

# CITY OF GENEVA, HISTORIC PRESERVATION COMMISSION

## MEETING LOCATION & HPC INFORMATION

Location:

Geneva City Hall  
Council Chambers  
109 James Street  
Geneva, IL 60134

Time:

7:00 p.m.

Commissioners:

Paul Zellmer, Chairman  
Don Hartman  
Jewel Jensen  
Lisa McManus  
George Salomon  
George Stazin  
Carolyn Zinke

Staff Liaisons:

Michael A. Lambert  
Preservation Planner  
630.938.4541  
preservation@geneva.il.us

Matt Buesing  
Assistant Planner



## TUESDAY, MARCH 14, 2023 MEETING

Meeting link:

<https://attendee.gotowebinar.com/register/7974596637718352729>

### Call to Order

**1. Roll Call**

**2. Continuation of Public Hearing (from January 18, 2023)**

A. 4 East State Street CASE 2022-079 & 2022-080

Applicant: David A. Patzelt, Authorized Representative  
Shodeen Family Foundation

Application for: Demolition of a Historic Landmark and  
De-designation of the Property

**3. Adjournment**

**Next HPC Meeting: March 21, 2023**

The Geneva Historic Preservation Commission meeting is audio-recorded, and summary minutes are transcribed by a recording secretary.

The City of Geneva complies with the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require accommodations in order to allow them to observe and or participate in this meeting are required to contact the Planning Division at 630/232.0818 at least 48 hours in advance of the meeting to allow the City of Geneva to make reasonable accommodations for those persons.

## CITY OF GENEVA, HISTORIC PRESERVATION COMMISSION

January 18, 2023

Applicant:

Shodeen Family Foundation,  
Owner

David A. Patzelt,  
Representative

Request:

Public Hearing to  
Consider Demolition of a  
Historic Landmark and  
De-designation of the Property

HPC Case Number:

2022-079

2022-080

Staff Liaison:

Michael Lambert  
Preservation Planner  
630/938.4541  
preservation@geneva.il.us



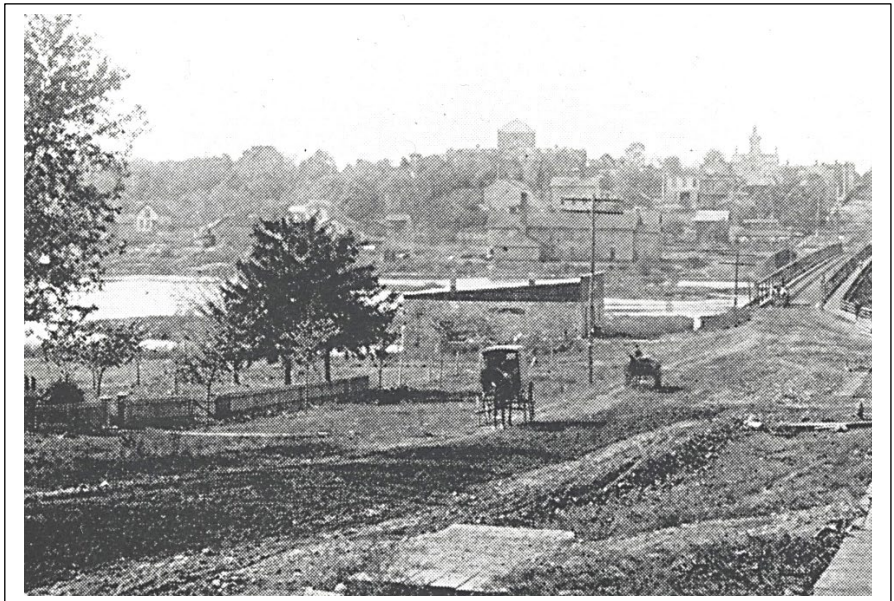
**AGENDA ITEM 3A**

**4 East State Street  
Proposed Demolition / De-designation**

**BACKGROUND**

The designated Historic Landmark property at 4 East State Street is known, generally, as the "Mill Race Inn" property, but the property—also—is identified by a number of significant occupants of the structure over time:

