

**HISTORIC DISTRICT COMMISSION
MINUTES OF
September 3, 2019**

The Historic District Commission of the City of Norman, Cleveland County, State of Oklahoma, met for the Regular Meeting on September 3, 2019, at 5:30 p.m. Notice and Agenda of the meeting were posted at 201 West Gray Building-A, the Norman Municipal Building and at www.Normanok.gov twenty-four hours prior to the beginning of the meeting.

Chair Cameron Brewer called the meeting to order at 5:31 p.m.

Item No. 1, being: Roll Call.

MEMBERS PRESENT:	Cameron Brewer
	Elizabeth Foreman
	Rick Hall
	Greg Heiser
	Russell Kaplan
	Michael Zorba
	Mitch Baroff
	Emily Wilkins

MEMBERS ABSENT:

A quorum was present.

STAFF MEMBERS PRESENT:	Anaïs Starr, Planner II
	Tara Reynolds, Admin Tech III
	Jeanne Snider, Assistant City Attorney

GUESTS:	Jorge Mendros
	Thekla Mendros
	Joe Brown

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Item No. 2, being: Approval of the Minutes from the August 5, 2019 Regular Meeting.

Motion by Rick Hall for approval of the minutes from the August 5, 2019 regular meeting; **Second** by Michael Zorba.

The motion was approved unanimously.

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Item No. 3, being: HD (19-27) Consideration of a Certificate of Appropriateness request for the removal of wood windows and installation of vinyl windows for the property located at 904 S Miller Ave.

Chair Cameron Brewer: I will entertain a motion on this item.

Russell Kaplan: Motion to approve the item as submitted.

Emily Wilkins: Second.

Cameron Brewer: Alright, we have a motion and a second. We will go to the staff presentation.

Anais Starr, Historic Preservation Officer: Alright, good evening, I am Anais Starr, I am the staff person for the Historic District Commission. I work out of the planning department. I will start with giving the staff report here. Historical information – this is listed as a 1925 Colonial Revival structure that is contributing to the Miller Historic District. On the Sanborn insurance map it is shown in the same location and basic configuration as it is today. There have not been any previous Certificate of Appropriate requests for this property. I'm going to try to summarize my staff report here. May be a little lengthy, but on June 25 I was notified by a neighbor that the windows at this house had been removed and replaced with vinyl. I have been to the site and while I was at the site taking pictures the homeowner, the property owner, Thekla Mendros arrived, and said she wasn't aware she was in an historic district. And since that time I have been working with her son Jorge to make an application to come in to request to replace the wood windows with vinyl windows.

So I have some pictures here of what the house looked like before. I grabbed off a couple of places but these are off Google Earth. You can see the 4 over 1 and the 5 over 1 windows here on the front of the structure. Kind of a different viewpoint. On the side you can see some 3 over 1 window panes. And it's kind of hard to see with this picture, but you can see through the leaves if you look closely the 1 over 1's. And then here is the pictures after the removal with the new vinyl windows installed. And they were installed throughout the house. So all the windows were replaced with those.

So, when I was visiting onsite, I was visiting with the property owner, and with the contractor, they both stated they still had the windows. I encouraged the property owners to retain those windows in case they possibly had to be re-used ...so at the time of my visit on June 25th the wood windows that had been removed were stacked up inside the house. The Historic District guidelines regarding window replacement are there before you in the staff report. They...

Guest's cell phone rings. He apologizes.

Ms. Starr: So the guidelines basically state that it's a requirement to preserve the original wood windows in the structure section 3.5.1, 3.5.2, and 3.5.4. State that preservation of the original wood windows should occur, and in the past the Commission has consistently required the preservation of original wood windows since the establishment of both the Chatauqua and Miller Historic Districts respectively in 1995 and 1997. I have listed in the staff report the 3 cases of note that the Historic District Commission has reviewed in the past decade regarding the replacement of original wood windows.

327 Alameda Ave – That was also a case in which the applicant replaced the windows and then had to come in and make an application. They did appeal to the City Council after Historic District Commission denied their request for that replacement. And the Council sent it back to the Commission to work out a time frame that they could do that in, and they were allowed to do that over a course of 3 years, to replace those with wood windows.

321 Duffy Street – The same situation. The property owner was stopped in the middle of replacing their wood windows with vinyl windows. And ultimately they did come to the Commission, where they were denied. They considered making an appeal but they dropped the appeal and reinstalled the wood windows. And then lastly

549 S Lahoma Ave- Again a case where somebody removed wood windows. Not in the entire house, but 5-6 windows, and they made a request to the historic district commission, they were turned down, they appealed that to the City Council. The City Council affirmed the Historic District Commission's denial. They appealed that...they filed suit rather, in district court, it went through the system, and as of this writing the case has been reversed and remanded back to district court. So there is still litigation pending on that case.

