Legislation Text

File #: RES 14-1927, **Version:** 2

Memorializing a decision of the City Council granting the appeal of George and Wendy Caucutt of a decision of the Heritage Preservation Commission denying a building permit to replace front porch windows at 1621 Summit Avenue, which is located in the Summit Avenue West Heritage Preservation District.

WHEREAS, on or about July 2, 2014, Laffin Architects, Inc., made application to the Heritage Preservation Commission ("HPC") under HPC File No. 14-030, for a building permit to replace nine pairs of original "in-swing" casement windows and non-original storm windows with new, aluminum clad "out-swing" casement windows on the south elevation of the single-family home owned by George and Wendy Caucutt at 1621 Summit Avenue; and

WHEREAS, 1621 Summit Avenue is listed as a "contributing" building to the Summit Avenue West Heritage Preservation District and, therefore, building permits for the proposed window replacement required HPC approval pursuant to Leg. Code §73.04.(4); and

WHEREAS, HPC staff prepared a report dated July 17, 2014 regarding the work proposed. The staff report recommended denial of the application based upon the findings stated therein. On July 24, 2014, having provided notice to affected all affected property owners including the Caucutt's as well as Laffin Architects, the HPC duly conducted a public hearing where all interested parties were given an opportunity to be heard; and

WHEREAS, following the close of the public hearing, at which the Caucutt's and Laffin Architects testified, and based upon all the testimony and records including the July 17, 2014 HPC staff report, the HPC, for the following reasons set forth in the staff report, which is incorporated herein by reference, duly denied the said application and formally communicated the denial to the applicants in a HPC Decision Letter dated July 25, 2014

"1. On March 1, 1990, the Summit Avenue West Heritage Preservation District was established under Ordinance Number 17716, § 1. The Heritage Preservation Commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits for exterior work within designated heritage preservation sites §73.04. (4).

2. The house and garage are categorized as contributing to the Summit Avenue West Heritage Preservation District.

3. The window replacement is proposed on the primary elevation of the house.

4. Sec. 74.36(a)(1) General principle No. 1 states that "the removal or alteration of distinctive architectural features should be avoided." The original in-swing casement windows are considered a distinctive architectural feature of the property. The removal of the windows does not comply with the principle.

5. The non-original storm/screen windows are not distinctive features and their removal and replacement with appropriately detailed storm/screen windows with historic profiles would not have an adverse impact.

6. Sec. 74.36(a)(2) General principle 2 states “deteriorated architectural features should be repaired rather than replaced whenever possible” and Sec. 74.36(d)(2) guideline states that “Window sash, glass, lintels, sills, architraves, doors, pediments, hoods, steps and all hardware should be retained. Discarding original doors and door hardware, when they can be repaired and reused in place, should be avoided.” The interior and exterior photographs do not show significant deterioration of the sash and do not justify the removal and replacement of the original in-swing casement windows. The photographs do not show deterioration of the sash that would warrant replacement. The proposal does not comply with this principle and guideline. An estimate for repair was not provided.

7. Sec. 74.36(d)(1) The guideline states that “Existing window and door openings should be retained . . . Enlarging or reducing window or door openings to fit stock window sash or new stock door sizes should not be done. . . Such changes destroy the scale and proportion of the building. The proposal to install the new out-swing casement windows in the front part of the frame, where the storm windows are currently installed, would alter the historic relationship between the window openings and the windows. The operation of the proposed window (out-swing vs. in-swing) is a departure from the original design intent. The proposal does not comply with this guideline.

8. Sec. 74.36(d)(3) The guideline states that “The stylistic period(s) a building represents should be respected. If replacement of window sash . . . is necessary, the replacement should duplicate the material, design and hardware of the older window sash”. The proposed out-swing casement does not duplicate the design, hardware and operation of the original in-swing casement window; it would adversely impact the design of the façade. The in-swing casement windows are original to the property and important to the Tudor Revival style design. The proposal does not comply with this guideline.

9. Sec. 74.36(d)(3) The guidelines for storms/screens states “Inappropriate new window… features such as aluminum storm and screen window combinations… that disturb the character and appearance of the building should not be used” and “Combination storm windows should have wood frames or be painted to match trim colors.” The existing storm windows are non-original to the property and their removal would not have a negative impact, however, new storm windows would not be installed on the exterior, but the interior, as the out-swing casement window would be installed in the opening where the storms/screen are traditionally sited.

10. The proposal to replace nine pairs of original in-swing casement windows at the south (primary) elevation of the residence will have an adverse impact on the Program for the Preservation and architectural control of the Summit Avenue West Heritage Preservation District (Leg. Code §73.06 (e)).

    Based on the findings above, staff recommends denial of the proposal. Staff encourages the applicant to explore window repair and installation of full-frame, flush-mount storm/screen windows that would not conflict with the division of the sash and would match the historic profile present on the storm in the transom openings.”

WHEREAS, on August 8, 2014 and pursuant to Leg. Code § 73.06(h) the Caucutt’s duly filed an appeal from the HPC’s decision alleging various errors in that decision and requested a public hearing before the City Council for the purpose of considering the HPC’s decision; and

WHEREAS, on September 17, 2014, the City Council duly conducted a public hearing on the Caucutt’s appeal where all interested parties were given an opportunity to be heard and, upon the close of the public hearing and based upon all the testimony presented at the hearing, including the application, the report of staff and all the records on file in this matter, the Council does hereby;

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RESOLVE, that the HPC's July 24, 2014, decision denying the Caucutt's application to replace the original "in-swing" windows and storms with new "out-swing" windows is hereby reversed based upon the following reasons:

For the following reasons the Council finds that HPC's denial of the window replacement permit application under HPC File No. 14-030 was in error. The Council finds that any change to the building's architectural character, appearance, or features caused by removing the nine pairs of "in-swing" casement windows on the front elevation and replacing them with "out-swing" casement windows, to be subtle. The Council finds that the manner in which the new windows are installed will not inappropriately "disturb the character and appearance of the building." The Council finds that the "out-swing" operation of the new windows, as well as their location "in the front part of the frame," neither "adversely impacts the Tudor Revival style design" of the building and the out-swing operation of the new windows and installation in a different location within the window frame is found by the City Council not to have an adverse effect on the "original design intent." Therefore, HPC findings, 7, 8, and10 were in error.

AND BE IT FURTHER RESOLVED, for all the reasons set forth above, the Caucutt's appeal from the July 24, 2014 HPC decision is hereby granted subject to the; and be it

FINALLY RESOLVED, that the council secretary shall immediately mail a copy of this resolution to the Caucutts, the Heritage Preservation Commission, the Zoning Administrator, the Planning Administrator, and the Building Official.