



LEO S. LUTZ
Mayor

EVAN M. GABEL
Solicitor

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

COLUMBIA BOROUGH HISTORICAL ARCHITECTURAL REVIEW BOARD

Paul W. Myers Council Chambers, 308 Locust Street, Columbia

February 15, 2024 - THURSDAY | 7:00 PM

FINAL AGENDA

This meeting will be live streamed via the Borough's YouTube Channel as a convenience and is not meant to replace in-person participation in the meeting.

- 1) Call to Order and Roll Call
- 2) Moment of Silence
- 3) Pledge to the Flag
- 4) Election of Officers – Motion to Elect a Chairperson and Vice-Chairperson for 2024
- 5) Minutes for Approval –November 08, 2023, HARB Meeting
- 6) New Business
 - a) Consider motion to recommend to Borough Council for the COA – 17 South Third Street

APPLICANT/OWNER: Estreet Properties LLC
AGENT: Kevin Kratzert
CONTRACTOR: Property Owner
ALTERATION: Install business sign, 25" diameter circle and constructed of ACM material on black metal brackets. Sign to be located between front windows.

- b) Consider motion to recommend to Borough Council for the COA – 121 Avenue H

APPLICANT/OWNER: Daniel Scarberry
AGENT: N/A
CONTRACTOR: N/A
ALTERATION: Demolish dilapidated front porch, replace front porch, and replace siding. Some work has already been completed. Notice of Violation sent dated November 7, 2023 and December 7, 2023.

- c) Review and discuss the consulting agreement with the Lancaster Historic Preservation Trust for technical support

7) Presentation of Administrative Approvals /In-Kind (information only) Listed Below
(Nov, Dec, Jan)

- i) 358 Locust Street – replace section of roof asphalt shingles w/asphalt shingles
- ii) 330 Cherry Street – replace roof shingles w/dimensional shingles and rubber roof w/rubber roof
- iii) 478 Walnut Street – replace roof asphalt shingles w/asphalt shingles
- iv) 150 S Fourth Street – repair soffit/replace roof – in-kind materials
- v) 201 Locust Street – remove/restore existing sign/replace neon bulbs w/led bulbs
- vi) 313 N Second Street – replace asphalt shingles on porch roof w/asphalt shingles
- vii) 252 N Third Street – install handrail and grab bars at front entrance
- viii) 537 N Second Street – in-kind replacement of roof – not seen from street
- ix) 639 Chestnut Street – replace asphalt roof with asphalt shingles
- x) 204 Walnut Street – replace rear porch roof – not seen from street
- xi) 150 N Third Street – replace asphalt roof shingles on mansard and turret roof with asphalt shingles
- xii) 124 N Fourth Street – replace fence – in-kind replacement
- xiii) 132 N Third Street – replace fence – in-kind replacement
- xiv) 729 Chestnut Street – replace asphalt shingles/rubber on yankee gutter/shingles on front porch roof - like materials

8) Public Comments and Questions

9) Other Business

10) Motion to Adjourn

Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, and attacks or any conduct that disrupts the flow of business is out of order.

(Next Meeting, March 13, 2024)

If you are a person with a disability wishing to attend this meeting and require an accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.

**BOROUGH of COLUMBIA COUNCIL
HISTORICAL ARCHITECTURAL REVIEW BORAD
MINUTES**

November 8, 2023 | 7:00 PM
Paul W. Myers Council Chambers

1. Chairperson Lutz called the meeting to order at 7:00 PM.

Board Members present: Brandt, Carrigan, Architect Kerekgyarto, Lutz & Mountain

Board Members absent: Barley

Staff Present: Planning/Zoning Officer Fieldhouse
Code Compliance Manager Diffenderfer
Laurie Gerfin-Lutz, Administrative Staff

2. Chairperson Lutz led a moment of silence.

3. Chairperson Lutz led the pledge to the flag.

4. Minutes for Approval.

Motion to approve minutes for the September 13, 2023 meeting.

Motion by:	Second by:	Voice Vote:
P. Kerekgyarto	A. Carrigan	All Favored – Motion Carried

5. New Business

- a) Motion to recommend to Borough Council approval for the COA – 144 Locust Street based on the noncontributing status of the structure.

Motion by:	Second by:	Voice Vote:
P. Kerekgyarto	A. Carrigan	3 yes 2 no (Brandt/Lutz) motion carried

APPLICANT/OWNER: Red Canna LLC

AGENT: N/A

CONTRACTOR: GCS

ALTERATIONS: Material changes to porch roof and railing. Existing shingle roof is proposed to be replaced with a corrugated metal roof and the existing wrought iron porch railing replaced with wood railings and wire mesh

Zoning Officer Fieldhouse reviewed, in detail, the information provided in the packet. Stated the property owner submitted a building and zoning permit application for replacement windows. A follow up inspection by Borough staff discovered the porch and railing replacement which was not included in the permit issued. A notice of violation was issued to the owner. It was determined this work would need to be reviewed by HARB and they were instructed to submit a permit application for review. When the application was submitted it also included the change in material for the roof. At Councilperson Lintner’s request, Officer Fieldhouse also addressed the approval process followed for the painting of the façade of the building. She also discussed the staff’s opinion that the Borough’s latest historic property survey specifically states that the property has been radically altered with few original details remaining. Based on the property’s noncontributing status, staff recommends the permit be approved and the work be allowed.

The applicant was present and reviewed the additional photographs of the project provided to the board.

Officer Fieldhouse reviewed for the Board their options with the application. There was a discussion on the type of material used to replace the railing. Board member Brandt questioned the permitting process for the project. Officer Fieldhouse reviewed the process and explained this was a continuation of a permitting process that was started by previous staff. Officer Fieldhouse encouraged the Board to address their questions with the process at their next meeting and address the application presented at this meeting. Specific sections of the ordinance were noted as applicable to this project. There was a discussion on the Borough's recent Certified Local Government designation with the Pa Historic Museum Commission through which they received funds to redo a survey for the Historic District. Board member Mountain discussed the property's noncontributing status. Officer Fieldhouse provided additional information on the issue. Board member Mountain noted his approval of the work that has been done at the property. There was a discussion on the Historic Preservation Consultant that previously consulted on HARB issues. There was a discussion on the permission given to paint the form stone on the front of the building.

