



## Indianapolis Historic Preservation Commission (IHPC) **HEARING MINUTES**

Wednesday, June 5, 2024, 5:30 P.M.  
2nd Floor, Public Assembly Room, City-County Building  
200 E. Washington St., Indianapolis, Indiana

### BUSINESS

#### I. CALL TO ORDER

CALL TO ORDER 5:32PM

Commissioners Present: Bill Browne (President, BB), David Baker (Vice-President, DB), Susan Williams (Secretary, SW), Anjanette Sivilich (AS), Michael Bivens (MB), Annie Lear (AL), Disa Watson (DW), Anson Keller (AK)

Staff Present: Meg Busch (Administrator, Meg), Chris Steinmetz (Legal Counsel, CS) Emily Jarzen (Principal Reviewer, EJ), Shelbi Long (Senior Reviewer, SL), Grace Goedeker (Preservation Planner, GG), Melony Evans (Office Manager/Recorder, ME)

#### II. APPROVAL OF MINUTES

BB: We will adopt the minutes next month due to needed corrections.

#### III. OLD BUSINESS – NO PUBLIC HEARING

2017-COA-049 (CAMA)

Various addresses, originally approved under  
**901 CARROLLTON & 812 MASSACHUSETTS AVE.**  
7-Year extension of the COA & Annual Update.

**BB Recused**  
**DB Chaired**

Page 19  
Submitta  
Is Page  
133

#### **Josh Mory Hendricks Commercial Properties 525 3<sup>rd</sup> St, Beloit, WI:**

Provides details of progress of Bottleworks project. Shares details of construction progress and what is to be expected in coming months. We are making good progress on the second half of Phase 2. We are planned to be complete in May of 2025. Shares art projects for the future of Phase 2. We have been working with a local vendor and artist on a solution for some mural work. I think we have come to a final design. That will be coming in the next few months. I just wanted to give you an idea of some art locations that we want to incorporate into the fabric of the district. As far as the COA goes, there are a few things that we are not complete on as far as mockups, signage is always ongoing as we get new tenants, and the rooftop playground. So, the original COA in 2017 we had put something together in that COA that defined we would do some type of amenity and we are in the works, and I am slated to look at that in the future.

**DB:** Any questions or comments from the Commission.  
We knew from the beginning that this would be a multi-year project, so we are not surprised that it is going to take longer.

**JM:** Yeah, market changes we try to pivot it when we can. We still have plans for residential in the future I believe as part of Phase 4. Phase 3 is that taller office tower, I can't say a whole lot, but we have had a lot of interest.

**SW:** It is amazing how quickly things have come together in the last several months. I am kind of curious how the Circle Center Mall project can impact this project?

**JM:** I cannot say a lot at my level at the company, I am not privy to a lot of information. I have done many studies to get to the residential part. I can tell you that.

**AL:** Is the residential going to be the 4<sup>th</sup> component? Or is that just what you are calling it?

**JM:** That is only what we call it.

**AL:** It feels like if there is a tenant in that tower that may push the residential to the back corner. I understand fiscally why you would do that. I am hoping that you will come back with a strong residential component.

**JM:** I am going to agree with you. From the residential side we are trying to get more workforce type housing downtown. It has been discussions on how we can incorporate that. It is actively a discussion inhouse on how we can do this. I cannot give you a timeframe because I do not know that.

**AL:** When should the whole thing be complete.

**JM:** Honestly, I cannot answer that if we continue on pace maybe another 7 years.

**DB:** Any other questions?

**Meg:** We just need a motion for the extension.

**Motion to extend COA 7 Years**

**Motion: AL**

**2<sup>nd</sup>: AS**

**Unanimously Approved: DB, AL, AK, SW, AS, DW, MB**

**BB Returned to chair the meeting.**

#### **IV. NEW BUSINESS – NO PUBLIC HEARING**

**2024-R-03 (IFD #18)**

**FIRE STATION #18**

*Page 23*

Listing Fire Department Station #18 Historic Area Plan on the Marion County Register of Historic Places

**2024-R-04 (IFD #18)**

**FIRE STATION #18**

*Page 25*

Declaring Fire Department Station #18 Historic Area to be of Historic and Architectural significance and recommending to the Metropolitan Development Commission for adoption as part of the Comprehensive Plan for Marion County, IN  
Historic Preservation Plan 45 (IFD #18) Fire Department Station #18 Historic Area

**BB:** Grace, I believe you are going to give us a short presentation on this.

**GG:** Grace gives presentation on Fire Station 18.

**BB:** Questions from the commission.

**Meg:** We first ask for your approval of the resolution and the second vote is for the adoption of the plan. The next step will be to go before the MDC for adoption of the plan.

