

**Norman Historic District Commission Meeting
Verbatim Minutes of July 1, 2013, for Item 16:
Request for Certificate of Appropriateness for 322 Alameda.**

HDC Commission Members:	City of Norman Staff:
Rangar Cline Anna Eddings David John Russell Kaplan Lay Macari Chesley Potts Neil Robinson – Chair	Susan Atkinson - Historic Preservation Officer Jolana McCart – Admin Tech IV
Anais Starr – Co-Chair and Scott Williams were absent	Applicants: Jeff Murphy and Li Yang

Chair Robinson: The next item is a request for a Certificate of Appropriateness at 322 Alameda.

Susan Atkinson: Let me give you a few slides and then Jeff and Li Murphy are here to talk a little bit about the project.

This is a house in the Miller Historic District. This is the front elevation of the house. The Murphys bought the house in April of 2012. It came to my attention recently that they had done a window replacement project at this house. The wood windows that had been in the house had been replaced with a vinyl window product. Some cases 1-over-1 as you see here and in some cases with a fixed light window product as you see on the west elevation. So I contacted the Murphys and talked with them about the project and they said they were unaware that they had bought a house in a historic district and were understandably upset about this.

(Staff continued to show slides and explain window locations.)

This is just kind of all around....this is a set of 4 windows as you can see. Two were replaced with fixed-panes and 2 were replaced with 1-over-1. This is a pair of windows that are still the original form. The way the interior programming of the house goes - that's actually a wall. This is a fixed-pane in the kitchen. Fixed-paned windows on the west elevation. This is kind of a breakdown of the....sort of looking down from above. Oh. That got moved around. (Referring to slide labels.) That was all aligned when I dropped in the slide. I don't want that to distract us from our discussion but we can use it as a guide. I will answer any questions that the Commission has and then I am sure that the Murphys would like to say a few things and answer questions.

Jeff Murphy: I sent you those pictures of the windows before the replacement was done.

S Atkinson: Yes you did send those and I'm sorry but I forgot to drop them in. They didn't tell me a lot that I hadn't already seen. I can go get them. They were two "before" condition pictures that Jeff had e-mailed to me.

J Murphy: All the windows looked the same as the ones that you showed a minute ago with the black storm windows.

S Atkinson: So Jeff, if you would excuse me for just a second, does the Commission have any questions of staff?

Chair Robinson: Does the applicant wish to say something?

J Murphy: Like she said, we bought the home in April, 2012. Through the whole process, from start to finish from when I first looked at it until the purchase was over, the closing was over, we never had any documentation of historic zoning. Disclosure was disclosed as R-3 and obviously there are 2 zoning laws for this area but for us the historic zoning was never part of the discussion or the official paperwork. Of course had I known of the zoning things would have been done completely differently. But it's done. I spent \$5,500 on 17 windows. I had 3 estimators come out and nothing was ever talked about zoning. R-3 was the only thing listed on the appraisal. My realtor suggested that I put vinyl siding on the home. Kerr Realty is in Norman and I was not told by them that I was in an historic zone. It was suggested to me to do work that obviously would be against the historic zoning ordinance. I just see so much that did not speak volumes to me or really give any hint of prohibition of vinyl siding or aluminum siding or anything that would speak to me as far as what this situation was. The house has asphalt shingles and aluminum gutters which I know is not of the period. I had nothing of any substance to tell me that I was in anything other than R-3. This lack of information from so many other areas, including I feel the realtor that I had purchased the home from had lived in the house for 10 years, did not give me anything. All I can say is that this information is not easily accessible from me to even know what the ordinance was. I've talked to people in the neighborhood since this has come about and someone told me that someone in the past had come by her house and told her about the ordinances and some people had gotten the information and some people had not. I was definitely not one of them.

Chair Robinson: Mr. Murphy, what you would ask of the Commission at this point?

J Murphy: (Inaudible)

Li Yang: I really love these windows because we can open the windows now and get fresh air and reduce my electricity bill.

J Murphy: The windows did not open at all. The condition of the ones, especially on the east side, were in really bad shape. Li is a full time student at OU. We have no loans for that tuition. I make less than \$50,000 a year and am about ready to get furloughed starting soon. I haven't had a cost of living increase in 3 years. So it's just bad timing in every which way as far as my current situation.

L Yang: I also just got a letter from OU two days ago that they are going to increase tuition this fall.

J Murphy: They are going to a 15-hour tuition scale. But anyway it is what it is. I just feel like that I don't have any other way of saying that I was in the dark until I got the letter in the mail saying that I was in violation.

