CITY OF ALLENTOWN

No. 30714 ***RESOLUTION*** ***R161 - 2023***

Introduced by the Administration on September 20, 2023

Denial of a Certificate of Appropriateness – 327 N. Nagle Street

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Resolved by the Council of the City of Allentown, That

WHEREAS a Certificate of Appropriateness is required under the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania No.167, June 13, 1961 (P.L.282) known as the Pennsylvania Historic District Act; and City of Allentown has adopted a Historic District Ordinance, Article 1391, under the provisions allowed in the Pennsylvania Historic District Act; and

WHEREAS the owner, Paresh Patel, applied to the Historical Architectural Review Board (HARB) for a Certificate of Appropriateness to legalize the reconstruction of the rear addition, as described in the attached final report; and

WHEREAS the HARB held a meeting on said matter on September 5, 2023, where a representative for the applicant was not in attendance; and

WHEREAS based on the statements and evidence presented, the HARB made the following findings of fact, as detailed in the attached case report:

1. The applicant participated in the July 10, 2023 HARB meeting, but did not provide sufficient information for the HARB to act on the application; both parties agreed to table the application to allow the applicant to provide additional information.
2. The applicant reconstructed a rear addition without building permits or a Certificate of Appropriateness and is seeking to legalize the work that has been completed.
3. The application lacks basic information, including elevation drawings stamped by an engineer.
4. The HARB was unable to table the application on September 5, 2023, since the applicant or a representative was not present to request additional time for the review.

WHEREAS, based on the above findings of fact, the HARB agreed on the motion not to legalize the reconstruction of the rear addition as proposed, and recommended to City Council denial of a Certificate of Appropriateness for the reconstruction of the rear addition as detailed in the attached case report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that a Certificate of Appropriateness is hereby denied for the above referenced exterior alteration.

	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Cynthia Y. Mota	X	
Santo Napoli	X	
Natalie Santos	X	
Ed Zucal	X	
Daryl Hendricks, President	X	
TOTAL	7	0

THIS IS TO CERTIFY, That the above copy of Resolution No. 30714 was adopted by the City Council of Allentown on the 4th day of October, 2023, and is on file in the City Clerk's Office.

Michael P Hahn

City Clerk

Historical Architectural Review Board
COA Final Review Sheet

HDC-2023-00044
Address: 327 N. Nagle Street
District: Old Allentown Historic District
Applicant: Paresh Patel, owner
Proposal: Legalize reconstruction of rear addition (violation correction)

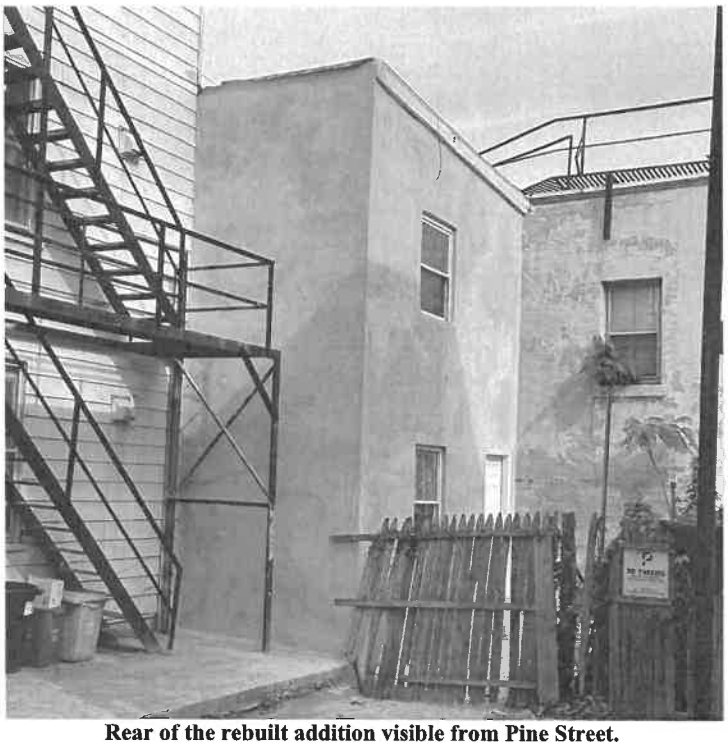
Building Description:
This 2-story brickote end-of-row house, c. 1910, is a ½ Street Vernacular house, has a flat roof with a single chimney. The windows are 1/1 sash with segmental arches in brickote. The main entry is a single 6-panel solid door with an aluminum awning over it. There is a long concrete stoop in front of the house.

