



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



August 28, 2024

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Property: **Lucius S. Felt House, 125 South Prospect Street, Galena, IL**

Project Number: **44022, Part 2 and Request for Advisory Determination (Phase 1)**

Appeal Number: **1691**

Action: **Final Administrative Decision**

Dear [REDACTED]

I have concluded my review of your appeal of the February 20, 2024 Decision of Technical Preservation Services (TPS), National Park Service, denying the Part 2 – Description of Rehabilitation application and Request for Advisory Determination (Phase 1) for the property cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, [REDACTED] and your architect, [REDACTED] for meeting with me via videoconference on April 24, 2024, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, submitted at my request after our appeal meeting, and online research I conducted, I have determined that the rehabilitation of the Lucius S. Felt House is not consistent with the historic character of the property and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). I hereby affirm the denial of the Part 2 – Description of Rehabilitation application issued in the TPS Decision of February 20, 2024.

The Lucius S. Felt House is a three-story Second Empire residence, altered in 1874 from an 1851 Greek Revival style house. The house sits prominently on a hill above the street, consisting of brick exterior walls, with a mansard roof featuring multi-colored, hexagonal-tile slates with a distinctive diamond/bullseye pattern, a detailed cornice with paired brackets, wood windows and doors, and a one-story porch across the full width of the primary east elevation with a central stair. The interior of the house remains largely intact to the 1874 plan with historic plaster walls and ceilings, wood floors, trim, and millwork. The Felt House remained a single-family residence until it was converted to a bed and breakfast use in 1982. The National Park Service determined the building to be a “certified historic structure” contributing to the significance of the National Register-listed Galena Historic District on November 10, 2021.

The proposed rehabilitation will be undertaken in three phases starting in August 2021. Phase 1 work, consisting primarily of exterior repair and replacement work, including replacement of the slate roof, as well as limited interior work, was completed before the Part 2 – Description of Rehabilitation application and Request for Advisory Determination was submitted to TPS for review.

In the denial decision, TPS noted that:

The Part 2 narrative and photographs document the pre-rehabilitation condition of the mansard roof and its original 1874 slate tile with a distinctive tile pattern on all elevations. The historic slate was a hexagonal tile, approximately 6 inches wide, installed in a large, decorative bullseye pattern repeated along the middle of the mansard with an undulating border of contrasting slate tiles at the top and bottom edges of the roof. Apart from the mansard roof being a highly visible and distinctive roof form, and the tile pattern being one of the most prominent exterior decorative features of the house, the historic slate tile reflects a level of craftsmanship and detail that is character-defining to the building.

However, the Part 2 application described the condition of the historic slate as "*seriously deteriorated and crumbling.*" And, photographs submitted with the Phase 1 Request for Advisory Determination showed that the slate roof had been replaced with a substitute polymer product intended to imitate historic slate. TPS determined that the replacement material for the historic slate, Ecostar Majestic synthetic slate, was "*not an appropriate match to the distinctive design/pattern, tile shape and dimensions, and scale*" of the original slate, altering the historic character and appearance of the building. TPS further determined that the size and thickness of the replacement material was twice that of the original slate, making the scale of the decorative pattern impossible to replicate. TPS found that the dramatic difference between the original and replacement roof was sufficient to cause the overall rehabilitation to fail to meet the Secretary of the Interior’s Standards for Rehabilitation, specifically Standards 2, 5, and 6.

Standard 2 states, “*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*” Standard 5 states, “*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*” Standard 6 states, “*Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*”

In my review, I first studied pre-rehabilitation photographs of the street façade, the most visually prominent feature of the property. The 1874 alterations to the earlier house added a third-floor mansard roof above the rectangular brick mass of the original building. Mansards are by definition bold and eye-catching, in this case accentuated by the home’s location significantly above street level. In contrast to the bold forms of the mansard, the details within it are delicate, small-scale moldings in the entablature and cornice, paired small brackets instead of large single brackets, small dentils, and narrow jig-sawn trim flanking the dormer windows. The slate roofing was similarly small-scaled, with 6” hexagonal tiles in an ornate polychrome pattern. I concur with TPS that the mansard roof is the primary character-defining feature of the street façade and indeed it is a primary character-defining feature of all four sides of the building.

Photographs of the completed work on the exterior show that the work generally meets the Standards with the exception of the replacement roofing tiles. The new tiles are twice the size of the original tiles and are thicker, making it impossible to match the ornate polychrome pattern of the original slate. The result is that the pattern of the replacement roof is significantly over-scaled and simplified in comparison with the historic pattern, contravening Standard 6, cited above.

Regarding the technical and economic feasibility of matching the historic slate roofing, the key phrase in Standard 6 is that the replacement “*shall match the old in ... visual qualities and, where possible, materials.*” In other words, visual qualities are the principal requirement, but the materials are a lower priority to match the old. However, TPS Preservation Brief 4, *Roofing for Historic Buildings* [<https://www.nps.gov/orgs/1739/upload/preservation-brief-04-roofing.pdf>] offers guidance regarding alternative roofing materials. PB 4 states,

“In a rehabilitation project, there may be valid reasons for replacing the roof with a material other than the original. But the decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building.”

Cost and ease of maintenance may dictate the substitution of a material wholly different in appearance from the original. The practical problems (wind, weather, and roof pitch) should be weighed against the historical consideration of scale, texture, and color. Sometimes the effect of the alternative material will be minimal. But on roofs with a high degree of visibility and patterning or texture, the substitution may seriously alter the architectural character of the building.”

TPS guidance thus cautions that roofs with a high degree of visibility and patterning or texture may not be suitable for an alternative material. This is the case at the Felt House with your choice of the synthetic slate product as an alternative material. The challenge of replacing the original slate roofing could have benefited from consultation with the SHPO and TPS, but as the Decision noted, the regulations state that “*Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.*” [36 C.F.R. 67.6(a)(1)].

In your appeal letter you asked the National Park Service for flexibility in assessing the impact of the replacement slate on the historic character of the mansard roof, noting that you “*do not believe this is a case where ‘no flexibility’ is appropriate.*” The preamble to the Standards states in part that, “*The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.*” For TPS to apply the Standards in such a way, TPS has to be involved in the decision-making process. Unfortunately, that did not occur here. Instead, you are asking TPS to approve completed, non-compliant work in which it had no input. I note that the regulations also state, “*All elements of the rehabilitation project must meet the Secretary’s ten Standards for Rehabilitation (§ 67.7); portions of the rehabilitation project not in conformance with the Standards may not be exempted.*” [36 C.F.R. § 67.6(b)(1)].

After a careful review of the project file, including the materials presented at the appeal meeting, materials subsequently submitted at my request, and online research that I conducted, I find that the overall impact of the rehabilitation on the historic character of the Lucius S. Felt house does not comply with the Secretary of the Interior’s Standards for Rehabilitation and affirm the TPS denial of certification of the Part 2 application issued in its February 20, 2024 Decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS’s February 20, 2024 Decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

JOHN A BURNS Digitally signed by JOHN A BURNS
Date: 2024.08.28 19:23:02 -04'00'

John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: IL SHPO
IRS

