

COA # 2010-COA-167 (ONS)	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date JUNE 2, 2010
1572 N. COLLEGE AVE OLD NORTHSIDE		New Case
Applicant:	HALLWAY, LLC C/O CHERYL HALL-RUSSELL	
mailing address:	6479 RIVERVIEW DR. INDIANAPOLIS IN 46220	
Owner:	Same	
CASE		
IHPC COA: 2010-COA-167 Demolition of an historic primary structure.		
STAFF RECOMMENDATION: Denial		

STAFF COMMENTS

Background of the Property

The site is one lot that contains two buildings joined by a small connector and an open space that once was the site of third building.

1. Two-story, brick, Italianate commercial building (c. 1872---138 years old). This architecturally and historically significant building is located on the corner of 16th St. and College Ave. It has store fronts facing College Ave. and an entrance on the truncated 1st floor corner. The squared off 2nd floor, above the corner entrance, was supported by a single, wrought iron column. The building housed a drugstore for most of its history. Other businesses in the building have been a grocery, doctor’s office and machine shop. The building was occupied for several years during the 35 years Mr. Hall has owned it, but is now used for storage.
2. One-story commercial building. This building is attached to the rear of the Italianate building and fronts 16th St. Demolition of this building is not part of this application.
3. Open Space south of the Italianate Building. A third building was connected to the south side of the Italianate structure, but was demolished in 1989 by emergency demolition orders.

Background of the Case

The applicant, Hallway, LLC, is an entity operated by children of Mr. Eugene Hall, the previous owner of the property who had possession of the building for 35 years. Hallway, LLC was formed sometime after September 5, 2005, when the IHPC denied Mr. Hall’s request to demolish the building. The following is a description of the events leading to the demolition request being considered today.

The Incident – 2004

On the afternoon of July 20, 2004, two pickup trucks collided in the intersection of 16th St. and College Ave. One truck spun around and hit the wrought iron corner column holding up the 2nd floor. The column was destroyed and the second floor was structurally compromised. Both streets were cordoned off. DMD and Health & Hospital officials were at the site along with police, fire fighters and an IHPC staff member. Mr. Hall’s son and daughter were also at the site. After a City engineer inspected the site, a decision was made to remove a portion of the corner in order to remove the immediate threat to public safety. In accordance with the IHPC statute, the Director of the Department of Metropolitan Development certified that the action was “...immediately required for the public safety because of a hazardous condition.” Therefore, a certificate of appropriateness was not needed.

Health and Hospital Orders - 2004

Five days after the incident, orders to “Repair or Demolish” the property were placed under case #ROD04-01166 and listed the following items that needed to be addressed:

- BROKEN, CRACKED, MISSING GLASS
- FRONT PORCH FOUNDATION, CEILING
- GUTTER BOARDS, GUTTERS
- REPAIR WINDOW, EX DOOR
- REMOVE FLAKING PAINT
- REPAIR EXTERIOR SIDING
- REPAIR FOUNDATION
- REPAIR ROOF
- REPAIR WALL(S)
- REPAIR MASONARY WALL(S)
- SOFFITS, OVERHANGS, RAFTERS
- STRUCTURE IN A SECURE FASHION

Throughout 2004 and 2005 there were several inspections and initial hearings.

Request to Demolish – Denied in 2005

Mr. Hall attempted to resolve the orders by requesting IHPC approval to demolish the building. It was denied in September 2005.

Stabilization – 2007

On June 19, 2007, staff granted a COA to Cheryl Hall-Russell to stabilize the northeast corner of the building where the walls were removed after the incident. As a result, a temporary stud wall and tarp at the second floor, northeast corner, was constructed to protect the interior of the building from the elements.

Court – 2006-09

Seeing no resolution on the horizon, Health and Hospital filed the case in court (CRT-05-01968) at the end of 2005. The first court hearing was in February of 2006. From February of 2006 until October of 2009, a series of hearings and continuances occurred regarding the repair or demolish orders.