- The Alexander Brothers' Blacksmith Shop (c. 1844 – 1853)
- The Rystrom Carriage Shop (1854 – c. 1878)
- C. E. Mann Wagon Manufacturing & Blacksmithing (c. 1882 – c. 1884)
- The C. E. Mann Cooperage (c. 1882 – c. 1891)
- Excelsior / Carlson Laundry (1892 – 1897)
- The Kirk Building (c. 1902 – c. 1922)
- John Updike Carriage Painting Shop (1904 – 1906)
- Anderson & Culberg Blacksmith and Wagon Shop (1906 - c. 1912)
- Mill Race Inn Restaurant (1933 - 2011)



In December 2017, David A. Patzelt, representative for the Shodeen Family Foundation, applied for a demolition permit of the limestone structure that had been erected as the Alexander Brothers' Blacksmith Shop between 1840 and 1847.

On December 27, 2017 and in response to the filed demolition permit request, Geneva resident Fred H. Zinke submitted a nomination for Historic Landmark designation of 4 East State Street, Geneva, Illinois. The request for Historic Landmark determination was considered based on historic significance separate and apart from condition assessment, economic feasibility, and/or future uses. Following a public hearing and a recommendation by the Historic Preservation Commission (HPC) on March 20, 2018, the City Council designated the 4 East State Street property as a Historic Landmark on May 7, 2018 per [Ordinance 2018-09](#).

Within the identified Period of Significance (*circa* 1846 – 1945), the Historic Landmark designation of 4 East State Street recognized the property for many important attributes and criteria including its:

- integrity of design, materials, workmanship, setting, location, feeling and association;
- connection with early, water-powered industry along the Fox River;
- broad cultural and economic association with the development of the Geneva community;
- association with significant individuals and events in Geneva’s development; and
- distinguishing characteristic of an architectural type inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

On January 14, 2022, David A. Patzelt, representative for the Shodeen Family Foundation met with City staff at a Pre-Application Meeting in preparation for the submittal of an application requesting to rescind Historic Landmark designation for 4 East State Street. Following that meeting, City staff provided to Mr. Patzelt a copy of the most recent research about the historical development of the designated property.

On March 17, 2022, Mr. Patzelt submitted an application to consider the Rescinding of Historic Landmark Designation for the property located at 4 East State Street, Geneva. The submitted application—requesting a boundary amendment, in essence—was reviewed by the Historic Preservation Commission on April 19, 2022. After deliberation, a motion was made and seconded, “*recommend (to the Geneva City Council) the rescinding of designation for a portion of the subject property per the applicant’s request, subject to staff’s recommendation*” that included a larger parcel surrounding the historic limestone blacksmith shop than had been requested by the Applicant. The motion passed unanimously, 7:0.

The HPC recommendation was brought before the Geneva City Council on May 2, 2022. With the adoption of [Ordinance 2022-23](#), the Council supported the Commission’s recommendation unanimously, 10:0.

## REQUEST

On October 6, 2022, David Patzelt met with staff for a Pre-Application Meeting, as required by ordinance, in preparation for the submittal of a demolition request for the Historic Landmark, located at 4 East State Street, Geneva as well as subsequent de-designation of the property. The [applications for a demolition permit and de-designation request](#) were submitted by the Applicant on October 11, 2022. Pursuant to staff review, requests for [modifications and clarifications to the demolition permit application](#) as well as [modifications and clarifications to the de-designation application](#) were provided to the Applicant on October 25, 2022. Modifications and clarifications to the de-designation request were due to staff, per City Code, not later than November 15, 2022 but the [de-designation response](#) was received from the Applicant on November 22, 2022. Modifications and clarifications to the demolition request were due to staff, per City Code, not later than December 8, 2022 and a [demolition response](#) was received from the Applicant on December 8, 2022.

**NOTIFICATION**

On October 17, 2022, a Notice of Filing of the request for Demolition and Historic Landmark De-Designation of 4 East State Street was mailed to the Owners of Record for all adjoining properties within 500 feet of the designated property.

On October 19, 2022, the Applicant's first submittal was posted to the Development Projects page of the City of Geneva website and a hard copy was made available at City Hall for review by the general public.

On October 24, 2022, signs advertising the public hearing were posted at the designated property along State Street and Bennett Street.

The Applicant's response to revisions as requested by City staff was posted on the City website and a hard copy was made available at City Hall for review by the general public on December 28, 2022.

