 portion of building. COA 2016-1128 to demolish 5,000 sq. ft. building was not executed. COA 2018-0404A approved improvements to the entire structure including restoration of the primary façade, new fenced patio, new openings, two new cooler structures, and preservation of existing legacy signs. COA 2018-0613 approved additional alterations to openings.

APPLICATION ITEMS: "Apply window treatments to existing windows."

DESCRIPTION OF PROPOSED PROJECT: Legacy signage throughout the building has been retained and restored. In fact, the City-Wide sign on the east façade replaces the previous plastic panel in an existing illuminated sign. Owner has applied for graphics, signage, and awnings to identify the two primary businesses that will occupy the building, City-Wide Liquors and The Lauber. The graphics on the front façade will be applied to the inside of the windows which are tinted. The window tint minimizes the visibility of the graphics. The sign on the west façade is a back board that is mounted to the building with "The Lauber" and "City-Wide" attached to the back board; the two-business logos and lettering are back lit with LED. In other commercial buildings with multiple street facing facades that are Local Landmarks (JMS and LaSalle), the Commission has made allowances for more than one sign per business.

SITE VISIT REPORT: N/A

STANDARDS AND GUIDELINES, GROUP B:

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites.

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition).

Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.
2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.
 - a. wood—all wood trim should conform with existing trim in shape and size.
 - b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

STAFF RECOMMENDATION: Staff recommends approval of the proposed project although would prefer that the white lettering inside the colored window graphics be eliminated from the design.

Compiled by
Elicia Feasel, Historic Preservation Administrator

COMMISSIONER GELFMAN LEFT THE PROCEEDINGS AT 6:49 PM.

Petitioner Comment:

Mr. Depositor: The only thing I noticed is that [Administrator Feasel] mentioned that it was white lettering, and actually we are presenting or proposing is a frosted vinyl so it is very transparent. We want it to look more 'stained glass', and so that portion of the decoration is actually a frost that is transparent, basically. It's very subtle. It would not be a white.

Administrator Feasel: This is actually true. Its white in the rendering, I've seen the example and that is a much better description.

COMMISSIONER GELFMEN RETURNED AT 6:51 PM.

Mr. Depositar: The renderings are very black-and-white or opaque, but the attempt is to go for a very subtle stained-glass kind of a look. And we were able to achieve that...

Mr. Perri: Is that pretty much it?

Mr. Depositar: That, yeah, that's a little bright. Yeah.

Mr. Grosseve: That's the initial, yeah.

Mr. Depositar: Yeah, that part of it. On this part, you can kind of see, that this is – I did like a demonstration piece. See how the white, see how the light is actually shining through? During the day, you wouldn't even really notice. This is actually at night, where the lighting inside helps promote that little frosted look.

Administrator Feasel: This is not a retroactive, this is a prototype.

Mr. Depositar: I worked very hard to try and come up with a solution.

Administrator Feasel: I just knew that we have this conversation and it sometimes moves in different directions.

Mr. Perri: This project has been a long time coming, we've been working on this project for – this is a National Historic property and has recently been given the green-light by the National Parks Service and verifying all the aspects that we had to go through – I don't know if anyone has had the chance to go, Errol has been open at City Wide down there for a few weeks, well, now actually a couple months. It's been a great project for us, from a historical aspect, we're really proud of it. The signage, including the script, is really necessary in order to let people know what is new inside. J.C. Lauber is a well-known company, for over a hundred years there, but they were a sheet-metal company. In fact, on the east elevation, west elevation, sorry, the historic sign will remain. It has to be restored still. He's doing that.

Commissioner Fisher: Is that where it stands right now, the sign is being restored?

Mr. Perri: Mhmm. It's being restored, and rehung. Everything in anticipation, you know, because we did want to do the right thing by this building. This building is a series of actually eight buildings, built from the 1860s until 1924, that was the last building, and that's not even involved in the restoration. So, all of them built prior to 1900. We've taken great care in the design and everything, and now that we've got a commercial enterprise – two commercial enterprises – we'd like to let people know what is – in fact – behind the walls, the purpose of the signs. So we would like you to approve this in its current format that we've asked for.

Mr. Grosseve: I'm the owner of City Wide Liquors, and, just to add to your recommendation to get rid of the script for the 'Beer', 'Wine', and 'Spirits', I just feel that to be able to make that legible as someone is driving in a car past it, having those words are pretty important for us to let people know what we are doing there, in that space.

Mr. Perri: By the same token, the other side needs balance. We're thinking that this is a very balanced situation – we've even done renderings where we show nothing, at all, and less words. And really, we see that significant of a difference. That was something that we discussed prior. We want to send that around just so you can see the difference in how you would look at this.

Mr. Depositar: As an artist I'm trying to work as a sign company. What I really didn't want was to have happen is for there to be blank windows and then one month later you are seeing something pasted in the window. A lot of business take it upon themselves to start advertising because there's a need to. And they need to establish their clientele. You'll see things start to populate the store fronts. And we're trying to just nip-that-in-the-bud in a very tasteful way, and be able to communicate some very basic truths about the businesses. Do it right with you guys. And none of these – these are window treatments, we are not altering, this is going to be on the interior, there isn't going to be on the outside of the building. We've worked really

hard to try and meet a lot of the expectations and I think the frosted – the crystal – is a very elegant way of doing it.

COMMISSION DISCUSSION:

Commissioner Fisher: I don't have any issues with it. I love the adaptive reuses of this building and I think that they have every right to advertise what is going on inside. So, I don't have any issues. I have been watching for that sign to go back up.

Mr. Perri: It'll be there. At great expense, but it'll be there.

Commissioner Gelfman: We appreciate your diligence.

Mr. Perri: We're trying to do the right thing.

Commissioner Annis: I agree with [Commissioner Fisher], it's especially important to let people know the development – I mean – there's a lot going on over in the East Bank area, and we're all excited that it is happening. So I understand, anything to help the business owner share what is happening is good. I think that it is tasteful and it is done on the inside, and it would encourage me to walk in. I don't have any issues with it either.

Commissioner Hertel: I also do like it, and I appreciate what you are doing. [unintelligible] I just want to make sure that, when we talk about signage, that we are even across the board. And the first one that comes to mind is the LaSalle, and the signage that came before us for the downstairs. So, I also want to be sure that as we talk about this – as we go to 'approve' or 'deny' this CofA, that we mention that it's the tinted – frosted. Frosted?

Mr. Depositar: It's beautiful. Yes, it's translucent.

Commissioner Hertel: That we get the verbiage right, as how it is written here.

Commissioner Fisher: I hear what you are saying about the LaSalle, but I think it's also about how the signage works with the style of the building, the style of the LaSalle Hotel is very different, and so I appreciate that they have made an effort to work with the design of the building.

Commissioner Hertel: And they are going to be backlighting?

Commissioner Fisher: No, they are not.

Commissioner Hertel: So that also has to be removed from here.

Administrator Feasel: Just the sign...

Commissioner Fisher: There's something that says back-lighting.

Inspector Szaday: Just the west elevation.

Mr. Perri: The pre-existing, grandfathered sign on the east elevation. It is a cabinet sign.

Mr. Depositar: That's an existing structure that was there. We just decorated a new plastic face, there was no permit needed for that. We did run it by the city, though.

PUBLIC DISCUSSION: N/A

Commissioner Ponder made a motion on COA #2019-0329A to approve the signs. Seconded by Commissioner Fisher.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve COA #2019-0329A is passed.

5. 508 S St Joseph Street #2019-0401A #8952-98 Taylor's Field
Representation: Troy McKee, 719 E Lawrence Street, Mishawaka, IN 46945

STAFF REPORT
CONCERNING APPLICATION FOR A

CERTIFICATE OF APPROPRIATENESS

Date: April 4, 2019

Application Number: 2019-0401A

Property Location: 508 S St Joseph

Architectural Style/Date/Architect or Builder: Queen Anne Free Classic / 1901

Property Owner: DIVOY ENTERPRISES, LLC

Landmark or District Designation: Taylor's Field, Ordinance #8952-98

Rating: *Contributing*

DESCRIPTION OF STRUCTURE/ SITE: Large irregular two story (plus attic) Free Classic Queen Anne stylistic cues on a brick foundation. Vinyl/aluminum siding is found throughout. The roof is cross-gabled with asphalt shingles, with smaller gables, inset gabled fronts, and gabled returns. The ground floor has a full front porch with doric columns on brick piers with stone caps supporting a hip roof and pediment over the entry stop. A plain frieze with dentil course and brackets are under the entablature. Windows are wood, 1/1 double hung. Three slim fixed single pane windows are in the front gable.

ALTERATIONS: RME #2016-1026B allowed for the replacement of the asphalt shingle roof. RME #2018-0911B allowed for the repair of the front porch, including replacement of decking and underlying structure as needed. Replacement of railing, repair of columns as needed. COA #2019-0211 allowed for the retroactive replacement of the front door and called for the installation of wooden storm door.

APPLICATION ITEMS: *"the new front door was approved at the February Meeting with the condition that a wood storm door be added. I am requesting the committee approve the door without a storm door. The reasons for this request are: 1. The previous door did not have a storm screen door. 2. The front door enters a small vestibule. The vestibule leads to a the front door of apartment one downstairs and apartment 2 upstairs. Since it is a vestibule it does not provide any additional protection from cold in the winter and does not make sense to have a screen door in the summer since the door to each apartment does not have a screen."*

DESCRIPTION OF PROPOSED PROJECT: Applicant seeks a Certificate of Appropriateness for improvements on the structure, including:

1. Not installing a screen door (as requested by the Commission as a condition of the approval of COA #2019-0211) on the front entrance.

The door provides access to an entrance vestibule that provides access to multiple units.

PRESERVATION SPECIALIST REPORT:

STANDARDS AND GUIDELINES: *Taylor's Field Local Historic District Guidelines*

I. THE ENVIRONMENT

[...]

II. EXISTING STRUCTURES

A. BUILDING MATERIALS

[...]

B. ROOFS AND ROOFING

[...]

C. WINDOWS AND DOORS

Window and door frames are in most cases wood. Brick structures have stone sills and brick lintels. In some cases where additional siding has been applied window trim has been covered. Many structures in the district have aluminum storm windows. Some houses retain wood framed storm windows.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.

Recommended

Wood frame storm windows and doors painted to match the original should be used but should not damage existing frames and should be removable. If new sashes or doors are installed, the existing or original materials, design, and hardware should be used. When metal storm doors and windows are used, they should be painted, anodized or coated to match the existing. When awnings are used they should be of canvas material.

Prohibited

Original doors, windows, and hardware shall not be discarded when they can be restored and re-used in place. New window and door openings which would alter the scale and proportion of the building shall not be introduced. Inappropriate new window and door features, such as aluminum insulating glass combinations that require the removal of the original windows and doors, shall not be installed.

Not Recommended

Awnings, hoods, and fake shutters made of metal, vinyl, or fiberglass should not be used if they would detract from the existing character or appearance of the building.

[...]

III. SAFETY AND BUILDING CODE REQUIREMENTS

A. BUILDING CODE REQUIREMENTS

Required

Building code requirements shall be compiled with in such a manner that the existing character of the building is preserved.

Recommended

Local code officials should be consulted to investigate alternative life safety measures that will preserve the architectural integrity of the structure. Variances for historic properties should be investigated.

Prohibited

Construction of new stairways and elevators that would alter important architectural features or existing exits and spaces is prohibited.

Not Recommended

Fire prevention equipment should not damage the appearance or fabric of the building.

B. ACCESS FOR HANDICAPPED OR DISABLED PERSONS

IV. GENERAL

[...]

STAFF RECOMMENDATION: Staff previously suggested that a wooden storm door be installed so as to make the fiberglass replacement door less conspicuous. Staff makes no additional recommendation.

Written by
Adam Toering
Historic Preservation Specialist
Approved by
Elicia Feasel
Historic Preservation Administrator

PETITIONER COMMENT:

Mr. McKee: My name is Troy McKee, my address is 719 East Lawrence Street, Mishawaka, Indiana, 46545. I'm representing William McKnight.

Commissioner Gelfman: Is there anything you'd like to change, add-to, or comment on with regards to the recommendation?

Mr. McKee: Comment – I kind of just happened on this guy, he stopped by, looked at my van, and asked if I could get windows in because of critters – oh, that's 510. On 508, I just signed on with the guy, I did not know that permits were not pulled. The door was installed not by me. And it was red tagged, and we didn't do anything with it until the red tag was pulled. But I signed on with the guy and I really had no idea what was going on with – with either of these properties. The next one is going to be the hardest one of the evening, by the way.

COMMISSION DISCUSSION:

Commissioner Hertel: So in the February meeting, when we discussed this door, we offered the idea of the storm door because – as kind of a compromise. I feel that was where we were with this storm, with this door, it was a compromise, because the door really doesn't fit on this home, with this home. If the homeowner is requesting that he does not want the screen door, then the other option would be to replace the door.

Commissioner Fisher: Was that the door that was sitting on the property at that time?

Mr. McKee: It's a replacement door, that he felt would be –

Commissioner Fisher: The door that had be removed?

Inspector Szaday: At that time.

Mr. McKee: It was in the front yard, covered in snow, and one of the corners had been broken off of it.