Also, the property owner had indicated that they were unaware they were located in an historic district and as you know, as Commissioners, it is the obligation of the property owners to be informed of the rules, regulations, and codes they must abide by, however staff did do research and did find the original property owner addresses and mailing information that sent out mailing for historic designation in 1997. And it is indicated that the property owner at the time was sent a letter notifying them of the rezoning request to designate as a historic district.

Additionally, staff, this last year, had contacted the agent, the real estate agent listed on the for sale sign in front of this property and let them know they were in an historic district, and I forwarded them a pdf of the Historic District Guidelines. That was in November of 2018. And that was Taylor Davis. And then finally, as part of our certified local government grants project this May of this year I mailed a letter to every property owner in Norman's three historic districts reminding them that their property was located in an historic district, and that additional regulations were needed to be followed. I have included that letter and list of property owners in your agenda packets for you to see.

This request does not meet the historic preservation guideline which requires the preservation of original wood windows, therefore staff does not recommend the historic district approve this request to replace these wood windows with vinyl windows. And with that I can take any questions from the commission.

Jorge Mendros: Can I state our case?

Ms. Starr: Yeah, that will be after they have asked me questions they will ask you to come up.

Chair Brewer: Questions for staff? Okay, then we can move on to applicant presentations. You are welcome to come up to the podium, and if you will state your name and address for the record.

Jorge Mendros: Hello, my name is Jorge Mendros, 5800 North Porter Avenue. And I would just like to add to this, this is a very unique case because although it's in the historic preservation we were unaware of it. First of all, this is a unique case because it's already got vinyl siding throughout and it's had it since 1989. And then there is also a 5 ton package unit for the HVAC that sits out front, so there is really nothing of its original there. The windows, what she was telling you, is actually 90% finished. They were ran off. Saying this was historical preservation, they ran them off. We're having problems with the window people because they didn't get paid completely because they didn't finish the job but that's also because they got ran off. So, the windows aren't exactly like the old ones, because the old ones that we do have are dilapidated, they are falling apart. They need a facelift big time. So I'm asking to either take this house off the historic preservation, because if you look at the guidelines, all the houses on the front, all the way around that area, there's none behind it, there's none on the other side of it. So either A please let us keep the windows as they are because we paid so much for them already, they have already been installed they just need to finish the break panel around it, or B if you could just take the house off the historical site. That's all I have to say. Any questions?

Chair Brewer: Do we have any questions of the applicant?

Commissioner Heiser: Well, you said a bunch of things there, did I hear you say that in your opinion the windows can't be repaired?

Mendros: Yeah, they are beyond repair, they were, actually the lines in them have so much caulk and silicone on them from over the years of trying to fix them and fix them and fix them to where they just needed to be replaced.

Ms. Starr: Well it is, I did get a chance to look at the windows, and a cursory examination of them appeared they were repairable in my opinion.

Chair Brewer: Can you explain what you were saying about running off the contractors?

Mendros: Yeah, the window people were there, and I wasn't there personally, but my mom was. I believe it was you –

Ms. Starr: It was me.

Mendros: And she told them to pack up their stuff and get the hel- heck out of there.

Ms. Starr: No, I didn't.

Mendros: And they did. They did.

Ms. Starr: I told them that they were going to be issued a stop work order and they chose to leave. But code enforcement would have been the next step if they had decided not to leave and stop work on the property. I just informed the contractor that they were in a historic district. They were unaware they were in a historic district, and that they needed to stop work, and I would have to

have code enforcement to come out and issue them a stop work order since they are in violation of the zoning ordinance.

Chair Brewer: At that point were all the windows done?

Ms. Starr: They were all done, they told me they were replacing the flashing. I told them that they could stay and go ahead and complete that, but they chose to leave.

Chair Brewer: Any other questions of the applicant?

Commissioner Hall: One question regarding the three notices. It seems to me that it's difficult to miss three.

Mendros: The first one we looked together before we left for Greece. We go there at least once or twice a year, that's where my parents are from. And we couldn't find it. I guess she found it sometime from a month ago til now. But that was 1997 the first time. No where on the property taxes does it state anywhere it's an historical – any of the other property we have on campus– to delineate that it's different. So, with that being said, the only other notice would have been in May that she said, and we were in Greece at that time too. We never got the letter in other words. We didn't know it was in historic preservation. I know there's guidelines and stuff to abide by, we just didn't know. So that answers your question. But that still falls back to there's vinyl siding throughout the entire house as of right now that's been there for years. And there's a 5 ton package unit that doesn't meet any of the criteria as well.

Commissioner Hall: I'm not sure what a 5 ton-

Mendros: HVAC, correct. It sits right there, it's that big green box that you see sitting to the right of the house. You can kind of see the shadow behind the little foliage.