Project Description:
On May 25, 2023, the property owner submitted an application for a certificate of appropriateness to restucco the rear addition of the building at 327 N. Nagle Street. Staff approved the application since the work would have been an in-kind replacement. Staff was later notified by Building Standards and Safety that the work exceeded the approved scope and that Building Standards had issued a stop work order and tagged the building as unsafe. According to the inspector, the removal of the stucco showed that the addition was in extremely poor condition and in danger of collapse. Because the owner worked outside the approved scope, staff issued of a notice of violation and revoked the certificate of appropriateness. The owner proceeded to work to address the unsafe violation prior to permits being issued and rebuilt the addition. Currently, the addition has been reframed, enclosed, and stuccoed. At least one door was relocated to a new façade. This application proposes to legalize the reconstruction of the addition.

Front and side façades of 327 N. Nagle Street, 2019. (Google StreetView)


Photo showing the wall condition following stucco removal. (City of Allentown)

Side façade with walls removed and reframed.
(City of Allentown)



Rear of the rebuilt addition visible from Pine Street.
(City of Allentown)

Photo showing rebuilt wall with door moved.
(City of Allentown)

1932 Sanborn map showing that a small one-story frame addition existed.
(Pennsylvania State University Libraries)

Applicable Guidelines:

Chapter 3.15 – Demolition

3.15.2 Evaluate the significance of the building and its contribution to the historic district. Determine if the building has individual architectural, cultural, or social significance or is associated with significant people or events. It is recommended to reference the National Register of Historic Places' criteria for significance. Determine its contribution to the historic district. Buildings that are eligible or listed in the National Register and/or are significant features of the historic district should be preserved.

3.15.3 Determine is the building retains historic integrity. Evaluate the cumulative impact of past alterations. Buildings that have been altered to such an extent that they no longer convey their significance or contribute to the historic district may have more flexibility in review.

3.15.4 Provide documentation that the feasibility of rehabilitation has been sufficiently investigated and alternatives to demolition have been explored. Documentation may include feasibility studies, professional conditions assessments, structural report by a licensed engineer, cost estimates, or similar due diligence. Documentation can be provided in written descriptions, photographs, drawings, and financial data.

3.15.8 If demolition is proposed because the City's Building Inspector has declared a clear and present danger, provide official documentation with the application. The Building Inspector may determine that a building is in a state of collapse or has deteriorated to such a point that it is a public safety concern. This finding should be supported by documentation from a licensed structural engineer.

3.15.9 Avoid demolition by neglect through regular maintenance, repair, and restoration. Severe deterioration and poor condition that is the result of neglect can be considered a self-created hardship and is not an appropriate justification for demolition.

3.15.10 Consider the factor of compatibility within the historic district. Buildings were constructed after the district's period of significance or are intrusive to historic patterns of material, design, scale, proportion, and massing may be reviewed with greater flexibility.

Observations & Comments:

Staff finds that the addition held no architectural or historical significance and was constructed after 1932, though the exact date was not determined. The addition consisted of frame construction and contained no architecturally significant details or features. The north elevation included one second-story window and one entry door at the east end. The rear elevation had one window at each story, and the south elevation contained no openings and was partially visible from Pine Street.

Staff finds that the application is incomplete. To complete its review of the building permit application, Building Standards requested engineering drawings of the framing, and HARB staff additionally requested that the applicant submit photographs of the completed work. The application only includes a hand sketch of the north elevation framing. The sketch contains no dimensions or scale and does not show window or door openings. To review the work, staff requires accurately scaled drawings of all elevations, as requested by Building Standards, along with photographs and/or specs to illustrate the final detailing of the walls. The photographs provided in this application were obtained from Building Standards and show that the work was largely complete, though the rebuilt addition is not in a state such that approval could be provided. The walls are clad with a scratch coat (not finish coat) of stucco, and the door opening has been relocated from the north to the east elevation. An accurate application representing the full extent of work is required to be submitted by the applicant prior to approval.

Staff Recommendation:

Denial, owing to incompleteness.

HARB Discussion:

Ms. Keller stated that the applicant has not updated the application and has not submitted the required drawings sealed by an engineer, so the application remains incomplete. He also has not contacted staff to request to table the application. She noted that the owner had been in court the previous week with Building Standards for the rebuilding of the rear addition without permits and that no drawings had been provided to the court at that time. She explained that the HARB would need to act on the application at the present meeting, owing to time limitations determined by ordinance. Once the applicant has a complete application with drawings, she continued, he may resubmit the application and restart the process.

Mr. Jordan agreed that the HARB would need to act and would not be able to approve an incomplete application.

Action:

Mr. Encelewski moved to deny the incomplete application presented on 9/5/2023 to legalize the reconstruction of the rear addition at 327 N. Nagle Street, pursuant to Chapter 3, Section 3.15 Demolition. Mr. Hart seconded the motion, which carried with unanimous support.