**Motion to adopt 1st Resolution**

**Motion: SW**

**2<sup>nd</sup>: AK**

**Unanimously Approved: DB, AL, SW, AS, DW, MB, BB, AK**

**Motion to adopt 2nd Resolution**

**Motion: DB**

**2<sup>nd</sup>: AL**

**Unanimously approved: DB, AL, SW, AS, DW, MB, BB, AK**

**PUBLIC HEARING**

**V. REQUEST TO WITHDRAW OR CONTINUE APPLICATIONS**

**2021-COA-583B (CAMA) 863 MASSACHUSETTS AVE. *continue to July 3, 2024* Page 37**  
**ANNE SCHNEIDER with RATIO ARCHITECTS**  
Construct a rooftop addition and deck.

**Meg:** Reads request to continue.

**Motion to continue case to July 3**

**AK, BB Recused from vote**

**Motion: SW**

**AS: 2<sup>nd</sup>**

**Unanimously Approved: DB, AL, SW, AS, DW, MB**

**VI. EXPEDITED CASES**

**2024-COA-040 (WP) 580 WOODRUFF PL. WDR. Page 39**  
**AMY MULLEN**  
Replace front yard light fixture.

<b>2024-COA-108 (CAMA) &amp; 2024-ZON-048</b>	<b>425 E. WALNUT ST. ETHEL ARIAS</b> Request to rezone the property from C-S to D8.	<i>Page 43</i>
<b>2024-COA-147 (ONS)</b>	<b>1440 N. ALABAMA ST. ZACH HENDERSHOT</b> Convert existing screened in porch into enclosed addition.	<i>Page 51 Submittals Page 146</i>
<b>2024-COA-148 (CAMA)</b>	<b>668 E. ARCH ST. THOMAS HANIFY</b> Demolish historic detached garage and construct a new, 2-car, detached garage.	<i>Page 55 Submittals Page 171</i>
<b>2024-COA-151 (IRV)</b>	<b>321 N. IRVINGTON AVE. HANNAH ABLE</b> Construct rear addition.	<i>Page 73 Submittals Page 181</i>
	<b>Meg:</b> Reads expedited cases.	
	<b>Motion to approve expedited cases as read</b>	
	<b>Motion: AL</b>	
	<b>2<sup>nd</sup>: MB</b>	
	<b>Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW</b>	
	<b>Motion to approve zoning request</b>	
	<b>Motion: MB</b>	
	<b>2<sup>nd</sup>: DB</b>	
	<b>Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW</b>	

**VII. APPLICATIONS TO BE HEARD (CONTINUED)**

<b>2022-COA-447 (IURS) AMENDMENT 1</b>	<b>39 JACKSON PLACE MICHAEL EICHENAUER for CITY OF INDIANAPOLIS DMD</b> Amend previous approval to eliminate all brick pavers from scope on Illinois and Capitol and install stamped concrete gutters.	<i>Page 77</i>
	<b>BB Recused DB Chaired</b>	
	<b>Eddie Shei 200 E Washington SPM w/ DMD:</b> So, to review the timeline of the project and clarify some things I feel I have failed to do. We originally had our COA approved in 2023 with several conditions. One being that we needed to include brick gutters. And when we received our construction budget we were over our budget and needed to reevaluate some things. We are working with some local partners to make the art a reality. We hope that you have been able to review and visit several of the sites we provided to staff. Staff has also visited and are recommending approval of the COA with these modifications.	
	<b>DB:</b> Is there anyone in the public who wishes to speak in support?	
	<b>Megan Vukusich 200 E. Washington DMD Director:</b> I just wanted to speak in support of this project. We have worked with our consultants. We are happy to offer the concrete pavers and we are	

working to get the art into the project as it is a very important part of the project. I am speaking in support of this project.

**DB:** Is there anyone else wanting to speak in support or opposition. Staff any comments?

**SL:** No additional comments beyond the staff report.

**SW:** I went to visit and there is a fakeness about this that bothers me. I would like to hear what others have to say. I am not sure if we want to fake it or just use sidewalks.