Commissioner Gelfman: Let me just explain to the Commission that this particular door leads into a vestibule, it doesn't lead into the whole house, it's just into a vestibule.

Commissioner Fisher: I'm not sure that that is relevant.

Commissioner Gelfman: I'm just adding it just for knowledge purposes, that's all.

Commissioner Fisher: At that meeting, there was no one representing the property. And we looked at this, and this was retroactive because the door was already there – I'm just recalling this, right? And the compromise was to put a screen door over it so that we hid this not particularly historic looking door, in order so that we came to some sort of middle ground.

Commissioner Gelfman: That's correct.

Commissioner Fisher: And now we don't want to do the storm door.

Commissioner Gelfman: That's what they are petitioning for.

Mr. McKee: I'll put one on if you all deny it.

Commissioner Hertel: The stipulation – if I recall correctly from how it was read into the minutes – was that “an appropriate storm door that was approved by staff” – so you can't just go put a storm door up, it has to be one that is approved.

Mr. McKee: I'd get it approved.

Commissioner Fisher: I just don't think it is that much of a hardship to put one on here. And the original door, we could see – at the time – had some things in common with this door, but is clearly not this door. I feel like it was a fair compromise then and is a fair compromise now.

Commissioner Gelfman: [Commissioner Annis], is there anything you would like to add?

Commissioner Annis: No.

Commissioner Gelfman: [Commissioner Ponder]?

Commissioner Ponder: No, not at this time.

Commissioner Gelfman: [Commissioner Hertel], anything else?

Commissioner Hertel: So we come back to our options: our options are, we can deny it, we can approve it, or we can – how would that work? He's coming back to us. If we deny this, do we have to put a stipulation to go back to our previous recommendation for the storm?

Legal Counsel Kennedy: You are just denying the application, which is he doesn't want to put a storm on, which was your recommendation – so you really don't need to stipulate, really, because it's going back. Also, because this a denial, you have the right to appeal to the Common Council.

Mr. McKee: I'm tired of fighting this guy, so I'll probably just put one up.

Commissioner Gelfman: Before you put it on, make sure you check with –

Mr. McKee: I understand, believe me, I've... I'm the type of the guy who wants to do things right. I signed on with a bad guy, I always follow through with my work, once I'm done with this contract, I'm pretty much out. But I told him, it's got to be right.

Commissioner Hertel: And we appreciate that.

Mr. McKee: My word means more to me than money, so I...

Commissioner Fisher: One of our options previously would have been just to ask for that door to have been removed. So, it was –

Mr. McKee: I know, you were very accommodating.

Commissioner Fisher: – like I said, the middle ground to say, ‘just put a storm door on it.’

Mr. McKee: I agree. And you have to understand, I'm getting everything second-hand.

Commissioner Hertel: We understand, you are the – we get that.

Specialist Toering: Can they deny with prejudice?

Commissioner Fisher: Where does that leave us?

Legal Counsel Kennedy: That would mean he can't come back and ask again, but he could still appeal, if he wanted to.

Commissioner Hertel: I would discourage doing that, because I would never want to discourage anyone from coming before us in the future, for anything.

PUBLIC DISCUSSION: N/A

Commissioner Hertel made a motion on COA #2019-0401A to deny the homeowner not installing a screen door. Commissioner Annis seconded.

Five in favor, none opposed.

Legal Counsel Kennedy explained that in motions for denial, an explanation is required for votes in the affirmative. Roll was called.

Commissioner Ponder: I vote to deny because the door that was installed does not fit the time period of the house and the storm door would help hide that.

Commissioner Fisher: I vote to deny because I feel that we came to a reasonable accommodation in the last version of this project and I think it was a reasonable request that should be honored.

Commissioner Hertel: I vote to deny due to the fact that I feel we did work with and throw out ideas about this application as it came before us in February and we came to a compromise with a screen door.

Commissioner Gelfman: I vote to deny this application as it was discussed at prior meetings that a storm door was an appropriate way to go due to the fact that the existing door does not necessarily match the integrity of the house.

Commissioner Annis: I vote to deny this request to not install the screen door as well for the same reasons stated before: the aesthetics of the door do not match the historic character of the house.

**Vote: 5 – 0. Motion to deny #COA 2019-0401A is passed.
COA #2019-0401A is denied.**

6. 510 S St Joseph Street #2019-0401B #8952-98 Taylor's Field
Representation: Troy McKee, 719 E Lawrence Street, Mishawaka, IN 46545

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: April 5, 2019

Application Number: 2019-0401B

Property Location: 510 S St Joseph

Architectural Style/Date/Architect or Builder: American Foursquare / 1894

Property Owner: The Entrust Group FBO Lisa H McKnight

Landmark or District Designation: Taylor's Field, Ordinance #8952-98

Rating: *Contributing*

DESCRIPTION OF STRUCTURE/ SITE: Large irregular two story (plus attic) Free Classic with American Foursquare stylistic cues on a stone block foundation. Wood shingle siding is found throughout. The roof is hipped with asphalt shingles and hip dormers on the north and south sides. A small porch exists on the second story with wood balustrade, wood columns supporting the hip roof with a large overhang, purlins, and a plain frieze. The entry porch is partially enclosed and has similar details to the second story porch. Windows have aluminum storms and wood surrounds. An exposed second story stair well is on the south side, and an enclosed two-story concrete-block entrance is at the north east corner.

ALTERATIONS: Extensive modifications have occurred throughout the structure's history, including additions in 1939 (one story addition to the rear), 1943 (11' x 14' rear porch), and in 1949(?) with the addition of the 7' x 12' cinder block construction at the north east corner. COA #1999-0308 allowed for the "rebuilding south side stairs and repair clapboard and rotted trim with like materials." COA #2003-0806 allowed for the reconstruction of the exterior stair with treated lumber, and explicitly retained the supporting stone and brick structure beneath this stair. COA #2013-0615 allowed for the tear-off and re-roof of the main structure. COA #2013-0625 allowed for the repair of the internal gutter system on the front façade and the installation of K-style gutter system on the rest of the house. COA #2013-0509A allowed for the re-installation of the front stair guide rail and the repair of the railing to upper apartment #4. COA #2018-0911A allowed for the reconstruction of the outside stairs, reconstruction of the property fence, deconstruction of the outside stone and brick knee wall, and conditionally allowed for window replacement (pending staff approval).

APPLICATION ITEMS: "This is a second request for replacement of front door and 3 windows on left. Please see attached."

DESCRIPTION OF PROPOSED PROJECT: Applicant seeks a Certificate of Appropriateness for improvements on the structure, including:

1. **Doors:**

- a. **Retroactive** replacement of two front doors with a Therma-Tru Benchmark Doors (Lowe's – item #15729),
 - b. Reconstruction of the transom above the main front door, including extending the trim, widening the trim from floor the top the top of the transom,
2. **Windows:**
- a. **Retroactive** replacement of four windows on the north side of the ground floor with Jeld-Wen Best Series Model JW1438 vinyl windows.
 - b. Installation of poplar wooden trim on the aforementioned replacements, primed and painted in the same color as the existing aluminum storm windows to mask the vinyl window frames/sashes,
 - c. Reinstalling the storm windows (without panes) on the outside.

The Building Department 'Red-Tagged' this property on January 10, 2019 because work was completed without permit.

PRESERVATION SPECIALIST REPORT:

Specialist Toering and Inspector Szaday visited the property in the afternoon of January 9, 2019 upon the request of the property owner, Bill McKnight. Mr. McKnight apprised staff of the condition of building since their last visit in September: that there had been a break-in, that multiple windows had been destroyed, that the front door on this property and 508 had been vandalized, and that a previous contractor (that was no longer employed by Mr. McKnight) had installed the replacement vinyl windows on the north side of the ground floor of the property, as well as removed the front storm doors and replaced the front doors. Mr. McKnight was appraised of the need to apply for a retroactive Certificate of Appropriateness for this work. Discussion was had regarding ways through which the project could be made compliant by the addition of exterior trim work to conceal the vinyl windows.

A blank Certificate of Appropriateness application was sent to Mr. McKnight later that day. A completed application with payment was received on February 11, 2019.

On March 27th, Commissioner Gelfman, Specialist Toering, and Inspector Szaday visited with the property owner and Troy McKee at 510 S St. Joseph to hear proposals regarding this application, as well as the condition of the neighborhood and surrounding properties.

For context, Inspector Szaday's assessment of the windows from September 5, 2018 is as follows:

"Windows: The owner has proposed the replacement of 7 original wood double-hung windows. I was unable to inspect the windows in the second floor as the apartment is occupied and the renter was not home. The four on the first level all have lower sashes that are broken and each have metal angle brackets holding the sashes together. These sashes are missing ropes and are not rotted, but rather are structurally damaged beyond repair. The metal storm windows are missing screens but have kept the original sashes and sills safely out of the elements. The upper sashes are painted and nailed in place."

STANDARDS AND GUIDELINES: Taylor's Field Local Historic District Guidelines

V. THE ENVIRONMENT

A. THE DISTRICT ENVIRONMENT

[...]

B. BUILDING SITE, LANDSCAPING AND ACCESSORIES

Individual properties in the district are characterized by a house located near the front of each lot with a small to medium lawn in front and little to no lawn at the rear of the property. Often the back yard is used as a parking lot for tenants. About half of the properties include a garage which is either located at the rear of the property and accessed from unpaved alleys running behind the property or located directly next to the structure and accessed by small drives. Nearly all of the garage structure and accessed by small drives. Nearly all of the garage structures are out of date, single-stall frame buildings. One larger carriage house still stands in the district. Most properties have trees, shrubbery and/or hedges. Most houses conform to the uniform set-back within each block.

Required

Plants, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained.

Recommended

New site work should be based upon actual knowledge of past appearance of the property found in photographs, drawings, and newspapers. New site work should be appropriate to existing surrounding site elements in scale, type, and appearance. Accessory structures such as decks, gazebos, fountains and/or small outbuildings should be appropriate to surrounding site elements in scale, type, and appearance. Plant materials and trees in close proximity to the building and causing deterioration to the building's historic fabric should be removed and replaced by suitable flora as approved by the Historic Preservation Commission.

Prohibited

No changes may be made to the appearance of the site by removing trees, fencing, walkways, outbuildings or other site elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. Front yard areas shall not be fenced or fences shall not extend forward beyond the setback line of the house. The installation of unsightly devices such as television satellite dishes, solar panels and skylights shall not be premised in areas where they can be viewed from the public thoroughfare.

VI. EXISTING STRUCTURES

A. BUILDING MATERIALS

Original exterior wall materials in the district include limestone, flagstone, stucco, clapboard, wood shingles, sandstone and masonry block. In some instances, vinyl or aluminum siding has been applied over the original material.

Required

Original exterior building materials shall be retained. Deterioration of wood materials shall be prevented through repair, cleaning and painting. The existing or original architectural detail windows, porches, doors, and eaves should be retained or replaced by replicas of the same design and materials when deteriorated beyond repair. Masonry including brick, limestone, flagstone, sandstone, and stucco shall be cleaned only when necessary to halt deterioration or to remove stains, and shall be done with a method acceptable for the preservation of the surface: i.e. low pressure water and soft natural bristle brushes. No chemicals, sand blasting or other invasive methods may be used to clean historic buildings. When repairing stucco, stucco mixture compatible in composition, color, and texture shall be used.

Recommended

Whenever possible, the original building materials should be restored. Metal or vinyl siding may be used when it is the only alternative to maintaining or replacing the original surface material. When used over wood surfaces, this siding should be the same size and style as the original wood. Every effort should be made to retain the original trim around the windows, doors, cornices, gables, eaves, and other architectural features. Ample ventilation must be afforded the structure when metal or vinyl siding has been installed in order to prevent increased deterioration of the structure from moisture and/or insects. Mortar joints should be repointed only when there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint. Existing mortar shall be duplicated in composition, color, texture, joint size, method of application and joint profile. It is emphasized that, prior to initiating any restoration or rehabilitation effort, the property owner contact the Historic Preservation Commission of South Bend & St. Joseph County at 227 W Jefferson Boulevard, South Bend. The Commission is an invaluable source of information about all facets of rehabilitation and restoration.

Prohibited

Wood siding shall not be resurfaced with new material which is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles. Sandblasting or the use of harsh detergents shall not be used on masonry including brick, stucco, limestone, flagstone, and sandstone. This method of cleaning erodes the surface material and accelerates deterioration. Brick surfaces shall not be painted unless they had been painted originally.

Not Recommended

Waterproof or water repellent coatings or surface consolidation treatments should not be used on masonry surfaces unless required to solve a specific problem that has been studied and identified. Coatings are frequently unnecessary and expensive, and can accelerate deterioration of the masonry. Mortar joints which do not need repointing should not be repointed. Repointing shall not be done with a mortar of high Portland cement content which can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar which can result in serious damage to adjacent brick. Paint shall not be removed from masonry surfaces indiscriminately

B. ROOFS AND ROOFING

[...]

C. WINDOWS AND DOORS

Window and door frames are in most cases wood. Brick structures have stone sills and brick lintels. In some cases where additional siding has been applied window trim has been covered. Many structures in the district have aluminum storm windows. Some houses retain wood framed storm windows.

Required

Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods, and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.