Commissioner Hall: I don't think being in an Historic neighborhood keeps you from having air conditioning.

Mendros: It's right there.

Ms. Starr: He's talking about that.

Mendros: The big package unit right there. And as you can see it's got vinyl siding on it throughout the entire house. All the windows are done now; all they were doing was just the flashing part of it. So that part is unfinished too.

Guest: Can I ask a question?

Chair Brewer: We will have public comment in a second, yes. And we are going to have Commission discussion here in a second as well, so we can talk about any aspect of this we like, so at this point if we have any more questions of the applicant.

Commissioner Heiser: One last thing, so your point about the vinyl siding is that the house has lost so much of its historical character so it is functionally not contributing to the historic nature of the sitrict.

Mendros: That is exactly right. It is actually against it, with all the guidelines and everything. It had an awning that used to sit on front, right on the front door. That's gone. Some of the other exterior have been modified too. That's not the way it looked originally. There also was a duplex that sat in the back in 1974, that's no longer there. My parents have owned it for that long. So this is one of those things to where – I mean, just for future reference that the city should put that on property taxes because there are some homeowners that use it for rental purposes that don't know it's in historic preservation. We know now, but didn't know then.

Commissioner Baroff: So basically it's a rental property, that's how it's been used for years?

Mendros: Correct.

Commissioner Baroff: How long have you had the property?

Mendros: Since 1973.

Thekla Mendros: 8.

Mendros: It was the first property they purchased.

Commissioner Baroff: Anais, basically our track record with situations with this is just we give them three years to replace the windows?

Ms. Starr: That is one scenario. We had given one applicant three years to replace the wood windows.

Commissioner Baroff: There were three scenarios you gave us, how did we respond to the three people previously that did this?

Ms. Starr: The first one on Alameda the Commission did end up letting them take three years to replace the windows. And again, it was all the windows throughout the house. And they allowed them to replace the front windows the first year, and gave them the other 2 years to replace the rest of the windows. That applicant did get that done in that time frame. The second one, I think the applicant decided that it probably not worth the court case, that it was cheaper to replace the windows, so they withdrew their appeal to the City Council and went ahead and re-installed wood windows in the house. And then the third case is ongoing litigation right now, and that's 549 S Lahoma. That's been going on for quite a few years. Basically went to the Supreme Court and the Supreme Court said we don't wish to hear the case but district court of appeals had ruled in favor of the city so it's just been reversed and remanded back to the city and we are still in the process of working that out and how that will come, but it appears that owner will have to replace those windows with wood windows.

Mendros: And to add, I'm sure in those three cases, none of the facades or the entire building had siding on it.

Ms. Starr: Uh, I would have to go back and look at Alameda. I'm not sure. One was a stucco house, and the - you are correct, the one on Duffy was stucco. The one on Lahoma is wood bungalow. However I have not made an examination of the house so I don't know, but I'm assuming that there's wood siding underneath the vinyl. So you can remove the vinyl siding and there's still wood underneath there. The vinyl siding was on the structure at the time of the 2004 Historic District survey was done, and the historian still found that it was a contributing structure to the Miller Historic District. So even in that time frame from 2004 any kind of thing that had been done to it up until that point hadn't destroyed it's historical contribution to the district. They still found it to be viable.

General murmuring

Ms. Starr: We don't really have a process to have you remove an individual property from an historic district. The only way to do that is a block at a time. So the house to the south of you is not in the historic district but all the houses to the north of you are. So you would have to go through a process. It's a similar process to being designated to get removed.

Mendros: We would probably have to go through zoning right?

Ms. Starr: Right. It's a zoning request. It's not just a vote of the Commission.

General murmuring

Mendros: Does anyone have any other questions right now?

Chair Brewer: Any questions? Okay. Thank you. Do we have any public comments? If you would go up to the podium and state your name and address for the record.

Joe Brown: I'm Joe Brown, I own the property across the street. I had looked at replacing my windows and called and talked to Ms. Starr about it. And I'm curious if I was to go with wood windows would they have to have mutton bars in them? They do have to have...?

Ms. Starr: If that is what your original windows had, then yes. You still have to go through a request to do that. I mean, the ideal situation is for you to repair your existing wood windows. We usually let you replace when they are deteriorated beyond replacement literally means they are crumbling. Otherwise, they can be re-glazed.

Brown: I had the company come out and give me an estimate. Would anyone like to guess how much it would be to have 10 windows replaced?

Ms. Starr: Did you get an estimate replacement or did you get repair?

Brown: Repair.

Ms. Starr: Okay, repair.

Commissioner Wilkins: \$10,000.