Nora Motter-Stark

Introduced herself to the Board and provided her background with the Historic District of Columbia.

Chairman Lutz reviewed the Boards options of approving the application or requiring the property owner to remove the railing and replace it with a more historical looking material. Board Member Mountain discussed the resale value of the property with the improvements. There was a discussion on how to make potential property owners aware that a property is in the Historic District and educating them on the requirements for work done in the district. N. Motter-Stark discussed a survey done in 1981 that catalogued and described properties in the Borough's Historic district. The survey also listed a property's significance to the district. There was a detailed discussion on what was replaced and what was there originally that provided historical value.

Frank Doutrich

Asked for clarification on the permitting process for the project and what outside work was permitted for the structure. Officer Fieldhouse provided detail on the permits submitted.

6. Presentation of Administrative Approvals /In-Kind (information only) listed below (Sept & Oct)

- I) 212 Poplar Street – replace roof/porch roof/Yankee gutter – in kind
- II) 257 N 2nd Street – replace windows – wood to vinyl/no capping

Officer Fieldhouse noted the windows were capped and a violation was issued.

- III) 518 N Third Street – replace roof and windows – in-kind/wood to vinyl
- IV) 631 Chestnut Street – repair front porch – in-kind materials
- V) 855 Chestnut Street – replace vinyl windows w/vinyl

7. Public Comments and Questions

Frank Doutrich

Discussed fines imposed for unauthorized work done in the HARB district.

Nora Motter Stark

Encouraged the Board and Council to hire an architectural consultant to preserve the historical value of properties in the Borough.

8. Other Business

- a) 2024 HARB Meeting Dates – conflict – February 14, 2023 meeting (Ash Wednesday and Valentine’s Day). The Board suggested looking at an alternate date. Staff will research and recommend another date.

- b) Officer Fieldhouse asked the Board to bring any issues they have to the next meeting for discussion.

(NEXT MEETING, December 13, 2023)

9. Motion to adjourn the meeting at 8:15 PM.

Motion by:	Second by:	Voice Vote:
B. Brandt	P. Kerekgyarto	All Favored – Motion Carried

MOTIONED AND APPROVED this 13th day of December 2023, by the Historical Architectural Review Board of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

By:

Jonathan Lutz, Chairperson of the Board



RECEIVED
BOROUGH OF COLUMBIA
BUILDING/ZONING PERMIT APPLICATION

Permit # 240007
Cost of permit: \$25.00

BY: _____
PRINT LEGIBLY AND COMPLETE THIS FORM IN ITS ENTIRETY

DATE: 1/1, 2024

ADDRESS WHERE WORK IS TO BE DONE: 17 South third Street, Columbia, PA

PARCEL NUMBER: _____

BRIEF DESCRIPTION OF WORK: - hanging signage for small vintage boutique via metal brackets, (circle sign, 25" diameter) attached above door between the two large windows on the front of building, approx 8 (eight) feet off ground.

CONTRACTOR NAME: We are hanging it ourselves PHONE: 717-594-8359

PROPERTY OWNER: KEVIN KRATZERT

MAILING ADDRESS: 780 EDEN ROAD, LANCASTER, PA 17601

PHONE: (717) 587 1995 AFTER HOURS PHONE: (717) 560 1101 EXT 502

EMAIL ADDRESS: Kevin.Kratzert@homevestors.com

- ATTACH DRAWING OF PROPOSED WORK (PDF)
- ATTACH CERTIFICATE OF LIABILITY INSURANCE W/BOROUGH NAMED AS ADDITIONAL INSURED
- PA ONE CALL (800.242.1776) NOTIFICATION OF UNDERGROUND SERVICE: Yes No

Located in the Historic District? (Yes) No HARB Application Completed?

Market value of work proposed? \$500.00

I, the undersigned, understand that any work affecting existing ordinances must be in compliance with those ordinances, that major work is subject to inspection, that new structures require a certificate of occupancy upon completion, that any misrepresentation of the proposed work is cause for withdrawal of this permit and any work done beyond the scope of this permit is cause for a civil action complaint. The minimum penalty as prescribed by the municipal planning code of PA is \$500.00

SIGNATURE OF PROPERTY OWNER: [Signature] DATE: 1/9/24

SIGNATURE OF ZONING OFFICER: _____ DATE: _____

SIGNATURE OF BUILDING/PERMIT OFFICER: _____ DATE: _____

APPLICATION STATUS: APPROVED DENIED

REASON FOR DENIAL

Please note: drawings may be required for the following projects: sheds, fences, additions, porches, roof construction, decks, swimming pools, retaining walls, commercial projects. a third-party review, including inspections, may be required for some projects. The Borough of Columbia reserves the right to require additional information. First \$1,000.00 of project costs \$25.00 and each additional \$1,000.00 is \$5.00. Additional fee for 3rd party review. Permit fees doubled for work performed without permit.