Court Order – October 2009

On October 1, 2009, the judge issued a court order to demolish the building. At the hearing, Health and Hospital attorneys informed the judge that the building was in a historic district and could not be demolished without a COA. The judge set the next hearing for June 17, 2010 at which time the applicant is to inform the judge what the decision of the IHPC was regarding the request for demolition.

IHPC Hearing in 2005

Mr. Hall provided the following information in 2005:

- He received a \$38,000 settlement from his insurance company.
- He received two bids to fix the building, one for \$82,000 and the other for \$180,000.
- Both bids only include repairing the damage caused by the July 20 incident.
- Mr. Hall said he could not afford to make the repairs to the building and no longer wanted to deal with Health & Hospital repair orders.

Staff suggested that selling the property might be an alternative to requesting demolition. Mr. Hall expressed an interest in selling. Indiana Landmarks, three private individuals, and King Park Area Development Corporation had all expressed interest in acquiring the property. Mr. Hall had a real estate broker and the property was listed for sale.

After hearing testimony, the IHPC voted unanimously to deny Mr. Hall’s demolition request. They then adopted the following findings of fact and reasons for denial:

FINDINGS OF FACT AND REASONS FOR DENIAL - October 5th, 2005

The Old Northside Historic Area Preservation Plan recommends circumstances that might justify approval of demolition. Furthermore, I.C. 36-7-11.1-9 (e) states that the commission shall issue a certificate of authorization if it finds an "application to be inappropriate, but that its denial would result in substantial hardship or deprive the owner of all reasonable use and benefit of the subject property, or that its effect upon the historic area would be insubstantial. On March 2, 2005, the Indianapolis Historic Preservation Commission denied the request to demolish the subject building for the following reasons:

- 1. The immediate threat to public safety was remedied on July 20, 2004 and there is no evidence that the remaining building is an immediate threat to health and safety.*
- 2. The 1872 building possesses historical and architectural significance. Approval of a certificate of appropriateness or authorization would result in a substantial effect upon the historic area from the loss of the historically and architecturally significant building.*
- 3. There is no compelling evidence to document that the building is beyond all feasible economic repair.*
- 4. There was no evidence submitted to suggest that loss of the building would result in replacement with a similar historic building or with a similar new building.*
- 5. Denial of a Certificate of Authorization does not result in substantial hardship because the applicant can still repair the property or sell it.*
- 6. Denial of a Certificate of Authorization does not deprive the owner of all reasonable use and benefit of the property because the owner can repair the building to a usable condition or sell the property.*
- 7. No evidence was submitted to document that the owner is unable to sell the property in its present state.*

It is therefore the decision of the Indianapolis Historic Preservation Commission that the application under File #04-512 (ONS) is denied.

Condition of Building in 2005

On February 24, 2005, IHPC staff inspected the building with Mr. Hall. At that time, staff found that the building had been maintained in reasonably good condition over the years. The roof had been replaced and was in sound condition. The deteriorated eaves had been repaired and brackets restored. Mr. Hall showed staff areas where he had shored up floor joists and where areas of load bearing walls in the basement were being braced due to cracks in the brick and joists that are sagging. On the exterior, staff noted that only the storefronts had been altered with aluminum storefronts and interesting painted ghost signs were still evident on the brick walls of the building.

Condition of Building Today

The northeast corner of the building was sealed up with plywood after the incident described above. Until that incident, the building was relatively intact. Two structural engineer's reports have been prepared in the last month, one submitted by the applicant and a second submitted by Indiana Landmarks.

Structural Engineers Report Submitted by the Applicant

The applicant submitted a report prepared by a structural engineer (Enginuity Management and Consulting Corporation) outlining structural observations, conclusions and recommendations. The overall report is similar in nature to the report submitted by Indiana Landmarks in that it demonstrates the building has structural failure and is not suitable for occupancy at this time. However, this report does not provide estimated costs for the proposed repair recommendations, only a statement that the cost to repair would exceed demolition and replacement cost. Staff has not seen any documentation from the applicant that would suggest that stabilization or complete repair of the structure is not economically feasible. A copy of this report is included with the Commissioner's packets as supplemental documentation.