Brown: 10 windows. You are off by \$100. It's \$10,100. Now, I guess my issue with this is – and I've sold real estate for 30 years, or refurbished houses for 30 years – I guess my concern about it is in order to get any gentrification in this community the wood window restrictions is such a high percentage of the rehab costs that it's not like the Chatauqua area. Chatauqua area you got brick and mortar, you got bigger homes in there. Bigger homes bring the smaller ones up in value. But there's not the percentage of large homes in this area, in the Miller area. So it makes it really, almost impossible for someone, in case they just have money to burn, to invest 10% of their property on windows. So I don't know what it would...new wood windows, like if I was to replace it with like wood windows the mutton bars are between the panes, correct?

Ms. Starr: Well, there's some caveats to it. I mean it just depends on where the windows are and what you are trying to do. We don't want you replacing the wood windows with picture windows. So if you have 4 over 1 window panes that's what you need to keep.

Brown: So the 4 over 1, that's the one with the bar between the pane?

Chair Brewer: I want to make sure we are staying on track with referring to this case here.

Brown: Well this does have to do with this case. Cause I'm right across the street.

Chair Brewer: Okay.

Joe Brown: Then I guess my issue...being a property owner across the street, I own three houses across the street from them. This is... I think the Miller area should reconsider...the reason I say between the panes is they make a vinyl window that looks just like a wood window. You would never know it unless you went up and looked at it.

Ms. Starr: I don't think anyone at this table is going to agree with that statement. Just got to be honest with you.

Mendros: Even though it has ___gas in it, and it's way more efficient...

Brown: No, no, I'm saying...Who is in construction up here? You are?

Chair Brewer: This is really a time for public comment, not response from the Commission, so I just wanted to make sure we are doing that as well.

Brown: Okay. Would you agree that a wood window and a vinyl window that both have the mutton bars in the panes, it would be hard...

Chair Brewer: Russ, if we want to discuss this during Commission comments we can do that. I think we could go on for quite a while with this discussion back and forth.

Brown: So I'm done.

Chair Brewer: You can keep commenting on the case if it's relevant.

Brown: My comment about this case is I think they have every...if anything they can put the top 4 panes on top...if you would like for me to send a good friend of mine down who has been in the window manufacturing business for 50 years, he can come down and probably show you a comparison. You can put the vinyl window at the top and it would look just like a wood window. Now, let me ask this question. As you are discussing if you put a wood window on, can it be painted white?

Chair Brewer: The frame itself? You can paint that anything you like.

Brown: The frame can be painted white. Okay.

Chair Brewer: Sure. And the mutton bar can be inside the pane. Correct?

Chair Brewer: No.

Brown: The mutton bar cannot be inside...

Commissioner Hall: Historic windows are not double paned. Just saying.

Brown: So, you can put wood windows in but they can't be double paned?

Commissioner Baroff: Correct.

Brown: Well, case dismissed. I'm glad to know that. You can only put single pane windows on these houses...

Ms. Starr: Well, you can, it depends on the situation and we don't really want to...I mean, there's too many scenarios and we don't want to be on public record stating something incorrectly when we don't understand what you are saying. If you want to make a formal application then request it, then we can discuss it. But we don't want to get into that. You can read the guidelines, they're in there, it depends on the situation. But yeah, you need to keep...

Commissioner Kaplan: I'll just comment the front of the house is held to a higher standard than the rear.

Ms. Starr: So there's that. In addition of that we like you to keep your original wood windows. It depends on the condition of the wood windows, and if you can repair those wood windows that's what you should do first. So it depends on the situation. So we don't have a definitive answer there for you at this moment.

Brown: Okay. Thank you.

Chair Brewer: Thank you. Okay, no other public comments we will move onto Commission discussion.

Commissioner Foreman: It would be helpful to know what the original windows looked like. Like, up close to see the condition.

Ms. Starr: So, you know, they are typical rental property windows. Which is they have been painted lots of times. The caulking has been let either fall out or re-caulked a lot. Basically, they are there for the most part. The frames, the sashes that I saw.

Chair Brewer: Anais do you have a photo of the front of the house?

General murmuring

Mendros: I would just like to make a comment that all of those panes that you see, those are all plexiglass, and like I said there is so much caulk and everything else on those over the years that they have been eaten by termites at one point, so this is pretty bad, so the original windows.

Chair Brewer: Okay, thank you. One comment I will make is we have to go off what we have been given from a survey and this is a contributing structure, and Anais mentioned the survey, and with the comments about vinyl siding and then even the condition of the windows – we can look at the condition of the windows on an individual basis but as a contributing structure that is held to a higher standard than a non-contributing structure. Just something to keep in mind.

Commissioner Wilkins: I'm still concerned with the condition of the original windows. Because regardless if they can be repaired or replaced, vinyl is not an appropriate substitute according to the guidelines we are supposed to be going by.