Borough of Columbia
ZONING /HARB REVIEW

RECEIVED

JAN 11 2024

BY: _____

1/10/2024
Date of Application

Check List: Your completed application should include:
- [] HARB Letter of Intent (LOI)
- [] Plot Plan Drawings
- [] Elevation Drawings
- [] Photographs
- [] Brochure or Catalog Cut
- [] Material Sample
- [] Other (specify):

PLEASE PRINT OR WRITE LEGIBLY

1. Owner's Name: KEVIN KRATZERT
If applicant is not the equitable owner of the property, indicate:
- [] Owner's Agent/Representative
- [x] Other
- [] Letter Submitted by Property Owner, authorizing Agent/Representative to act:
Street Address: 780 EDEN ROAD LANCASTER, PA 17601
Mailing Address (if different):
City: LANCASTER State: PA Zip: 17601
Phone (daytime): (717) 587-1995 Email: KEVIN.KRATZERT@HOMEVESTORS.COM

2. Street Address of Property to be Reviewed (if different): 17 S. THIRD STREET
Columbia, pa

3. Contractor's Name: N/A HANGING SMALL SIGN OURSELVES
Street Address:
Mailing Address (if different):
City: State: Zip:
Phone (daytime): 717-594-8359 Email: lahdlallo@gmail.com

4. Architect/Engineer (if applicable): N/A
Street Address:
Mailing Address (if different):
City: State: Zip:
Phone (daytime): Email:

- 5. Property Use (Check all that apply):
- [] Single Family Residence
- [] Multi-Family Residence
- [] Office
- [x] Commercial/Retail
- [] Industrial
- [] Institutional
- [] Vacant
Particular Building Type:
- [] single, detached
- [] duplex
- [] row
- [] apartment building
- [] warehouse
- [x] other:
Property Data (if unknown, leave blank)
1. Date building constructed:
2. Date of additions/alterations:

6. Proposed Alteration(s), Demolition or New Construction (list each item separately):

Example: 1. replace existing front door with wood four-panel door
2. install storm door

- 1. Install front signage approx 8 feet off ground with black metal brackets + poles.
- Sign is 25" constructed of 1/4" ACM material.
- Sign would be located in between the two front windows of the building.

7. Costs

Estimate the total cost of the alteration(s):

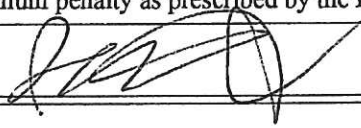
\$450.00

8. Date of Review

Date of meeting at which application will be reviewed:

I, the undersigned, understand that any work affecting existing ordinances must be in compliance with those ordinances, that major work is subject to inspection, that new structures require a Certificate of Occupancy upon completion, that any misrepresentation of the proposed work is cause for withdrawal of the work permit, and any work beyond the scope of the work permit is cause for a Civil Action Complaint. The minimum penalty as prescribed by the Pennsylvania Municipalities Planning Code is \$500.00.

9. Signature of Owner:



Date:

1/10/2024

10. Signature of Zoning Official:

Date:

Applicant was given:

- Pink Placard (to be prominently displayed by applicant on the property where the alterations are proposed)
- Meeting Notice (provides applicant with date, time, and location of meeting at which application will be reviewed)

Official Use Only

Date of site visit: _____

Property Description (building inventory data sheet)

Historic Function: _____ Particular Type: _____ Current Function: _____

Architectural Style: _____

Exterior Materials: _____

Structural System: _____ Foundation: _____

Bays: _____ Stories: _____

Roof Pitch: _____ Roof Materials: _____ Roof/Wall Junction: _____

Dormers: _____ Chimney: _____

Porch: _____ Porch Support: _____

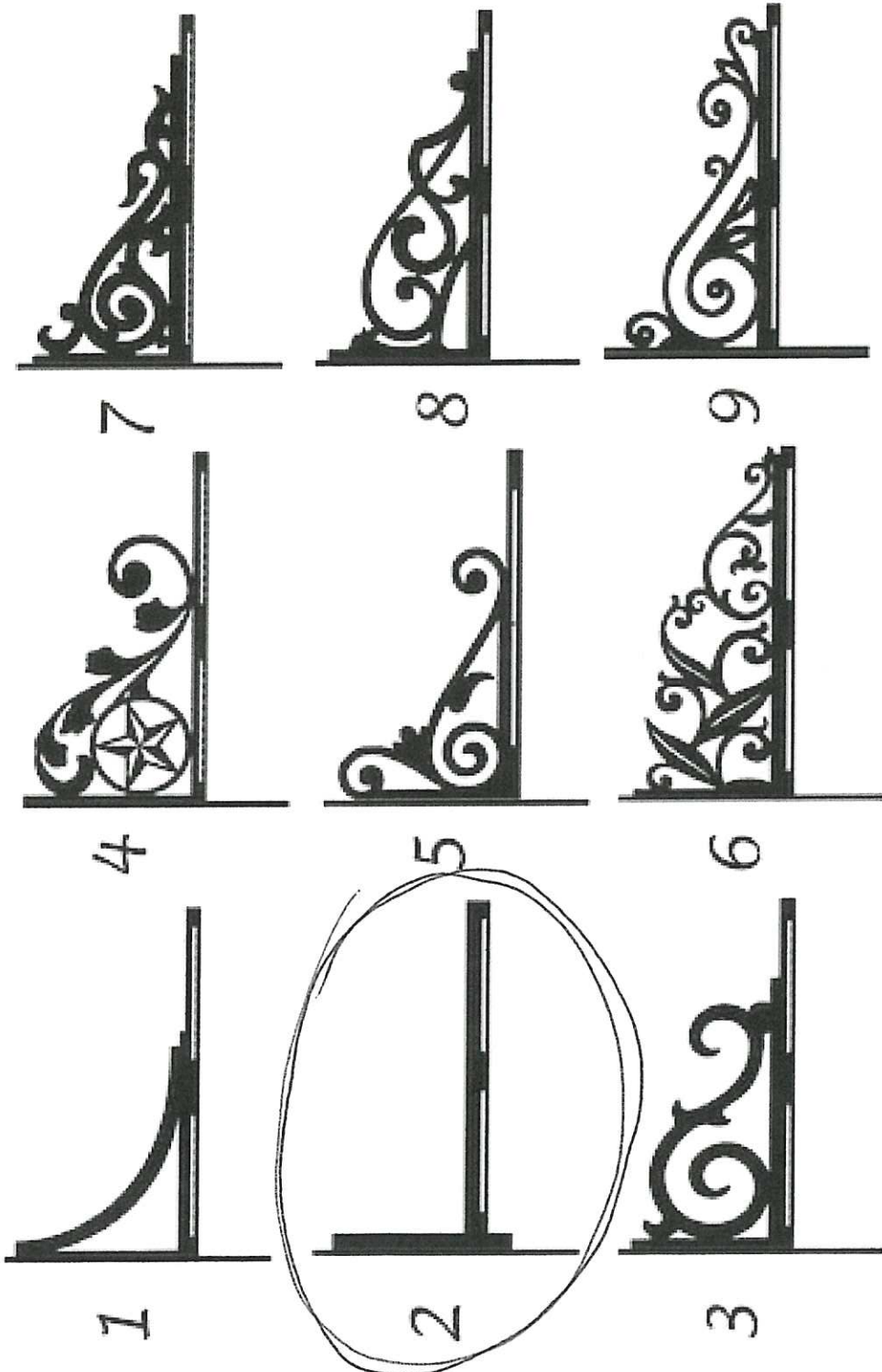
General Condition: _____ Integrity: _____