Recommended

Wood frame storm windows and doors painted to match the original should be used but should not damage existing frames and should be removable. If new sashes or doors are installed, the existing or original materials, design, and hardware should be used. When metal storm doors and windows are used, they should be painted, anodized or coated to match the existing. When awnings are used they should be of canvas material.

Prohibited

Original doors, windows, and hardware shall not be discarded when they can be restored and re-used in place. New window and door openings which would alter the scale and proportion of the building shall not be introduced. Inappropriate new window and door features, such as aluminum insulating glass combinations that require the removal of the original windows and doors, shall not be installed.

Not Recommended

Awnings, hoods, and fake shutters made of metal, vinyl, or fiberglass should not be used if they would detract from the existing character or appearance of the building.

D. ENTRANCES, PORCHES, AND STEPS

Most houses in the district have either an open or enclosed porch across the front. Most porches have either hip or gabled roofs or are covered by the main roof of the house.

Required

Existing or original porches, stoops, patios, and steps, including handrails, balusters, columns, brackets, tiles and roof decorations, shall be retained or replaced by replicas of the same design and materials when deteriorated beyond repair. Porches and additions reflecting later architectural styles and which are important to the building's historical integrity shall be retained.

Recommended

When enclosing porches for heat conservation or other reasons, it should be done in a manner that does not alter the architectural or historical character of the building.

Prohibited

Front porches, stoops, patios, and steps that are important to the building's style and character shall not be altered or removed.

Not Recommended

Original porch details should not be replaced with materials representing a different period or style from the original.

E. MECHANICAL SYSTEMS

[...]

VII. NEW CONSTRUCTION

[...]

VIII. SAFETY AND BUILDING CODE REQUIREMENTS

A. BUILDING CODE REQUIREMENTS

Required

Building code requirements shall be compiled with in such a manner that the existing character of the building is preserved.

Recommended

Local code officials should be consulted to investigate alternative life safety measures that will preserve the architectural integrity of the structure. Variances for historic properties should be investigated.

Prohibited

Construction of new stairways and elevators that would alter important architectural features or existing exits and spaces is prohibited.

Not Recommended

Fire prevention equipment should not damage the appearance or fabric of the building.

B. ACCESS FOR HANDICAPPED OR DISABLED PERSONS

IX. GENERAL

[...]

X. ENFORCEMENT PROCEDURES

[...]

In making its determination, the Historic Preservation Commission shall consider three factors: first, the appropriateness of the proposed work to the preservation of the building and district; second, the detriment to the public welfare if the proposed work is permitted even though it is not deemed appropriate; third, the potential hardship that the denial of the Certificate of Appropriateness would cause the applicant.

STAFF RECOMMENDATION: This property has 1) an extensive history of modification and alteration, 2) existed as rental property for the majority of its existence (records indicate the structure was subdivided sometime after 1970). As a subdivided structure, multiple ingress/egress openings have been added over the years, requiring consistent (and documented) reconstruction.

Regarding the retroactive replacement of the front doors, staff would have preferred the original door and storm door would have been retained. The fiberglass replacement doors are a departure from the original material and format; Staff would like to see new wooden storm doors installed to conceal the new fiberglass doors. Staff is pleased that the trim / wood work around the door will be extended – this brings balance to the door frame. Staff recommends approval with the condition that storm doors are reinstalled.

Regarding the removal and replacement of the four ground floor windows with new vinyl windows, staff recommends approval. This is based upon Inspector Szaday's opinion of the previous windows condition (as documented in COA #2018-0911A) and the custom solution to conceal new windows to closer resemble the appearance prior to new window installation.

Written by
Adam Toering
Historic Preservation Specialist
Approved by
Elicia Feasel
Historic Preservation Administrator

PETITIONER COMMENT: N/A

COMMISSION DISCUSSION:

Commissioner Fisher: This is the one that had the abominable front door. What was the end result of that previous CoA? Did we just deny the previous?

Administrator Feasel: It was just denied. It was more complicated than we could work out without someone representing the project.

Commissioner Fisher: So is this exactly the same as the previous? It isn't, is it? So what's different?

Specialist Toering: The window portion. And the extension of the trim on the front door, that was not included in the previous application. There was talk of a transom window at that time, but the trim extension was not part of the previous application. As to the windows, previously it was just applied for the vinyl windows.

Commissioner Fisher: What is the custom solution?

Commissioner Gelfman: [Mr. McKee] will tell you, he is fabricating them.

Mr. McKee: On the side windows, not facing the street, we are going to use a good hard wood, primed with oil, painted to match the exact color of the existing storm windows, and we are going to wrap them all the way to the white cladding on the vinyl windows that are existing, so you will not be able to see the exterior trim of white, around any of part of the window.

Commissioner Fisher: So you are covering the existing vinyl windows with a wood storm?

Mr. McKee: Not a wood storm, a wood frame.

Commissioner Fisher: You are just going to put a wood frame in to conceal the vinyl.

Mr. McKee: And the center bar of the white vinyl – that would be sticking out like a sore thumb – I came up with the idea of using a piece of aluminum that I'm going to paint the same exact color and we are going to adhere that with JB Weld which will outlast the window to cover up that center white line and make it the exact same color as the exterior. It is a single hung, so that will never move, it will always be stationary. And there is a drawing of it.

Commissioner Gelfman: Mr. McKee, I forgot to ask you to state your name and address for this one.

Mr. McKee: Troy McKee, 719 East Lawrence Street, Mishawaka, Indiana. So, they were all broken out when I came to replace them. Half of the sashes on top, when I went to pull the windows in, were broken out. There was varmint and homeless people living on the property. So we had to get rid of a bunch of stuff and call in a critter-control guy.

Commissioner Gelfman: Thank you, [Mr. McKee]. Is there anything else you would like to add?

Mr. McKee: Just that, since talking to [Mr. McKnight] about doing things right, he admits that it was the wrong thing to do, but that he had to secure the property for the safety of the neighborhood. Kind of. He was just trying to get the weather out, and the bills were reflecting that in the other units.

Administrator Feasel: We often recommend plywood as a temporary solution, just for future reference.

Mr. McKee: Again, talking about the permits. This was the first thing I did, was put those in, it took me a couple of days, and then the gentleman showed up, I found out everything was wrong, and I approached [Mr. McKnight].

Commissioner Gelfman: And we appreciate that.

COMMISSION DISCUSSION:

Commissioner Hertel: Two front doors?

Specialist Toering: There are two right beside each other in the front.

Commissioner Hertel: But there is no photo, this one, that's the main – when you look at the house here – this is this door, here?

Mr. McKee: The door on the left? That's the original door.

Commissioner Hertel: That's the original door?

Mr. McKee: It's not the original door, but it was there way before [Mr. McKnight] bought it.

Specialist Toering: I don't know. I'm not disputing it. There's a lot changed to it.

Mr. McKee: You can tell from the coats of paint.

Commissioner Hertel: Just in, item 1.B, the reconstruction of the transom. So, only the front door, this one –

Commissioner Fisher: There wasn't a transom, it was a taller door. Reconstruction is the wrong way to put that. Because we're not restoring a transom that was there, we are going to – the proposal is to make it look like a transom, because it was a taller door.

Mr. McKee: It doesn't have to be glass, it can be straight wood.

Commissioner Hertel: But historically –

Commissioner Fisher: -- it was a taller door. It's just not a six-foot-eight or whatever it is door. Front door on my old house was 7'4". It probably had a two panel set up – and it was just tall. And rather than buy a custom door, they bought a 6' 8" door and just shoved it in there.

Commissioner Gelfman: Given the fact that there isn't the proper sized door, putting in the transom, I don't think is an issue.

Commissioner Fisher: It certainly gives the appearance of something that would be period appropriate. So I don't really have an issue with that. But we aren't restoring a transom.

Specialist Toering: I'm looking at a file photo from 2013 –

Inspector Szaday: In the picture there's a full sized screen, but the picture shows a shorter door.

Commissioner Fisher: Does it? That would be –

Inspector Szaday: It's hidden from view. The wood storm door is painted the same as the trim.

Commissioner Fisher: I've seen others in the neighborhood, that would be very strange. I don't have a problem –

Inspector Szaday: Previous owner, it was a shorter door.

Specialist Toering: Sorry, I apologize, it's not the best picture. I don't know if you can see it here.

Commissioner Fisher: Not really. It does look like there is a panel on top. I don't know if we can tell if it was just not glass, or if we can just not tell.

Specialist Toering: Unfortunately, we don't have any other photos.

Commissioner Fisher: I don't have an issue with it.

Commissioner Hertel: Retroactive, replacement of the four windows on the north side of the ground floor with JeldWen...

Commissioner Ponder: So what you are proposing with the wood casements is that it will look like this?

Mr. McKee: Exactly, yes.

Commissioner Fisher: I hope it works.

Mr. McKee: It will, I've done things similar to this.

Commissioner Fisher: You are going to see the depth of the white window, there's nothing you are going to be able to do to – that the dimension...

Mr. McKee: I'm going to but it up as tight as I can so that it still flies.

Commissioner Fisher: This may come as a shock to everyone, but I'm actually – I'm actually personally willing to let them try to make this work.

Commissioner Hertel: Actually, I'm on the same page as you.

Commissioner Fisher: That's where I stand. I'll come see it.

PUBLIC DISCUSSION: N/A

Commissioner Fisher made a motion to approve application #2019-0401B for 510 South St. Joseph Street. Seconded by Commissioner Ponder.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve application #2019-0401B is passed.

7. 907 Riverside Drive #2019-0402 #8743-96 Local Landmark
Representation: Jonathan Mooney, 112 W Jefferson, Suite 500, South Bend, IN
Matthew Moyers, 126 S St. Louis, South Bend, IN
Kyle Silveus, 67625 Edwardsburg, MI

**STAFF REPORT
CONCERNING APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS**

Date: 2 April 2019

Application Number: 2019-0402

Property Location: Leeper Park

Architectural Style/Date/Architect or Builder: Planned landscape/1897/City superintendent Herman Beyer; Landscape Architect George Kessler

Property Owner: City of South Bend, Venues Parks & Arts

Landmark or District Designation: Local Landscape Landmark, Ordinance #8734-96 and National Register of Historic Places, 6/15/2000

Rating: N/A

DESCRIPTION OF STRUCTURE/ SITE: Leeper Park is the first planned public park in South Bend located north of downtown and the medical district. Leeper Park is oriented east/west at the St. Joseph River, divided into three sections, East, Central, and West, by Michigan Street and Lafayette Boulevard. The Eastern section was originally established for the Water Works with the first construction on site being a network of thirty, six-inch artesian wells.¹ “The first land condemned for the future Leeper Park, in June of 1895, was meant to provide a second artesian well field and pumping facility for the lively industries and town population which was growing along the south bend of the St. Joseph River.”² City superintendent Herman Beyer first influenced the design including curvilinear paths, plantings, and water features. The 1911-1915 Parks and Boulevard system and the Leeper Park Plan, designed by celebrated planner and landscape architect George Kessler, embodied early twentieth century ideals grounded in the City Beautiful movement, connecting parks and boulevards as planned elements of a coordinated city plan. Kessler’s Plan for Leeper Park included both formal and informal design elements, adopting existing park features of the Beyer era through a skillful remodel. The association of the park sections with different uses was a result of Kessler’s planning; the West section was deemed for active recreation, the Central section as passive recreation, and the Eastern Section was adopted for its function as a Water Works but also boasts a number of recreation-related features. While the Kessler Plan guided Leeper Park development for the next decade, documentary evidence appears that only some elements of the Kessler design were actually installed.³ Sensitive extensions of Kessler’s Plan continued into the 1920s and 1930s and included Works Progress Administration funded labor for several projects.⁴

Leeper Park East features include: the North Pumping Station, the water reservoir, multiple water well pumps, Ziegler Performing Center with fixed bench seating, signage for the former Garden of Fragrance, the Navarre Cabin, the foundation of the former Powell House, a non-functioning Comfort Station, a swing set/slide, the Sunken (Rose) Garden, the island, and the Works Progress Administration retaining wall and a bridge to the island.

Leeper Park Central features include: West Lagoon (Duck Pond), concrete stairs on embankment, a well house, the Edward B. Reynolds fountain, Lavender Labyrinth, memorials including trees, stones, and plaques.

Leeper Park West features include: backdrop of the former baseball diamond, tennis courts, a recreation building, a parking lot, an odor garden, and raised vegetable gardens with adjoining paths.

ALTERATIONS:

Throughout

RMEs and COAs for tree trimming, removal, and installation have been approved under the guidance of the City Forester.

¹ Leeper Park Cultural Landscape Report, prepared by Westerly Group for the Historic Preservation Commission of South Bend and St. Joseph County, May 1998.

² Ibid.

³ Ibid.

⁴ Malcolm Cairns, ASLA. “Leeper Park Historic District.” National Register of Historic Places Inventory/Nomination Form, NR-1411. South Bend, St. Joseph County, Indiana, June 15, 2000.

RMEs and COAs for sidewalks have been approved.

Leeper Park East

RME 2017-0410 approved "This permit covers only Phase I of the project - drilling a pilot well. Phase II (drilling the actual well and trenching in the piping) will require a separate COA."