**MB:** I am not a fan of the imitating a material when we know what the real stuff looks like. I think If it comes to a decision of having fake brick or no brick I would go with no brick.

**DB:** I went out more than once to look at the site and I can tell you that I really tried to figure out how to support this. I understand there is a budget problem. I have a daughter who lives in Carmel, so I go up that way a lot. I passed both of those cross streets on Keystone. I thought I would get out and walk across. What I discovered was is that you cannot do that very well because those are not pedestrian areas. You don't really walk on that. The only time you see it is when you are driving by. I think in that location for that use, which I think is kind of a highway use it works pretty well and is better than just plain concrete and takes the place of landscaping which requires maintenance. So, I think in that location for that use which is a highway use it works well. But I also drive north on Rangeline, and all along Rangeline which is more of a pedestrian environment, they have cross walks that are all brick, they are not stamped. I did a google street view search and took a map of the WD and the MCD and I marked the location of the existing brick gutters. There are a couple places where they have disappeared and there are bad conditions but when you look at it, it is such an important link to this part of downtown. That is what we meant for it to be when it was put in all those years ago, and that's what it is. My point is it is a small detail, but those details are important. There are bricks all over the city.

**AK:** I think what is important is looking at the full view of this. It is a secondary feature. It is also very narrow. The joints you are going to have won't be as prominent as what is in the pictures above. Another thing regarding a tectonics standpoint and putting those materials together. Natural brick is a natural clay product, so bringing together those 3 materials to make up this streetscape. You have a concrete curb, clay pavers, and then asphalt and they accept moisture and heat differently and they expand and contract at different levels and which is why you see the deuteriation like you do in the area. The articulation is what is important. If it is a budget choice of not having them at all or having a resemblance of them, we accept those imitation materials all the time. I think we need to look at where we are and what we are trying to do in the big picture. I think that it is the only way to articulate that historic feature, what we are trying to do within this budget.

**ES:** Yes, this is the only way that we will be able to make this work within our budget. We would love to be able to do the brick pavers instead of the concrete pavers. The dollars just are not there.

**SW:** Am I remembering that we are going to do the brick pavers at Meridian St?

**ES:** Yes, for Meridian Street we do not have a construction budget yet. We intend to keep them there and there is no intent to remove them. We are already planning ahead to include plenty of contingency to adhere to and acknowledge the design at Meridian St.

**SW:** What is the timeline on that?

**ES:** We don't have a timeline at the moment.

**AS:** I understand why you want to go with stamped concrete. When they were originally put in our cars were smaller and lighter. Our cars are over 2000 pounds, tires are wider now, so they are causing more pressure and it twerks the bricks a lot more. There is a difference between the parking loads and driving loads in downtown versus Meridian Kessler, a residential neighborhood. I think to maintain the visual integrity and also the appearance that we would like to keep as a city downtown, I would be willing to do a concession to do the stamped concrete as long as we keep them on Meridian. Is it correct we control the east side of Illinois and not the west side? If they are able to do what they want on the westside of Illinois, we may end up with two different scenarios on one street.

**Meg:** Reads staff recommendation to approve a Certificate of Authorization.

**Motion to approve Certificate of Authorization**

**Motion: AK**

**2<sup>nd</sup>: AS**

**Favor: DW, AS, AK, AL, SW**

**Opposed MB, DB**

**Passed**

**SW:** In July or August it would be interesting to hear an update on the artwork proposals.

**BB:** Returned to chair the meeting.

**2024-COA-055 (LS) &  
2024-VHP-004**

**420 N. EAST ST.  
MISHA RABINOWITCH**

Variance of Development Standards to allow a temporary parking surface up to, and including, December 31, 2026.

**Misha Rabinowitch 1 Indiana Square Suite 1800:**

The applicant is seeking a COA and a variance to operate a parking lot on the space. We stated at the last hearing that we wanted to see

some landscaping improvements before we could consider this. The landscaping has been completed. We talked with Meg Storrow about doing something more. We submitted some photos of the landscaping improvements.

**Meg Storrow Mass Ave Cultural Arts Dist. 576 E Vermont St:** We are anxious to work with them on a development in the future we are pleased with the progress.

**EJ:** Just a reminder the applicant is seeking a Variance to retain the gravel parking lot. Reads staff recommendation. Along with stipulations for future redevelopments.

**Meg:** Reads staff recommendation to approve Certificate of Authorization to temporarily retain an existing parking lot with gravel surface and for a Variance of Development Standards subject to submitted plans and subject to the one stipulation in the staff report.

**Motion to approve Certificate of Authorization**

**Motion: DB**

**2<sup>nd</sup>: MB**

**Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW**

**Motion to approve Variance**

**Motion: MB**

**2<sup>nd</sup>: AK**

**Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW**

**VIII. APPLICATIONS TO BE HEARD (NEW)**

**2024-COA-102 (WD) &  
2024-VHP-006**

**102 S. PENNSYLVANIA ST.  
MATTHEW HOLDERBACH**

Construct hotel; Variances of Development Standards

**BB Recused**

**DB Chaired**

*Page 95  
Submittals  
Page 188*

**Kirk Chonas 7290 W 133<sup>rd</sup> St, Overland Park, Kansas:**

Shares the details of the project. In terms of context the Wholesale District historically was a common place for hotels, so we are pleased to bring this element back into the district. We are using some local materials including Indiana limestone. Similar to the hotel district. Some of the metal work develop the details of the façade. This is Hiltons newest lifestyle hotel and bringing it to the Indy area we are excited about it. The Tempo flag, each one has similar features but each one is tailored to its location. It accommodates local as well as travelers. I mentioned that each hotel is customized to its space. Our team has been inspired by Pace, the Pacers, the automobile and the raceway. Currently our design is nearing completion and ready to move towards construction documents. We are hopeful that locals and guests will find usage in this project.

**DB:** Anyone in support/remonstrance? Staff comments?

**Emily:** Shares staff comments. I do want to touch on the variances that are being requested. Those are to allow zero loading spaces when 2 are required. There is also a request to not completely screen rooftop mechanical equipment.

**SW:** I have 2 questions. One for staff and one for the applicant. For the applicant, does your client have control over all this property?

**KC:** Yes

**SW:** The other question I have for staff, is this the hotel that was previously going to be part of the CSX building, is this the same project.

**EJ:** No

**SW:** So that project is still out there?

**Meg:** I have not heard any updates on that project.

**AK:** Did the applicant present a sky plane diagram for this?

**EJ:** They did not.

**KC:** There were two different sky plane diagrams for this. One was steeper in terms of its setback. The lesser of the two was what was applied to this site.

**AK:** I would like to see a sky plane diagram before just signing off. It does seem like it is approaching the threshold. So, I have some issues with approving this before I could see that. On comments, I think overall there are some things I wish were different. One thing that is distracting me is that it is a very regular façade. The mullions are kind of randomly randomized, I think there should be some way to rectify that. As well as the top layer of the building just seems to be a slightly taller version of the lower levels and that doesn't work. I think traditionally there would have been a little more detail or some cornice type elements introduced in there. So, I think there needs to be a little more attention paid to that top level. Other than that, I think it is a good project.

**MB:** I do think it has an appeal and I appreciate how it recognizes the context of the WD. One thing that is disturbing me that corner does not look like it is sitting on anything structural, it looks like it is sitting on glass. From a stylistic perspective that can be fine, but from a visual perspective it stands out as kind of strange. If the intention is to do that maybe emphasize it a little more.

**DB:** I like the design. I would like you to speak to the issues commission members brought up and if you think there is something you could do to resolve those.



**KC:** The sky plane we chose the exposure plane 2 for what we are designing to. We can provide the clearance diagram. In terms of the mullions, I agree with you. Our intent was to acknowledge some of the more contemporary structures in the area. So, we did several different options in terms of the mullion layouts. We have both of those options and if there is a strong preference holistically to go towards an alignment there, that would not be an issue for our team in terms of accepting a design adjustment. The top level, the architecture is still responding to the interior. Because the 10<sup>th</sup> floor is also still just guest rooms, I think that is why the language is very similar. I think as a team everyone is still pretty accepting of a little bit of the adjustment of level 10 to pick up some additional ceiling height. There is an abbreviated extension or canopy on the façade where the vertical brick is.

**AK:** I would just point out on your elevations on the west and south all the mullions align. Even on the east elevation they align all the way up except for one floor. I understand randomization. I just think you got to pick one esthetic and use it. You got both going on I think the randomization really fights with the overall esthetic. I am fine with those being stipulations and working it out with staff. I cannot budge on those.

**KC:** We have both mullion options and if alignment would be the preference, we would not have any issues with that.

**Meg:** I want to let **EJ** explain the sky plane question then hopefully provide some suggestions I might have.

**EJ:** It does appear to be in sky exposure Plane 1. It does need to meet those requirements. It is not something that we can calculate here tonight.