RECEIVED

JAN 11 2024

BY: _____



17 SOUTH THIRD STREET



LEO S. LUTZ
Mayor

EYAN M. GABEL
Solicitor

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

AGENDA DATE: February 15, 2024

TO: Historic Architecture Review Board

RE: HARB COA for 17 South Third Street
Permit No.24-0007/Account No. 1100340600000

FROM: Mark E. Stivers, Borough Manager

TITLE: Consideration of a Certificate of Appropriateness (COA) for the installation of a projecting wall sign.

OWNER/APPLICANT: Kevin Kratzert
780 Eden Road
Lancaster, PA 17601

Contractor: N/A To be installed by owner

PROJECT DESCRIPTION: To install a projecting wall sign on the front façade of the property. The sign will be 25" diameter sign constructed of ¼" ACM material hung from a black metal bracket.

PROPERTY DESCRIPTION: The existing structure was built circa 1860. It was originally a an attached dwelling. The buildings were constructed in the Victorian Vernacular style and consist of two story 3 bay frame house. It has a single gabled dormer window on the attic level. There is a central recessed doorway Victorian storefront with plate glass windows under transoms and wide wooden cornice. It is covered by asbestos shingles.

The above taken from the Historic Property Building Survey.

SECRETARY OF THE INTERIOR STANDARDS THAT APPLY: 9

- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.



PROJECT BACKGROUND

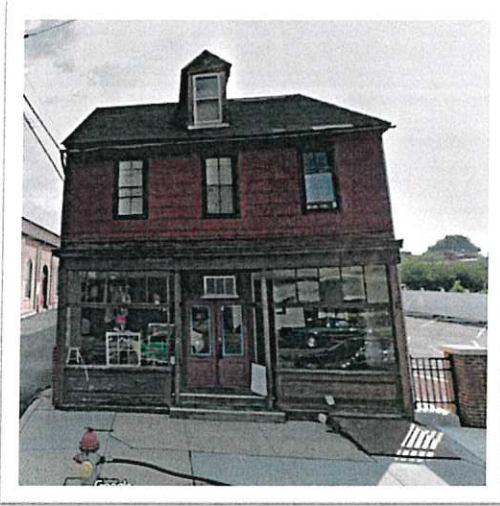


Figure 1- 17 S Third Street, Google Maps Street View

The applicant, Kevin Kratzert, is seeking permission to install a projecting wall sign on the front façade of the building.

The sign will be a 25" round sign hung from a black metal bracket. The sign is to be located between the front windows.

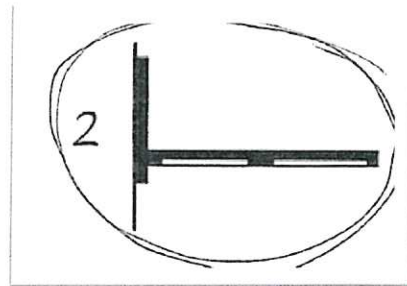


Figure 2 Sign bracket



Figure 3 Sign image

STAFF ANALYSIS:

The type and style of sign seems to be consistent with the style of structure and doesn't take away from the historical character of the building.

Staff recommends approval of this COA for the installation of a projecting sign on the front façade of the building with the condition that the bottom of the sign be a minimum of 7 feet above the sidewalk.

- END STAFF ANALYSIS



Borough of Columbia
ZONING /HARB REVIEW

RECEIVED

JAN 12 2024

BY: _____

1/12/24

Date of Application

\$57,50

240008

Check List: Your completed application should include:

- HARB Letter of Intent (LOI)
- Plot Plan Drawings
- Elevation Drawings
- Photographs
- Brochure or Catalog Cut
- Material Sample
- Other (specify):

PLEASE PRINT OR WRITE LEGIBLY

1. Owner's Name: DANIEL D. SCARBERRY

If applicant is not the equitable owner of the property, indicate:

- Owner's Agent/Representative
- Other
- Letter Submitted by Property Owner, authorizing Agent/Representative to act:

Street Address: 121 AVENUE H COLUMBIA, PA 17512

Mailing Address (if different): 51 BLOSSOM HILL DR

City: LANCASTER State: PA Zip: 17601

Phone (daytime): 717 951 0158 Email: ddscarberr@gmail.com

2. Street Address of Property to be Reviewed (if different):

3. Contractor's Name: N/A

Street Address:

Mailing Address (if different):

City: State: Zip:

Phone (daytime): Email:

4. Architect/Engineer (if applicable): N/A

Street Address:

Mailing Address (if different):

City: State: Zip:

Phone (daytime): Email:

5. Property Use (Check all that apply):

- Single Family Residence
- Multi-Family Residence
- Office
- Commercial/Retail
- Industrial
- Institutional
- Vacant

Particular Building Type:

- single, detached
- duplex
- row
- apartment building
- warehouse
- other:

Property Data (if unknown, leave blank)

1. Date building constructed: UNK

2. Date of additions/alterations:

OCTOBER 2023

6. Proposed Alteration(s), Demolition or New Construction (list each item separately):

Example: 1. replace existing front door with wood four-panel door
2. install storm door

- DEMOLITION OF DILAPITATED FRONT PORCH

- REPLACE FRONT PORCH

- REPLACE INEFFECTIVE SIDING

7. Costs \$ 7,500.00

Estimate the total cost of the alteration(s):

8. Date of Review

Date of meeting at which application will be reviewed:

I, the undersigned, understand that any work affecting existing ordinances must be in compliance with those ordinances, that major work is subject to inspection, that new structures require a Certificate of Occupancy upon completion, that any misrepresentation of the proposed work is cause for withdrawal of the work permit, and any work beyond the scope of the work permit is cause for a Civil Action Complaint. The minimum penalty as prescribed by the Pennsylvania Municipalities Planning Code is \$500.00.