On December 28, 2022, a notice of the scheduled public hearing for consideration of the request for Demolition and Historic Landmark De-Designation of 4 East State Street was mailed to the Owners of Record for all adjoining properties within 500 feet of the designated property.

On January 2, 2023, a notice of a public hearing to consider the request for Demolition and Historic Landmark De-Designation of 4 East State Street, Geneva was duly published in the *Daily Herald* newspaper (attached). The public hearing was scheduled to be heard before the Geneva Historic Preservation Commission on January 18, 2023.

**STAFF REVIEW OF THE SUBMITTED APPLICATION**

The current request before the HPC is a request to demolish only the historic, limestone Alexander Brothers' Blacksmith Shop, erected between 1842 and 1846. The submitted request does not include the demolition of the remnant foundation of the 1967-1968 west addition to the former Mill Race Inn restaurant, built within the former mill race.

If the Commission recommends to the City Council the demolition of the Historic Landmark property, the Applicant requests, additionally, that the Commission recommends to the City Council de-designation of 4 East State Street as a Historic Landmark property.

The HPC is not being asked to re-examine the significance of the designated property—which includes the *circa* 1846, limestone blacksmith shop; significance was determined by HPC and City Council action in 2018. The HPC is not being asked to re-examine the appropriateness of the boundaries of the Historic Landmark that were modified by HPC and City Council action in 2022.

The property at 4 East State Street was identified in the 2008 Historic Preservation Plan—adopted by City Council—as one of the 63 properties or groups of properties that should be landmarked and protected in accordance with the Preservation Plan's goals and objectives. Specifically, the Preservation Plan noted the significance of the identified properties' "important role in illustrating how Genevans have lived throughout the years."

The submitted application narrative states that—based on a single redevelopment scenario—the historic, limestone blacksmith shop cannot be economically renovated and put into service. The proposed, development scenario was to re-purpose the structure as a single occupant management office for the Shodeen Family Foundation.

The assertion that the adaptive use of the historic structure is not economically viable is made based on a [Building Assessment Study](#) prepared by AltusWorks, Inc., an architectural firm with historic preservation expertise, in conjunction with Architectural Consulting Engineers and K. Eng, LLC. The principal investigators for the study were Heather Kneezel and Kesha Patel (AltusWorks); Mark Nussbaum (Architectural Consulting Engineers); and Ken Karston (K. Eng).

The request included a *pro forma* statement prepared by the Applicant along with comparable properties in the general marketplace. The economic feasibility study did not include the application of any state or federal tax credits nor potential public or private grant funding nor any request for Tax Increment Financing (TIF) funds.

Staff has provided, per City Code, Section 10-6-10.A6, a [written analysis of the historic, architectural and aesthetic significance](#) of the improvements that comprise the Historic Landmark in the form of an assessment and historic investigation report, dated January 15, 2014 and revised periodically and most recently on June 3, 2021.

Per City Code 10-6-10: *Demolition shall be considered only when all other redevelopment options for a building, structure, object, improvement, or site have been exhausted.* The Applicant has submitted a single redevelopment option to underpin its claim of economic infeasibility in support of its request for demolition and de-designation. Based on the history of the sizable property addressed as 4 East State Street and based on other projects completed by the Shodeen companies over the past 40 years, staff believes that other redevelopment scenarios exist for the 4 East State Street property that includes the Historic Landmark property as reduced by City Council action in May 2022.

City Staff—which included Community Development Director David DeGroot and Economic Development Director Cathleen Tymoszenko in addition to Preservation Planner Michael Lambert—found it difficult to evaluate the request as submitted, in part due to the Applicant’s refusal to investigate alternative funding sources; to identify the valuations placed on various items identified in the *pro forma* statement; and to investigate alternate redevelopment scenarios.

