



Legislation Details (With Text)

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Title: Memorializing City Council action taken November 17, 2010 to overturn the decision of the Heritage Preservation Commission and grant the appeal of Richard Huss to obtain a building permit to replace three (3) casement windows on the north and south elevations at the property commonly known as 300 Maple Street, Dayton's Bluff Historic District.

Sponsors: Kathy Lantry

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/13/2011	1	Mayor's Office	Signed	
1/5/2011	1	City Council	Adopted	Pass

Memorializing City Council action taken November 17, 2010 to overturn the decision of the Heritage Preservation Commission and grant the appeal of Richard Huss to obtain a building permit to replace three (3) casement windows on the north and south elevations at the property commonly known as 300 Maple Street, Dayton's Bluff Historic District.

WHEREAS, on or about September 20, 2010, Robert Roscoe, d/b/a Design for Preservation, on behalf of Richard Huss the owner of that real property commonly known as 300 Maple Street, which is located in and therefore subject to the City's Dayton's Bluff Historic District Ordinance, made application to the Heritage Preservation Commission (hereinafter the HPC) under HPC File # 10-044 for a building permit to undertake work on the said premises described as: remove and reconstruct the parapets and cornice with new brick, re-point and repair brick on the facades and replace five windows and a door. The profile of the parapets will be altered. The non-original windows are proposed to be replaced with casements with the exception of a fixed window in the rear (east) elevation. The proposed door would match the existing door.; and

WHEREAS, on October 7, 2010, the HPC, having provided notice to all interested parties, duly conducted a public hearing on the said application where any party interested was afforded an opportunity to be heard; and

WHEREAS, at the close of the said hearing, the HPC, based upon the testimony, records, and the HPC staff report dated September 28, 2010, moved to approve certain aspects of the application as well as deny other aspects of the application, and particularly, regarding those aspects of the application which were denied, did so based upon the following findings of fact as set forth in the September 28, 2010 Staff Report which is incorporated herein by reference as follows and as described, in pertinent part, in the HPC's October 12, 2010 Letter of Decision to Mr. Roscoe:

Windows

9. In order to fit the width of the new windows, the opening will be blocked in. This does not comply with the guideline that states, *window openings should not be enlarged or reduced to fit new units.*

10. The current windows are not original or early and their removal will not result in the loss of any historic material or important changes made to the building over time. The building would have originally had double-hung windows in the openings. The current, fixed and casement windows were installed prior to the creation of the historic district. The guideline states, *crank-out or sliding units are not appropriate replacements for single or double-hung sash*. The existing windows do not comply with the guideline. In order to begin to return the building to its original appearance, replacement of windows should be with an appropriate double-hung style window that would comply with the guideline that states, *new sash, if installed, should duplicate the existing or other appropriate models*.

11. The rear of the building exit onto a one-story addition and the openings are minimally visible. The replacement of the door with a matching, full-view door on the rear (east) elevation and the replacement of the side-by-side casement windows with a single casement and a fixed window will not have a negative impact if the casement window has a permanently applied, exterior muntin that resembles a meeting rail.

12. If appropriate, new double-hung windows were to be installed, a wood or dark finish aluminum full-frame, flush screen with a horizontal bar on the exterior that would line up with the meeting rail should be installed at the exterior.

13. The proposed masonry work, including reconstruction of the parapet and cornice will not have an adverse impact provided the conditions are met; however, the proposal to replace windows and alter the size of the openings will adversely impact the program for preservation in the Dayton's Bluff Historic District.

WHEREAS, on or about October 19, 2010, the property owner, Richard Huss, pursuant to Leg. Code § 73.06 (h), duly filed an appeal from the HPCs decision and requested a public hearing before the City Council for the purpose of considering the actions taken by the HPC; and

WHEREAS, the City Council, on November 17, 2010, duly conducted a public hearing where all interested parties were given an opportunity to be heard, and at the close of the hearing, the Council having heard the statements made and having considered the application, report of staff and the record, minutes, and decision of the HPC; does hereby

RESOLVE, that the Council finds that the appellant has demonstrated that the HPC erred in its denial of the appellants proposal to replace the casement windows on the south and north elevations with other casement windows. The Council finds that the installation of casement windows will not harm the historic integrity of the structure because the replacement windows maintain the size, proportion, and rhythm of the existing window; and be it

FURTHER RESOLVED, based upon the findings of the Council as set forth above, that the appeal of Richard Huss to install replacement windows as proposed in HPC application No. 10-044 is hereby granted; and be it

FURTHER RESOLVED, notwithstanding the Councils decision to grant this appeal, all the conditions contained in the approval by the HPC as set forth in the HPCs Letter of Decision dated October 12, 2010 remain in force and shall apply to the extent required to this approval as well: and be it

FINALLY RESOLVED, that the Council secretary shall immediately mail a copy of this Resolution to the appellant, Richard Huss, the HPC and HPC Staff, the Zoning Administrator and the Building Official.