



# City of Dayton

## Landmark Commission

### Meeting Case Record April 16, 2026

**1. Construction of new home for approval - PLN2026-00056 – 52 S Terry St – A Major Certificate of Appropriateness to construct a new one-story dwelling with a detached garage at the currently vacant lots (R72 01206 0028 and R72 01206 0029).**

**Applicant:** Charles Simms Development  
c/o Robi Simms  
2785 Orchard Run Rd  
Dayton, OH 45449

**Owner:** Rhea Ann Smith  
45 S June St  
Dayton, OH 45403

**Priority Land Use Board:** Northeast

**Planning District:** Historic Inner East

**Historic District:** Huffman

**Decision:** Tabled

#### Case Presentation

Ms. Hornbeak presented the case. The request is to construct a new single-story home with a detached garage on two adjacent vacant lots in the Huffman historic district. Construction documents were submitted. Context images showing other homes in the district were submitted. The proposal had been altered since its original submission. The increased front yard setback was eliminated from the proposal, and the roof had been reconfigured so that it features a front-facing gable.

Crosby Simms, representing Simms Development, was present to speak on the case. Mr. Gow asked what was happening with the tree at the front yard, and Mr. Simms said it would need to be removed to meet the setback requirements. Mr. Holley encouraged the owner to plant a new tree.

#### Public Comments

No public comments.

#### Board Discussion

The Board found the new proposal to be acceptable.

#### Board Action

A motion was made by Ms. McNicholl and seconded by Ms. Konicki to approve **PLN2026-00056 – 52 S Terry St** as submitted.

Mr. Gow	Yes	Ms. McNicholl	Yes
Mr. Heckman	Absent	Ms. Hickey	Yes
Mr. Johnson	Yes	Mr. Holley	Yes
Ms. Konicki	Yes		

Approved by Landmark Commission (6 in favor, 0 opposed)  
Elizabeth Dakin, Secretary, Landmark Commission



# City of Dayton

## Landmark Commission

### Meeting Case Record

April 16, 2026

Page

**2. Removal of a structure for approval - PLN2026-00002 – 108 Green Street – A Major Modification to demolish a fire-damaged structure at 108 Green Street.**

**Applicant:** Downsize Dayton LLC  
c/o Denise Swick  
707 Corporate Way  
Dayton, OH 45459

**Owner:** Downsize Dayton LLC  
707 Corporate Way  
Dayton, OH 45459

**Priority Land Use Board:** Downtown

**Planning District:** Oregon

**Historic District:** Oregon

**Decision:** Tabled

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#### Case Presentation

Ms. Hornbeak presented the case. The request is to demolish a fire-damaged structure. Estimates from the applicant's insurance company and a third-party estimate were submitted. Condition photographs were submitted. Two structural engineering reports were submitted. A formal written mitigation plan was submitted. At the previous meeting, it was noted that the City's nuisance abatement team and building inspector had plans to visit the property. The Landmark Commission had tabled the case pending that inspection. Nuisance Abatement Specialist Ken Jackson and Chief Building Official Scott Adams visited the property and noted that while the building had not risen to the criteria of an emergency demolition, that they did concur with the structural engineering reports.

Mr. Gow asked if Mr. Jackson or Mr. Adams had issued a formal report. Ms. Hornbeak said they had not issued a formal written report but had communicated their thoughts to staff verbally and via email. Mr. Gow asked staff if the inspectors had entered the property, and Ms. Hornbeak said that she and the inspectors had entered the structure and gone into the basement, but not the second floor. Mr. Gow asked staff if the structural engineers (John Geiger and Richard Meyer) had entered the property, and Ms. Hornbeak stated that, based on information from a prior meeting, neither engineer had entered the building, and had based their reports on the insurance photographs and exterior conditions. Mr. Gow asked if the owner can enter the property. Ms. Hornbeak explained that when a building is in structural nuisance, you need written permission from the Building Department to enter the property, and that you need stamped architectural or engineering drawings to do any work on the property.

