

**AGENDA**  
**NEENAH LANDMARKS COMMISSION**  
**Tuesday, February 12, 2019**  
**5:30 P.M.**  
**Hauser Room, City Administration Building**

1. Public Appearances. (Ten minutes divided among those wishing to speak on topics pertinent to the Landmarks Commission.)
2. Approve minutes of the November 13, 2018 meeting.
3. Discuss education and information activities.
4. Discuss recent statutory changes regarding historic preservation commissions.
4. Approval of expenditures.
5. Announcements and future agenda items.

**Neenah City Hall is accessible to the physically disadvantaged.**  
**If special accommodations are needed please contact the**  
**Department of Community Development Office**  
**at 886-6125 at least 24 hours in advance of the meeting.**

**Minutes of the Neenah Landmarks Commission**  
**Tuesday, November 13, 2018**  
**5:30 P.M.**

Ald. Jane Lang, Chair	x	Ruth Streck	
Jack Speech, Vice Chair	x	Nate Van Zeeland	
Steve Gries		Monica Larabee, 1 <sup>st</sup> Alternate	x
Ron Klatt	x	Duane Helwig, 2 <sup>nd</sup> Alternate	
Jose Morales		Carol Kasimor, Assistant Planner	x

**Public Appearances:**

No public appearances.

**Approval of minutes of the October 9, 2018 meeting:**

MSC Speech, Larabee, the minutes of the October 9, 2018 meeting were approved as distributed.

**Discussion of recent statutory changes regarding historic preservation commissions:**

Vice-Chair Jack Speech reviewed statutory changes as presented by the Wisconsin Historical Society (WHS) at the October state-wide conference.

The 2015 Wisconsin Act 176, effective 2016, requires a public hearing for the creation of a landmark district, and that property owners must be notified of a landmarks nomination and have the opportunity to appeal historic preservation commission decisions to the governing body. These requirements are part of the current City of Neenah Historic Preservation ordinance, Chapter 23 of the municipal code.

The 2017 Wisconsin Act 317, effective 2018, requires local historic preservation commissions to allow similar materials when reviewing changes to landmark properties. The City Attorney's office is reviewing the local ordinance to determine whether any changes need to be made to comply with the law.

The State Historic Preservation Office plans to provide training and materials, including a model ordinance, to assist with legislative actions. In general, WHS staff recommend that local ordinances:

- State a public purpose
- Establish a local preservation commission
- Provide a process for designating historic districts and landmarks
- Articulate standards for design criteria that guide commission design review
- Establish a mechanism for enforcing design review
- Allow for public comment
- Establish an appeal mechanism

**Adjournment:** MSC Klatt, Larabee, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,



Carol Kasimor, Assistant Planner

## Chapter 23 - HISTORIC PRESERVATION

## Sec. 23-1. - Definitions.

In this chapter unless the context clearly requires otherwise, and in relation to subsequently approved historic districts, the following definitions shall apply:

*Commission* means the Landmarks Commission created under this section.

*Contributing property* (See applicable historic district plan).

*Historic district* is an area designated by the Common Council on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest of value as part of the development, heritage or cultural characteristics of the City, State or nation, and which has been designated as an historic district pursuant to the provisions of this chapter.

*Historic site* means any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

*Historic structure* means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State or nation and which has been designated as an historic structure pursuant to the provisions of this chapter.

*Improved parcel* is the unit of property, which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improved parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

*Improvement* means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such improvements.

*Noncontributing property* (See applicable historic district plan).

*Pivotal property* (See applicable historic district plan).

(Code 1977, § 27.02)

## Sec. 23-2. - Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public benefit and is advisable in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political, engineering and architectural history.
- (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures,

sites and districts.

- (3) Stabilize and improve property values.
- (4) Foster civic pride in the beauty and noble accomplishments of the past.
- (5) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (6) Strengthen the economy of the City.
- (7) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people in the City.

(Code 1977, § 27.01)

Sec. 23-3. - Landmarks Commission—Created; composition; terms of offices.

A Landmarks Commission is hereby created, consisting of seven members and two alternates. Of the membership, one shall be a licensed real estate broker; one shall be a member of the Common Council; one shall be a registered architect; and the remaining four shall be citizen members. Said citizen members, to the extent available in the community, shall have background in disciplines in the area of history, architectural history, architecture, archeology, planning or other historic preservation related disciplines such as urban planning, American Studies, American Civilization, cultural geography, or cultural anthropology. Each member shall have, to the extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council. Except for the representative of the Common Council, the term for each member shall be three years on staggered terms. The representative of the alternate members shall be appointed for three-year terms. Alternate members shall have full voting power in the event one or more of the regular members have declared a conflict of interest or in the event one or more regular members are absent.