Commissioner Heiser: I guess I would like to respect a couple of the arguments made enough to say why we can't agree with them. One being the existence of the vinyl siding is detracting or removing the historic character of the house. That's not how it works. The house is historic and contributing even though. Number 2 is a good point that we have run into before, that the Miller Historic District is a little bit different than the others. The homes are smaller, but it's nice to encourage people to fix those houses up and there are certain requirements in the guidelines are pretty pricey. But, I feel like, you know, if that already _____ then there are all kinds of things that we would have to completely disregard in the guidelines that are pretty clear. And my reading...the language on windows here doesn't seem to permit any degree of discretion about allowing vinyl windows. Because of the nature, the overall nature of an historic district that I understand the argument. That's an argument that should have been considered when the district was formed. So I guess...the bottom line for me is do we have a real fact dispute on whether these windows can be repaired? Although I think you are right, that vinyl is not the appropriate. So I guess my question is how do we.. if there is a disagreement about the degree of deterioration of the windows how does that get resolved?

Ms. Starr: Well, Cameron, unless you want to say something, I was going to say it is possible to request an examination being done to the windows if the applicant is amenable to that. To determine if they are repairable, or to provide some proof that they have had a contractor come out and say they can't repair these. Something.

Commissioner Heiser: So we have a process for that.

Ms. Starr: I mean, you know, you could offer that as a solution to the applicant, if they want to provide some documentation that the windows aren't repairable by a wood window repair person. Could possibly do that. But to that point if they aren't repairable they have to get new wood windows.

Commissioner Heiser: One other question, and this gets ahead of things a little bit, but the three year repair ____ that was discussed before, what was our theory of discretion on that? Could it be three years?

Ms. Starr: I guess you guys have leeway on that, however whatever you give them will mean future folks will ask for the same thing. If you want to give an extended period you would have to give a plan or a timeframe, whether its 25% a year or something because then I need to be to, or the Commission needs to be able to articulate going forward what they can and cannot do.

Chair Brewer: Do you know what the past justification for three years was?

Ms. Starr: The gentleman who made the argument in front of City Council if I remember correctly was due to the cost, and the fact that he had just paid for the vinyl windows. Then he was going to have to pay for the wood windows, and he was here with his wife who was in graduate school. So given the parameters of when she was graduating and how much money they could recoup on the house once they sold it, they figured out how long and what made financial sense to them too and how quickly they could do it. That's what I'm remembering.

Commissioner Kaplan: I recall the same thing, it was a personal request based on their finances.

Mendros: In our case we _____ \$10,000 in here, and now 95% through they didn't even finish and so we didn't even know we were in preservation.

Commissioner Wilkins: I have a question, Anais, am I looking at this map wrong? The historic district does continue another block south of this property. I don't think it's...

Ms. Starr: Yeah.

Commissioner Wilkins: Continues down. All the way to Miller meets Classen.

Ms. Starr: Right. Right.

Commissioner Wilkins: So not the ____ possibility of taking it out of the historic district because it obviously makes no sense to do that.

Ms. Starr: Yeah, you are right. This is Ferrill, I keep thinking they are on Emelyn. It's Ferrill and Miller Avenue, so yes.

General murmuring

Chair Brewer: One comment, and I can't take credit, this was just passed along to me, there are signs in the district itself that designate Miller as a historic district. So I do...it's not about believing that you didn't know. That's also why there's been a process in place to send notices as in a reasonable and well researched way as we can on the city staff's side. And the reality is there may be certain property owners that don't know they are in a historic district but the property is still in the historic district. And so not only have there been notices sent out but there's also notices in front yards for properties undergoing the application process coming before the Historic District Commission. There's the signage on the streets so...

Commissioner Wilkins: There's a big sign as you enter from Miller and Classen.

Mendros: Right there on the corner of our street it says Ferrill, it doesn't say historic district, it's just a regular street sign. You would think there would be something there that would say something.

Chair Brewer: Sure and again I don't...it's not about believing that you didn't know you were in a historic district. But at the same time, this is a designated historic district and there is a process in place and we try to do everything we can to make sure that information is there. And the reality is if it is not...regardless of whether someone knows or not, it's about the integrity of the historic district as a whole and so any deviation from that allows future applications to come forward and say the same thing whether that's true or not. I just want to...I think that's worth addressing because that's something we have heard in the past as well and again that's not...I understand it's possible that you did not know that. And I have sympathy for that that you did not know that and went through this process. As far as the guidelines are concerned, wood windows are one of the defining characteristics of historic districts in Norman and across the nation. I mean, there is probably nothing more important than wood windows, and taking a hard look at repairing wood windows if there are deteriorated features and in some cases that means repairing certain wood windows, not all wood windows. And we have made those concessions in the past. If there has been serious deterioration obviously we only have a photo to look at and without a close examination this visual photo and others I've found just on street view on google maps we have seen windows in much worse shape that have been repaired. And so that is part of the process if you live in a historic district and it is pricey. I will not deny that part. But that's also part of maintaining a historic district, the historic character of the district itself.