Mr. Gow then asked Ms. Hornbeak to go over the zoning code requirements. Ms. Hornbeak went over sections 150.345.9 (3), and 150.345.9(4)(b)(i-iv). Mr. Gow said that there are two main paths, either a denial with a requirement to list the property for sale (150.345.(B)(i), or approval of the demolition as a nuisance structure (150.345.9(B)(3)). Mr. Gow said he had concerns that the structural engineers had not entered the property, saying it was a "hole" in the materials provided. Mr. Gow asked if the applicant had complied with 150.345.9(4)(b)(iv) (the consultation with civic groups or individuals about salvage), and Ms. Hornbeak said that Ms. Swick had indicated the salvage of many historic elements for use in other rehabilitation projects. As such, she had reached out to "interested citizens".



# City of Dayton

## Landmark Commission

Page

### Meeting Case Record April 16, 2026

Mr. Gow asked that staff go over the proposed mitigation plan, which they did. Ms. Hornbeak noted that the plan for the reuse of the site was to first grade and seed the lot, and that the wrought iron fence would remain. Mr. Gow asked if that was an acceptable mitigation plan in this case. Ms. Hornbeak noted that “grade and seed of future infill development” had been previously accepted as a mitigation plan in cases dealing with the removal of a nuisance structure and noted that, if the owner is planning on infill construction at a later date, you don’t necessarily want to invest a great deal in the proposed landscaping.

Denise Swick, the applicant and owner, was present to speak on the case. Ms. Swick talked about her past involvement with historic rehabilitation and restoration projects, both in the Oregon district and other historic districts. She had concerns about the rumors being spread about her in the letter from the public that were submitted in this case. She also explained the cost she had already put into the property, including the financial assistance she had provided to the previous occupant, the payment of back taxes, and work already completed to install a new roof and tuckpoint masonry. She referred to the engineering reports that stated that the exterior walls need to be rebuilt, and stressed that, if those walls are rebuilt, then at that point the home will have no remaining historic integrity. She noted again that the majority of the damage to the home was from the water being pumped into the home to fight the fire.

Mr. Johnson asked why the applicant had not secured or protected the property from further deterioration after the fire. Ms. Swick reiterated that she was told not to disturb the property until after the insurance company had made their assessment. There was also a fire investigation. She stated that she had reached out to a contractor about tarping the roof but was told that she would need to build a new roof structure to hold the tarp. She also noted that the building inspectors who had visited the property were in agreement with the engineering reports.

Mr. Holley asked if they could see exactly what Mr. Jackson had said to staff about the property, and Ms. Hornbeak provided a copy of the email that had been sent to staff after the site visit. Mr. Gow, having reviewed the letter, asked to review section 150.345.9(3) again. Ms. Swick asked to share some more recent photographs she took with the Landmark Commission. Staff permitted it, but noted that the images need to be sent to staff to be added to the case record. Ms. Swick said that there was an active crack developing in the exterior wall, which could be seen in the photographs. Mr. Gow didn’t think the photograph was clear or conclusive.

Mr. Gow then asked Ms. Swick to go through her mitigation plan. Ms. Swick said she has a contractor working on a restoration project in Eaton, Ohio, who was interested in taking the doors, exterior bricks, any hardware, and fireplace mantles. Ms. Swick said she was also interested in saving some of the wood floor and trim, but it’s less likely that those materials are salvageable. Mr. Holley asked about plans for the site after demolition. Ms. Swick said that the building, including the basement, would be taken down, and the sinkholes would be addressed, and the lot would be graded and sodded. Tree stumps and brick pavers would also need to be removed, and then she would maintain the area as a green space (she noted previously that she



# City of Dayton

## Landmark Commission

Page

### Meeting Case Record April 16, 2026

loves across the street from this site). Mr. Gow said he had concerns that the site would remain vacant, and said the goal is to have something on the site. Ms. Swick said she has every intention of building something appropriate, hopefully senior housing of some kind. Ms. Konicki asked what kind of new construction she would be looking to build. Ms. Swick went over some of the requirements for senior accessible housing but said she ultimately didn't have any solid plans at this time and noted that any new construction would need to be approved by the Landmark Commission, so they could be assured it would be something appropriate. Mr. Gow said it would be easier to approve the demolition if she had a better mitigation plan, and Ms. Swick said she just didn't have the funds right now for the new construction. Mr. Holley said that the Landmark Commission needs to make a judgement based on what they have now and stressed that they can't keep tabling this case for new information.

