



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1920-34

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Type: Development, Deferrals and
Variances

Status: Non-Consent Items

Version: 1

Reference: Item 24

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 09/23/2019

File Name: 904 S Miller Ave

Final Action:

Title: SUBMISSION OF A NOTICE OF APPEAL REQUESTING CITY COUNCIL OVERTURN THE DECISION OF THE HISTORIC DISTRICT COMMISSION REGARDING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR MODIFICATIONS AT 904 SOUTH MILLER AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the Historic District Commission for property located at 904 South Miller Avenue.

ACTION TAKEN: _____KB/JC_____

Agenda Date: 11/26/2019

Agenda Number: 24

Attachments: 904 Miller Application Packet, HDC Minutes Sept 3
Verbatim Item #3, Denial Letter, Request for appeal,
Letter of Support

Project Manager: Anais Starr, Historic District Planner

Entered by: anais.starr@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	10/08/2019	Withdrawn		10/22/2019		
	Action Text: Withdrawn						
1	City Council	10/22/2019	Postponed		11/26/2019		
	Action Text: Postponed						

Text of Legislative File GID-1920-34

Body

What Standards are to be Applied by City Council on the Appeal of a COA denial?

Standard of Review

This appeal comes before Council on a *de novo* (or “new”) standard of review, meaning that Council is to evaluate the COA application on its merits and not simply review the HDC’s decision. As such, Council is to apply the applicable provisions of the *Historic District Ordinance* (§ 22:429.3 of the *Zoning Ordinance*) and the *Historic Preservation Guidelines* outlined below. Council may approve or deny the application for the COA, in whole or in part.

BACKGROUND: On September 3, 2019, Norman’s Historic District Commission (HDC) voted unanimously to deny a Certificate of Appropriateness (COA) to retain all non-compliant windows that had been installed at this property without Commission review. In the case of a *post facto* review, commissioners are required to treat the application as if the work had not already taken place using the *Historic Preservation Guidelines* as a basis for review.

On June 25, 2019, staff received an email from a concerned resident of the Miller Historic District that the windows in the house located at 904 Miller Avenue had been replaced with vinyl windows. Staff immediately visited the property and observed that a window contractor was in the process of finishing the trim work on the installation of replacement vinyl windows.

Shortly thereafter, the property owner, Thekla Mendros, arrived at the property and stated to staff that she was not aware the subject house is in the Miller Historic District. Additionally, Mrs. Mendros invited staff to view the condition of the removed wood windows which she had stored in the rear of the house. Upon examination, staff informed the applicant that the windows were repairable and urged the applicant to keep the windows as they could be re-installed.

Since that time, staff has worked with the son, Jorge Mendros, regarding the window replacement and the COA process. Staff informed Jorge Mendros as well that the original windows should be retained in case re-installation of the windows was required. Staff sent via email to Jorge Mendros a list of wood window contractors that could be contacted regarding re-installation of the original wood windows.

The property owner has indicated they were unaware they were located in the Miller Historic District. While it is the responsibility of property owners to be aware of City codes and regulations affecting their property, staff researched the notification process for the designation of the Miller Historic District in 1997. Staff found a list of mailing addresses used to send notification letters during the Historic District designation process in 1997. This list indicates that the Mendroses were sent a letter in 1997 notifying them of the rezoning request to designate an Historic District Overlay on their property.

Additionally, it should be noted that staff contacted the real estate agent for this property after a for sale sign was placed in the yard this last year indicating it was for sale. Staff informed the real estate agent, Taylor Davis, in an email on November 15, 2018 that the property at 904 Miller Avenue was located in the Miller Historic District and additional zoning regulations applied.

Finally, as part of a Certified Local Government Grant Project, in May of this year, an

educational letter was mailed to every property owner in Norman's three Historic Districts reminding them that their property is located in an Historic District and that there are additional regulations to follow. The property owners at 904 Miller Avenue were sent a letter as part of this education mailing effort.

The request to retain the vinyl windows was denied by the HDC as they found the request did not meet *Section 3.5, Guidelines for Windows and Doors*, of the *Historic Preservation Guidelines* which require original wood windows to be preserved. Furthermore, the Commission found that the request did not meet requirements for replacement windows as to material, type, size, and window pane configuration.

In accordance with § 22:429.3(10) of the City's *Historic District Ordinance*, the applicant filed a timely appeal of the September 3, 2019 Historic District Commission denial on September 13, 2019, and the appeal is set to be heard by City Council on October 8, 2019.

REVIEW PROCESS:

What proposal was denied in the COA application request at the Historic District Commission Meeting held on September 3, 2019?

The applicant's request for the following was denied:

Retention of replacement vinyl windows installed on all four sides of the structure.

Historic Preservation Guidelines

The Historic District Commission uses the *Norman Zoning Ordinance* and the *Historic Preservation Guidelines* as the basis for evaluating all Certificate of Appropriateness application requests. The *Historic Preservation Guidelines* were developed by members of the Historic District Commission with the assistance of City staff and were reviewed and adopted by City Council in March, 2009.