COA 2017-0306 approved installation of new stage and new audience seating, landscape beautification and lighting for stage, new benches with concrete pad closer to stage.

RME 2016-1013 approved removal of brush and planting of willow tree near Rose Garden.

The Sunken (Rose) Garden with reflecting pool and statuary were removed in the 1960s. RME 2017-1012 approved installation of two small concrete pads with two benches adjacent to Rose Garden. Benches to match those approved through COA 2015-0302A. COA 2017-0228 approved installation of 8' wide crushed limestone walkway connecting the Michigan Street sidewalk with the Sunken Garden, bounded by two, 42" wide flower beds, and irrigation system for entire garden. COA 2015-1002 approved "Within an existing concrete curb (that will remain), the landscaping bed will be enhanced to mimic the reflecting pool formerly within its boundary. New flower beds will be defined using new soil, compost and plantings. A walkway of crushed limestone will pass through the beds. Additional half circle beds will be added to the north and south of the concrete curb. The "three-fates" statues will be repaired pro-bono by a local artist, and then placed into the center of the "pool" bed, where they were originally, in the same back-to-back-to back style; and the one remaining "cherub" will be nearby, on a footing. That "cherub" will be duplicated from the original, and the new statue also placed nearby in the "pool" bed." COA 2015-0504A approved restoration of Rose Garden and gravel path system by volunteers.

COA 2015-0908 approved "Bartlett Street Roundabout Project Description (114-032b). Project to construct a roundabout at Bartlett and Michigan Street approved per all diagrams and documents submitted. Encroachment to Leeper Park East will be limited to 0.57 acres and all trees removed will be replaced within the park."

The Garden of Fragrance no longer exists, but the signage remains. RME 2015-0422 approved "Rebuild/restack low retaining wall currently located in Leeper Park next to Garden for the Blind. Matching flagstone has been donated by Knepp Sand and Stone and Old Fort Building Supply; and follows material estimate made by a representative of the SB Parks Department. The restacking of the flagstone wall will also require digging away the dirt around loose blocks and backfilling afterwards."

COA 2011-1103A approved "Replace the existing lift station on the south side of the North Pumping Station driveway and relocate it to the north side of the driveway. Screen the new location with landscaping and plantings. Rehabilitate the Garden of Fragrance Braille marker and boulder monument and install new sidewalks and decorative paving. All per diagrams, plans and plant palette submitted and approved."

Wading Pool was filled in and the pergola removed, 1970s.

Circa 1862 vernacular Powell House

Navarre Cabin moved to Leeper Park, 1904; relocated, 1916; relocated again to present site, 1954.

Zoo closed, and structures used for animals were demolished, 1913.

Leeper Park Central

COA 2017-0213B approved "Addition to Leeper Park of a garden labyrinth, 40'-0" diameter center, 80'-0" diameter outer circle per submitted plans. Includes removal and replacement of existing trees specified in plans; removal of DAR memorial tree NOT PERMITTED."

COA 2013-0519 approved "Install a climber and merry-go-round at Leeper Park playground. (Replaces old pieces which were removed.)"

The Mall/Formal Garden, an elongated adaptation of the Kessler design survived well into the 1960s. The Garden and pedestrian walks became grown over, 1980s.

Tennis courts moved from Central to Eastern section, 1916.

1905 Bugbee Fountain removed, unknown date.

1907-08 East Lagoon (Lily Pond) became stagnant and was removed along with the rustic wooden bridge, unknown date.

1907-08 West Lagoon (Duck Pond) was extensively remodeled including a change in configuration from a naturalized shape to a near oval, 1980s and 1990s. The covered shelter and chain link fence are not original.

Only remnants of a path system were recorded by WPA, 1938.

1910 Reynold's horse watering trough, relocated from downtown South Bend, 1937.

Fill added and installation of double flight of concrete steps along west bank of West Lagoon, 1916.

Carriage drives redesigned, unknown date.

Leeper Park West

COA 2015-0302A approved "Create a Garden in four sections totaling about 3000 sf including all plants; include an 8 foot wide ADA standard concrete sidewalk-initially 500 feet long; one monument circle and 2 flanking garden observation/education pads to be added per diagram submitted. Install 8 +/- historic lights of the style of Leeper Park East to be installed along the 8 foot wide walk: 1 on each side of the 3 bump outs along the walk, 1 close to Lafayette and 1 close to the northwest corner end of the current phase of the walkway. 8 +/- durable quality public benches; 4 +/- umbrella tables near tennis court; opportunities for public art along the garden walk. Subject to approval by the Parks Board. All the garden plant and vegetable plant options to be agreed upon by Parks Department/Board, Madison School and HPC Staff to conform to the Standards and Guidelines adopted for Leeper Park. Abstain from planting fruit trees at this time."

COA 2008-0306 approved installation of an "Odor Garden" with blower piping and underground odor control bed to treat sewer gas. Surface odor control bed planted as flower garden. Area will be restored to grass if and when the system is taken out of service.

COA 2007-0605B approved "Renovation of Tennis Courts, Pavement and Fence replacement, expansion of Court pavement approximately 20' to South; removal of 17 trees in the South per Brent Thompson and replace with 12 Cypress per Brent Thompson. Plant to the north of the fence 5 deciduous trees."

A parking lot south of the Tennis Center was added during the Madison School renovation along with lighting without COA, 1998.

The 1936 WPA shelter house was replaced with the present recreation building, 1970.

Fill added for installation of Riverside Drive, 1910 and 1938.

APPLICATION ITEMS: "New site furnishings, lighting, and planting in Leeper Park."

DESCRIPTION OF PROPOSED PROJECT: Under the direction of Venues, Parks and Arts, the work proposed to Leeper Park has been designed by Jonathon Mooney, RLA, LEED AP, Senior Landscape Architect with Lochmueller Group, having expertise with historic landscapes and specific to George Kessler's historic landscapes.

See Attachment A, Project Description:

1. Lighting
2. Interpretive sign design (content to be prepared at a later date)
3. Furnishings and garden ornaments
4. Planting design

STANDARDS AND GUIDELINES:

9.0 LANDSCAPES – STANDARDS AND CRITERIA FOR LEEPER PARK

9.1 Introduction

1. In these guidelines the verb Should indicates a recommended course of action; the verb Shall indicates those actions which are specifically required to preserve and protect significant architectural elements.
2. The intent of these standards and criteria is to preserve the overall character and appearance of Leeper Park including its spatial organization, topography, vegetation, circulation and features.
3. The standards and criteria acknowledge that there will be changes to the landscape and are intended to make the change sensitive to the historic character of the landscape.
4. Each property will be separately studied to determine if a later addition(s) and/or alteration(s) can, or should, be removed.
5. Since it is not possible to provide one general guideline, the following factors that will be considered in determining whether a later addition(s) and/or alteration(s) can, or should, be removed include:
 - a. Compatibility with the original property's integrity in scale, materials, and character.
 - b. Historic association with the property.
 - c. Quality in design and execution of the addition/alteration.
 - d. Functional usefulness.
6. Recreational facilities which exist should be allowed to remain as long as they serve substantial community functions. In some cases these features can be redesigned to be more compatible with the overall landscape.
7. Additions to existing recreational facilities shall not be allowed unless such additions make the facilities more compatible with the overall landscape.
8. The development of additional facilities for active recreation or single purpose uses for limited user groups shall not be allowed.
9. Proposals for special activities and events which cause significant impacts or require permanent or even semi-permanent (seasonal) structures or facilities shall not be permitted.
10. The Historic Preservation Commission of South Bend and St. Joseph County recommends that the work proposed to the landscape be executed with the guidance of landscape professional with expertise with historic landscapes.
11. The land, streets, island(s), street lighting, park lighting, topography, vistas, vegetation, architectural elements, structures, spatial organization, street furniture, sewer covers, electrical and water vault and/or manholes covers, parking areas are subject to the terms of the landscape guidelines herein stated.
12. Items under Historic Preservation review include but are not limited to the following:

9.2 Spatial Organization (includes, Views, Vistas, Landscape Spaces, etc.)

Refer to Sections 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 for additional Standards and Criteria that may apply.

1. Views and vistas are among the most important aspects of a landscape, therefore, they should be maintained and preserved.
2. All views, vistas, landscape spaces located in the eastern section and central section of Leeper Park shall be preserved. All views, vistas, landscape spaces located north and east and west of a line designated as the northern fence of the tennis courts located in the western section of Leeper Park shall also be preserved. This shall include the island(s) located in the St. Joseph River and the slough which lies between the island(s) and the mainland. All views, vistas, and landscape spaces shall also include the entirety of the riverbank as well as the area lying between the roadway of Riverside Drive up to and including the riverbank and cut stone wall along the riverbank.
3. Original or later contributing special organizational features shall be retained in their existing configuration and shall be maintained through proper drainage, access and erosion control, pruning and removal of invasive vegetation or otherwise using recognized horticultural and soil management practices.

4. Alteration of existing or addition of new spatial organizational features will be considered if they do not alter the basic concept of the historic landscape design.
5. Deteriorated or missing spatial organizational features shall be replaced with features that match the original in form, shape, color and texture.
6. When replacement of features is necessary, it should be based on physical or documentary evidence.
7. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
8. Important visual connections between spaces within the landscape shall be retained by maintaining vegetation, circulation and topography features which contribute to those visual relationships.
9. The historic spatial and functional relationship of circulation systems, water features and structures shall be preserved by maintaining the massing of adjacent vegetation, vistas, or other associated features.
10. Maintenance of removal or, and additions of vegetation materials and elements should consider maintaining existing or intended vistas and spaces, screening intrusions, creating new spaces where appropriate and maintaining defined areas of shade and sun.
11. The form and shape of individual spaces and their associated vertical element shall be retained in order to preserve the historic relationships of the landscape. Examples include the relationship between open fields and hedgerows or the width and length of an allee.
12. Moving or demolishing historic structures that would alter spatial and visual relationships in the landscape shall not be allowed.
13. Construction of new structures that would alter historic spatial and visual relationships in the landscape shall not be allowed.
14. Intrusive views or new construction may be screened with compatible fencing or plant material so long as the screening would not detract from the historic character of the landscape.

9.3 Topography (includes the Shape, Slope, Elevation, Contour of landforms and Ground Plane, etc.) Refer to Sections 9.2, 9.4, 9.5, 9.8, 9.9 and 9.10 for additional Standard and Criteria that may apply.

1. All locations and items listed in 9.2.2 shall also apply to this section and shall be preserved.
2. Original or later contributing topographical features shall be retained in their existing configuration and shall be maintained through proper drainage, access and erosion control, and recognized soil management practices.
3. Alteration of existing or addition to new topographical features will be considered if they do not alter the basic concept of the historic landscape design.
4. Natural features (e.g. rock outcroppings) which are integrated into the landscape shall be treated as part of the overall design and shall be retained.
5. Deteriorated or missing materials or features shall be replaced with materials that match the original in form, shape, color and texture.
6. When replacement of materials or features is necessary, it should be based on physical or documentary evidence.
7. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
8. Whenever appropriate, plant materials, rather than structural materials should be used to solve erosion problems. Repair of WPA island and slough stone construction projects is strongly encouraged.

9.4 Vegetation (includes Trees, Shrubs, Ground Covers, Hedges, Allees, Fields, Forests, Planting Beds, etc.)

Refer to Sections 9.2, 9.3, 9.5, 9.7, 9.8, 9.9, and 9.10 for additional Standards and Criteria that may apply.

1. Refer to Section 9.2.2 for items within this section which shall be preserved. Also included in this section shall be the diverse variety of trees, shrubs, bushes and other vegetation which may or may not be indigenous to this region. List of such types of vegetation can be in lists and inventories which were published in the annual reports of both the City of South Bend and the South Bend Park Commissions from the years 1910 to 1940.
2. Original or later contributing vegetation materials and features shall be retained in their existing configuration and shall be maintained through proper horticultural management practices.
3. Alteration of existing or addition of new vegetation materials and features will be considered if they do not alter the basic concept of the historic landscape design.
4. Deteriorated or missing materials or features shall be replaced with materials that match the original in form, shape, color and texture.
5. When replacement of vegetation materials or features is necessary, it should be based on physical or documentary evidence.
6. If using the same vegetation material is not technically or economically feasible, then compatible substitute vegetation materials may be considered if they convey the same growth habit, form, foliage and bloom characteristics as the historic plant.
7. Existing vegetation material shall be retained unless it is part of a later non-compatible design or is volunteer vegetation inconsistent with the original design.
8. Consideration for removal of existing healthy vegetation materials and features will be given when it is in conflict with the original design intent of the landscape, such as when an important vista has become overgrown or when plants have grown out of scale with their intended purpose.
9. Maintenance of, removal of, and additions of vegetation materials and features should consider maintaining existing or intended vistas and spaces, screening intrusions, creating new spaces where appropriate and maintaining defined areas of shade and sun.

10. Invasive vegetation shall be removed whenever technically feasible and shall be replaced with appropriate vegetation consistent with the original design of the park and with current factors such as security, ecological conditions, and wildlife management practices.
11. Hazardous plants or portions of plants should be removed promptly.
12. Plants with diseases that are difficult or not practical to control or cure should be removed promptly to prevent their infection of other plants.
13. Mutilated or distorted plants should be removed.
14. Plant replacements should be added on a schedule that will insure a continuity in the landscape design.
15. Existing vegetation shall be protected adjacent construction activities by fencing the root system prior to the start of construction.
16. Future plantings of the main floral garden in the central section of the park shall be guided by the design of the main floral garden as laid out by George Kessler in 1912.

