



# City of Dayton

## Landmark Commission

### Meeting Case Record

March 26, 2026

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**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

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#### 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 is notably requesting approval for a greatly increased front yard setback. Mr. Holley asked staff why the larger setback was needed, and staff stated it was to save an existing mature tree on the site. Ms. Konicki and Ms. Hickey asked to look at the Sanborn Maps, to see what the setbacks along Terry Street had been like historically.

Crosby Simms, representing Simms Development, was present to speak on the case. Mr. Holley questioned if the home design read to “1950s” and questioned if the setback was too large. He also took issue with the new home straddling the property line of two parcels. Mr. Simms reiterated the desire to save a mature tree on the site. Ms. Konicki asked if the tree was in good health. Ms. Hickey wasn’t as bothered by the side yard setbacks but did think that the front yard setback was “jarring”. She also noted that the roof configuration was out of place. Ms. Konicki agreed with the comments on the setback and the roof and suggested tabling the case. Ms. McNicholl spoke with Mr. Simms about how the roof could be reconfigured.

Rhea Ann Smith, the owner, was also present to answer questions. Ms. Smith spoke about her love for gardening, and her desire to save the mature tree, which she described as a “unicorn”, due to its relative rarity in the area. Mr. Holley asked if the home could be pushed to the south, to have the tree and eliminate the setback, but Ms. Smith noted that southern exposure is needed for her garden plans.

Returning to a discussion on the style of the building, Mr. Holley thought the home read as too contemporary. Ms. McNicholl said it felt “Craftsman”, and Ms. Konicki asked if there were any Craftsman style homes in the Huffman historic district. Ms. Hickey, a Huffman resident, said there were some, but not many.



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#### Public Comments

Rosie Miller, 1933 E 4<sup>th</sup> Street (Dayton, OH 45403) was present to speak on the case. Ms. Miller was in favor of the construction and the increased setback, to save the tree, and noted that a now-demolished home at 70 Terry Street also had a larger front yard setback. The Landmark Commission looked at images of the property on Google Street view but didn't think the setback was as great as what is being requested here.

Joel Micheal, 1952 E 4<sup>th</sup> St (Dayton, OH 45403), was present to speak on the case. Mr. Micheal was in favor of approving the project as submitted. He expressed concerns that the Landmark Commission suggestions would increase the cost of the project and stymie development. He also wanted the Board to consider the importance of mature trees.

#### Board Discussion

Following the comments from the public, Ms. Hickey reiterated that they are looking for a compromise on the new construction. As presented, the design, especially the roof, read as too contemporary and suburban, and stand out too much from the existing fabric of the neighborhood. The setback is also out of rhythm with the streetscape. There was a discussion about whether or not the building could be shifted to the north and brought forward. Landmark Commission members decided to table the case and invited the applicant to bring forward revisions to the site plan and elevations that aligned with feedback given during the meeting.

#### Board Action

A motion was made by Ms. Konicki and seconded by Ms. Hickey to table **PLN2026-00056 – 52 S Terry St.**

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

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



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**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. Mr. Holley confirmed that this case had been heard earlier this year. He asked if the property had been listed for sale, and Ms. Hornbeak deferred to the applicant to answer that question.

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 established the case record, noting all the documentation that has been submitted by the applicant thus far. He briefly went through the FICO report, the report from John Geiger, the report from Shell+Meyer, and the structural nuisance order. Mr. Conard stressed that a key part of both structural engineer reports is that they both indicate that the existing walls are not salvageable, and would need to be completely rebuilt, which would remove the historic integrity of the remaining structure. Mr. Holley stated that city policies do exist that specify that the owner needs to make an attempt to sell the building and that, if a building is truly unsafe, the Building Department can issue an emergency demolition order, which does not need Landmark commission approval.

Richard Meyer of Shell+Meyer (2202 S Patterson Boulevard, Dayton OH 45409) was also present to speak on the case. Mr. Meyer prepared the submitted Shell+Meyer report. He spoke about how the restoration of the building was, in his professional opinion, not economically feasible. He talked about the issues with doing a gut and rebuild on a fire-damaged structure and noted that the stress on the outer walls had made them insufficient for bracing to rebuild the interior. He also noted that there would be issues with bracing the structure's western wall, due to the proximity of the neighboring home. Mr. Meyer also talked about damage to the dry-stacked foundation from water used to suppress the fire. He noted that there had been 5 feet of standing water in the basement, as the fire department had not pumped the water out after extinguishing the fire.

