

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 10, 1992

Mr. Foland called the meeting to order at 7:30 P.M.

Attendance: Mr. Arthur Foland, Acting Chairman; Mr. Peter McMahon; Mr. Stanley Swartz; Mr. James Durham. Absent: Mr. Robert Hosfeld; Mr. Bernard Samples; Mr. Scot Stone. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. David Eubank, City Attorney.

MOTION: Mr. Swartz moved to excuse Mr. Hosfeld from the meeting as he gave notice prior to the meeting. Mr. Samples and Mr. Stone gave notice prior to the meeting indicating their conflict of interest with the single item on the agenda. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

Approval of the minutes of October 27, 1992:

MOTION: Mr. McMahon moved to approve the Planning Commission minutes of October 27, 1992, as written. Mr. Foland seconded the motion. The motion was approved unanimously 2-0-2 with Mr. Durham and Swartz abstaining.

PUBLIC HEARINGS

Centerville United Methodist Church - Appeal of BAR Decision

Mr. Schwab reviewed the Appeal application submitted by the Centerville United Methodist Church requesting the Planning Commission to overturn a decision of the Board of Architectural Review (BAR) which denied the approval to demolish the structure at 59 East Franklin Street also known as the Joseph McCracken House. He stated that one of the purposes of the Architectural Preservation District (APD) Ordinance that is applicable in this case, is to protect historic and architecturally significant buildings with the APD. There is no disagreement with the parties involved that this is a historically significant building within the community. It was built in the 1850's and with some modifications, those being the addition of the garage and connector to the house.

There are four standards in the APD Ordinance to determine that a property or building can be demolished. Of those four issues, the one that has been raised in this application by the Church is that the rehabilitation of this building is not economically feasible. Further, the burden of proof, according to the standards in the Ordinance, is on the owner to prove to the satisfaction of the City that the rehabilitation of this building is not economically feasible. In researching that issue, as a City staff, the City hired Landmarks Architecture to do a analysis of the economic

feasibility of rehabilitating this building. That report submitted to the City on September 1, 1992, in summary concluded that in the minds of the preparers of the report, that it is economically feasible to rehabilitate this building. This same property along with the two adjacent properties at 47 East Franklin Street and 10 Maple Avenue were the subject of an application for demolition by the Church back in 1985. The result of that application was denial by the City at that time. The Church allowed their option to purchase those two properties to expire once the demolition application was denied. Those two properties have since been purchased by another owner and have been rehabilitated. In the review of the 1985 application. Landmarks Architecture also prepared the feasibility analysis and concluded at that time that all three buildings were economically feasible to rehabilitate.

Mr. Schwab stated that in the current application, the Church states in one paragraph that the building is not economically feasible to rehabilitate. He stated that there is a considerable amount of testimony contained in the BAR minutes by persons speaking out against the Church's conclusion. The appeal application filed by the Church raises four issues. The first is that the Church is a non-profit organization and, therefore, the economic feasibility issue is not applicable to this property as the Church is not in the business of trying to make an economic return on their property. They have, therefore, concluded that the requirement to prove economic feasibility should not be applicable in this circumstance. The Church's goals for this property are not to do anything useful with this building. The staff's comments on that issue would be that any non-profit organization that owned a building in the APD could make an argument that any building could be torn down or if an owner wanted any building torn down, could transfer it to a non-profit organization in order to argue the economic feasibility issue.

The second issue that the Church raised was the building is not a separate property and is tied into the entire Church property and could not be split off easily from the rest of the property. Mr. Schwab stated that the house is on a separate parcel of ground that was created many years ago and still exists as a separate parcel to Montgomery County. With the proper approvals within the Church, it could be sold as a separate property without an actual lot split.

The Church raised the issue of the "lightness" given to the application by the BAR. Mr. Schwab stated that the report submitted to the City was received the same day as the meeting not allowing the Church to review the report until the time of the meeting. The BAR felt that was unfair and, therefore, tabled the application until the next regular meeting to allow the Church to review the report and prepare their comments.

The final issue raised by the Church was that the Church purchased this property prior to the adoption of the APD Ordinance. Mr. Schwab stated that is true, however, the City made no provision for grandfathering property owners who purchased property before it became the Ordinance requirements.

Mr. Foland opened the public hearing.