Chair Robinson: Were all the windows that you replaced wood or were some of them aluminum?

J Murphy: Some were aluminum. I can't remember exactly. At least 2.

Chair Robinson: Do you know which?

J Murphy: I know the little one in the back at the kitchen was definitely aluminum and I know at least on at the front of the house was aluminum. But all that black paint that you see is aluminum.

Chair Robinson: Did you change any of the sizes of the window openings?

J Murphy: No.

C Potts: Were they special order?

J Murphy: Yes. The whole house.

Chair Robinson: Anything else you would like to tell us?

J Murphy: I think I have said everything.

S Atkinson: Mr. Chairman I do have one email that I received from a neighbor and I wanted to read it to the Commission into the record. It is an email that I received this afternoon at 4:30. (Staff read the email from Will and Jessie Harris. See attached)

Chair Robinson: Thank you for your patience and for coming tonight and waiting for us. The Commission, I think, after hearing what we have heard - this is an issue that we have faced in the past and will probably will face again. One of the difficulties is that our Guidelines deal with the conditions on presumption of participation and essentially compliance based on what is available. While I understand that the applicant here was not necessarily as informed as he should have been possibly by the realtor or others, it is not part of our purview. It is not within our jurisdiction in what the realtor does. So we really have to look at this under the perspective of our own Guidelines and see if we can rectify this situation from that angle. It is my recollection from other cases where windows were replaced there were a couple of windows that were already existing aluminum windows and I think we came to the conclusion those not being original could be replaced with like materials. Is that correct?

R Cline: I think that is correct. In that case they were aluminum windows and were replaced with aluminum or vinyl. And those were allowed.

Chair Robinson: And to be fair that should be applied to this case as well should the applicant choose to accept that part of it. I think the difficulty we have is that our Guidelines say basically to retain the original wood windows and replace in kind. We have certain prohibited materials, among one which is vinyl. I do think we have some leeway in how this can go about being rectified. I don't know that it's necessary for us to say that we would want all the windows replaced immediately. Perhaps we could stage this out over a period of time in order to allow the applicant time to do so without as much financial burden as would otherwise be required. I think in reading our Guidelines one of the things we suggest - it's one of the things we run into with old windows all the time - most of the windows in our houses, for those of us who live in the district, and these old houses that have been painted shut for years if not decades and are non-functional and they have to be completely refurbished in order to become functional. But that

was the point of the Guidelines. To basically say that you should refurbish your windows if you can and replace only if the materials are so deteriorated so much that they are not salvageable. And replacement would be to replace a wood window with a wood window. Divided lights with divided lights. 1-over-1 or whatever the pattern of the window lights is. And we said in 8 (Section 3.5.8) that aluminum and vinyl are not appropriate and the size and dimension are to be the same which in this case they are. So that's at least the same. And we also go into retain original metal windows that being the casement type windows that are present in some of the houses. I don't think this is the case here. You didn't have any casement windows here, did you? With crank open casements? They were all double hung?

J Murphy: The original? Right?

Chair Robinson: So even the ones where you have the fixed lights that you put in were those also double hung?

J Murphy: Yes.

Chair Robinson: So I think that we are put in a difficult position where we need to adhere to our Guidelines but we also want to work with our applicant on this. I would like to hear from the Commission and what their sense is about this.

R Cline: The windows that have been aluminum, those can stay vinyl but the ones that were wood and have been replaced with vinyl need to be replaced with wood and the ones that were once divided light and are now single pane picture windows should be restored to double hung windows, in wood.

Chair Robinson: Thank You. Anyone else?

L Macari: I think that since we don't know which were wood and which were vinyl, that it's up to the owners' discretion which were original and which were not and that the single light window was double lights and I would propose that those would be changed back to 1-over-1 whether they were vinyl or wood.

S Atkinson: There weren't any vinyl windows originally in the house. But there were a couple aluminum.

L Macari: I don't mean originally, I mean....

R Cline: Is there only 3 of the 17 windows that were aluminum?

Chair Robinson: 2 or 3 of the originals were aluminum.

Unknown: I think they were all aluminum clad like those.

J Murphy: They all were. They all look like that.

C Potts: I didn't understand that you had any wood windows. Or did you?

J McCart: He said there were at least 2 aluminum – 2 in back and 1 in front.

J Murphy: The black area all around the window is aluminum. Painted aluminum.

D John: What's on the interior? Was it a wood window or a metal window on the inside?

J Murphy: On that one? That's wood. Behind that outer - I guess it's like some sort of storm window from the 60's or 70's. Over the window.