Structural Engineers Report Submitted by Indiana Landmarks

Indiana Landmarks, the ONS Foundation and King Park are all interested in seeing this historically significant building preserved. The applicant agreed to allow Indiana Landmarks to conduct a structural investigation of the building, which was done by Arsee Engineers on April 30, 2010. Indiana Landmarks wanted to do this to determine if there was a way to assist the applicant in preserving the structure.

A copy of Arsee Engineer's report is included with the Commissioner's packets. It outlines several areas of deterioration and structural failure in the building, the known causes of deterioration and failure, and possible remedies. Arsee Engineers provide two different cost estimates to repair the building:

- To stabilize the building structurally: \$30,000
- To return the building to a reusable condition: \$230,000

From REMEDIATION section of the Arsee Engineers Report

Two repair programs have been developed to establish a scope of work to address immediate structural stabilization needs as well as the future reuse of this facility. The remediation items included in each plan are represented on the attached sketches. (See Stability Plans 1 through 9 and Reuse Plans 1 through 9)

To stabilize the building structurally, will require the shoring of several wall studs and a few interior columns. This will effectively bypass the damaged first floor framing to allow these elements to bear directly on the interior foundation walls. A temporary roof over the northeast corner of the building should be constructed to prevent further water infiltration and damage. This will also restrict public access into portions of the remaining first level floor systems that have been severely compromised due to their long term exposure to the elements. Similarly the flat roof opening must be closed and incidental roof leaks be addressed. Once the exterior envelope of this building has been reestablished, air circulation will be needed to allow it to dry out and stabilize to the seasonal exterior environment. Projected construction cost estimates for this scope of work are estimated to be in the range of \$30,000.

A comprehensive program to return this facility to a reusable condition has been developed and includes the building's exterior envelope as well as its interior wood framing systems. The major elements of this program include the reconstruction of the missing exterior masonry walls, repointing of existing exterior masonry, replacement of the entire first level framing system, replacement of the missing second level framing, replacement of all stairway components, repair of existing second level and roof framing elements, replacement of the flat roof structure and its finishes as well as modifications to improve site drainage. Repair/reconstruction of electrical, plumbing or HVAC mechanical systems or the replacement of interior finishes have not been included in this repair estimate. Projected construction cost estimates for this scope of work are estimated to be \$230,000.

Two other structural reports were performed, one in 2006 and one in 2008, that are included as an attachment to this report. Since both reports do not demonstrate the current condition of the building, staff did not use the data in reviewing the condition of the structure, but did include them for reference of what inspections have been conducted on the property. In addition to the structural reports, staff has included a report done this year that shows asbestos was found in the building.

Reasons for Denial

1. The Old Northside Preservation Plan recommends circumstances that might justify demolition. Staff believes none have been adequately demonstrated.
2. The two structural engineer’s reports have similarities, but the applicant’s report does not reflect the remediation possibilities or costs that could be taken to save the building (Indiana Landmarks’ report does address those issues.)
3. The applicant’s engineers report suggests only that the costs to repair would most likely exceed demolition and replacement costs.
4. The applicant has not documented an economic hardship that would prevent her from making repairs.
5. The applicant told IHPC staff that she received a bid of \$20,000 to remove the building, which she is prepared to pay. Documentation of this bid has not been submitted.
6. In staff’s analysis of the two bids, it seems reasonable for the owner to invest \$20,000 (the amount she is willing to spend for demolition) in stabilizing the building, working toward an end result of preserving the structure.