Mr. Ed Royer, representing the Centerville United Methodist Church, stated that when the property was purchased by the Church, it was purchased with the possibility of expanding the Church's existing building. In 1985, the Church was faced with a shortage of parking space. He stated he was on a task force to determine whether the purchase of the properties at 47 East Franklin Street and 10 Maple Avenue would allow the demolition of those buildings to provide more parking area. That particular demolition request was denied and, therefore, the Church did not exercise their option to purchase those properties. Mr. Royer stated that as the spokesperson for the Church, he represents 850 members of the Church. He stated that the basis for the appeal is:

1. The only criteria that becomes applicable in the case of the Church is that the hardship is economic feasibility.

Mr. Royer stated that the standards in the Ordinance require that the applicant prove the hardship of a building would not allow reasonable economic return on the owners' investment. He stated that the assumption is an error because it implies that the owner has economic gain as a basis for owning the building. This is not the case for the Church. A church is a non-profit institution and has viewed ownership of 59 East Franklin Street in this sense and does not attempt to make an economic return from it.

2. He stated that the statement that the Church must prove hardship is not economically feasible is an error.

Since the Church is a non-profit organization, it does not directly apply that they should have to prove nonfeasibility or do another study for something they do not have as a part of the mission of the Church.

3. Recognizing that 59 East Franklin Street is a part of the APD, it should be noted that the Church purchased the property back in 1970 prior to the enactment of the APD regulations in 1971.

In 1970, the Church bought the property as a possibility of expanding the Church building west from the present older building. Plans were to tear the building down if the expansion of the Church facilities had gone in that direction. It should be noted that the Church continued to use the 59 East Franklin Street building through the 1970's and into the 1980's as classrooms for youth,

storage and for student housing for 6 or 7 years for single student assistant ministries until heating costs became too overbearing in the mid-1980's. Mr. Royer stated that the utilities were disconnected in 1986. The building is used primarily now for storage of Church equipment and seasonal materials at the present time.

4. The study prepared by Landmark Architects for the City dated August 28, 1992, and considered by the BAR, concluding that the building could be restored into a double townhouse or as an office and be economically profitable, is an error in the applicant's opinion.

Mr. Royer stated that while the study was well prepared and convincing to anyone who might read it, there are erroneous conclusions drawn. First, it assumes a building is indeed restorable when, in fact, it is not. Part of the building was built in 1838 with additions around 1860 and in later years. It only has a partial stone slab basement, it has no insulation as modern-day homes do. Even though the house has strong support beams, it is deficient in other engineering aspects. The only bedroom is on the first floor and is 7'2" by 4'8". The kitchen beside it is 8'6" by 7'2"--a very small kitchen. There would have to be major redesign and rebuilding to make the structure livable and within present-day building codes. It would be very difficult to do. It should be noted, in 1991, an estimate was given to the Church in the \$100,000 range to bring the building into a modern living condition.

Another serious problem is the ingress and egress to the adjacent driveway from East Franklin Street. The huge volume of traffic flowing constantly makes for a dangerous situation for any driver. The noise factor also is a detriment for anyone who might chose to live in the house. In the past 3 weeks, Mr. Royer stated he has driven his car into the driveway from the est, turned into the driveway, turned around and exited the property which is very difficult to do. Also when you come down the slope on the property, the elevation difference creates a difficult situation for exiting the property safely. The noise factor is a detriment as the traffic up and down East Franklin Street is constant.

Regarding the building being made into an office, in 1991, it was determined 11 parking spaces would be needed and that the Church would have to give up a small amount of green play space for children presently on the lot. This determination was made by Judge Engineering Consultants and the Planning Department dated May 31, 1991. After this information became known to the Board of Trustees, it was decided that any further pursuance of restoration of the building for an residence or an office buildings would be put on hold.

Mr. Royer stated that still another error in the BAR decision was the implication that if the Church did not want to restore or rebuild the structure, that it could be sold to someone who might want to do so. This possibility assumes that the Church would or could take such action. It should be noted that all Church property on East Franklin Street except 85 East Franklin Street was purchased under one (1) deed. Therefore, it would require resurveying to separate the 59 East Franklin Street property providing the Church would be willing to sell it.

5. It should be noted that the City served a summons upon the Church in late July, 1992, in regard to making the house conform to building condition codes. Since then, measures have been taken to remedy the deficiencies noted. They have been corrected and additional attention to preserve the condition of the property continues to be done even though we wish to demolish the building.

Mr. Royer stated that his final points in conclusion were:

1. The Church respectfully requests that they be allowed to remove the buildings at 59 E. Franklin Street due to infeasibility to being it into modern day living conditions and the continuing costs to maintain it in accordance with requirements of the City building codes.