9.5 Circulation (includes Roads, Paths, Parkways, Drives, Trails, Walks, etc.)

Refer to Sections 9.2, 9.5, 9.6, 9.8, 9.9 and 9.10 for additional Standards and Criteria that may apply.

1. The following shall be preserved: Riverside Drive, Lafayette Boulevard, Park Lane (Foote Street), Bartlett Street, the Alleyway east of Michigan Street running north from Bartlett Street, all sidewalks, curbs, pathways around the duck pond (west lagoon), stairways, pathways in and around the Sunken Garden, and the footbridge from the mainland to the island. Alteration or addition of Roads, Paths, Parkways, Trails, Walks, etc. shall be based upon physical or historical documentation of these items as they existed from 1910 to 1940.
2. Original or later contributing layouts of walks, roads, and paved areas shall be maintained.
3. Alteration of existing or addition of new circulation layouts will be considered if it can be shown that better site circulation is necessary, and that the alteration does not alter the basic concept of the historic landscape design.
4. When replacement of circulation layouts is necessary, it should be based on physical or documentary evidence.
5. Original or later contributing circulation materials and features shall be retained and, if necessary, repaired by patching, piecing-in or reinforcing the material or feature using recognized preservation methods.
6. Deteriorated or missing circulation materials and features shall be replaced with materials that match the original in size, shape, color, profile, form, texture, and detail of installation.
7. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
8. Alteration of existing or addition of new circulation materials and features will be considered if they do not alter the basic concept of the historic landscape design.
9. Consideration will be given to an alternate paving material if it can be shown that its properties will improve the original or later contributing design concept.
10. When replacement of circulation materials or features is necessary, it should be based on physical or documentary evidence.
11. Consideration for removal of existing circulation systems and features will be given when it is in conflict with the original design intent of the landscape or when they are no longer appropriate to their intended purposes.
12. No vehicles unless of or approved by the South Bend Parks Department shall be permitted on any part of the park surface at any time. Vehicles of American Electric Power and/or other vehicles of the City of South Bend, shall use predetermined routes to and from their destination, when said travel would cause them to cross any area of the park which is not paved and designed for vehicular traffic. Any damage caused by any vehicle, shall be repaired immediately to look as it did prior to said damage.
13. Encroachment of vehicles off the paved roadway of any area of the park shall not be permitted. Areas now used for vehicular parking which are not part of the historical design of that park shall be removed.
14. Construction of any type within the park shall be done so as not to disturb any feature of the park. Sheets of plywood or other approved material may need to be laid upon the surface of the park prior to construction equipment. Repairs which must match the original historic design concept shall be made in any and all circumstances of damage.

9.6 Water Features (includes Fountains, Pools, Irrigation Systems, Ponds, Rivers, etc.)

Refer to Sections 9.11 B, C, and D regarding treatment of materials and features; and Sections 9.2, 9.3, 9.4, 9.5, 9.7, 9.8 and 9.10 for additional Standards and Criteria that may apply.

1. Features which shall be preserved include: the duck pond (West Lagoon), the water pond in the Sunken Garden, the slough between the island and the mainland, all drinking fountains, pump houses, manhole covers, drainage grates, horse and dog fountain and path of the St. Joseph River in relation to the park.
2. Original or later contributing water features shall be retained and maintained.
3. Existing water courses or bodies should not be altered. Consideration will be given to proposals that improve site drainage, improve water quality, enhance the landscape design or improve wildlife habitat.
4. Alteration of existing or addition of new water features will be considered if they do not alter the basic concept of the historic landscape design.
5. When placement of water features and their materials are necessary, it should be based on physical or documentary evidence.
6. Original or later contributing water feature materials shall be retained and, if necessary, repaired by patching, piecing in, consolidating or reinforcing the material using recognized preservation methods.
7. Deteriorated or missing water feature materials shall be replaced with materials that match the original in size, shape, color, profile, form, texture, and detail of installation.

8. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
9. Alteration of existing or addition of new water features will be considered if they do not alter the basic concept of the historic landscape design.
10. When appropriate from an ecological perspective, dredging of waterways shall be permitted as a means of retaining historic waterways.
11. All wetlands shall be preserved.
12. All shorelines of water courses or bodies shall be protected from erosion in a manner in keeping with the basic concept of the landscape design.
13. Consideration for removal of existing water features will be given when it is in conflict with the original design intent of the landscape or when they are no longer appropriate to their intended purposes.
14. Some areas of Leeper Park are utilized for the pumping of water for the City of South Bend, and there exists both within the park and the St. Joseph River and on the island(s) wells, well-houses and other water supply entities. Repairs that may be necessary to existing services, or additions to existing services, or the sinking or additional new wells; all such work, installations and/or repairs shall return the disturbed areas(s) of the park, island(s) and the St. Joseph River to conditions of the park as in that time period 1912 to 1940. Any new installations of any type may be considered if the alteration does not alter the basic concept of the historic landscape design.

9.7 Furnishings and Objects (includes Benches, Lights, Signs, Drinking Fountains, Trash Receptacles, Fences, Tree Grates, Flagpoles, Sculpture, Monuments, Memorials, Planters, Urns, etc.)

Refer to Sections 9.11 B, C and D regarding treatment of materials and features; and Sections 9.2, 9.3, 9.4, 9.5, 9.6, 9.8, 9.9 and 9.10 for additional Standards and Criteria that may apply.

1. All items listed herein shall be preserved:
 - a. The Duck Pond (West Lagoon), including the Island in the lagoon, the Walls, Curbing, Fence, and Shelter House.
 - b. The Stone and Plaque of the DAR, with related Tulip and Gingko Trees.
 - c. The Concrete Stairway leading west southwesterly from the Duck Pond (West Lagoon).
 - d. The High Embankment on the west-southwest side of the Duck Pond (West Lagoon).
 - e. The Pump Houses, number 2 and 3.
 - f. The Edward B. Reynolds Horse and Dog Watering Fountain.
 - g. The Drinking Fountain in the south east portion of the central section of the park.
 - h. The central section of the park, the area of the large Floral Garden and Pathways as designed by George Kessler in 1912.
 - i. All Sidewalks on Lafayette Boulevard, Riverside Drive, Park Lane (Foote Street), Bartlett Street and Michigan Street.
 - j. The Retaining Wall on the western boundary of the western section of the park.
 - k. The Wall comprised of Cut Stone, which extended west-northwest and east-southeast from the southern approach of the Leeper Park Bridge.
 - l. The Log Cabin known as the Navarre House, and the footings of the cabin/house which was burned down.
 - m. All Drinking Fountains located in the eastern section of the park and/or on the island(s).
 - n. The Sunken Garden on the eastern section of the park, along with all the Vegetation, Pathways, Stairs and the Fountain and Statues.
 - o. The WPA walls and Sloughs(s) in the eastern section of the park and the adjoining St. Joseph River.
 - p. All Park Benches.
 - q. All Manhole Covers, Sewer Covers and Grates, and all Electrical Underground Vault and/or Raceway Covers.
 - r. The north/south alleyway east of Michigan Street, running north from Bartlett Street which used to run between Lot 'A' and Lots 13, 14, 15, 16, 17, 18, 19 and part of 20 of the Rockstroh Addition.
 - s. All Plaques, Monuments, Sculptures, Memorials, Planters, Urns, Curbing, Roadways, Marker Stones, Sundials, Well-Head Covers, Fences, Trellises, Pergolas, Pathways, and Trees.
2. Original or later contributing furnishings and objects, shall be retained and, if necessary, repaired by patching, piecing in, consolidating or reinforcing the material using recognized preservation methods.
3. Deteriorated or missing furnishings and objects, materials, elements, features and details shall be replaced with materials that match the original in material, size, shape, color, profiles, form, texture, configuration and detail of installation.
4. Alteration of existing or addition of new furnishings and objects will be considered if they do not alter the basic concept of the historic landscape design.
5. When replacement of furnishings and objects and their materials is necessary, it should be based on physical or documentary evidence.
6. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
7. Existing memorials, statues, monuments and fountains shall be carefully preserved and restored where necessary, maintaining the integrity of the original material and design. The work shall be coordinated with the Historic Preservation Commission of South Bend and St. Joseph County.
8. New furnishings and object should be designed using vandal resistant standards.
9. Location of signs shall be guided by a master plan.

10. Signs shall conform to a simple sign system.
11. Existing non-conforming signs should be removed.
12. All new monuments and fountains shall be placed so that they conform to and with the original historic landscape design of the park and park system.

9.8 Structures (includes Walls, Terraces, Arbors, Gazebos, Follies, Playground Equipment, Picnic Shelters, Plazas, Greenhouse, Steps, Bridges, Dams, Buildings, etc.)

Refer to Sections 9.11 B and D regarding treatment of materials and features; and sections 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.9 and 9.10 for additional Standards and Criteria that may apply.

1. The general intent is to preserve the original or later contributing structures that enhance the historic landscape.
2. Refer to Sections 9.2.2 and 9.7.1 of structures, elements and materials that need to be preserved such as wall, terraces, arbors, gazebos, follies, playground equipment, picnic shelters, plazas, greenhouses, steps, bridges, dams, building, etc. which shall be preserved.
3. Original or later contributing structures, shall be retained and, if necessary, repaired by patching, piecing in, consolidating or reinforcing the material using recognized preservation methods.
4. Deteriorated or missing structures, materials, elements, features and details shall be replaced with materials that match the original in material, size, shape, color, profiles, form, texture, configuration and detail of installation.
5. When replacement of structures is necessary, it should be based on physical or documentary evidence.
6. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
7. New addition/alterations to the landscape (such as: parking lots, comfort stations, buildings, etc.) shall be as unobtrusive as possible and preserve and original or later contributing landscape features.
8. Removal of non-historic structures from the existing landscape is encouraged.
9. Structures shall be protected from arson and other acts of vandalism through proper monitoring procedures and methods such as; permanent installation of smoke detectors, alarms, or other security systems, or temporarily boarding up windows and openings.
10. No building(s) shall be erected in the central section of the park; the western section of the park, north of the northern fence to the tennis courts; the eastern section of the park, west of the rear set-back of the north Pumping Station, or in the area north and east of the Log Cabin.

9.9 Archeology

Refer to Section 9.11 B and C, and D regarding treatment and materials. Refer to Sections 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 for additional Standards and Criteria that may apply.

1. The landscape should be surveyed for potential archeological sites prior to the beginning of any construction project.
2. Known Archeological site(s) shall be protected during any construction project.
3. Disturbance of the terrain within the landscape shall be kept to a minimum so as not to disturb any unknown archeological materials.
4. All planning, any necessary site investigation, or data recovery shall be conducted by professional archeologist.

9.10 Accessibility

Refer to Sections 9.11 B, C and D regarding treatment of materials. Refer to Sections 9.3, 9.4, 9.5, 9.6, 9.7, and 9.8 for additional Standards and Criteria that may apply.

1. A three-step approach is recommended to identify and implement accessibility modification that will protect the integrity and historic character of the property.
 - a. Review the historical significance of the property and identify character-defining features;
 - b. Assess the property's existing and required level of accessibility;
 - c. Evaluate accessibility options within a preservation context.
2. Because of the complex nature of accessibility, the Historic Preservation Commission will review proposals on a case by case basis. The Commission recommend consulting with the following document which is available from the Commission office: U.S. Department of the Interior, National Park Service, Cultural Resources, Preservation Assistance Division; Preservation Brief 32, "Making Historic Properties Accessible" by Thomas C. Jester and Sharon C. Park, AIA.

9.11 Architectural Materials

A. General

The Historic Preservation Commission of South Bend and St. Joseph County recommend that work proposed to the materials outlined in Sections B, C, and D be executed with the guidance of a professional building material conservator.

1. Removal of the speakers atop Pump House Number 3 is encouraged.

B. Masonry (Brick, Stone, Terra Cotta, Concrete, Stucco, and Mortar)

1. [intentionally left blank]
2. Original or later contributing masonry materials, feature, details, surfaces and ornamentation shall be retained and, if necessary, repaired by patching, piecing-in, or consolidating the masonry using recognize preservation methods.

3. Deteriorated or missing masonry materials, features, details, surfaces and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile and detail of installation.
4. When replacement of materials or elements is necessary, it should be based on physical or documentary evidence.
5. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
6. Original mortar shall be retained.
7. Deteriorating mortar shall be carefully removed by hand-raking the joints.
8. Use of mechanical saws and hammers shall not be allowed.
9. Repointing mortar shall duplicate the original mortar in strength, composition, color, texture, joint size, joint profile and method of application.
10. Sample panels of raking the joints and repointing shall be reviewed and approved by the staff of the Historic Preservation Commission of South Bend and St. Joseph County.
11. Cleaning of masonry is discouraged and should be performed only when necessary to halt deterioration.
12. If the building is to be cleaned, the mildest method possible shall be used.
13. A test patch of the cleaning method(s) shall be reviewed and approved on site by staff of the Historic Preservation Commission of South Bend and St. Joseph County. Test patches should always be carried out well in advance of cleaning (including exposure to all seasons if possible.)
14. Sandblasting (wet or dry), wire brushing, or similar abrasive cleaning methods shall not be permitted. Doing so changes the visual quality of the material and accelerates deterioration.
15. Waterproofing or water repellent are strongly discouraged. These treatments are generally not effective in preserving masonry and can cause permanent damage. The Commission does recognize that in extraordinary circumstances their use may be required to solve a specific problem. Samples of any proposed treatment shall be reviewed by the Commission before application.
16. In general, painting masonry surfaces shall not be allowed. Painting masonry surfaces will be considered only when there is documentary evidence that this treatment was used at some point in the history of the property.