Mr. Gow noted that the building hadn't been determined to require emergency demolition. Ms. Swick referred to the email from Mr. Jackson, and Mr. Gow said the email indicates that it is not an emergency demolition, as he said. Mr. Gow expressed frustration that Mr. Jackson was not at the meeting, to elaborate on his opinion.

Chris Conard of Coolidge Wall (33 W 1<sup>st</sup> Street, Ste. 200, Dayton, OH 45402), was present to speak on the case. Mr. Conard is the applicant's legal counsel. Mr. Conard wanted to note that the original request was for demolition on the basis of economic hardship, but that since the building is now in structural nuisance, the basis for the application had shifted. He noted that the email from the City's Nuisance Abatement Specialist, Mr. Jackson, said that the "best course of action is to follow the recommendations of the two structural engineers". Mr. Conard also said that, usually, the City of Dayton is the applicant on a nuisance demolition. Mr. Conard asked Ms. Hornbeak if this building is a type of case the City would usually take on. Ms. Hornbeak answered that Mr. Jackson is the one who makes the determination of when a building in the nuisance abatement program is brought forward for review for demolition, and that the City is usually the applicant because the owner is absent, deceased, or otherwise unreachable. She did note that a building in such a state as 108 Green Street could be brought forward by Ken for demolition.

#### **Public Comments**

Monica Snow, 426 E Fourth St (Dayton, OH), was present. She spoke first on behalf of Preservation Dayton Inc. Ms. Snow had previously provided a letter from Preservation Dayton, Inc., regarding the proposal. Ms. Snow read from the letter and also emphasized points made in previous letters. She noted that she understood that the applicant is not applying to demolish the structure based on it being a nuisance property (150.345.9(B)(3)) and expressed concern that neither of the structural engineers had gone inside the property before writing their reports, nor had they provided photographs showing their concerns with the property. She also told a story about a building in Troy, where three engineers had said the building was unsalvageable (including J. Geiger), and that that building was ultimately saved. She also said that Shell+Meyer specialized in commercial properties, not residential structures.



# City of Dayton

## Landmark Commission

Page

### Meeting Case Record April 16, 2026

Ms. Snow went over a previously submitted letter, outlining perceived issues with the two engineering reports. She reiterated Preservation Dayton's offer to have a third engineer review the property. Ms. Snow noted that there are over 50 properties in historic districts in structural nuisance, and it sets a bad precedent to demolish a building just because it is in structural nuisance. Mr. Holley replied, saying that there are two engineering reports and apparently the agreement of the city engineers that the building may need to come down. Ms. Snow stated that building in worse condition had been saved, especially when the Oregon historic district was first formed. She stressed that the owner should try and sell the home.

Staff also received several emails regarding this case. Almost all emails received were in opposition to the demolition of the building. One email received after the beginning of the meeting spoke positively to the character of the applicant and was in support of the demolition. These emails were provided to the Landmark Commission and are part of the public record.

#### **Board Discussion**

Mr. Gow said that clearly the Landmark Commission needs to discuss the proposal. Ms. Hickey wanted to note the poor tone in the letter from Mr. Jackson. The Landmark Commission isn't "refusing to make a decision" on this issue, she said, they are simply trying to adhere to the zoning code and make a well-informed decision. The Landmark Commission is the last line of defense for a historic structure, she said. Mr. Gow concurred that the Landmark Commission is taking the case very seriously. He stated that, reading Mr. Jackson's letter, it's hard to tell if Nuisance Abatement isn't just kicking the decision back to them instead of declaring an emergency. Mr. Gow again said it would be easier if Mr. Jackson was present at the meeting.

