

# Staff Report

Meeting of 10-1-11

- 8 After the fact demolition of gable roof, removal of existing second story roof deck, railings, fence and stairs- Code Compliance Case- # 2 Scheppens Lane- William Horn (H11-01-1220)

The house located on 2 Scheppens Lane is listed as a contributing resource, built circa 1915. The house is a one story frame vernacular structure. This structure is part of the Equator Resort complex located on 818 Fleming Street. The complex includes 1 Scheppens Lane, 818 Fleming Street and 816 Fleming Street. Code Compliance open a case after neighbors complained of noise and construction work. New wood decks with handrails and a wood solid fence has been built on the roof of the main building and a secondary structure without a Certificate of Appropriateness approval or Building permits. On September 27, 2011 the Commission motioned to approve the demolition of the second story roof deck, railings, fence and stairs. During that meeting the Commission did not approved the after the fact demolition request for the gable roof, but recognized the need of a new gable roof to reconstitute what was demolished.

It is staff's belief that the demolition criteria stated in the LDR, Sec. 102-218, needs to be applied for the review of the demolition request:

(a) *The historic architectural review commission shall issue a certificate of appropriateness for an application for demolition:*

*(1) If the subject of the application is a contributing or historic building or structure, then it should not be demolished unless its condition is irrevocably compromised by extreme deterioration or it does not meet any of the criteria of section 102-125(1) through (9).*

The Code also establishes, under Sec. 102-1, Definitions, that a historic building or structure means;

*any building or structure which, in whole or in any structural part, was built 50 or more years prior to the current date, and which is located in the historic zoning districts of the city or has been designated as a historic building and/or structure.*

Staff understands that the Commission can consider the demolition of all non historic and new elements that were built over the structures without any approvals. The Commission can also consider the request for demolition of the existing exterior staircases. As to the after the fact demolition of a historic roof over a contributing structure it is staff recommendation to this Commission to deny the request. It is the responsibility of this Commission, and not the owner of this structure, to make a determination if the historic roof qualified for demolition in accordance with Chapter 102 of the LDR's.

The applicant included in the plans the restitution of the gable roof. The removal of the historic roof is an irreparable lost.