C. Wood

1. [intentionally left blank]
2. Original or later contributing wood surfaces, features, details and ornamentation shall be retained and, if necessary, repaired by patching, piecing-in, consolidating or reinforcing the wood using recognized preservation methods.
3. Deteriorated or missing wood surfaces, features, details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile and detail of installation.
4. When replacement of materials or elements is necessary, it should be based on physical or documentary evidence.
5. If using the same materials or elements is necessary, it should be based on physical or documentary evidence.
6. Cleaning of wooden elements shall use the mildest method possible.
7. Paint removal should be considered only where there is a paint surface deterioration and as part of an overall maintenance appropriate protective coatings. Coatings such as paints help protect the wood from moisture and ultraviolet light and stripping the wood bare will expose the surface to the effects of weathering.
8. Damage or deteriorated paint should be removed to the next sound layer using the mildest method possible.
9. Propane or butane torches, sandblasting, water blasting, or other abrasive cleaning and/or paint removal methods shall not be permitted. Doing so changes the visual quality of the wood and accelerates deterioration.
10. Repainting should be based on paint serration studies. If an adequate record does not exist repainting shall be done with the colors that are appropriate to the style and period of the building.

D. Architectural Metals (Cast Iron, Steel, Pressed Tin, Copper, Aluminum, and Zinc)

1. All metal materials, features, details and ornamentation of the buildings in the park shall be preserved. This also includes all metal parts of all fountains, monuments, memorials, plaques, street lights, drinking fountains, etc.
2. Original or later contributing metal materials, features, details, and ornamentation shall be retained and, if necessary repaired by patching, splicing or reinforcing the metal using recognized preservation methods.
3. Deteriorated or missing metal materials, features, details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile and detail of installation.
4. When replacement of materials or elements is necessary, it should be based on physical evidence or documentary evidence.
5. If using the same material is not technically or economically feasible then compatible substitute materials may be considered.
6. Cleaning of metal elements either to remove corrosion or deteriorated paint shall use the mildest method possible.
7. Abrasive cleaning methods, such as low pressure dry grit blasting, may be allowed as long as it does not abrade or damage the surface.
8. A test patch of the cleaning method(s) shall be reviewed and approved on site by staff of the Historic Preservation Commission of South Bend and St. Joseph County. Test patches should always be carried out well in advance of cleaning (including exposure to all seasons if possible.)

9. Cleaning to remove corrosion and paint removal should be considered only where there is deterioration and as part of an overall maintenance program which involved repainting or applying other appropriate protective coatings. Paint or other coatings help retard the corrosion rate of the metal. Leaving the metal base will expose the surface to accelerated corrosion.
10. Repainting should be based on paint seriation studies. If an adequate record does not exist repainting shall be done with colors that are appropriate to the style and period of the building.

The Landscapes- Specific Standard and Criteria was financed in part with funds from the National Park Service, U.S. Department of the Interior, through the Massachusetts Historical Commission, Secretary of State, Michael Joseph Connolly, Chairman, and adopted for use by the Historic Preservation Commission of South Bend and St. Joseph County, Indiana, by permission of the Environment Department, City of Boston, Massachusetts, by Michael A. Cannizzo, Staff Architect, 1996.

SITE VISIT REPORT: N/A

STAFF RECOMMENDATION: Staff recommends approval of the proposed projects.

Report compiled by
Elicia Feasel, Historic Preservation Administrator

PETITIONER COMMENT:

Mr. Mooney 112 West Jefferson, Suite 500; Mr. Moyers 126 S St Louis: Mr. Silveus, 67635 M-62
Edwardsburg, MI

Mr. Moyers: Before [Mr. Mooney] takes it over, I would like to mention, we had originally wanted to do this in two portions, but I think we're going to have to come back for a third to finish off some of the information that is still not complete, like the river outlook. I wanted to give you that information. So we are not quite exactly in two sections.

Commissioner Hertel: Let's talk about the furnishing that you'd like to include. Where, why, what's the purpose of them?

Mr. Mooney: Are you talking about all of them, or something in particular?

Commissioner Hertel: I'm curious, – yeah.

Mr. Mooney: So, as you guys are aware, we are essentially recreating the central formal garden elements in the central section of Leeper Park. We don't have a lot of data, right, about that particular garden from the Kessler era. We know some things about it from aerial photography and other things but there isn't a lot of photo, like post card data, which I think is interesting, because there's a lot of post card data of, say, the sunken gardens in Garfield Park in Indianapolis, which was 1915 – same year, same designer: George Kessler. As you are also aware, we have the existing lavender garden and labyrinth that we are incorporating into the formal gardens and then, obviously, the installation of the Studebaker Fountain. So, just looking at Garfield Park and the restoration of that garden, that sunken garden in Indianapolis – I was very fortunate to be a part of that team as well when the restoration plan was being put together. That seemed like a good go-to place for a Kessler formal garden, because we have a lot more documentation for it. It is not uncommon to denote entry points of the formal garden with an object. In Garfield Park, for instance, there were urns, octagonal urns that insets in them, that were obviously custom made for that particular park. We don't really know if those types of custom-made garden ornaments existed here in Leeper. But wanting to enhance the formal nature of the garden, we did look at bringing in some limestone accents – the end of the garden, the water trough or horse trough will stay where it is, so kind of drawing that stone through the rest of the formal garden was kind of the design intent for that. So, we did select two shapes: we have an urn, basically a lidded urn. We also wanted to use stone accents that did not require, for instance like a planted urn. Just from a maintenance standpoint, VPA not wanting to water planted urns every day for six months during the summer didn't sound like a good idea from a maintenance standpoint. We did choose the Tivoli urn, which you have an image of, which occurs at the four corners of the entrance to the labyrinth, as well as the four

corners to the entrance to the fountain. So those areas I believe are called out in the information sheet in your packet. In the center we have a dual-walk in the center of the formal garden, and at those end points, we are showing a cast-stone ball finial, 17" diameter ball on a stand. Simple, both cast limestone; so affordable, as opposed to a carved limestone piece. So not concrete, it is very important that this looks and feels like limestone. And we thought it would enhance the formal nature of this very formal garden and provide some vertical element and interest.

Mr. Moyers: It was as close to the –

Mr. Mooney: Does that answer your question? You are nodding a lot, so, I can't tell if you are skeptical, or...

Commissioner Hertel: This is my normal face.

Commissioner Fisher: I love the urn, I think it has a great profile. It speaks *Art Nouveau* to me, which is the right Kessler period. It is sort of an unusual shape that I like a lot.

Mr. Mooney: It is, its very narrow at the base.

Commissioner Fisher: Are you afraid of them tipping?

Mr. Mooney: If you look at the detail, there's installation detail.

Commissioner Fisher: Is there a rod in them?

Commissioner Gelfman: Is it a rod, or a pedestal?

Mr. Mooney: There's a rod that goes into, yes, a concrete base.

Commissioner Fisher: So yes, you are worried about them tipping.

Mr. Mooney: So they install that way, and the ball finials, there's a little detail that shows that too, there's a pin with four stainless steel dowels into their concrete base. We looked at two different sizes, both of these – the *Tivoli* comes in two different sizes – and the ball actually comes in a dozen different sizes. So, I was driving my coworkers crazy, because I was printing these out full size, and taping them up all over the office. We have, kind of a drawing of the fountain, so we created also a drawing that shows the scale of the fountain and then also the scale of all these various elements, with the distance they would be from the fountain. Then I made two of my coworkers go to Leeper Park with me, with my full-size printouts, and hold them, like at the labyrinth, to see which one feels right. We kind of look at this exhaustively to make sure what we were picking was going to feel right, scale wise.

Specialist Toering: You didn't submit any photos of that.

Commissioner Hertel: Yes, we would have loved to have seen that.

Mr. Mooney: My coworkers holding the paper, it was really windy that day, too. Go ahead, [Commissioner Fisher].

Commissioner Fisher: Can you clarify – because there are two different benches, three different benches being shown – can you clarify where these benches are?

Mr. Mooney: We do have, have two benches, *Scarborough* benches, a backed version and a backless version, so it is the same bench, only there is a backless version which is on the screen right now, and then a backed version of the same bench.

Commissioner Fisher: But what about this one?

Mr. Mooney: Then, that one is a custom bench that is reminiscent of the benches that –

Commissioner Fisher: That you see in the postcards.

Mr. Mooney: – that are in the postcards, and those go along the outsides, the outsides of the formal garden paths.

Commissioner Fisher: I'm just trying to understand where this bench is versus where this bench is.

Mr. Mooney: There are six of these –

Commissioner Fisher: And which are 'these'?

Mr. Mooney: Those are the custom ones – on the outsides, and then the *Scarborough*, off-the-shelf ones are here, and then here.

Commissioner Fisher: Why are those ending up basically side-by-side? What's the rationale of having two different styles?

Mr. Mooney: We wanted to recreate the custom ones – if you look at one of the post cards that I included, you can see them lining the –

Commissioner Fisher: They have such a profile to them, and they are so close to these other ones, which I realize they are somewhat similar. So I am just curious why –

Mr. Mooney: The commitment was made by VPA to provide benches at the fountain. That was part of the contract between VPA and the Fountain Committee, that these benches –

Commissioner Hertel: These benches?

Mr. Mooney: No, the *Scarborough* ones, would be included around the fountain plaza. So that was a commitment that was made a long time ago when this fountain thing started happening.

Commissioner Hertel: Wouldn't the –

Commissioner Fisher: Can you clarify that the—

Mr. Mooney: The Fountain Committee has sold the benches.

Commissioner Fisher: So, benches that we needed to approve were already chosen without approval.

Mr. Mooney: No, no, no. I'm just saying that [Ms. McIntyre], someone has given \$5,000, and they get a bench plaque on the back. It can be any bench, it doesn't need to be this bench. But she sold – as part of her fundraising – backless and backed benches. So, I guess, technically, yes, what you are saying is true. Benches were sold to be part of the fountain before you knew that benches were going to be there.

Commissioner Annis: I feel like the donors would much rather have their money go towards something that is historically appropriate, rather than –

Mr. Mooney: Some of the donor plaques will actually be on the custom benches, as well.

Commissioner Hertel: I would agree, these are much more historically appropriate.

Commissioner Fisher: Is there an enormous cost difference between these two benches?

Mr. Mooney: Yes, actually.

Mr. Moyers: Is there a size difference, also?

Mr. Mooney: Probably double. I think the custom ones are double – double the cost.

Commissioner Fisher: It says 'eight,' the long ones –

Administrator Feasel: Can you talk [about] what benches already exist in the park, so we know how these will relate.

Commissioner Fisher: Are any of the existing benches staying?

Mr. Mooney: In the center section there are none. There's one concrete with wood slats, there's one of those that exists in the center section –

Specialist Toering: Close to the river.

Mr. Mooney: Yes – that will be removed. On the tennis court side, there are black, powder-coated benches, very similar to the style, to these. And on the east side –

Commissioner Fisher: Where are they near the tennis courts?

Mr. Mooney: You know the curved walk, on the south side of the tennis courts? There are benches that are along that existing walk. And there are benches by the Zigler Pavilion. Black, powder coated.

Commissioner Fisher: Are any of those benches staying?

Mr. Mooney: Yes, all are staying.

Mr. Moyers: The idea with the benches around the fountain is that they are very similar to what already exists in the park. That was one of the selection criteria that we used. The custom designed benches are a new element for the *allée*, they are much more attractive. I wish we could use them across the entirety of the park, and that's how the selection process is shaking out.

Commissioner Fisher: But the selection process involves us.

Mr. Moyers: I know. It does. That's how we got there.

Commissioner Hertel: I would be more inclined to put these throughout. Leave what is there, wherever they are leaving – these powder coated. Leave those. Put something that is more accurate around.

Administrator Feasel: It looks like there are maybe twelve in the plan, and you said it doubles the cost. My personal feelings on that are, the custom benches are pretty big, you won't get the same transparency by the fountain that you would get from a backless bench or a smaller bench.

Mr. Mooney: That's legitimate.

Commissioner Hertel: [referencing the diagram] The pinks are the backed, the blues are the backless... it's not even –

Mr. Mooney: The four outside ones are backed, the eight inside ones are – six, rather –

Commissioner Fisher: Depending on how you see outside.

Mr. Mooney: Yes. Each quadrant is the same, they are organized the same in each quadrant.

Commissioner Hertel: Why the two different styles, the backed, and the backless?

Mr. Mooney: That decision was made by VPA to [Ms. McIntyre] for both styles.

Mr. Moyers: I think that it would also make the fountain more visible.