(Code 1977, § 27.03)

Sec. 23-4. - Same—Powers and duties.

- (a) *Designation of historic districts.* The Commission shall have the power to designate historic districts within the City limits with the approval of the Common Council. Once designated by the Commission, such historic districts shall be subject to all the provisions of this chapter.
  - (1) *Historic district designation criteria.* For preservation purposes, the Landmarks Commission shall select geographically defined areas with the City to be designated as historic districts and shall, with the assistance of the Department of Community Development prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:
    - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, State or community;
    - b. Is identified with historic personage or with important events in national, State or local history;
    - c. Embodies the distinguishing characteristics of architectural type specimens inherently valuable for the study of a period or periods, styles, methods of construction, indigenous materials or craftsmanship; or
    - d. Is representative of the notable works of master builders, designers, or architects who influenced their age.

Each historic preservation plan prepared for or by the Landmarks Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for alterations and new construction, and a statement of preservation objectives.

- (2) *Guidelines for review of alterations.* Where applicable, the Commission shall use the following in establishing review criteria for proposed alterations in an historic district: height of structure, location of second exit platforms, solar apparatus, additions, type and nature of repairs, nature of proposed restoration, type of storm doors, screens and storm windows proposed to be used in alterations and nature of alterations to fronting street facades, side and roof alterations, proposed additional parking areas, and size, nature and type of accessory buildings. Due to the unique nature of each historic preservation district and each landmark contained therein, the Commission may use any and all of the above-mentioned criteria as well as criteria unique to a particular district in establishing the guidelines for alterations in that district.
- (3) *Guidelines for review of new construction.* Where applicable the Commission shall use the following in establishing criteria for reviewing proposed new construction in an historic district: primary building height, roof structure and shape, materials to be used, front facade visual size, solar panels, additional parking facilities, and necessary building additions. Due to the unique nature of each historic preservation district and each landmark contained therein, the Commission may use any and all of the above-mentioned criteria as well as additional criteria unique to a particular district in establishing the guidelines for new construction in that district.
- (4) *Review and adoption procedure.*
  - a. *Landmarks Commission.* The Landmarks Commission shall hold a joint public hearing with the Plan Commission when considering the plan for an Historic District. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the Clerk to the Alderman of the Aldermanic District or districts in which the historic district is located, and the owners of record, as listed in the office of the City Assessor, who are owners of property within the proposed historic district and owners of property situated in whole or in part within 200 feet of the boundaries of the proposed district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the Plan Commission and the Common Council.
  - b. *Plan commission.* The Plan Commission shall review the Historic District plan and make a recommendation to the Common Council. The Plan Commission shall make its recommendation on the Historic District plan within 30 days.
  - c. *Common council.* The Common Council upon receipt of the recommendations from the Landmarks Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in this section, and shall, following the public hearing, either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.
- (5) *Effect of district plan requirements.* The preservation plan approved for each historic district may include criteria and regulations pertaining to the construction, reconstruction, demolition, or exterior alteration of properties or improvements located in a district which are more restrictive than the guidelines and standards of this chapter. In such case, the more restrictive requirements shall apply.

- (b) *Designation of historic structures and sites.* The Commission shall have the power to designate historic structure historic sites. Once designated by the Commission, such historic structures and sites shall be subject to all the pr this chapter.
- (1) *Historic structures and sites designation criteria.* For purposes of this chapter, an historic structure or historic site designation may be established for any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City, such as historic sites or structures which:
- a. Exemplify or reflect the broad the broad cultural, political, economic or social history of the nation, State or community; or
  - b. Are identified with historic personages or with important events in national, State or local history; or
  - c. Embody the distinguishing characteristics of an architectural type or specimen, inherently valuable for the study of a period, style, method of construction, indigenous materials or craftsmanship; or
  - d. Is representative of the notable works of a master builder, designer, or architect whose individual genius influenced his age.
- (2) *Operating guidelines.* The Commission may adopt specific operating guidelines for landmark sites designation providing such are in conformance with the provisions of this subsection.
- (3) *Review and adoption procedures.* The Commission may, after notice and public hearing, establish historic structures and sites, or rescind such designation or recommendation, after application of the criteria in Subsection (b)(1) of this section. At least ten days prior to such hearing; the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The Commission shall also notify the following: Department of Public Works, Department of Community Development, Park and Recreation Department, Fire and Police Departments, Health Department, Building Inspector and Plan Commission. Each such department shall respond to the Commission within 30 days of notification with its comments on the proposed designation or rescission. The Commission shall then conduct such public hearing, and in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the Commission may designate the property as either an historic structure, historic site, or may rescind the designation. After the designation, recommendation or rescission has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Building Inspector and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds office.
- (c) *Recognition of historic structures and historic sites.* At such time as an historic structure or site has been properly designated in accordance with this section, the Commission may cause to be prepared and erected on such property, at public expense, a suitable plaque declaring that such property is an historic structure or site. Such plaque shall be also placed as to be easily visible to passing pedestrians. In case of an historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other

information as deemed proper by the Commission. In the case of an historic site which is not the site of an historic structure, such plaque shall state the common name of the site, and other information deemed appropriate by the Commission.