9. Signature of Owner: Doif Al Sealy Date: 1/12/24

10. Signature of Zoning Official: _____ Date: _____

Applicant was given:

- Pink Placard (to be prominently displayed by applicant on the property where the alterations are proposed)
- Meeting Notice (provides applicant with date, time, and location of meeting at which application will be reviewed)

Official Use Only

Date of site visit: _____

Property Description (building inventory data sheet)

Historic Function: _____ Particular Type: _____ Current Function: _____

Architectural Style: _____

Exterior Materials: _____

Structural System: _____ Foundation: _____

Bays: _____ Stories: _____

Roof Pitch: _____ Roof Materials: _____ Roof/Wall Junction: _____

Dormers: _____ Chimney: _____

Porch: _____ Porch Support: _____

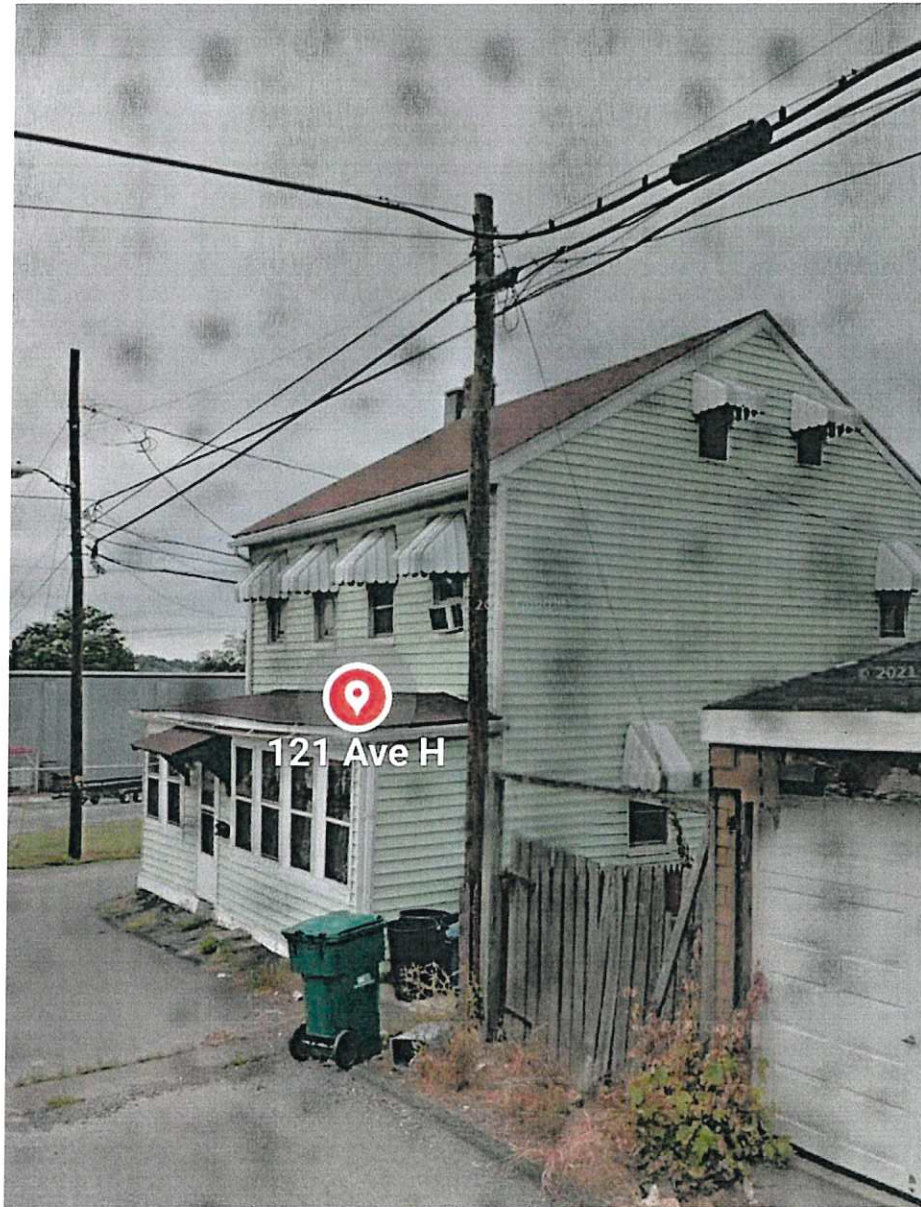
General Condition: _____ Integrity: _____