R Cline: So they are wood windows with a storm window over the top of them?

J Murphy: I guess those are storm windows – aluminum storm windows - over the wood. So it's like a two paned window with aluminum.

C Potts: You can have functioning storm windows?

D John: Yes there are some on the corner from the house we are discussing. These are just painted. So if they are all like this then they are all wood windows with metal storms on them.

Chair Robinson: Yeah. I see. Now I understand.

A Eddings: Susan, didn't your diagram show the windows which were originally wood and which were originally metal?

S Atkinson: My diagram may have been inaccurate. Let me look forward here. The arrows are definitely inaccurate (on the slide). My understanding of the situation was that on the west elevation, where you have a pair of windows here and a pair here, these had been 1-over-1 hung windows that had been replaced with a single-light there. The little square kitchen window is here. The quartet of 1-over-1 windows on the back porch area were here. There were a pair of windows here. Is that right? I don't remember. Then a pair of windows flanking the front door. I think that is all of them. At the time that the Murphys and I visited on site, my understanding from Jeff was that a least one of the front windows was an aluminum window. I had no evidence of this and take him at his word. Jeff, where is the pair that were not replaced?

J Murphy: There's a cabinet. Back right there.

S Atkinson: That pair of windows we were looking at that still has the black frames.

Chair Robinson: So the original windows still remain there.

S Atkinson: Yes. Because there is a kitchen cabinet or wall or something that is there.

Chair Robinson: So on the outside is that storm window type thing.

J Murphy: Yes. Every window on the outside had those on there.

Chair Robinson: But the windows behind that one particular instance of those two windows remains the original windows.

Anna, what do you think?

A Eddings: I would agree with Rangar, in following the Guidelines we do not need to have them replace what was originally metal windows replaced with wood, but what was wood need to be brought back to wood.

Chair Robinson: Chesley?

C Potts: Yeah I don't see anything that would lead us not to that conclusion. They would need to stay wood.

R Kaplan: It's as if they were coming to us before doing it, it's the ruling we would make and that's the ruling we need to make now. Very regrettable but it's our responsibility.

D John: I think they need to be brought back to the original wood windows.

Chair Robinson: That being the case, how would the Commission feel about working with the applicant in terms of a schedule of replacement that would be more amendable and acceptable to them over a period of time?

R Kaplan: I would be Ok with that. I would ask staff if there is a timeline of enforcement.

S Atkinson: Staff has checked with the City Attorney's office and because it was very clear to me after meeting with the Murphys on site there was no intent to deceive here. They didn't know that they were in an historic district. Under those circumstances I asked the City Attorney's office whether it would be ok for us to propose a phased schedule of replacement given that this is an expensive proposition and as they have explained to us they have financial obligations and burdens like everyone else. I had proposed a period of 3 years. The City Attorney's Office was ok with that. That certainly demonstrates a willingness on the Commission's part to work with the applicant to help get them into compliance with the ordinance. We are not required to do that, but we are proposing this as a way of going about this if they are amendable to that. We would not pursue any other out of compliance action with the ordinance actions which is how we would normally handle this.

C Potts: What is the normal length of time allowed?

S Atkinson: Normally it would be within our responsibility as the City enforcing its ordinances to say replace the 17 windows and give you some time to do it. We are just suggesting that the period of time could be phased over 3 years with 5 windows a year or something like that.

C Potts: I just didn't recall any of the others being given this type of a time frame.

S Atkinson: We have not done that in the past but in this particular case I'm tossing that out for your consideration. One of the other things that I would like the Commission to know it's certainly a remote possibility but it is a possibility. A property owner across the street called me a couple weeks ago and said that she had some windows that had been removed from a similar structure not in the historic district and did I know of anyone who could use them. I said that maybe. As we all know windows in this era house are very specific usually to those windows so

the likelihood of having some window stock that could be reused in this house is fairly slim but it struck me as certainly something worth investigating because if there are any that could be reused in these openings obviously it could save the applicant a whole lot of money. We didn't get very far into this discussion but as we have discussed many times in other cases these 1-over-1 hung windows are meant to be repaired. They are meant to be operable and meant to be opened. They are meant to be repaired. That was one option that I had tossed out to the applicant and I think they have been mulling it over.

Chair Robinson: I think I get a sense of the Commission and where we are going. And I would like to propose that we entertain a motion...we are considering a COA to replace the windows. So it would be within our purview to say we approve replacement of the windows with like materials as the original windows. In other words, even though the windows that are there are not acceptable under the guidelines, we would be saying that we accept that's been done, however, our approval is for replacement of the windows with wood windows on a schedule to be determined over a period of time appropriate to the wishes of the applicants in concurrence with city staff.