Frankly I think the primary discussion we have is we have to follow the guidelines is what is the process from here to put those windows back in and what that timeline looks like. And if that's something we need to discuss with the applicant, if that's something we want to decide ourselves, I'll kind of open the floor for that discussion.

Commissioner Wilkins: I don't think it's been said, but this property is on the market to be sold. So if there's going to be some type of continuency, if it's going to be longer than the sale of the house.

General murmuring

Ms. Starr: Yeah, it's been for sale for a while, but there's no telling...I contacted the realtor in November when it went up for sale.

Commissioner Kaplan: I don't exactly have anything new to add, but I will recap my perspective on this application. There's nothing...our mandate is to rule based on the guidelines, to enforce the guidelines. It's not to think outside the guidelines it's to enforce the guidelines, unfortunately that's what we are limited to that's our mandate as a Commission. So the guidelines to me are clear that first of all, even though the project has already been started that when we rule we have to rule as if the project had not yet been started, and the application was being made in advance like it would in a perfect world. That's how we have to rule. So while personally, as an investor and someone that's done quite a bit of remodeling the notion that you are this far into a project you've already paid good money for is heartbreaking but I can't let that influence my decision. Because I have to interpret this as if it came before us before you started. And in a perfect world had you came before us before you started we could have advised you on the guidelines that vinyl windows wouldn't be an option that you could consider replacement wood windows, like with like is the term that we use. That based on the condition we could look at it and figure out what was possible at that point. But unfortunately that's not where we are. Though for the application for vinyl windows we have to look and the guidelines are clear that vinyl windows are not acceptable. Whether or not there should be other caveats to our guidelines is perhaps a good question we should look at. And then as far as whether you are in the district again, whether or not you knew ahead of time is unfortunately it's neither here nor there. Our guidelines are to enforce these rules and I hate to use a term like this, but ignorance of the law is no excuse. That's kind of what I have to come down on there. And I do personally have deep concerns about...more or less politically correct way to say this...the small or less valuable homes being in a historic district and held to the same standards as half a million dollar homes. As far as whether or not that's an effective...sustainable might be the word to use to have those kind of rules applied to homes like that because the cost effectiveness of being able to own a \$100,000 \$200,000 house and maintain it to the same standards that these guidelines enforce on the homes. But again, that's...we are just here to enforce the guidelines. Changing the guidelines would be a completely different discussion. So, how I have to rule is based on that perspective. That's all I have to say.

Joe Brown: And I've got to leave, and I just got to say I totally respect what this is all about. I think...and I'm, totally 100% behind what everybody is saying, I really am. I think the mistake was putting an area with homes this small like he just said, in an area of historic preservation district. Because I think that these homes would have all...I think the community would have, the values would have skyrocketed a long time ago had there not been those restrictions. Because people can't afford to put...it's just not viable for investors. They can't make any money if they are having to spend half their budget just on windows. So it's delayed the gentrification of the area. But anyway, I totally appreciate what you guys do.

Chair Brewer: Thank you.

Joe Brown: Alright I gotta get out.

Commissioner Baroff: Thanks. What year did this become a historic district?

Chair Brewer: 1994.

Ms. Starr: 1997. It was 95 for Chautauqua.

Commissioner Baroff: So that's a quarter century?

Chair Brewer: Just a comment on that, I think there are a lot of people in the Miller Historic District that are very very happy it's an historic district and are thankful there's changes in other neighborhoods, and it hasn't happened in that neighborhood, so I just feel the need to speak to the other side briefly. I know that's very general in my statement but we have heard enough over the years to know that there is a lot of respect for the historic district in the Miller neighborhood regardless of the home sizes. Given how straightforward this is with the guidelines I do think our discussion needs to turn to what the remediation is here from here on out. Because I think this is a pretty clear case regardless of the circumstances as unfortunate as those may be.

Commissioner Foreman: It would be nice to know the conditions of the windows. How long it would take to repair them so we could give a better "you have this long" if that's the route we are going to take.

Chair Brewer: Sure.

Ms. Starr: And I don't know if those windows exist anymore.

General murmuring

Commissioner Foreman: I just feel it would be hard to make a decision on that today without really kind of knowing.

Chair Brewer: No, I understand. Because this is an economic and expensive decision we would be making on their behalf. Just want to make it clear that the replacement or re-installation of the existing windows needs to happen. It's just a matter of what that timeline looks like.

Commissioner Wilkins: How does the sale affect this?

Ms. Jeanne Snider: Anais and I talked about that earlier, and the seller needs to advise the buyer they are in a historic district. When you go to the county there is going to be documents in there when an abstractor or whatever looked at it that's going to show that it's part of a historic district.