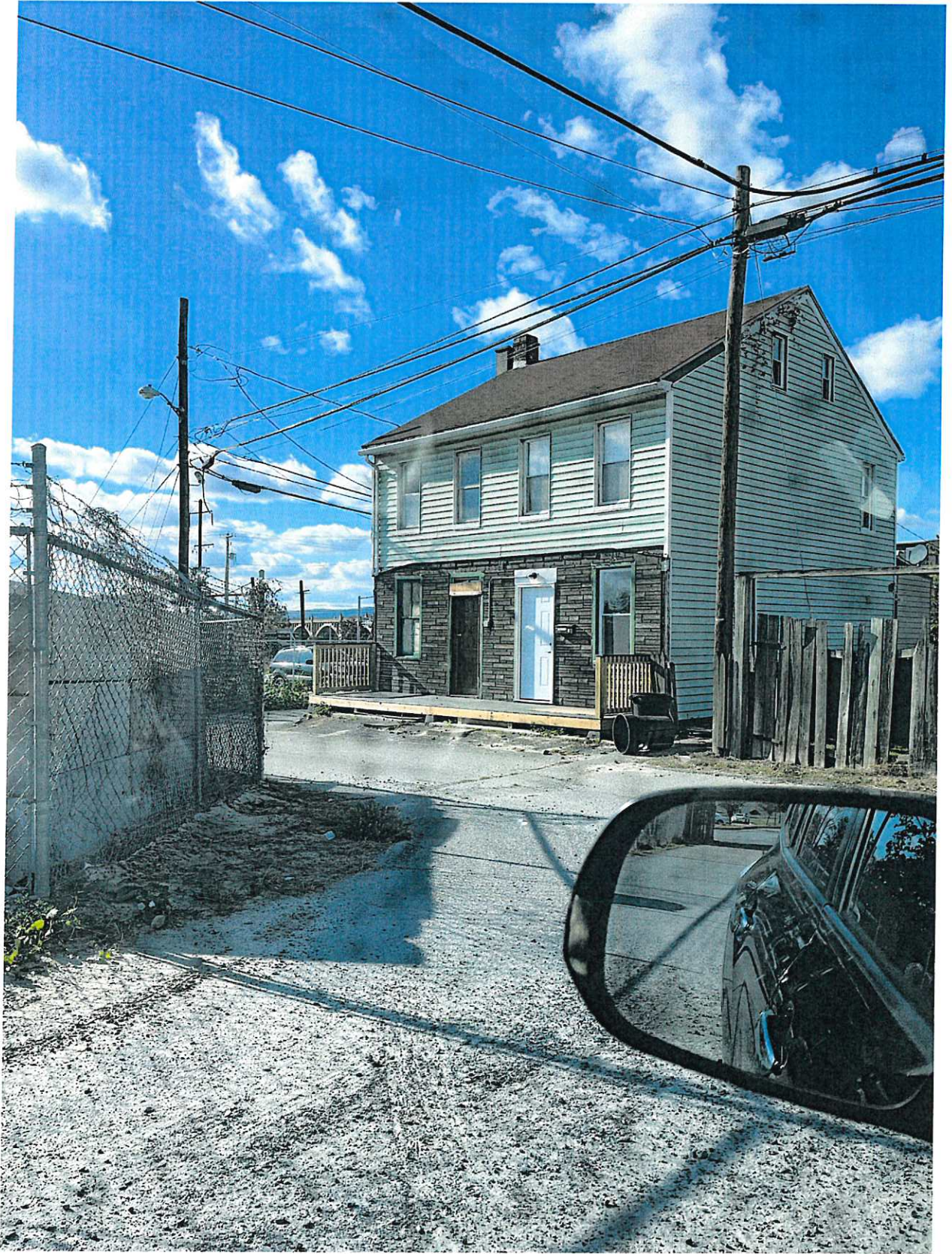
Field Notes: _____

121 Avenue H – After



121 Avenue H - Before







LEO S. LUTZ
Mayor

EVAN M. GABEL
Solicitor

HEATHER ZANK
Borough Council President

MARK E. STIVERS
Borough Manager

November 7, 2023

Property Owner
121 Avenue H
Columbia, PA 17512

Re: Notice of Violation - Historic District
121 Avenue H, Columbia
S. 130-17 Demolition of Buildings

Dear Property Owner:

This written communication is regarding modifications made to the structure located at 121 Avenue H, Columbia Borough. At a recent inspection, Borough staff noted that the structure's enclosed front porch had been moved without first receiving permission from the Borough's Historic Architectural Review Board. The Borough's Historic District specifically states that:

Section 130-17 Demolition of Buildings

- A. No existing building or enclosed portion of such building within the historic district shall be demolished, razed, or otherwise permanently destroyed in whole or in part unless there are no reasonable alternatives available.
- B. No building subject to Subsection A hereof shall be demolished or razed in whole or in part unless one or more of the following standards is satisfied, in the judgment of Borough Council after considering the recommendation of the HARB:
 - 1. The building does not contribute to the historical or architectural significance of the historic district as determined by HARB in accordance with National Register criteria;
 - 2. The applicant proves by credible evidence that no reasonable beneficial use of the building is possible and that such a situation is not the result of intentional neglect by the current owner;
 - 3. In accordance with Article VIII, § 130-28, the applicant proves by credible evidence that the denial of the demolition would result in an unreasonable economic hardship to the owner, which hardship was not self-created.

At your earliest convenience please complete and submit the attached application to the Borough. Upon receipt, the application will be placed on the Board's next agenda for a retroactive review of the demolition of the structure's enclosed front porch.

The application must be submitted within fifteen (15) days to avoid further enforcement proceedings.

Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice.

Respectfully,



Jessica M. Fieldhouse, Zoning Officer

Cc: File



LEO S. LUTZ EVAN M. GABEL
Mayor Solicitor
HEATHER ZINK MARK E. STIVERS
Borough Council President Borough Manager

December 7, 2023

Mr. Daniel D. Scarberry
51 Blossom Hill Drive
Lancaster, PA 17601

RE: 2nd Notice of Violation – Historic District
 121 Avenue H, Columbia
 S. 130-17 Demolition of Buildings

Dear Property Owner:

This written communication is a follow up to an earlier notification dated November 7, 2023 (see attached), regarding modifications made to the structure located at 121 Avenue H, Columbia Borough. At a recent inspection, Borough staff noted that the structure's enclosed front porch had been moved without first receiving permission from the Borough's Historic Architectural Review Board. The Borough's Historic District specifically states that:

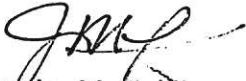
Section 130-17 Demolition of Buildings

- A. No existing building or enclosed portion of such building within the historic district shall be demolished, razed, or otherwise permanently destroyed in whole or in part unless there are no reasonable alternatives available.
- B. No building subject to Subsection A hereof shall be demolished or razed in whole or in part unless one or more of the following standards is satisfied, in the judgment of Borough Council after considering the recommendation of the HARB:
 1. The building does not contribute to the historical or architectural significance of the historic district as determined by HARB in accordance with National Register criteria;
 2. The applicant proves by credible evidence that no reasonable beneficial use of the building is possible and that such a situation is not the result of intentional neglect by the current owner; and,
 3. In accordance with Article VIII, S. 130-28, the applicant proves by credible evidence that the denial of the demolition would result in an unreasonable economic hardship to the owner, which hardship was not self-created.