S Atkinson: I think you may have lost me. But I think you are on the right track.

J McCart: You want a positive motion.

Chair Robinson: Yes. Basically replace the windows with wood windows and do so on a schedule to be determined basically by mutual consent.

R Cline: That makes sense to me.

L Macari: To be clear, the replacement is not for 17 windows but for ones he determines were non-original.

Chair Robinson: Right. 15 windows.

J Murphy: Right because the two haven't been installed on the back side of the kitchen on the west side. Two or three of those were aluminum. I don't remember if both of the ones on the front of the house were aluminum. But the one in the back of the kitchen and at least one in the front of the house was aluminum.

Chair Robinson: You might want to talk to your contractor to determine which of those two are. On the other hand, I don't know what the situation, but you are probably going to want the front windows to match.

Having discussed that, I would entertain a motion of that nature.

R Cline: Just to make sure we phrase it correctly, the motion would be to approve the replacement of the originally wood windows with new wood windows and to replace the windows that were originally aluminum windows with aluminum or with vinyl windows. All windows that had been originally double hung windows to be replaced with double hung windows. And ones that were divided light to be replaced with divided light.

S Atkinson: In this case I believe they were all 1-over-1. There were no muntins involved. They were just one pane over one pane.

Chair Robinson: And when you said new windows, what you meant was for instance if some of the older windows that you were called about were acceptable or usable, what we would be saying is that wood windows, whether new or old windows that are recycled.

R Cline: Right.

Chair Robinson: And the schedule of replacement to be set up by mutual consent of the applicant and city staff?

S Atkinson: Right. I would make a report to you at least annually but periodically about the replacement as part of the staff job to monitor and to make sure the applicant is fulfilling their part of the agreement.

Chair Robinson: Is there a second?

A Eddings: I second.

Chair Robinson: Is there discussion?

D John: I have one issue. I do not believe we are to allow vinyl windows at all. We don't allow vinyl windows.

Chair Robinson: So the metal windows would have to go back to metal?

D John: Yes.

Chair Robinson: Would you modify your motion to that?

R Cline: No. What rule is it that says that if it is metal it has to be metal?

D John: It says like with like but it also says vinyl is not appropriate.

Chair Robinson: We also say that aluminum and vinyl cladding is not appropriate. We say that both are not appropriate unless they are replacing like with like.

R Cline: What if we define like as a non-wooden material? Would that be like with like?

D John: If that is the case then we could allow vinyl siding too.

R Cline: No.

D John: It's like with like. It's a material.

R Cline: No. Like in this case would be a non-original material.

C Potts: I think we open the door for other cases.

D John: I do not think we need to allow vinyl windows.

Chair Robinson: So we would agree to the replace aluminum with aluminum, steel with steel, wood with wood.

J McCart: So basically what you are doing is approving a window application replacement with like with like.

Chair Robinson: Pretty much.

J McCart: Anything that was wood has to be wood, anything that was aluminum has to remain aluminum.

Chair Robinson: Right. If originally aluminum.

(Porch discussion that is not understandable.)

R Kaplan: On the front there were one or 2 aluminum windows and therefore 1 or 2 wood windows. Is that correct?

J Murphy: I know one of them in the back was aluminum. I'm not sure about the front.

R Kaplan: Without a visual picture of the house, would it make sense that it would have had an original aluminum window in one spot and an original wood window in the other? Or would the aluminum have been a replacement.

Chair Robinson: Probably a replacement for the original.

R Kaplan: So we don't want to be requiring to put a metal one back where a wooden was supposed to be.

S Atkinson: I think that is David's point.

Chair Robinson: I think that in that case it would be the applicant's option to replace an aluminum with a wood window since it is appropriate to the house and if you have a place where you have wood on one side and aluminum on the other on an old house like this it is pretty obvious that the aluminum came later since the other window failed. At your discretion you could say is that you didn't want one wood and one aluminum but want 2 wood and that would be acceptable.

R Kaplan: Or you could go back to metal since that is what you had to begin with.

R Cline: But I think that David's point is that you can't go from aluminum to vinyl.

R Kaplan: Agreed.

J McCart: But wood is the first choice.

Chair Robinson: Absolutely.

Jeff Murphy: But I could do one aluminum and one wood.

Chair Robinson: Yes. The motion would reflect that alternation. Aluminum replacement of the aluminum windows, wood with wood and at the option of the applicant, wood could also replace aluminum.