Commissioner Wilkins: the timeline for the replacement?

Ms. Snider: If they sold it tomorrow they would have to sell it saying you've got these window problems. And the new owner would have to contend with the window problems.

Commissioner Baroff: That's part of disclosure anyway.

Ms. Snider: It is.

Mendros: We wouldn't try to sell it without that situation being resolved. By the end of the day we will try to pull an SPUD if you guys go against the changes.

Ms. Snider: It may be that you prefer you receive the denial tonight instead of getting the postponement and that would give you 10 days to exhaust all your administrative remedies, which would be to go to City Council and get a denial or an approval. And then you could make a decision on zoning on your own. So you have other options you might prefer. Sounds like the denial might be inevitable and you can get the denial so you can move on.

Mendros: Well, I'd like to get the approval, but...

Ms. Snider: It's not sounding like that might happen, I don't know they need to vote. If you are open to a postponement, you the applicant control this a little bit, we can't say postpone without you wanting it postponed. If you are ready for the denial you can have your appeal ready and take it to City Council. And tell them all this, have your photos. City Council is your next step.

Chair Brewer: Given that there have been some historical cases that had three years for replacement personally I am fine with using that as a timeline. If the applicant feels there needs to be a longer timeline then I think that's where the process could come into play. Does anyone have an opinion on that?

Commissioner Hall: I have one quick question. I don't mean this to be in _____. It seems like there's really only one issue before us and that is whether we approve or disapprove the replacement of these windows.

Commissioner Kaplan: With vinyl. I agree.

Commissioner Hall: We should call a vote, and then we could talk about, unless at that point they want to intervene and have us postpone it if they want to come with a new proposal. But right now, what's before us is asking me one question

Ms. Snider: But we can't say denial, but.

Commissioner Hall: No, I get it. They can re-apply with a new plan or something.

Ms. Snider: They can take their appeal and do the ten days.

Ms. Starr: If you denied them for the vinyl windows they would have to make an application for wood windows because you aren't allowed to re-apply with the same application over and over.

Ms. Snider: I'm sorry Russ, I think we interrupted you.

Commissioner Kaplan: Not at all, I was interjecting. I don't recall a timeline being part of a denial in this type of situation in the past. It's not part of it, that's something that may come later. So we don't need to worry about that.

Ms. Starr: Right. Once City Council is in control of their application if they wish to ask to be allowed to re-install the wood windows after they get them assessed by a wood window repair person then you could consider postponing it. It's at the control of the applicant and what they would like to do. You are correct Rick, the question is you are really voting on can you replace with vinyl windows, yes or no? The applicant can interject and ask for something additional, postponement, or wood windows, or what have you.

Ms. Snider: And the motion is already on the floor.

Ms. Starr: They could ask for aluminum clad wood windows, they could ask for wood windows, repair of the wood windows, so, I mean, they have options.

Commissioner Kaplan: Correct me if I'm wrong they don't have to ask to repair the wood windows do they?

Ms. Starr: Uh, no, that would be the one option they wouldn't have to do. They could state they...but they would probably have to withdraw or postpone their request. And then saying they are reinstalling the wood windows. They would have to do something with this application.

Mendros: Well, if I may, if we could postpone it I could actually bring the materials of the windows that have been installed. They are very state of the art new windows that are done as well as wood. It almost looks like wood. And there are other applications you can add to the windows to bring them to their original look. There's other processes that if we postpone I can bring that information to the next meeting.

Ms. Starr: Well again, I think their problem is they can't approve vinyl windows.

Chair Brewer: Yeah, our application is looking as if you had the existing windows and you were requesting to replace them with vinyl windows and so that is very clear in our guidelines I think you made a good point that's our question for tonight. If there's any other question or another remedy you would like to bring forward that would be for future meetings for a future application.

Commissioner Hall: And, can I? It would be wise to talk it over. Not with us necessarily but with Anais. I mean, there are angles. The things you could do, you might like them, you might not, I'm not suggesting something you might jump on, but you keep saying they have options and they do. What happened here is you didn't have a chance to get all this discussed if you had known so you would know what was going to happen when you get here. When you review the guidelines they are clear and you ought to know the outcome before you come. That didn't happen and you got fair down the road so we are all uncomfortable with this. This doesn't feel good to anybody. But the question is pretty straightforward.

Chair Brewer: With that, if there's any other comments I think we should take a vote.

Ms. Starr: I was going to say make sure the applicant doesn't wish to do any of those remedies before you vote yes or no because once they vote you down then your only alternative is to appeal it to the City Council.

Mendros: With the guidelines in place you can't do anything but deny it. It's very clear, we just weren't aware.

Ms. Snider: You can present it to City Council any photos, any information you want them to have and then they can make a decision.

Commissioner Hall: You could also bring a new plan for it.