At your earliest convenience please complete and submit the attached application to the Borough. Upon receipt, the application will be placed on the Board's next agenda for a retroactive review of the demolition of the structure's enclosed front porch. The application must be submitted within fifteen (15) days to avoid further enforcement proceedings.

Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than \$500, plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. Each day that a violation continues constitutes a separate violation.

Respectfully,



Jessica M. Fieldhouse, Zoning Officer

Cc: File

AGENDA DATE: February 8, 2024

TO: Historic Architecture Review Board

RE: HARB COA for 121 Avenue H

FROM: Mark E. Stivers, Borough Manager

TITLE: Consideration of a (retroactive) Certificate of Appropriateness (COA) for a partial demolition in the Historic District.

OWNER/APPLICANT: Daniel Scarberry

Contractor: N/A

PROJECT DESCRIPTION:

Partial demolition in the Historic District of an enclosed porch at 121 Avenue H.



PROPERTY DESCRIPTION: A double house now converted into a single dwelling. The two story frame structure with aluminum siding has a symmetrical 4-bay second story. The first story has an enclosed porch with off-centered door and multiple windows. All windows are 1/1 and have stripped aluminum awnings with the exception of those in the enclosed porch. The house has end chimneys. The Condition is listed as BA (Below Average) and the significance to the historic district is I (Intrusion) or non-contributing.

The above taken from the Historic Property Building Survey.

SECRETARY OF THE INTERIOR STANDARDS THAT APPLY: 2 and 9

- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

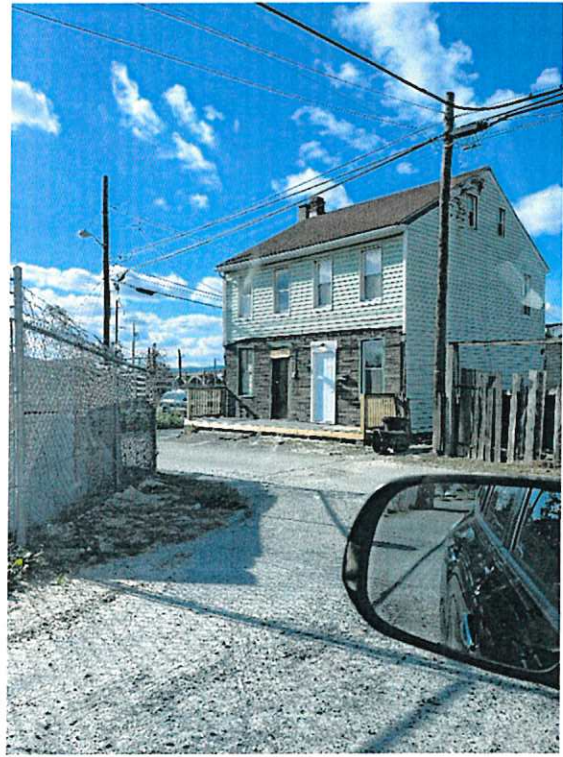
PROJECT BACKGROUND:

A partial demolition was reported by a Borough Council Member at 121 Avenue H in October of 2023. 121 Avenue H is located just behind 120 Walnut Street and adjacent to (Name of Industrial Use). The property owner demolished (without prior HARB Approval) an enclosed porch located immediately adjacent to the roadway. See the Google Street View photo on page 1. The existing condition had the structure just off the cartway with very little separation between the cartway and the structure. Avenue H terminates at 121 Avenue H and takes a 90-degree turn into an unnamed alley located between 118 Walnut Street and 120 Walnut Street.

As the photos show, the enclosed porch was demolished and replaced with a deck that is less than 24" to the ground. The alterations do not trigger a Uniform Construction Code Review, however, a zoning permit application would have picked up the HARB requirement to review a demolition in the historic district, if such an application had been submitted.

A notice of violation was sent to the property owner in early November. A second Notice of Violation was sent by certified mail to the property owner in early December. The property owner did not respond to either correspondence. In January, Borough staff escalated the violation to the Borough Solicitor's office. In response to the

correspondence sent by the solicitor, the property owner submitted the attached HARB Application for a retroactive review of the demolition.



STAFF ANALYSIS:

Of concern is the lack of following the proper procedures for the exterior demolition.

Section 130-18 of the Borough of Columbia Code of Ordinances states the following:

§ 130-18 Demolition of buildings.

- A. No existing building or enclosed portion of such building within the historic district shall be demolished, razed or otherwise permanently destroyed in whole or in part unless there are no reasonable alternatives available.

- B. No building subject to Subsection A hereof shall be demolished or razed in whole or in part unless one or more of the following standards is satisfied, in the judgment of Borough Council after considering the recommendation of the HARB:
 - (1) The building does not contribute to the historical or architectural significance of the historic district as determined by HARB in accordance with National Register criteria;
 - (2) The applicant proves by credible evidence that no reasonable beneficial use of the building is possible, and that such situation is not the result of intentional neglect by the current owner;

(3) In accordance with Article VIII, § 130-28, the applicant proves by credible evidence that the denial of the demolition would result in an unreasonable economic hardship to the owner, which hardship was not self-created.

C. The burden of proof shall be on the applicant. The HARB or the Borough Council may require the applicant to submit written documentation and/or expert testimony regarding the applicant's claims.

HARB should review the above criteria and receive testimony from the owner before making a recommendation on this application.