**AK:** It still needs to be a part of the design process.

**Meg:** The only way to do that is with a continuance. I would recommend under this circumstance that we bring it back next month.

**DB:** I think we are very close. Play around with the design based on what you heard.

**Motion to continue to July 3, 2024**

**Motion: AS**

**2<sup>nd</sup>: MB**

**Unanimously Approved: DB, AK, AL, SW, AS, MB, DW**

**DB Chaired**

**Taylor Schafer 111 Monument Circle Suite 250:**

The project before you this evening has been before you a number of times. For those of you who aren't as familiar it is a collaborative effort with Monument Circle Stakeholders, the Indiana War Memorials Commission and initially funded by the Lilly Endowment for a 5-year grant. It is intended to honor our nations veterans. Our grant expired at the end of last year with Lilly endowment and we have incorporated in our budget to continue to run this, and we are looking to gain partnerships to continue this effort. Our ask is for full approval of the COA moving forward.

**EJ:** Reads staff comments.

**AL:** I think it is a real unique feature of Indy. I think this is the perfect marriage of what was and what can be. I think when Circle Center gets completed it will leave a lasting impression. I am in support. I think it is great.

**DB:** I have only been on the commission a little over a year, so I was not part of the initial approval. Hard core preservationists are skeptical of this idea of this because of the environment created by all the light. I am going to support it because the commission does. We do not have any jurisdiction over 'light' but fixtures, and the fixtures are acceptable to me.

**Meg:** Reads staff recommendation

**Motion to approve COA**

**Motion: AL**

**2<sup>nd</sup>: SW**

**Unanimously Approved: DB, AL, SW, AS, MB, DW**

**AK:** Returned to join the meeting.

**BB:** Returned to chair the meeting

**IX. PRELIMINARY REVIEW**

**NONE**

**X. APPLICATIONS TO BE HEARD – WORK STARTED WITHOUT APPROVAL**

<b>2022-COA-112B (IRV)</b>	<i>To be heard together</i>	<b>5270 E. WASHINGTON LUIS GOMEZ</b> Work started without approval: replace historic tile roof on house with alternative material.	<i>Page 115 Submittals Page 221</i>
<b>2024-COA-152 (IRV)</b>		<b>5270 E. WASHINGTON LUIS GOMEZ</b> Installation of mechanical equipment, and for work started without approval including door and soffit replacement.	<i>Page 125 Submittals Page 227</i>

**BB:** Before you present, I would like **SL** to read staff comments to brief the commission on what's been going on so that we can understand how we are dealing with this this evening.

**SL:** Reads staff comments. Shares that applicant has continued work after being issued a stop work order.

**BB:** We want to understand why you have continued to work after the stop work order.

**Luis Gomez 5270 E Washington Steve Sandoval 5270 E.**

**Washington St.:** At the last hearing the last question that we asked was if we could continue installing the roof and the commission stated that we could.

**BB:** Is that accurate Meg?

**Meg:** That is not true. The terminology we used is that the applicant could continue to dry in the roof which could include tarping or installing ice and water shield. That was not to continue to install the metal roof, the applicant would have needed a COA issued to do that.

**BB:** So, how did you not understand that?

**LG:** We have shared the video with several neighbors, and everyone understands it the same way. The understanding was not to actually dry in but to continue the work of installing the metal roof.

**BB:** We have looked at the video and that is not the case. How can we believe that you are going to do what you say you are going to do when you do not do it?

**LG:** We asked why we could not receive a temporary COA for the metal, we have yet to get an answer on that. We do not understand why we are not being issued a temporary on the metal after we could have gotten one on the shingle roof to get the same outcome. As far as the stop work orders and we have talked to the inspectors. They are being requested to go out there and fine us on violations for approval of materials that we have already submitted the requirements to the staff. We have not received any COAs for this project.

**Meg:** Prior to the property being in violation we had a conversation with the applicant to install a temporary shingle roof. Once the property was in violation it was then docketed for the commission, the temporary COA option that is being referenced is no longer on the table and this matter is before you now. The commission had at the last meeting mentioned that they can continue to dry in the roof. Legally the only option is for the commission to grant a Certificate of Appropriateness or Authorization to continue the full installation of the metal roof. The property is still in violation and there is no other before them other than getting approval from the commission or not.

**LG:** I would like to highlight the fact that we did request a temporary COA for the metal roof that we had received information from staff that they were going to support. If we could receive a temporary COA for that material but that was not issued to us.

**Meg:** There was no temporary option for the metal roof. The commission is the decision-making body, and you are before the commission currently with that request.

**DB:** Am I correct that we are talking about the roof but there is much more than the roof that they have completed without approval?

**Meg:** Sure, and if you would like for SL to speak to those items she can.

**DB:** This is so frustrating to me. I like the roof that you have put on there. I think it is a very good compromise on a house like this. This is the first time I have seen this type of roof and I think it is pretty impressive. It looks like the rest of the work that you have done is pretty decent. One exception is the front door that has got to go. Situations like this where the applicants work without approval. You are doing the stuff that would probably have no problem getting approved all you had to do was wait and get the approval. I am sharing my frustrations.

**BB: SL** Why don't you share the issues that **BNS** and stop work orders we have.

**SL:** Do you want me to just focus on the items that are before you today? We are also working through a staff level approval as well.

**BB:** Why don't you give us a pretty good idea of all the issues that we have a clean picture of what is happening here.

**DW:** From the hearing last month it appears to me that you met with staff at the first of the year and they talked with you about the process before you purchased the property, and they told you what the process was. I get the impression that you just don't want to follow what is supposed to happen.

We are not trying to stop you from profiting, but you must follow the rules. If they enforce the ordinance on your property, you will be out of more money. The staff is your point one contact, and they will guide you so we would not be having this conversation a second month.

**LG:** The house was without a roof for several years and we will live there after it is completed. The attempt was preservation and not to disregard any rules. The stop work orders is a small cost considering the preservation aspect. If we are able to approve a temporary shingle roof, why can't we approve a temporary metal roof.

**SS:** We are trying to make things right. The previous owners were going to let the house rot. This is not for profit. This is going to be my home, my children's home. We want to do things for this community,

and we want to do things by the book. That is why we are here to get these things approved. In closing we would urge the commission to approve the roof so that we can move forward in rectifying this matter.

**SL:** Goes over work that was started without approval.

**BB:** What has BNS Done?

**SL:** I think there are 2-3 stop work orders.

**Meg:** Typically, there is a reinspection every 14 days. In the staff report there is a history of BNS in there. There is an extensive amount of BNS time and staff time spent on the enforcement side still pending.

**AL:** This is going to come in the form of a little advice. Maybe you should be a little humbler. You are the one that is behind the 8 ball because there are these things working against you. It appears many of them you brought upon yourself. We could debate all of that. But is an important message to you that when you come before a body like this it is not that we won't work with groups but is important that you be a little more contrite about what is it that we need to do to move this forward. Instead of telling us what we need to do or what staff needs to do you need to come at this with a different attitude. The important thing is how do we move forward.

**DB:** Meg, I do not understand what a temporary COA is, I did not know there even is such a thing. How did they get building permits without a COA?

**Meg:** Currently there are no active permits or COAs on the property. BNS did inadvertently issue a permit and it is now in a ban. Effectively it just sits there on pause until they get their COA. It was mentioned about the previous owner and the roof being removed and it was exposed to the elements. Because they were requesting commission approval for an alternate material, we talked about how they could cover it up in the meantime. There was an opportunity to explore doing something just for the sake of covering the roof with the understanding that if the commission did not improve the product, they would then have to take it off and put something else back. We all understood that something needed to cover the roof. This has been the history on the property. Do the work first and ask for approval later.

**DB:** So, am I wrong in assuming since they did not take advantage of that temporary short-term thing, but they had decided to use this metal material they could have applied for that right then and then 4 weeks later we would have had the hearing and it would have approved. That's what's so frustrating.

**LG:** Responds to statement.

**Meg:** I think it would be helpful if SL can speak to the timeline of events.

**SL:** Shares timeline of events.

**LG:** Responds to statements.

**SS:** Responds to statements.

**BB:** I guess the only solution for us it to do one of 2 things. We can either approve the roof as it is installed. Or we can essentially do what the staff recommendation is which is to refer this to the prosecutor's office. It is kind of where I think this sits. We can continue and I guess sit on it as a third choice. But if we are trying to move this along, I think those are our options.