He stated that the Church does not have financial resources to restore or to continually maintain the aforesaid buildings.

2. An alternative solution that would be agreeable to the Church would be to "give" the building to the City of Centerville to be moved to an appropriate site in order to preserve the historical significance of the building for future citizens to enjoy. Or, if the City would choose not to do so, maybe a private organization or individual may wish to take advantage of the opportunity. The Church would not expect to provide financial assistance in this situation.
3. The Church being a non-profit organization has already had a study made and another study could be made. The engineering of the building even though it has sturdy beams and appears to be a sound structure support-wise, the insulation and remaining parts of the building are very inadequate.

Mr. Royer stated he did not know the expertise of Landmark Architects, if they could determine whether the structure beneath the walls and joints were sound since they could not see them. He stated that being familiar with the building, he did not feel it could be restored, but would have to be rebuilt. The Church should not have to make another study to prove nonfeasibility. Being a non-profit organization, they have their mission. Mr. Royer stated

that the Church has been a solid, loyal citizen of the community for many years and feel that within their judgment the building is not restorable. Even though it is used for storage and they will try to keep it cosmetically looking okay at the present time, their long term wish and desire is to have the building moved off the property or demolished.

Mr. McMahon asked where the \$100,000 estimate for restoration originated.

Mr. Royer stated the figure came from Sharma Stone who was interested in the property at one time.

Ms. Sharma Stone, 907 New England Avenue, distributed and read a letter (Attachment) from Rus Kindrick, owner of 60 North Main Street and community resident. Ms. Stone stated that Mr. Kindrick has a great interest in preservation and has had a business in New England where he purchased 18th century homes that were suffering the same kind of situation as the McCracken house, dismantled them and rebuilt them in other locations in order to preserve them.

Ms. Stone stated that her personal interest in the house is not what she wanted to talk about tonight. She stated that she shared a lot of the same sediments as Mr. Kindrick. She stated that she is more interested in the overall preservation of all historic properties in Centerville. This house definitely falls into that category. It is one of the oldest properties in Centerville and has a lot of documentation. She stated that her personal interest was to restore the building and turn it into a residence for herself. Her business is that she has a company that does restoration design on historic buildings and interior design. She stated at that time she was permitted to go through the property a number of times with various subcontractors who were giving her estimates. Because of the number of times she viewed the property, she stated that she does not agree with Mr. Royer that it is not possible to restore this house. This house is very restorable. Ms. Stone stated that the issues of one (1) bedroom, no insulation, etc., are very repairable and are not the kind of issues that would not allow a building to be restored. She stated that the \$100,000 estimate for restoring the house was a ballpark estimate since she never finished the estimates on the house. She stated depending on the degree of restoration on the house would determine whether more or less of the \$100,000 figure could be spent. Ms. Stone stated that Centerville has already lost too many important buildings and it cannot afford to lose any more.

Mr. Patrick Hansford, 193 Cherry Drive, distributed a copy of his statement given at the BAR meeting. He stated that the building would have to remain in its current location in order to continue its historical character and urbanistic character of downtown Centerville. Mr. Hansford stated that some church members have

told him that the Church does own other properties which they do rent. He stated that Mr. Royer has implied that the church does not wish to be landlords, however, that precedent seems to have been made.

Mr. George Phillips, 61 Gershwin Drive and Senior Pastor of the Church, stated that they do not want to be viewed as a non-profit organization, but rather that of a church. He stated that they are very concerned about green space and wish to preserve as much of it as possible. Mr. Phillips stated that the Church is as much as anyone conscious of creation and the preservation of creation. He stated that he does hold a degree in history and there are 2 types of people who get involved in history as he sees it. There are historians and antiquitists. Historians study history to understand where we have been, where we are and where we are going. Antiquitists study history to hold on to the past. There are few institutions in Centerville that have a deeper and longer history than does this Church. He stated they have been a part of Centerville since its very beginning. Mr. Phillips stated that they know where they are and where they going. They do not see any need to hold on to a building just because it is old, particularly one that interferes with the master plan to do ministry in this location. He stated that his final point is that the Church does own one (1) other piece of property that was rented until recently. The Church is not in the rental business, will not be in the rental business, and simply rented the property from time to time until that rental can be converted to the use that the Church has set for it in the master plan. The property referred to by Mr. Hansford may be rented again, but will ultimately be developed as part of the Church's master plan. Part of the master plan is to grow and be a vital church in Centerville so that they may serve the community and the citizens thereof.