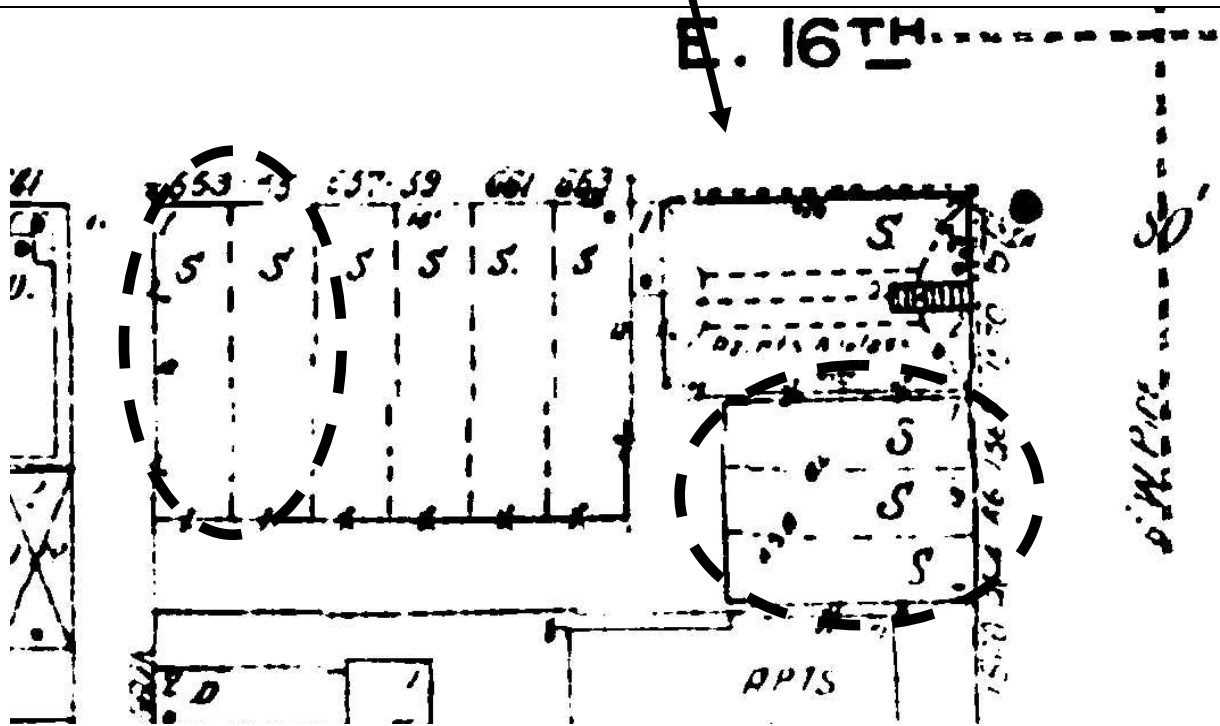
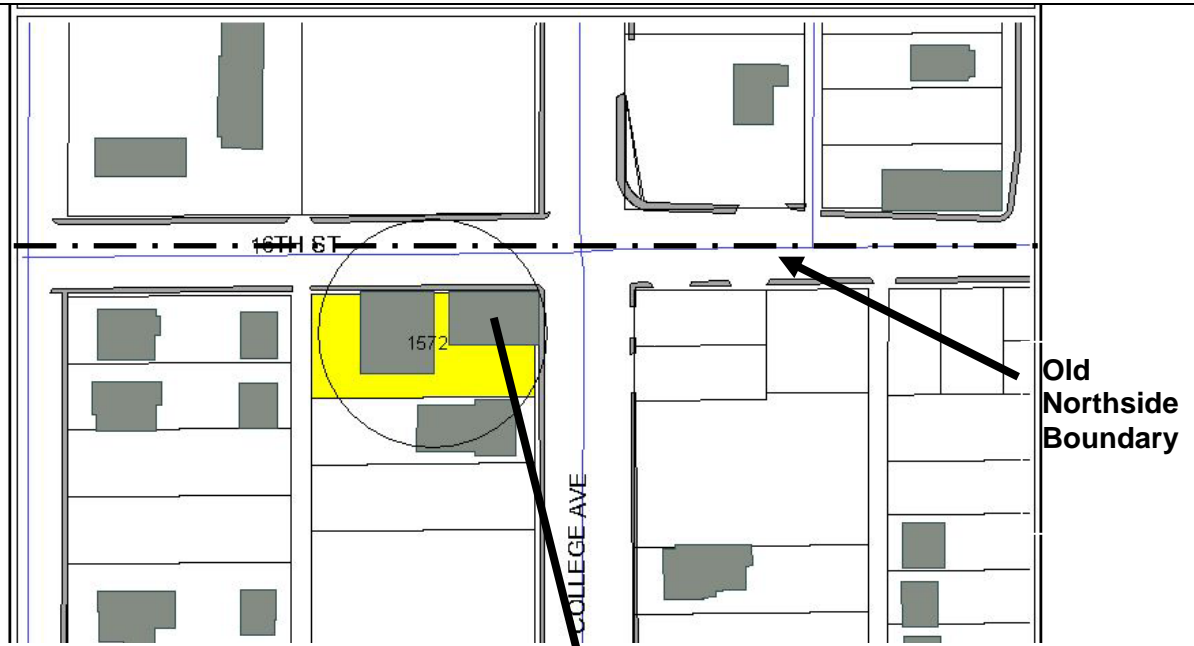
The Old Northside Plan	Staff Analysis
<u>Condition.</u> The condition of the building should be such that an immediate threat to health and safety exists.	The removal of the corner on July 20 th removed the immediate threat to public safety. The stabilization work done in 2007 appears to have been generally successful in keeping the elements out of the building. There is no evidence suggesting an immediate threat today, only evidence stating the building is not suitable for use. The orders to demolish result from insufficient repairs being made after the initial repairs orders were issued.
<u>Significance.</u> Consider whether the building is of historical or architectural significance.	The 1872 building possess historical and architectural significance. Loss of the 1872 building would be detrimental.
<u>Feasibility of Renovation.</u> Determine whether the building is beyond all feasible economic repair.	There is no evidence documenting a contention that the building is beyond <u>all</u> feasible economic repair. In fact, the applicant’s structural report does not provide any costs, only comments stating that the repair would exceed demolition and replacement cost.
<u>Replacement.</u> If demolished, could it be replaced by an existing building of similar age, architectural style, and scale or by a new building which would have the same relationships to the area as did the former building.	It is unlikely that a similar historic replacement building could be moved to this site. If demolished, it is unlikely that an owner would want to develop a similar new building.