The report prepared at the Applicant’s direction by AltusWorks and its consultants does not identify that the historic, limestone structure is structurally unsound or in immediate danger of collapse. In summary, the report identifies that the historic limestone walls exist in good to fair condition, citing that the identified deterioration is a result of inappropriate maintenance and repair over an extended period of time. The historic structure has stood in its present condition, temporarily shored, since mid-summer 2016; the owner has made no effort to repair or maintain the structure in the interim. The report does not include the following items identified in the Geneva City Code, Section 10-6-10.A2:

*g. A detailed report of non-code-compliant elements and structural deficiencies, prepared by an Illinois-registered architect and/or structural engineer with expertise in the rehabilitation of existing and/or historic properties;*

*h. A detailed list of irreparable or deteriorated building features, components or elements;*

Neither the application nor the report of AltusWorks (its consultant) identifies the Alexander Brothers' Blacksmith Shop at 4 East State Street as the surviving example of a water-powered industrial building on the east bank of the Fox River, erected during the Settlement Era of Geneva (1835-1855). It is one of a handful of pre-1850 buildings remaining in Geneva. Staff has not conducted an exhaustive survey to document the number of comparable, pioneer-era, water-powered industries that remain throughout the Fox River Valley region. However, the history of pre-Civil War, water-powered industry as well as the identification of representative remnant structures have been researched, published, or presented in many Fox River communities, including Elgin, St. Charles, Batavia, North Aurora, Aurora, Montgomery, Oswego, and Ottawa. Based on information that is readily accessible, Geneva's Historic Landmark, identified as the *circa* 1846 Alexander Brothers' Blacksmith Shop, is one of fewer than a half-dozen water-powered, industrial buildings still standing in Kane County. Although one component of the "Fabulous Fox! Water Trail" project includes the identification of historic structures associated with the waterway, apparently fewer than 24 water-powered, industrial buildings of the 19th century survive along the entire length of the Fox River.

### COMMISSION REVIEW & RECOMMENDATION

The Historic Preservation Commission (HPC) shall consider the application and testimony from the Petitioner in combination with testimony from interested parties in regard to the proposed demolition and de-designation of a portion of the property addressed as 4 East State Street, Geneva.

The HPC is granted the responsibility to evaluate the request for demolition and de-designation in accordance with Geneva City Code, Section 10-6-10.A9:

*Commission Action. The commission shall consider only the property, building, structure, architectural feature, or object proposed for demolition; the merit of any proposed replacement construction or improvement shall not be a standard of review for a demolition request.*

*The commission may solicit expert testimony to evaluate information provided either as part of a demolition application or at the public hearing.*

The HPC is authorized to solicit expert opinion; however, the ordinance does not provide a clear process for the authorization of soliciting expert testimony or the identification of minimum qualifications for expert testimony when so requested by the Commission.

The responsibility to evaluate the request for demolition and de-designation in accordance with Geneva City Code, Section 10-6-10.A9 continues:

*A public hearing may be continued to a date certain in the event that the commission determines that additional information, unavailable at the public hearing, is warranted and necessary for the purpose of making a finding of fact.*

*Additionally, the commission may continue a public hearing to the next regularly-scheduled meeting of the commission to provide time to fully evaluate new evidence presented at the public hearing.*

*Furthermore, the commission may continue a public hearing regarding a request for demolition for a specified period of time, not-to-exceed one hundred twenty (120) calendar days, for the sole purpose*

*of allowing the applicant and the commission to seek alternatives to demolition when the commission determines that all of the following conditions exist:*

- a. The property itself, or in relation to its environs, has significant historical, architectural, aesthetic or cultural value in its present condition;*
- b. Realistic alternatives for preservation for the property-including adaptive uses-are believed to be neither cost prohibitive nor beyond the limits of local market value; and*
- c. The property, in its existing condition, does not present a public health or safety hazard to individuals, neighboring properties or the greater community.*

Furthermore, the HPC—based on the probable time required to hear all cases scheduled for the Commission meeting at which the public hearing is scheduled—may limit the time for hearing testimony concerning the request and continue the public hearing to the next regularly-scheduled meeting of the Commission.