Ms. Starr: I would tell you that in the past when they come up with a new plan they send it back to the Commission because they want the Commission to make a decision on that new plan. I'm just saying, if you are set on keeping the vinyl windows that's fine they can vote on that tonight. If you want any other options this would be the time to say it.

Mendros: I guess I want you to vote on it because there's nothing else we can do, you're all aware of the situation, so it is what it is.

Chair Brewer: Okay, then I say we take a vote.

Commissioner Baroff: I don't like being put in a very awkward situation, and the applicant has put us in a really awkward situation. The district has been around for 24 years, this has been an historic district for 24 years. So I would have hoped the applicant would have known that but it sounds like they did not. But you read the guidelines Anais has given us in this staff report and looking at the past history of the three different situations we have been put into, and this is the 4th, I can't approve.

Mendros: No where on the property taxes does it say..

Ms. Starr: I just want to point out that if you do go on their webpage you can find out you are in an historic district. Yes, on the County Assessor's website, and the city worked that out with them back when my predecessor was here, Susan Atkinson. We do everything that we can to let people know that they are in an historic district. Including calling their real estate agent which is not required, and not something Oklahoma City does and not something any other city does. But as a courtesy we call and let them know, and I did let your real estate agent know.

Mendros: And he still hasn't made us aware of it either.

Chair Brewer: Yeah, I think we should take a vote.

Ms. Snider: Let's just clear this motion up Anais, and make sure –

Ms. Starr: Yeah, so did you guys make a motion to approve?

Ms. Snider: And now you will either approve or deny. So a no will be a denial.

Chair Brewer: Correct.

Ms. Snider: Sometimes it gets backwards.

Ms. Reynolds: Okay, ready? Mitch?

Commissioner Baroff: So what are we voting on?

Ms. Starr: Yeah, you originally made a motion to approve as submitted so if you vote no that would mean you don't approve.

Commissioner Baroff: So no is denial?

Several voices: Yes.

Commissioner Baroff: of the application because of the vinyl windows being installed in a house that's been in the historic district for 24 years? That's correct?

Ms. Starr: That's correct.

Mendros: But we have owned it for 40 plus years.

Commissioner Baroff: No.

Ms. Reynolds: Elizabeth?

Commissioner Foreman: No.

Ms. Reynolds: Rick?

Commissioner Hall: No.

Ms. Reynolds: Greg?

Commissioner Heiser: No.

Ms. Reynolds: Russell?

Commissioner Kaplan: No.

Ms. Reynolds: Emily?

Commissioner Wilkins: No.

Ms. Reynolds: Michael?

Commissioner Zorba: No.

Ms. Reynolds: Cameron?

Chair Brewer: No.

Ms. Reynolds: The motion does not pass.

A vote on the motion to approve as submitted was taken with the following result:

YEAS:

NAYS: Cameron Brewer, Mitch Brewer, Elizabeth Foreman, Rick Hall, Greg Heiser, Russell Kaplan, Emily Wilkins, Michael Zorba

ABSENT:

The motion failed unanimously.

Ms. Starr noted that there is a 10-day period to file an appeal to the City Council.

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Item No. 4, being: Staff report on active Certificates of Appropriateness and Administrative Bypass issued since August 5, 2019 and consideration of six-month extension requests for expiring COAs.

- 321 E Apache – COA expired, and house is for sale.
- 635 Okmulgee – Work continues.
- 715 S Crawford – Garage is demolished, work is complete.
- 510 Shawnee – Work has not started.
- 601 E Boyd – Fence is under construction.
- 535 E Boyd – Work continues.
- 614 E Boyd – Work continues.
- 720 W Boyd – Work has not started.

Administrative bypass:

- 323 E Apache – 4' & 6' rear yard fence.
- 631 S Lahoma – 6' rear yard fence.

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Item No. 5, being: Discussion and consideration of progress report regarding the FY 2019-2020 CLG Application for funds with the Oklahoma State Historic Preservation Office. \$16,767 CLG Allocation

\$150 – NAPC Dues

\$1,500 – APA Conference

\$14,517 – Consultant Update Historic District Guidelines

City Matching \$35,000

Next Step – Working on RFP anticipate sending out RFP mid-September

*

Item No. 6, being: Discussion regarding the update of the Historic District Guidelines.

- The RFP will hopefully be going out in September.
- There will be 2 meetings between consultant & HDC due to funding. An initial meeting, and a review of the draft meeting.

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Item No. 7, being: Miscellaneous comments of the Historic District Commission and city staff.

- Former commissioner Glen Roberson passed away.
- This will be Chair Cameron Brewer's last HD meeting, as he is stepping down.

*

Item No. 8, being: Adjournment.

The meeting adjourned at 7:14 p.m.

Passed and approved this _____ day of _____, 2019.

Cameron Brewer, Chair