Denise Swick, the applicant and owner, was present to speak on the case. Ms. Swick went over the timeline of events and stressed that she was kept in a holding pattern first by the insurance



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company (who needed to assess the damage to the property) and later had issues with access to the property due to the Structural Nuisance Order. She explained again that the first insurance estimate was too low and explained that it was written in such a way to avoid an insurance penalty. She also noted that, as a licensed realtor, she is required to disclose all the issues with the property, including the sinkholes, structural concerns, and the structural nuisance order. To not disclose the issues with the building would be illegal. She stressed that she doesn't know anyone who would offer to purchase a property with that many known deficiencies. She also noted that Dayton's Nuisance Abatement team had expressed serious concerns about the property. Ms. Hornbeak confirmed that there were plans to visit the property the next week with structural Nuisance and Building Department representatives, to see if an emergency demolition order is needed. Ms. Hornbeak explained that when a home is demolished via emergency, there is not a guarantee that any salvage of historic elements can take place, so it's better to take it down via non-emergency if salvage is desired.

Mr. Holley stated that buildings that are in structural nuisance are able to be accessed, but that you need special permissions. Ms. Konicki noted that the building wasn't condemned. Ms. Swick referred to the structural engineering reports, which indicate that the exterior wall must be rebuilt, and asked again what would really be saved in that case. She also noted all the work she had done on the home (new roof, tuckpointing), prior to the fire. She said she has seen the brick shifting in the walls and is afraid that someone could be hurt if any were to fall, especially since she cannot get insurance on the home now.

Mr. Holley again stressed that if the building were truly unsafe it could be removed with an emergency order. Ms. Hickey noted that the Landmark Commission is only following what is outlined in the Zoning Code, which included a requirement to try and sell the building. Mr. Conard noted that three professionals have provided reports on this case, and that Denis Swick herself is an experience professional (contractor and realtor), and that those opinions are being disregarded.

#### **Public Comments**

Monica Snow, 426 E Fourth St (Dayton, OH), was present. She spoke first on behalf of Preservation Dayton Inc. She questioned the validity of the estimates, and whether they were prepared by professionals (specifically the insurance estimate). Ms. Snow stated that they had not seen the mitigation plan. She also noted that the applicant is required to consult with "civic groups", but that Ms. Swick had not contacted Preservation Dayton. Ms. Snow reiterated points made in a letter provided by Preservation Dayton (part of the case record) and reiterated that there has been no emergency declaration for this property. She also took issue with the presentation of the rehabilitation estimate as one up front cost, when work on the home could be done incrementally, to first stabilize and secure and then later restore more fully. She took issue with the notes about the foundation in the engineering reports, noting that the foundations were not actually inspected by either engineer (both engineer reports are based on insurance photographs and exterior evaluations). Ms. Snow also questioned whether the home actually had an intact diaphragm system, which the engineering reports note is a serious issue with the home's



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current condition. Preservation Dayton is offering to cover the cost of having an engineer who specializes in historic preservation come and inspect the property.

Speaking on her own behalf, Ms. Snow talked about the issues Ms. Swick was having insuring the property (in case someone was damaged by the home or debris). Ms. Snow talked about an insurance policy she had on a building at 128 Paul Laurence Dunbar Street. She also noted that the only historic elements on the home that seemed important enough to salvage would be the stone lintels and the foundation.

Karin Manovich, 529 Hickory St (Dayton, OH), was present to speak on the case. Ms. Manovich stated that she was speaking on behalf of Historic South Park Inc, and herself. She said that she didn't believe that the applicant had met the code requirements for demolition. She was also worried that the demolition of this structure would set precedence for others, and that there are problems with homelessness and fires in historic districts. She talked about other homes in South Park that had been damaged in fires and had been brought back by non-profits. Ms. Manovich expressed concern that neither engineer had gone into the building and believed that there would be people willing to purchase the property, to take a loss to restore the home. She said that she felt bad for the owner, but that the roof should have been tarped and the basement should have been pumped.

Staff also received several emails regarding this case. All emails received were in opposition to the demolition of the building. These emails were provided to the Landmark Commission and are part of the public record.

#### Board Discussion

The Board discussed the proposal. Mr. Holley asked if the Landmark Commission should wait to hear what the Building Department has to say about the building, if they are scheduled to visit next week. Mr. Conard asked for clarification on when the next meeting would be.

#### Board Action

A motion was made by Ms. Konicki and seconded by Mr. Johnson to table **PLN2026-00002 – 108 Green Street** pending the evaluation of the structure by the City of Dayton Building Department.

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

Approved by Landmark Commission (4 in favor, 0 opposed)  
Elizabeth Dakin, Secretary, Landmark Commission



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**3. Updates to the Blueprint for Rehabilitation for approval - PLN2026-00057 – A Work Session to discuss updates to the first section of the *Blueprint for Rehabilitation*.**

**Applicant:** City of Dayton  
101 W Third St  
Dayton, OH 45402

**Owner:** N/A

**Priority Land Use Board:**

**Planning District:**

**Historic District:**

**Decision:** Withdrawn

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#### Case Update

Given the late hour, this agenda item was withdrawn and will be rescheduled to a later meeting.

Elizabeth Dakin, Secretary, Landmark Commission