The responsibility to evaluate the request for demolition and de-designation in accordance with Geneva City Code, Section 10-6-10.A9 continues:

*When the commission postpones a recommendation regarding a demolition request (for a specified period of time, not-to-exceed one hundred twenty (120) calendar days, for the sole purpose of allowing the applicant and the commission to seek alternatives to demolition), the commission shall retract said postponement when the commission determines that an applicant has:*

- a. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the property who is willing to preserve, rehabilitate, or restore the improvement, property, or site;*
- b. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the improvement who is willing and able to relocate the improvement to another property or site;*
- c. Made a bona fide and reasonable, but unsuccessful, effort to develop a cost effective program for the preservation of the improvement; and*
- d. Agreed to accept a demolition permit on specified conditions of the commission.*

When a Historic Landmark is lost for all time due to demolition, the HPC may request documentation of the property prior to demolition so that the architectural and historic character of the property is recorded, in perpetuity, for future study and awareness as provided in the Geneva City Code, Section 10-6-10.A9:

*When the commission considers a request for demolition, an applicant may be required, as a condition of demolition approval, to prepare and submit, prior to the commencement of demolition work, the following documentation of a building, structure, object, improvement, or site that is designated as a historic landmark or identified as a contributing or significant property within a designated historic district:*

- a. Site plan (scale not less than one (1) inch equals 20'-0");*
- b. Floor plans of each level (scale not less than 1/8" equals 1'-0");*
- c. Elevations of each side of the property improvement (scale not less than 1/8" equals 1'-0");*  
*and*

*d. Photographs of each elevation and significant, interior or exterior architectural feature as determined by the commission (clear, black and white images).*

In any case, the Geneva City Code, Section 10-6-10.A9 requires a determination within a specific period:

*The commission shall make written findings of fact within forty-five (45) calendar days following the close of the public hearing. (emphasis added)*

*The commission may grant a demolition request for a historic landmark or a property within a historic district if, upon review of all testimony, the maintenance, use, and/or alteration of the property would cause immediate and substantial hardship for the owners of record because rehabilitation in a manner which preserves the architectural, historic, or structural integrity of the property either:*

- a. Is infeasible from a technical, mechanical, or structural perspective; or*
- b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure when accounting for such factors as current market value, permitted uses of the property, and/or the cost of compliance with local, state, and federal codes applicable to the property.*

*The commission, by a simple majority vote, shall grant or deny the application for demolition.*

#### **STANDARDS FOR DEMOLITION REVIEW**

Per Geneva City Code, Section 10-6-10.B, the request shall be evaluated based on the evidence presented, provided that the demolition improves or corrects one (1) or more of the following conditions:

- 1. A building, structure, object, improvement, or site that constitutes a hazard to the safety and welfare of the general public or occupants of the improvement, property, or site as determined, in consultation with the preservation planner, by the City of Geneva Building Official, Code Enforcement Officer, Chief of Police, and Fire Chief;*
- 2. A building, structure, object, improvement, or site that is a deterrent to a major improvement program that will be of substantial benefit to the community for which the applicant has secured all necessary and required planning and zoning approvals, environmental clearances, and project financing;*
- 3. The retention of a building, structure, object, improvement, or site that will cause undue economic hardship to the owner of record when a governmental action, an act of God, or other events beyond the control of the applicant created the hardship and all feasible alternatives to eliminate the financial hardship (which may include sale of the property at fair market value or relocation of the improvement to another site) have been attempted and exhausted by the applicant; or*
- 4. The retention of a building, structure, object, improvement, or site is not in the best interest of the majority of the community.*

#### **NEXT STEPS FOLLOWING COMMISSION REVIEW OF THE REQUESTS**



If the request to demolish and de-designate the *circa* 1846 Alexander Brothers' Blacksmith Shop, a limestone structure designated as a local Historic Landmark, is denied by the Historic Preservation Commission (HPC), the Geneva City Code, Section 10-6-10A.10 states:

*Appeal of a Demolition Denial to City Council. If an application for any demolition work is not approved by the historic preservation commission, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council.*

*Both the applicant and the commission have the right to be heard at the appeal proceedings.*

*Upon consideration of the written record of the commission's decision and the applicant's appeal, the city council shall grant or deny the application for proposed demolition work.*

*Within thirty (30) calendar days after such an appeal is made, the city council shall, by resolution, affirm, or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's determination. A reversal or modification of the commission's determination shall be approved by a vote of not less than two-thirds (2/3) of the aldermen then holding office.*

From the date of filing until a final determination is made by either the Historic Preservation Commission (HPC) or City Council, "no alteration, construction, demolition or removal" is allowed except ordinary repair and maintenance.

If demolition is approved, the site must be restored and maintained per City Code until such time that development of the property occurs. However, any authorization for demolition is only valid for twelve (12) months from the date of approval.