Mr. Holey noted that Mr. Jackson said in his email that he felt the best course of action was to follow the engineering report. Mr. Gow went back to the engineering report, and said the engineer report itself recommends rebuilding a suitable structure on the lot. His sticking point was the mitigation plan, which he thought should more closely adhere to the recommendation of the engineer. If it's not an emergency, there is time to work out the reconstruction of this building. Ms. Hickey agreed that the engineering reports did not make it seem like an emergency demolition as necessary. Mr. Gow also noted that the Landmark Commission had previously asked the applicant to simplify the case, to look at the restoration of only the original brick structure. Mr. Johnson also expressed concern that we don't know what might go on the lot, if anything, in the future.

Mr. Holley asked the applicant to speak with the board again. He asked Ms. Swick why she had not put the house on the market. Ms. Swick again said that her actions were delayed by needing to wait for the insurance assessment and the fire investigation. Then, she said, the building was put into structural nuisance, which limits access to the property (as previously noted by staff). Ms. Swick also stated that she would be required to disclose all the issues with the property. She had gone over these concerns at a prior meeting. Mr. Holley asked staff if a building in structural nuisance could be sold, and Ms. Hornbek said it could be sold, but the structural nuisance status needs to be disclosed to any purchaser. Ms. Swick said that she is a real estate



# City of Dayton

## Landmark Commission

Page

### Meeting Case Record April 16, 2026

agent, and she purchases and rehabilitates homes. She stated that she's put over \$150,000.00 into the home, so that while she got \$97,000 from the insurance, that doesn't cover what she's already paid. Ms. Swick talked about the visit to the property by the nuisance abatement specialists and building inspectors and said she thought Ken's email was "passing the buck" back to the Landmark Commission. Ms. Swick stressed that at this time, she just needs a decision so she can move forward.

Mr. Holley read Mr. Jackson's letter again. He specifically noted the phrase line "There is no need for Scott to write an Unsafe Structure Order stating the property needs to be demolished immediately. The owner has provided two reports from licensed Structural Engineers that state this." Mr. Holley said he interprets this as saying that there is no need to issue an emergency demo order, because the engineers have already stated that the building needs to come down. Mr. Holley also stated that he wished a representative from the building department who had visited the building was present, or that the letter was clearer.

Ms. Hornbeak clarified that an emergency demolition would bypass the Landmark Commission completely, as the building would then be considered a public safety hazard. She also clarified that the building does not have to be considered an emergency to be brought down under 150.345.9(B)(3) and noted that the difference from taking down a nuisance versus an emergency demolition is that an emergency demolition does not guarantee that the mitigation plan or any salvage can take place.

Mr. Holley said that he was willing to entertain a motion on the case, either way. Mr. Gow said he was having trouble with Mr. Jackson's recommendation to follow the engineering reports. He said that the engineering reports don't really have recommendations, only that one recommends removal and rebuilding a new sympathetic structure, and that neither conclusively indicate that this would be an emergency demolition. Mr. Gow also noted that the applicant had never provided updated cost estimates, as was requested at the January 15<sup>th</sup> meeting (these would be estimates for the rehabilitation of only the original brick portion of the home and not include the rear frame addition). Mr. Holley said that a decision needs to be made either way. Either we believe it can be saved and should be put on the market, he said, or we go with the engineers reports and the City's building Department and make a motion to approve the case.

#### **Board Action**

A motion was made by Mr. Gow and seconded by Ms. Hickey to deny **PLN2026-00002 – 108 Green Street**, on the following basis:

1. The Landmark Commission would like to see a more robust mitigation plan, noting that the J. Geiger report recommends the rebuilding of a similar structure.
2. The applicant did not provide updated reconstruction costs (cost estimates for the restoration of the original structure only, not the rear addition, as was requested at the January 15<sup>th</sup> meeting).
3. There was no conclusive evidence showing that this is an emergency demolition.