**Meg:** Yes, that is correct.

**SW:** I am getting a little bit impatient with hearing the same thing over and over and not getting anywhere. The thing that concerns me and I think you need to understand, and we need to understand, the thing we need to do in our exasperation because clearly you are not going to do what we ask, is to turn it over to the City Prosecutor. However, that prosecutors process is slow and what we really care about most of all is that house and so turning it over to the prosecutor would just be ending the insanity of this thing and I don't think that is in the best interest of the structure. So, I think we tell them what they are going to do tonight and that's what it is going to be and then the prosecutor takes it from there.

**Meg:** Can I offer a suggestion? We have tried to explore every option. These two processes are not mutually exclusive. So, if you do issue a COA tonight which is totally up to you, we can still move forward with the City Prosecutor.

**DB:** This is what I would like to see. I am assuming the roof is on, so the house is no longer threatened because the roof is on. There are several stop work orders on the property so no work is to happen. I would like to have them comeback to the July meeting, and everyone be able to confirm that no work has happened from tonight till then. Then you will have at least complied with the legal requirement to stop work. I think you need to meet with the staff maybe our attorney and negotiate what all will happen. Only thing is I would like a new front door.

**LG:** We have stopped work and the roof is not complete. No additional work is going on.

**DB:** Like I said I do not dislike most of the work that you have done so that is not my problem. Unless the staff is not telling us the truth but didn't staff say they went by there and there were workers there. That is not stopped work.

**AK:** I was curious to see what the neighbors had to say, what they thought. The neighbors should have a chance to speak.

**Meg:** So, in talking to the city prosecutor and our attorneys I think the best path forward if we are separating the two pieces that the enforcement piece really the most effective path is to move forward with the prosecutor handling that piece and then whatever you all decide to do after we talk with them next month, we can make a decision with that. What I would not recommend at this point is where we are at in this process is to try and figure out a contribution when we come back in July. I think that ship has sailed, and the prosecutor is the proper authority to handle this at this junction given the challenges with the enforcement side of this.

**BB:** I guess the question for the commission at this point is do we want to follow DBs recommendation and create a motion to that effect or does someone have a different opinion?

**AK:** This question is for staff is there another material you would have preferred to see on there or did you think that was a good as you were going to get?

**BB:** To David's point I think it is a good solution. The question for us if it is still leaking, do we want them to finish the roof with this material get done with the roof and not do any further work, get with staff and tell them what you want to do come back in July and tell us exactly what we are doing.

**John Arbuckle 25 N Hawthorne LN:** I have lived there for almost 30 years. I am here to tell you the extent of the work that these gentlemen have done so far it is the best that it has been since I have lived there.

**Doug Wagner 14 N Hawthorne LN:** I am right next to the property in question. It has been an absolute horror living next to this property before and after the fire. We were concerned that no one was going to come and take care of it.

**BB:** We are going to close the testimony this evening. We are ready for staff recommendations.

**Meg:** Reads staff recommendation to approve a Certificate of Authorization replace the historic tile roof with alternate material, and for part B that will be continued to the next hearing. The third piece, I had suggested that the enforcement piece continue forward n letting the prosecutor's office do their part. We can do that with a COA or not. I just wanted to make sure I am clear on the commission's decision.

**2022COA112B – Recommendation for approval of Certificate of Authorization with stipulations and notes.**  
**Next case is continued to next hearing.**  
**The enforcement portion will be submitted to the Prosecutors office.**

**Approval of Certificate of Authorization with 4 stipulations and 5 notes**

**Motion: AL**

**2<sup>nd</sup> SW**

**Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW**

**Motion to continue to July 3, 2024**

**Motion: SW**

**2<sup>nd</sup>: AL**

**Unanimously Approved: DB, AK, AL, SW, AS, MB, BB, DW**

## **XI. CLOSING BUSINESS**

**Meg:** We do have the position for Architectural Reviewer posted as well as an intern position if you know someone who may be interested.

**DB:** Just like to address a thought to the neighbors in Irvington. I hope you recognize that what we did tonight represents that we actually share with you that our first concern is the saving and preservation of the house. Perhaps it was just luck that these two gentlemen are doing a good job on the house as far as quality of work and everyone likes it. I would almost guarantee if different developers had bought the house and they had done shoddy work you would be in here yelling at us to do something about it. That is why we have a process in place.

**BB:** Yes, frankly most of the time it is exactly as DB described. Anyone who does work without approval does it badly and we end up having to tear it out. Thank you we are adjourned this evening.

**Adjourned @ 8:01P**