R Cline: In this case an aluminum window has been replaced with a vinyl window and now we are asking them to put in an aluminum window?

D John: The point is that we do not allow vinyl. We start allowing vinyl windows we get into a whole other can of worms with other applicants. We don't even allow vinyl windows in additions.

R Cline: We don't allow aluminum ones either.

D John: If they are aluminum originally we allow aluminum replacements.

Chair Robinson: The difficulty that we face here is the after the fact nature of what we are doing. What we are doing is looking at a COA and it has to be for the wood windows that were originally in the house. They are gone now so we don't have a way to go back to them. What we are trying to do is craft a COA that says wood windows are acceptable where wood windows stood, aluminum windows are acceptable where aluminum windows stood or should the applicant choose to replace the aluminum with wood, that would also be acceptable. But vinyl would not be acceptable. Have we finally killed that horse? That being the case, our motion Rangar would be...

R Cline: Someone else will have to make the motion.

S Atkinson: Do you need to withdraw your motion?

R Cline: Yes. I withdraw my motion.

Chair Robinson: That motion has been withdrawn and the second as well.

D John: I move that we approve the replacement of the windows with either wood with a like for like replacement with wood or aluminum if they had aluminum in those areas, or aluminum with wood, 1-over-1 hung windows, with the schedule to be determined with mutual agreement with staff and the applicant.

Chair Robinson: Do I have a second?

R Kaplan: I second.

Chair Robinson: Further discussion.

C Potts: I guess I was thinking that if Scott was here he was say that it would be nice if the two front windows would match.

J Murphy: I just want to say after this is all said and done and I got on the internet to try and find solid information I got the book after the fact. I found the handbook on line after much much searching. It is in a very non-direct place. I asked a neighbor to look to see if they could find it and he said the same thing. It was very hard to find. But however I found how easy it was to see when people bought and sold home on the internet the dates when the homes were purchased and how much they paid for them. As I heard in here this has happened in the past but there's no where the shoe hits the pavement of getting a flyer to people's front door. That's all this would have taken. That information is so easy to get. Yet to find the information that you all are asking new residents who didn't live in Norman before they bought a home here to search out and find is a world apart. It is so much easier to find the address. The map. It's zillow.com. It's that easy. It's just amazing to me that we have this government body here yet there's no leather on the pavement putting a flyer door to door. And I've made a point that I am going to try and do that. To get on line once a month and look for homes in the historic districts – both Miller and Chautauqua – and if I see a home that has been sold I'm going to print a flyer and tell them that this is where you need to look if you plan on doing any work on your home. For some people in the neighborhood to get the information. I mean the house that you were talking about before with the fence is directly behind me. There is so much activity and yet I got no information. And yet somebody that lives near that house in the past was granted information. So be that as it may that is the real truth.

Chair Robinson: Thank you. I appreciate your comments. They are of interest to us of course. Any further comments from the Commission? Please call the roll.

J McCart took the roll call vote with the motion passing with a unanimous vote.

Susan Atkinson

From: Will.Harris@jci.com
Sent: Monday, July 01, 2013 4:36 PM
To: Susan Atkinson
Subject: COA for 322 Alameda

Susan,

We are Will and Jessie Harris, residents at 608 Classen and neighbors of Jeff and Li Murphy. First, let us start by saying that we fully support and appreciate the efforts of the Norman Historic District Commission to preserve the character and uniqueness of Norman's historic neighborhoods. Our love of older homes is what drew us to the area when we were looking for our first home just a couple years ago.

Our concern though, is that the Historic District Ordinance is not apparent to new residents. Had our other neighbor not mentioned something to us after we moved in, we would have been completely unaware. We did know we were living in the Miller Historic District, but that was just a name of the neighborhood to us. We did not realize that there was any type of governing body or ordinance dictating what can and can not be done to the homes. And even when our neighbor did make us aware, we still did not understand the level of detail of the guidelines or the extent of enforcement. If we did, we would have been sure to inform Jeff and Li when they moved in, and certainly before they had a chance to do any work to their home.

We ask that you consider their unawareness of the Ordinance and make an exception. We understand that ignorance is typically not an excuse. However, when large amounts of money are at stake with the type of work being done to these older homes, I think we can do better to formerly inform new residents of the guidelines imposed on their homes. I know Jeff and Li appreciate the amount of work and careful thought put into establishing all these guidelines and would have happily complied had they known better.

Thank you for hearing us. And especially, thank you for your great effort in preserving what makes Norman special.

Sincerely,
Will and Jessie Harris