- (d) *Voluntary restrictive covenants.* The owner of any such historic structure or site may, at any time following such designation of his property, enter into a restrictive covenant on the subject of his property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant on the interest of preserving the historic property. The owner shall record such covenant in the County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof.
- (e) *Regulation of construction, reconstruction and exterior alteration.*
- (1) No building permit shall be issued by the Building Inspector for the demolition, removal, construction, or the exterior reconstruction, or alteration of a property or its improvements from the date it is determined to be eligible for designation as a Neenah Historic Landmark and the Commission has scheduled a public hearing for designation purposes. Neither shall a building permit be issued for a property or its improvement within a district from the date it has been determined to be eligible for designation as a Neenah Historic District and the Commission has scheduled a public hearing for designation purposes. Building permits shall not be issued for such properties or their improvements for a period not to exceed 60 days from the date of determination of eligibility, pending the Commission's disposition of the nomination. The Building Inspector may authorize the alteration, removal or demolition when necessary for public health, welfare or safety.
  - (2) Any application for a permit from the Building Inspector involving the exterior of a designated historic site, historic structure, or any property within an historic district shall be filed with the Landmarks Commission.
  - (3) No owner or person in charge of an historic site, historic structure, or any property within an historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an historic district or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been granted by the Landmarks Commission. Unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
  - (4) Upon filing of any application with the Landmarks Commission, the Landmarks Commission shall determine and document:
    - a. Whether, in the case of a designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done;
    - b. Whether, in the case of the construction of a new improvement upon a historic site the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
    - c. Whether, in the case of any property located in an historic district designated pursuant to the terms of this section the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district and duly adopted by the Common Council.
  - (5) If the Commission determines Subsections (4)a, (4)b and (4)c of this section in the negative, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this decision within 30 days of the filing of

the application. Should the Commission refuse to issue a certificate of appropriateness due to the failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Common Council. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.

(f) *Regulation of demolition.*

- (1) No building permit shall be issued by the Building Inspector for the demolition, removal, construction, or the exterior reconstruction, or alteration of a property or its improvements from the date it is determined to be eligible for designation as a Neenah Historic Landmark and the Commission has scheduled a public hearing for designation purposes. Neither shall a building permit be issued for a property or its improvement within a district from the date that it has been determined to be eligible for designation as a Neenah Historic District and the Commission has scheduled a public hearing for designation purposes. Building permits shall not be issued for such properties or their improvements for a period not to exceed 60 days from the date of determination of eligibility, pending the Commission's disposition of the nomination. The Building Inspector may authorize the alteration, removal or demolition when necessary for public health, welfare, or safety.
- (2) No permit to demolish all or part of an historic structure, or improvement in an historic district, shall be granted by the Building Inspector except as follows:
  - a. No person in charge of an historic district shall be granted a permit to demolish such property under any circumstances without first receiving a certificate of appropriateness from the Commission.
  - b. At the time as said person applies for a permit to demolish the property, the application shall be filed with the Commission. The Commission may decide to grant a certificate of appropriateness, refuse to grant such Certificate, or suspend action on the same for a period not to exceed six months from the date of application for said permit. If the Commission fails to issue the certificate of appropriateness, or to issue a written determination to suspend action on the application within 30 days of the application date, it will be deemed an issuance of a certificate of appropriateness for the demolition or removal. If the Landmarks Commission determines to suspend action on the applicant, the Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time the owner shall take whatever steps necessary to prevent further deterioration of the building. At the end of six months the Commission shall act on the suspended application or continue to suspend action by written stipulation of the applicant and the Commission for not more than six additional months, at the end of which time the Commission shall act on the application. Upon refusal by the Commission to issue a certificate of appropriateness, the applicant may appeal the decision of the Commission to the Common Council. Such appeal shall be initiated by filing a petition to appeal specifying the grounds therefor with the Clerk within ten days of the final decision of the Commission. After a public hearing the Council may, by a favorable vote of two-thirds of its members, reverse or modify the decision of the Commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the Council finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Commission's decision.