- **END STAFF ANALYSIS**

HISTORIC PRESERVATION CONSULTING AGREEMENT

THIS HISTORIC PRESERVATION CONSULTING AGREEMENT (the “Agreement”) is made this ____ day of _____, 2024, by and between the Historic Preservation Trust of Lancaster County, a Pennsylvania non-profit corporation, having an address of 123 North Prince Street, Lancaster, Pennsylvania 17603 (the “Trust”) and Columbia Borough, a political instrumentality of the Commonwealth of Pennsylvania, having an address of 308 Locust Street, Columbia, Pennsylvania 17512 (the “Borough”) (individually, a “Party” and collectively, the “Parties”).

WITNESSETH:

WHEREAS, the Trust is the county-wide historic preservation organization focusing on buildings and structures within Lancaster County, Pennsylvania;

WHEREAS, the Trust has knowledge and expertise regarding historic structures and preservation;

WHEREAS, the Borough has requested that the Trust provide miscellaneous preservation consulting services and advice, including working with the Borough’s Historical Architectural Review Board (“HARB”); and

WHEREAS, the Trust is agreeable to working with and advising the Borough on such matters, the Parties have discussed the terms by which the services will be provided, and desire to reduce their agreement to writing.

NOW THEREFORE, in consideration of the mutual premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. **General Historic Preservation Consulting and Advice.**

Upon request of the Borough, the Trust shall make recommendations to the Borough relative to general historic preservation issues and will render advice on such issues. These

services may include review of ordinances, preservation recommendations, and assisting the HARB with preservation related issues.

2. **Payment for Consulting and Advice: Amount and Terms.**

General historic preservation consulting services and advice, including any work associated with the Borough's zoning ordinance, shall be billed by the Trust to the Borough at the rate of \$62.50 per hour. Services relating to HARB review and assistance shall be at a flat rate of \$200 per review performed. The Trust shall invoice the Borough on a monthly basis detailing the services performed. Payment terms shall be 30 days from the date of each invoice. Invoices shall be emailed to the Borough to the attention of _____ with an email address of _____, or, alternatively, mailed to the Borough marked to the attention of _____.

3. **Term and Termination.**

This Agreement shall commence on February 1, 2024 and shall continue for a period of two years through January 31, 2026, unless terminated earlier. This Agreement may be terminated without cause by either party upon thirty (30) days written notice to the other Party. Upon any such termination, the Borough shall pay the Trust for the services performed through the date of termination and the Trust shall deliver to the Borough any work product produced through the date of termination.

4. **Independent Contractor.**

The Trust is an independent contractor and is not an employee or agent of the Borough. The Trust shall be responsible for all expenses necessary to carry out the services under this Agreement, except as otherwise agreed to in writing by the Parties.

5. **Performance and Qualifications.**

The Trust represents that it has the personnel, experience, and knowledge necessary for the duties to be performed under this Agreement and that all services performed shall be performed consistent with generally prevailing professional standards.

6. **Entire Agreement.**

This Agreement constitutes the entire agreement between the Parties and supersedes any prior understandings, agreements, or representations by or between the Parties, written or oral, to the extent they relate in any way to the subject matter hereof.

7. **Successors and Assigns.**

This Agreement shall be binding upon and inure to the benefit of the Parties named herein and their respective successors and permitted assigns. No Party may assign either this Agreement or any of its rights, interests, or obligations hereunder without the prior written approval of the other Party.

8. **Counterparts.**

This Agreement may be executed in one or more counterparts (including by electronic transmittal), each of which shall be deemed an original but all of which together will constitute one and the same Agreement.

9. **Headings.**

The section headings contained in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of this Agreement.

10. **Notices.**

All notices, requests, demands, claims, and other communications hereunder will be in writing. Any notice, request, demand, claim, or other communication hereunder shall be deemed duly given if it is sent by registered or certified mail, return receipt requested, postage prepaid or by nationally recognized overnight courier service for next business day delivery, and addressed to the intended recipient as set forth below:

If to the Trust: Historic Preservation Trust of Lancaster County
 123 North Prince Street
 Lancaster, PA 17603
 Attn: Danielle Keperling, Executive Director

If to the Borough: Columbia Borough
308 Locust Street
Columbia, PA 17512
Attn: _____

11. **Governing Law; Consent to Jurisdiction.**

This Agreement shall be governed by and construed in accordance with the domestic laws of the Commonwealth of Pennsylvania without giving effect to any choice or conflict of law provisions or rules. Each of the Parties hereby submits to the non-exclusive general jurisdiction of the courts of Lancaster County, Pennsylvania and the courts of the United States of America for the Eastern District of Pennsylvania in any action or proceeding arising out of or relating to this Agreement and to the jurisdiction of the appellate courts to which appeals are required to be taken from any of the foregoing.

12. **Amendments and Waivers.**

No amendment of any provision of this Agreement shall be valid unless the same shall be in a writing which refers to this Agreement and is signed by all of the Parties. No waiver by any Party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional or not, shall be deemed to extend to any prior or subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

13. **Severability.**

Any term or provision of this Agreement that is invalid or unenforceable shall not affect the validity or enforceability of the remaining terms and provisions.

14. **Expenses.**

Except as otherwise provided herein, each of the Parties will bear its own costs and expenses incurred in connection with this Agreement and the services contemplated hereby.

15. **Construction.**

The word “including” shall mean “including without limitation”. As used in this Agreement, the singular shall include the plural, the plural shall include the singular, and each gender shall include all genders.

16. **Further Assurances.**

The Trust and the Borough shall, from time to time, at the request of the other Party and without further consideration, execute and deliver such other documents, and take such other actions, as such other Party may reasonably request to more effectively consummate the services contemplated by this Agreement.

17. **Interpretation.**

Neither this Agreement nor any provision contained herein shall be interpreted for or against either Party solely because that Party or that Party’s legal representative drafted the provision.

IN WITNESS WHEREOF, the Parties have executed this Historic Preservation Consulting Agreement on the date first written above.

ATTEST:

HISTORIC PRESERVATION TRUST OF
LANCASTER COUNTY, a Pennsylvania Non-
Profit Corporation

By: _____
Name:
Title:

WITNESS:

COLUMBIA BOROUGH

By: _____
Name:
Title: