



City of Norman, OK

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

Master

File Number: GID-1314-21

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Type: Public Hearing

Status: Non-Consent Items

Version: 1

Reference: Item No. 29

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 08/14/2013

File Name: 321 E. Duffy 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 321 EAST DUFFY STREET.

Notes: ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the
Historic District Commission for property located at 321 East Duffy Street.

ACTION TAKEN: _____

Agenda Date: 08/27/2013

Agenda Number: 29

Attachments: Text File Appeal Duffy, Letter Requesting Appeal
Duffy, Staff Report Duffy, 8 27 13 appeal hearing 321
E. Duffy, COA denial letter 8 6 13 321 E. Duffy, COA
packet for 321 E. Duffy 8 5 13, 321 E. Duffy Verbatim
Minutes 8-5-13

Project Manager: Susan Atkinson, Historic District Planner

Entered by: linda.price@normanok.gov

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-1314-21

Body

BACKGROUND: On July 1, 2013, City staff was notified of a replacement of original wood windows in a house at 321 E Duffy, a property located in the Miller Historic District. Staff verified that nine replacement windows had been installed without a Certificate of Appropriateness (COA) and that the replacement windows were vinyl, a type not permitted by the Historic Preservation Guidelines.

Staff sent a letter to the property owner of record, Las Casas LLC, alerting the owner to the violation and proposing a path to compliance with the tenets of the Historic Preservation Ordinance. Upon receiving the letter, the property owner promptly contacted staff to discuss the matter and later submitted an application for a

post facto COA to retain the replacement windows. Subsequently five additional windows were replaced at this property, bringing the total of vinyl replacement windows to 14. Muntins were also subsequently applied to the three replacement windows on the south elevation to simulate the windowpane pattern of the originals.

On August 5, 2013, the Historic District Commission (HDC) reviewed the property owners' COA application which requested to retain 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. Upon review, the HDC voted unanimously to deny window replacement at 321 E Duffy because vinyl replacement windows are disallowed for use according to the Historic Preservation Guidelines.

What Were the Findings of Fact in This Case?

During the August 5 meeting, Historic District Commissioners stated that their reasons for denying the COA application at 321 E Duffy were as follows:

- ❑ That the window replacements had occurred without staff or commission review, which violates the Historic Preservation Guidelines, Section 3.5, Guideline 3.5.8.
- ❑ That the material composition was disallowed by the Historic Preservation Guidelines, Section 3.5, 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. 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, Historic Preservation Handbook

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.
- 8a. **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:

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 a basis for evaluating all COA applications. The Historic Preservation Guidelines apply to exterior changes only and apply to all properties within a designated historic district. The Guidelines were written by members of the Historic District Commission with the assistance of City staff, were discussed at numerous neighborhood meetings, and were reviewed and adopted by City Council in March 2009.

Original windows and doors are among the most character-defining features of historic buildings; therefore their retention is one of the highest priorities in historic preservation. During the drafting of the Preservation Guidelines, the public expressed strong support for including a detailed section on window preservation.

Details on Structure at 321 E Duffy

The house at 321 E Duffy is described as a Craftsman Bungalow. It was built around 1925 and has been classified as a contributing structure to the Miller Historic District because of its age and the fact that it retained much of its original architectural integrity. One of the structure's most prominent design details is the rhythm of its windows: two sets of triple windows on the south elevation (one set on the first floor and a smaller set on the second floor) and pairs of windows on the east elevation.

The triple set of original wood windows on the first floor south side of the house was the house's most decorative, with a 5-over-1 pane configuration. Pairs of windows on the east side of the house were 1-over-1. All of the windows at 321 E Duffy were described as double hung, meaning that both top and bottom sash were designed to open. Each window in a set was separated by a decorative and structural wood member called a mullion. The small, highly milled pieces of wood that form individual window panes are called muntins.

Elements removed by the window replacement at 321 E Duffy include original windows, glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware.

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 such an important issue in historic preservation, over the past five years, the HDC and City staff members have hosted annual hands-on window restoration workshops taught by a national expert. During these workshops participants learn how to maintain original windows in historic structures and how to improve the energy efficiency of these windows. The workshops are paid for by the City's annual Certified Local Government (CLG) grants and are free and open to the public. During the past five years, over 100 citizens have participated in these hands-on training sessions and there is usually a waiting list

to enroll.

City staff members also make frequent site visits and do other kinds of outreach to historic district 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 denial of this application.