STAFF RECOMMENDED MOTIONS

COA #2010-COA-167 (ONS):

To deny a Certificate of Appropriateness or Authorization to demolish the 2-story commercial building at 1572 N. College Ave.

Staff Reviewer:	Meg Purnsley
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Above: 1956 Sanborn Map of the site. Circled areas have been demolished.



Above: 2006 Aerial
Below: 2008 Aerial





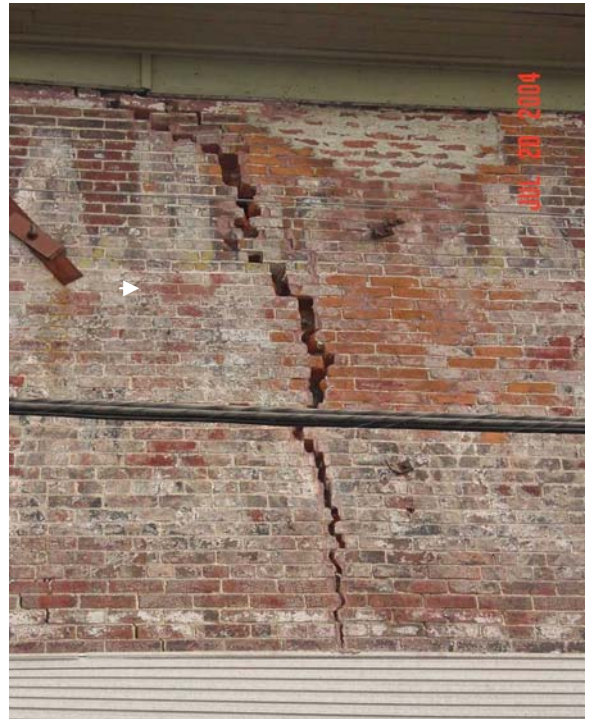
Above: 2006 Aerial
Below: 2008 Aerial



Photos taken the day of the incident – July 20, 2004



Above: Image just after impact



Above: Crack at second story.



Above: Front elevation after removal of northeast corner.



Above: North elevation after removal of northeast corner.

Photos of the building taken recently



**Above: Front elevation facing College Ave.
Below: Front and South Elevations**

