



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: GID-1314-22**

**File ID:** GID-1314-22

**Type:** Public Hearing

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 28

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 08/14/2013

**File Name:** 322 Alameda Appeal of Denial for Certificate of  
Appropriateness

**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 REPLACEMENT OF  
WINDOWS FOR PROPERTY LOCATED AT 322 ALAMEDA STREET.

**Notes:** ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the  
Historic District Commission for property located at 322 Alameda Street.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 08/27/2013

**Agenda Number:** 28

**Attachments:** Text File Appeal Alameda, Letter Appealing Decision  
Alameda, 322 Alameda COA packet, 322 Alameda 8  
27 13 appeal hearing, 322 Alameda COA decision  
letter 7 5 13, 322 Alameda Verbatim Minutes 7-1-13  
(1), 322 Alameda Verbatim Minutes 8-5-13 (2)

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**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1314-22

Body

**BACKGROUND:** In May 2013, City staff was notified of the replacement of 15 original wood windows at 322 Alameda, a house located in the Miller Historic District. The replacement windows had been installed without a Certificate of Appropriateness (COA) and the replacement windows were vinyl, a type not permitted by the Historic Preservation Guidelines.

On July 1, 2013, the Historic District Commission (HDC) reviewed the property owners' *post facto* COA application requesting to keep the newly installed vinyl windows. In the case of a *post facto* COA review,

commissioners are instructed to regard an application as if the work had not already taken place, using the *Historic Preservation Guidelines* as a basis for review.

During the July 1 review, the HDC voted unanimously to support window replacement at 322 Alameda but specified that replacement windows must match the windows which had been removed, i.e. 1-over-1, hung, wood windows. The Commission's decision effectively denied the applicants' request to retain their vinyl replacement windows because that material is disallowed in the Historic Preservation Guidelines. In addition to issues with the vinyl composition of the windows, five of the 15 replacements were single-light, fixed-pane glass which is a window form that is not allowed by the guidelines.

Also on July 1, the HDC discussed a staff recommendation to consider allowing a three-year replacement schedule for the windows at 322 Alameda, due to the cost that would be incurred in complying with the Historic District Ordinance. However the Commission did not vote on the matter of the replacement schedule.

Following the July 1 meeting, the owners of 322 Alameda appealed the Commission's decision to the City Council, objecting to the replacement schedule but not to the decision to require window replacement. City legal staff determined that the appeal was not proper because the HDC had not specifically voted on the replacement schedule. The property owners were encouraged to withdraw this appeal to City Council, which they did, and the HDC was instructed to revisit the specific matter of a replacement schedule at the next meeting and to take a vote on a schedule to achieve compliance with the Historic District Ordinance.

At the August 5 Historic District Commission meeting, the HDC revisited the issue of a replacement schedule for windows at 322 Alameda. The Commission voted unanimously to require the following conditions be added to the COA granted on July 1:

- Replacement of three fixed-pane vinyl windows on the west elevation of the house within 12 months, to be replaced with 1-over-1, hung, wood windows
- Replacement of remaining 12 vinyl windows within three years to be replaced with 1-over-1, hung, wood windows

***What Were the Findings of Fact in This Case?***

During the July 1 meeting, Historic District Commissioners stated that their reasons for denying the COA application were as follows:

- ☐ That the window replacements had occurred without staff or commission review, which is a violation of Historic Preservation Guideline 3.5.8.
- ☐ That the request to retain 15 replacement windows was in effect being denied because the windows were of a type, size and material composition that was inconsistent with the Historic Preservation Guidelines, Section 3.5, Windows and Doors, Guidelines 3.5.1, 3.5.4, 3.5.8 and 3.5.12.

***Which Guidelines Were Used to Evaluate the COA Application?***

The Historic Preservation Handbook offers guidelines by which to evaluate proposed changes to historic structures. In reviewing applications, the Commission should consider the property itself, the property's setting and context, and the special character of the entire historic district. With the present case, the Historic District Commission referenced the following sections of the Historic Preservation Guidelines to review this application:

**Section 3.5 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

**What Standards are to be Applied by Council on the Appeal of a COA Denial?**

The appeal comes before City Council on a de novo basis, meaning the Council is to evaluate the COA on its merits and not simply review the HDC's decision. As such, Council is to apply the applicable provisions of the Historic District Guidelines outlined above. Council may approve or deny the application for the COA in whole or in part.

**DISCUSSION:**

**Details on 322 Alameda**

The structure at 322 Alameda is described as a Bungalow. It was built circa. 1917. Decorative details include pairs of 1-over-1 wood windows and exposed rafter tails. Original elements that were removed during the window replacement include: glass, window frames, sash, muntins, sills, heads, moldings, window surrounds, and hardware.

**Historic Preservation Guidelines**

Property owners in the Miller and Chautauqua Historic Districts-areas that were designated as historic districts in 1995 and 1997, respectively, at the request of an 80% majority of the affected property owners-rely on the fair and consistent application of the *Historic Preservation Guidelines* to preserve their property values and to protect the historic character of these neighborhoods.

The HDC uses the *Norman Zoning Ordinance* and the *Historic Preservation Guidelines* as the basis for evaluating all COA applications. The *Preservation Guidelines* apply only to exterior changes to structures in designated historic districts. The Guidelines were written by members of the Historic District Commission with the assistance of City staff; were vigorously debated in numerous neighborhood meetings, and were reviewed and adopted by City Council in March 2009.

**Why Is It Important to Preserve Original Windows in Historic Districts?**

The preservation of original windows is important because windows are among the most dominant visual elements of a historic structure and are important to maintaining the structure's appearance and character. In addition, each individual structure in a historic district is a component of the larger whole. Small changes that diminish an individual structure's historic integrity also begin to erode the integrity of the entire district.

**What's So Different About Windows Manufactured Today?**

Because windows made today are usually made of vinyl, aluminum, or aluminum or vinyl-clad wood, their look is very different from original wood windows and this can drastically alter a historic structure's appearance. This is true of the single-light, fixed-pane windows found on the east and west sides of the subject property, which look very different from the single and pairs of 1-over-1 windows found throughout this house. By design, single-pane windows have no pieces of wood trim (muntins, mullions or meeting rails) that define their shape such as the original windows have.

**Educational Outreach Efforts on Window Preservation**

Because historic window retention is so important in historic preservation, over the past five years, the HDC has

hosted annual hands-on window restoration workshops taught by a national expert which teach participants how to maintain function and improve the energy efficiency of original windows. These workshops paid for by the City's Certified Local Government (CLG) grants and are free and open to the public. In the past five years, over 100 citizens have participated in these hands-on training sessions and there is usually a waiting list.

City staff members also make frequent site visits and do other outreach to historic property owners seeking to improve the function and efficiency of original wood windows. The *Historic Preservation Guidelines* strongly encourage the use of storm windows by making that an action which staff can authorize administratively (i.e. no HDC review, no waiting, no application fee). When accompanied by storm windows, weatherized wood windows have been proven in numerous scientific studies to achieve the same insulating value as double-paned replacement windows at a fraction of the cost.

**RECOMMENDATION:** Staff recommends that the City Council uphold the Historic District Commission's decision on this application and require the applicant to comply with the Ordinance requirements within the 12-month and three-year time frameworks.