The Commission has consistently required the preservation of original wood windows since the establishment of both the Chautauqua and Miller Historic Districts in 1995 and 1997, respectively, and in more recent time with the establishment of the Southridge Historic District in 2016. There have been three COA requests of *post facto* vinyl window replacement retention requests which have been reviewed and denied by the HDC since the revised *Preservation Guidelines* were adopted in March 2009.

What was the basis for the denial?

During the September 3rd meeting, the Historic District Commissioners stated their reasons for denying the COA application, which are listed as follows:

- The window replacements occurred without staff or Commission review in violation of Historic Preservation Guidelines, Section 3.5 Windows and Doors. In particular, the replacement of windows violates Guidelines 3.5.1, 3.5.2 and 3.5.3, found on pages 52-53 of the Historic Preservation Guidelines, which require the preservation and/or repair of original wood windows.

- The replacement vinyl windows are not consistent with the Guidelines for type, window pane configuration, size and material and do not meet the Historic Preservation Guidelines, Section 3.5, Windows and Doors, page 52-53, specifically Guidelines 3.5.1, 3.5.4, 3.5.8 and 3.5.1 2.

Which Guidelines Were Used to Evaluate the COA Application?

The Historic District Commission referenced the followings sections of the Historic Preservation Guidelines to review this application request:

3.5 Guidelines for Windows and Doors, pp. 52-53

.1 Retain Original Windows. *Retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware.*

.4 Replace Only Deteriorated Features. *If replacement of a deteriorated window or door feature or details is necessary, replace only the deteriorated feature in kind rather than the entire unit. Broken sash cords, for example, can be repaired and do not necessitate replacing an entire window. Match the original in design, dimension, placement, and material.*

.8 Window Replacement by COA. *A deteriorated window replacement, other than “like with like” as defined above requires a COA and shall conform to the following:*

Shall have a wood exterior, unless replacing a metal casement window

Aluminum or vinyl cladding is not appropriate

Light patterns same as the original

Size and dimension the same as the original

Double-pane simulated divided lights with wood muntins on the exterior and interior and a shadow bar between the panes may be allowed for windows on the side or rear that are not visible from the street

.12 Use Wood Windows in Primary Structures and Additions. *For construction of new primary structures, choose windows that complement window types in surrounding structures in material, placement, size, shape, and design. While single-pane, true divided-light, wood frame windows are the most desirable choice for new construction in historic districts, double-pane glass wood windows with interior and exterior applied muntins and shadow bars between the panes are permitted. Aluminum cladding of wooden windows is permissible for use in construction of new primary structures and additions. Vinyl cladding of wood windows is not appropriate.*

DISCUSSION:

Why is it Important to Preserve Old Windows in Historic Districts?

The preservation of original windows is a key element in preservation of historic structures and an historic district because windows are the most dominant visual element of the house. Section 3.5.1 of the *Historic Preservation Guidelines* states “retain and preserve original

windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware.”

Architectural features contribute significantly to an individual property’s historic integrity and to the overall character of an Historic District. The consistency and repetition of architectural features including spacing, placement, design and materials of windows creates a rhythm in structure as well as the streetscape in Historic Districts. Windows are a key feature that help retain the historic character of the houses found in the Miller Historic District.

In the Miller District historic structures have wood windows with a similar window pane configurations such as seen in this structure at 904 Miller Avenue. The original window pattern at 904 Miller Avenue were vertical three-, four-, five-, or six-over-one window pane on all four sides of the house, along with half sidelights located by the front door creating a pattern and rhythm to the structure.

What is So Different About Modern Windows?

Because modern windows are often manufactured from aluminum, vinyl, or are aluminum- or vinyl-clad, their appearance is often very different from original wood windows. In addition, modern windows often occur in “stock sizes”, requiring the window openings to be altered to compensate for the difference in size.

As noted above the house at 904 Miller Avenue had wood windows that were vertical, three-four-, five-, six-over-one window panes, and half sidelights located by the front door. The vinyl windows installed are a one-over-one window pane configuration - not consistent with this historic structure. The property at 904 Miller Avenue is a two-story circa 1925 Colonial Revival contributing structure to the Miller Historic District. Both the 1988 and 2004 Historic Surveys of the property indicate that it is a contributing structure due to the retention of important elements such as the original wood windows.

Since this property sits on a corner lot near the entrance to the Miller Historic District, both the front and sides of the structure are highly visible from Miller Avenue. *Section 22:429.3, 2.j.1 of the Norman Zoning Ordinance* states that “structures on corner lots shall be considered to have two front elevations.” Therefore, the installation of vinyl windows of a different window pane configuration is a drastic change to the two “front” elevations of the house.

Previous alterations to this structure, such as the addition of vinyl siding and a rear addition, are either reversible or less impactful since they occur on the rear of the structure. Beyond these two alterations, the house still retains its essential historic character primarily through the placement, size, material and configuration of windows. The loss of wood windows of a type, material and configuration that match the original windows of this historic house, will render this structure a non-contributing structure to the Miller Historic District and thereby impact the overall integrity of the District.

Staff will be available to answer any questions during the hearing on Tuesday.