Ms. Jodie Walcott, 907 New England Avenue, asked what the master plan of the Church was concerning the property owned by the Church.

Mr. Phillips stated that the building would be demolished for the purpose of creating green space to make the existing Church visible. Landscaping would be added to the lot to compliment the view from the Main and Franklin areas. This would also help the issue of drainage on the site.

Mr. Hansford stated that the application could have possibly been supported if the Church were wanting to expand their building into that area to continue their ministry by providing the space that they need. The reason for demolishing the building at this time is to avoid the responsibility of maintaining it.

There being no other speakers, Mr. Foland closed the public hearing.

Mr. McMahon stated that the dollar figures presented in the report seem to make sense in comparison to other buildings in the District being used as office space.

Mr. Swartz stated that he had personally been in approximately 50% of the buildings in the APD over the past 15 years. He stated that he had read the report prepared for the City thoroughly and in comparison to what the report states and what his experiences have been in seeing these buildings, this particular building does not seem to be in bad shape. Mr. Swartz stated that he is very sensitive to the fact that the Church has an obligation as an owner in the APD to maintain the property and that has not been done in the last several years. He stated that he was in favor of leaving the house remain as a part of the APD and felt that the Church had other options rather demolition.

Mr. Durham stated that the house is clearly rehabilitative. The problem is that the owner of the house is a church that wants to carry out its mission. He stated that if the demolition of this building were necessary to be an intricate part of the community rather than creating a better view of the Church from the street it could be considered. As it is presented, the house must be preserved. Setting aside the church issue, the case has not been presented in a way to allow approval by the Planning Commission. There has been no evidence given to prove to the City that this property is not economically feasible. The Church has not countered what the report has shown.

Mr. Foland stated that this is the second time this type of application for demolition has been reviewed by the Planning Commission since 1985. In that time, something could have happened in a positive manner to keep the APD intact. Mr. Foland stated that he did not feel that the Church had presented a case to allow him to vote in favor of demolition.

MOTION: Mr. McMahon moved to deny the Appeal application submitted by Centerville United Methodist Church, and therefore, upheld the Board of Architectural Review decision to deny demolition of the building at 59 East Franklin Street. Mr. Swartz seconded the motion. The motion was approved unanimously 4-0.

Mr. Schwab explained the appeal rights of the Church to Mr. Royer.

There being no further business, the meeting was adjourned.

R. J. Hopfeld 2/23/93

RUS KINDRICK • ANTIQUES

519 WEST WHIPP ROAD • CENTERVILLE, OHIO 45459

Date: November 10, 1992

To: Centerville City Planning Commission

Reference: The McCracken House

Hello,

I am sorry not to be present at this meeting of the council. If it were possible I would be there.

It is a matter of grave concern to all who have a stake in Centerville. So much has been lost to natural disaster and demolition through the years that avoidable destruction must be regarded in the most serious way.

If the demolition of the McCracken house would save lives or make America strong--perhaps then and only then could such a proposal be considered.

Wanton, purposeless destruction of our collective heritage can not be tolerated. It is a thinking process as dated as dinosaurs.

The temporary ownership of piece of land does not in and of itself license strip mining. And this is strip mining pure and simple of our past, our architectural heritage.

The McCracken house has stood since 1833 to this day. The church's ownership of the property is but a moment in the house's long history--and yet that moment, that brief ownership may be an overt act of destruction or become a covert one of destruction through neglect.

Neither can be tolerated. The historic properties in this town do not wholly belong to any owner at any time. They form the character, the fabric of this community as surely as day follows night.

I bought an historic property at 60 North Main because I believe in historic preservation, because Centerville still has enough left of its heritage and because I knew there were real teeth in the historic district covenants.

I have staked my net worth on those covenants being defensible.

Finally should the church no longer wish to own the McCracken house a market exists for historic properties here.

Let them sell it with protective covenants--covenants built to protect the church's interests as well as to respect the historic district. A classic win/win situation. The church is freed of a property they clearly do not want/need/maintain and an historic property is saved and restored.

No one goes to Mt. Vernon to see where it was--but to see it.

Demolition like extinction is forever. It is an undoable crime against the historic district and the community.

Sincerely,

A handwritten signature in cursive script that reads "Rus Kindrick". The signature is fluid and somewhat stylized, with the first letters of "Rus" and "Kindrick" being prominent.

Rus Kindrick