



PLANNING DIVISION STAFF REPORT

November 11, 2019

PREPARED FOR THE LANDMARKS COMMISSION

Project Name/Address: 121 Langdon St. (Suhr House)

Application Type: Appeal of Demolition by Neglect Finding by the Landmarks Commission

Legistar File ID # [56588](#)

Prepared By: Heather Bailey, Preservation Planner, Planning Division

Date Prepared: November 6, 2019

Background

On June 24, 2019, the Landmarks Commission made a finding that demolition by neglect was occurring at 121 Langdon. Per the remedies in MGO 41.15(4), the property owner filed an appeal of the Landmarks Commission decision on July 3, 2019. The Common Council held a public hearing on August 6, 2019, and referred the matter back to the Landmarks Commission for their reconsideration with the following motion:

A motion was made by Heck, seconded by Bidar, to Refer to the LANDMARKS COMMISSION and should be returned by 9/16/2019. The motion passed by voice vote/other with the following instructions:

1. Rescind the previous finding of demolition by neglect if the property owner is found to be in full compliance with the conditions of the December 6, 2018 Certificate of Appropriateness, or
2. Refer the Appeal back to the Common Council if the property owner continues to be in non-compliance.

The property owner had completed all items related to the Building Inspection work order that had triggered the demolition by neglect finding as of August 30, 2019. However the building work had triggered site plan compliance with Zoning. The building and site work were both included in the Certificate of Appropriateness issued by the Landmarks Commission in December 2018. As of the September 16, 2019, Landmarks Commission meeting, the site work had not been completed and current site conditions were collecting water against the foundation of the building. The Landmarks Commission moved to refer the matter to their November 11, 2019, meeting so that the property owner could complete the required site work by the November 1, 2019, deadline on file with Zoning.

As of November 5, 2019, much of the site work has not been completed, which includes problematic grading and drainage that directs water to pool near the foundation, and use of the front yard as a parking area. Due to the time of year, the landscaping and paving cannot be completed until the Spring. Zoning is working with the property owner to establish a new date for compliance.

Analysis

The Demolition by Neglect proceedings were triggered by the work order from Building Inspection. As that work is now complete, staff does not believe that demolition by neglect is still occurring. The building work included ground disturbance around the perimeter of the building and that currently directs water to pool up against the foundation. In the short term, this is not problematic, but will damage the foundation if not corrected. The grading and drainage on the property should be addressed as part of Zoning's site plan process, and those required changes will be monitored and inspected by Zoning staff in cooperation with the Preservation Planner.

However, the site work now cannot be completed until next year. It is likely Zoning will set a deadline for early summer 2020. If that work is not completed by that time, the COA from Landmarks will expire on December 6, 2020.

Recommendation

Staff believes that the property owner has not met the conditions of the motion from the Common Council for all work related to the December 6, 2018, COA to be completed. As such, the instruction from Common Council was for the Landmarks Commission to refer the Demolition by Neglect Appeal back to Common Council for their reconsideration.

Staff recommends the Landmarks Commission refer the appeal back to Common Council as the property owner is still in non-compliance with the terms of the December 6, 2018, Certificate of Appropriateness.