Commissioner Fisher: I think that is something that [Administrator Feasel] mentioned.

Commissioner Hertel: So why not go with all backless?

Commissioner Fisher: That's sort of my question.

Commissioner Hertel: Because then you are uniform.

Commissioner Fisher: Then you don't have a backed bench that is sort of similar to the bench that is very close to it that is custom and unique.

Mr. Mooney: I am totally 'ok' with that, personally.

Commissioner Fisher: I don't inherently have a problem with the fact that there are different ones–

Mr. Mooney: [Ms. McIntyre] has sold backless and backed benches, so that could be a conversation that VPA should have –

Commissioner Hertel: Sounds like [Ms. McIntyre] should have probably approached us before that...

Mr. Moyers: We can deal with [Ms. McIntyre] later, we need to get this...

Commissioner Annis: Maybe they could get a bench and one of the little... this little guy [indicating a cast limestone element].

Commissioner Fisher: I want faces on the balls.

Mr. Mooney: How about all the benches around the fountain be backless – it'd be clean and it would provide views of the fountain throughout that area.

Commissioner Fisher: That would be my position as well – then you don't have that situation where you see these benches, the two backed-styles.

Commissioner Hertel: Make sure we are hitting everything here.

Commissioner Fisher: Yeah, I know, there's a lot.

Commissioner Gelfman: But as a reader, if I was going to go to the park and read, I would want a back, or something.

Mr. Mooney: And you could sit in the big custom benches.

Commissioner Fisher: There isn't a lack of benches with the backs on them. So, I don't personally have an issue with the trash cans.

Administrator Feasel: So, what's there now?

Commissioner Fisher: The gorgeous – you mean the barrels? They are barrels. They are barrels.

Mr. Mooney: These trash cans, they are the same family as the bench. So they are all the *Scarborough* family.

Commissioner Fisher: It's not like there is a historic trash can to look at.

Commissioner Hertel: Hold your roll there – it is written – it was in the Leeper Park Standards and Guidelines.

Commissioner Fisher: But have you seen what that represents?

Commissioner Hertel: I know.

Administrator Feasel: It's a barrel.

Commissioner Hertel: It's a barrel. Yeah, I'm ok with the trash can.

Administrator Feasel: Would you like to go down an itemized list? Number one is lighting. And I know we need to talk about that, too. For a couple of reasons.

Commissioner Hertel: So, this is what is in there right now, correct?

Mr. Mooney: That is correct.

Commissioner Hertel: And this is what – I'm sorry, this packet is so large, and I'm...

Mr. Mooney: That is what we are putting in –

Commissioner Hertel: You are putting something exactly like this?

Mr. Mooney: We are actually using poles that the city has in their stock, and the poles will match.

Commissioner Hertel: Perfect.

Mr. Mooney: And we are using, basically – and I have the spec sheet of the actual light head – LED light source.

Commissioner Hertel: So, does that mean you will be switching out what is already there for LED?

Mr. Mooney: No. Only the new ones will be LED. And we have sixteen, total.

Commissioner Fisher: And, there was a lot of strong feelings on the part of the neighborhood of the color temperature of those lights. And there were poles installed at the top of the hill that the neighborhood responded to pretty strongly. Do we know if those were ever swapped for a different bulb, and if they are happy with them now? Is this that bulb?

Administrator Feasel: Yes. The color temperature is the same – I think it was 2900 is what we specified in Riverside Drive, and these are 3000k.

Mr. Mooney: 3,000 – which is the warmest LED – it comes in three, four, five. This is the brightest.

Commissioner Fisher: I'm just trying to understand – was there feedback from the neighborhood when that happened, and is that color temperature – has it been received pretty well?

Administrator Feasel: Twenty-nine is the color temperature that they wanted, and I can't say that I've heard any complaints since its been installed. I called [Mr. Moyers] this morning to discuss the existing poles in the city's stock. We have some more investigation to do on that, and this is all probably brand new to [Mr. Mooney] and [Mr. Silveus], so, bear with me here. Back in 1995, the city removed original light poles on Riverside Drive just beyond Leeper Park –

Commissioner Gelfman: –in the River Bend Local Historic District.

Administrator Feasel: –and we suspect that the poles that are in the city's stock are those lampposts.

Mr. Moyers: Or at least a portion of them.

Administrator Feasel: –or at least a portion of them. I don't know how many we have in stock, we believe that the poles very well may be the poles that were removed, and there was a committee at the time – it was actually led by Commissioner Gelfman – to have those poles replaced, because they put replica poles.

Commissioner Gelfman: They are not.

Administrator Feasel: Different poles in. [Commissioner Gelfman] has been working to get the original poles back in, and in fact, we have a letter dated in December of last year where [Commissioner Gelfman] asked [Specialist Toering] and I to look into it, and asked our bosses also to look into – and we didn't actually pass it along to VPA, so you wouldn't have known this, and [Mr. Silveus], you as well. So, what we are making a recommendation for is to approve that style of lighting, but the details as to if you will use those lamps, or those poles, or if you will have a replica pole, to be used. So, we are not saying – 'we know these poles are from Riverside Drive, but we are going to allow them to be installed in Leeper.'

Mr. Mooney: So, you don't want – if they are Riverside Drive poles, you do not want them.

Administrator Feasel: Yeah, we don't –

Commissioner Gelfman: Can I say, I know for a fact that they are our poles, because I saw where they were taken to. Because, I know.

Mr. Mooney: I'm ok with that – because the intent was, we were going to use the city's stock to avoid lead time. And the contractor was going to order sixteen new poles to put back. So, if we don't use the sixteen poles, the contractor is ordering the new poles anyway.

Commissioner Gelfman: We do know that they will need to be rewired, and new lights put in, properly.

Mr. Moyers: The existing poles?

Commissioner Gelfman: Yes.

Mr. Mooney: If it's preferred to be using the new poles, the contractor is ordering the new poles anyway.

Mr. Moyers: What we are asking the HPC for is not the permission to use those poles, it is to use a pole of that style. The internal details are of how we will make that work. We may be drawing from city stock, or we may wait until the new ones are delivered. The idea is to go ahead and cut the lead time, as well as to limit unnecessary expense. It is not to pillage any other project. We will keep that in mind.

Commissioner Hertel: Would that be something that maybe you guys would be willing to have [Administrator Feasel] partner in?

Mr. Moyers: Absolutely. She's already talked to me about it.

Commissioner Hertel: That way, I think we would be a lot more comfortable about this.

Mr. Moyers: I'm more comfortable for VPA not to get their fingers in that pie.

Administrator Feasel: I've made a commitment, after talking to [Mr. Moyers] today, to work with Engineering on the details of this project, and hopefully we can these reinstalled and back in.

Mr. Mooney: The pole in the picture that is in the packet – that pole right there – is indeed a new pole, and it is the exact size, manufacture, and color of what we have specified.

Administrator Feasel: Have you confirmed this—

Mr. Mooney: That pole actually has a little plate on it that says manufactured, and a file number.

Commissioner Fisher: Is that the extent of the lighting, or are there other lights?

Administrator Feasel: We are removing cobra-heads.

Mr. Mooney: Yes. The existing cobra-heads within the park will be coming down and then we will be putting these poles up. There are eight of those running down – four on each side of the formal garden. And then there are is an additional eight running through the central section of the park.

Mr. Silveus: We removed as many as we could, do we have a few cobra-heads remaining?

Mr. Mooney: There's – not within the park, but there are a couple of cobra-heads along Riverside, that we aren't able to take down.

Mr. Silveus: It's an issue with the way they are fed.

Administrator Feasel: It's not that we are mandating it, we are just celebrating that you are removing as many as –

Mr. Mooney: Within the center section of the park, no more cobra-heads in the park.

Mr. Moyers: This does meet the 'dark sky' specifications that VPA has adopted, not just for the neighborhood. Less impact on that.

Administrator Feasel: I'd love to see that policy, actually.

Commissioner Hertel: Interpretive sign design.

Commissioner Fisher: Yeah, I feel like I didn't understand what I was looking at. Let me find it, there's a drawing of it.

Mr. Mooney: Yes, there are two drawings. One of them has more detail than the other. It shows some people standing.

Commissioner Hertel: This one here?

Mr. Mooney: Yes, it has little people for scale.

Commissioner Hertel: It looks like she is writing on a chalk board.

Mr. Mooney: It's essentially an aluminum construction, black, square tube, legs, with an aluminum panel between, with a decorative top plate that sticks out. If you look at the top plan, you can see the two right above it, the two posts. The panel between.

Commissioner Fisher: Where are they going?

Mr. Mooney: There are three of them, we do not have specific locations on the plan. The intent was to do three signs – a sign, all of them adjacent to a sidewalk. One of them interpreting Kessler and his Leeper Park design. One of them interpreting the former Duck Pond –

Commissioner Fisher: So they are contextual. They will say, "The Duck Pond used to be here."

Mr. Mooney: Yeah, and a third one will be an interpretive sign for the Studebaker Fountain and the history of that and how it came to be in Leeper Park. Typically what we do for bid-packages, we design the sign and then we say we will provide the sign manufacturer with camera-ready artwork later. So the next step, when the contractor is going to install these, is when we layout all of the content and imagery, working with whoever historians and all that great stuff. And then I'm assuming that we would come back with the actual sign content, saying "this is the interpretive sign."

Mr. Moyers: Yes. We had hoped to have it ready for this meeting but...

Commissioner Hertel: Content.

Mr. Mooney: We never have that ready by bid time – we do that later. It's not important for bidding the job. The content is...

Specialist Toering: Has the contractor for that been determined?

Mr. Silveus: Open bids.

Specialist Toering: The only reason I bring this up is that – one of the seminars I sat in on last week was about interpretive signage for the Scenic Byways across the state, and they had issues where the contractor typically did interior signs, and within the first year, the signs pretty much exploded. So – never really thought about exterior signs, because we typically don't have to worry about exterior signs.

Mr. Mooney: I've done a lot of exterior signs on other projects, so I am comfortable doing it.

Commissioner Fisher: The profile on the top of the sign seems... pretty 'zoomie'?

Mr. Mooney: It is 'zoomie'. Do you know what it is?

Commissioner Fisher: No.

Mr. Mooney: It's the curve of the river, along Leeper Park.

Commissioner Hertel: That's very modern. I would be more inclined to a sign such as the historic markers that have the scroll –

Specialist Toering: There's one in –

Commissioner Fisher: Chapin Park.

Mr. Moyers: There's also one –

Commissioner Hertel: Porter-Rae Cemetery has one.

Administrator Feasel: Are you talking about the –

Inspector Szaday: State Markers?

Commissioner Hertel: State-style markers, yes.

Commissioner Fisher: They just seem really modern. We're doing limestone piece and these—the recreations of the bench. To me, they just don't fit.

Commissioner Hertel: Yeah, I appreciate the signage, because I think that city has neglected its areas in telling people why an area is important to us.

Mr. Moyers: Are you ok with the two legs?

Commissioner Hertel: What does the state sign—is that a single? It's a center pole, it kind of comes.

Commissioner Ponder: The sign that was in Howard Park to explain Howard Park, that was kind of flat—

Mr. Moyers: The table style – it was somewhat flat.

Commissioner Fisher: It says, ‘1975.’

Mr. Moyers: I don’t think you want that.

Commissioner Ponder: No dice.

Commissioner Hertel: Like I said, I like the sign – we need the signage.

Commissioner Fisher: In those places, that’s not my issue.

Specialist Toering indicated to images available on the internet of State Historic Markers.

Specialist Toering: This is administered by a program down state.

Commissioner Fisher: Would there be an issue with using a sign in that format?

Commissioner Hertel: I can’t image that the style would be copyrighted? I just wouldn’t put the [shape of the] state.

Commissioner Fisher: It’s not a historic marker.

Mr. Mooney: You just don’t want that shape.

Commissioner Fisher: I think that people identify that shape more with historic markers, and – I’m not personally attached to doing that shape, I just don’t like [the submitted shape]. I can think about that as a reference to the river when we talk about it, but on the whole it just looks very ‘zoomie’, modern shape. And we are going to all these lengths to restore something so that it looks a hundred years old, but this doesn’t look a hundred years old. So that is what bothers me. So, I’m not going to tell you what it should look like, but – I don’t like it.

Mr. Moyers: --but it’s not going to look like that.

Commissioner Fisher: I understand the impulse to go, “oh look!”

Administrator Feasel: So what is your flexibility to, still going with –

Mr. Mooney: We’re just going to have a bid price on this Thursday, so we can redesign it anyway we want to it, within the price we have.

Commissioner Gelfman: So the one that is all the way on the right?

Commissioner Hertel: So, something, that when you look at it – you know, this is a historical area.

Commissioner Fisher: And it does evoke the time period we are talking about evoking. But again, I don’t want to say what it does or doesn’t look like, I just don’t think –

Commissioner Hertel: Is there a reason you designed it with two legs? You asked about that. Is there are reason that you are focused on that?

Commissioner Fisher: Is one more stable than the other?

Administrator Feasel: I feel like I should know this, or someone should – are there any existing markers throughout Leeper Park that we could draw from?

Mr. Moyers: There’s the one for the scent garden over on Leeper East—

Administrator Feasel: Anything captivating about it?