- c. Standards. In determining whether to issue a certificate of appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:
1. Whether the building or structure is of such architectural or historic significance that this demolition would be determined to be contrary to the public interest and contrary to the general welfare of the people of the City and the State;
  2. Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State;
  3. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Section 23-2 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
  4. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
  5. Whether retention of the building or structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;
  6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness;
  7. Whether any new structure proposed to be constructed, or change in use proposed to be made, is compatible with the buildings and environment of the district in which the subject property is located.
- (g) *Sale of historic structures and historic sites.* Any party who is listed as the owner of record of an historic structure or site at any time of its designation, who can demonstrate to the Commission that by virtue of such designation he or she is unable to find a buyer willing to preserve such an historic structure or site, even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation. Following the filing of such petition with the Secretary of the Commission:
- (1) The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
  - (2) If, at the end of a period not exceeding six months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property.
  - (3) In the event of such rescission, the Commission shall notify the Clerk, the Building Inspector, and the City Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Winnebago County Register of Deeds.
  - (4) Following any such rescission, the Commission may not redesignate the subject property an historic structure, or site for a period of not less than three years following the date of rescission.

- (h) *Survey and inventory of historic sites.* The Commission shall initiate a continuing process for survey and

inventory of properties and districts within the local jurisdiction. The local survey and inventory system shall be complementary to and coordinated with that of the State and shall be in a format that is consistent with the Statewide comprehensive historic preservation planning process. Inventory materials shall be maintained securely and shall be accessible to the public, in accordance with Wis. Stats. §§ 19.35, 19.36. Inventory materials shall be updated periodically to reflect changes, alterations, and demolitions.

- (i) *Annual budget.* The Commission shall have the authority to file and submit an annual operating budget. Said budget shall be submitted to the Mayor for review and inclusion in the normal budgeting procedure. The Commission shall have the power to apply for any available State and/or federal funding. Said funding applications shall be made in the name of the City and shall be included in the annual budget submissions to the Mayor.
- (j) *Additional services.* When the disciplines of architecture, history, architectural history, or archeology are not represented in the Commission membership, the Commission may seek additional expertise in the appropriate area when considering National Register nominations and other delegated actions that will affect properties that are normally evaluated by a professional in that discipline. The Commission can accomplish this through consultations with professionals, and with written reports of the results of such consultations and the credentials of the consultants submitted with the National Register nomination or other report of action.
- (k) *Local government certification.* In order to receive federal funding, the Commission shall comply wherever possible with the provisions of the National Historic Preservation Amendments Act (P.L. 96-515). The Commission shall report to the State Historic Preservation Officer any demolition permit applications affecting any property in the Commission's jurisdiction that are listed in the National Register of Historic Places as required by Wis. Stats. § 62.23(7)(em). The Commission shall also hold regular meetings at least four times each year. Said meetings shall be in conformance with the Wisconsin open meetings law. The Commission shall provide the State Historic Preservation Officer with copies of the minutes of said meetings. The Commission shall submit to the State Historic Preservation Officer an annual report of its activities. Such report shall include the number of reviews conducted, new local designations made, progress on survey activities, educational activities, and credentials of new Commission members. Reports hereunder shall be submitted no later than August 1 of each year. The Commission shall also review and comment upon local nominations to the National Register of Historic Places, shall forward such comments to the Mayor for review, and shall then be sent to the State Historic Preservation Officer.
- (l) *Other duties.* In addition to those duties already specified in this section, the Commission shall:
  - (1) Cooperate with the Historic Preservation Officer for the State, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, of districts in the National Register of Historic Places.
  - (2) Work for the continuing education of the citizens about the historic heritage of this City and the historic structures and sites designated under the provisions of this section.
  - (3) As it deems advisable, the Commission may, with Council approval, receive private funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

(Code 1977, § 27.04)

#### Sec. 23-5. - Conformance with regulations.

Every person in charge of any historic structure, historic site or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section. The Common Council may appoint the Building Inspector or any other individual or group of individuals to enforce this article. The duties of the

inspection officer shall include periodic inspection at intervals provided by the Common Council of designated historic structures, sites and districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance of structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to Wis. Stats. § 66.0119 and take any other reasonable measures to further enforcement of this article.

(Code 1977, § 27.05)

Sec. 23-6. - Maintenance of historic structures, historic sites and historic districts.

- (a) Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (b) Insofar as they are applicable to an historic structure, historic site or improvement in an historic district, designated under this section, any provision of the Plumbing Code, the Minimum Housing Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Building Inspector provided such variance or waiver does not endanger public health or safety.

(Code 1977, § 27.06)

Sec. 23-7. - Conditions dangerous to life, health or property.

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on an historic site or in an historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be necessary.

(Code 1977, § 27.07)