# City of Dayton

## Landmark Commission

Page

### Meeting Case Record April 16, 2026

Mr. Gow	Yes	Ms. McNicholl	Yes
Mr. Heckman	Absent	Ms. Hickey	Yes
Mr. Johnson	Yes	Mr. Holley	Yes
Ms. Konicki	Yes		

Approved by Landmark Commission (6 in favor, 0 opposed)  
Elizabeth Dakin, Secretary, Landmark Commission



# City of Dayton

## Landmark Commission

### Meeting Case Record

April 16, 2026

Page

**3. Modification to porch railing for approval - PLN2026-00084 – 608 McLain Street – A**  
Major Modification to install a new front porch railing on the first and second story porch.

**Applicant:** Allison Knight  
608 McLain St  
Dayton, OH 45403

**Owner:** Allison Knight  
608 McLain St  
Dayton, OH 45403

**Priority Land Use Board:** Northeast  
**Historic District:** St. Anne's Hill

**Planning District:** Historic Inner East

**Decision:** Approved with Modifications

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#### Case Presentation

Ms. Hornbeak presented the case. The request is to remove an existing porch knee wall and install a new porch railing. Rendering of the proposed railing was submitted. Information on the history of the home was submitted. Condition photographs were submitted. Ms. Konicki asked if the new railing would be painted. Ms. Hornbeak said that it would need to be to meet guidelines. Mr. Gow asked if the knee wall was in bad shape, and Ms. Hornbeak deferred to the applicant, Ms. Knight. Mr. Johnson had to leave during the staff presentation, to attend a prior engagement.

Allison Knight was present to speak on the case. She stated that the porch floor is in poor shape and needs to be replaced. In order to fix the porch flooring, the existing knee walls need to be removed and will not survive said removal. Mr. Gow asked if there were any issues with the existing porch other than its condition. Ms. Knight said that she doesn't mind how the porch looks, but that the knee walls are very short and the second story doesn't feel safe. A new knee wall would need to be 36" high, which she thought would feel very oppressive on the front of the home. Ms. Konicki said that either type of railing (what exists or what is proposed) would have been appropriate for the home. Ms. Hickey agreed that the proposed railing looked appropriate and would address the applicant's safety concerns with the existing low wall. Ms. McNicholl said that if they wanted to build a new knee wall, it would need to meet the code requirement for height, but that could possibly be done by adding some kind of metal railing to the top of the knee wall.

#### Public Comments

No public comments.

#### Board Discussion

The Board discussed the proposal. Mr. Gow went over the two options, to either reconstruct the knee wall and then add a metal railing on top to meet the height requirements, or to construct a new railing. He cautioned against getting "off the rack" materials for the new railing. Ms. Knight agreed that the plan was to use materials of a higher quality. Mr. Gow asked if the applicant would want to discuss the project and feedback with her contractor and come back to the Landmark Commission at the next meeting. The applicant said that work is scheduled to begin soon, so she'd prefer to have a definitive answer if possible.



# City of Dayton

## Landmark Commission

### Meeting Case Record

April 16, 2026

Page

#### Board Action

A motion was made by Mr. Gow and seconded by Ms. Hickey to approve **PLN2026-00084 – 608 McLain Street** with the following modifications:

1. New porch railing can have one of two designs, either a reconstruction of the existing knee wall with the addition of a metal or wooden railing on top to add height to meet code, or a more typical historic railing as shown in the rendering.
2. Final design specifications to be submitted to staff for review and approval.

Mr. Gow	Yes	Ms. McNicholl	Yes
Mr. Heckman	Absent	Ms. Hickey	Yes
Mr. Johnson	Absent	Mr. Holley	Yes
Ms. Konicki	Yes		

Approved by Landmark Commission (5 in favor, 0 opposed)

Elizabeth Dakin, Secretary, Landmark Commission

Elizabeth Dakin, Secretary, Landmark Commission