Mr. Moyers: No.

Commissioner Fisher: Is there signage for the Rose Garden?

Mr. Moyers: No. Not yet.

Commissioner Gelfman: No. There used to be, but not anymore.

Administrator Feasel: There are three being proposed now, but that’s not to say you couldn’t move to add more in the future. So, if this sets a precedent of what they will look like.

Mr. Mooney: Meanwhile, in the next package, at the River Overlook? There will be a sign there as well, about the River and the Bridge. So that, in the overall master plan there’s additional signs like in the East End and other things.

Administrator Feasel: So whatever style is approved for this will probably hold throughout.

Mr. Moyers: The precedent will be set for future signs.

Commissioner Hertel: Chapin Park has signage – does Leeper Park have its own signs? In the area?

There's nothing up there right now.

Commissioner Fisher: Not specifically.

Mr. Moyers: The Pierre Navarre cabin has a plaque, but... the cabin may not be remaining, so –

Commissioner Fisher: The sort of bronze plaque.

Mr. Mooney: That's not been anything I've ever been involved in, so... ignore what this man said for the purposes of today.

Commissioner Fisher: Can we move on to [unintelligible] design?

Mr. Moyers: Can we agree that we would like to see a more classic design?

Commissioner Hertel: Yes. I want to ensure before we move on – who has final say on the content?

Mr. Moyers: I think the HPC has the final say on the content.

Commissioner Hertel: I do—

Mr. Mooney: I don't—

Commissioner Hertel: You don't think the HPC has the final –

Mr. Mooney: No, I just didn't know if that was a Staff thing, or if that would require another meeting...

Mr. Moyers: I think that's something we've agreed on, when it comes to the signage it's best, that we will have to have you involved in that process.

Commissioner Hertel: Yes, thank you.

Administrator Feasel: Furnishing and garden elements – I think you've talked about everything there. Next is plantings.

Mr. Mooney: Plantings...

Commissioner Hertel: And so these are... what's proposed or what is there, or both?

Mr. Mooney: The final plans are included, on pages 25, 26, and 27, 28, and 29.

Commissioner Hertel: Hang on. I think I went past it. Tree shrubs and perennial. I believe that the Standards and Guidelines say, that if it is a native species that it is acceptable to be planted.

Mr. Mooney: All tree and shrub material that is pictured here is all native and it all appears on the Department of Natural Resources flood plain mitigation approved plant list. Some of them are cultivars of the native, but native, nonetheless. So, everything selected tree wise is meets the criteria for flood plain mitigation and restoration. The formal garden planting will not be native.

Mr. Moyers: Exclusively native.

Commissioner Fisher: Because it might flood. The *allée*, basically.

Mr. Mooney: All of the perennial beds will be –

Mr. Moyers: None of them will be on the invasive species list of the city, the Natural Resources Management team have been involved –

Mr. Mooney: Right now we have the bodies and the shapes and I'll be working with VPA's horticulture team to determine final selections based on maintenance needs for the ability for VPA to maintain a fussier, formal garden space. I'm going to volunteer to live downtown to become the volunteer Leeper Garden coordinator. Depending on how this goes, you might see me Saturday, pulling weeds.

Mr. Moyers: You think I'm going to forget that?

Commissioner Gelfman: The Triumph Elm – that's not one of the Elms that gets the Dutch Elm disease?

Mr. Mooney: It is not. You know, the American Elm is back with a vengeance. The Morton Arboretum in Chicago has created a series of Morton Arboretum Elm Trees that are disease and bug resistant, so we are using them again. I'm actually doing a project with the Illinois Tollway on several miles of I-88 in Illinois, and we're using several Morton Arboretum Elms

as plantings on that, they have bred these to be disease and insect resistant. They are actually great – the American Elm is the perfect tree for streets or parks or anywhere.

Commissioner Fisher: Am I right in reading this, that most of the plantings outside of the *allée* are trees? Are there any non-trees in that group?

Mr. Mooney: Correct, everything is. The only place outside of the formal garden that there are additional non-tree plants are in the two art nodes at the intersections of the walk on the west and east sides of the formal garden, there's a little circular –

Commissioner Fisher: And what is, what is that going to be?

Mr. Mooney: Those will be perennials or grasses – species to be determined. A big circle full of them.

Commissioner Fisher: But a lower, eye level –

Mr. Mooney: Correct. You'd be able to see under all the trees and over all the perennial plantings so we don't really have that visually blocking the mid-layer. In the Historic Preservation nomination form for the National Register, it specifically mentioned that something that was missing and lacking was a flowering layer of trees. Which, essentially there's not, but there would have been in Leeper. So, we have incorporated several different species of flowering trees that will be flowering at different times, different kinds of flowering trees. That was something that I thought was important to bring back – that layer of color.

Administrator Feasel: I appreciate that level of detail, the guidelines – because they were – comprehensive.

Mr. Mooney: That's what we do, that's what I do, right? All really good, native species. Lots of interest, lots of color. Big oaks.

Commissioner Gelfman: That's great.

Mr. Mooney: By next spring, it'll be a big beautiful, flowering thing.

Mr. Moyer: The first year, it may not be that – but the second.

Mr. Mooney: The trees will go in the fall, the first spring will be next year.

Administrator Feasel: And that concludes the application items.

Commissioner Fisher: Can we consider this in four application items? Do I need to make a motion?

Commissioner Fisher made a motion to separate the project into four components. Seconded by Commissioner Annis.

Five in favor, none opposed.

Vote: 5 – 0. Motion to separate the project into four components passes.

PUBLIC DISCUSSION: N/A

Commissioner Hertel made a motion to approve application #2019-0402 'Leeper Park', section I, 'Lighting', with the stipulation that staff is a part of the process. Seconded by Commissioner Fisher.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve application #2019-0402, section 1 with conditions is approved.

Commissioner Fisher made a motion to approve application #2019-0402 'Leeper Park', section II – to approve the location of the proposed sign, but not the sign design at this time, and that the content be brought back before the Commission. Seconded by Commissioner Ponder.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve application #2019-0402, section II with stipulation is approved.

Commissioner Annis made a motion to approve application #2019-0402 ‘Leeper Park’, section III, ‘Furnishing and Garden Ornaments’, to approve as presented, with the exception of the backed, non-custom metal benches around the fountain – we request that the benches be the backless benches, only. Seconded by Commissioner Hertel.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve application #2019-0402, section III with conditions is passed.

Commissioner Ponder made a motion to approve application #2019-0402 ‘Leeper Park’, section IV, ‘Planting Design’ as submitted. Seconded by Commissioner Fisher.

Five in favor, none opposed.

Vote: 5 – 0. Motion to approve application #2019-0402, section IV as submitted is passed.

Mr. Moyers: Thank you, Commissioners!

Mr. Mooney: We’ll see you next time!

Commissioner Fisher: When did the playground move?

Commissioner Gelfman: [Administrator Feasel], do you know when the playground moved to its current location?

Commissioner Fisher: The playground is different in these plans then when we last saw it.

Mr. Mooney: So, originally it had gone all the way across, and now it is just that, there.

Commissioner Gelfman: Kind of ‘curved.’

Mr. Mooney: Correct.

Administrator Feasel: I pointed that out to you... without going through an actual over-lay, I do recall it spreading all the way across the tennis courts. Is that something you could share with me, a side-by-side, to show how it has changed.

Mr. Mooney: This is just the first phase of the playground, there will be an additional ‘pod’ with play equipment.

Commissioner Fisher: What age group is that play equipment? Wasn’t the staging by age group?

Mr. Moyers: There are three groups.

Mr. Mooney: This is both, actually – it’s some equipment for each age group.

Mr. Moyers: It’s my understanding, we may need to do a fourth appearance – perhaps we can do it through staff – for the final one on the signs, we need to come back for the text on the signs, the actual text may be more than a month out. Staff can do a formal presentation...

Mr. Mooney: I’ll come back every month.

Commissioner Fisher: I think you are.

Administrator Feasel: We are already planning our costumes for July 21st, so...

Commissioner Fisher: Are you now?

Administrator Feasel: It’s a range – 1906 to 1940-something. It’s quite a range.

Mr. Moyers: Bring your hard hat and rubber boots. It’s going to be a construction site. We’ll have a party, but it’ll be a construction site.

Mr. Mooney: I was told I wasn’t invited to the party because I wasn’t a donor. All my blood, sweat, and tears over the last year?

IV. PRIVILEGE OF THE FLOOR

Eric Stalheim, 902 E Washington, South Bend, IN: They were able to save the structure of Notre Dame [Cathedral in Paris, France]. The towers still stand, I think they only lost a handful of vaults. Most of the stone work is still in place.

Specialist Toering: While we are on the subject of that, Rheims Cathedral – and I may be saying that wrong – was extensively burned out during WWI, and they are contemporaries, so it has been rebuilt.

Mr. Stalheim: President Macron has pledged that they will do whatever it takes to rebuild it.

Commissioner Fisher: The last one took only 400 years.

Mr. Stalheim: There's an initiative to make it faster.

V. REGULAR BUSINESS

A. APPROVAL OF MINUTES

1. N/A

B. STAFF REPORTS

1. **Administrative Approval Reports** – Distributed. Staff summarized Administrative Approvals for the Commission's benefit.
2. **Commissioners requested that Staff investigate establishing a policy for the renewal or extension of Certificates of Appropriateness.**
 - a. Commissioner requested that application fees be taken when applicants request that expired projects be renewed.
 - b. Commissioner Gelfman requested a fee sheet.

C. COMMITTEE REPORTS

1. **Disposition of HPC Assets**

- a. Administrator Feasel explained where we are in the process, where particular objects and items will be distributed to.
- b. Commissioner Fisher stated that a meeting needs to happen, and it will be scheduled soon.
- c. Legal Counsel Kennedy explained that a list of items to be distributed needs to be generated, this list will be presented to the Board of Public Works.
- d. Commissioner Fisher stated that she will plan to come over and work with the list.

D. Standards and Guidelines Update

1. **Velvet Canada is still on the Committee despite her resignation.**
2. **Administrator Feasel requests a Committee meeting in the near future to discuss new developments:**
 - a. Staff has received a grant for \$2,500 to pay for an industry professional / consultant to come and speak to the local historic districts.
 - b. Indiana Landmarks is working on a template / form-based code version to assess and impose standards on sites. Students in a Notre Dame Architectural class may be included in this process as a learning exercise.
 - c. Staff has concerns about the accuracy and validity of the ratings of our historic properties.

E. Standing Committees – Distributed

1. **Everyone is on three committees, and everyone is a chair.**
 - a. Commissioner Ponder is not a standing Committee Chair.

2. Two additional Special Committees

- a. Disposition of Assets
- b. Standards and Guidelines

VI. OLD BUSINESS

A. LEAD PAINT GUIDELINES

1. Commissioner Gelfman asked to table it until next meeting.
2. Administrator Feasel stated that she would distribute the Lead Abatement and HUD standards to all of the Commissioners.

VII. NEW BUSINESS

- A. Commissioner Fisher asked about a property on the 1300 block of Jefferson Boulevard that is not in the East Wayne Local Historic District.
- B. Commissioner Fisher asked questions about the property at the corner of Arch and Lincoln Way East in the Edgewater Local Historic District which Code Enforcement has requested a 'demo order' on.
 - a. Inspector Szaday gave a brief update on the property (which is for sale).
 - b. Sale of the property is complicated because of the demo order.
 - c. A \$15,000 performance bond is required to relieve the demo order.
 - d. Staff is expectant that this structure will come before the Commission for demolition.

VIII. ANNOUNCEMENTS AND MISCELLANEOUS MATTERS

- A. Commissioner Gelfman requested additional information regarding 417 W Navarre.
 - a. Specialist Toering explained the recent history of the property, including working with the bank's property manager.
 - b. An administrative approval has been generated for the chimney repair.
 - c. Staff is optimistic that a buyer will be located.
- B. Commissioner Hertel asked about quorum concerns, as she will not be present at next month's meeting (on May 20th). Commissioner Fisher may also not be in attendance.
- C. Specialist Toering briefly discussed recent visits to the collapsed property on Tutt and the Marycrest Singer Hammes building on Western, neither of which are immediately of our concern, but are both historically significant buildings that exhibit extensive deferred maintenance concerns.
- D. Commissioner Hertel brought up the Walker Field House.
 - a. Administrator Feasel explained the recent history of the property and its condition, including the recent site visit report and assessment that Inspector Szaday and intern Eric Stalheim generated.
 - b. Venues, Parks, and Arts maintenance staff are interested in taking the building down based upon deferred maintenance. City administration officials are interested in the long term preservation of the structure.
 - c. The structure is not a Local Landmark; it is a contributing asset to the local 'Works Progress Administration' National Register multiple resource listing.
 - d. The Commission could put the structure under interim protection. There is no immediate threat to the structure at this time.
 - e. VPA does plan to add additional activity improvements to that immediate park area.

IX. ADJOURNMENT

Commissioner Hertel made a motion to adjourn. Seconded by Commissioner Fisher.

Five in favor, none opposed.

Vote 5 – 0. Meeting adjourned at 8:52 pm.

Attest:

Seran D. Ponder

~~Greta Fisher~~, Secretary

Seran D. Ponder

7-15-19

Date

